



# **Standing Committee on Justice and Community Safety**

**(incorporating the duties of a  
Scrutiny of Bills and Subordinate  
Legislation Committee)**

**SCRUTINY REPORT NO. 3 OF 2000**

**7 March 2000**



## **TERMS OF REFERENCE**

- (1) A Standing Committee on Justice and Community Safety be appointed (incorporating the duties of a Scrutiny of Bills and Subordinate Legislation Committee).
- (2) The Committee will consider whether:
  - (a) any instruments of a legislative nature which are subject to disallowance and or disapproval by the Assembly (including a regulation, rule or by-law) made under an Act:
    - (i) meet the objectives of the Act under which it is made;
    - (ii) unduly trespass on rights previously established by law;
    - (iii) make rights, liberties and/or obligations unduly dependent upon non-reviewable decisions; or
    - (iv) contain matter which should properly be dealt with in an Act of the Legislative Assembly.
  - (b) the explanatory statement meets the technical or stylistic standards expected by the Committee.
  - (c) clauses of bills introduced in the Assembly:
    - (i) do not unduly trespass on personal rights and liberties;
    - (ii) do not make rights, liberties and/or obligations unduly dependent upon insufficiently defined administrative powers;
    - (iii) do not make rights, liberties and/or obligations unduly dependent upon non-reviewable decisions;
    - (iv) inappropriately delegate legislative powers; or
    - (v) insufficiently subject the exercise of legislative power to parliamentary scrutiny.
  - (d) the explanatory memorandum meets the technical or stylistic standards expected by the Committee.
- (3) The Committee shall consist of four members.
- (4) If the Assembly is not sitting when the Committee is ready to report on Bills and subordinate legislation, the Committee may send its report to the Speaker, or, in the absence of the Speaker, to the Deputy Speaker, who is authorised to give directions for its printing and circulation.
- (5) The Committee be provided with the necessary additional staff, facilities and resources.
- (6) The foregoing provisions of the resolution, so far as they are inconsistent with the standing orders, have effect notwithstanding anything contained in the standing orders.

## **MEMBERS OF THE COMMITTEE**

**Mr Paul Osborne, MLA (Chair)**  
**Mr John Hargreaves, MLA (Deputy Chair)**  
**Mr Trevor Kaine, MLA**  
**Mr Harold Hird, MLA**

**Legal Advisor: Mr Peter Bayne**  
**Secretary: Mr Tom Duncan**  
**Assistant Secretary (Scrutiny of Bills and**  
**Subordinate Legislation): Ms Celia Harsdorf**

## **ROLE OF THE COMMITTEE**

The Committee examines all Bills and subordinate legislation presented to the Assembly. It does not make any comments on the policy aspects of the legislation. The Committee's terms of reference contain principles of scrutiny that enable it to operate in the best traditions of totally non-partisan, non-political technical scrutiny of legislation. These traditions have been adopted, without exception, by all scrutiny committees in Australia. Non-partisan, non-policy scrutiny allows the Committee to help the Assembly pass into law Acts and subordinate legislation which comply with the ideals set out in its terms of reference.

## **BILLS**

### Bills - No Comment

The Committee has examined the following Bills and offers no comments on them.

#### **Commissioner for the Environment Bill 2000**

This Bill would amend the *Commissioner for the Environment Act 1993* to the effect that the next State of the Environment Report would be due on 30 November 2000, and that subsequent reports would be due on dates to be prescribed by the Minister by instruments disallowable by the Assembly.

#### **Crimes Amendment Bill 2000**

This Bill would amend the Crimes Act 1900 by the insertion of a new section 497 to the effect that a person who sells knives by retail must display a notice that it is an offence to sell a knife to a person under the age of 16 years.

#### **Health Professionals (Special Events Exemptions ) Bill 2000**

This is a Bill for an Act to authorise health professionals visiting the Territory to provide health care to visitors in the Territory where that care is in connection with a special event, and where the visitor is in the Territory in connection with that special event. A declaration by the Minister that an event be a special event is disallowable by the Assembly. A health professional who may take advantage of a declaration is exempted from Territory health professional registration laws, and from laws that would otherwise apply to the writing of prescriptions.

### Bills – Comment

The Committee has examined the following Bills and offers these comments.

#### **Financial Management Amendment Bill 2000**

This Bill would amend the *Financial Management Act 1996* to insert a new section 66A. This provision would render void any provision of a contract made by the Territory or a Territory authority that prevented or impeded, or purported so to do, the disclosure to the Legislative Assembly of any terms of the contract. The Minister may displace the operation of this provision by signing a certificate to the effect that, in the particular circumstances, this kind of provision of a contract is “reasonable and necessary”. In that case the Minister must provide to the Auditor-General a copy of the contract and the Minister’s certificate. At defined times, the Auditor-General must give a written report to the Legislative Assembly “on the contracts and proposed contracts that the auditor-general has examined during the period”.

*Paragraph 2 (c) (i) - undue trespass on personal rights and liberties*

See below the comments on the Government Contracts Confidentiality Bill 2000.

### **Government Contracts Confidentiality Bill 2000**

This is a Bill for an Act to state the circumstances in which the terms of a government contract may contain a confidentiality clause. This is a clause that requires the relevant contracting agency of the government of the Territory to keep confidential the terms of the contract or of another contract to which the government is a party. The Act would also regulate the circumstances in which the Auditor-General and a committee of the Legislative Assembly may have access to a contract that contains a confidentiality clause.

A valid confidentiality clause must be the result of an agreement by the relevant contracting agency of the government to include such a clause, but only where the agreement satisfies clause 8 of the Bill. Clause 8 states the factors that will govern whether an agreement to such a clause is necessary, and includes a list of factors that would indicate that the agreement was not necessary. By virtue of clause 9, a valid confidentiality clause must also contain a statement to the effect that the terms of the Act were complied with, and a statement of those matters that made necessary the government party's agreement to the clause.

The relevant government agency must provide to the Auditor-General a copy of any contract that contains a confidentiality clause. The Auditor-General must provide a copy of the contract to one or more committees of the Legislative Assembly as stipulated by the Speaker. The relevant government agency might be required by a committee to provide it with information "about a decision to agree to a confidentiality clause".

*Paragraph 2 (c) (i) - undue trespass on personal rights and liberties*

#### General considerations

In legislation of this kind, there is a balance to be struck between conflicting rights. The Committee recognises that this is appropriately a matter for the Assembly. To assist debate, it places before the Assembly a brief review of the competing 'rights' dimensions.

On the one hand, there are the interests of those who contract with a government agency. The Government Contracts Confidentiality Bill 2000 recognises that a confidentiality clause is necessary to protect various kinds of interests of the non-government party. These are:

- the value of trade secrets, intellectual property and other information of commercial value; and
- information on the financial position or other sensitive business interests.

A confidentiality clause may also be necessary to give effect to an obligation of confidentiality that arises from a source other than the particular contract in question.

Some of these interests are a form of property interest of the non-government party, or of a third person. Where the person is a legal entity such as a corporation, the interest is better viewed as that of the shareholders and such like. The right to property is stated in the *United Nations Universal Declaration of Rights*. Article 17 provides:

Everyone has the right to own property alone as well as in association with others.  
No one shall be arbitrarily deprived of his property.

Where the person is a human being, her or his interest may, in some circumstances, be seen as a dimension of a right to privacy. Article 12 of the *Universal Declaration* provides:

No one shall be subjected to arbitrary interference with his privacy, family, home or correspondence, nor to attacks upon his honour and reputation. Everyone has the right to the protection of the law against such interference or attacks.

(This right is also stated, in very similar terms, in Article 17 of the ICCPR.)

Under the general law, a person's right to protection in respect of confidential information concerning that person is protected by means of her or his ability to obtain judicial relief through an action for breach of confidence. There are legislative protections in respect of intellectual property. Under the *Freedom of Information Act 1989*, information of the kinds noted above is exempt from disclosure under that Act.

On the other hand, it is now widely recognised that the interest that a person has in protecting the confidentiality of information pertaining to that person must be qualified where the person enters into business relationship with a government, or otherwise seeks the protection or assistance of government. The person must recognise that in a democratic society the government is accountable to the electorate, and that each elector is entitled, as an aspect of her or his right to hold government accountable, to information about the kinds and detail of relationships government enters into with business people and business entities.

The High Court of Australia has recognised that this right to democracy qualifies the extent to which a *government* may claim the benefit of a judicial remedy to restrain a breach of a confidence 'owned' by the government. In *Eso Australia Resources Ltd v Plowman* (1995) 183 CLR 10 at 31-32, Mason CJ said that:

The courts have consistently viewed governmental secrets differently from personal and commercial secrets [*A-G v Jonathan Cape Ltd* (1976) QB 752; *The Commonwealth of Australia v John Fairfax and Sons Ltd* (1980) 147 CLR 39; *A-G (UK) v Heinemann Publishers Australia Pty Ltd* (1987) 10 NSWLR 86; *A-G v Guardian Newspapers (No 2)* [1990] 1 AC 109]. As I stated in *The Commonwealth of Australia v John Fairfax and Sons Ltd* [(1980) 147 CLR at 51], the judiciary must view the disclosure of governmental information "through different spectacles". This involves a reversal of the onus of proof: the government must prove that the public interest demands non-disclosure [ibid at 52]. ...

The approach outlined in *John Fairfax* should be adopted when the information relates to statutory authorities or public utilities because, as Professor Finn notes, [Finn, "Confidentiality and the 'Public Interest'", (1984) 58 *Australian Law Journal* 497 at 505] in the public sector "(t)he need is for compelled openness, not for burgeoning secrecy".

A broader perspective that takes account of the position of the other parties to a government contract that contains a confidentiality clause may be found in a report of Industry Commission entitled *Competitive Tendering and Contracting by Public Sector Agencies* (report No 48, 24 January 1996) (1996, AGPS, Melbourne). The character of public administration has in recent years been altered significantly as a consequence in the growth of the use of competitive tendering and contracting (CTC) as a means for the discharge by government of its functions and obligations.

A 'key message' of the report is that CTC "is about helping public sector managers get best value for money by ensuring that the best provider is chosen for the task at hand" (ibid at 1). It accepted however that "while responsibility to do certain things can be transferred, accountability for the results cannot" (ibid at 4). It said that "[w]hatever the method of service delivery, a government agency must remain accountable for the efficient performance of the functions delegated to it by government ..." (ibid).

The Commission identified a number of means by which accountability might be enhanced through creative use of the contract with the non-government person or body who performs services for or on behalf of government. It also emphasised however that "[a] change from direct to contracted provision ought not to undermine the ability of individuals or organisations to seek redress for decisions or actions for which governments are accountable" (ibid at 6). In a comment of relevance to the law concerning freedom of information in all of its aspects, the Commission said:

[t]here is sometimes tension between making information on contracting decisions public and protecting confidentiality. While the obligation of the government to be open and accountable may legitimately give way to conflicting considerations of 'commercial sensitivity' in some cases (for example where information contains valuable intellectual property), there should be a preference for disclosure (ibid at 6).



It later identified as a “key aspect of accountability”

.... the transparency of both decision-making by public administrators and the performance of the service provider (whether internal or external). The importance of public access to information was highlighted in a discussion paper released in May 1995 as part of a joint review of the Freedom of Information legislation by the Australian Law Reform Commission (ALRC) and the Administrative Review Council (ARC):

“Access to government information is a prerequisite to the proper functioning of a democratic society. Without information, people cannot exercise their rights and responsibilities or make informed choices. Information is necessary for government accountability. Limited information can distort the accountability process: governments are questioned about the wrong issues and programs are incorrectly evaluated. Without information people cannot make an informed choice at the ballot box and members of Parliament cannot supervise the Executive. [ALRC, Freedom of Information, Discussion Paper 59 (AGPS, 1995 pp. 6-7)]” (ibid at 89-90).

#### The validity of confidentiality clauses and contracts

As noted, clause 6 of the Government Contracts Confidentiality Bill 2000 would make invalid a confidentiality clause if the agreement by the Government contracting party to include the clause was not made by that party in accordance with clause 8. This latter clause provides that the Government contracting party must, after balancing factors that point in favour of and against the inclusion of the clause, be satisfied that the clause is necessary. The explanatory memorandum notes that: “The nature of the scheme of this Bill is to require decision-makers to exercise a discretionary judgement, acting in the certain knowledge that their judgement will be scrutinised”.

The Committee understands that it is a primary feature of the Bill to provide for oversight and scrutiny of the making of these contracts by one or more committees of the Assembly. It also, however, appears to be the case that a party to a contract may rely upon clause 6 to argue that a confidentiality clause is void. In some circumstances, the invalidity of such a clause may render the entire contract void or unenforceable. The invalidity of a confidentiality clause or of the contract may also impinge on the interests of persons who are not parties to the contract.

A similar problem may arise in relation to the effect of clause 9 of the Government Contracts Confidentiality Bill 2000. What is the effect of non-compliance with this clause?

As noted, the proposed new section 66A of the *Financial Management Act 1996* would be to render void any provision of a contract made by the Territory or a Territory authority that prevented or impeded, or purported to do so, the disclosure to the Assembly of any terms of a contract affected by that section.

It is thus possible to envisage that under both Bills circumstances might arise in which an act or omission by a Government contracting body could affect adversely the interests of others.

The Committee considers that this general issue should be addressed in the relevant explanatory memorandums or presentation speeches.

*Paragraph (c) (iii) – Rights and liberties unduly dependent on non-reviewable decisions*

As noted, under clause 11 of the Government Contracts Confidentiality Bill 2000 the Auditor-General must provide a copy of a contract to one or more committees of the Legislative Assembly as stipulated by the Speaker.

The Committee notes that there is no ‘fall back’ provision if the Speaker does not nominate a committee. This compares to subparagraphs 4 (1) (a) (i) and (ii) of the *Statutory Appointments Act 1994* which is to the effect that if the Speaker does not nominate a committee, the matter stands referred to the Public Accounts Committee.

*Paragraph (c) (vi) – Inappropriate delegation of legislative power*

While a minor point, the Committee notes that clause 14 of the Government Contracts Confidentiality Bill 2000 is in the form “The Executive may make regulations for this Act”. The Committee queries why the Bill does not employ the phrase “for the purposes of this Act”. This latter phrase may confer a more limited power than the provision in clause 14. The Committee appreciates that a court might read clause 14 so that it could be employed only to serve the purposes of the legislation, but considers that it would be preferable to state this in the legislation.

Subordinate Legislation - No Comment

The Committee has examined the following subordinate legislation and offers no comment on them.

**Determination No. 14 of 2000 made under section 132 of the *Casino Control Act 1988* determines fees payable for various purposes of the Act.**

**Determination No. 29 of 2000 made under section 28B of the *Rates and Land Tax Act 1926* revokes Determination No. 172 of 1998 and determines the rate of interest payable on overpaid rates and land tax for the purposes of paragraph 28B (1) (a) to be 5.4 percent per annum.**

**Determination No. 30 of 2000 made under section 24 of the *Building Act 1972* revokes Determination No. 248 of 1999 and adopts the provisions of the 1996 edition of the Building Code of Australia including amendments 1 to 6.**

**Determination No. 55 of 2000 made under subsection 39D (1) of the *Bookmakers Act 1985* revokes Determinations Nos 138 of 1995 and Determination No. 272 of 1999 and determines the maximum number of sports betting licences that may be granted by the Bookmakers Licensing Committee to be unlimited.**

**Determination No. 62 of 2000 made under subsections (3) (1), (5) (1) and 26 (1) of the *Subsidies (Liquor and Diesel) Act 1998* revokes Determination No. 195 of 1999 and determines the rate of subsidy for low-alcohol liquor and diesel products and for defining low-alcohol liquor for the purposes of the Act.**

**Determination No. 63 of 2000 made under section 139 of the *Taxation Administration Act 1999* determines for the purposes of section 64 of the *Emergency Management Act 1999* the calculation of the ambulance levy payable by health benefits organisations to be 86 cents per month.**

**Determination No. 64 of 2000 made under subsection 4 (2) of the *Mediation Act 1997* is a declaration of approved agencies for the purposes of the Act.**

**Determination No. 65 of 2000 made under subsection 4 (1) of the *Mediation Act 1997* is a declaration of standards of competency required for the registration of a mediator by an agency approved under section 5 of the Act.**

**Public Sector Management Standard No. 3 of 2000 made under subsection 251 (7) of the *Public Sector Management Act 1994* amends the Public Sector Management Standards that were prescribed by Public Sector Management Standard No. 1 of 1994.**

Subordinate Legislation - Comment

The Committee has examined the following subordinate legislation and offers these comments on them.

Has this instrument been made by an authorised delegate

**Determination No. 51 of 2000 made under subsection 39B (2) of the *Bookmakers Act 1985* varies Determination No. 50 of 1999 to allow sports betting bookmakers to provide for betting at Bruce Stadium for the home games of the Canberra Cosmos Soccer team. Further it allows sports betting bookmakers to use thermal ticket printers for bets that will be determined on the same day that the betting ticket is issued.**

This instrument is made by the Chairman, ACT Racing Commission. The Act specifies that the Minister must make a determination and so it would be helpful if the instrument stated “Delegate of the Minister” if that person is a delegate of the Minister authorised to make such determinations.

No confirmation by relevant Committee of agreement to appointments

**Determination No. 56 of 2000 made under the paragraph 7 (1 (a) of the *Dental Technicians and Dental Prosthetists Registration Act 1988* appoints a specified person to be the Chairperson of the Dental Technicians and Dental Prosthetists Board for a period of three years.**

**Determination No. 57 of 2000 made under the paragraph 7 (1 (a) of the *Dental Technicians and Dental Prosthetists Registration Act 1988* appoints a specified person to be a member of the Dental Technicians and Dental Prosthetists Board for a period of three years.**

**Determination No. 58 of 2000 made under the paragraph 7 (1 (a) of the *Dental Technicians and Dental Prosthetists Registration Act 1988* appoints a specified person to be a member of the Dental Technicians and Dental Prosthetists Board for a period of three years.**

**Determination No. 59 of 2000 made under the paragraph 7 (1 (a) of the *Dental Technicians and Dental Prosthetists Registration Act 1988* appoints a specified person to be a member of the Dental Technicians and Dental Prosthetists Board for a period of three years.**

**Determination No. 60 of 2000 made under the paragraph 7 (1 (a) of the *Dental Technicians and Dental Prosthetists Registration Act 1988* appoints a specified person to be a member of the Dental Technicians and Dental Prosthetists Board for a period of three years.**

**Determination No. 61 of 2000 made under the paragraph 7 (1 (a) of the *Dental Technicians and Dental Prosthetists Registration Act 1988* appoints a specified person to be a member of the Dental Technicians and Dental Prosthetists Board for a period of three years.**

The Committee notes the explanatory statements state that these positions became vacant on 19 December 1999, however did not appear in the Gazette until 17 February 2000. In the case of the renominating members the Committee seeks information as to whether any decisions were made by the Board between 19 December 1999 and 17 February 2000 and, if so, as to the validity of those decisions.

The Committee also notes that the explanatory statements indicate that while these appointments were referred to the Standing Committee on Health and Community Care, they give no indication of approval by this Committee to the appointments.

Are these instruments disallowable?

No confirmation by relevant Committee of agreement to appointments

**Determination No. 15 of 2000 made under subsection 20 (3) of the *Supervised Injecting Place Trial Act 1999* appoints a specified person to be a member of the Supervised Drug Injection Trial Advisory Committee.**

**Determination No. 16 of 2000 made under subsection 20 (3) of the *Supervised Injecting Place Trial Act 1999* appoints a specified person to be a member of the Supervised Drug Injection Trial Advisory Committee.**

**Determination No. 17 of 2000 made under subsection 20 (3) of the *Supervised Injecting Place Trial Act 1999* appoints a specified person to be a member of the Supervised Drug Injection Trial Advisory Committee.**

**Determination No. 18 of 2000 made under subsection 20 (3) of the *Supervised Injecting Place Trial Act 1999* appoints a specified person to be a member of the Supervised Drug Injection Trial Advisory Committee.**

**Determination No. 19 of 2000 made under subsection 20 (3) of the *Supervised Injecting Place Trial Act 1999* appoints a specified person to be a member of the Supervised Drug Injection Trial Advisory Committee.**

**Determination No. 20 of 2000 made under subsection 20 (3) of the *Supervised Injecting Place Trial Act 1999* appoints a specified person to be a member of the Supervised Drug Injection Trial Advisory Committee.**

**Determination No. 21 of 2000 made under subsection 20 (3) of the *Supervised Injecting Place Trial Act 1999* appoints a specified person to be a member of the Supervised Drug Injection Trial Advisory Committee.**

**Determination No. 22 of 2000 made under subsection 20 (3) of the *Supervised Injecting Place Trial Act 1999* appoints a specified person to be a member of the Supervised Drug Injection Trial Advisory Committee.**

**Determination No. 23 of 2000 made under subsection 20 (3) of the *Supervised Injecting Place Trial Act 1999* appoints a specified person to be a member of the Supervised Drug Injection Trial Advisory Committee.**

**Determination No. 24 of 2000 made under subsection 20 (3) of the *Supervised Injecting Place Trial Act 1999* appoints a specified person to be a member of the Supervised Drug Injection Trial Advisory Committee.**

**Determination No. 25 of 2000 made under subsection 20 (3) of the *Supervised Injecting Place Trial Act 1999* appoints a specified person to be a member of the Supervised Drug Injection Trial Advisory Committee.**

**Determination No. 26 of 2000 made under subsection 20 (3) of the *Supervised Injecting Place Trial Act 1999* appoints a specified person to be a member of the Supervised Drug Injection Trial Advisory Committee.**

**Determination No. 27 of 2000 made under subsection 20 (3) of the *Supervised Injecting Place Trial Act 1999* appoints a specified person to be a member of the Supervised Drug Injection Trial Advisory Committee.**

**Determination No. 28 of 2000 made under subsection 20 (3) of the *Supervised Injecting Place Trial Act 1999* appoints a specified person to be a member of the Supervised Drug Injection Trial Advisory Committee.**

**Determination No. 52 of 2000 made under subsection 20 (3) of the *Supervised Injecting Place Trial Act 1999* appoints a specified person to be a member of the Supervised Drug Injection Trial Advisory Committee.**

**Determination No. 53 of 2000 made under subsection 20 (3) of the *Supervised Injecting Place Trial Act 1999* appoints a specified person to be a member of the Supervised Drug Injection Trial Advisory Committee.**

**Determination No. 54 of 2000 made under subsection 20 (3) of the *Supervised Injecting Place Trial Act 1999* appoints a specified person to be a member of the Supervised Drug Injection Trial Advisory Committee.**

The Committee notes that the explanatory statements give no indication as to whether the persons appointed as members are public servants or not. An instrument appointing a public servant is not a disallowable instrument under paragraph 6 (a) of the *Statutory Appointments Act 1994*.

The Committee also notes that the explanatory statements indicate that while these appointments were referred to the Standing Committee on Health and Community Care, they give no indication of approval by this Committee to the appointments.

**Determination No. 66 of 2000 made under subsection 15E (1) of the *Nature Conservation Act 1980* appoints a specified person to be a member of the Flora and Fauna Committee until 11 January 2001.**

The Committee notes that the explanatory statement gives no indication as to whether the person appointed as a member is a public servant or not. An instrument appointing a public servant is not a disallowable instrument under paragraph 6 (a) of the *Statutory Appointments Act 1994*.

The Committee also notes that the explanatory statement gives no indication of approval of this appointment by the relevant Committee.

Are these instruments disallowable?

**Determination No. 31 of 2000 made under paragraph 119 (1) of the *Mental Health (Treatment and Care) Act 1994* appoints a specified person to be a Mental Health Officer.**

The Committee questions whether this instrument is disallowable under paragraph 6 (a) of the *Statutory Appointments Act 1994* as the appointed person appears to be a public servant.

**Determination No. 32 of 2000 made under subsection 10 (1) of the *Health Promotion Act 1995* appoints a specified person as a member of the ACT Health Promotion Board for a period of three years.**

**Determination No. 33 of 2000 made under subsection 10 (1) of the *Health Promotion Act 1995* appoints a specified person as a member of the ACT Health Promotion Board for a period of three years.**

**Determination No. 34 of 2000 made under subsection 10 (1) of the *Health Promotion Act 1995* appoints a specified person as a member of the ACT Health Promotion Board for a period of three years.**

**Determination No. 35 of 2000 made under subsection 10 (1) of the *Health Promotion Act 1995* appoints a specified person as a member of the ACT Health Promotion Board for a period of three years.**

**Determination No. 36 of 2000 made under subsection 10 (1) of the *Health Promotion Act 1995* appoints a specified person as a member of the ACT Health Promotion Board for a period of three years.**

**Determination No. 37 of 2000 made under subsection 10 (1) of the *Health Promotion Act 1995* appoints a specified person as a member of the ACT Health Promotion Board for a period of three years.**

**Determination No. 38 of 2000 made under subsection 10 (1) of the *Health Promotion Act 1995* appoints a specified person as a member of the ACT Health Promotion Board for a period of three years.**

**Determination No. 39 of 2000 made under subsection 10 (1) of the *Health Promotion Act 1995* appoints a specified person as a member of the ACT Health Promotion Board for a period of three years.**

The Committee notes that the explanatory statements give no indication as to whether or not the persons appointed as members of the ACT Health Promotion Board are public servants. For the purposes of paragraph 6 (a) of the *Statutory Appointments Act 1994* an instrument appointing a public servant is not a disallowable instrument.

**Determination No. 40 of 2000 made under paragraph 7 (a) of the *Health Act 1993* appoints a specified person as Chairperson of the ACT Health and Community Care Human Research Ethics Committee for a period of three years.**

**Determination No. 41 of 2000 made under paragraph 7 (a) of the *Health Act 1993* appoints a specified person as a member of the ACT Health and Community Care Human Research Ethics Committee for a period of three years.**

**Determination No. 42 of 2000 made under paragraph 7 (a) of the *Health Act 1993* appoints a specified person as a member of the ACT Health and Community Care Human Research Ethics Committee for a period of three years.**

**Determination No. 43 of 2000 made under paragraph 7 (a) of the *Health Act 1993* appoints a specified person as a member of the ACT Health and Community Care**

**Human Research Ethics Committee for a period of three years.**

**Determination No. 44 of 2000 made under paragraph 7 (a) of the *Health Act 1993* appoints a specified person as a member of the ACT Health and Community Care Human Research Ethics Committee for a period of three years.**

**Determination No. 45 of 2000 made under paragraph 7 (a) of the *Health Act 1993* appoints a specified person as a member of the ACT Health and Community Care Human Research Ethics Committee for a period of three years.**

**Determination No. 46 of 2000 made under paragraph 7 (a) of the *Health Act 1993* appoints a specified person as a member of the ACT Health and Community Care Human Research Ethics Committee for a period of three years.**

**Determination No. 47 of 2000 made under paragraph 7 (a) of the *Health Act 1993* appoints a specified person as a member of the ACT Health and Community Care Human Research Ethics Committee for a period of three years.**

**Determination No. 48 of 2000 made under paragraph 7 (a) of the *Health Act 1993* appoints a specified person as a member of the ACT Health and Community Care Human Research Ethics Committee for a period of three years.**

**Determination No. 49 of 2000 made under paragraph 7 (a) of the *Health Act 1993* appoints a specified person as a member of the ACT Health and Community Care Human Research Ethics Committee for a period of three years.**

**Determination No. 50 of 2000 made under paragraph 7 (a) of the *Health Act 1993* appoints a specified person as a member of the ACT Health and Community Care Human Research Ethics Committee for a period of three years.**

The Committee notes some of the people appointed as members of the ACT Health and Community Care Human Research Ethics Committee are public servants. For the purposes of paragraph 6 (a) of the *Statutory Appointments Act 1994* an instrument appointing a public servant is not a disallowable instrument.



No schedules attached to instruments

**Public Sector Management Standard No. 4 of 1999 made under subsection 251 (7) of the *Public Sector Management Act 1994* amends the Public Sector Management Standards that were prescribed by Public Sector Management Standard No. 1 of 1994.**

**Public Sector Management Standard No. 5 of 1999 made under subsection 251 (7) of the *Public Sector Management Act 1994* amends the Public Sector Management Standards that were prescribed by Public Sector Management Standard No. 1 of 1994.**

**Public Sector Management Standard No. 6 of 1999 made under subsection 251 (7) of the *Public Sector Management Act 1994* amends the Public Sector Management Standards that were prescribed by Public Sector Management Standard No. 1 of 1994.**

Each of these standards state that the standards are amended as specified in Schedule 4. The Committee notes that the relevant schedules are not attached to these instruments.

Paul Osborne, MLA  
Chair

March 2000