

**PARLIAMENTARY LEGISLATION AMENDMENT BILL 2006**

*Recommittal*

On motion by **Hon Sue Ellery (Parliamentary Secretary)**, resolved -

That the bill be recommitted for the further consideration of clause 7.

*Committee*

The Chairman of Committees (Hon George Cash) in the chair; Hon Sue Ellery (Parliamentary Secretary) in charge of the bill.

**Clause 7: Section 6 amended -**

**Hon SUE ELLERY:** I appreciate the support of the house for the motion to reconsider the Parliamentary Legislation Amendment Bill for the purpose of dealing with clause 7. Members will recall that last night Hon Norman Moore raised a query about the purpose of clause 7(2), which appeared to delete a clause of the substantive act and which did not go to the purpose of the bill. I gave an undertaking to advise the committee about whether it was an intentional drafting change and what the reason might be or whether it was an error. In fact, it is an error. I have a memorandum from the Parliamentary Counsel's Office that provides an explanation. The document is from Greg Calcutt, Parliamentary Counsel -

I regret to say that investigation into the matter reveals that the subclause has been incorrectly included in the Bill and should be removed.

The background is that the subclause was originally included in the *Electoral Legislation Amendment Bill 2003*. That Bill would have fixed the time for general elections of the Legislative Council to a date in February every 4 years with the elected members to take office in March following. In the event of the failure of an election held then, there would have been no chance of a fresh election being held before the "changeover" date for members. The situation of a fresh election being held before the "changeover" date is dealt with in existing section 6(5b)(b) of the *Salaries and Allowances Act 1975* . . .

That is the part of the clause that the Hon Norman Moore raised. Mr Calcutt's letter goes on to state -

That provision would have been redundant under the 2003 proposal and a new section 6(5b) was drafted omitting it.

As fixing the date of general elections of the Legislative Council is not proceeding as part of the current legislative package, the redrafted provision should not have been retained in the package and clause 7(2) should be deleted so that section 6(5b)(b) of the *Salaries and Allowances Act 1975* remains in its current form.

Mr Calcutt goes on to say that he is very grateful to Hon Norman Moore for drawing attention to the provision.

I move -

Page 4, line 25 to page 5, line 9 - To delete the lines.

**Hon NORMAN MOORE:** I thank the parliamentary secretary for clearing up this matter. Upon reading it the other day, I could not quite work out what the changes were and what was actually going on. The parliamentary secretary's explanation is very helpful and I appreciate the fact that she so quickly found out what the problem was. I am sure it has nothing to do with anybody's desire for this legislation to be passed in any great hurry, but it is important that we check these things out and that any queries we have about legislation be sorted out.

I will say, as an aside, that I am very pleased that the government has decided to not proceed with changing the election period for Legislative Council members. I did not support the original proposition of the government. I support the proposal to get rid of clause 7(2), which will take us back to a retention of section 6(5b)(a) and (b) of the *Salaries and Allowances Act*.

**Hon MURRAY CRIDDLE:** I put on record that I am grateful to Hon Norman Moore for raising this point, because the legislation now conforms in every way. Obviously we are keen to see the legislation go ahead. I also thank the people who draft the legislation for straightening out that issue.

**Amendment put and passed.**

**Clause, as amended, put and passed.**

**Bill again reported, with a further amendment.**