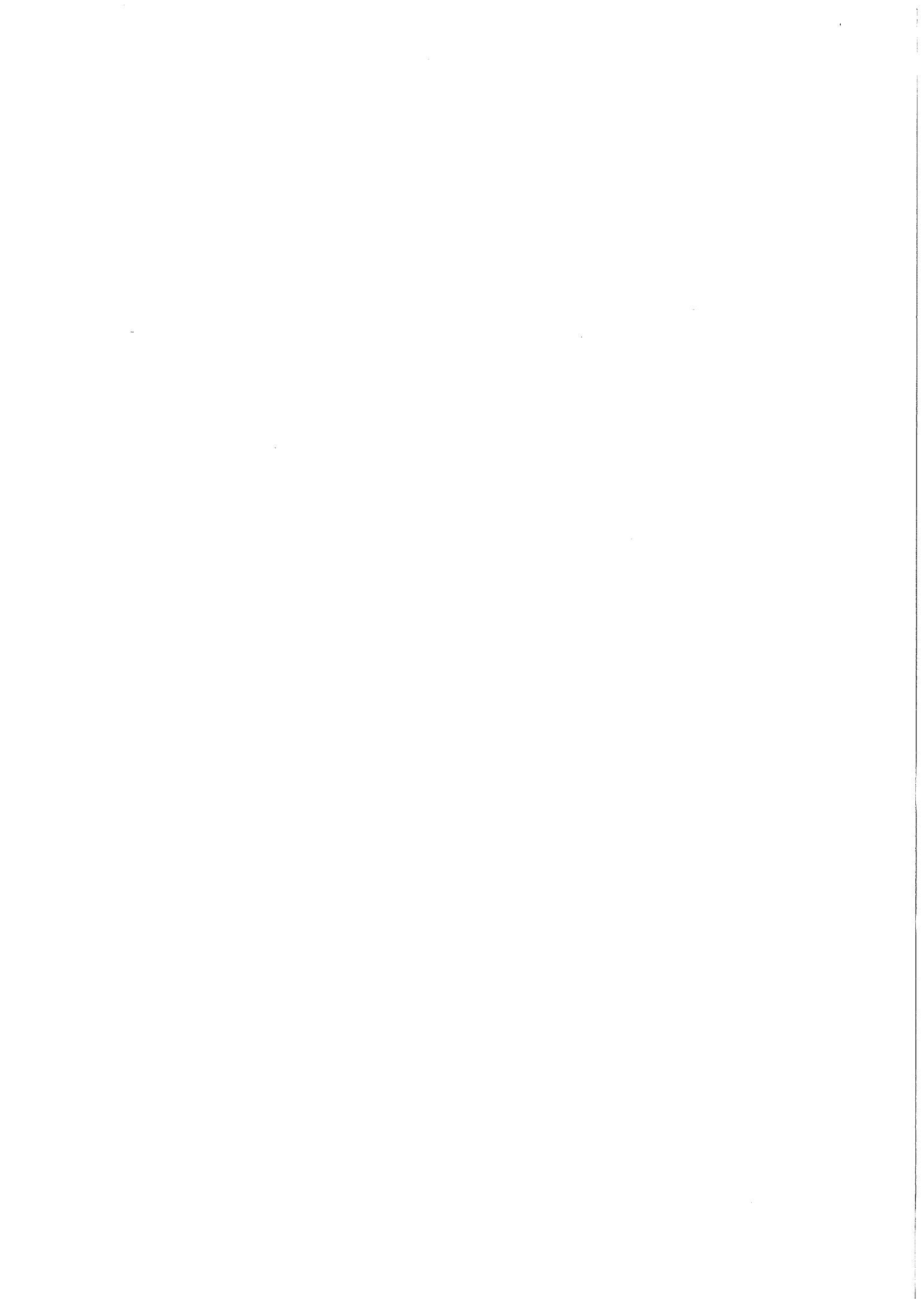


**STANDING COMMITTEE ON  
SCRUTINY OF BILLS AND  
SUBORDINATE LEGISLATION**

**REPORT NO. 9 OF 1995**

**23 August 1995**



## TERMS OF REFERENCE

- (1) A Standing Committee for scrutiny of bills and subordinate legislation be appointed.
- (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) its 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) its explanatory memorandum meets the technical or stylistic standards expected by the Committee.
- (3) The Committee shall consist of three 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 Andrew Whitecross, MLA (Deputy Chair)  
Mr Harold Hird, MLA

Legal Advisor: Emeritus Professor Douglas Whalan, AM  
Secretary: Mr Tom Duncan  
Deputy Secretary: Ms Beth Irvin

## ROLE OF THE COMMITTEE

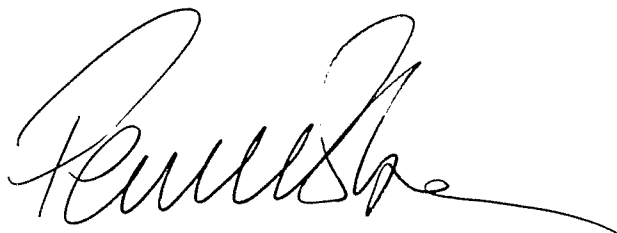
The Committee examines all Bills and subordinate legislation presented to the Assembly. It does not make any comments on the policy aspects of the legislation. The Committee's terms of reference contain principles of scrutiny that enable it to operate in the best traditions of totally non-partisan, non-political 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.

**BILL**Bill - No Comment

The Committee has examined the following Bill and offers no comment:

**Business Franchise (Tobacco and Petroleum Products)  
(Amendment) Bill 1995**

This Bill requires the payment of franchise fees on all wholesale sales intended for resale or delivery in the ACT, provides for an exemption for retail licence holders on purchases where ACT fees are paid by wholesalers, requires an initial franchise fee to be paid for each premises, deems unlicensed persons holding more than a determined amount of tobacco to be a wholesaler, makes changes relating to diesel exemptions, amends the licence renewal provisions and requires display of such licences and requires the Commissioner to maintain a public register of licensees.



Paul Osborne, MLA  
Chair  
23 August 1995

