

## **MINISTERIAL OFFICE MEMORANDUM**

**MM 2007/01**

### **UNIFORM LEGISLATION AND STATUTES REVIEW COMMITTEE**

The Uniform Legislation and Statutes Review Committee (“the Committee”) scrutinises all uniform legislation on behalf of the Legislative Council of Western Australia.

#### **Uniform legislation**

Uniform legislation is legislation that ratifies or gives effect to a bilateral or multilateral intergovernmental agreement to which the Government of the State is a party; or which by reason of subject matter, introduces a uniform scheme or uniform laws throughout the Commonwealth of Australia (“uniform legislation”).

#### **The Legislative Council standing order**

The Legislative Council standing orders provide for Bills implementing uniform legislation to automatically stand referred to the Committee for inquiry and report. The relevant standing order provides:

- 230A. (1) This order applies to a Bill that -
- a) ratifies or gives effect to a bilateral or multilateral intergovernmental agreement to which the Government of the State is a party; or
  - b) by reason of its subject matter, introduces a uniform scheme or uniform laws throughout the Commonwealth.
- (2) The second reading stage of a Bill is not to be resumed where SO 230(a) applies, within 30 days of the date of the adjournment (exclusive of that day) or before it has been reported from a committee, whichever is the later.
- (3) Unless otherwise ordered, a Bill stands referred to the *Uniform Legislation and Statutes Review Committee* at the conclusion of the second reading speech of the Minister or Member in charge.
- (4) The *Uniform Legislation and Statutes Review Committee*, or other committee, receiving a Bill under subclause (3) is to present its final report not later than 30 days of the day of the reference (exclusive of the referral day) or such other period as may be ordered by the House.

There is an additional standing order of relevance to this matter, namely:

230B. Unless otherwise ordered, a standing committee is not to inquire into the policy of a Bill.

The standing orders require that the Committee report back on the Bill within 30 days. The Legislative Council can resolve to extend or reduce this period although it is more usual that the time for the Committee's inquiry and report is extended.

Ministers can assist the passage of uniform legislation through the Legislative Council by:

- (1) identifying the Bill/s early as one that may be subject to standing order 230A;
- (2) being aware that in programming the introduction and parliamentary passage of the Bill/s, account must be taken of the 30-day (minimum) period that the Bill/s will stand referred to the Committee for inquiry; and
- (3) responding to a request from the Committee for information in a timely manner.

### **Identification of Bills as uniform legislation**

When introducing into the Parliament of Western Australia a Bill that implements uniform legislation, Ministers should ensure that the second reading speech for the Bill:

- (a) makes reference to the fact that the Bill is pursuant (whether in whole or in part) to uniform legislation; and
- (b) outlines the relevant intergovernmental agreement/memorandum of understanding pursuant to which the Bill has been introduced.

### **Provision of Information**

To assist the conduct of the Committee's inquiries, a Minister should consider providing the following information to the Committee, at the time a Bill to which standing order 230A applies is first tabled in Parliament (even if this is in the Legislative Assembly):

- (a) a copy of the relevant intergovernmental agreement/memorandum of understanding, if one is available;
- (b) if (a) is not available, a copy of the communiqué from the Ministerial Council meeting at which it was agreed to introduce the legislation;
- (c) a statement as to any timetable for the implementation of the legislation;

- (d) a copy of the Explanatory Memoranda;
- (e) a public statement of the Government's policy on the Bill;
- (f) the advantages and disadvantages to the State as a participant in the relevant scheme or agreement;
- (g) relevant constitutional issues;
- (h) an explanation as to whether and by what mechanism the State can opt out of the scheme;
- (i) the mechanisms by which the Bill, once enacted, can be amended. That is, whether the intergovernmental agreement/memorandum of understanding places parameters on the type of and manner in which it is envisaged that amendments are to be made to the legislation, for example whether the agreement of the State, or a majority of States and Territories, is required;
- (j) if the legislation has been developed by reference to a model Bill, a copy of that model Bill; and
- (k) the name and contact numbers for the:
  - Policy Officer who has carriage of the Bill;
  - Instructing Officer in the relevant department; and
  - where relevant, any government expert(s) who can answer technical questions posed by the legislation.

This information should be sent via the Minister's Office to:

Advisory Officer  
Uniform Legislation and Statutes Review Committee  
Legislative Council  
Parliament House  
PERTH WA 6000.

In order to assist the timely passage of uniform legislation through the Legislative Council, Ministers should ensure that Ministerial staff and agencies within their portfolios are familiar with the above requirements of the Committee.

It is important that any request for the Committee to prohibit publication of all or part of the information provided is made when the information is provided and the reason why it is to be confidential is clearly stated. It should be noted that ongoing negotiations between levels of government are considered to be confidential and wherever possible, should not be divulged until the State's position is finalised. It should be further noted that the Committee will consider requests for confidentiality, but retains the power to publish any material. The Legislative Council may also authorise publication.

Further information regarding the functions or procedures of the Committee may be sought from the Committee Clerk, Uniform Legislation and Statutes Review Committee, telephone 9222 7300.

A handwritten signature in black ink, consisting of a stylized 'A' followed by a long, flowing cursive line that ends in a loop.

Alan Carpenter MLA  
**PREMIER**

Enquiries:	Committee Clerk, ph: 9222 7300 Uniform Legislation and Statutes Review Committee
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