

MINUTES OF THE MEETING OF THE COMMITTEE OF SUBORDINATE LEGISLATION
HELD AT 12.55 PM ON THURSDAY, 4 OCTOBER 1990,
IN ROOM 5.04 PARLIAMENTARY ANNEXE

At 12.45 pm, in the absence of a quorum, Mr G.B. Fenlon, MLA, Mr R.K. Hollis, MLA and Mr J.H. Sullivan, MLA assisted by Ms S. Munro (Legal Counsel) and Miss J. Dingwell (Secretary), considered the first ten agenda items and made the following decisions:-

No.19/88 By-laws - Harbours Act

That letter of 4.9.1990 to the Minister in accordance with resolution of previous meeting, be endorsed.

No.1/89 Credit Regulations 1988

That gazettal of amending regulations to correct the five unauthorised alterations that appeared in the errata notice be awaited.

No.11/89 Regulations - Pawnbrokers Act

That letter of 4.9.1990 to the Minister in accordance with resolution of previous meeting be endorsed and his acknowledgment of 12.9.1990 noted.

No.18A/89 Regulations - State Housing Act

That Parliamentary Counsel's advice that there was no necessity for the void regulations to be remade by the Governor in Council be accepted and no further action be taken in the matter.

No.21A/89 Order in Council - State Housing Act

That letter of 4.9.1990 to the Minister in accordance with resolution of previous meeting be endorsed and note taken of the introduction into Parliament of the State Housing (Validation of Order in Council) Bill.

No.3/90 Regulations - Mental Health Services Act

That letter of 11.9.1990 to the Minister in accordance with resolution of previous meeting be endorsed.

Amendment of Acts by subordinate legislation

That discussion be deferred until next meeting.

No.6/88 By-laws - Queensland Art Gallery Act

That as the amending by-laws had been gazetted on 1.9.1990 and subsequently tabled, no further action was required of the Committee in the matter.

No 34/88 Regulations - Tobacco Products (Licensing) Act

That gazettal of the regulations amending the form of warrant to implement two of the Committee's suggestions be awaited.

No 5/89 Order in Council (Rule) - Supreme Court Act

That in view of departmental advice that an Order in Council had been prepared and was awaiting the concurrence of the Chief Justice, the Minister be requested to advise progress in the matter.

At 12.55 pm, the Chairman, Mr R.D. Barber, MLA and Mr R.J. Quinn, MLA, arrived and the Chairman declared the meeting open.

PRESENT:

Mr R.D. Barber, MLA (Chairman)
Mr R.K. Hollis, MLA
Mr R.J. Quinn, MLA
Mr J.H. Sullivan, MLA
Ms S. Munro (Legal Counsel)
Miss J. Dingwell (Secretary)

APOLOGIES:

Mr G.B. Fenlon, MLA
Mr A.A. FitzGerald, MLA
Mr L.W. Stephan, MLA

MINUTES OF PREVIOUS
MEETING:

The minutes of the previous meeting, having been circulated to members, were taken as read and confirmed on the motion of Mr Sullivan, seconded by Mr Hollis.

CARRIED

BUSINESS ARISING
FROM MINUTES:

Agenda items Nos 19/88, 1/89, 11/89, 18A/89, 21A/89, 3/90, Amendment of Acts by subordinate legislation, 6/88, 34/88 and 5/89.

Moved by Mr Sullivan, seconded by Mr Hollis, that action be taken in accordance with decisions made by those members in attendance prior to a quorum being present.

CARRIED

OTHER BUSINESS:

No.7/89 Regulations - Queensland Treasury Corporation Act

Consideration was given to the Minister's letter of 27.9.1990 agreeing that the Committee's statement regarding sub-delegation was correct with respect to the sub-delegation of judicial or legislative powers but did not extend to the conferment of administrative functions. The Minister considered that in the above matter the powers being conferred were of an administrative nature and Counsel concurred in that view.

After further discussion it was resolved that no further action be taken in the matter.

No.12/89 Regulations - Local Government Act

The meeting noted copy of a letter signed by the Minister on 11.9.1990 but not received by the Committee.

In view of the Minister's advice that the regulations were being reviewed by Parliamentary Counsel, it was resolved to await further advice in the matter.

No.18B/89 Regulations - Libraries and Archives Act

The meeting discussed departmental advice of 7.9.1990 that (1) action was being taken to repeal the void regulations; (2) the Government Printer had withdrawn the void regulations from sale; (3) the State Librarian had indicated that no actions been taken that would require validating legislation. It was then noted that the void regulations had been repealed by regulations gazetted on 22.9.1990.

It was agreed that the matter was now finalised and that no further action by the Committee was required.

No.18C/89 Regulations - Primary Producers' Organisation and Marketing Act

The meeting noted that the Egg Marketing Board (Administrative Levy) Regulations 1989 Validation Act 1990 had been passed on 28.8.1990 but that the new regulations had not been gazetted nor the void regulations repealed.

After discussion it was resolved to write to the Minister requesting that the outstanding matters receive attention.

No.21B/89 Regulations - Public Service Management and Employment Act

Consideration was given to the Premier's letter of 31.8.1990 stating that advice had been sought from the Crown Solicitor concerning validating legislation and from Parliamentary Counsel regarding a suitable amending regulation.

Resolved: That the Premier's further advices be awaited.

No.6/90 Order in Council - Funeral Benefit Business Act

The meeting considered the Minister's letter of 26.9.1990 (1) agreeing with the Committee's view that increases in the monetary limit for funeral benefits in section 32(d) should be prescribed by regulation, not by Order in Council, and advising that an appropriate regulation was being prepared; (2) advising that validating legislation in respect of the Order in Council, as well as an earlier Order in Council, was not warranted.

Resolved: That the Committee await gazettal of the promised regulation.

No.13/90 Orders in Council - Sewerage and Water Supply Act

The meeting discussed the Minister's advice of 31.8.1990 that a review of the legislation was still under consideration. It was not clear from that advice that a review would in fact proceed but the meeting decided not to take the matter any further as the Minister was aware of the Committee's views regarding the legislation.

Revision of the Workers' Compensation Act

Consideration was given to letter of 24.9.1990 from the General Manager of the Workers' Compensation Board concerning the revision of the Act. The Committee's advices were sought on a proposal to provide the Minister with the authority to approve the distribution of surplus by way of merit bonus notwithstanding the surplus had not been confirmed by the Auditor-General nor approved by the Governor in Council.

Counsel pointed out that it was not appropriate for the Committee to advise on the matter and the meeting resolved that the General Manager be informed that the enquiry could more appropriately be dealt with by the Parliamentary Counsel's Office or the Crown Solicitor's Office.

Committee's Eighteenth Report

Copies of the report were circulated. It was agreed that the Chairman liaise with Counsel and the Secretary regarding approval of the report and that any comments other members might have should be notified to the Secretary by 10.10.1990. Subject to that action, the Chairman was requested to table the report when the House resumed on 23.10.1990.

Secretary advised that the Clerk of Bills and Papers had indicated that there would be no problems if the Committee followed its usual practice of tabling a typewritten report.

NEXT MEETING:

The next meeting of the Committee will be held at 12.30 pm on Thursday, 25 October 1990, in Room 5.04, Parliamentary Annexe.

There being no further business the Chairman declared the meeting closed at 1.15 p.m.

CONFIRMED this 25th day of October 1990.



Chairman