

**MUTUAL RECOGNITION (WESTERN AUSTRALIA) BILL 2001**

*Returned*

Bill returned from the Council with amendments.

*Council's Amendments - Consideration in Detail*

The amendments made by the Council were as follows -

No 1.

Clause 3, page 3, lines 14 and 15 - To delete the lines and insert -

“termination day” means -

- (a) 28 February 2011; or
- (b) if an earlier date is fixed under subsection (2) that earlier day.

No 2.

Clause 3, page 3, line 16 - To insert after “day” -

that is earlier than 28 February 2011

Dr GALLOP: I move -

That the amendments made by the Council be agreed to.

These amendments mean that the adoption of the Commonwealth Act by the Western Australian mutual recognition legislation will cease to have effect on 28 February 2011 or on an earlier date fixed by the Governor by proclamation, rather than allowing the legislation to continue indefinitely until such time as the Governor fixes a termination date. In effect, this means that in 10 years, the Parliament will need to consider whether the legislation should be extended further. The Government's view is that it is not necessary to specify a termination day in the legislation to ensure the validity of the Bill. Referrals under section 51(xxxvii) of the Australian Constitution can be for a finite period or for a period that is determinable on the happening of a particular event. Therefore, the power conferred upon the Governor in the Bill to proclaim a day on which the mutual recognition legislation ceases to have effect would be sufficient. The Government has advice to support its view. The Government is aware that many people in the community eagerly await the commencement of this legislation. Therefore, for the sake of getting this legislation passed, the Government will agree to the amendments made by the Legislative Council.

Mrs EDWARDES: The Liberal Party supports the amendments made by the Legislative Council. Those amendments retain the sovereignty of this Parliament to determine whether it wishes to continue to participate in the national recognition scheme. They also allow the Parliament to carry out a review before the expiration of the 10-year term, as it did prior to this Bill. That review was extensively taken into account during the national review. This Parliament played an important part in the national recognition scheme and will continue to do so by allowing it to make the decision about whether, in 10 years, Western Australia still wishes to participate in that scheme.

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

**Council acquainted accordingly.**