
ADMINISTRATION (INTERSTATE AGREEMENTS) BILL 1997

Amendments to be moved by Mr Moore

SUPPLEMENTARY EXPLANATORY MEMORANDUM

Amendment 1 This amendment clarifies the meaning of the provision.

Amendment 2 This amendment clarifies the meaning of the provision.

Amendment 3 This amendment aims to address the concern that regular discussions and consultations between departmental officials will trigger the requirements of the Act.

The intention of this legislation is to require revelation of discussions at the 'political level', involving ministers (or representatives of their ministerial capacity), and picking up decision-making processes which have some degree of ministerial endorsement of policy direction at that political level.

The legislation is not intended to pick up discussions amongst public servants below the political level, even though they may involve policy development which will ultimately be put before ministers.

The amendment aims to implement this distinction.

Amendments 4 This amendment aims to clarify the interrelation between the 'requirements' clause and the 'exemption' clause (clause 10). Clause 10 is intended to provide circumstances where the effect of the requirements clauses does not apply.

Amendment 5 This amendment provides for the circumstance where 7 days notice is not possible, such that the requirement would still apply, but to a

lesser extent. The Minister must give notice as promptly as is possible.

Amendment 6 This amendment substitutes a formula which more clearly limits the requirement on the Minister to a single duty, arising at the point of commencement of the negotiations.

In addition, a "subject to" formula is inserted to clarify the interrelation between the 'requirement' clause and the 'exemption' clause (clause 10).

Amendment 7 This amendment aims to clarify the interrelation between the 'requirements' clause and the 'exemption' clause (clause 10). Clause 10 is intended to provide circumstances where the effect of the requirements clauses does not apply.

Amendment 8 This amendment clarifies the reference and effect of the provision.

Amendment 9 This amendment aims to widen the scope of the exemption provided in the clause to ensure that the 'public interest' is a ground for avoidance of the requirements of this Bill.

The judgement as to the public interest would be for the Minister to make.

Amendment 10 This amendment inserts a new subsection 11(2), which provides an additional clarification to the duties imposed on a Minister.

The intention of the scheme of this Act is that obligations to inform, etc. arise once, at identifiable stages in the course of negotiations, and do not reappear on multiple occasions.

Note that this amendment provides a new title "Discharge of requirements", covering both the existing clause 11 - which would become subclause 11(1) - and the new subclause (2).

Amendment 11 This amendment clarifies the reference to the annual commonwealth-state financial negotiations, which are intended to be exempted from the operation of the Act.

However, the negotiation of broader policy issues which may arise in the course of the annual Premiers' Conference are not meant to be excluded.