

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

REPORT NO. 2 OF 1994

1 March 1994

TERMS OF REFERENCE

- (1) a Standing Committee for scrutiny of bills and subordinate legislation shall be appointed;
- (2) the Committee shall with respect to any instrument of a legislative nature which is subject to disallowance and/or disapproval by the Assembly (including a regulation, rule or by-law) made under an Act consider whether the instrument -
 - (a) is in accord with the general objects of the Act under which it is made;
 - (b) unduly trespasses on rights previously established by law;
 - (c) makes rights, liberties and/or obligations unduly dependent upon non-reviewable decisions;
 - (d) contains matter which in the opinion of the Committee should properly be dealt with in an Act of the Legislative Assembly; or
 - (e) or the explanatory statement accompanying it meets the technical or stylistic standards to which such an instrument or explanatory statement ought, in the opinion of the Committee, to conform;
- (3) the Committee shall with respect to the clauses of Bills introduced into the Legislative Assembly consider whether such Bills -
 - (a) unduly trespass on personal rights and liberties;
 - (b) makes rights, liberties and/or obligations unduly dependent upon insufficiently defined administrative powers;
 - (c) makes rights, liberties and/or obligations unduly dependent upon non-reviewable decisions;
 - (d) inappropriately delegate legislative powers;
 - (e) insufficiently subject the exercise of legislative power to parliamentary scrutiny; or
 - (f) or the explanatory memorandum accompanying it meets the technical or stylistic standards to which such a Bill or explanatory memorandum ought, in the opinion of the Committee, to conform;
- (4) the Committee shall consist of three members;
- (5) 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;
- (6) the majority of members constitutes a quorum of the Committee;
- (7) the Committee be provided with the necessary additional staff, facilities and resources; and
- (8) 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

Mrs E. Grassby, MLA (Chairperson)
Mr G. Humphries, MLA (Deputy Chairperson)
Ms H. Szuty, MLA

Legal Advisor: Emeritus Professor D. Whalan, AM
Secretary: Mr T. Duncan
Deputy Secretary: Ms B. Irvin

ROLE OF THE COMMITTEE

The Committee examines all Bills and subordinate legislation presented to the Legislative Assembly. The Committee does not make any comments on the policy aspects of the legislation. The terms of reference contain the customary principles of scrutiny that enable the Committee to operate in the best traditions of totally non-partisan, non-political technical scrutiny of legislation that have been adopted, without exception, by all scrutiny committees in Australia. Such non-partisan, non-policy scrutiny allows the Committee to assist the Assembly passing into law Acts and subordinate legislation that comply with the high ideals set out in the terms of reference.

BILLS

Bills Upon Which No Comment Is Offered

Fair Trading (Fuel Prices) (Amendment) Bill 1994

This Bill provides for the display of the breakdown of prices for fuel sold by retail.

Liquor (Amendment) Bill 1994

This Bill amends the provisions relating to the determination of occupancy loadings to ensure that the determination of such loadings is subject to review on the merits by the Administrative Appeals Tribunal.

Public Interest Disclosure Bill 1994

This Bill provides for public interest disclosures in the public sector.

Statute Law Revision Bill 1994

This Bill is a tidying up Bill that affects a number of Acts by repealing redundant provisions, removing sexist language, correcting typographical errors, updating cross-references and making amendments so that Acts fit in with the complementary provisions of the *Interpretation Act 1967*.

Statutory Appointments Bill 1994

This Bill provides for compulsory consultation in relation to statutory appointments with either a standing committee of the Legislative Assembly nominated for the purpose or, if there is no such standing committee, with the Public Accounts Committee of the Legislative Assembly and makes instruments for such appointments disallowable instruments.

SUBORDINATE LEGISLATION

Subordinate Legislation Upon Which No Comment Is Offered

The Committee has examined the following subordinate legislation and offers no comment:

Determination No. 10 of 1994 made under section 20A of the *Food Act 1992* determines the licence application fees, renewal of licence fees and application fees for approval of alterations to premises.

Determination No. 11 of 1994 made under section 4 of the *Public Place Names Act 1989* determines the names of a number of public places that are Territory Land in the Division of Gordon.

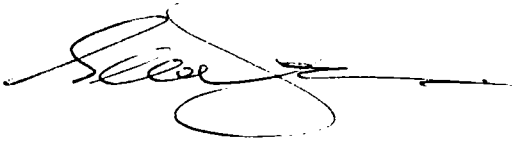
Determination No. 12 of 1994 made under sections 4 and 80 of the *Freedom of Information Act 1989* revokes Determination of Fees and Charges No. 6 of 1989 and declares and determines new application fees and charges.

Approval of Variation No. 4 to the Territory Plan made under section 26 of the *Land (Planning and Environment) Act 1991* approves a variation to Richardson, section 450, block 1.

Approval of Variation No. 5 to the Territory Plan made under section 26 of the *Land (Planning and Environment) Act 1991* approves a variation to North Watson, sections 61, 62, 63, 64, 72, 74, 76, 79, 80 and 83.

Approval of Variation No. 6 to the Territory Plan made under section 26 of the *Land (Planning and Environment) Act 1991* approves a variation to Kingston, section 25, blocks 4, 5 and 6.

Approval of Variation No. 12 to the Territory Plan made under section 26 of the *Land (Planning and Environment) Act 1991* approves a variation to Lyons, section 41, block 1 (part) and section 55, block 6 (part).

A handwritten signature in black ink, appearing to read 'Ellnor Grassby', with a long horizontal stroke extending to the right.

Ellnor Grassby, MLA
Chairperson

1 March 1994