

WESTERN AUSTRALIA
LEGISLATIVE COUNCIL
AMENDMENTS AND SCHEDULES
Supplementary Notice Paper No. 122
Issue No. 1
THURSDAY, 22 AUGUST 2019

FAIR TRADING AMENDMENT BILL 2019 [122-1]

When in committee on the *Fair Trading Amendment Bill 2019*:

Clause 4

Committee Recommendation 4 and 8:

1/4 Page 2, lines 15 to 17 — To delete the lines and insert:

amends either or both of the following —

- (a) Schedule 2 to the *Competition and Consumer Act 2010* (Commonwealth);

Clause 5

Committee Recommendation 4 and 8:

2/5 Page 3, lines 1 and 2 — To delete the lines and insert:

laws —

- (i) to the extent that they have effect for the purposes of this section under section 19B; and
(ii) when they come into operation under section 19C;

and

Committee Recommendation 4 and 8:

3/5 Page 3, lines 12 and 13 — To delete the lines and insert:

of that Act unless and to the extent that the amending law has effect for the purposes of this section under section 19B and comes into operation under section 19C.

Clause 6**Committee Recommendation 4 and 8:**

4/6 Page 3, line 22 — To delete the line and insert:

19B. Disallowance of amending laws**Committee Recommendation 4 and 8:**

5/6 Page 3, line 29 — To delete “law” and insert:

law, or part of an amending law,

Committee Recommendation 4 and 8:

6/6 Page 4, after line 4 — To insert:

partial disallowance resolution means a resolution that part of an amending law be disallowed.

Committee Recommendation 4 and 8:

7/6 Page 4, lines 5 to 14 — To delete the lines and insert:

- (2) Subject to subsection (2A), an amending law has effect for the purposes of section 19 if the amending law is laid before each House of Parliament under section 19A and either —
 - (a) no notice of a disallowance resolution is given in either House within the notice period; or
 - (b) if at least one notice of a disallowance resolution is given within the notice period then, for each such notice, one of the following applies —
 - (i) the notice is withdrawn or discharged within the disallowance period;
 - (ii) the disallowance resolution is lost in the House or not agreed to within the disallowance period;
 - (iii) the disallowance resolution is a partial disallowance resolution and is agreed to within the disallowance period.
- (2A) If a partial disallowance resolution is agreed to within the disallowance period, the part of the amending law to which the resolution relates does not have effect for the purposes of section 19.

Committee Recommendation 4 and 8:

8/6 Page 4, line 19 — To delete “dissolved, prorogued” and insert:

prorogued, dissolved

Committee Recommendation 4 and 8:

9/6 Page 4, lines 21 to 23 — To delete the lines and insert:

House of Parliament, or a motion that an amending law be disallowed in the House, does not lapse even though the House is prorogued, dissolved or expires.

Committee Recommendation 4 and 8:

10/6 Page 4, line 24 — To delete the line and insert:

19C. Commencement of amending laws**Committee Recommendation 4 and 8:**

11/6 Page 4, lines 26 to 29 — To delete the lines and insert:

amending provision means a provision of an amending law that amends either or both of the following —

- (a) Schedule 2 to the *Competition and Consumer Act 2010* (Commonwealth);

Committee Recommendation 4 and 8:

12/6 Page 5, lines 5 to 16 — To delete the lines and insert:

- (2A) However, if part of an amending law does not have effect under section 19B(2A), the Governor must declare in the proclamation the extent that the amending law does not have effect.
- (3) If an amending provision has come into operation in the Commonwealth before the proclamation is published in the *Gazette*, the amending provision comes into operation, other than to the extent that the provision does not have effect under section 19B(2A), on a day fixed by the proclamation.
- (4) If an amending provision has not come into operation in the Commonwealth before the proclamation is published in the *Gazette*, the amending provision comes into operation, other than to the extent that the provision does not have effect under section 19B(2A), when the amending provision comes into operation in the Commonwealth in accordance with the amending law.

Committee Recommendation 4:

13/6 Page 5, line 25 to page 6, line 28 — To delete the lines and insert:

19E. Tabling of amending law taken to be publication for Standing Orders

- (1) In this section —
parliamentary committee means a committee established by either or both Houses of Parliament.
- (2) If a Standing Order of a House of Parliament provides that on the publication of an instrument under a written law the instrument is referred to a parliamentary committee for consideration, the laying of an amending law under section 19A is taken to be publication of the amending law for the purposes of the Standing Order.
- (3) This section does not apply if the Standing Orders of the House provide specifically for how an amending law may be considered by a parliamentary committee.

Committee Recommendation 8:

14/6 Page 5, line 25 to page 6, line 28 — To delete the lines.

