STANDING COMMITTEE ON SCRUTINY OF BILLS AND SUBORDINATE LEGISLATION

REPORT NO. 15 OF 1992

20 October 1992

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; or
- (d) contains matter which in the opinion of the Committee should properly be dealt with in an Act of the Legislative Assembly;
- (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; or
- (e) insufficiently subject the exercise of legislative power to parliamentary scrutiny;
- (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.

BILLS

Bills upon which no comment is offered.

The Committee has examined the following Bills and makes no comment.

Electoral Bill 1992

This Bill establishes the ACT Electoral Commission and sets out the procedure for determining electoral boundaries for Legislative Assembly elections.

Mutual Recognition (Australian Capital Territory) Bill 1992

This Bill enables the enactment of legislation applying uniformly throughout Australia for the mutual recognition by the States, the Northern Territory and the Australian Capital Territory of each other's regulatory standards in relation to goods and occupations.

Bill upon which comment is offered.

The Committee has examined the following Bill and makes the following comment.

Motor Traffic (Alcohol and Drugs) (Amendment) Bill 1992

This Bill provides that breath analysis instruments of a particular type may be approved rather than each instrument being approved, exempts breath analyses conducted in a police station from the privacy provisions of the Act, enables printouts from machines to be presented as evidence and updates the language used in the Act, including removing sexist language.

It was pleasing to see that, when these amendments were being made to the principal Act, the opportunity was taken to remove sexist language from many of the provisions of the Act.

SUBORDINATE LEGISLATION

Subordinate legislation upon which no comment is offered

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

Determination No. 154 of 1992 made under section 99 of the Taxation (Administration) Act 1987 increases the rate of financial institutions duty to be paid under section 10 of the Financial Institutions Duty Act 1987 from 0.08 percent to 0.10 percent with a maximum of $1,200.00 for a receipt exceeding $1,200,000.00 instead of a maximum of $1,200.00 for a receipt exceeding $1,500,000.00.