

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

**HEALTH AND COMMUNITY CARE SERVICES  
(VALIDATION OF FEES AND CHARGES) BILL 1997 -  
PROPOSED GOVERNMENT AMENDMENTS**

**REPORT NO. 9 OF 1997**

**8 July 1997**



## TERMS OF REFERENCE

- (1) A Standing Committee for scrutiny of bills and subordinate legislation be appointed.
- (2) The Committee will consider whether:
  - (a) any instruments of a legislative nature which are subject to disallowance and or disapproval by the Assembly (including a regulation, rule or by-law) made under an Act:
    - (i) meet the objectives of the Act under which it is made;
    - (ii) unduly trespass on rights previously established by law;
    - (iii) make rights, liberties and/or obligations unduly dependent upon non-reviewable decisions; or
    - (iv) contain matter which should properly be dealt with in an Act of the Legislative Assembly.
  - (b) its explanatory statement meets the technical or stylistic standards expected by the Committee.
  - (c) clauses of bills introduced in the Assembly:
    - (i) do not unduly trespass on personal rights and liberties;
    - (ii) do not make rights, liberties and/or obligations unduly dependent upon insufficiently defined administrative powers;
    - (iii) do not 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) its explanatory memorandum meets the technical or stylistic standards expected by the Committee.
- (3) The Committee shall consist of three members.
- (4) 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.
- (5) The Committee be provided with the necessary additional staff, facilities and resources.
- (6) 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.



**TERMS OF REFERENCE FOR THE INQUIRY THAT IS THE  
SUBJECT OF THIS REPORT**

To inquire into and report on the Governments proposed amendments to the Health and Community Care (Validation of Fees and Charges) Bill 1997.

*Minutes of Proceedings - 25 June 1997.*



## **MEMBERS OF THE COMMITTEE**

**Mr Bill Wood, MLA (Chair)**  
**Mr Paul Osborne, MLA (Deputy Chair)**  
**Mr Harold Hird, MLA**

**Legal Advisor: Emeritus Professor Douglas Whalan, AM**  
**Secretary: Mr Tom Duncan**

## **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.





Proposed Government amendments to Bill - Comment

The Committee has examined the following proposed Government amendments to the Bill and offers the following comments:

**Government Amendments to the Health and Community Care Services (Validation of Fees and Charges) Bill 1997**


These amendments to the Bill amend the title of the Bill to widen its ambit and remove doubts about the validity of aspects of delegated legislation dealing with ambulance service fees, driving licence fees, parking charges, road rescue fees and roads and public places fees.

Retrospectivity

The original Bill removes any doubt about the validity of the collection of fees and charges relating to hospital fees and charges for a specified period by retrospectively validating their collection. These amendments remove any doubts about the validity of the collection of fees and charges in a number of other areas by retrospectively validating their collection.

Thus the amendments take the opportunity to tidy up possible doubts in a number of disparate areas.

Bill Wood, MLA  
Chair



8 July 1997

