



REPORT OF THE

JOINT STANDING COMMITTEE ON DELEGATED LEGISLATION

IN RELATION TO

MEETING OF THE WORKING GROUP OF CHAIRS AND DEPUTY
CHAIRS OF AUSTRALIAN SCRUTINY OF PRIMARY AND
DELEGATED LEGISLATION COMMITTEES

DARWIN – FEBRUARY 14 AND 15, 2000

Presented by the Hon Bob Wiese MLA (Chairman)

and

Hon Tom Helm MLC (Deputy Chairman)

Report 48

JOINT STANDING COMMITTEE ON DELEGATED LEGISLATION

Date first appointed:

November 19 1987

Terms of Reference:

It is the function of the Committee to consider and report on any regulation that:

- (a) appears not to be within power or not to be in accord with the objects of the Act pursuant to which it purports to be made;*
- (b) unduly trespasses on established rights, freedoms or liberties;*
- (c) contains matter which ought properly to be dealt with by an Act of Parliament; or*
- (d) unduly makes rights dependent upon administrative, and not judicial, decisions.*

If the Committee is of the opinion that any other matter relating to any regulation should be brought to the notice of the House, it may report that opinion and matter to the House.

Members as at the time of this inquiry:

Hon Bob Wiese, MLA (Chairman)
Hon Tom Helm MLC (Deputy Chairman)
Hon Ray Halligan MLC
Hon Simon O'Brien MLC
Hon Jim Scott MLC
Mr Norm Marlborough MLA
Mr Iain MacLean MLA
Mr Bill Thomas MLA

Staff as at the time of this inquiry:

Mr Nigel Pratt, Advisory Officer
Ms Jan Paniperis, Committee Clerk

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DARWIN – FEBRUARY 14 AND 15, 2000

1 EXECUTIVE SUMMARY

- 1.1 The Subordinate Legislation and Publications Committee of the Northern Territory hosted a meeting of the Working Group of Chairs and Deputy Chairs of Australian Scrutiny of Primary and Delegated Legislation Committees at Parliament House, Darwin on February 14 and 15, 2000.
- 1.2 The Working Group comprises the Chairs and Deputy Chairs of scrutiny committees from all Australian jurisdictions. Delegates from all Australian States and Territories attended the Darwin meeting. The Commonwealth was represented by committee staff due to the meeting clashing with Federal Parliament sitting dates.
- 1.3 The purpose of the meeting was to discuss a proposal to form a national committee comprising representatives from all Australian jurisdictions for the purpose of scrutinising national schemes of legislation.
- 1.4 Delegates could not reach agreement regarding the proposal for a national committee. As a result the Working Group of Chairs and Deputy Chairs did not endorse the proposal.
- 1.5 However, delegates did agree to continue their dialogue on the issue of national schemes of legislation in an effort to find an appropriate national structure to enable effective scrutiny of this legislation. It was agreed that the Working Group of Chairs and Deputy Chairs should be formalised and a National Executive appointed to coordinate future discussion on the issue.

1.6 The following resolutions were passed by delegates:

- (A) The following dates be the future meeting dates of the Working Group of Chairs and Deputy Chairs of Australian Scrutiny of Primary and Delegated Legislation Committees.

Dates

1. May 2000 – Brisbane
 2. October 2000 – Alice Springs
 3. February 2001 - Tasmania
 4. May 2001
 5. October 2001
 6. February 2002
 7. May 2002
 8. October 2002
 9. May 2003
- (B)
1. That the Working Group of Chairs and Deputy Chairs of Australian Scrutiny of Primary and Delegated Legislation Committees be formalised to elect a National Executive.
 2. That the National Executive shall have a National Chairperson, one Senior Vice-President and four Vice-Presidents.
 3. That the National Chairperson holds office for a period of two years and that the position rotates.
- (C) That up to four members from this meeting attend Canberra whilst the National Parliament is in session and before the end of March 2000 to appraise Senator Cooney's and Senator Coonan's respective Committees of the deliberations and resolutions of this meeting for the purpose of seeking their support and cooperation.
- (D) This meeting remains committed to the resolution carried in the July 1999 Sydney Conference to establish a system of national scrutiny of National Schemes of Legislation (NSL).
- (E) The meeting defines NSL as any legislation, which is enacted or made or proposed to be enacted or made, in more than one Australian jurisdiction as a result of an intergovernmental agreement.

- (F) Being mindful of the divergent views expressed at this meeting but wishing to move forward as a group on the establishment of such a national committee, this meeting resolves to:
1. ensure that a regular exchange of information and views takes place;
 2. ensure that all Federal, State and Territory Committees receive the earliest possible advice of any proposed or potential NSL and assign a staff member from each committee for such a purpose;
 3. have the working group make further recommendations concerning the establishment of a formal national committee;
 4. enable the State and Territory committees to address the issues identified; and
 5. request that the working group report on their activities and present further recommendations at the next biennial conference.
- (G) That a comprehensive list of NSL, which currently exists, be drawn up by each Committee to enable ongoing monitoring of proposed amendments to primary and subordinate NSL legislation in the future.

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IN RELATION TO:

MEETING OF THE WORKING GROUP OF CHAIRS AND DEPUTY CHAIRS OF AUSTRALIAN SCRUTINY OF PRIMARY AND DELEGATED LEGISLATION COMMITTEES

DARWIN – FEBRUARY 14 AND 15, 2000

2 INTRODUCTION

- 2.1 The Subordinate Legislation and Publications Committee of the Northern Territory hosted a meeting of the Working Group of Chairs and Deputy Chairs of Australian Scrutiny of Primary and Delegated Legislation Committees at Parliament House, Darwin on February 14 and 15, 2000.
- 2.2 The Working Group comprises the Chairs and Deputy Chairs of scrutiny committees from all Australian jurisdictions. Delegates from all Australian States and Territories attended the Darwin meeting. The Commonwealth was represented by committee staff due to the meeting clashing with Federal Parliament sitting dates.
- 2.3 The Joint Standing Committee on Delegated Legislation (“Committee”) was represented at the meeting by its Chairman, Hon Bob Wiese MLA and committee member, Mr Norm Marlborough MLA¹. The Committee’s Advisory Officer, Mr Nigel Pratt, also attended the meeting.
- 2.4 The purpose of the meeting was to discuss a proposal put forward by the Victorian Scrutiny of Acts and Regulations Committee to form a national committee comprising representatives from all Australian jurisdictions for the purpose of scrutinising national schemes of legislation.

¹ Mr Norm Marlborough MLA was substituted for Committee member Mr Bill Thomas MLA who could not attend the meeting due to illness.

3 BACKGROUND TO THE MEETING

- 3.1 The difficulties encountered with scrutiny of national schemes of legislation have been a common concern of Parliaments of Australia and their respective scrutiny committees since the issue was first raised in 1991.² The concerns of the Western Australian Parliament resulted in the establishment, in August 1993, of the Standing Committee on Uniform Legislation and Intergovernmental Agreements. This was shortly after the issue was first put on the agenda for discussion as a resolution of the Fourth Pacific and Australasian Conference on Delegated Legislation and the First Pacific and Australasian Conference on the Scrutiny of Bills held at Melbourne in July 1993.
- 3.2 National schemes of legislation emerge from such bodies as the Council of Australian Governments (COAG) and the various ministerial councils such as the Standing Committee of Attorneys-General (SCAG). At its simplest level, such Councils agree to uniform legislation, usually in closed session, and then proceed through the participating Ministers to sponsor Bills through individual Parliaments. The message from the executive (cabinet) is that the Bills cannot be amended for fear of destroying their uniform nature and breaching the intergovernmental agreement upon which the uniform Bill was based.
- 3.3 The common concern of scrutiny committees is that the role of Parliament as the legislature is threatened by the rise of national schemes of legislation which employ a method of law making which in some cases effectively excludes Parliaments from the scrutiny process.³ The challenge for Parliaments and their scrutiny committees is to seek out acceptable mechanisms for scrutiny of national schemes of legislation so as to ensure:
- proper scrutiny of both primary and delegated national schemes legislation by elected representatives of the people; and
 - proper accountability of executive actions to Parliament.
- 3.4 The Chairs and Deputy Chairs of the various State, Territory and Federal scrutiny

² Workshop presented by a delegation of the Regulation Review Committee of New South Wales at the Third Australasian and Pacific Conference on Delegated Legislation held at Perth, May 21-23 1991.

³ Previous national scheme legislation has by-passed parliamentary scrutiny altogether by using notices which some scrutiny committees have no jurisdiction to review. In Queensland, an amendment to the nationally adopted *Mutual Recognition (Qld) Act 1992* was made by notice published in the *Government Gazette*. This was the procedure allowed under the Act. As the Governor's notice did not constitute subordinate legislation in Queensland, neither Parliament as a whole nor the subordinate legislation committee of Parliamentarians could scrutinise the notice.

committees have cooperated in the past to publish two papers dealing with scrutiny of national schemes of legislation. A discussion paper⁴ was released in 1995 and a position paper⁵ followed in 1996. Both the discussion paper and the position paper have been tabled in the Western Australian Parliament.⁶

- 3.5 Various mechanisms of scrutiny of national schemes of legislation, including the formation of a national scrutiny committee, are discussed in the position paper. The proposal to form a national committee to scrutinise national schemes of legislation was again raised by Victorian MLA, Mr Peter Ryan, in a paper he presented at the Seventh Australasian and Pacific and Fourth Australasian and Pacific Conference on the Scrutiny of Bills held at Sydney in July 1999⁷ (“Sydney Conference”).
- 3.6 The meeting in Darwin of the Working Group of Chairs and Deputy Chairs arose as a result of a resolution made at the Sydney Conference. At that conference, delegates resolved that a national committee be established prior to the Eighth Australasian and Pacific Conference on Delegated Legislation and Fifth Australasian and Pacific Conference on the Scrutiny of Bills to be held at Hobart, Tasmania in 2001.⁸

⁴ Discussion Paper on the Scrutiny of National Scheme Legislation and the Desirability of Uniform Scrutiny Principals.

⁵ Scrutiny of National Schemes of Legislation Position Paper by the Working Party of Representatives of Scrutiny of Legislation Committees throughout Australia.

⁶ Tenth Report of the Standing Committee on Uniform Legislation and Intergovernmental Agreements: Scrutiny of National Scheme Legislation and the Desirability of Uniform Scrutiny Principals. Tabled in the Legislative Assembly on August 31 1995.

Scrutiny of National Schemes of Legislation Position Paper By the Working Party of Representatives of Scrutiny of Legislation Committees throughout Australia. Tabled in the Legislative Council on October 17, 1996.

⁷ “National Scheme Legislation: Episode One - The Phantom Menace”, Regulation Review Committee Report No. 1 of the Fifty-Second Parliament, September 1999 Proceedings of the Seventh Australasian and Pacific Conference on Delegated Legislation and Fourth Australasian and Pacific Conference on the Scrutiny of Bills, July 21, 22 and 23 1999, Parliament House Sydney, New South Wales.

⁸ Resolution 2 of the Seventh Australasian and Pacific Conference on Delegated Legislation and Fourth Australasian and Pacific Conference on the Scrutiny of Bills, Sydney, NSW, July 21, 22 and 23 1999.

- 3.7 The Darwin meeting was convened primarily to assess the Victorian proposal and to discuss the most appropriate mechanism by which national schemes of legislation could be effectively scrutinised. The program for the meeting and a list of attendees is attached as “Annexure A” to this report.

4 THE VICTORIAN PROPOSAL FOR THE SCRUTINY OF NATIONAL SCHEMES OF LEGISLATION

- 4.1 Ms Mary Gillett MLA, Chair of the Victorian Scrutiny of Acts and Regulations Committee, presented the Victorian proposal for the scrutiny of national schemes of legislation. The Victorian proposal is attached to this report as “Annexure B”.
- 4.2 The mechanics of scrutiny proposed by Victoria includes the establishment and funding of a national committee comprising members from all State, Territory and Federal scrutiny committees of both primary and delegated legislation. The national committee would:
- 4.2.1 Be established through Commonwealth legislation with mirror legislation in the States and Territories where this is necessary.
 - 4.2.2 Have the capacity to scrutinise both primary and subordinate national scheme legislation in accordance with scrutiny principals and common terms of reference.
 - 4.2.3 Scrutinise all national scheme legislation including amendments to current national scheme legislation and prepare a report to be tabled in the Parliaments of each of the nine jurisdictions.
 - 4.2.4 Be supported by a secretariat probably based in Canberra and funded jointly by the participating jurisdictions.
- 4.3 Delegates had several concerns with the Victorian proposal. These concerns can be summarised as follows:
- 4.3.1 The difficulty of convincing all Parliaments to contribute to funding a national committee and its supporting secretariat given existing funding limitations and how this funding is to be apportioned between the various jurisdictions.
 - 4.3.2 Some jurisdictions, South Australia being an example, do not have a scrutiny of legislation committee empowered to scrutinise all bills before their respective parliaments. This would require those jurisdictions to introduce legislation and/or amendments to standing orders before they could proceed

with participation in a national committee scrutinising national scheme primary legislation.

4.3.3 The proposal, in its current form, appears to depend upon the various Parliaments ceding their powers of scrutiny of national schemes of legislation to a national committee of which they are but one of nine representatives. This ceding of power would require legislative amendment to exclude scrutiny of national schemes by individual parliaments and their scrutiny committees. Such a proposal is unlikely to gain the support of Parliaments traditionally wary of giving away their sovereign powers.

4.3.4 If voting on the national committee is not on the basis of unanimity or the national committee does not take up the concerns of one of its members, a particular state or territory interest may be subverted by a decision of the national committee. This could undermine the very thing the proposal is intended to prevent - the erosion of each Parliament's right to scrutinise national schemes of legislation and of Parliamentary sovereignty in the face of executive sponsored national legislation.

4.4 Hon Angus Redford MLC, Chairman of the South Australian Legislative Review Committee, presented a paper to the meeting which in part summarised the South Australian government's views on the proposed national committee for the scrutiny of national schemes of legislation. The views of the South Australian government reflected to some degree concerns expressed by some of the delegates.

4.5 Given the perceived difficulties with the formal model for the national committee proposed by Victoria, Hon Angus Redford MLC preferred that an informal system of national scrutiny be explored before deciding whether to proceed with a formal structure. He said:

"My tentative views are that a well coordinated ad hoc (and perhaps informal) system of national scrutiny should be explored. The passage of time would then demonstrate whether there is a need (or not) for such a committee and identify the best way of scrutinising national legislative schemes should a formal structure become necessary.

In closing, I think, whilst we continue to agitate for reform in this area by our respective Parliaments and governments, we do already have in our hands the capacity to develop informal processes of reviewing and scrutinising national scheme legislation.

We can do this by improving communication between our respective committees by attendances at conferences such as this and more importantly, direct communication between ourselves and the staff of our committees”⁹

5 OUTCOMES OF THE MEETING

- 5.1 Delegates could not reach agreement regarding the Victorian proposal for a national committee. As a result, the Working Group of Chairs and Deputy Chairs did not endorse the Victorian proposal.
- 5.2 However, delegates did agree to continue their dialogue on the issue of national schemes of legislation in an effort to find an appropriate national structure to enable effective scrutiny of this legislation. It was agreed that the Working Group of Chairs and Deputy Chairs should be formalised and a national executive of the Working Group be appointed to coordinate future discussion on the issue.
- 5.3 The following resolutions were passed by delegates:

- (A) The following dates be the future meeting dates of the Working Group of Chairs and Deputy Chairs of Australian Scrutiny of Primary and Delegated Legislation Committees.

Dates

1. May 2000 – Brisbane
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- (B) 1. That the Working Group of Chairs and Deputy Chairs of Australian Scrutiny of Primary and Delegated Legislation Committees be formalised to elect a National Executive.

⁹ National Schemes of Legislation: The South Australian Perspective: pp16-17.

2. That the National Executive shall have a National Chairperson, one Senior Vice-President and four Vice-Presidents.
 3. That the National Chairperson holds office for a period of two years and that the position rotates.
- (C) That up to four members from this meeting attend Canberra whilst the National Parliament is in session and before the end of March 2000 to appraise Senator Cooney's and Senator Coonan's respective Committees¹⁰ of the deliberations and resolutions of this meeting for the purpose of seeking their support and cooperation.
- (D) This meeting remains committed to the resolution carried in the July 1999 Sydney Conference to establish a system of national scrutiny of National Schemes of Legislation (NSL).
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1. ensure that a regular exchange of information and views takes place;
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 3. have the working group make further recommendations concerning the establishment of a formal national committee;
 4. enable the State and Territory committees to address the issues identified; and
 5. request that the working group report on their activities and present further recommendations at the next biennial conference.

¹⁰ Senate Standing Committee on Regulations and Ordinances and Senate Standing Committee for the Scrutiny of Bills.

- (G) That a comprehensive list of NSL, which currently exists, be drawn up by each Committee to enable ongoing monitoring of proposed amendments to primary and subordinate NSL legislation in the future.

- 5.4 Delegates elected the following members to the national executive of the Working Group of Chairs and Deputy Chairs:

Mr Peter Nagle MP (NSW)	National Chairperson
Hon Angus Redford MLC (SA)	Senior Vice-President
Ms Linda Lavarch MLA (QLD)	Vice-President
Hon Bob Wiese MLA (WA)	Vice-President
Mr Steve Balch MLA (NT)	Vice-President


- 5.5 The fourth Vice-Presidential position on the national executive was left vacant with a view to inviting either Senator Cooney or Senator Coonan to represent the Federal Parliament.

6 TRAVEL EXPENSES

- 6.1 The cost of the Committee and staff to attend the meeting was \$4 485.28.
- 6.2 An itemisation of these costs is shown in Annexure C.

7 CONCLUSION

- 7.1 The delegates and staff from the Joint Standing Committee on Delegated Legislation extend their appreciation to the host committee, its staff and the Northern Territory Parliament for providing its facilities for meeting delegates. Thanks are also extended to the New South Wales Regulation Review Committee and staff who organised the program of speakers.



Hon Bob Wiese MLA

Chairman

March 29 2000

ANNEXURE A

Meeting of the Working Group of Chairs and Deputy
Chairs of Australian Scrutiny of Primary and Delegated Legislation
Committees

P R O G R A M

All sessions to be held in the Litchfield Room (in Committee Area) Level 3

DAY ONE –

MONDAY, 14 FEBRUARY 2000

9:30 – 9:45 am	<i>Welcome Official Opening of Meeting</i> Mr Steve Balch MLA Chairman, Subordinate Legislation and Publications Committee, Northern Territory
9:45 – 10:00 am	<i>Opening Address</i> Mr Peter R Nagle MP Chairman, Regulation Review Committee New South Wales
10:00 – 10:30 am	Resolutions of First Meeting of Chairs and Deputy Chairs of Australian Scrutiny of Primary and Delegated Legislation Committee
10:30 – 11:00 am	<i>Morning Tea</i>
11:00 – 12:30 pm	Applicability of OECD recommendations to Australian Scrutiny Committees Mr Peter R Nagle MP Chairman, Regulation Review Committee New South Wales
12:30 – 2:00 pm	<i>Lunch</i> Members and Guests Lounge
2:00 – 3:30 pm	Scrutiny of National Scheme Legislation Proposal by Victoria; update of Commonwealth position and general discussion
3:30 – 4:00 pm	<i>Afternoon Tea</i>

- | | |
|----------------|---|
| 4:00 – 5:00 pm | Report on 2001 Biennial Conference—Tasmania |
| 5:00 – 5:30 pm | General discussion on any issues to be raised by Delegates |
| 5:30 – 7:00 pm | <i>Reception hosted by the Hon. Terry McCarthy MP Speaker of the Northern Territory Legislative Assembly</i>
— Speaker's Green |

DAY TWO – TUESDAY 15 FEBRUARY 2000

- | | |
|------------------|--|
| 9:30 – 10:00 am | Scrutiny of National Scheme Legislation
Case Studies—Queensland and NSW

Mrs Linda Lavarch MLA Chair Scrutiny of Legislation Committee
Queensland
Mr Gregg Hogg Project Officer Regulation Review Committee NSW |
| 10:00 – 10:30am | Native Title—Effect on Northern Territory legislation
Mr Steve Balch MLA
Chairman, Subordinate Legislation and Publications Committee,
Northern Territory |
| 10:30 – 11:00 am | <i>Morning Tea</i> |
| 11:00 – 12:00 pm | National Schemes of Legislation—the South Australian perspective
Hon. Angus Redford MLC
Presiding Member Legislative Review Committee
South Australia |

12:00 – 2:00 pm	<i>Lunch</i> – Members and Guests Lounge
2:00 – 3:00 pm	Scrutiny of National Scheme Legislation Case Study Hon. Kevin Minson MLA Chairman Standing Committee on Uniform Legislation and Intergovernmental Agreements Western Australia
3:00 – 3:30 pm	<i>Afternoon Tea</i>
3:30 – 5:00 pm	Resolutions of meeting Venue and time for next meeting

Victoria
Scrutiny of Acts and Regulations Committee

Ms Mary Gillett MP – Chair
Hon Jenny Mikakos MLC
Mr Tony Robinson MP
Mr Andrew Homer, Senior Legal Adviser
Ms Jenny Baker, Legal Adviser (Subordinate Legislation)

Tasmania
Standing Committee on Subordinate Legislation

Hon Geoff Squibb MLC - Deputy Chair
Ms Wendy Peddle, Secretary

South Australia
Legislative Review Committee

Hon Angus J. Redford MLC - Presiding Member
Mr Peter Blawie, Secretary

Western Australia
Standing Committee on Uniform Legislation and Intergovernmental Agreements

Hon Kevin Minson MLA - Chairman
Ms Melina Newnan, Research Officer

Western Australia
Joint Standing Committee on Delegated Legislation

Hon Bob Wiese MLA – Chairman
Mr Bill Thomas MLA
Mr Nigel Pratt, Advisory/Research Officer

Northern Territory Secretariat and Telephone Numbers

**Subordinate Legislation and Publications Committee
Parliament House
State Square
DARWIN**

**G.P.O. BOX 3721
DARWIN NT 0801**

Secretary: Mr Terry Hanley PH: 08 8946 1438 (Mobile 0417 089 060)
FAX: 08 8981 6158

ANNEXURE B

PROPOSAL FOR SCRUTINY OF NATIONAL SCHEMES OF LEGISLATION



**Ms Mary Gillett MLA
Chair**

**Scrutiny of Acts and Regulations
Committee
Parliament of Victoria**

The Issue

National Schemes of Legislation (NSL) are on the increase. For years Scrutiny Committees have wrestled with the development of a practical mechanism for scrutiny of these forms of legislation.

The fundamental problem is that there are so many layers and players involved in the development and passage of the legislation and its scrutiny, that all attempts at establishing a system have foundered.

The Proposal

Attached is a diagrammatic representation of the proposed flow of the system, identifying its major features.

In essence:-

- A proposal for National Scheme Legislation (NSL) is developed either through an individual Government or a collection of Governmental decisions as in the context of COAG. NSL may be primary legislation or subordinate legislation.
- Legislation applicable to the initiative is developed and becomes the NSL.
- The NSL is auspiced through a jurisdiction of the Federal, State or Territory Governments.

- Upon the NSL being introduced in the originating jurisdiction (OJ) it is marked on its face as being NSL.
- When the NSL is Second Read in the OJ it is immediately referred to a Committee for Scrutiny of National Scheme Legislation (CSNSL).
- The CSNSL could comprise one or two representatives from each of the six States, the two Territories and the Commonwealth Government being nine or eighteen members in all.
 - The Committee would be established through Commonwealth legislation with mirror legislation in the States and Territories where this is necessary.
 - It would have a capacity to scrutinise both primary and subordinate legislation.
 - Its membership would comprise representation from the Scrutiny Committees or parliamentary nominees in each of the national jurisdictions.

- **The CSNSL would scrutinise the legislation and prepare a report.**

This presently happens under the Victorian Parliamentary Committees Act through the operation of our Scrutiny of Acts and Regulations Committee and in the Senate, Queensland and the A.C.T with the tabling of an Alert Digest.

- **The Report would then be tabled within the Parliaments of each of the nine jurisdictions and would represent the report to the respective Parliaments upon the NSL.**

To enable this to happen the equivalent of the Victorian Parliamentary Committees Act which established our Scrutiny of Acts and Regulations Committee, would need to be amended to exclude from its jurisdiction NSL and also to provide for the tabling of an Alert Digest pertaining to NSL in the form of the Report from the CSNSL. A similar process would need to occur in some of the other jurisdictions or the terms of reference/standing orders may need to be amended.

- **In the event of any future amendment to the NSL, the process would still apply in that the proposal would be scrutinised by the CSNSL.**

Commentary

(a) It would require Commonwealth legislation to establish the CSNSL.

(b) The proposal enables the nine jurisdictions to have a capacity to influence the shape of the NSL in accord with scrutiny principles and common terms of reference.

On the other hand it also enables scrutiny to occur contemporaneously - rather than going through the protracted process of being considered by each jurisdiction at different points in time with the inevitable proposals for change coming from different points of view. Any proposed change is appropriately co-ordinated by the CSNSL.

(c) The proposal enables the principles of scrutiny to be observed within each of the national jurisdictions by ensuring that there has been consideration of the NSL on behalf of the respective jurisdictions and that a report is duly tabled in each Parliament.

(d) There will be issues as to the mechanics as to how the Committee meets that can be refined in due course.

For example, with the range of technology now available, meetings may be convened without participants having to travel to a central point. The mechanics can be resolved later on.

Equally issues such as venue and timing of meetings, if actual attendance is required, can be resolved in due course.

(e) Voting at the CNSL will also need to be resolved. It may be by simple majority.

If the representation from each jurisdiction is two, comprising one representative from the government and opposition parties this should allay any fears concerning political composition of the CNSL at any time, ie. there would always be a balance between Labour and Coalition.

However it should be noted that the experience in Victoria and probably in other States, is that the overwhelming number of decisions are taken by consensus without a vote being necessary.

(f) The CSNSL will require some sort of secretariat which should probably be Canberra based and funded jointly by the participating jurisdictions.

(g) Not all participating jurisdictions presently have scrutiny of bills committees.

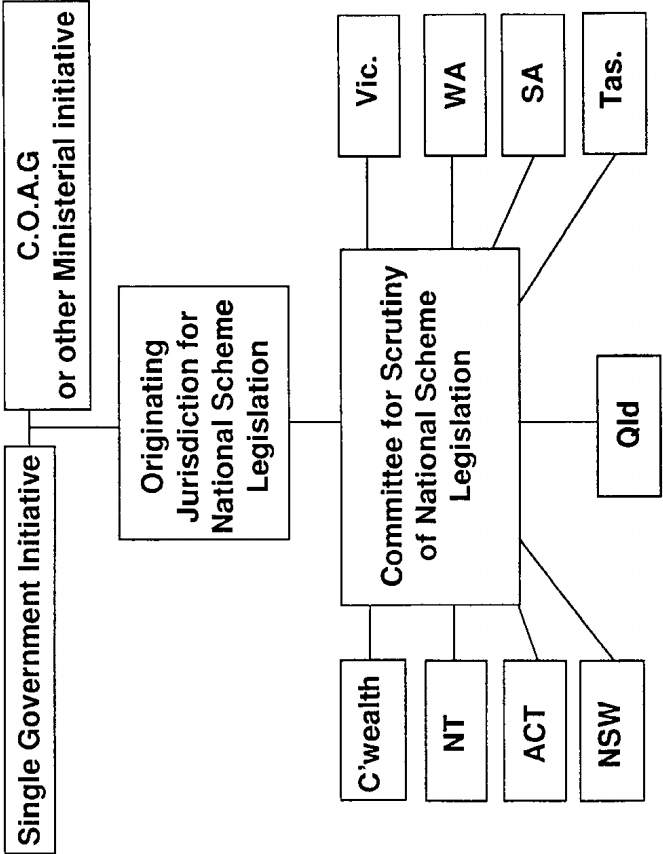
It may be that this meeting should encourage them to consider having that function.

This proposal may be a catalyst to enable that to happen but in any event it should not matter nor is it a condition precedent for the immediate purposes of this proposal.

Proposed Course of Action

- (a) Consider the position and/or proposals of other delegations.
- (b) If the proposal is accepted, with or without modification, distribute it for comment by each Australian jurisdiction.
- (c) Once the proposal is in an acceptable form, progress it to the legislative stage and implement it.

Example of structure



ANNEXURE C

COST OF MEMBERS AND STAFF ATTENDING MEETING

Airfares (including \$645 reimbursement to Hon Bob Wiese MLA)	\$3,433.00
Accommodation	\$861.10
Incidentals	\$110.00
Cabcharge (approx)	\$81.18

TOTAL	\$4,485.28
	=====