



**WESTERN AUSTRALIA
LEGISLATIVE ASSEMBLY**

**STANDING COMMITTEE ON
UNIFORM LEGISLATION AND
INTERGOVERNMENTAL AGREEMENTS**

**COMMITTEE REPORT
OF ACTIVITIES**

November 1996 - October 1999

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**COMMITTEE REPORT
OF ACTIVITIES**

November 1996 - October 1999

Presented by:
Hon. K.J. Minson, MLA
Laid on the Table of the Legislative Assembly
on 28 October 1999

ORDERED TO BE PRINTED

Uniform Legislation and Intergovernmental Agreements

Committee Members

<i>Chairman</i>	Hon. K.J. Minson, MLA (Member for Greenough)
<i>Deputy Chairman</i>	Mr F. Riebeling, MLA (Member for Burrup)
<i>Members</i>	Mr E.J. Cunningham, MLA (Member for Girrawheen)
	Ms M.R. Holmes, MLA (Member for Southern River)
	Mr W.J. McNee, MLA (Member for Moore)

Committee Staff

<i>Clerk to the Committee</i>	Mr Peter Frantom, BA
<i>Legal/Research Officer</i>	Ms Melina Newnan, BA, LLB
<i>Committees' Secretary/Stenographer</i>	Mrs Patricia Roach

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Terms of Reference

On Wednesday, 4 August 1993 the Legislative Assembly established the Standing Committee on Uniform Legislation and Intergovernmental Agreements.

On Tuesday, 18 March 1997 the Legislative Assembly re-established the Standing Committee on Uniform Legislation and Intergovernmental Agreements with the following terms of reference -

- (1) That a Standing Committee be established for the duration of the 35th Parliament to inquire into, consider and report on matters relating to proposed or current intergovernmental agreements and uniform legislative schemes involving the Commonwealth, States and Territories, or any combination of States and Territories without the participation of the Commonwealth.
- (2) When considering draft agreements and legislation, the Committee shall use its best endeavours to meet any time limits notified to the Committee by the responsible Minister.
- (3) The Committee shall consider and, if the Committee considers a report is required, report on any matter within three months; but if it is unable to report in three months, it shall report its reasons to the Assembly.
- (4) Each member, while otherwise qualified, shall continue in office until discharged, notwithstanding any prorogation of the Parliament.
- (5) No member may be appointed or continue as a member of the Committee if that member is a Presiding Officer or a Minister of the Crown.
- (6) When a vacancy occurs on the Committee during a recess or a period of adjournment in excess of 2 weeks the Speaker may appoint a member to fill the vacancy until an appointment can be made by the Assembly.
- (7) The Committee has power to send for persons and papers, to sit on days over which the House stands adjourned, to move from place to place, to report from time to time, and to confer with any committee of the Legislative Council which is considering similar matters.
- (8) If the Assembly is not sitting, a report may be presented to the Clerk of the Legislative Assembly who shall thereupon take such steps as are necessary and appropriate to publish the report.
- (9) In respect of any matter not provided for in this resolution, the Standing Orders and practices of the Legislative Assembly relating to Select Committees shall apply.

Chairman's Foreword

This is the fourth Annual Report of the Standing Committee on Uniform Legislation and Intergovernmental Agreements.

The Terms of Reference of the Standing Committee allow the Committee to inquire into, consider and report to the Legislative Assembly on matters relating to proposed or current intergovernmental agreements and uniform legislative schemes.

The Standing Committee was re-established on 18 March 1997 by the Legislative Assembly. The new Committee has been very busy and has investigated matters referred to it as well as initiating a number of inquiries. The Committee has tabled a number of reports on various subject matters. These range from changes to harmonise substantive law including the law of evidence as well as the co-operatives law, to facilitate bank mergers and reforms to the financial system. The Committee has also tabled reports dealing with the subject of uniform legislation, with Ministerial Councils and with the impact of the implementation of National Competition Policy.

The Standing Committee's work has been recognised in a number of forums and the Committee has been invited to participate in a number of conferences and seminars. The work of the Committee has also led to a number of overseas and interstate parliamentary delegations meeting with the Committee to discuss matters of mutual interest.

A parliamentary delegation from the German Upper House met with the Committee in Perth to discuss the ongoing work of the Committee. The Committee has also been invited to participate in interparliamentary forums dealing with uniform legislation and treaty making and the role of the States.

I want to express my sincere thanks to all my fellow Committee members for their support and contribution to the Committee's work during this period. In particular, I would like to thank the Committee's staff for their professional work and responsible attitude which has allowed the Standing Committee to produce consistently high quality reports resulting in the Standing Committee receiving national and international recognition for its work. Melina Newnan, the Legal/Research Officer, has provided the Committee with considerable expertise and is an efficient and dedicated officer. Peter Frantom the Clerk to the Committee I wish to especially thank for his expert procedural advice and efficient administrative skills. The Committee also wishes to thank Pat Roach, Secretary/Committees, for her assistance in producing the Committee's reports.

I commend the report to House.

HON. K.J. MINSON, MLA
CHAIRMAN

OVERVIEW OF ACTIVITIES

During Reporting Period from November 1996 - October 1999

DESCRIPTION	ACTIVITY
Deliberative Meetings Held	58
Witnesses Appearing	15
Briefings	70
Reports Tabled	7
Submissions Received	11
Inquiry Recommendations Tabled	36
Report Findings Tabled	20
Briefing Papers Prepared	8
Delegations	2
Conferences / Seminars Attended	6
Conference Papers Presented	3
Travel in Support of Committee Inquiries	1 Interstate 1 International

Chapter 1. Introduction

1.1 Establishment of the Committee

The Legislative Assembly established the Standing Committee on Uniform Legislation and Intergovernmental Agreements on Wednesday, 4 August 1993. The Standing Committee was established as a result of a recommendation of the Select Committee on Parliamentary Procedures for Uniform Legislation Agreements.¹

On Tuesday, 18 March 1997 the Legislative Assembly re-established the Standing Committee on Uniform Legislation and Intergovernmental Agreements.

1.2 The Committee

The present Committee is comprised of -

- Hon. K.J. Minson, MLA** (Member for Greenough) - Chairman
- Mr F. Riebeling, MLA** (Member for Burrup) - Deputy Chairman
- Mr E.J. Cunningham, MLA** (Member for Girrawheen)
- Ms M.R. Holmes, MLA** (Member for Southern River) who replaced
- Mr R.N. Sweetman, MLA** (Member for Ningaloo) who was discharged from the Committee on 28 May 1997.
- Mr W.J. McNee, MLA** (Member for Moore) who replaced
- Mr D.F. Barron-Sullivan** (Member for Mitchell) who was discharged from the Committee on 7 May 1998.

The current Committee replaced the former Committee after the State election on 14 December 1996.

The original Standing Committee was appointed in 1993 with Mr A.K.R. Prince (Member for Albany) as Chairman and Dr E. Constable (Member for Floreat) as Deputy Chairman. Upon Mr Prince's appointment to Cabinet on 25 January 1994 he was replaced by Hon P.G. Pental (Member for South Perth) who became Chairman on 8 February 1994. On 29 September 1995 Mr R.F. Johnson (Member for Whitford) was replaced by Mr J.H.D. Day (Member for Darling Range). Other members of the original Standing Committee included Mr R.C. Bloffwitch, MLA (Member for Geraldton) and Mr F. Riebeling, MLA (Member for Ashburton).

¹Select Committee on Parliamentary Procedures for Uniform Legislation Agreements Report, Legislative Assembly, Western Australia, 1992.

1.3 Profile of Members

Hon. Kevin John MINSON, BSc (WA) JP, MLA (Chairman)
Member for Greenough
Liberal Party Member

Born 5 May 1947 at Port Hedland, Western Australia. Educated at Mingenew State School, Hale School Perth and the University of Western Australia.



Parliamentary Service

Elected to the Thirty-third Parliament for Greenough on 4 February 1989 in succession to Reginald John Tubby (retired). Re-elected 1993, 1996. Mr Minson was involved in the pastoral and farming industries prior to entering Parliament. He retains an interest in Agriculture and is the managing partner in the family farming property east of Dongara in the Mid-West of Western Australia. Mr Minson has also practised as a Dental Surgeon.

Ministerial Appointments

Minister for the Environment, Aboriginal Affairs (until 25 January 1994), Disability Services, and Minister assisting the Minister for Fisheries 16 February 1993 – 10 February 1995; for Disability Services, Works and Services, and Minister assisting the Minister for Justice 10 February 1995 – 26 April 1996; for Mines, Works and Services, Disability Services, and Minister assisting the Minister for Justice 26 April 1996 – 9 January 1997.

Shadow Ministerial Appointments

Deputy Leader of the Opposition 11 June 1990 – 12 May 1992. Shadow Minister for Conservation and Land Management, Waterways and Midwest, 7 March 1989 – 17 June 1990; for Health, Economic Development and Trade, Mid West, and Defence Contracts Liaison (from 13 August 1990) 17 June 1990 – August 1991; for Health, Trade Development, Rural and Remote Areas, and Leader of the House for the Opposition August 1991 – 24 May 1992; for Health, and Disability Services (Coalition Shadow Minister from 24 November 1992) 24 May 1992 – 16 February 1993.

Standing Committees

Chairman Standing Committee on Uniform Legislation and Intergovernmental Agreements from 18 March 1997.

Select Committees/Royal Commissions

Chairman Select Committee on the Human Reproductive Technology Act 1991 from 15 May 1997 - 22 April 1999. Member Select Committee on the National HIV/AIDS Strategy White Paper 28 September 1989 – 28 June 1990.

Parliamentary Party Positions

Deputy Leader of the Opposition 11 June 1990 – 12 May 1992.

Mr Fredrick RIEBELING, MLA (Deputy Chairman)

Member for Burrup

Labor Party Member

Born 29 January 1953, in Bridgetown. Mr Riebeling was the Managing Registrar at the Karratha Court and Shire President of the Shire of Roebourne prior to his entering Parliament as the MLA for Ashburton.



Parliamentary Service

Elected to the Thirty-fourth Parliament for Ashburton at the by-election held on 4 April 1992 to fill the vacancy consequent upon the resignation of Pamela Ann Buchanan. Re-elected 1993. Electorate abolished in redistribution 1994. Elected to the Thirty-fifth Parliament for Burrup (new seat) on 14 December 1996.

Shadow Ministerial Positions

Shadow Minister for Local Government and Seniors 7 February 1994 – 18 October 1994; for Housing, Sport and Recreation, and Youth 18 October 1994 – 23 January 1995; for Housing, and Local Government (from 15 October 1997) 23 January 1995 – 15 January 1997; for Justice from 15 January 1997.

Standing Committees

Member Public Accounts and Expenditure Review Committee 22 June 1993 – 5 April 1994; and Standing Committee on Uniform Legislation and Intergovernmental Agreements from 4 August 1993.

Select Committees/Royal Commission

Member Select Committee on the Delegation of Parliament's Legislative Function (Parliamentary Procedures for Uniform Legislation Agreements) 4 June 1992 – 27 August 1992.

Commonwealth Parliamentary Association Conferences, delegations, etc

Represented WA branch Commonwealth Parliamentary Association at the 22nd Australasian and Pacific Regional Conference, Sydney, August 1993.

Mr Ted CUNNINGHAM, MLA
Member for Girrawheen
Labor Party Member

Born 26 November 1937, Clayfield, Brisbane, Queensland. Educated at St Joseph's Primary School, Hendra Secondary School and Brisbane Technical College.

Parliamentary Service

Elected to the Thirty-second Parliament for Balga at the by-election on 19 March 1988 held to fill the vacancy consequent upon the resignation of Hon. Brian Thomas Burke. Electorate abolished in redistribution 1988. Elected to the Thirty-third Parliament on 4 February 1989 for Marangaroo (new seat). Re-elected 1993. Electorate abolished in redistribution 1994. Elected to the Thirty-fifth Parliament on 14 December 1996 for Girrawheen (new seat). Mr Cunningham was an Executive Officer at the Department of Premier and Cabinet prior to entering Parliament as the MLA for Balga in 1988.

**Standing Committees**

Member Joint House Committee 19 March 1991 – 14 November 1996; Joint Standing Committee on Delegated Legislation from 10 November 1993 - 16 November 1998; and Standing Committee on Uniform Legislation and Intergovernmental Agreements from 18 March 1997.

Select Committees/Royal Commissions

Member Select Committee on the Right to Farm 25 October 1989 - 14 November 1991; and on Youth Affairs 31 October 1990 – 4 June 1992. Member Joint Select Committee on Parole 25 May 1990 – 28 August 1991.

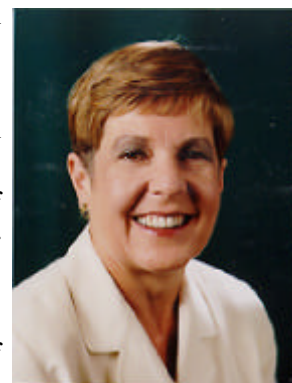
Parliamentary Party Appointments

President Parliamentary Labor Party 7 February 1994 – 15 January 1997. Opposition Whip in the Legislative Assembly from 15 January 1997.

Mrs Monica HOLMES, Grad Cert Mgt, M.AuSAE, JP, MLA
Member for Southern River
Liberal Party Member

Born 25 June 1944 in the UK, Mrs Holmes and her family arrived in Western Australia in 1983.

Prior to entering Parliament as the MLA for Southern River in December 1996, Mrs Holmes' experience included that of a self-employed business proprietor, an Executive Officer at the Chamber of Commerce and Industry and a relief and permanent Electorate Officer for various Members of Parliament.



From 1988 to 1991 Mrs Holmes served as a Councillor on the City of Canning. During that time she was elected Chairperson of the Community Services Committee and also represented Council on the Local Government Association and the South-East District Planning Committee.

In 1988 Mrs Holmes was appointed as an Area Co-ordinator for Neighbourhood Watch. She also wrote a voluntary weekly column on Crime Prevention and Neighbourhood Watch for the Community Newspaper Group from 1991 to 1996.

Mrs Holmes was appointed a Justice of the Peace in 1994 and is a Member of the Royal Association of Justices and the Australian Society of Association Executives. She recently completed her external studies through the University of New England, NSW, where she completed a Graduate Certificate in Management as part of her Master of Business Administration degree.

Parliamentary Service

Elected to the Thirty-fifth Parliament for Southern River (new seat) on 14 December 1996.

Parliamentary Appointments

Deputy Chairman of Committees from 20 August 1997.

Standing Committees

Member Public Accounts and Expenditure Review Committee from 11 March 1997; and Standing Committee on Uniform Legislation and Intergovernmental Agreements from 15 May 1997.

Mr John William McNEE, MLA
Member for Moore
Liberal Party Member

Born 28 April 1933, Wyalkatchem, Western Australia. Mr McNee has been a successful wheat and sheep farmer in the Wyalkatchem, Koorda/Dowerin area for 37 years. He is married with four children. He has been a Koorda Shire Councillor for 15 years, Deputy President for 4 years and Shire President for 6 years.



Parliamentary Service

Elected to the Thirty-first Parliament for Mount Marshall on 19 February 1983 in succession to Hon. William Raymond McPharlin (defeated). Defeated by Morton William Schell 8 February 1986. Elected to the Thirty-third Parliament for Moore on 4 February 1989 in succession to Albert William Crane (retired). Re-elected 1993, 1996.

He was Parliamentary Secretary of State assisting in Water Resources and Local Government from 16 February 1993 - 9 January 1997.

Ministerial Appointments

Parliamentary Secretary of State assisting in Water Resources and Local Government 16 February 1993 – 9 January 1997.

Shadow Ministerial Appointments

Shadow Minister for Transport, and Fisheries 17 June 1990 – August 1991; for Fisheries, and Water Resources, and Fisheries (until 24 May 1992) August 1991 – 24 November 1992. Coalition Shadow Minister for Water Resources 24 November 1992 – 16 February 1993.

Standing Committees

Member Joint House Committee 1989–1990; Standing Committee on Uniform Legislation and Intergovernmental Agreements from 18 May 1998.

Select Committees/Royal Commissions

Member Select Committee on Rural Hardship 7 December 1983 - 11 October 1984; and on Land Conservation 27 September 1989 - 5 December 1991.

1.4 Staff and Support Services

The Committee is currently staffed by -

Peter Frantom
Melina Newnan

Clerk to the Committee, BA
Legal/Research Officer, BA, LLB

Patricia Roach and Gerda Slany provided secretarial support to the Committee.

Parliamentary debates reporting staff (*Hansard*) recorded the transcripts when evidence was taken by the Committee.

Chapter 2. Committee Operations

2.1 Brief History

The Select Committee on Parliamentary Procedures for Uniform Legislation Agreements was established in June 1992 to look at the process behind the introduction into the Western Australian Parliament of the *Financial Institutions (Queensland) Act 1992*. Concerns were raised about the process for dealing with the legislation. The main concern was that the Queensland legislation referred to in the Western Australian Bill, was not available to members of the Western Australian Parliament for examination and insufficient time was allowed for consideration of the Bill.

Other concerns raised about the approach used to achieve uniformity were -

- the delegation of many of the powers of the Western Australian Parliament to Ministerial Councils;
- the ability of the Queensland Parliament to enact amendments without reference to the Western Australian Parliament; and finally
- that jurisdiction was conferred on the Supreme Court of Queensland for appeals on questions of law even where the proceeding arose from a matter in Western Australia.

The Select Committee reported to the Legislative Assembly on 27 August 1992. One of its major recommendations was to establish a Standing Committee to inquire into, and report on matters relating to proposed or current intergovernmental agreements and uniform legislative schemes.

2.2 Functions of the Committee

The Standing Committee on Uniform Legislation and Intergovernmental Agreements has several functions. Its primary role is to inquire into and inform the State Parliament about proposed or current uniform legislative schemes and intergovernmental agreements involving the States, Territories and sometimes the Federal Government. Concerns had been raised that such schemes and agreements often impinge upon the sovereignty of the State Parliament. The Committee is charged with scrutinising the substance and structure of these schemes and agreements.

The Committee is interested in establishing a mechanism whereby the Executive Branch of Government informs the Parliament about continuing developments in the unification and harmonisation of Statute Law, hence providing Parliament with an opportunity to raise concerns and have input at the policy development stage. The general aim of the Committee is to establish procedures by which information relating to uniformity in laws will be brought before Parliament in a consistent manner. The Committee is therefore keen to explore the mechanisms employed to bring about harmonisation of laws and ensuring Parliaments in participating jurisdictions are kept informed of the processes.

The Committee has tabled 24 reports. A list of the Committee's reports are set out in Appendix Ten.

2.3 Definition of Uniform Legislation

Uniform legislation is legislation which is substantially the same in all or a number of jurisdictions. There are a number of ways of achieving national uniform legislation. The Standing Committee has investigated and reported on legislative structures used to achieve the harmonisation of legislation. These are outlined in Appendix Nine of this report.

The Australian States have enacted uniform laws or similar laws over the years. However, as a result of individual State amendments, these laws became less and less uniform over time. Industry has demanded a more unified approach to laws affecting commerce and trade. Globalisation and the need for nations to become economically efficient has led to the harmonisation of laws not only nationally but also internationally.

The expansion of markets from local to domestic and then to the global level have necessitated the harmonisation of laws and regulations connected with a wide variety of issues. This has meant the standardisation at the local, Australian and world level of laws and standards, sometimes on a voluntary basis but sometimes through agreements and legislative measures.

Although Australian States have always moved to standardise laws, a new imperative has emerged with the globalisation of the economy and rapid technological change.

Increasingly the move towards national scheme legislation has evolved a method of law-making which involves Ministers at Ministerial Councils agreeing on national uniform legislation. Ministers at the Federal and State level have established close contacts and work towards agreement on issues within their portfolios. Ministerial Councils do not regularly report to Parliament after meetings on intergovernmental matters and on proposed national scheme legislation.

Chapter 3. Reports Tabled

3.1 Introduction

During the reporting period seven reports were tabled in the Parliament. The reports covered a range of issues and made a number of substantial recommendations to enhance the scrutiny process of Parliament.

3.2 Eighteenth Report - Evidence Law

The Standing Committee's Eighteenth report was tabled on 13 November 1996. The report considers whether Western Australia should adopt uniform statutory provisions for evidence and if so, the manner in which this might be best achieved. The *Evidence Act 1995* of the Commonwealth which was adopted in the Australian Capital Territory and the *Evidence Act 1995* of New South Wales which contains virtually identical provisions became the model for enactment throughout Australia. The model legislation codifies almost all of the common law principles governing the admissibility and presentation of evidence. The report recommends substantial adoption of the uniform model legislation, but with the addition of those sections of the current Western Australian *Evidence Act 1906* which it believes should not be lost.

3.3 Nineteenth Report - Ministerial Councils

This report provides an overview of the system of Ministerial Councils and the growth of intergovernmental relations. It provides a background on the development of Ministerial Councils as a means of facilitating intergovernmental relations throughout Australia through the co-operation of Commonwealth and State Ministers responsible for particular portfolios.

The report outlines the roles and powers of Ministerial Councils and the part Ministerial Councils play in the development of national co-operative agreements and uniform legislative schemes.

The report provides an historical background to Ministerial Councils and considers recent developments. It highlights potential problems posed by the development of Ministerial Councils in relation to their accountability to Parliament. The effect of the lack of information about Ministerial Councils on parliamentary and public scrutiny of law-making is also addressed.

3.4 Twentieth Report - Bank Mergers Bill 1997

This report provides background to the *Bank Mergers Bill 1997* which provides for the adoption of legislation of another jurisdiction in respect of bank mergers. The Bill provides that the laws of another jurisdiction would apply to Western Australia by an Order to be tabled in the Western Australian Parliament in the same manner as a regulation. The report considers the response of a number of jurisdictions and considers the advantages and disadvantages of using general bank

merger legislation as well as a discussion on the differences posed by the bank mergers legislation as opposed to other uniform legislation.

3.5 Twenty-first Report - Uniform Legislation

This report provides a general overview of the growing trend towards the harmonisation of laws both nationally and internationally. Laws are harmonised to eliminate disparities between States and countries for economic and health reasons. Regulations have an impact on the movement of goods. The harmonisation of laws aims at eliminating obstacles to trade by encouraging internal convergence of laws in order to achieve the objectives of State export-import policy.

The report discussed the federal structure in a number of countries and considers the growing trend towards the harmonisation of laws and how it is dealt with in the various federal systems as well as the mechanisms in place to ensure scrutiny and accountability to the Parliament.

The report discusses the growth of intergovernmental relations and how different federations have developed mechanisms to ensure legislative scrutiny of matters relating to proposed or current intergovernmental agreements and uniform legislation.

State legislatures and State and regional governments can actively participate in providing input to proposed legislative measures. The requirement that State legislatures are informed ensures a measures of accountability to the legislature and ultimately the people.

The Standing Committee has made recommendations to ensure that the Western Australian Parliament is informed of intergovernmental agreements negotiated at Ministerial Councils. These would ensure the legislatures role in providing a degree of scrutiny and for the executives accountability to the Parliament.

3.6 Twenty-second Report - Co-operatives Law

This report was a response to notification by the Attorney-General for Western Australia of the proposed Co-operatives Law Agreement that Western Australia was entering.

In an effort to achieve uniformity of co-operatives laws throughout Australia all States and Territories agreed to enact new co-operatives legislation. The legislation was based around “core consistent provisions” which would be the same from State to State.

The Co-operatives Agreement sets out a list of the “core consistent provisions” which would be the basis for uniform co-operatives legislation.

The report sets out the background to co-operatives law in Australia and the development and growth of co-operatives in Australia. The report outlines the background to the agreement to enact nationally consistent legislation. The intergovernmental agreement which sets out the Co-operatives Laws Agreement is discussed as well as the “core consistent provisions” which make

up the model uniform co-operatives law. The Agreement facilitates interstate activity by co-operatives.

The model legislation provides the framework for the formation, registration and management of co-operatives. It also enables some flexibility in the operation of co-operatives to promote their development.

The report outlines the position of Western Australia and the State's commitment to enacting the "core consistent provisions" of the model co-operatives law. The report outlines the objectives of the legislation and its interface with the *Corporations Law*.

3.7 Twenty-third Report - Financial Systems Reform

The Financial Systems Reform report was a response to the notification to the Standing Committee by the Treasurer of Western Australia of an Intergovernmental Agreement between the Commonwealth, States and Territories to transfer the supervisory and regulatory responsibility of credit unions, building societies and friendly societies from the States and Territories to the Commonwealth.

The purpose of the Intergovernmental Agreement and the legislative amendments was part of the legislative process required to provide national uniform regulation of the financial sector and bring credit unions, building societies and friendly societies within the national regulatory framework.

The report examines the background to changes to the Australian financial system and the need for harmonisation of prudential standards and uniformity of regulatory requirements in the financial industry.

3.8 Twenty-fourth Report - Competition Policy and Reforms in the Public Utility Sector

This report considers the process and impact of the implementation of National Competition Policy, particularly how reform of public utilities have impacted on the Western Australian economy. Although it is not a comprehensive review of all reforms in the public utility sector, the report considers National Competition Policy and other microeconomic reforms undertaken in the government sector.

The report outlines the concept and objectives of competition policy and the interconnection of competition policy with trade regulation. Competition is considered in light of the changing nature of the worldwide marketplace, globalisation, the thrust of competition policy from an international dimension, the harmonisation of competition rules and the impact of the restructuring of the natural monopoly of essential services.

The report exposes that while much of the commentary on globalisation concentrates on economic issues and the benefits of free trade and deregulation, a more integrated approach is required, taking into account the social, cultural, environmental and political consequences.

The report concludes that there has been confusion about what National Competition Policy represents because it has been complicated by a raft of other reforms, such as competitive tendering, benchmarks and various other government measures. Public utilities have undergone significant changes structurally and in their operations.

The report finds that the pace of economic change across the Australian economy has in some cases created uncertainty and distress and that the potential benefits of competition policy are often poorly understood and potential disadvantages of competition policy often exaggerated. Competition policy and related reforms are often mistakenly blamed for developments which have little or nothing to do with competition policy.

Chapter 4. Committee Activities

4.1 Introduction

During the course of this reporting period the Standing Committee -

- completed a number of inquiries and tabled seven reports and conducted a number of meetings;
- took evidence and was briefed by a number of persons, bodies and organisations; and
- participated in interstate and overseas study tours.

4.2 Public Hearings

Under the Standing Committee's Terms of Reference, the Standing Committee has the power to send for persons and papers in the course of its investigations. During the reporting period, the Standing Committee conducted several hearings which are listed in Appendix six.

4.3 Briefings

The utilisation of informal briefing in the inquiry process is an effective tool of the Committee as it provides an alternative means of seeking information without the rigid structure of a hearing.

The Standing Committee conducted informal hearings where more formalised hearings were not considered appropriate. Informal briefings also occurred when the Committee travelled outside the State and overseas.

Briefings conducted are listed in Appendices two to four.

4.4 Inquiries

The Standing Committee undertook inquiries into a number of areas and wrote to a number of Ministers including the Minister for Health and the Attorney General as a result of inquiries to the Committee on matters relating to uniform legislation.

The Standing Committee is currently undertaking a number of inquiries these are discussed in Chapter 5.

4.5 Delegations

The Standing Committee received a number of delegations including -

4.5.1 German Delegation

State Representatives from the Federal Upper House of the Federal Republic of Germany met with Standing Committee on 8 December 1998. Members of the delegation were aware of the work of the Committee and were interested in establishing contacts and exchanging information and views.

The members of the German delegation are listed in Appendix Seven.

4.5.2 Senate Delegation

The Standing Committee met with members of the Senate Select Committee on the Socio-Economic Consequences of the National Competition Policy when they were in Perth conducting hearings on 17 May 1999. The Senate Committee's current inquiry covered similar issues which were being dealt with by the Standing Committee in its Twenty-fourth report on Competition Policy and Reforms in the Public Utility Sector.

The members of Senate delegation are listed in Appendix Seven.

4.6 Conferences and Seminars

The Standing Committee attended and participated in a number of conferences and seminars during this period. These are briefly discussed below.

4.6.1 Fourth Commonwealth Conference on Delegated Legislation

Members of the Standing Committee attended the Fourth Commonwealth Delegated Legislation Conference held in Wellington, New Zealand from 10 to 13 February 1997. The Chairman presented a joint paper with other Chairs of some Australian scrutiny committees on effective scrutiny of uniform legislation.

4.6.2 Sixth Australasian and Pacific Conference on Delegated Legislation and Third Australasian and Pacific Conference on the Scrutiny of Bills

A member of the Standing Committee Mr Dan Barron-Sullivan attended the Sixth Australasian and Pacific Conference on Delegated Legislation and Third Australasian and Pacific Conference on the Scrutiny of Bills in Adelaide on 16, 17 and 18 July 1997. The scrutiny of national scheme legislation was an important topic at the conference.

4.6.3 National Competition Policy Conference

The Deputy Chairman and the Legal Research Officer attended the National Competition Policy Conference in Sydney on 8 and 9 October 1997. The Standing Committee was at the time investigating and preparing a report on competition policy. The Conference covered the implementation progress of competition policy.

4.6.4 Meeting of Chairs and Deputy Chairs of Scrutiny Committees

The Chairman and Legal Research Officer of the Standing Committee attended a meeting of the Chairs and Deputy Chairs of Commonwealth, State and Territory Scrutiny Committees in Sydney on 10 March 1998 to discuss a motion passed at the Sixth Australasian and Pacific Conference on Delegated Legislation and the Third Australasian and Pacific Conference on the Scrutiny of Bills in Adelaide in July 1997 on the issue of a joint appraisal of cost benefit and sunset provisions to scrutinise Acts and regulations. The meeting was addressed by Senator Bill O'Chee, Chairman of the Senate Standing Committee on Regulations and Ordinances on the issue of the scrutiny of national scheme legislation.

4.6.5 Seminar on the Role of Parliaments in Treaty Making

The Standing Committee attended a seminar conducted by the Commonwealth Parliament Joint Standing Committee on Treaties on the role of parliaments in treaty making held in Parliament House, Canberra on 24 and 25 June 1999. The Chairman of the Standing Committee participated as a panel member.

The aim of the seminar was to explore the role played by parliaments in treaty making, both in Australia and overseas, with a view to maximising the effectiveness of the process.

The seminar resolved to support the formation of an inter-parliamentary working group on treaties. The inter-parliamentary working group on treaties would -

- comprise members from all of the parliamentary committees represented at the seminar (and any other committees that may, over time, become interested in treaty matters);
- act as a forum for promoting public awareness of proposed treaty actions and encouraging wider parliamentary scrutiny of treaty making;
- meet every six months to review upcoming treaty actions in much the same way as Commonwealth and State officials meet as part of the Standing Committee on Treaties (SCOT) process;
- be supported by the secretariats of the respective committees on a rotational basis. The secretariats could be responsible for preparing and distributing agenda papers, including

lists of upcoming treaty actions and national interest analyses, and for preparing outcome reports for each participating committee.

As well as helping improve public awareness of treaty actions, the results of the meetings would inject a State perspective into the deliberations of the Joint Standing Committee on Treaties.

4.6.6 Seventh Australasian and Pacific Conference on Delegated Legislation and Fourth Australasian and Pacific Conference on the Scrutiny of Bills

The Standing Committee attended the Seventh Australasian and Pacific Conference on Delegated Legislation and Fourth Australasian and Pacific Conference on the Scrutiny of Bills Conference at Parliament House, Sydney on the 21st, 22nd and 23rd July 1999. The Standing Committee was substantially involved in the conference with the Chairman presenting two papers, the first on Competition Policy and the second on Uniform Legislation. Another member of the Standing Committee chaired one of the sessions at the conference.

4.7 Investigative Tours

The Standing Committee undertook a number of investigative tours during the reporting period which assisted the Committee in compiling a number of reports which have been tabled.

4.7.1 Investigative Tour to Brussels, Bonn, Toronto and Washington

The Standing Committee went on an investigative tour to Brussels, Bonn, Toronto and Washington from 5 to 21 July 1997. The Standing Committee met with members of Parliament as well as academics and specialists in the areas of uniform legislation and competition policy.

The Standing Committee was briefed by the officials of the European Commission including the head of the unit for relations with Australia. The discussions covered matters relating to the harmonisation of laws in Europe, mutual recognition and competition policy. The Committee also had discussion with members of the European and Belgium Parliaments.

In Bonn the Standing Committee was briefed by a leading academic on federalism as well as Members of the Federal State House, the Bundesrat and experts on competition policy and the unification of laws.

In Toronto the Standing Committee met with leading academics and experts on competition policy as well as officers from the Ministry of Intergovernmental Relations and of the Uniform Law Conference of Canada.

In Washington the Standing Committee discussed the harmonisation of laws with officers of the Academy for State and Local Government and from the Conference of State Legislatures. The Committee was briefed by the Federal Trade Commission and the Anti-trust Division of the Federal Justice Department on competition policy.

4.7.2 Investigative Tour of, Brisbane, Canberra, Melbourne and Wellington, New Zealand

The Standing Committee went on an investigative tour of Brisbane, Canberra, Melbourne and Wellington, New Zealand from 1 November 1998 to 10 November 1998.

In Brisbane the Standing Committee met with members of the Legal, Constitutional and Administrative Review Committee and the Scrutiny of Legislation Committee to discuss issues of common interest including matters of uniform legislation scrutiny and proposed legislative issues.

In Canberra the Committee meet with the Senate Standing Committee on Regulations and Ordinances and the Scrutiny of Bills Committee to discuss matters relating to the scrutiny of national scheme legislation. The Standing Committee also meet with the Select Committee on the Socio-Economic Consequences of the National Competition Policy to discuss issues of mutual interest concerning this committee's investigation into the effects of competition policy. The Committee also met with the Australian Competition and Consumer Commission (ACCC) and the Productivity Commission concerning aspects of competition law and aspects of microeconomic reform including the economic and social impacts of competition policy and related infrastructure reform on rural and regional Australia.

The Standing Committee also met with the Standing Committee on Justice and Community Safety of the Australian Capital Territory Assembly to discuss the scrutiny of uniform legislation.

In Melbourne the Standing Committee met with senior officers of the Department of Premier and Cabinet to discuss the restructuring of and reform of government services. The Committee also met with members of the Federal-State Relations Committee to discuss matters of mutual concern including issues of Federal State relations and treaties. The Standing Committee had discussions with members of the Law Reform Committee who have been considering national uniform privacy laws. The Standing Committee had deliberations with members of the Scrutiny of Acts and Regulation Committee who wished to discuss a proposal for a national parliamentary scrutiny committee for national scheme legislation.

In Wellington, New Zealand the Standing Committee had meetings with a number of leading academics from Victoria University Wellington. The Committee discussed issues relating to deregulation and the impact of an integrated market for essential services. The Standing Committee also had discussions with the Commerce Commission which is the equivalent of the ACCC in Australia as well as with senior officers of the Department of the Treasury and the Ministry of Commerce. The Standing Committee also met with members of the State Services Commission and well as the New Zealand Institute of Economic Research.

Chapter 5. Inquiries in Progress

5.1 Introduction

The Standing Committee is currently undertaking a number of preliminary investigations which may be progressed into Committee reports.

5.2 Human Reproductive Technology

The Select Committee on the *Human Reproductive Technology Act 1991* tabled its report on 22 April 1999. The Select Committee observed that many submissions called for uniform legislation nationwide. The Select Committee agreed with the concept of consistency across States and recommended that consistent uniform, national legislation be developed as a matter of priority.

The Select Committee recommended -

That consistent uniform and/or national legislation on human reproductive technology be developed as a matter of priority and that the Standing Committee on Uniform Legislation and Intergovernmental Agreements be required to address it.²

The Standing Committee received a request from the Select Committee to inquire into uniform legislation in this area.

5.3 Legislative Structures

The Committee is investigating different legislative structures which are available to promote uniformity in legislation. The Committee had considered such structures in its second report. However, since that time the Committee has considered other structures that have been available and will investigate other possible methods of achieving harmonisation of laws.

5.4 Register of Intergovernmental Agreements & Uniform Legislative Schemes

The Standing Committee is investigating updating information on proposed uniform legislation and intergovernmental agreements. It will liaise with all Ministers to investigate existing intergovernmental agreements and uniform legislative schemes and proposed uniform legislative schemes. In its third report the Standing Committee discussed the possibility of developing a register of uniform legislation and intergovernmental agreements.

²Recommendation 12c, Legislative Assembly, Western Australia, Select Committee on the *Human Reproductive Technology Act 1991*, Report 1999, State Law Publisher, Perth, p 163.

5.5 Treaties

The Federal-State Relations Committee of the Victorian Parliament tabled in the Victorian Parliament in October 1997 a report on International Treaty Making and the Role of the States in which it recommended that treaties and related information be tabled in State Parliaments. The Victorian Committee also recommended that a Parliamentary Committee with the responsibility for the investigation of treaty matters and for reporting to the Parliament on the impact on the State of treaties and proposed treaties, should be established in all State Parliaments.

This Standing Committee has been involved in consultations with other State Committees and the Commonwealth Joint Standing Committee on Treaties which supported the formation of an inter-parliamentary working group on treaties.

The Standing Committee will investigate federalism and the role of the State Parliaments in treaty making.

5.6 Organ Transplants

The Standing Committee has been asked to investigate uniform legislation on donor and organ transplants. The Committee is investigating the concept of consistency across States and the initiatives taking place in other jurisdictions.

Chapter 6. Major Issues for the Committee

6.1 Introduction

There has been a number of major issues which have involved the Standing Committee during this reporting period. The most prominent issues have been the Commission on Government Report and the Standing Orders and Procedures Committee Report which are discussed below.

6.2 Commission on Government Report

The Government established the Commission on Government in 1994. The Commission released a number of reports during its inquiry. The Commission made a number of recommendations in Report No. 2 in December 1995 concerning parliamentary committees.

The Commission recommended the restructuring of parliamentary committees and the setting up of a comprehensive standing committee system. In relation to the Standing Committee on Uniform Legislation and Intergovernmental Agreements, the Commission on Government acknowledged that the Standing Committee had -

gained considerable status and recognition for its work.³

The Commission recommended that the Standing Committee on Uniform Legislation and Intergovernmental Agreements should be abolished and its functions incorporated into a proposed new committee in the Legislative Council called the Standing Committee on Constitutional and Federal/State Affairs. This new Committee would be responsible for scrutinising uniform legislation and intergovernmental agreements as well as considering legislation with constitutional implications. The Commission on Government recommended -

Recommendation 110 - 4. The Standing Committee on Uniform Legislation and Intergovernmental Agreements should be abolished and its functions transferred (10.3.2.5).

and

Recommendation 119 - 4. The current Legislative Assembly Standing Committee on Uniform Legislation and Intergovernmental Agreements should be abolished. In its place, the proposed Standing Committee on Constitutional and Federal State Affairs in the Legislative Council should be responsible for scrutinising uniform legislation and intergovernmental agreements. Its brief should also include considering legislation with constitutional implications. (10.3.2.5).⁴

³Commission on Government Report No 2, Part 2, December 1995, p 252.

⁴Recommendation 10.3.2.5 in Commission on Government Report No 2, Part 2, December 1995, p 253.

6.3 Standing Orders and Procedure Committee Report

On 27 February 1998 the Standing Orders and Procedure Committee of the Legislative Assembly⁵ sought the views of the Standing Committee on Uniform Legislation and Intergovernmental Agreements (SCULIA) on Commission on Government (COG) recommendations. The Committee responded on 17 March 1998.

The Standing Orders and Procedure Committee tabled its report on the Commission on Government recommendations on 18 June 1998.

The Standing Orders and Procedure Committee did not accept that the Standing Committee on Uniform Legislation and Intergovernmental Agreements should be abolished and in its place there should be established a Standing Committee on Constitutional and Federal State Affairs in the Legislative Council responsible for scrutinising uniform legislation and intergovernmental agreements as well as considering legislation with constitutional implications. It found instead in favour of the approach adopted by the Select Committee on Procedure in its Final Report in Recommendation 18 for the amalgamation of the Standing Committee on Uniform Legislation and Intergovernmental Agreements with the Joint Standing Committee on Delegated Legislation.⁶

The Standing Orders and Procedure Committee held that the functions of the Uniform Legislation and Intergovernmental Agreements Committee and the Joint Standing Committee on Delegated Legislation ought to be merged with the retention of existing levels of research and advice to the two committees to enable the newly formed committee to undertake the work. Neither of these two committees are in favour of the merger.

⁵Western Australia, Legislative Assembly, Report of the Standing Orders and Procedure Committee on Commission on Government Recommendations, June 1998.

⁶Western Australia, Legislative Assembly, Select Committee on Procedure, Final Report, June 1996, p 44.

Chapter 7. Proposed Uniform Legislation

7.1 Introduction

The Standing Committee has identified certain areas in which the issue of proposed uniform legislation has been raised. A number of these topics are briefly outlined below.

7.2 Children in the Legal Process

The report of the Australian Law Reform Commission on Children in the Legal Process made recommendations in relation to a number of issues involving children in the legal process. This included advocacy, administrative decisions, legal representation, children's evidence, jurisdictional arrangements in family law and care and protection, children's involvement in family law proceedings, children's involvement in criminal justice processes, sentencing and detention. The report called for -

- the implementation of national standards in areas of law;
- co-ordination of children's policies and initiatives at State and Territory level; and
- through the Standing Committee of Attorney's General (SCAG) the encouragement of States and Territories to enact similar legislation.

7.3 Proceeds of Crime Legislation

Model legislation was prepared in 1985 aimed at producing relatively uniform or consistent legislation dealing with the proceeds of crime throughout Australia. Due to delays and local considerations, each jurisdiction introduced its own version, although the basic scheme adopted by SCAG was adhered to in all jurisdictions at first.

The initial legislation giving effect to the SCAG scheme was enacted by all Australian jurisdictions between 1985 and 1993. However, over time amendments in some jurisdiction has resulted in legislative differences in many jurisdictions.

International developments in dealing with the drug trade and associated activities has lead to the United Nations Convention Against Illicit Traffic in Narcotic Drugs. The Convention was ratified in November 1992 and came into effect for Australia in February 1993. Australia also participated in the development of the Council of Europe Convention on Laundering, Search, Seizure and Confiscation of the Proceeds from Crime. This Convention came into force for Australia on 1 November 1997.

The effect of Australia becoming a party to the conventions is that the enactment of proceeds of crime laws in all Australian jurisdictions must accord with Australia's international legal obligations.

7.4 Legal Risk in International Transactions

A number of issues have been raised in relation to international transactions including -

- ***Electronic commerce*** - a need to investigate the legal implications of electronic commerce including a review of federal laws and uniformity of State and Territory laws and relevant international legal and non-legal options;
- ***Electronic banking*** - for evidence purposes it is necessary to give express recognition in national legislation to the efficacy of electronic records; and
- ***Confidentiality and privacy*** - calls for the extension of privacy legislation in Australia.

7.5 National De Facto Laws

The Law Council of Australia has made a submission to the Standing Committee of Attorneys General (SCAG) calling for national laws covering de facto relationships. The Law Council recommended that model legislation be enacted by each State and Territory government, to enable those governments to adopt a legislatively uniform approach which would also allow for some differences in critically important areas.

7.6 Law of Succession - The Law of Wills

Although the succession laws were uniform in the Australian colonies during the nineteenth century, they diverged during the twentieth century when the colonies began to enact their own legislation. Those divergencies became so marked, that as a result, there are no two States or Territories in Australia where the succession laws are the same.

The Standing Committee of Attorneys General (SCAG) in 1991 initiated a project to develop uniform succession laws for Australia. Co-ordination of the project was given the Queensland Law Reform Commission. Each State and Territory as well as the Commonwealth, was represented on the Committee overseeing the project and the New Zealand Law Commission was also represented on the National Committee. The Commission's Report is an endorsement of the Report prepared by the National Committee for Uniform Succession Laws which was submitted to SCAG in December 1997. The law of succession in Western Australia includes the *Wills Act 1970*, the *Administration Act 1903* and the *Inheritance (Family Dependents' Provision) Act 1972*.

7.7 National Criminal Code

The aim is to have a national criminal code by the year 2001. The Standing Committee of Attorneys General has embarked on the preparation of a Model Criminal Code to develop uniform laws throughout Australia. A number of the chapters of the code have been released as discussion papers. However, some of the proposals have been controversial and have not been widely supported.

7.8 Property Law

A national approach to property law was proposed by the Law Council of Australia. Uniformity in land titles and revenue offices of the States and Territories is proposed to meet the expansion of trade and commerce, foreign investment, trade globalisation and communications revolution and to deal with the costs and difficulty of transactions in one jurisdiction compared to another.

7.9 Legal Profession

The Law Council of Australia is pushing to break down State barriers and achieve a national legal profession as a forerunner to uniform laws and a less complex legal system. The move towards a national legal profession would boost opportunities for Australian lawyers to work in the lucrative overseas markets. A national approach to the operation and regulation of the Australian legal profession would enhance competition within the profession. These reforms are part of national competition reforms. The proposals for national reforms are subject to consideration by the Standing Committee of Attorneys General and the National Competition Council.

The system of regulation of the legal profession should be implemented by uniform State and Territory legislation. A uniform code is being drafted which will be adopted by professional bodies in each State and Territory.

7.10 Occupational Health and Safety

In 1991, a Premiers' Conference agreed to set up a Special Task Force to establish a framework of national uniformity for occupational health and safety.

The Australian Chamber of Commerce and Industry is committed to achieving national consistency in Occupational Health & Safety regulations. National consistent regulation saves dollars for businesses by requiring compliance with only one regulatory regime wherever a business operates around Australia. At present many enterprises are forced to comply with various State regulations which impose different obligations on industry in each State. This increases costs and reduces productivity.

The National Occupational Health and Safety Commission is comprised of representative from Federal, State and Territory Governments, as well as business and the unions and has been actively working towards national standards.

7.11 Uniform Defamation Law

The issue of uniform defamation laws has been on the agenda of SCAG and other review bodies for some time. A number of States have provided drafts of rewritten statutes. However, progress has not been made.

7.12 Privacy Laws

Currently there is no general privacy legislation in Australia that regulates the handling of personal information in the private sector. Advances in technology have brought privacy issues to the fore. There have been a number of reviews and parliamentary committee reports calling for the introduction of uniform privacy laws. The issue of privacy laws has a number of aspects -

Firstly, legislation to underpin the E-commerce revolution; and

Secondly, for any privacy legislation to apply to private service-providers contracted by government departments and agencies to perform services which would otherwise be performed by those departments and agencies.

The Commonwealth Government has moved to amend the federal *Privacy Act 1988* to protect privacy in the private sector. This move to a national approach was a result of consultations with the States and Territories and concerns about the possibility of the development of a patchwork of different privacy regimes across Australia with added costs to business. The decision was also influenced by an October 1998 Directive of the European Union restricting the transfer of personal information from member countries to other countries unless adequate privacy safeguards are in place. The privacy legislation will establish a national scheme for the private sector.

The privacy legislation will apply broadly across the private sector to bodies corporate or unincorporated and to individuals, such as sole traders or consultants operating in their business capacity and to government business enterprises.

The legislation will not apply to State or Territory public sector agencies including local government bodies.

Chapter 8. Financial Statement

1997/1998 Financial Year

Statement of actual costs of the operation of the Standing Committee in accordance with Legislative Assembly Standing Order 276.

Travel Expenses

Adelaide, South Australia (16 July to 18 July 1997)

Airfares	Member	\$1 400.00	
Allowances	Member	\$1 100.00	
Incidental Expenses		<u>\$100.00</u>	\$2 600.00

Sydney, New South Wales (7 October to 10 October 1997)

Airfares	Members	\$3 200.00	
	Staff	\$1 600.00	
Allowances	Members	\$2 100.00	
	Staff	\$1 000.00	
Incidental Expenses		<u>\$200.00</u>	\$8 100.00

Sydney, New South Wales (9 March to 11 March 1998)

Airfares	Members	\$3 400.00	
	Staff	\$1 700.00	
Allowances	Members	\$2 200.00	
	Staff	\$1 100.00	
Incidental Expenses		<u>\$300.00</u>	\$8 700.00

General Expenses

Meals	\$200.00	
Conference Fees	\$3 400.00	
Postage and Couriers	\$100.00	
Protocol	\$600.00	
Printing (General and Commercial)	\$1 500.00	
Salaries	\$92 100.00	
Stationery/Photocopying	\$500.00	
Miscellaneous	<u>\$100.00</u>	\$98 500.00

GRAND TOTAL

\$117 900.00

1998/1999 Financial Year

Statement of actual costs of the operation of the Standing Committee in accordance with Legislative Assembly Standing Order 276.

Travel Expenses

Brisbane, Canberra, Melbourne and Wellington, New Zealand (1 November to 10 November 1998)

Airfares*	Members	\$9 000.00	
	Staff	\$6 000.00	
Allowances	Members	\$6 500.00	
	Staff	<u>\$5 800.00</u>	\$27 300.00

*Sydney, New South Wales (20 July to 27 July 1999)**

Airfares	Members	\$11 200.00	
	Staff	<u>\$3 200.00</u>	\$14 400.00

General Expenses

Conference Fees	\$100.00	
Postage and Couriers	\$600.00	
Printing (General and Commercial)	\$1 700.00	
Protocol	\$900.00	
Salaries	\$93 000.00	
Taxis	<u>\$500.00</u>	\$96 800.00

GRAND TOTAL **\$138 500.00**

* The airfare component for the Standing Committee to attend the Seventh Australasian and Pacific Conference on Delegated Legislation and Fourth Australasian and Pacific Conference on the Scrutiny of Bills held in Sydney, New South Wales from 20 July to 27 July 1999 was paid out of the Standing Committee's budget for the 1998/99 financial year.

1 July 1999 to 31 December 1999 (Estimate)

Statement of actual costs of the operation of the Standing Committee in accordance with Legislative Assembly Standing Order 276.

Travel Expenses

*Sydney, New South Wales (20 July to 27 July 1999)**

Allowances	Members	\$7 400.00	
	Staff	<u>\$5 000.00</u>	\$12 400.00

General Expenses

Conference Fees	\$600.00	
Postage and Couriers	\$500.00 [#]	
Printing (General and Commercial)	\$3 000.00 [#]	
Protocol	\$100.00	
Salaries	\$45 000.00 [#]	
Taxis	<u>\$100.00</u>	\$49 300.00

GRAND TOTAL **\$61 700.00**

* The airfare component for the Standing Committee to attend the Seventh Australasian and Pacific Conference on Delegated Legislation and Fourth Australasian and Pacific Conference on the Scrutiny of Bills held in Sydney, New South Wales from 20 July to 27 July 1999 was paid out of the Standing Committee's budget for the 1998/99 financial year.

Estimated expenditure to 31 December 1999.

APPENDIX ONE

Glossary

Throughout this report the following terminology has been used:

“Select Committee”	means the Western Australian Select Committee on Parliamentary Procedures for Uniform Legislation Agreements established by the Legislative Assembly of the Western Australian Parliament on the 4 June 1992.
“Standing Committee”	means the Standing Committee on Uniform Legislation and Intergovernmental Agreements established by the Legislative Assembly of the Western Australian Parliament on 4 August 1993 and re-established on 18 March 1997.

Abbreviations

“ACCC”	Australian Competition and Consumer Commission.
“AG”	Attorney General.
“COAG”	Council of Australian Governments.
“COG”	Commission on Government.
“JSCOT”	Joint Standing Committee on Treaties.
“NZ”	New Zealand.
“SCAG”	Standing Committee of Attorneys General.
“SCOT”	Standing Committee on Treaties, meeting of Senior officials representing States and Territories and the Commonwealth. It acts as a secretariat to the Treaties Council.
“SCULIA”	Standing Committee on Uniform Legislation and Intergovernmental Agreements.

APPENDIX TWO

List of Overseas Meetings Held by the Standing Committee

Date	Contact	Organisation	Place
7/7/1997	<i>Colin Milner</i>	First Secretary, Australian Embassy and Mission to the European Union.	Brussels - Belgium
7/7/1997	<i>Jose Borrell</i>	Head Unit for Relations with Australia, DGI, European Commission.	Brussels - Belgium
7/7/1997	<i>Peter Meyer</i>	Foreign Policy Advisor, Central Policy and Planning, External Political Relations DGIA, European Commission.	Brussels - Belgium
7/7/1997	<i>Matthew King</i>	Administrator, Internal Market, Insurance and Pension Funds and External Aspects of Financial Services, DGXV, European Commission.	Brussels - Belgium
7/7/1997	<i>Helmult Schroter</i>	Head of Unit, Legal and Procedural Problems, General Competition Policy and Coordination, DGIV, European Commission.	Brussels - Belgium
7/7/1997	<i>Elisabetta Manunea</i>	Unit for Legal and Procedural Problems, General Competition Policy and Coordination, DGIV, European Commission.	Brussels - Belgium
7/7/1997	<i>Caroline Walcot</i>	Deputy Secretary General, European Round Table.	Brussels - Belgium
7/7/1997	<i>Lothar Kuhl</i>	Administrator, Secretariat General, Financial Crime - Antifraud (UCLAF), European Commission.	Brussels - Belgium
7/7/1997	<i>Senator, the Hon. Margaret Reid</i>	President of the Senate - Australian Senate.	Brussels - Belgium

Date	Contact	Organisation	Place
8/7/1997	<i>Senator Michel Foret</i>	Leader of the Liberal Party in the Belgium Senate and Member of the Parliament Régional Walloon and the Conseil de la Communité Francaise.	Brussels - Belgium
8/7/1997	<i>Annemie Neyts - Uytbroeck, MEP</i>	Member of the European Parliament's Institutional Affairs Committee and Rapporteur for the Committee Report on Relations between the European Parliament and National Parliaments.	Brussels - Belgium
8/7/1997	<i>Antonio Sacchetti</i>	Director, Legal Service, General Secretariat of the Council of the European Union.	Brussels - Belgium
8/7/1997	<i>Roelof Plijter</i>	Deputy Head of Unit, Directorate General I, External Relations, Commercial Policy, Relation with North America, the Far East, Australia and New Zealand, European Commission.	Brussels - Belgium
8/7/1997	<i>Don Kenyon</i>	Ambassador, Australian Embassy and Mission to the European Union.	Brussels - Belgium
8/7/1997	<i>Pamela Brumter</i>	Deputy Head of Unit, Directorate General III, Industry, European Commission.	Brussels - Belgium
8/7/1997	<i>Jane Drake-Brockman</i>	Minister, Australian Embassy and Mission to the European Union.	Brussels - Belgium
8/7/1997	<i>Justine McPhillips</i>	Counsellor, Australian Embassy and Mission to the European Union.	Brussels - Belgium
8/7/1997		Belgium Parliament.	Brussels - Belgium
9/7/1997	<i>Dr Uwe Leonardy</i>	Ministerial Counsellor, Lower Saxony State Office.	Bonn - Germany

Date	Contact	Organisation	Place
10/7/1997	<i>Gustav Wabro</i>	State Secretary from the State of Baden-Wurttemberg - Bundesrat.	Bonn - Germany
10/7/1997	<i>Mrs Krause-Sigle</i>	Head of Competition Policy Sub-division, Federal Ministry of Economics.	Bonn - Germany
10/7/1997	<i>Michael Baron</i>	Head of Division on Competition Policy, Federal Ministry of Economics.	Bonn - Germany
10/7/1997	<i>Manfried Steffen</i>	Senior Expert, Asia-Pacific Region, Federal Ministry of Economics.	Bonn - Germany
10/7/1997	<i>Wendy Marth</i>	Projects Officer, Australian Embassy.	Bonn - Germany
10/7/1997	<i>Dr Horst Risse</i>	Head of Bundesrat, Speaker's Office.	Bonn - Germany
11/7/1997		Bundesrat, Upper States House.	Bonn - Germany
14/7/1997	<i>Professor Fred Lazar</i>	Professor of Economics, Faculty of Arts, York University School of Business.	Toronto - Canada
14/7 19/97	<i>Daniel Schwanen</i>	Senior Policy Analyst, C D Howe Institute.	Toronto - Canada
14/7/1997	<i>Sean R Peterson</i>	Policy Analyst, Canadian Chamber of Commerce.	Toronto - Canada
14/7/1997	<i>Peter Kane</i>	Consul-General and Senior Trade Commissioner, Australian Consulate and Trade Commission.	Toronto - Canada
14/7/1997	<i>Marie Ross</i>	Personal Assistant to the Consul General, Australian Consulate and Trade Commission.	Toronto - Canada

Date	Contact	Organisation	Place
15/7/1997	<i>Professor David Cameron</i>	Department of Political Science, University of Toronto.	Toronto - Canada
15/7/1997	<i>William Forward</i>	Assistant Deputy Minister, Office of Constitutional Affairs and Federal-Provincial Relations, Ministry of Intergovernmental Affairs.	Toronto - Canada
15/7/1997	<i>Craig McFayden</i>	Director, Office of Constitutional Affairs and Federal-Provincial Relations, Ministry of Intergovernmental Relations.	Toronto - Canada
15/7/1997	<i>Mark Polley</i>	Executive Assistant to the Assistant Deputy Minister, Ministry of Intergovernmental Relations.	Toronto - Canada
15/7/1997	<i>John D Gregory</i>	General Counsel, Cabinet Office, Immediate Past President of the Uniform Law Conference of Canada.	Toronto - Canada
17/7/1997	<i>Dawn Hatzler</i>	Co-ordinator, Academy for State and Local Government.	Washington DC - USA
17/7/1997	<i>Charles Stark</i>	Section Chief, Foreign Commerce Section, Anti-trust Division, US Department of Justice.	Washington DC - USA
17/7/1997	<i>Ed Hand</i>	Assistant Section Chief, Foreign Commerce Section, Anti-trust Division, US Department of Justice.	Washington DC - USA
17/7/1997	<i>Milton Marquis</i>	Senior Counsel to the Assistant Attorney General, Anti-trust Division, US Department of Justice.	Washington DC - USA
17/7/1997	<i>Gregory J Werden</i>	Director of Research, Chief Appellate Liaison Unit, Economic Analysis Group, Anti-trust Division, US Department of Justice.	Washington DC - USA

Date	Contact	Organisation	Place
18/7/1997	<i>Jacques Feullian</i>	Asia - Pacific Regional Counsel, International Division, Bureau of Competition, Federal Trade Commission.	Washington DC - USA
18/7/1997	<i>Michael O Wise</i>	Advocacy Co-ordinator, Bureau of Economics, Federal Trade Commission.	Washington DC - USA
18/7/1997	<i>Mary Michaels</i>	Assistant Advocacy Co-ordinator, Bureau of Economics, Federal Trade Commission.	Washington DC - USA
21/7/1997	<i>Kathy Brennan-Wiggins</i>	Director, International Programs, National Conference of State Legislatures.	Washington DC - USA
21/7/1997	<i>Bill Waren</i>	Convenor of the Trade and Agriculture Committees - Product Liability Laws, National Conference of State Legislatures.	Washington DC - USA
21/7/1997	<i>David C Naftzger</i>	Staff Assistant, International Programs, National Conference of State Legislatures.	Washington DC - USA
21/7/1997	<i>Charles R Thomson</i>	Special Agent in Charge, Bureau of Alcohol, Tobacco and Firearms, Department of the Treasury.	Washington DC - USA
21/7/1997	<i>James O Pasco Jnr</i>	Assistant Director/Congressional and Media Affairs, Bureau of Alcohol, Tobacco and Firearms, Department of the Treasury.	Washington DC - USA
21/7/1997	<i>Andrew Peacock</i>	Australian Ambassador to the USA.	Washington DC - USA
21/7/1997	<i>Glenys Maguire</i>	Secretary to the Australian Ambassador.	Washington DC - USA

Date	Contact	Organisation	Place
9/11/1998	<i>Professor Lewis Evans</i>	New Zealand Institute for the Study of Competition and Regulation Inc. Victoria University.	Wellington - New Zealand
9/11/1998	<i>Mark Steel</i>	Director, Competition and Enterprise Branch, Ministry of Commerce.	Wellington - New Zealand
9/11/1998	<i>Peter Mumford</i>	Manager, Competition and Enterprise Branch, Ministry of Commerce.	Wellington - New Zealand
9/11/1998	<i>Margaret Meskill</i>	Advisor, Competition and Enterprise Branch, Ministry of Commerce.	Wellington - New Zealand
9/11/1998	<i>Geoff Miller</i>	Australian High Commissioner.	Wellington - New Zealand
9/11/1998	<i>Bill Bowen</i>	Economic Counsellor, Australian High Commission.	Wellington - New Zealand
9/11/1998	<i>Ravi Kewalram</i>	Second Secretary, Australian High Commission.	Wellington - New Zealand
9/11/1998	<i>Clare Sullivan</i>	Clerk of Committee, Commerce Committee.	Wellington - New Zealand
9/11/1998	<i>Mike James</i>	Director, Assets & Liability Management Branch, The Treasury.	Wellington - New Zealand
9/11/1998	<i>Andrew Thompson</i>	Financial Analyst, Assets & Liability Management Branch, The Treasury.	Wellington - New Zealand
9/11/1998	<i>Justus Haucap</i>	Analyst, Assets & Liability Management Branch, The Treasury.	Wellington - New Zealand
9/11/1998	<i>Michael Brunton</i>	Analyst, Assets & Liability Management Branch, The Treasury.	Wellington - New Zealand
9/11/1998	<i>Alex Sundakov</i>	Director, New Zealand Institute of Economic Research.	Wellington - New Zealand

Date	Contact	Organisation	Place
9/11/1998	<i>Dr Stephen Gale</i>	Head of Managerial Economics Division, New Zealand Institute of Economic Research.	Wellington - New Zealand
9/11/1998	<i>Ross Tanner</i>	Deputy State Services Commissioner, State Services Commission.	Wellington - New Zealand
9/11/1998	<i>Tom Berthold</i>	Senior Advisor, State Services Commission.	Wellington - New Zealand
10/11/1998	<i>Peter Allport</i>	Chairman, Commerce Commission.	Wellington - New Zealand
10/11/1998	<i>John Feil</i>	General Manager, Commerce Commission.	Wellington - New Zealand
10/11/1998	<i>Geoff Thorn</i>	Manager, Commerce Act Division, Commerce Commission.	Wellington - New Zealand
10/11/1998	<i>Rachel Leany</i>	Manager, Fair Trading Act Division, Commerce Commission.	Wellington - New Zealand
10/11/1998	<i>Dr Geoff Bertram</i>	Senior Lecturer, Economics, Victoria University.	Wellington - New Zealand
10/11/1998	<i>Dr Russell Solomon</i>	Senior Lecturer, School of Political Science & International Relations, Victoria University.	Wellington - New Zealand
10/11/1998	<i>John Martin</i>	Senior Lecturer in Public Policy, School of Business & Public Management, Victoria University.	Wellington - New Zealand

APPENDIX THREE

List of Interstate Meetings Held by the Standing Committee

Date	Name	Organisation	Place
2/11/1998	<i>Linda Lavarch MLA</i>	Chair, Scrutiny of Legislation Committee.	Brisbane - Queensland
2/11/1998	<i>Chris Garvey</i>	Research Director, Scrutiny of Legislation Committee.	Brisbane - Queensland
2/11/1998	<i>Gary Fenlon MLA</i>	Chair, Legal, Constitutional & Administrative Review Committee.	Brisbane - Queensland
2/11/1998	<i>Judy Garmin MLA</i>	Deputy Chair, Legal, Constitutional & Administrative Review Committee.	Brisbane - Queensland
2/11/1998	<i>Denver Beanland MLA</i>	Member, Legal, Constitutional & Administrative Review Committee.	Brisbane - Queensland
2/11/1998	<i>Kerryn Newton</i>	Research Director, Legal, Constitutional & Administrative Review Committee.	Brisbane - Queensland
2/11/1998	<i>David Thannhauser</i>	Senior Research Officer, Legal, Constitutional & Administrative Review Committee.	Brisbane - Queensland
3/11/1998	<i>David Creed</i>	Secretary, Senate Standing Committee on Regulations & Ordinances.	Canberra - ACT
3/11/1998	<i>Prof Davies</i>	Legal Consultant, Senate Standing Committee on Regulations & Ordinances.	Canberra - ACT
3/11/1998	<i>Janice Paull</i>	Executive Assistant, Senate Standing Committee on Regulations & Ordinances.	Canberra - ACT
3/11/1998	<i>James Warmenhoven</i>	Secretary, Senate Scrutiny of Bills Committee.	Canberra - ACT

Date	Name	Organisation	Place
3/11/1998	<i>Dr Pippa Carron</i>	Secretary, Senate Select Committee on the Socio-Economic Consequences of the National Competition Policy.	Canberra - ACT
3/11/1998	<i>Robin Hardy</i>	Research Officer, Senate Select Committee on the Socio-Economic Consequences of the National Competition Policy.	Canberra - ACT
3/11/1998	<i>Herb Plunkett</i>	Assistant Commissioner, Productivity Commission.	Canberra - ACT
3/11/1998	<i>Paul Coghlan</i>	Assistant Commissioner, Office of Regulation Review, Productivity Commission.	Canberra - ACT
3/11/1998	<i>Mr Henderson</i>	Inquiry Director, Productivity Commission.	Canberra - ACT
4/11/1998	<i>Allan Asher</i>	Deputy Chairman, Australian Competition & Consumer Commission.	Canberra - ACT
4/11/1998	<i>Hank Spier</i>	General Manager, Australian Competition & Consumer Commission.	Canberra - ACT
4/11/1998	<i>Paul Osborne MLA</i>	Chair, Standing Committee on Justice & Community Safety (ACT Assembly).	Canberra - ACT
4/11/1998	<i>John Hargreaves MLA</i>	Deputy Chair, Standing Committee on Justice & Community Safety (ACT Assembly).	Canberra - ACT
4/11/1998	<i>Trevor Kaine MLA</i>	Member, Standing Committee on Justice & Community Safety (ACT Assembly).	Canberra - ACT
4/11/1998	<i>Harold Hird MLA</i>	Member, Standing Committee on Justice & Community Safety (ACT Assembly).	Canberra - ACT

Date	Name	Organisation	Place
4/11/1998	<i>Tom Duncan</i>	Secretary, Standing Committee on Justice & Community Safety (ACT Assembly).	Canberra - ACT
5/11/1998	<i>Jamie Carstairs</i>	First Assistant Secretary, Economic Development, Department of Premier & Cabinet.	Melbourne - Victoria
5/11/1998	<i>Greg McLeish</i>	Senior Adviser, Cabinet Office, Department of Premier & Cabinet.	Melbourne - Victoria
5/11/1998	<i>Victor Perton MP</i>	Chairman, Victorian Law Reform Committee.	Melbourne - Victoria
5/11/1998	<i>Douglas Trapnell</i>	Director of Research, Victorian Law Reform Committee.	Melbourne - Victoria
5/11/1998	<i>Hon Michael John MP</i>	Chairman, Federal-State Relations Committee.	Melbourne - Victoria
5/11/1998	<i>Hon Gerald Ashman MLC</i>	Member, Federal-State Relations Committee.	Melbourne - Victoria
5/11/1998	<i>Leonie Burke MP</i>	Member, Federal-State Relations Committee.	Melbourne - Victoria
5/11/1998	<i>Kenneth Jasper MP</i>	Member, Federal-State Relations Committee.	Melbourne - Victoria
5/11/1998	<i>Lilian Topic</i>	Executive Officer, Federal-State Relations Committee.	Melbourne - Victoria
5/11/1998	<i>Nicole Papal</i>	Office Manager, Federal-State Relations Committee.	Melbourne - Victoria
5/11/1998	<i>Patrick Emerton</i>	Research Officer, Federal-State Relations Committee.	Melbourne - Victoria
5/11/1998	<i>P Ryan MP</i>	Chair, Scrutiny of Acts & Regulations Committee.	Melbourne - Victoria

Date	Name	Organisation	Place
5/11/1998	<i>Murray Thompson MLA</i>	Deputy Chair, Scrutiny of Acts & Regulations Committee.	Melbourne - Victoria
5/11/1998	<i>Hon D Nardella</i>	Member, Scrutiny of Acts & Regulations Committee.	Melbourne - Victoria
5/11/1998	<i>A Plowman MP</i>	Member, Scrutiny of Acts & Regulations Committee.	Melbourne - Victoria
5/11/1998	<i>Andrew Homer</i>	Senior Legal Adviser, Scrutiny of Acts & Regulations Committee.	Melbourne - Victoria

APPENDIX FOUR

List of Briefings

Date	Contact	Organisation
16/6/1997	<i>Greg Culcutt,</i> Parliamentary Counsel	Ministry of Justice
16/6/1997	<i>Una Couper,</i> Parliamentary Counsel	Ministry of Justice
27/8/1997	<i>Andrea Michailides,</i> Project Officer	Premier & Cabinet
17/11/1997	<i>Janos Peter Tiborc,</i> Principal Policy Officer	Department of Transport
17/11/1997	<i>Klaus Peter Kolf,</i> Senior Manager	Office of Energy
17/11/1997	<i>Dr Leslie Arthur Farrant,</i> Co-ordinator	Energy WA
17/11/1997	<i>Mark Hands,</i> General Counsel	Western Power
17/11/1997	<i>Nenad Ninkov,</i> General Manager, Corporate Strategy	Western Power
17/11/1997	<i>Phillip John Harvey,</i> Chief Executive Officer	Alinta Gas
17/11/1997	<i>Darren John Grondal,</i> Legal Officer	Alinta Gas
29/4/1998	<i>Peter Richard,</i> Acting Commissioner for Corporate Affairs	Attorney General's Department
18/6/1998	<i>Michael Buckley,</i> Managing Director	Lawley Pharmaceuticals
27/6/1998	<i>Glenda Scott,</i> Regional Registrar	Child Support Agency

Date	Contact	Organisation
27/6/1998	<i>Ian Munns,</i> Deputy Registrar	Child Support Agency

APPENDIX FIVE

List of Submissions

Date	Contact	Organisation
30/9/1998	<i>Peter Robertson,</i> Convenor <i>Beth Schultz,</i> Vice-President	WA Forest Alliance Conservation Council of WA
15/10/1998	<i>D. Figliomeni,</i> General Manager	Bunbury Port Authority
20/10/1998	<i>S. Edwards</i>	
22/10/1998	<i>Peter V Jones,</i> Chairman	Water Corporation
30/10/1998	<i>Geoff Calder,</i> General Manager	South West Irrigation
2/11/1998	<i>Frank O'Connor,</i> General Manager	Capricorn Society Limited
5/11/1998	<i>Kevin McMenemy,</i> General President	Western Australian Farmers Federation (Inc.)
20/11/1998	<i>John L Langoulant,</i> Under Treasurer	WA Treasury
24/11/1998	<i>Albert Millard,</i> Divisional President WA	National Institute of Accountants
17/12/1998	<i>Peter V Jones,</i> Chairman	Water Corporation
21/1/1999	<i>Ross McLean,</i> Deputy Chief Executive, Director Policy & Parliamentary Liaison	Chamber of Commerce & Industry

APPENDIX SIX

List of Witnesses

Date	Contact	Organisation
17/12/1998	<i>John Martin,</i> Director	WA Municipal Association
17/12/1998	<i>Ian Stanley Mickel,</i> Shire President	Country Shire Council Association
17/12/1998	<i>Shaheen De Souza,</i> Principal Research Officer	WA Municipal Association
17/12/1998	<i>Paul Carter,</i> Economics Executive Officer	WA Farmers Federation (Inc.)
17/12/1998	<i>James William Ferguson,</i> Executive Director	WA Farmers Federation (Inc.)
17/12/1998	<i>Peter V Jones,</i> Chairman	Water Corporation
17/12/1998	<i>Frank D O'Connor,</i> General Manager	Capricorn Society Limited
17/12/1998	<i>Nicola Claire Cusworth,</i> Chief Economist	Chamber of Commerce and Industry
17/12/1998	<i>William Stephen Sashegyi,</i> Manager, Industry & Policy Services	Chamber of Commerce and Industry
17/12/1998	<i>Anne Nolan,</i> Assistant Under Treasurer	WA Treasury
17/12/1998	<i>David Anthony Morrison,</i> Economist	WA Treasury
17/12/1998	<i>Garry Wayne James,</i> Acting Commissioner	Westrail
17/12/1998	<i>John William Leaf,</i> Financial Controller	Westrail

Date	Contact	Organisation
18/12/1998	<i>Imre Mencshelyi,</i> Chief Executive Officer	Co-operative Bulk Handling
18/12/1998	<i>Robert Douglas Grant,</i> Manager, Corporate Affairs	Co-operative Bulk Handling
18/12/1998	<i>Kevin Swan,</i> Chief Executive Officer	Grain Pool of WA
18/12/1998	<i>Robert Ian Sewell,</i> Chairman	Grain Pool of WA
18/12/1998	<i>Lyn McKay,</i> Manager, Corporate Affairs	Grain Pool of WA
18/12/1998	<i>John Joseph Woolfe,</i> Manager Group Strategy Integration	Australian Wheat Board Ltd.
18/12/1998	<i>Gregory Lloyd Harvey,</i> Regional Manager	Australian Wheat Board Ltd.
18/12/1998	<i>Lindsay David H. Williams,</i> General Counsel	AlintaGas
18/12/1998	<i>Darren Grondal,</i> Co-ordinator Regulation & Legal Officer	AlintaGas
18/12/1998	<i>Ninad Ninkov,</i> General Manager, Corporate Strategy	Western Power Corporation
18/12/1998	<i>Peter Aaron Eddy,</i> Business Analyst	Western Power Corporation
18/12/1998	<i>Dr Les Arthur Farrant,</i> Co-ordinator of Energy WA	Office of Energy
18/12/1998	<i>Derek Perez,</i> Principal Economist	Office of Water Regulation
18/12/1998	<i>Michael Andrew Harold,</i> Principal Industry Adviser	Office of Water Regulation

APPENDIX SEVEN

List of Delegation Members

Date	Contact	Organisation/Place
8/12/1998	<i>Heide Doerrhoefer-Tucholski,</i> State Secretary for Federal and European Affairs	Federal Republic of Germany
8/12/1998	<i>Norbert Schueren,</i> State Secretary	Federal Republic of Germany
8/12/1998	<i>Dr Karl-Heinz Klaer,</i> State Secretary	Federal Republic of Germany
8/12/1998	<i>Werner Ballhausen,</i> State Secretary	Federal Republic of Germany
8/12/1998	<i>Erik Bettermann,</i> State Councillor	Federal Republic of Germany
8/12/1998	<i>Ute Mueller,</i> Head of Presidial Office	Federal Republic of Germany
8/12/1998	<i>Dr Christian Daestner,</i> Deputy Director of the Bundesrat	Federal Republic of Germany
8/12/1998	<i>Max Doerfler,</i> Official Interpreter	Federal Republic of Germany
8/12/1998	<i>Hon Bill Hassell,</i> Agent General	London, UK
17/5/1999	<i>Senator J. Quirke,</i> Chairman	Senate Select Committee on the Socio-Economic Consequences of the National Competition Policy
17/5/1999	<i>Senator R. Lightfoot,</i> Deputy Chairman	Senate Select Committee on the Socio-Economic Consequences of the National Competition Policy
17/5/1999	<i>Senator H. Coonan,</i> Member	Senate Select Committee on the Socio-Economic Consequences of the National Competition Policy

Date	Contact	Organisation/Place
17/5/1999	<i>Senator J. McGauran,</i> Member	Senate Select Committee on the Socio-Economic Consequences of the National Competition Policy
17/5/1999	<i>Senator D. Margetts,</i> Member	Senate Select Committee on the Socio-Economic Consequences of the National Competition Policy
17/5/1999	<i>Senator J. Mackay,</i> Member	Senate Select Committee on the Socio-Economic Consequences of the National Competition Policy
17/5/1999	<i>Robyn Hardy,</i> Principal Research Officer	Senate Select Committee on the Socio-Economic Consequences of the National Competition Policy
17/5/1999	<i>Peter Hallahan,</i> Secretary	Senate Select Committee on the Socio-Economic Consequences of the National Competition Policy

APPENDIX EIGHT

Intergovernment Agreements and Legislation

Intergovernmental Agreements

Australian Financial System Reform Agreement (1998)

Agreement to Implement National Competition Policy and Related Reforms (April 1995)

Competition Principles Agreement (April 1995)

Conduct Code Agreement (April 1995)

Co-operatives Laws Agreement (1997)

Heavy Vehicles Agreement (July 1991)

Light Vehicles Agreement (May 1992)

Natural Gas Pipelines Access Agreement (November 1997)

Legislation

Acts Amendment and Repeal (Financial Sector Reform) Bill 1999 (Western Australia)

Australian Financial Institutions Commission Act 1992

Australian Prudential Regulations Authority Act 1998

Bank Mergers Bill 1997 (Western Australia)

Competition Policy Reform Act 1995 (Commonwealth)

Competition Policy Reform Act 1995 (Western Australia)

Co-operatives Act 1996 (Victoria)

Co-operatives Bill 1997 (Queensland)

Corporations Law

Electricity Corporations Act 1994 (Western Australia)

Legislation

Evidence Act 1906 (Western Australia)

Evidence Act 1995 (Commonwealth)

Evidence Act 1995 (New South Wales)

Freedom of Information Act 1992 (Western Australia)

Friendly Societies (Victoria) Act 1996

Friendly Societies (Western Australia) Act 1998

Financial Institutions (Western Australia) Act 1992

Financial Institutions (Taxing) Act 1992 (Western Australia)

Financial Institutions (Queensland) Act 1992

Financial Sector Reform (Amendments and Transitional Provisions) Act 1998 (Commonwealth).

Financial Sector Reform (Consequential Amendments) Act 1998 (Commonwealth)

Financial Sector (Transfers of Business) Bill 1999 (Commonwealth)

Financial Sector Reform (Amendments and Transitional Provisions) Bill (No. 1) 1999 (Commonwealth)

Gas Pipelines Access (Western Australia) Act 1998

Government Railways (Access) Act 1998

Interpretation Act 1984 (Western Australia)

National Road Transport Commission Act 1995 (Commonwealth)

Parliamentary Commissioner Act 1971 (Western Australia)

Petroleum Pipelines Act 1969 (Western Australia)

Port Authorities Bill 1998

Rail Freight Systems Bill 1999 (Western Australia)

Trade Practices Act 1974 (Commonwealth)

Water Corporations Act 1995

Water and Rivers Commission Act 1995

Water Services Co-ordination Act 1995

Western Australian Financial Institutions Authority Act 1992

Previously Identified Structures for Uniform Legislation

The Standing Committee has so far identified and classified nine legislative structures relevant to the issue of uniformity in legislation. A brief description of each is provided below.

- Structure 1:** *Complementary Commonwealth-State or Co-operative Legislation.* The Commonwealth passes legislation, and each State or Territory passes legislation which interlocks with it and which is restricted in its operation to matters not falling within the Commonwealth's Constitutional powers.
- Structure 2:** *Complementary or Mirror Legislation.* For matters which involve dual, overlapping, or uncertain division of constitutional powers, essentially identical legislation is passed in each jurisdiction.
- Structure 3:** *Template, Co-operative, Applied or Adopted Complementary Legislation.* Here a jurisdiction enacts the main piece of legislation, with the other jurisdictions passing Acts which do not replicate, but merely adopt that Act and subsequent amendments as their own.
- Structure 4:** *Referral of Power.* The Commonwealth enacts national legislation following a referral of relevant State power to it under section 51(xxxvii) of the Australian Constitution.
- Structure 5:** *Alternative Consistent Legislation.* Host legislation in one jurisdiction is utilised by other jurisdictions which pass legislation stating that certain matters will be lawful in their own jurisdictions if they would be lawful in the host jurisdiction. The non-host jurisdictions cleanse their own statute books of provisions inconsistent with the pertinent host legislation.
- Structure 6:** *Mutual Recognition.* Recognises the rules and regulation of other jurisdictions. Mutual recognition of regulations enables goods or services to be traded across jurisdictions. For example, if goods or services to be traded comply with the legislation in their jurisdiction of origin they need not comply with inconsistent requirements otherwise operable in a second jurisdiction, into which they are imported or sold.
- Structure 7:** *Unilateralism.* Each jurisdiction goes its own way. In effect, this is the antithesis of uniformity.
- Structure 8:** *Non-Binding National Standards Model.* Each jurisdiction passes its own legislation but a national authority is appointed to make decisions under that legislation. Such decisions are, however, variable by the respective State or Territory Ministers.
- Structure 9:** *Adoptive Recognition.* A jurisdiction may choose to recognise the decision making process of another jurisdiction as meeting the requirements of its own legislation regardless of whether this recognition is mutual.

APPENDIX TEN

List of Committee Reports

Title	Tabling Date
<p><i>First Annual Report</i> 4/8/1993 to 31/12/1994</p> <p><i>Committee Report</i> 1/1/1995 to 31/5/1996</p> <p><i>Committee Report</i> 1/6/1996 to 31/10/1996</p>	<p>25/5/1995</p> <p>27/6/1996</p> <p>13/11/1996</p>
<p>No. 1 Establishment and Analysis</p> <p>Discusses the establishment of the Standing Committee and provides an analysis of the recommendations of the Select Committee</p>	<p>24/3/1994</p>
<p>No. 2 Structures</p> <p>Considers the different Structures available for uniformity in legislation</p>	<p>31/3/1994</p>
<p>No. 3 Register</p> <p>Discusses the proposal to establish a register of existing and proposed uniform legislation and intergovernmental agreements</p>	<p>7/4/1994</p>
<p>No. 4 Parliament and the Executive</p> <p>Considers the process of parliamentary scrutiny and the need to review of uniform legislation and intergovernmental agreements</p>	<p>16/6/1994</p>
<p>No. 5 Interim Report on Australia-wide Mutual Recognition</p> <p>Raises the issue of an Australia-wide Mutual Recognition Scheme</p>	<p>16/6/1994</p>
<p>No. 6 Mutual Recognition</p> <p>Considers the Mutual Recognition Scheme and its adoption in Western Australia</p>	<p>28/9/1994</p>
<p>No. 7 Committees</p> <p>Discusses the role of Parliamentary Committees in the scrutiny process</p>	<p>1/12/1994</p>

Title	Tabling Date
<p>No. 8 <i>Discussion Paper on the New Consumer Credit Code</i></p> <p>A preliminary report on various methods available for implementing the Australian Uniform Credit Laws Agreement 1993 in Western Australia</p>	23/12/1994
<p>No. 9 <i>Australian Uniform Credit Laws Agreement 1993</i></p> <p>Discusses the various methods available for Implementation of the Agreement in Western Australia</p>	11/4/1995
<p>No.10 <i>Discussion Paper - Scrutiny of National Scheme Legislation</i></p> <p>Paper by Scrutiny Committees of all Australian jurisdictions considering scrutiny of national scheme legislation and the desirability of uniform scrutiny principles</p>	31/8/1995
<p>No. 11 <i>Censorship Bill</i></p> <p>Consideration of the Western Australian Censorship Bill 1995</p>	28/11/1995
<p>No. 12 <i>Competition Policy</i></p> <p>Consideration of the Implementation of a National Competition Policy</p>	29/1/1996
<p>No. 13 <i>Position Paper Scrutiny of National Schemes of Legislation</i></p> <p>Paper by Scrutiny Committees of all Australian jurisdictions on the scrutiny of national schemes of legislation</p>	17/10/1996
<p>No. 14 <i>Guardianship Laws</i></p> <p>Considers guardianship laws and the recognition of interstate orders</p>	24/10/1996

Title	Tabling Date
<p>No. 15 <i>National Environment Protection</i></p> <p>Reviews the National Environment Protection Council (WA) Bill 1996</p>	24/10/1996
<p>No. 16 <i>Trustee Laws</i></p> <p>Reviews the Western Australian Trustees Act 1962</p>	31/10/96
<p>No. 17 <i>Response</i></p> <p>Committee's response to the Final Report of the Select Committee on Procedure</p>	31/10/1996
<p>No. 18 <i>Evidence Law</i></p> <p>Considers the adoption of uniform statutory provisions for evidence</p>	13/11/1996
<p>No. 19 <i>Ministerial Councils</i></p> <p>Provides an overview of the system of Ministerial Councils and the growth of intergovernmental relations</p>	12/6/1997
<p>No. 20 <i>Bank Mergers Bill 1997</i></p> <p>Considers the Bank Mergers Bill 1997 and provides alternative methods of adoption</p>	12/6/1997
<p>No. 21 <i>Uniform Legislation</i></p> <p>Considers the trends and mechanisms used in federations to deal with demands for the harmonisation of laws</p>	9/4/1998
<p>No. 22 <i>Co-operatives Law</i></p> <p>Considers uniform co-operatives legislation</p>	21/5/1998

Title	Tabling Date
<p><i>No. 23 Financial System Reform</i></p> <p>Considers financial system reform and the Intergovernmental Agreement on the transfer of regulatory responsibility for credit unions, building societies and friendly societies from the States and Territories to the Commonwealth</p>	13/5/1999
<p><i>No. 24 Competition Policy and Reforms in the Public Utility Sector</i></p> <p>Considers the impact of National Competition Policy and related reforms on services provided by the public sector</p>	1/7/1999

APPENDIX ELEVEN

Conference Papers

Title	Presentation
<i>Competition Policy Paper</i>	Delivered by the Chairman to the Seventh Australasian & Pacific Conference on Delegated Legislation and Fourth Australasian & Pacific Conference on the Scrutiny of Bills held at Parliament House, Sydney, New South Wales on 21, 22 and 23 July 1999.
<i>Uniform Legislation Policy Paper</i>	Presented at the Seventh Australasian & Pacific Conference on Delegated Legislation and Fourth Australasian & Pacific Conference on the Scrutiny of Bills held at Parliament House, Sydney, New South Wales on 21, 22 and 23 July 1999.
<i>Parliamentary Scrutiny of Treaties Paper</i>	Addressed by the Chairman at the Seminar on the Role of Parliaments in Treaty Making held at Parliament House, Canberra on 24 and 25 June 1999.

APPENDIX TWELVE

Briefing and Other Papers

Briefing Papers	
Briefing Paper No. 1	<i>Uniform Legislation</i>
Briefing Paper No. 2	<i>Competition Policy</i>
Briefing Paper No. 3	<i>Canada</i>
Briefing Paper No. 4	<i>United States of America</i>
Briefing Paper No. 5	<i>Germany</i>
Briefing Paper No. 6	<i>European Commission</i>
Briefing Paper No. 7	<i>Competition Policy Developments in Europe and the United States of America</i>

Other Papers
<i>Report to the Chairman of the Joint Standing Committee on Delegated Legislation on the Meeting of Chairs and Deputy Chairs of Scrutiny Committees</i>

Bibliography

Commission on Government , Western Australia, Report No 2, Part 2, December 1995.

Legislative Assembly, Western Australia, Select Committee on the Human Reproductive Technology Act 1991, Report 1999, State Law Publisher, Perth.

Legislative Assembly, Western Australia, Select Committee on Parliamentary Procedures for Uniform Legislation Agreements, Report 1992, State Law Publisher, Perth.

Legislative Assembly, Western Australia, Standing Orders and Procedure Committee on Commission on Government Recommendations, June 1998, State Law Publisher, Perth.

Legislative Assembly, Western Australia, Select Committee on Procedure, Final Report, June 1996, State Law Publisher, Perth.
