



THIRTY-SEVENTH PARLIAMENT

REPORT 27
JOINT STANDING COMMITTEE ON DELEGATED
LEGISLATION
ANNUAL REPORT 2007

Presented by Mr Paul Andrews MLA (Chairman)

and

Hon Ray Halligan MLC (Deputy Chairman)

May 2008

JOINT STANDING COMMITTEE ON DELEGATED LEGISLATION

Date first appointed: 28 June 2001

Terms of Reference:

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

“3. Joint Standing Committee on Delegated Legislation

- 3.1 A *Joint Delegated Legislation Committee* is established.
- 3.2 The Committee consists of 8 Members, 4 of whom are appointed from each House. The Chairman must be a Member of the Committee who supports the Government.
- 3.3 A quorum is 4 Members of whom at least 1 is a Member of the Council and 1 a Member of the Assembly.
- 3.4 A report of the Committee is to be presented to each House by a Member of each House appointed for the purpose by the Committee.
- 3.5 Upon its publication, whether under section 41(1)(a) of the *Interpretation Act 1984* or another written law, an instrument stands referred to the Committee for consideration.
- 3.6 In its consideration of an instrument, the Committee is to inquire whether the instrument –
- (a) is authorized or contemplated by the empowering enactment;
 - (b) has an adverse effect on existing rights, interests, or legitimate expectations beyond giving effect to a purpose authorized or contemplated by the empowering enactment;
 - (c) ousts or modifies the rules of fairness;
 - (d) deprives a person aggrieved by a decision of the ability to obtain review of the merits of that decision or seek judicial review;
 - (e) imposes terms and conditions regulating any review that would be likely to cause the review to be illusory or impracticable; or
 - (f) contains provisions that, for any reason, would be more appropriately contained in an Act.
- 3.7 In this clause –
- “adverse effect” includes abrogation, deprivation, extinguishment, diminution, and a compulsory acquisition, transfer, or assignment;
- “instrument” means –
- (a) subsidiary legislation in the form in which, and with the content it has, when it is published;
 - (b) an instrument, not being subsidiary legislation, that is made subject to disallowance by either House under a written law;
- “subsidiary legislation” has the meaning given to it by section 5 of the *Interpretation Act 1984*.”

Members during the period covered by this report:

Mr Paul Andrews MLA (Chairman)	Mr Tony McRae MLA
Hon Ray Halligan MLC (Deputy Chairman)	Hon Barbara Scott MLC
Hon Vincent Catania MLC	Mr Tony Simpson MLA
Dr Graham Jacobs MLA	Hon Ken Travers MLC
Ms Jaye Radisich MLA	Hon Shelley Archer MLC

Staff during the period covered by this report:

David Driscoll, Committee Clerk	Susan O’Brien, Advisory Officer (Legal)
Christine Kain, Advisory Officer (Legal)	Felicity Mackie, Advisory Officer (Legal)
Lindsay Dodd, Articled Clerk	Kerry-Jayne Braat, Committee Clerk

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REPORT OF THE JOINT STANDING COMMITTEE ON DELEGATED LEGISLATION

ANNUAL REPORT 2007

1 INTRODUCTION

Scrutiny of subsidiary legislation

- 1.1 The role of the Joint Standing Committee on Delegated Legislation (**Committee**) and its approach to the scrutiny of subsidiary legislation was discussed in the Committee's Sixth Report.¹
- 1.2 The Committee holds a standing referral from the Legislative Council to consider all instruments of subsidiary legislation that are published,² whether under section 41(1)(a) of the *Interpretation Act 1984* or another written law. As a result, the Committee is able to scrutinise and report to the Parliament on a huge volume of instruments. However, due to the tight deadlines that are statutorily imposed on the Committee and the limited resources available to it, the Committee resolved shortly after its establishment to consider only those instruments that are subject to disallowance pursuant to section 42 of the *Interpretation Act 1984* or another written law, together with any other instruments that were noted by individual members.
- 1.3 On 2 November 2007 the Committee resolved not to scrutinise determination devices used to set fees in dog local laws, although it would continue to scrutinise dog local laws generally. Fees in respect of local laws made under the *Local Government Act 1995* are set by local government resolution (in effect a determination device³) and are, therefore, not subject to Committee scrutiny. Fees in dog local laws are required by the *Dog Act 1976* to be stated in local laws and would, but for this resolution, be scrutinised by the Committee. This resolution was passed to achieve a consistent approach to scrutiny of fees imposed by local governments.

Members

- 1.4 The Committee was served by the following members in 2007:
- Mr Paul Andrews MLA (Chairman);
 - Hon Ray Halligan MLC (Deputy Chairman);

¹ Western Australia, Legislative Council, Joint Standing Committee on Delegated Legislation, *Sessional Report June 28 2001 to August 9 2002*, Report No 6, March 2003, Chapters 1-2.

² As defined in section 5, *Interpretation Act 1984*.

³ That is, a process by which a local government can make determinations about the fees and charges to be levied rather than enacting a separate local law imposing such fees and charges.

- Hon Barbara Scott MLC;
- Dr Graham Jacobs MLA;
- Mr Tony Simpson MLA;
- Hon Vincent Catania MLC;
- Hon Shelley Archer MLC (to 20 March 2007);
- Hon Ken Travers MLC (from 1 May 2007);
- Ms Jaye Radisich MLA (to 26 October 2007); and
- Mr Tony McRae MLA (from 14 November 2007).

1.5 The Committee acknowledges the contribution of Hon Shelley Archer MLC and Ms Jaye Radisich MLA to the work of the Committee.

1.6 The Committee is assisted by up to three advisers who examine and report to the Committee on every disallowable instrument, provide advice on all correspondence received, write letters, prepare draft reports for consideration by the Committee before tabling in the Parliament, and attend Committee meetings. The Committee's advisers during 2007 were:

- Ms Susan O'Brien, Advisory Officer (Legal);
- Ms Felicity Mackie, Advisory Officer (Legal); and
- Ms Christine Kain, Advisory Officer (Legal) (from June 2007).

1.7 Additional advisory officer support was provided to the Committee throughout 2007 by Ms Anne Turner, Advisory Officer (Legal) and from time to time by Mr Paul Grant (Clerk Assistant, Committees). Ms Kerry-Jayne Braat, Committee Clerk, provided administrative and clerical support until April 2007. Mr David Driscoll was appointed to the role of Committee Clerk in May 2007. Mr Lindsay Dodd (Articled Clerk) assisted the Committee from October 2007. Mrs Kay Sampson, Clerical Assistant, provided technical, Internet and reception services. Mrs Lauri Glocke and Ms Deenie Gumina also provided reception services.

2 COMMITTEE ACTIVITIES

Statistics

2.1 The table below provides a purely numerical indication of the Committee's workload in 2007.

- 2.2 The figures in the table do not demonstrate that many of the instruments considered by the Committee are often lengthy documents. Irrespective of their size, the instruments often involve complex issues that span a diverse range of subject matters.

	Calendar Year 2007
Total number of instruments scrutinised	509
Total number of local laws scrutinised	108
Percentage of instruments scrutinised that were local laws	21%
Total number of notices of motion for disallowance given	54
Total number of notices of motion for disallowance withdrawn	54
Total number of hearings held by the Committee	1
Total number of undertakings provided to the Committee to amend/repeal instrument	34
Total number of reports tabled (information and disallowance)	2
Total number of instruments disallowed on recommendation of the Committee	0

Reports presented to the Parliament

- 2.3 In 2007 the Committee presented the following reports to both the Legislative Council and the Legislative Assembly, in accordance with its terms of reference:

- Report Number 22 - *Annual Report* - tabled on 28 March 2007; and
- Report Number 23 - *Issues of Concern raised by the Committee between 1 May 2006 and 30 April 2007 with respect to Local Laws* - tabled on 7 June 2007.

- 2.4 As the Committee was able to resolve its concerns through undertakings, the reports tabled in 2007 did not contain any recommendations to Ministers.

Disallowance

- 2.5 As a last resort the Committee may resolve to report to the Parliament, recommending the disallowance of an instrument in the Legislative Council.

- 2.6 The Committee did not recommend the disallowance of any instrument in 2007.

Undertakings

- 2.7 The figure in the last row of the above table indicates that no instruments were disallowed on the recommendation of the Committee in 2007. This figure does not illustrate the process by which the Committee obtains undertakings from the responsible Minister, Department or local government to amend or repeal instruments. When such undertakings are given, the Committee does not usually proceed with any motion to disallow the instrument.

Hearings

Children's Court (Fees) Amendment Regulations 2007; District Court (Fees) Amendment Regulations 2007; Fines, Penalties and Infringement Notices Enforcement Amendment Regulations (No.2) 2007; Magistrates Court (Fees) Amendment Regulations 2007 and Supreme Court (Fees) Amendment Regulations 2007

- 2.8 The Committee held one public hearing in 2007 with representatives from the Department of the Attorney General. The instruments for consideration by the Committee concerned court fees, however, the hearing was in relation to the provision of accurate information to the Committee.
- 2.9 The Committee's inquiry into whether the fees imposed by the instruments are authorised has not been concluded.

3 PREMIER'S CIRCULAR 2007/14 - SUBSIDIARY LEGISLATION - EXPLANATORY MEMORANDA

Issues of concern with respect to the Premier's Circular

- 3.1 The Committee observes that a number of agencies are still not fully complying with the requirements of the Premier's Circular regarding - *Subsidiary Legislation - Explanatory Memoranda*. A number of Explanatory Memoranda received by the Committee in 2007 were deficient in the respects noted below:
- inadequate justification of the instrument or unusual provisions in the instrument;
 - failure to provide, or the provision of incomplete, references to empowering legislation;
 - failure to identify the relevant sections of the empowering Act;
 - failure to provide information in respect of consultation, including a list of the groups consulted;

-
- failure to provide advice as to comments made by groups in response to consultation and departmental responses to those comments;
 - failure to provide a fee table;
 - material provided other than as an executed hard copy; that is, merely by way of facsimile or electronically; and
 - material not initialled or signed by the relevant Minister, but rather simply noted and endorsed by the Minister's Chief of Staff.
- 3.2 When an Explanatory Memorandum is deficient the Committee must devote resources to either researching the often complex legal and administrative background or seeking further information in respect of instruments. In most instances, the questions arising from the Committee's Terms of Reference are answered by the further information.
- 3.3 On occasions, further enquiries reveal that the initial information provided to the Committee was incorrect.

New Premier's Circular

- 3.4 Premier's Circular 2005/06 - *Subsidiary Legislation - Explanatory Memoranda* was reviewed on 13 June 2007.
- 3.5 The Committee raised several matters with the Department of Premier and Cabinet for consideration during the review process, including a requirement to provide the explanatory material within 10 days of an instrument being published in the *Government Gazette*. The Committee suggested this amendment as it had been experiencing significant delays in receiving the required explanatory material. As a consequence, the Committee staff had to devote time to requesting the information from departments and agencies.
- 3.6 The Committee's requests were accommodated in the main with the exception of a request from the Committee to remove the requirement for inclusion of information regarding conduct of a National Competition Policy review. The Committee's request was instigated following a ruling from the Hon Nick Griffiths MLC, President of the Legislative Council, that consideration of compliance with National Competition Policy fell outside the Committee's Terms of Reference.⁴
- 3.7 The Premier's Circular was redrafted and reissued accordingly. (See Premier's Circular Number 2007/14, issued 20 September 2007). The next review date for the Premier's Circular is 20 September 2009.

4 RECURRING CONCERNS RAISED IN RELATION TO INSTRUMENTS SCRUTINISED BY THE COMMITTEE IN 2007

Is the instrument authorised or contemplated by the empowering enactment? (Term of Reference 3.6 (a))

Legal background

- 4.1 This is the Committee’s term of reference 3.6(a) and is the term of reference most frequently used by the Committee. This term of reference includes the legal doctrine of *ultra vires*, which literally means ‘beyond the power’.
- 4.2 The test for whether any subsidiary legislation is valid is whether it “...*goes outside the field of operation which the [empowering] Act marks out for itself...*”⁵, or “...*varies the general plan or purpose of the Act...*”⁶. An instrument of subsidiary legislation will go beyond the power of its empowering Act if it does not come “...*within the scope of what the Parliament intended when enacting the ...[primary Act]...*” and if it reveals “...*a different means for carrying the purposes of the Act into effect...*”⁷.
- 4.3 In order to establish whether an instrument is within power it is necessary to look at the enabling clause of the parent Act to determine whether it authorises the making of that particular instrument. It is also necessary to examine the instrument in the context of other Acts⁸ and the common law⁹.
- 4.4 The list below, whilst not exhaustive, provides examples of grounds of invalidity:
- being made not for a purpose set out in the empowering Act but for another purpose;
 - having an effect which is so unreasonable that it cannot be regarded as falling within the contemplation of the legislature in passing the Act; and
 - having an effect which is not reasonably proportionate to the empowering provisions of the Act.

⁴ Procedural ruling under Standing Order 327, Hon Nick Griffiths MLC, President of the Legislative Council, 30 May 2007.

⁵ *Re Munnings*, unreported, Full Federal Court, 25 August 1987.

⁶ *Johns v Australian Securities Commission* (1993) 178 CLR 408 at 469 per McHugh J.

⁷ *Shine Fisheries Pty Ltd v The Minister for Fisheries* [2002] WASCA 11 at paragraph 56.

⁸ Section 43(1) of the *Interpretation Act 1984*.

⁹ Pearce D and Argument S, *Delegated Legislation in Australia*, 3rd edition, LexisNexis Butterworths, Australia, 2005, p219.

Does the instrument have an adverse effect on existing rights and interests beyond giving effect to a purpose authorised or contemplated by the empowering Act? (Term of Reference 3.6(b))*Legal background*

- 4.5 This term of reference (3.6(b)) is interpreted widely to include matters where instruments attempt to erode fundamental common law rights, where that exclusion or erosion has not been authorised or contemplated by the empowering Act or other statute.
- 4.6 ‘Rights and interests’ include personal liberty, status, preservation of livelihood and reputation, proprietary rights and interests¹⁰.
- 4.7 Under this term of reference, the Committee must establish whether the impact of the provision on the community is justifiable and reasonable in terms of, among other things, the:
- restrictions it imposes;
 - new restrictions it imposes;
 - extent of the financial burden; and
 - alteration or the removal of established rights.

Does the instrument contain provisions that for any reason would be more appropriately contained in an Act? (Term of Reference 3.6(f))*Legal background*

- 4.8 This term of reference is usually applied where the Committee forms the opinion that the subject matter of the regulation under scrutiny is likely to have such an impact (for example, economically, socially or environmentally) that it should be the subject of full debate in the Parliament as part of a Bill.

Is the impost a fee or a tax?*Legal background*

- 4.9 The Committee has consistently reported on tensions arising in the legal fee for service/licence fee and tax distinction and fees set at a level to achieve full or partial cost recovery by government departments and agencies. As in previous years, a

¹⁰ *Kioa v West* (1985) 59 CLR 550.

number of problematic instruments were considered in 2007 and a significant proportion of Committee time was spent on these instruments.

- 4.10 The Committee is still giving consideration to some of these instruments and anticipates that it will shortly table for the Parliament's consideration, an information report detailing the issues arising and its conclusions.

5 CONFERENCES ATTENDED

Scrutiny of Legislation Conference

- 5.1 The Chairman, Ms Jaye Radisich MLA, Mr Tony Simpson MLA, Hon Ray Halligan MLC and Hon Barbara Scott MLC attended the biennial Scrutiny of Legislation Conference in Wellington, New Zealand between 31 July and 2 August 2007. The Committee members were accompanied by Ms Susan O'Brien and Ms Christine Kain, Advisory Officers (Legal) and Mr David Driscoll, Committee Clerk.
- 5.2 The subject of the conference was "Democracy in Legislation - The Role of Scrutiny Committees". The conference was attended by 80 delegates from 12 jurisdictions. See **Appendix 1** for a copy of the conference programme.¹¹
- 5.3 The total cost of Members and Staff attending this conference was \$31,645.

6 LOCAL LAWS WORKING GROUP MEETING

- 6.1 The annual Local Laws Working Group Meeting was held on 3 December 2007. The Local Laws Working Group (**Working Group**) comprises the following:
- representatives from the Department of Local Government and Regional Development;
 - representatives from the Local Government Managers Australia (WA Division Inc);
 - representatives from the Western Australian Local Government Association (WALGA);
 - representatives from the Department of Health; and
 - Members and staff of the Committee.
- 6.2 The Committee was represented at the Working Group meeting by the Chairman, Mr Tony Simpson MLA and Committee staff.

¹¹ A CD of the conference proceedings has been produced. Contact the Committee Clerk to view.

- 6.3 The Working Group provides an informal, collaborative forum for an exchange of information. Participants attending the Working Group can seek input and make suggestions to facilitate the efficient transition of local laws through the Committee. The Committee values the opportunity provided to discuss issues of common concern.

9 MISCELLANEOUS ISSUES CONSIDERED BY THE COMMITTEE

Health Local Law - global amendment

- 6.4 The Committee considered the *Health Local Laws 2007* in November 2007.
- 6.5 The Local Law relates to undertakings given to the Committee by the Minister for Health in November 2003 in relation to the findings set out in section 4 of the Committee's Report Number 8 "*Issues of Concern Raised by the Committee Between 9 June 2003 and 19 December 2003 with Respect to Local Laws.*"
- 6.6 Specifically, the amendments relate to two issues of concern raised by the Committee in that report. These are discussed below.

Storage of food

- 6.7 The Committee noted in its report that many of the health local laws it had reviewed contained, in its view, an unreasonable clause that was equivalent to the following example:

A person shall not place or cause to be placed in or on any premises, and an owner or occupier of premises shall not permit to remain in or on the premises -

(a) any food, refuse or other waste matter which might attract rodents to the premises or which might afford harbourage for rodents; or

(b) any food intended for birds or other animals, unless it is contained in a rodent proof receptacle or a compartment, which is kept effectively, protected against access by rodents.

- 6.8 The Committee considered that the effect of this clause was to potentially prohibit both of the following situations:
- serving food for human consumption on plates or bowls, which are then placed on tables or bench tops or some other surface; and
 - the usual method of feeding pets by means of placing pet food into a bowl or some other open container that can be accessed by the pet.

6.9 The Committee suggested in each case that this prohibition was unreasonable and that the wording should be changed so as to regulate the storage of food, refuse or other waste matter. The Committee became aware that this problematic clause appeared in many health local laws and was often inherited when adopting another local government's health local laws.

6.10 This Local Law amended the health local laws of all the local governments found to have these problematic clauses by deleting the existing clauses and inserting instead:

A person must not store, or allow to be stored, on any premises, any food, refuse or other waste matter unless it is contained in a rodent proof receptacle or compartment.

6.11 This satisfied the Committee's requirements.

Ouster clauses

6.12 Ouster clauses are those clauses which seek to oust the jurisdiction of courts to hear claims or review decisions of inferior courts or tribunals. The problematic ouster clauses in the health local laws which were identified by the Committee provided that where the local government conducts works to eradicate, control, or prevent the breeding of flies, mosquitoes or other pests, or clean, disinfect, or sanitise premises or things:

The local government shall not be liable to pay compensation or damages of any kind to the...[the person served with the notice] ...in relation to any action taken by the local government under this section.

6.13 The Committee considered that these clauses and equivalent clauses:

- were void for inconsistency with section 9.56(4) of the *Local Government Act 1995* pursuant to section 43(1) of the *Interpretation Act 1984*;
- removed a fundamental right to sue a local government for a cause of action recognized by the common law or statute when such clauses are not authorised by the *Health Act 1911* or any other Act;
- might also be void for inconsistency with section 259 of the *Health Act 1911* pursuant to section 342(5) of the *Health Act 1911* and section 43(1) of the *Interpretation Act 1984*. Section 259 of the *Health Act 1911* provides that the owner of any building, animal, or thing that is destroyed by direction of the Executive Director, Public Health or the local government under Part IX (Infectious Diseases) is entitled to compensation to the extent and subject to the conditions provided for in that section; and

- offended the Committee's terms of reference 6.6(a), (b), (d) and (f).

6.14 This Local Law amends the Health local laws of all the local governments found to have problematic ouster clauses by deleting the existing clause and inserting instead:

The local government is not liable to pay compensation or damages of any kind to the owner or occupier of premises in relation to any action taken by the local government or any of its staff under this clause, other than compensation or damages for loss or damage suffered because the local government or any of its staff acted negligently or in breach of duty. (emphasis added)

6.15 This satisfied the Committee's requirements.

7 ISSUES THE COMMITTEE WILL CONSIDER IN 2008

Issues arising in Local Laws

7.1 On 7 June 2007 the Committee tabled an information report on the issues arising from its scrutiny of local laws between 1 May 2006 and 30 April 2007 and on 20 March 2008 the Committee tabled a report on issues arising in 2007 in Health Local Laws.

7.2 In accordance with its usual practice, the Committee will table an information report on the issues arising from its scrutiny of local laws between 1 May 2007 and 30 April 2008 in June 2008.

Other matters

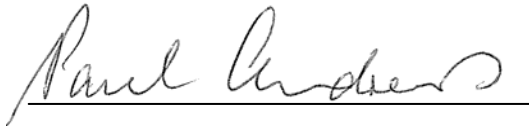
7.3 In addition to its ongoing consideration of fees, charges and cost recovery (see paragraph 4.10) the Committee has the following enquiries which will be on-going and will continue to be considered by the Committee during 2008:

- The Local Government (Rules of Conduct) Regulations 2007, in particular whether there is a possible inconsistency in confidentiality obligations and whether powers given to chief executive officers are authorised.
- Two signs local laws where the Committee is considering whether local laws regulating signage on property are inconsistent with the *Planning and Development Act 2005*.

7.4 A number of issues arising for the Committee's consideration in 2007 reflect longstanding concerns as to whether a particular instrument is authorised or contemplated by an empowering Act. Amongst those concerns are:

- transparency and consistency in respect of cost recovery models adopted by government departments and agencies;
- various issues arising from the provisions of the *Interpretation Act 1984*, in particular section 43 of that Act.

7.5 The Committee will continue to closely monitor instruments raising these issues in 2008 and report to the Parliament when appropriate.



Mr Paul Andrews MLA
Chairman

8 May 2008

APPENDIX 1
SCRUTINY OF LEGISLATION CONFERENCE
PROGRAMME

APPENDIX 1

SCRUTINY OF LEGISLATION CONFERENCE PROGRAMME



SCRUTINY OF LEGISLATION CONFERENCE
“Democracy in Legislation – The Role of Scrutiny Committees”
Wellington, New Zealand
31 July – 2 August 2007

PROGRAMME

Please note conference sessions are being held in the Legislative Council Chamber in Parliament House. Breaks are being held in the Grand Hall, Parliament House. Other venues are detailed on the programme.

DAY 1	TUESDAY 31 JULY 2007
8.00 am	Registration desk open – Grand Hall
8.45 am	Pōwhiri (formal welcome) Please assemble in the ground floor foyer of Parliament House
9.30 am	Welcome Ross Robertson MP, Assistant Speaker
9.45 am	Official Opening Rt Hon Sir Geoffrey Palmer, President, Law Commission
10.15 am	Morning tea
11.00 am	Resolution regarding media attendance
11.05 am	Session 1: Public participation in making primary legislation Chair: Dr Richard Worth MP, Chair, Regulations Review Committee (NZ) <i>The select committees: An overview from a democratic perspective</i> Elizabeth McLeay, Professor in Comparative Politics, Victoria University of Wellington (NZ) <i>Public consultation on the development of primary legislation. A Senator’s perspective</i> Senator Judith Adams, Deputy Chair, Senate Standing Committee for the Scrutiny of Bills (AUS)
12.30 pm	Lunch

- 1.30 pm **Session 2: Ensuring access to legislation**
Chair: Hon Marian Hobbs MP, Deputy Chair, Regulations Review Committee (NZ)
- The Legislative Instruments Act*
Senator John Watson, Chair, Senate Standing Committee on Regulations and Ordinances (AUS)
- Public Access to Legislation*
Geoff Lawn, Deputy Chief Parliamentary Counsel (NZ)
- 3.00 pm Afternoon tea
- 3.30 pm **Session 3: Standards for drafting legislation—who leads the way?**
Chair: Grant Liddell, Acting Deputy Solicitor-General (Public Law) (NZ)
- The Act-Regulation Divide*
Professor John Burrows QC, Law Commissioner (NZ)
- Straddling a barbed wire fence: Reflections of a gamekeeper, turned poacher, turned gamekeeping poacher*
Stephen Argument, Legal Advisor (Subordinate Legislation), Standing Committee on Legal Affairs (ACT)
- 5.00 pm Welcome drinks – Grand Hall
– 6.30 pm

DAY 2	WEDNESDAY 1 AUGUST 2007
9.00 am	<p>Session 4: Legislative controls over delegated legislation Chair: Lindsay Tisch MP (NZ)</p> <p><i>Maintaining the Bridle's Bite: Recent challenges to constitutional orthodoxy in the area of delegated legislation</i> Charles Chauvel MP (NZ)</p> <p><i>Sunset provisions in Queensland legislation</i> Carryn Sullivan MP, Chair, Scrutiny of Legislation Committee (QLD)</p>
10.30 am	Morning tea
11.00 am	<p>Session 5: What happens to recommendations of scrutiny committees? Chair: Metiria Turei MP (NZ)</p> <p><i>Are we listening to the people? Responses of the House to select committee recommendations</i> Chris Finlayson MP (NZ)</p> <p><i>Amendment by persuasion—Practices adopted by the South Australian Legislative Review Committee to implement its recommendations</i> Isobel Redmond MHA, Legislative Review Committee (SA)</p> <p>The scrutiny committee role in Kiribati Chair: Metiria Turei MP (NZ)</p> <p><i>Strengthening the roles of scrutiny committees in the Kiribati House of Parliament to increase good governance</i> Iaotaake Timeon and Kirata Komwenga, Committee staff, Public Account Committee, Parliament of Kiribati</p>
12.30 pm	Lunch
1.30 pm	<p>Session 6: Panel discussion—The role of primary legislation scrutiny committees Facilitator: Carlo Carli MLA, Chair, Scrutiny of Acts and Regulations Committee (VIC)</p> <p>Panel:</p> <ul style="list-style-type: none"> – Senator Judith Adams, Deputy Chair, Senate Standing Committee for the Scrutiny of Bills (AUS) – Allan Shearan MLA, Chairman, Legislation Review Committee (NSW) – Russell Fairbrother MP (NZ) – Dr Wayne Mapp MP (NZ)
3.00 pm	Afternoon tea

- 3.30 pm **Session 7: Human rights and scrutiny committees**
Chair: Maryan Street MP (NZ)
- The Victorian Charter of Human Rights and Responsibilities and scrutiny in Victoria*
Carlo Carli MLA, Chair, Scrutiny of Acts and Regulations Committee (VIC)
- Promoting and protecting human rights: Fostering constructive dialogue between scrutiny committees and national human rights institutions*
Joy Liddicoat, Human Rights Commissioner (NZ)
- Conducting and fostering a 'rights' pre-enactment dialogue between the legislature and the executive*
Professor Peter Bayne, Legal Advisor, Standing Committee on Legal Affairs (ACT)
- 5.00 pm Conference photograph – Ground Floor, Executive Wing
- 6.30 pm Conference dinner – The Museum of New Zealand Te Papa Tongarewa

DAY 3 THURSDAY 2 AUGUST

- 9.30 am **Session 8: Panel discussion—Supporting scrutiny committees**
Facilitator: Mary Harris, Deputy Clerk of the House of Representatives (NZ)
- Panel:
- Debra Angus, Clerk-Assistant (Legal Services), Office of the Clerk of the House of Representatives (NZ)
 - Nicola White, Assistant Auditor-General Legal, Office of the Controller and Auditor-General (NZ)
 - Andrew Homer, Senior Legal Adviser, Scrutiny of Acts and Regulations Committee (VIC)
 - James Warmenhoven, Secretary, Senate Standing Committee on Regulations and Ordinances (AUS)
- 10.30 am Morning tea
- 11.00 am **Session 9: Public participation—the other side of the fence**
Chair: Simon Power MP (NZ)
- Irritating ritual or valuable consultation—increasing the value*
Stephen Franks, Consultant, Chapman Tripp, Barristers and Solicitors (NZ)
- Finding common ground*
Jean Fuller, National Council of Women of New Zealand (NZ)
- ‘Upholding the Rule of Law and Facilitating the Administration of Justice’: the Law Society’s contribution to law reform*
Professor Paul Rishworth, Dean of Law Faculty, University of Auckland, Convenor of the New Zealand Law Society Legislation Committee (NZ)
- 12.30 pm Lunch
- 1.30 pm **Session 10: Panel discussion—The future of scrutiny committees**
Facilitator: Dr Richard Worth MP (NZ)
- Panel:
- Hon Rene Hidding MHA, Subordinate Legislation Committee (TAS)
 - Hon Giz Watson MLC, Deputy Chair, Legislation Committee (WA)
 - Tim Barnett MP (NZ)
 - Maryan Street MP (NZ)
- 3.00 pm **Reports from participating parliamentary committees**
- Invitation to host next conference and closing of conference**
- 4.00 pm Farewell afternoon tea
- 4.30 pm Tour of Parliament (optional)