



**REPORT OF THE**

**STANDING COMMITTEE ON**

**CONSTITUTIONAL AFFAIRS**

**IN RELATION TO**

***THE NEW TAX SYSTEM PRICE EXPLOITATION***

***CODE (WESTERN AUSTRALIA) BILL 1999*** AND

***THE NEW TAX SYSTEM PRICE EXPLOITATION***

***CODE (TAXING) BILL 1999***

Presented by the Hon Murray Nixon JP MLC (Chairman)

Report 45

## STANDING COMMITTEE ON CONSTITUTIONAL AFFAIRS

### **Date first appointed:**

21 December 1989

### **Terms of Reference:**

1. The functions of the committee are to inquire into and report on:
  - (a) the constitutional law, customs and usages of Western Australia;
  - (b) the constitutional or legal relationships between Western Australia and the Commonwealth, the States and Territories,  
  
and any related matter or issue;
  - (c) a bill to which SO 230 (c) applies but subject to SO 230 (d);
  - (d) any petition.
  
2. A petition stands referred after presentation. The committee may refer a petition to another standing committee where the subject matter of the petition is within the terms of reference of that standing committee. A standing committee to which a petition is referred shall report to the House as it thinks fit.

### **Members as at the date of this report:**

Hon Murray Nixon JP MLC (Chairman)

Hon Ray Halligan MLC

Hon Tom Helm MLC (resigned from the Committee on November 9 1999)

Hon Kenneth Travers MLC<sup>1</sup> (appointed to the Committee on November 10 1999)

Hon Helen Hodgson MLC (participating member for this inquiry)

### **Staff as at the date of this report:**

Ms Felicity Beattie, Advisory/Research Officer

Mr David Driscoll, Committee Clerk

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<sup>1</sup> See Appendix 1.

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**Report of the Standing Committee on  
Constitutional Affairs**

**in relation to**

***The New Tax System Price Exploitation Code (Western Australia) Bill 1999 and the New  
Tax System Price Exploitation Code (Taxing) Bill 1999***

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**1 EXECUTIVE SUMMARY**

- 1.1 The purpose of the *New Tax System Price Exploitation Code (Western Australia) Bill 1999* (the Exploitation Code (WA) Bill) is to assist in the prevention of price exploitation under the Commonwealth Government's new tax system.
- 1.2 As part of its new tax system, the Commonwealth has introduced *A New Tax System (Trade Practices Amendment) Act 1999* (the Commonwealth Act), the purpose of which is to prevent suppliers from profiteering in the transition to the new tax system either by failing to pass on to consumers the benefits of lower taxes on goods and services or by unjustified price increases.
- 1.3 The Commonwealth Act inserted a new Part VB into the *Trade Practices Act 1974* (the Trade Practices Act). It also created a schedule version of Part VB which was modified to refer to "persons" rather than "corporations" for the purpose of extending its jurisdiction. The schedule version of Part VB, combined with the other relevant provisions of the Trade Practices Act, form the basis of the New Tax System Price Exploitation Code (the Price Exploitation Code).
- 1.4 While the Trade Practices Act will apply to activity within the Commonwealth's legislative power (for example to conduct by corporations, or interstate trade and commerce) certain activities such as transactions involving individuals or partnerships may fall outside the scope of the Trade Practices Act.
- 1.5 The Exploitation Code (WA) Bill is designed to overcome this limitation on the legislative power of the Commonwealth Parliament and to ensure that the Exploitation Code applies across the entire economy.
- 1.6 The purpose of the *New Tax System Price Exploitation Code (Taxing) Bill 1999* (the Exploitation Code (Taxing) Bill) is to support the Exploitation Code (WA) Bill. It is intended that the two Bills come into operation on the same day.

- 1.7 The Exploitation Code (Taxing) Bill provides the ability to impose fees on taxes in connection with the regulation of the Exploitation Code. These fees must be paid to the Commonwealth.
- 1.8 A separate Bill is required to deal with this matter due to the legal and constitutional issues which arise from the operation of section 46(7) of the *Constitutional Acts Amendment Act 1899*. This section provides that bills imposing taxation shall deal only with the imposition of taxation.

## 2 RECOMMENDATIONS

- 2.1 This report outlines selected clauses and parts of the *New Tax System Price Exploitation Code (Western Australia) Bill 1999* and the *New Tax System Price Exploitation Code (Taxing) Bill 1999* which require explanation.

**Recommendation 1: The Committee recommends that all clauses of the *New Tax System Price Exploitation Code (Western Australia) Bill 1999* be passed.**

**Recommendation 2: The Committee recommends that all clauses of the *New Tax System Price Exploitation Code (Taxing) Bill 1999* be passed.**

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**Report of the Standing Committee on  
Constitutional Affairs**

**in relation to**

***The New Tax System Price Exploitation Code (Western Australia) Bill 1999 and the New  
Tax System Price Exploitation Code (Taxing) Bill 1999***

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**3 REFERENCE AND PROCEDURE**

- 3.1 The *New Tax System Price Exploitation Code (Western Australia) Bill 1999* and the *New Tax System Price Exploitation Code (Taxing) Bill 1999* were referred to the Standing Committee on Constitutional Affairs (the Committee) by the Legislative Council under Standing Order 230(d).

**4 THE NEW TAX SYSTEM**

- 4.1 The Federal Government has passed legislation to implement a goods and services tax (GST) at a 10% rate from July 1 2000.
- 4.2 The Exploitation Code (WA) Bill and the Exploitation Code (Taxing) Bill, together with the *Financial Relations Agreement (Consequential Provisions) Bill 1999* and the *State Entities (Payments) Bill 1999* (for a discussion of these bills refer to Report Number 44 of the Standing Committee on Constitutional Affairs) encompass most of the GST-related measures to be implemented by Western Australia.

**5 THE NEW TAX SYSTEM PRICE EXPLOITATION CODE**

- 5.1 Following Premiers' conferences on November 13 1998 and April 9 1999, all States and Territories signed an Intergovernmental Agreement and undertook to introduce legislation to implement the Price Exploitation Code. The aim of the State and Territory legislation is to apply the provisions of Part VB of the Trade Practices Act to those persons and activities that do not or may not fall within the legislative power of the Commonwealth Parliament, such as the business activities of individuals or partnerships.
- 5.2 Under the Price Exploitation Code price exploitation will be prohibited where a corporation or person supplies a good or service at a price that is unreasonably high having regard only to the new tax system changes even if the following other matters are also taken into account:

- supplier's costs;
- supply and demand conditions; and
- any other relevant matter.

### **The Australian Competition and Consumer Commission**

5.3 The Australian Competition and Consumer Commission (ACCC) is an independent statutory authority which administers the Trade Practices Act and the *Prices Surveillance Act 1983* and has responsibilities under other legislation. It is the only national agency dealing generally with competition matters and is the agency responsible for enforcing the competition provisions of the Trade Practices Act and associated State and Territory application legislation.

5.4 The Price Exploitation Code empowers the ACCC to take action to prevent price exploitation in relation to price changes brought about by the new tax system by:

- publishing guidelines on when prices will be unreasonable;
- issuing notices that specify the maximum price that should be charged for a particular product;
- prosecuting suppliers guilty of price exploitation and seeking fines of up to \$10 million for bodies corporate and \$500,000 for individuals;
- obtaining injunctions against suppliers who engage in price exploitation; and
- orders to cap prices and require refunds.

5.5 The ACCC considers that well informed, competitive markets operating in a climate of low inflation and good corporate citizenship generally will ensure that the vast majority of businesses will act fairly. However, it has made it clear that it will not hesitate to use its enforcement powers if there is price exploitation in breach of the Trade Practices Act.<sup>2</sup>

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<sup>2</sup> ACCC brochure "Price Exploitation and The New Tax System: General principles, information and guidelines on when prices contravene section 75AU of the *Trade Practices Act 1974*" July 1999, p2.



- 5.6 The new ACCC price monitoring powers are transitional. The Price Exploitation Code empowers the ACCC to monitor and report on prices in the 12 months leading up to, and in the two years following, the introduction of the GST.
- 5.7 The prohibition on price exploitation therefore applies only to transactions within two years of the introduction of the GST. After this two year transition period the prohibition on price exploitation effectively ceases to operate. Mr Nick Roberts, Policy Officer from the Ministry of Fair Trading, advised the Committee that the assumption underlying this is that the Price Exploitation Code "...was developed to deal particularly with the transition period, and after a few years of operation, market forces would take their course and someone who was not following those would not be competitive with somebody else."<sup>3</sup> From that time onwards it is assumed that the operation of the GST will be understood by the community and that any anomalies that may have arisen will have worked their way through the system.

#### **Application of the Price Exploitation Code**

- 5.8 While the GST will not commence until July 2000, the Price Exploitation Code commenced on July 9 1999 for the following reasons:
- wholesale sales tax on certain luxury items was reduced from July 1999. The Price Exploitation Code will apply to prices charged for these items from this period;
  - the ACCC needs to monitor prices from July 1999 in order to set benchmarks for prices after the introduction of the new tax system; and
  - state legislation is needed to empower the ACCC to compel the provision of information by businesses which would otherwise be outside the legislative power of the Commonwealth.

#### **Administration and Enforcement of the Price Exploitation Code**

- 5.9 The Commonwealth Act, in conjunction with the complementary legislation in States and Territories, is designed to establish a national scheme for the administration and enforcement of the Codes of the various jurisdictions, as if they were a single law of the Commonwealth. This will allow the various codes to be administered consistently and in the same manner as the new Part VB of the Trade Practices Act.

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<sup>3</sup> Transcript of evidence given to the Committee on Wednesday October 27 1999, p9.

- 5.10 To give effect to this national scheme, the State and Territory Bills contain specific provisions relating to administration and enforcement of the Price Exploitation Code.

### **Benefits for Consumers**

- 5.11 In most markets, competitive forces will be sufficient to prevent unscrupulous traders taking advantage of consumers and business through price exploitation. However, both the Commonwealth and State Governments have agreed that legislation is warranted in order to provide an extra level of protection to consumers.

## **6 CONTENTS AND PURPOSE OF THE *NEW TAX SYSTEM PRICE EXPLOITATION CODE (WESTERN AUSTRALIA) BILL 1999***

- 6.1 The purpose of the *New Tax System Price Exploitation Code (Western Australia) Bill 1999* (the Exploitation Code (WA) Bill) is to assist in the prevention of price exploitation under the Commonwealth Government's new tax system.
- 6.2 As part of its new tax system, the Commonwealth has introduced *A New Tax System (Trade Practices Amendment) Act 1999* (the Commonwealth Act), the purpose of which is to prevent suppliers from profiteering in the transition to the new tax system either by failing to pass on to consumers the benefits of lower taxes on goods and services or by unjustified price increases.
- 6.3 The Commonwealth Act inserted a new Part VB into the *Trade Practices Act 1974* (the Trade Practices Act). It also created a schedule version of Part VB which was modified to refer to "persons" rather than "corporations" for the purpose of extending its jurisdiction. The schedule version of Part VB, combined with the other relevant provisions of the Trade Practices Act, form the basis of the New Tax System Price Exploitation Code (the Price Exploitation Code).
- 6.4 While the Trade Practices Act will apply to activity within the Commonwealth's legislative power (for example to conduct by corporations, or interstate trade and commerce) certain activities such as transactions involving individuals or partnerships may fall outside the scope of the Trade Practices Act.
- 6.5 The Exploitation Code (WA) Bill is designed to overcome this limitation on the legislative power of the Commonwealth Parliament and to ensure that the Exploitation Code applies across the entire economy.

6.6 The Exploitation Code (WA) Bill contains 37 clauses in seven parts. It also contains one appendix:

**Part 1 - Preliminary**

**Part 2 - The New Tax System Price Exploitation Code**

**Part 3 - Citing the New Tax System Price Exploitation Codes**

**Part 4 - Application of New Tax System Price Exploitation Codes to Crown**

**Part 5 - National administration and enforcement of New Tax System Price Exploitation Codes**

**Part 6 - Miscellaneous**

**Part 7 - Consequential amendment**

**Appendix - Schedule version of Part VB of the *Trade Practices Act 1974* of the Commonwealth**

6.7 Certain selected clauses of the Exploitation Code (WA) Bill are outlined below. The Committee has provided comment on those sections.

6.8 As part of its review, the Committee placed an advertisement in *The West Australian* newspaper inviting submissions on the Exploitation Code (WA) Bill. The Committee did not receive any submissions as a result of the advertisement.

6.9 As a further part of the review, the Committee invited comment from a number of parties who it considered may wish to make a submission. The witnesses who appeared before the Committee were:

- Mr David Smith, Director, Intergovernmental Relations, WA Treasury Department;
- Ms Anne Nolan, Assistant Under Treasurer, WA Treasury Department;
- Mr Mark Altus, Director, Revenue Policy, WA Treasury Department;
- Mr Michael Barnes, Acting Assistant Director, Revenue Policy, WA Treasury Department;
- Ms Nicki Suchenia, Acting Assistant Commissioner, Policy and Legislation, State Revenue Department;
- Mr Bill Mitchell, Fair Trading Policy Advisor; and

- Mr Nick Roberts, Policy Officer, Ministry of Fair Trading.

**7 SELECTED CLAUSES OF THE NEW TAX SYSTEM PRICE EXPLOITATION CODE (WESTERN AUSTRALIA) BILL 1999**

**7.1 Part 2 - The New Tax System Price Exploitation Code**

7.1.1 Clause 4 of the Exploitation Code (WA) Bill defines the New Tax System Price Exploitation Code text that will be applied as the Price Exploitation Code. The text consists of:

- the Schedule version of Part VB;
- the remaining provisions of the Trade Practices Act (with some exceptions) so far as they would relate to the Schedule version if the Schedule version were substituted for Part VB;
- relevant regulations made under the Trade Practices Act; and
- the guidelines to be published by the ACCC under proposed section 75AV of the Trade Practices Act.

7.1.2 The provisions referred to above are to be modified as required to fit in with the Schedule version of Part VB, and in particular so that references to ‘corporations’ are to include references to persons other than corporations.

7.1.3 Clause 5 of the Exploitation Code (WA) Bill is the principle operative clause of the Bill. It applies the Price Exploitation Code as a law of Western Australia.

7.1.4 Clause 6 sets out a scheme for the future modification of the Price Exploitation Code text by Commonwealth legislation. It provides that a modification to the Price Exploitation Code text does not apply as a law of Western Australia unless the modification is declared by an order to be included as a law of Western Australia. If such an order is made, the modification of the Price Exploitation Code text applies in Western Australia on and from the day fixed by the order. The order is to be made by the Governor and published in the *Gazette*.

The Western Australian provisions for the future modification of the Price Exploitation Code text depart from those which are likely to have application in other states such as

Victoria, South Australia and New South Wales. In those states there is a requirement for at least a two month gap between the modification of the text by the Commonwealth Act or Regulation, and the application of the modifications as a law of those states. In contrast, there is no requirement in the Western Australian bill for a two month gap.

Mr Nick Roberts from the Ministry of Fair Trading advised the Committee that the reason for this is because when Western Australia's Cabinet initially considered the Proposed Price Exploitation Code, specific consideration was given to the question of future Commonwealth amendments to the Price Exploitation Code and it was decided that the State wished to retain the ability to accept or reject Commonwealth amendments rather than allow automatic flow-on of any such amendments.

Accordingly, the Western Australian bill was drafted in such a way that future modifications of the Price Exploitation Code will only apply in Western Australia if they are declared to do so by the Governor by Order in Council. This will allow State control to be maintained over future modifications. The specific wording of the Exploitation Code (WA) Bill places Western Australia in a stronger position than other states with respect to future amendments as proposed Commonwealth amendments to the Price Exploitation Code will not apply in the absence of Western Australia's agreement.

7.1.5 Clause 8 sets out the classes of persons to whom the Price Exploitation Code applies as a law of Western Australia. These are:

- persons carrying on business within Western Australia;
- bodies corporate incorporated or registered under the law of Western Australia;
- persons ordinarily resident in Western Australia; and
- persons otherwise connected with Western Australia.

## 7.2 **Part 4 - Application of New Tax System Price Exploitation Codes to Crown**

7.2.1 Clause 13 of the Exploitation Code (WA) Bill provides that the Act will bind the Crown in right of Western Australia and each other State and Territory, so far as the legislative power of the Western Australian Parliament permits. The Act will bind the Crown only so far as the Crown carries on a business, either directly or by an authority.

7.2.2 The counterpart to clause 13 is clause 14, which provides that the application laws of other participating jurisdictions bind the Crown in right of Western Australia so far as the Crown carries on a business, either directly or by an authority.

7.2.3 Clause 15 identifies, for the purposes of clauses 13 and 14, certain activities that do not constitute carrying on a business. This is not an exhaustive list of non-business activities, but includes:

- imposing or collecting taxes, levies or fees for licences;
- granting, refusing to grant, revoking, suspending or varying licences;
- transactions involving:
  - only persons who are all acting for the Crown in the same right;
  - only persons who are all acting for the same authority of a State;
  - only the Crown in right of a State and one or more non-commercial authorities of that State; or
  - only non-commercial authorities of the same State; and
- the acquisition of primary products by a government body under legislation, unless the acquisition occurs because:
  - the body chooses to acquire the products; or
  - the body has not exercised a discretion that it has under the legislation that would allow it not to acquire the products.

7.2.4 Clause 16 of the Bill provides that nothing in the Act, or an application law of any other participating jurisdiction, renders the Crown liable to a pecuniary penalty or to be prosecuted for an offence. This protection does not extend to an authority of any jurisdiction.

7.2.5 The final clause in this part, clause 17, makes it clear that where, by virtue of Part 4, a law of another participating jurisdiction binds the Crown in right of Western Australia, that law overrides any prerogative right or privilege of the Crown, such as in relation to the payment of debts.

### 7.3 **Part 5 - National administration and enforcement of New Tax System Price Exploitation Codes**

#### **Division 1 - Preliminary**

7.3.1 The object of Part 5 is set out in clause 18 and is to promote the uniform administration of the Codes of the participating jurisdictions as if they were a single Commonwealth Act.

#### **Division 2 - Conferral of functions**

7.3.2 The object of Part 5 is furthered by clauses 19 and 20.

7.3.3 Clause 19 confers upon Commonwealth officers and authorities (including the ACCC) powers and functions under the Price Exploitation Code of Western Australia.

7.3.4 Clause 20 empowers the ACCC to do acts in Western Australia in the performance or exercise of any function or power conferred on it under the Price Exploitation Code of another participating jurisdiction.

7.3.5 These clauses help ensure that the Price Exploitation Code is administered in the same way across the whole country.

#### **Division 3 - Offences**

7.3.6 The object of Division 3 is set out in clause 21. This clause states that the provisions of Division 3 are aimed at furthering the object of Part 5 by providing that an offence against the Price Exploitation Code of Western Australia and other participating jurisdictions is to be treated as it was an offence against a law of the Commonwealth.

7.3.7 Clause 22 applies Commonwealth laws as laws of Western Australia to offences against the Price Exploitation Code of Western Australia, and provides that an offence against the Price Exploitation Code of this jurisdiction is taken to be an offence against a law of the Commonwealth and not a law of Western Australia.

7.3.8 Clause 23 applies Commonwealth laws as laws of Western Australia to offences against the Price Exploitation Codes of other participating jurisdictions. An offence against the Price Exploitation Code of another jurisdiction is taken to be an offence against a law of the Commonwealth and not a law of that other jurisdiction.

7.3.9 In line with the object of Part 5, clause 25 prevents a Western Australian officer or authority from exercising any powers that are exercisable by a Commonwealth officer or authority under this Division. This helps to ensure that the Price Exploitation Code is administered on a uniform basis throughout Australia.

#### **Division 4 - Administrative law**

7.3.10 Clause 26 identifies the Commonwealth administrative laws to be applied under Division 4. These laws are:

- the *Administrative Appeals Tribunal Act 1975* of the Commonwealth;
- the *Freedom of Information Act 1982* of the Commonwealth;
- the *Ombudsman Act 1976* of the Commonwealth;
- the *Privacy Act 1988* of the Commonwealth; and
- the regulations in force under those Acts.

7.3.11 The *Administrative Decisions (Judicial Review) Act 1977* of the Commonwealth was also originally included in the definition. Subsequent advice from the Commonwealth Attorney General's Department indicated that "As far as the adoption by States of Commonwealth administrative laws in the Price Exploitation Code is concerned, ... any attempt by States to adopt the ADJR Act as State law would be invalid."<sup>4</sup> An amendment was accordingly made to the Price Exploitation Code (WA) Bill by the Minister for Finance, on the advice of Parliamentary Counsel, on Tuesday, October 26 1999 which deleted reference to the *Administrative Decisions (Judicial Review) Act 1977* as one of the Commonwealth administrative laws to be applied under Division 4.

7.3.12 The effect of clause 27 is to apply the Commonwealth administrative laws as laws of Western Australia to matters arising under the Price Exploitation Code of this state. A matter arising under the Price Exploitation Code of Western Australia is taken to be a matter arising under a law of the Commonwealth and not a law of Western Australia.

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<sup>4</sup> Letter from the Commonwealth Attorney-General's Department to all officers of the Standing Committee of Attorneys General dated September 17 1999 and provided to the Committee by Mr Nick Roberts at the Committee hearing on Wednesday, October 27 1999.



- 7.3.13 Clause 28 applies the Commonwealth laws as laws of Western Australia to matters arising under the Price Exploitation Code of other participating jurisdictions. A matter arising under the Price Exploitation Code of another jurisdiction is taken to be a matter arising under a law of the Commonwealth and not a law of that other jurisdiction.
- 7.3.14 Clause 29 ensures that any power conferred on a Commonwealth officer or authority by the Commonwealth administrative laws, as applied by clauses 27 and 28, is exercisable in relation to a matter arising under the Western Australian Price Exploitation Code or the code of a participating jurisdiction.
- 7.3.15 Clause 30 prevents a Western Australian officer or authority from exercising any power that is exercisable by a Commonwealth officer or authority under the proposed Division 4.

#### 7.4 **Part 6 - Miscellaneous**

- 7.4.1 Clause 31 provides that a person who has been punished for an offence against the Trade Practices Act or an application law of another participating jurisdiction is not liable to be punished under the Price Exploitation Code of Western Australia for the same offence. This removes double jeopardy.
- 7.4.2 Clause 34 provides that all fees, taxes, penalties, fines and other moneys payable under the Code of this jurisdiction are to be paid to the Commonwealth. This does not apply to any amount that a court orders to be refunded to another person.

**Recommendation 1: The Committee recommends that all clauses of the *New Tax System Price Exploitation Code (Western Australia) Bill 1999* be passed.**

## 8 **CONTENTS AND PURPOSE OF THE *NEW TAX SYSTEM PRICE EXPLOITATION CODE (TAXING) BILL 1999***

- 8.1 The purpose of the *New Tax System Price Exploitation Code (Taxing) Bill 1999* (the Exploitation Code (Taxing) Bill) is to support the Exploitation Code (WA) Bill. It is intended that the two Bills come into operation on the same day.

- 8.2 The Exploitation Code (Taxing) Bill provides the ability to impose fees on taxes in connection with the regulation of the Exploitation Code. These fees must be paid to the Commonwealth.
- 8.3 A separate Bill is required to deal with this matter due to the legal and constitutional issues which arise from the operation of section 46(7) of the *Constitutional Acts Amendment Act 1899*. This section provides that bills imposing taxation shall deal only with the imposition of taxation.
- 8.4 The Exploitation Code (Taxing) Bill contains three clauses which are explained below.
- 8.5 As part of its review, the Committee placed an advertisement in *The West Australian* newspaper inviting submissions on the Exploitation Code (Taxing) Bill. The Committee did not receive any submissions as a result of the advertisement.
- 8.6 As a further part of the review, the Committee invited comment from a number of parties who it considered may wish to make a submission. The witnesses who appeared before the Committee were:
- Mr David Smith, Director, Intergovernmental Relations, WA Treasury Department;
  - Ms Anne Nolan, Assistant Under Treasurer, WA Treasury Department;
  - Mr Mark Altus, Director, Revenue Policy, WA Treasury Department;
  - Mr Michael Barnes, Acting Assistant Director, Revenue Policy, WA Treasury Department;
  - Ms Nicki Suchenia, Acting Assistant Commissioner, Policy and Legislation, State Revenue Department;
  - Mr Bill Mitchell, Fair Trading Policy Advisor; and
  - Mr Nick Roberts, Policy Officer, Ministry of Fair Trading.
- 8.7 Clause 2 of the Exploitation Code (Taxing) Bill provides that the bill will come into operation on the same day as the Exploitation Code (Western Australia) Bill.

- 8.8 Clause 3 imposes the fee where fees referred to in section 34(2) of the Exploitation Code (WA) Bill may be a tax. This overcomes the legal and constitutional issues which arise from the operation of section 46(7) of the *Constitutional Acts Amendment Act 1899* relating to taxation matters.

**Recommendation 2: The Committee recommends that all clauses of the *New Tax System Price Exploitation Code (Taxing) Bill 1999* be passed.**

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**Hon Murray Nixon JP, MLC**  
**Chairman**

**Date:**



## **APPENDIX 1**



APPENDIX 1

LETTER FROM HON KENNETH TRAVERS MLC TO HON MURRAY NIXON JP MLC,  
CHAIRMAN OF THE COMMITTEE DATED NOVEMBER 16 1999.



**KEN TRAVERS MLC**  
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Hon Murray Nixon JP MLC  
Chairman  
Standing Committee on Constitutional Affairs  
Parliament House  
PERTH WA 6000

Dear Murray

Further to our discussion, I wish to confirm that it is my intention to exclude myself from Report Numbers 44 and 45 of the Standing Committee on Constitutional Affairs.

Due to my recent appointment to the Committee, I did not participate in the hearings and deliberations and have not had the opportunity to fully and properly appraise myself of the draft reports at this time. I understand it is the intention of the Committee to finalise the Reports in the near future and I therefore believe it would be inappropriate to associate myself with the final Reports.

Yours sincerely

A handwritten signature in cursive script that reads "Ken Travers".

**Hon Ken Travers MLC**  
Member for North Metropolitan Region

16 November 1999

