

REGIONAL INVESTMENT FUND BILL 2001

Committee

Resumed from an earlier stage of the sitting. The Chairman of Committees (Hon George Cash) in the Chair; Hon Tom Stephens (Minister for Local Government and Regional Development) in charge of the Bill.

Clause 5: Regional Assistance Authority -

Progress was reported after the clause had been partly considered.

Hon MURRAY CRIDDLE: The Bill indicates that the minister is named as an authority. In the Machinery of Government (Planning and Infrastructure) Amendment Bill 2001, the authority is an agent of the State and has the status, immunity and privileges of the State. Is the minister listening?

Hon Tom Stephens: I am listening to every word you are saying.

Hon MURRAY CRIDDLE: As I said, the draft legislation indicated that it should be that way. Why is there a difference between the two, considering that similar drafting arrangements are in place? I will refer to the regional development issue later.

Hon TOM STEPHENS: The use of the word "minister" as an authority is the same as exists in many Acts; albeit, in new language. Under the School Education Act, the Minister for Education is a body corporate in his own right. The Argentine Ant Act provides that the Minister for Agriculture is a body corporate. The Western Australian Building Management Authority consists of the Minister for Housing and Works. I am that minister.

Hon Derrick Tomlinson interjected.

Hon TOM STEPHENS: I have always thought it was the technology industry assistance Act. I will see whether I have the correct Act. The Minister for State Development exists as a sole body corporate under the Industry and Technology Development Act. Members should not be troubled; fashions come and fashions go. Discussions about these issues will occur. Learned parliamentary counsel will be on one side saying that this is an innovative way of writing legislation, and others will be saying it should be written another way. I spent seven years studying theology, and we had discussions on things such as the way one can describe a reality, with the various fads and fashions that come and go, Trinitarian or otherwise.

Hon Derrick Tomlinson: You can also determine how many angels sit on the head of a pin.

Hon TOM STEPHENS: Exactly. That is precisely what this debate reminds me of.

Hon CHRISTINE SHARP: I join this discussion because I am interested in the development of this new language in proposed clause 5. I have the overall responsibility, on behalf of the Greens (WA), for monitoring the machinery of government process that was initiated by the Gallop Government. When the initial report by the Machinery on Government Taskforce was tabled just under a year ago, I was impressed by the ambition and the objectives of the project. Here was a Government attempting to simplify, streamline, coordinate and bring consistency to public administration in this State. I am therefore really confused about why we have in two separate Bills, and in this legislation, the establishment of an entity called the Regional Assistance Authority, as an alter ego of the minister, when there are many numerous examples of an authority within public administration. In almost every case an authority is someone other than the minister, and it is usually a number of people. Those people either execute decisions on behalf of ministers - the port authorities would be examples of that sort of authority - or in other instances, such as the Environmental Protection Authority, they provide advice to ministers. In all of those well-known instances, the authority is someone other than the minister. I cannot understand why the Government introduced a project called the Machinery on Government Taskforce to streamline the nomenclature of statutory authorities, when government entities are heading off on what the minister has just described as a fashion. Surely the purpose of the project is to overcome these fashions of drafting, which may change from year to year, to provide the general community when working with government with consistency, as an authority, a body corporate, a commission, a corporation and so on? We want consistent terms. The minister is introducing further confusion. The previous Bill that was adjourned, the Machinery of Government (Planning and Infrastructure) Amendment Bill, contains the same notion of authority or entity as the alter ego of the minister. However, some profound differences exist between the two. In this case the authority is not an instrumentality of the Crown. In the previous Bill, which had to be adjourned because of this precise confusion, it is an instrumentality of the Crown. Not only are we confusing the term "authority"; we are confusing also the powers of these authorities. One of the major achievements of this Government is the clarification of administration through the machinery of government. I have absolutely zero understanding of what is going on in the Chamber this afternoon and why such confusion over functions and drafting should exist.

Hon TOM STEPHENS: I am happy to make parliamentary counsel available to the member to assist her with what is happening here.

Hon Derrick Tomlinson: Us too?

Hon TOM STEPHENS: The Opposition, too, if need be. There is nothing mysterious about this. There is nothing unusual about ministers being sole bodies corporate. What is different is the use of the word “authority”, which might in the minds of some create confusion. It should not, it need not, and if members think of the minister as a sole body corporate, they should not have any problems.

The CHAIRMAN: Order! I am obliged under the standing orders to leave the Chair and report progress. No doubt we will return to the Bill in due course.

Progress reported and leave granted to sit again, on motion by Hon Tom Stephens (Minister for Housing and Works).