



THIRTY-EIGHTH PARLIAMENT

REPORT 49

**STANDING COMMITTEE ON UNIFORM
LEGISLATION AND STATUTES REVIEW**

REPORT

CREDIT (COMMONWEALTH POWERS) BILL 2010

Presented by Hon Adele Farina MLC (Chairman)

May 2010

STANDING COMMITTEE ON UNIFORM LEGISLATION AND STATUTES REVIEW

Date first appointed:

17 August 2005

Terms of Reference:

The following is an extract from Schedule 1 of the Legislative Council Standing Orders:

“8. Uniform Legislation and Statutes Review Committee

8.1 *A Uniform Legislation and Statutes Review Committee* is established.

8.2 The Committee consists of 4 Members.

8.3 The functions of the Committee are -

- (a) to consider and report on Bills referred under SO 230A;
- (b) of its own motion or on a reference from a Minister, to consider or review the development and formulation of any proposal or agreement whose implementation would require the enactment of legislation made subject to SO 230A;
- (c) to examine the provisions of any instrument that the Commonwealth has acceded to, or proposes to accede to, that imposes an obligation on the Commonwealth to give effect to the provisions of the instrument as part of the municipal law of Australia;
- (d) to review the form and content of the statute book;
- (e) to inquire into and report on any proposal to reform existing law that may be referred by the House or a Minister; and
- (f) to consider and report on any matter referred by the House or under SO 125A.

8.4 For a purpose relating to the performance of its functions, the Committee may consult with a like committee of a House of the Parliament of the Commonwealth, a state or a territory, and New Zealand and similarly, may participate in any conference or other meeting.”

Members as at the time of this inquiry:

Hon Adele Farina MLC (Chairman)

Hon Liz Behjat MLC

Hon Nigel Hallett MLC (Deputy Chairman)

Hon Linda Savage MLC

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Government Response

This Report is subject to Standing Order 337:

After tabling, the Clerk shall send a copy of a report recommending action by, or seeking a response from, the Government to the responsible Minister. The Leader of the Government or the Minister (if a Member of the Council) shall report the Government's response within 4 months.

The four-month period commences on the date of tabling.

**REPORT OF THE STANDING COMMITTEE ON UNIFORM LEGISLATION AND STATUTES
REVIEW**

IN RELATION TO THE CREDIT (COMMONWEALTH POWERS) BILL 2010

REPORT

1 REFERENCE

- 1.1 The Credit (Commonwealth Powers) Bill 2010 was introduced to the Legislative Council on 22 April 2010 by Hon Helen Morton MLC. Following its second reading speech the Bill stood automatically referred to the Uniform Legislation and Statutes Review Committee (**Committee**) to report by 25 May 2010.

2 REPORT

- 2.1 The Committee regrets to inform the Legislative Council that, with the recent increase in volume of 230A Bills referred to the Committee, it has been unable to report on the Bill within the time specified by the Legislative Council due to the finite resources available to the Committee.
- 2.2 Due to the complex nature of 230A Bills and the volume of supporting documents requiring review together with the short 30 day reporting time, and time taken to get responses from Government Agencies on the Bill, it is simply not possible for the Advisory Officer (Legal) assisting the Committee to manage the workload within the reporting deadlines when two or more complex Bills stand referred to the Committee.
- 2.3 While the Committee has the capacity to deal with this workload, its capacity to do so is hindered by the finite resources of the Committee Office and its capacity to provide additional Advisory Officer (Legal) support to the Committee to undertake its work.
- 2.4 Uniform schemes and resulting legislation by their very nature have the ability to erode or undermine the sovereignty of the Western Australian State Parliament. As elected representatives of the people of Western Australia to the State Parliament we have an obligation to protect the sovereignty of the Western Australian State Parliament. Legislation that impinges on the State's sovereignty should be passed by the Parliament only when, on balance, it is in the best interests of Western Australians to do so. The work of the Committee informs the Legislative Council to this end and has enabled the Legislative Council to consider 230A Bills more expeditiously than would otherwise be the case due to the work completed by Committees.
- 2.5 In order for the Committee to meet its obligation to the Legislative Council and the people of Western Australia, the Committee respectfully asks the Government to:

1. provide funding for one additional Advisory Officer (Legal) FTE position to the Legislative Council Committee Office to assist the Committee; and
2. increase the reporting time for 230A Bills from 30 days to 60 days.

Recommendation 1: The Committee recommends that the Government provide funding for one additional Advisory Officer (Legal) FTE position to the Legislative Council Committee Office to assist the Committee

Recommendation 2: The Committee recommends that the Government increase the reporting time for 230A Bills from 30 days to 60 days.



Hon Adele Farina MLC

Chairman

20 May 2010