

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

REPORT NO. 10 OF 1994

15 June 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
Acting Secretary: Ms M Weeks
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

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

Rates and Land Rent (Relief) (Amendment) Bill 1994

This Bill updates references to Social Security and Veterans' Affairs pensioner beneficiaries, increases the water and sewerage rates rebate, amends the appeal provisions and removes sexist language from the Principal Act.

Rates and Land Tax (Amendment) Bill 1994

This Bill provides that rates are to be imposed on each rateable parcel of land in the City Area at the rate of 0.990% per annum of its unimproved value and on each parcel of land outside of the City Area at the rate of 0.495% of its unimproved value instead of 0.985% and 0.4925% respectively as at present.

Bills Upon Which Comment Is Offered

The Committee has examined the following Bills and offers the following comments:

Appropriation Bill 1994-95

This Bill provides for the issue and expenditure of public monies of the ACT for services provided in the financial year.

Spelling Mistake

The long title of the Bill provides as follows:

"An Act to appropriate certain sums out of the Consolidated Revenue Fund for the purposes of the Territory in respect of the year that commenced on 1 July 1994, and for related purposes". (Emphasis added.)

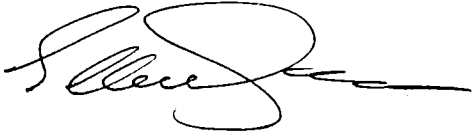
The Scottish accented spelling of "Territory" is simply a misprint that needs correction.

Financial Institutions Duty (Validation) Bill 1994

This Bill validates the imposition and recovery of financial institutions duty in respect of certain past short-term dealings.

Retrospectivity

The Bill imposes the financial institutions duty for the period 1 November 1992 up to, and including, 16 May 1994. The reason for the retrospectivity is described fully in the Chief Minister's presentation speech.

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

Ellnor Grassby, MLA
Chairperson

15 June 1994