

WESTERN AUSTRALIA

LEGISLATIVE ASSEMBLY

(Introduced by Mr Brown, MLA)

PUBLIC SCRUTINY OF BILLS AND REGULATIONS BILL 1997

A BILL FOR

**AN ACT to create mechanisms for the public scrutiny of
bills and regulations.**

The Parliament of Western Australia enacts as follows:

PART 1 — PRELIMINARY

Short title

1. This Act may be referred to as the *Public Scrutiny of Bills
and Regulations Act 1997*.

Commencement

2. This Act shall come into operation on the day on which it is proclaimed.

cl. 3

Interpretation

3. In this Act —

“**Bill**” means any public Bill;

5 “**exemption certificate**” means a certificate issued by the
Minister under section 14;

“**Minister**” means the Minister responsible for —

- (a) introducing a Bill in the House in which that Bill
originates; or
- 10 (b) administering the Act or provision of an Act
under which a regulation is made,

as the case may be;

“**Joint Standing Committee on Delegated Legislation**”
means the Committee of that name constituted by
resolution of both Houses;

15 “**regulation**” means a regulation —

- (a) made by the Governor;
- (b) made with the consent or approval of the
Governor; or
- (c) which the Governor has power to disallow —

20 other than a regulation made by a local authority.

“**Standing Committee on Legislation**” means the
Committee of that name constituted by resolution of
the Legislative Council.

PART 2 — PUBLIC SCRUTINY OF BILLS

Interpretation

4. In this Part —

5 “**committee**” means such standing committee of the
Legislative Council as that House may determine.

Duty on Minister to table impact statement

5. (1) The Minister shall table an impact statement on the day of the second reading of a Bill in the House in which the Bill originates.

10 (2) The impact statement required under this section must include —

- (a) a statement of the objectives of the Bill;
- 15 (b) a statement explaining the effect of the Bill including in the case of a Bill which is to amend an existing Act the effect on the operation of that existing Act; and
- 20 (c) an assessment of the costs and benefits of the Bill including an assessment of the economic, environmental and social impact and the likely administration and compliance costs including resource allocation costs.

Public comments and submissions

25 6. (1) The Minister shall ensure that within 48 hours of the second reading of the Bill in the House in which the Bill originates a notice in accordance with subsection (2) is published in a daily newspaper circulating generally throughout Western Australia.

Public Scrutiny of Bills and Regulations
Bill 1997

cl. 7

- (2) A notice must —
- (a) state the reasons for and the objectives of the Bill;
 - (b) summarise the impact statement tabled with the Bill in accordance with section 5;
 - 5 (c) specify where a copy of the Bill, the second reading speech and the impact statement can be obtained; and
 - (d) invite public comments or submissions within 14 days from the publication of the notice.
- (3) The Minister must ensure that a copy of —
- 10 (a) the Bill;
 - (b) the second reading speech;
 - (c) the impact statement;
 - (d) the notice required in subsection (2); and
 - (e) all comments and submissions,
- 15 is forwarded to the committee within 17 days of the publication of the notice required by this section.

Committee may report to Parliament

7. (1) The committee may prepare a report on any Bill with
20 reference to the impact statement and public comments or
submissions relating to that Bill.

(2) A copy of any report prepared under this section shall be presented to the House in which the Bill the subject of the report did not originate by or before the Bill goes into Committee in that House.

(3) The committee shall have the power to hold a public hearing and to call for oral submissions for the purposes of preparing a report in accordance with this section.

PART 3 — PUBLIC SCRUTINY OF REGULATIONS

5 Interpretation

8. In this Part —

“**committee**” means a committee of one or both Houses of Parliament constituted for the purpose of reviewing or scrutinising regulations.

10 Duty on Minister to table impact statement

9. (1) The Minister shall cause to be tabled an impact statement within 7 sitting days of the date on which a regulation is published in the *Gazette*.

15 (2) The impact statement required under this section must include —

- (a) a statement of the objectives of the regulation;
- 20 (b) a statement explaining the effect of the regulation, including in the case of a regulation which amends an existing regulation the effect on the operation of the existing regulation;
- (c) a statement of other practicable means of achieving those objectives including other regulatory as well as non-regulatory options and the reasons why those other means are not appropriate; and
- 25 (d) an assessment of the costs and benefits of the regulation (and of any other practicable means of achieving the same objectives).

cl. 10

(3) The assessment of the costs and benefits under subsection (2)(d) must include an assessment of the economic, environmental and social impact and the likely administration and compliance costs including resource allocation costs.

5 Public comments and submissions

10. (1) The Minister shall ensure that within 48 hours of the tabling of an impact statement under section 9 a notice in accordance with subsection (2) is published in a daily newspaper circulating generally throughout Western Australia.

10 (2) A notice must —

- (a) state the reasons for and the objectives of the regulation to which the impact statement relates;
- (b) summarise the impact statement tabled in accordance with section 9;

15 (c) specify where a copy of the regulation and the impact statement can be obtained; and

(d) invite public comments or submissions within 14 days from the publication of the notice.

(3) The Minister must ensure that a copy of —

- 20 (a) the regulation;
- (b) the impact statement;
- (c) the notice required in subsection (2); and
- (d) all comments and submissions,

25 is forwarded to the committee within 17 days of the publication of the notice required by this section.

Committee may report

5 **11.** (1) The committee may prepare a report on any regulation with reference to the impact statement and any public comments or submissions relating to that regulation as soon as practicable after that committee receives the documents referred to in section 10(3).

(2) A report of the committee under this section may contain any recommendations that that committee considers appropriate, including a recommendation that the regulation should be —

- 10 (a) disallowed in whole or in part; or
(b) amended as suggested in the report.

(3) A copy of any report prepared under this section shall be presented to both Houses.

15 (4) The committee shall have the power to hold a public hearing and to call for oral submissions for the purposes of preparing a report in accordance with this section.

Member may move notice to disallow

20 **12.** Notwithstanding any standing order of either House a member may move a notice of motion to disallow a regulation on or before the 18th sitting day after a report of the committee relating to that regulation is tabled in accordance with section 9.

PART 4 — APPLICATION OF THIS ACT

Act not to apply to certain Appropriation Bills

25 **13.** This Act does not apply to any Appropriation (Consolidated Fund) Bill.

cl. 14

Minister's exemption certificate

14. (1) This Act does not apply if the Minister certifies in writing that in his or her opinion the Bill or regulation —
- 5 (a) does not impose an appreciable economic, environmental or social burden on a sector of the public;
- (b) is required under a national uniform legislation scheme and an assessment of costs and benefits has been undertaken under that scheme;
- 10 (c) is of a fundamentally declaratory or machinery nature;
- (d) deals with administration or procedures within or as between agencies or organizations as defined in the *Public Sector Management Act 1994*;
- 15 (e) increases fees in respect of a financial year by an annual rate that does not exceed the Consumer Price Index; or
- (f) relates only to the procedure, practice or costs of a court or tribunal.
- 20 (2) An exemption certificate under subsection (1) must specify the reasons for the exemption.
- (3) The Minister shall cause to be tabled in each House a copy of the exemption certificate —
- 25 (a) in the case of a Bill, on the day of the second reading of the Bill in the House in which the Bill originates; and
- (b) in the case of a regulation, within 7 sitting days from the date on which the regulation is published in the *Gazette*.