

WESTERN AUSTRALIA
LEGISLATIVE COUNCIL
AMENDMENTS AND SCHEDULES
Supplementary Notice Paper No. 75
Issue No. 5
TUESDAY, 19 MARCH 2019

FAIR TRADING AMENDMENT BILL 2018 [75-1]

When in committee on the *Fair Trading Amendment Bill 2018*:

Clause 4

Hon Michael Mischin: To move —

1/4 Page 2, lines 10 to 19 — To oppose the clause.

New Clause 5

Minister for Regional Development representing the Minister for Commerce: To move —

5/NC5 Page 2, line 21 to page 3, line 3 — To delete the lines and insert:

5. Section 19 amended

(1) In section 19(1):

(a) delete paragraph (a) and insert:

(a) Schedule 2 to the *Competition and Consumer Act 2010* (Commonwealth) as in force on 1 March 2019 and as amended by all amending laws that have effect for the purposes of this section under sections 19B and 19C; and

Notes for this paragraph:

- 1 For the period beginning on 1 January 2011 and ending at the close of 29 November 2013, under this paragraph the Australian Consumer Law text consisted of Schedule 2 to the *Competition and Consumer Act 2010* (Commonwealth) as in force on 1 January 2011, as modified by section 36.
- 2 For the period beginning on 30 November 2013 and ending at the close of 28 February 2019, under this paragraph the Australian Consumer Law text consisted of Schedule 2 to the *Competition and Consumer Act 2010* (Commonwealth) as in force on 1 January 2013, as modified by section 36.

(b) in paragraph (b) delete “time.” and insert:

time, subject to subsection (1A).

(2) After section 19(1) insert:

(1A) For the purposes of subsection (1)(b), an amending law does not amend regulations made under section 139G of that Act until the amending law has effect for the purposes of this section under sections 19B and 19C.

Clause 5

Hon Michael Mischin: To move —

2/5 Page 2, line 22 — To delete “on 1 January 2013” and insert:

on 27 June 2018

Hon Michael Mischin: To move —

3/5 Page 3, lines 1 to 3 — To delete the lines.

Clause 6

Hon Michael Mischin: To move —

4/6 Page 3, line 5 to page 5, line 7 — To oppose the clause.

New Clause 6

Minister for Regional Development representing the Minister for Commerce: To move —

6/NC6 Page 3, line 5 to page 5, line 7 — To delete the lines and insert:

6. Sections 19A to 19E inserted

After section 19 insert:

19A. Tabling amending laws

An amending law must be laid before each House of Parliament within 18 sitting days of the House after the day on which the law receives the Royal Assent.

19B. Whether amending laws have effect in the State

(1) In this section —

disallowance period, in relation to a disallowance resolution notice of which is given in a House of Parliament, means the period of 30 sitting days of the House after the day on which the notice is given;

disallowance resolution means a resolution that an amending law be disallowed;

notice period, in relation to an amending law laid before a House of Parliament under section 19A, means the period of 14 sitting days of the House after the day on which the amending law is laid before it.

- (2) 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) each disallowance resolution, notice of which is given in a House within the notice period, is —
 - (i) lost in the House; or
 - (ii) not agreed to within the disallowance period for the resolution.
- (3) For the purposes of this section —
 - (a) the period specified in section 19A, a notice period or a disallowance period continues to run even though a House of Parliament is dissolved, prorogued or expires; and
 - (b) notice of a disallowance resolution given in a House of Parliament does not lapse even though the House is dissolved, prorogued or expires.

19C. When amending laws have effect in the State

- (1) In this section —

amending provision, of an amending law, means a provision of the amending law that amends —

 - (a) Schedule 2 to the *Competition and Consumer Act 2010* (Commonwealth); or
 - (b) the regulations made under section 139G of that Act.
- (2) If, under section 19B(2), an amending law has effect for the purposes of section 19, the Governor must declare that fact by proclamation as soon as practicable.
- (3) If an amending provision of the amending law has come into operation in the Commonwealth before the proclamation is published in the *Gazette*, the amending provision has effect for the purposes of section 19 on a day fixed by the proclamation.
- (4) If an amending provision of the amending law has not come into operation in the Commonwealth before the proclamation is published in the *Gazette*, the amending provision has effect for the purposes of section 19 when the amending provision comes into operation in the Commonwealth in accordance with the amending law.

19D. Amending laws enacted after 1 March 2019 but before commencement day

If an amending law receives the Royal Assent after 1 March 2019 but before the day (**commencement day**) on which the *Fair Trading Amendment Act 2019* section 6 comes into operation, sections 19A to 19C apply to the amending law as if the amending law received the Royal Assent on commencement day.

19E. Application of Standing Orders to disallowance resolution

- (1) In this section, **disallowance resolution** has the meaning given in section 19B(1).

- (2) Subsection (3) applies if a Standing Order of a House of Parliament —
- (a) sets out a procedure for dealing with a notice of motion given in the House under the *Interpretation Act 1984* section 42(2) to disallow a regulation; and
 - (b) gives precedence to an order of the day to disallow a regulation over other orders of the day; and
 - (c) provides that, if a motion to disallow a regulation remains unresolved on the last of a specified number of sitting days after the motion was moved, the question on the motion is to be put before the House rises on that day.
- (3) The Standing Order —
- (a) applies with all necessary changes as if —
 - (i) an amending law were a regulation; and
 - (ii) a notice of a disallowance resolution were a notice of motion to disallow a regulation; and
 - (iii) the specified number of sitting days referred to in subsection (2)(c) were 30 sitting days;
 but
 - (b) does not apply to the extent that it requires the question on a motion to be put before the House rises on the proposed last sitting day before a general election.
- (4) This section does not apply if the Standing Orders of the House provide specifically for how a notice of a disallowance resolution relating to an amending law is to be dealt with.

New Clause 6A

Minister for Regional Development representing the Minister for Commerce: To move —

7/NC6A Page 5, after line 8 — To insert:

6A. Section 36 deleted; particular regulations repealed

- (1) Delete section 36.
- (2) The *Fair Trading (Permitted Calling Hours) Regulations 2014* are repealed.

