

**LEGISLATIVE ASSEMBLY FOR THE  
AUSTRALIAN CAPITAL TERRITORY**

**STANDING COMMITTEE ON  
LEGAL AFFAIRS  
(PERFORMING THE DUTIES OF A SCRUTINY  
OF BILLS AND SUBORDINATE  
LEGISLATION COMMITTEE)**

**SCRUTINY REPORT NO. 1**

**12 DECEMBER 2001**

## **TERMS OF REFERENCE**

- (1) The Standing Committee on Legal Affairs (when performing the duties of a scrutiny of bills and subordinate legislation committee) shall:
  - (a) consider whether any instrument of a legislative nature made under an Act which is subject to disallowance and or disapproval by the Assembly (including a regulation, rule or by-law):
    - (i) is in accord with the general objects of the Act under which it is made;
    - (ii) unduly trespasses on rights previously established by law;
    - (iii) makes rights, liberties and/or obligations unduly dependent upon non-reviewable decisions; or
    - (iv) contains matter which in the opinion of the committee should properly be dealt with in an Act of the Legislative Assembly;
  - (b) consider whether any explanatory statement or explanatory memorandum associated with legislation and any regulatory impact statement meets the technical or stylistic standards expected by the Committee
  - (c) consider whether the clauses of bills introduced into the Assembly:
    - (i) unduly trespass on personal rights and liberties;
    - (ii) make rights, liberties and/or obligations unduly dependent upon insufficiently defined administrative powers;
    - (iii) 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) report to the Assembly on these or any related matter and 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, publication and circulation.

## **MEMBERS OF THE COMMITTEE**

**MR BILL STEFANIAK, MLA (CHAIR)**  
**MR JOHN HARGREAVES, MLA (DEPUTY CHAIR)**  
**MS KERRIE TUCKER, MLA**

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**LEGAL ADVISER: MR PETER BAYNE**  
**SECRETARY: MR TOM DUNCAN**  
**(SCRUTINY OF BILLS AND SUBORDINATE**  
**LEGISLATION COMMITTEE)**

## **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.

#### **ACTION Authority Amendment Bill 2001**

This Bill would amend the *ACTION Authority At 2001* to confirm the legal status of transferred staff; the preservation of the entitlements of these staff; to insert a regulation making power; and to insert an expiry provision for Part 6.

#### **Appropriation Bill 2001-2002 (No 2)**

This is a Bill for an Act to provide for the appropriation of moneys for the financial year 2001-2002.

#### **Drugs of Dependence Amendment Bill 2001 (No 2)**

This Bill would amend the *Drugs of Dependence Act 1989* to change the procedures for the prescription of drugs of dependence. Principally, it would permit the Chief Health Officer to prescribe drugs more expeditiously where urgent administration of drugs is necessary.

#### **Financial Management Amendment Bill 2001 (No 4)**

This Bill would amend the *Financial Management Act 1996* to amend the provisions relating to Supplementary Budget papers and the Treasurer's Advance.

Mr Bill Stefaniak, MLA  
Chair

12 December 2001