

ACTS AMENDMENT (FEDERAL COURTS AND TRIBUNALS) BILL 2001

Council's Amendments

Amendments made by the Council now considered.

Consideration in Detail

The amendments made by the Council were as follows -

No 1

Clause 2, page 2, lines 10 to 14 - To delete subclause (3).

No 2

Clause 2, page 2, lines 19 to 26 - To delete subclause (5).

No 3

Clauses 13 to 22, page 7, line 1 to page 11, line 6 - To delete the clauses.

No 4

Clause 50, page 30, lines 1 to 16 - To delete the clause.

Mr McGINTY: I move-

That the amendments made by the Council be agreed to.

Mrs EDWARDES: I wonder whether the Attorney General will take time to explain the amendments. The amendments are fairly straightforward; they remove certain sections of the Bill. However, a large number of sections that this Chamber passed were amended and passed in the Legislative Council, which are essentially government amendments that deal with dates when the commonwealth Bill receives royal assent.

Mr McGINTY: The Bill was amended in the Legislative Council to delete subclause 2(3), subclause 2(5) and clauses 13 to 22 and also clause 50. That was done in accordance with the recommendations made by the Legislation Committee in its report No 4 of October 2001. When the Bill was originally drafted, it was not known when the commonwealth Corporations Act 2001 would commence. The amendments to the Corporations (Western Australia) Act 1990 proposed by clauses 13 to 23 were required only if the commonwealth Corporations Act 2001 had not commenced prior to the passage of this Bill. Hence subclause 2(3) provided that clauses 13 to 23 would come into force only if the commonwealth Corporations Act had not come into operation. In fact, the commonwealth Corporations Act 2001 commenced on 15 July 2001 and the Legislation Committee correctly observed that subclause 2(3) and clauses 13 to 23 were no longer necessary and recommended that they be deleted from this Bill. The operative date of the commonwealth legislation determined whether those clauses that had been inserted were relevant in case the commonwealth Bill had not come into operation. It is not an issue of principle but of drafting. Those parts of the Bill that have proved with the passage of time to have been redundant would be deleted.

The other amendments relate to subclause 2(5) and clause 50. The standing committee observed correctly that the amendment to the Corporations (Western Australia) Act 1990 proposed by clause 50 of the Bill had been superseded by the commencement of the commonwealth Corporations Act 2001. Therefore, the standing committee recommended that subclause 2(5), relating to the commencement of clause 50, and clause 50 itself be deleted from the Bill. The minister responsible for the handling of the Bill, Hon Nick Griffiths, accepted both of those recommendations of the standing committee. The recommendations do not involve any issue of principle; they take out redundant clauses.

Question put and passed; the Council's amendments agreed to.

The Council acquainted accordingly.