

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

REPORT NO 12 of 1990

14 August 1990

**STANDING COMMITTEE FOR THE SCRUTINY OF BILLS AND
SUBORDINATE LEGISLATION**

MEMBERS OF THE COMMITTEE

Ms C Maher MLA (Presiding Member)

Mr B Stefaniak MLA

Mr T Connolly MLA

Secretary: Mr T Duncan

Legal Advisor: Emeritus Professor D Whalan

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 (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-viewable decisions; and
 - (d) contains matter which in the opinion of the committee should properly be dealt with in an Act of the Legislative Assembly;
- (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) make rights, liberties and/or obligations unduly dependent upon insufficiently defined administrative powers;
 - (c) make rights, liberties and/or obligations unduly dependent upon non-reviewable decisions;
 - (d) inappropriately delegate legislative powers; or
 - (e) insufficiently subject the exercise of legislative power to parliamentary scrutiny;
- (4) the committee shall consist of three members;
- (5) if the Assesmbly 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.

ROLE OF THE COMMITTEE

The Committee examines all Bills and delegated 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 delegated legislation that comply with the high ideals set out in the Terms of Reference.

The Committee has examined the following Bills:

ASSOCIATIONS INCORPORATION (AMENDMENT) BILL 1990

BUSINESS NAMES (AMENDMENT) BILL 1990

These Bills, which are part of the same package, would transfer the administration of the principal Acts from the Commonwealth Corporate Affairs Commission to an A.C.T. Registrar's office.

EVIDENCE (LAWS AND INSTRUMENTS) (AMENDMENT) BILL 1990

This Bill would provide for judicial notice to be taken of the acts of the holders of a number of specified offices.

OCCUPATIONAL HEALTH AND SAFETY (AMENDMENT) BILL 1990

This Bill would require an employer who employs more than 10 employees to comply with the Act's provisions relating to health and safety representatives rather than an employer with more than 20 employees as the principal Act presently requires.

SCHOOLS AUTHORITY (AMENDMENT) BILL 1990

This Bill would prevent the Australian Capital Territory Schools Authority from closing any primary school, high school or secondary college established or conducted by it.

UNCLAIMED MONEYS (AMENDMENT) BILL 1990

This Bill would transfer the administration of the principal Act from the Commonwealth Corporate Affairs Commission to an A.C.T. Registrar's office.

In relation to the Evidence (Laws and Instruments (Amendment) Bill 1990, the Occupational Health and Safety (Amendment) Bill 1990, Schools Authority (Amendment) Bill 1990 and the Unclaimed Moneys (Amendment) Bill 1990, the Committee offers no comment.

ASSOCIATIONS INCORPORATION (AMENDMENT) BILL 1990
BUSINESS NAMES (AMENDMENT) BILL 1990

(a) Fixing of Fees by Minister

Both Bills provide that, in the future, fees may be fixed by the Minister by notice published in the Gazette instead of being fixed by an amendment of the Schedule to the Principal Acts or by Regulations.

This kind of change has been made in many Ordinances (now Acts) over the last 7 or 8 years. The Committee believes that it is not an inappropriate change, because ultimate control over fees

is not lost by the Assembly. Section 6(12) of the Subordinate Laws Act 1989 ensures that such notices of fees must be tabled and are subject to the disallowance provisions of that Act.

(b) Approval of Forms by Registrar

Both Bills also provide that, in the future, the forms to be used will be approved by the Registrar. This does mean that ultimate control of the form and content of the forms will be lost by the Assembly in these cases.

The Committee will always be very vigilant when such ultimate control is lost to the Assembly. However, having looked at the relevant matters that the forms will cover in these cases, the Committee respectfully agrees with the Attorney-General's, Mr Collaery's, comments in his presentation speech that these are administrative in character and do not seriously affect rights of applicants.

DELEGATED LEGISLATION

The Committee has examined the following delegated legislation and offers no comment.

1. Declaration by the Milk Authority of the ACT under s.16A of the Milk Authority Act 1971 revokes existing declarations and fixed milk prices from 1 July 1990 (ACT Special Gazette No. S45 of 29 June 1990).
2. Notice of Commencement of Provisions of 28 June 1990 fixes 30 June 1990 as the date when the remaining provisions of the Registration of Interests in Goods Act 1990 commence (ACT Special Gazette No. 46 of 29 June 1990).
3. ACT Determination No. 3 of 1990 made under s. 4 of the Public Places Names Act 1989 determines a particular public place to be Jansz Park.
4. ACT Determination No. 4 of 1990 made under s. 99(1) of the Taxation (Administration) Act 1987 being the Stamp Duties (Licensed Vehicle Dealers and Acquisition of Businesses) Determination 1990 determines the rate of tax on sale of vehicles, land and businesses.
5. ACT Determination No. 5 of 1990 made under s. 99(1) of the Taxation (Administration) Act 1987 being the Stamp Duties (Insurance and Vehicle Registration) Determination 1990 determines the rate of tax on life insurance, general insurance and for registration of vehicles.

6. ACT Determination No. 27 of 1990 made under s. 77 of the Radiation Act 1983 determines the fees payable under the Act.

Delegated Legislation upon which Comment is offered

7. Determination of Fees being ACT Determination No. 1 of 1990 made under section 217A of the Motor Traffic Act 1936 determines parking fees for the issue of parking vouchers in the areas specified in the Schedule and specifies the period of time for which those fees are payable.

8. Determination of Fees being ACT Determination No. 9 of 1990 made under section 217A of the Motor Traffic Act 1936 determines parking fees for the issue of parking vouchers in the areas specified in the Schedule and specifies the period of time for which those fees are payable.

- (a) Reference to authorising power, explanatory statement and correct numbering of determinations.

The Committee noted that both Determinations refer to both s. 163(C)(2) and s. 163C(3) of the Act in relation to the legislative provisions authorising the making of the Determination. This issue was the subject of a letter to the Minister for Finance and Urban Services from the Committee in March this year. As the Committee pointed out, not referring to the power in s. 163C(3) did not invalidate the Determination, but it was appropriate to refer to that provision if s. 163C(2) was being referred to. The committee is pleased that the determination correctly refers to the authorising power.

The Committee notes that an Explanatory Statement for ACT Determination No. 9 of 1990, which would indicate the extent of the changes made to the charges, was not tabled.

Also, although Determination No. 9 appears to revoke ACT Determination No. 1 of 1990 it does not make any use of the now very useful designation of Determinations so that everybody can be sure which Determination is being revoked. This is a small point and of little significance in this instance, but it would be useful to get the new system off to a start to make the most of its value.

9. Determination of Fees and Charges being ACT Determination No. 2 of 1990 made on 18 June 1990 under section 78 of the Community and Health Service Act 1985 cancels a previous Determination and determines hospital, nursing home, and various other health fees to take effect from 21 June 1990.

10. Determination of Fees and Charges being ACT Determination No. 12 of 1990 made on 5 July 1990 under section 78 of the Community and Health Service Act 1985 cancels ACT Determination

No. 2 of 1990 and determines hospitals, nursing home, and various other health fees to take effect from 8 July 1990.

11. Determination of Fees and Charges being ACT Determination No. 28 of 1990 made on 30 July 1990 under section 78 of the Community and Health Service Act 1985 cancels ACT Determination No. 12 of 1990 and determines hospital, nursing home, and various other health fees to take effect from 1 August 1990.

(b) Possible errors already canvassed by the Committee

In relation to ACT Determination No. 2 of 1990 the Committee notes that almost the exact problems that it identified in relation to ACT Determination No. 5 of 1990 and commented on in Report No 11 of 1990 have reappeared here. As yet, the Committee has not had a reply, and as all except one of the Committee's previous comments apply equally to this Determination, the relevant ones are repeated.

First, the Committee noted the use of sexist language in the Determination. Examples exist on page 4 in the definition of "private patient" and on page 10 in paragraph (b) of G.

Secondly, a definition of "inpatient" is given at page 3, but wherever the word is used it is given as "in-patient".

Finally, in the course of checking the other matters, the Committee asked if it could be given confirmation that s.4 of the Self-Government (Transitional Provisions) Act 1989 is the source of power under which the General Manager of the Australian Capital Territory Community and Health Service acts as the delegate of the Minister for the purposes of s. 78 of the Community and Health Services Act 1984? If it is not, could the Committee be told what the source of power is?

In relation to ACT Determinations Nos. 12 and 28 the Committee's comments about sexist language, "inpatient" and source of power also need to be addressed.

However, the Committee noted that there were Explanatory Statements that were quite helpful as they pointed to the items where changes to the fees had been made. They would have been even more helpful if they had set out the old and new charges as ACT Determination No.11 on ACTION bus fares (see comments later in this report) and several of the ACT Regulations below do. Then people can see at a glance what has happened.

There is one good new aspect of the Determinations themselves. They refer to the fact that they are revoking ACT Determination No. 2 of 1990 and ACT Determination No. 12 of 1990 respectively and thus one knows at once which document to get out to compare with the current document.

12. ACT Determination No. 6 of 1990 being a Variation made under s. 12 of the Housing Assistance Act 1987 varies the Public Housing Assistance Program.

13. ACT Determination No. 7 of 1990 being an Approval dated 24 June 1990 of a Variation made under s. 12 of the Housing Assistance Act 1987 which varies the Public Housing Assistance Program.

14. ACT Determination No. 8 of 1990 made under section 217A of the Motor Traffic Act 1936 determines fees for registration and inspection of vehicles.

15. ACT Determination No. 10 of 1990 made under section 7(1) of the Registration of Interests in Goods Act 1990 declare certain classes of motor vehicles to be subject to the Act.

16. ACT Determination No. 14 of 1990 made under s. 105A of the Liquor Act 1975 determines the fee for the transfer of a licence.

17. ACT Determination No. 15 of 1990 made under s. 18A of the Lotteries Act 1964 determines lotteries fees.

18. ACT Determination No. 16 of 1990 made under s. 66 of the Gaming Machine Act 1987 determines the fee for the issue of a repairer's certificate.

19. ACT Determination No. 17 of 1990 made under s. 22A(1) of the Cemeteries Act 1933 determines cemetery fees.

20. Act Determination No. 18 of 1990 made under s. 27B of the Hawkers Act 1936 determines hawkers fees.

21. ACT Determination No. 19 of 1990 made under clause 7 of the Long Stay Caravan Park Housing Assistance Program determines occupancy fees.

22. ACT Determination No. 20 of 1990 made under clause 9(2) of the Scheme for Providing or Assisting in Providing Dwelling Houses determines administrative expenses.

23. ACT Determination No. 21 of 1990 made under clause 8(1) of the Scheme for Providing Concessional Home Loans determines administrative expenses.

24. ACT Determination No. 22 of 1990 made under clause 3 of Part 1 of the Scheme for Providing and Assisting in Providing Dwelling Houses determines administrative expenses.

25. ACT Determination No. 23 of 1990 made under s. 139(1) of the Real Property Act 1925 determines the certificate of variation fee for s. 72A.
26. ACT Determination No. 24 of 1990 made under s. 37B of the City Area Leases Act 1936 determines certain fees relating to the use of leases.
27. ACT Determination No. 25 of 1990 made under s. 116 of the Unit Titles Act 1970 determines the fees under the Act.
28. ACT Determination No. 26 of 1990 made under s. 52A of the Surveyors Act 1967 determines the fees payable under the Act.
29. ACT Determination No. 29 of 1990 made under s. 40A of the Dog Control Act 1975 determines the fees payable under the Act.
30. ACT Determination No. 30 of 1990 made under s. 7 of the Pounds Act 1928 determines the fees payable under the Act.
31. ACT Determination No. 31 of 1990 made under s. 47A of the Rabbit Destruction Act 1918 determines the fee payable under Regulation 25.
32. ACT Determination No. 32 of 1990 made under s. 39 of the Water Pollution Act 1984 determines the fees payable under the Act.
33. ACT Determination No. 33 of 1990 made under s. 83A of the Nature Conservation ACT 1980 determines the licence fees payable under the Act.
34. ACT Determination No. 34 of 1990 made under s. 12A(1) of the Dangerous Goods Act 1984 determines the fees payable under the Act.
35. ACT Determination No. 35 of 1990 made under s. 9A of the Roads and Public Places Act 1937 determines the fees payable under the Act.
36. ACT Determination No. 36 of 1990 made under s. 65 of the Building Act 1972 determines the fees payable under the Act.
37. ACT Determination No. 37 of 1990 made under s. 217A of the Motor Traffic Act determines the fees payable under the Act.
38. ACT Determination No. 38 of 1990 made under s. 62 of the Registration of Births, Deaths and Marriages Act 1963 determines the fees payable under the Act.

39. ACT Determination No.39 of 1990 made under s. 139(1) of the Real Property Act 1925 determines the fees payable under the Act.

40. ACT Determination No. 40 of 1990 made under s. 37 of the Instruments Act 1933 determines the fees payable under the Act.

41. ACT Determination No. 41 of 1990 made under s. 8 of the Registration of Deeds Act 1957 determines the fees payable under the Act.

42. ACT Determination No. 42 of 1990 made under s. 64A of the Adoption of Children Act 1965 determines the fees payable under the Act.

43. ACT Determination No. 43 of 1990 made under s. 75 of the Public Trustee Act 1985 determines the fees payable under the Act.

44. ACT Determination No. 44 of 1990 made under s. 46A of the Weights and Measures Act 1929 determines the fees payable under the Act.

45. ACT Determination No. 45 of 1990 made under s. 263 of the Credit Act 1986 determines the fees payable under the Act.

46. ACT Determination No.46 of 1990 made under s. 90A of the Sale of Motor Vehicles Act 1977 determines the fees payable under ss. 14(1) and 72 of the Act.

(c) Missing Explanatory Statements

There is a considerable number of cases where the new practice of supplying Explanatory Statements has not been followed. The Committee accepts that the new practice adopted by the Administration of producing Explanatory Statements may take time to be fully implemented. The Committee offers the following examples to illustrate why an Explanatory Statement would be helpful.

(1) Housing Variation

There appears to be no Explanatory Statement for the Variation made by ACT Determination No. 6 of 1990. Without an explanation a busy Assembly Member would have to take some time fishing out the background information that should be supplied to see if the variation in this very important social area was significant or not.

(2) Vehicle Registration and Inspection Fees

Here, too, there is no Explanatory Statement to indicate what changes are made by this Determination.

(3) Declaration of Vehicles

ACT Determination No. 10 of 1990 makes a very significant and beneficial change to the law in the ACT, by, in effect, bringing the REVS searching system into operation in the ACT for specified classes of motor vehicles.

However, there is no Explanatory Statement for the Determination. For instance, one could make a guess why stolen motor vehicles are excluded, but an Explanatory Statement could tell Assembly Members precisely what the thinking was behind that decision.

47. ACT Determination No. 11 of 1990 made under Section 4 of the Motor Omnibus Services Act 1955 determines new ACTION bus charges.

48. ACT Regulations 1990 No 3 being Ambulance Service Levy Regulations provide for the exempt classes whose contributions will be excluded from the calculations of ambulance levy.

49. ACT Regulations 1990 No. 4 being Publications Control Regulations prescribe the areas in which "X" films may be published.

50. ACT Regulations 1990 No. 6 being Motor Vehicle (Third Party Insurance) Regulations (Amendment) fix the maximum premium rates for third party insurance.

51. ACT Regulations 1990 No. 7 being Taxi and Private Hire Care Regulations (Amendment) fix the rates for taxi and hire car fares.

52. ACT Regulations 1990 No. 8 being Finance Regulations (Amendment) prescribe the level of salary and allowances for the Auditor-General.

53. ACT Regulations 1990 No. 9 being Credit Regulations (Amendment) include REVS charges in the amount financed.

54. ACT Regulations 1990 No. 11 being Co-operative Societies Regulations (Amendment) increase the levels of loan limits.

(d) Excellent Explanatory Statements

(1) ACTION Bus Fares

The Committee's only comment here is to draw attention to the Explanatory Statement that is provided. It is simple, takes up one side of one sheet of paper, but provides all the information that one needs to know about the changes by indicating old and new fares and the creation of seniors fares.

(2) ACT Regulations

Again the only comment here is to say that the drafting, content and presentation of the Explanatory Statements for all of the ACT Regulations have been excellent.

55. ACT Regulations 1990 No. 10 being Administrative Appeals Tribunal Regulations (Amendment) repeal regulation 15 of the principal Regulations which dealt with the remuneration and allowances of part-time members of the Administrative Appeals Tribunal.

(e) Re-making of Invalid Regulations

The Committee has not yet had a reply to Report No 11 of 1990 in which it was suggested that ACT Regulations 1990 No. 2 being Administrative Appeals Tribunal Regulations (Amendment) were void and of no effect because they had not been laid before the Assembly within 15 sitting days. However, it is apparent from the Explanatory Statement that the Attorney-General agrees with our opinion and these Regulations re-make the previous Regulations.

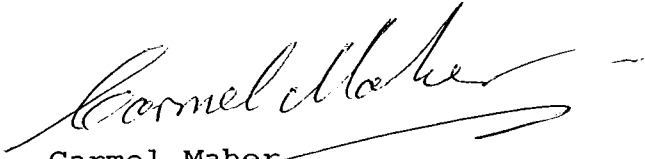
Again, the Explanatory Statement is well done, although it does not mention the Committee's involvement. No doubt that will come in the reply to Report No. 11 of 1990.

REGISTRATION OF INTERESTS IN GOODS BILL 1990,
DIRECTOR OF PUBLIC PROSECUTIONS BILL 1990 AND
THE DIRECTOR OF PUBLIC PROSECUTIONS (CONSEQUENTIAL PROVISIONS)
BILL 1990 - GOVERNMENT RESPONSE.

The Committee reported on the abovementioned Bills in Report No 8 which was tabled in the Assembly on 5 June 1990. The Committee has since received two responses from the Attorney-General which are attached.

10.

The Committee thanks the Attorney-General for his positive response to the Committee's report, and considers that all the major points contained in the report have been adequately addressed.

A handwritten signature in cursive script, reading "Carmel Maher", followed by a long horizontal flourish.

Carmel Maher
Presiding Member

14 August 1990

Attachments (2)



Australian Capital Territory
DEPUTY CHIEF MINISTER

1 Constitution Ave
Canberra ACT 2601

Ms C Maher
President Member
Standing Committee on Scrutiny of
Bills and Subordinate Legislation
ACT Legislative Assembly
1 Constitution Avenue
CANBERRA ACT 2600

Dear Ms Maher

The Standing Committee on Scrutiny of Bills and Subordinate Legislation (the Committee) in its Report No. 8 of 5 June 1990 commented on the Registration of Interests in Goods Bill 1990 which has since been enacted.

The Act, which introduces a scheme for the registration of encumbrances held over motor vehicles, was passed by the Legislative Assembly on 6 June 1990. Sections 1 and 2 commenced operation on 21 June 1990 and the remaining provisions commenced on 30 June 1990 at which date the scheme became operational in the Territory.

The scheme of registration is based on the Register operated under the Registration of Encumbered Vehicles Scheme (REVS) in New South Wales as established by the Registration of Interests in Goods Act 1986 (NSW) (the NSW Act). REVS is operated in the Territory under an agreement with NSW and the Act provides for the operation of the NSW Register in the Territory.

It is this close relation between the NSW and ACT legislation that has resulted in the matters commented on by the Committee.

The first matter concerns the availability of the NSW Act in the Territory. The ACT Consumer Affairs Bureau contacted the Australian Government Publishing Service (AGPS) in advance of the introduction of REVS to see whether copies of the NSW Act could be sold from their premises. However, it is AGPS policy not to stock any State legislation other than the State legislation which has been specifically adopted by the Territory.

To ensure that the legislation is readily available in the Territory, the Bureau has written to financiers, motor vehicle dealers and solicitors in the Territory offering to

assist persons who experience difficulty in obtaining the NSW Act. Arrangements have been made to have copies made available through the Bureau. To date, no requests for the legislation have been received. The Bureau believes that the NSW Act is sufficiently relevant to warrant stocks being carried by AGPS and will negotiate for the NSW Act to be made available in the Territory as a long-term solution.

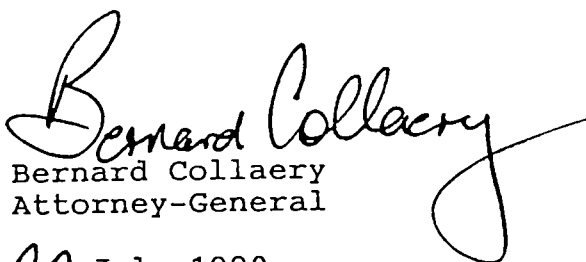
The second matter identified by the Committee concerns access to the Register by residents of the Territory who purchase motor vehicles privately, given that the Register is located in NSW. As the Territory is part of the NSW scheme, ACT residents will, at a cost of a paid telephone call to Sydney, have access to a free information service. A search certificate will also be available on request at a cost of \$6.00. Apart from the additional cost of an STD call, ACT resident will enjoy the same benefits of REVS enjoyed by NSW resident.

The way in which the telephone enquiry service has been set up will ensure ACT residents will not experience any undue delay in obtaining information from the Register. Similarly, requests for search certificates will be answered promptly.

Consideration was given to providing access to the register via facilities located in the Territory. However, it was found that the best means of providing a cheap and efficient registration scheme was through a centrally-located system which could attain the necessary economies of scale. As part of administrative arrangements negotiated between the ACT and NSW, efforts will be made to improve the system and access to it where appropriate.

The Alliance Government is aware of the need to ensure that consumers in the Territory are fully aware of REVS and how it operates. The Consumer Affairs Bureau will continue to promote REVS as part of its ongoing consumer education program.

Yours Sincerely


Bernard Collaery
Attorney-General

22 July 1990



Australian Capital Territory

Deputy Chief Minister

1 Constitution Ave
Canberra ACT 2601

Ms C Maher MLA
Presiding Member
Standing Committee for the Scrutiny
of Bills and Subordinate Legislation
ACT Legislative Assembly
1 Constitution Avenue
CANBERRA ACT 2601

Dear Ms Maher

In its report of 5 June 1990, the Committee commented on a number of issues arising out of the Director of Public Prosecutions Bill 1990 (the main Bill) and the Director of Public Prosecutions (Consequential Provisions) Bill 1990 (the Consequential Provisions Bill). My response to points the Committee made follow below.

Date of Commencement

I agree that, in general, bills should have automatic commencement provisions to avoid having them lie fallow in the statute books. However, there are particular circumstances which made an automatic commencement provision inappropriate for these Bills. Initially, the Commonwealth Director of Public Prosecutions will perform the ACT prosecutions function under an agency agreement. Although he is acting for the Territory, he remains a Commonwealth officer subject to the provisions of the Commonwealth Director of Public Prosecutions Act 1983. A Commonwealth regulation has been made to allow the Director to undertake this function using the powers conferred by the ACT legislation.

If the provisions of the main Bill relating to the establishment of the office of the Territory Director and the terms and conditions of his or her appointment came into operation while the agency agreement subsisted there could arise problems of inconsistency with the Commonwealth Act. To avoid this possibility the commencement provision was left open. The whole of the main Bill will be brought into effect when the Government is in a position to set up the ACT Director of Public Prosecutions Office and the agency agreement comes to an end.

Last week, I had gazetted notices which brought the whole of the Consequential Provisions Bill and the powers and functions provisions of the main Bill into operation on 1 July.

Indemnity from prosecution

The Committee commented favourably on the indemnity powers which clause 9 conferred on the Director. I understand that the Committee does not require a response to its comment.

Directions and Guidelines

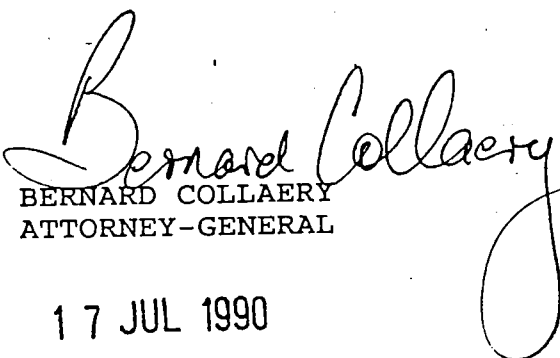
The Committee discussed clauses 12 and 20 of the Bill which gave powers of direction to the Director and Attorney-General respectively. These are for administrative purposes. The Committee noted that the Bill made no provision for the Assembly to disallow these guidelines. I agree with the Committee's conclusion that guidelines should not be disallowable as this would compromise the independence of the Director which is one of the fundamental policy objectives of the main Bill.

Delegation of the Director's powers and functions

The Committee noted that the Director's power of delegation under clause 17 covered the power under subclause 7(2) to authorise another person to sign indictments. The Committee wondered why we did not follow the Commonwealth precedent and exclude that power from the scope of clause 17. The omission was an oversight. I agree that the exclusion is appropriate and I will have section 17 (which came into effect on 1 July) amended when the first suitable opportunity presents itself. *done*

I trust that the above answers any concerns the Committee had about the form the Bills took.

Yours sincerely


BERNARD COLLAERY
ATTORNEY-GENERAL

17 JUL 1990