

MINUTES OF THE MEETING OF THE COMMITTEE OF SUBORDINATE LEGISLATION
HELD AT 12.30 PM ON THURSDAY, 31 JANUARY 1991,
IN ROOM 5.04 PARLIAMENTARY ANNEXE

PRESENT:

Mr R D Barber, MLA (Chairman)
Mr G B Fenlon, MLA (Deputy Chairman)
Mr A A FitzGerald, MLA
Mr R K Hollis, MLA
Mr L W Stephan, MLA
Mr J H Sullivan, MLA
Ms S Munro (Legal Counsel)
Miss J Dingwell (Secretary)

APOLOGIES:

Mr R J Quinn, 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 Hollis, seconded by Mr Stephan.

CARRIED

BUSINESS ARISING
FROM MINUTES:

No 1/89 Regulations - Credit Act

The meeting noted the Minister's letter of 16.1.1991 enclosing copy of regulations approved by the Governor in Council on 20.12.1990 effecting the five unauthorised alterations that had been included in the errata notice.

The Minister's undertaking was therefore fulfilled and the Committee's action in the matter finalised.

No 11/89 Regulations - Pawnbrokers Act

Letter of 6.12.1990 to the Minister endorsed and his acknowledgment of 11.12.1990 noted.

It was resolved to await the Minister's further advices in the matter.

No 20/90 Regulations - Partnership (Limited Liability) Act

The meeting considered the Minister's advice of 21.12.1990 that the matter was being investigated and resolved to await further advice.

Perth Conference

The meeting (1) noted letter of 10.1.1991 conveying the Attorney-General's approval for legal counsel to attend the conference, costs to be met by his department; (2) resolved that in accordance with previous practice a submission be made to the Parliamentary Service Commission at its February meeting seeking approval for a delegation to attend the conference.

All members present indicated their intention of attending the conference but the situation regarding the Liberal party representative on the Committee was unclear.

Attorney-General's proposal re definition of "unit of the public sector"

The meeting (1) endorsed letter of 14.12.1990 to the Minister; (2) discussed his reply of 22.1.1991 and enclosure seeking the Committee's alternative solution to the problem.

It was agreed that the Committee could not resile from its long-standing opposition to Acts of Parliament being amended by subordinate legislation. It has always been the Committee's belief that an Act of Parliament should only be amended by another Act of Parliament and that was the only alternative in the present matter.

The meeting resolved to advise the Minister accordingly.

OTHER BUSINESS:

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

Consideration was given to the Minister's letters of 14.12.1990 and 15.1.1991 advising that the proposed amendments to the form of warrant would proceed and indicating that he had been awaiting the Committee's advice that it concurred with the amendments.

It was resolved to write to the Minister confirming that the Committee agrees with the proposed amendments.

No 9/89 Regulations - Firearms and Offensive Weapons Act

The meeting considered the Minister's letter of 17.12.1990 stating that enquiries were being made into the matter and resolved to await the Minister's further advices.

No 12/89 Regulations - Local Government Act

The meeting discussed the Minister's advice of 8.1.1991 that a set of regulations using the correct citation would be submitted to Cabinet and Executive Council.

It was resolved to await gazettal of the regulations.

No 1A/90 Regulations - Motor Vehicles Insurance Act

The meeting considered advice of 19.12.1990 from the Minister's office that the matter was being investigated and resolved to await further advice.

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

Consideration was given to the Minister's letter of 17.12.1990 advising that a regulation gazetted on 8.12.1990 inserted a new clause 48A dealing with the monetary limit for funeral benefits.

The Minister's undertaking to the Committee was therefore fulfilled and its action in the matter finalised.

No 10/90 Regulations - Builders' Registration and Home-owners' Protection Act

The meeting discussed the Minister's letter of 5.12.1990 conveying the Builders' Registration Board's advice that clause 4, form 17, was overridden by the principal legislation. The Board proposed to leave amendment of the regulations to a further date when other amendments were necessary.

It was resolved to watch for the next amendment of the regulations and check whether form 17 has been amended.

No 17/90 Regulations - Motor Vehicles Insurance Act

Consideration was given to the Minister's letter of 17.12.1990 advising that the Committee's comments would be fully taken into account during the review of the Act now in process.

It was resolved to ask the Minister when it is expected that the review will be completed and what action is intended with respect to regulation 4(2).

No 19/90 Proclamation - Police Service Administration Act

The meeting considered the Minister's letter of 4.12.1990 enclosing copy of the Crown Solicitor, Mr K M O'Shea's, opinion which set out in part that it was his view that the important requirements of the Act were satisfied by the way in which the Governor exercised his powers. No steps needed to be taken therefore with respect to rectification or validation.

Counsel pointed out that the main issue was the validity or invalidity of the instrument involved and the Crown Solicitor had expressed the view that the Proclamation gazetted on 16.6.1990 was valid.

After further discussion the meeting resolved to accept the Minister's reply and the Crown Solicitor's opinion and take no further action in the matter.

Statute Law (Miscellaneous Provisions) legislation

The meeting discussed (1) letter of 16.1.1991 from the Minister for Employment, Training and Industrial Relations conveying Parliamentary Counsel's view that the above legislation was not an appropriate means for effecting the proposed changes and that Treasury would be pursuing alternative legislative solutions; (2) letter of 18.1.1991 from the Minister for Education advising that the matter would be dealt with by amendments to the Statutory Bodies Financial Arrangements Act.

It was resolved to seek the Treasurer's confirmation that amendments to the Rural Training Schools Act, Grammar Schools Act and City of Brisbane Act as suggested by the Committee will be included in the proposed amendments to the Statutory Bodies Financial Arrangements Act.

Enquiry from Western Australian Committee

The meeting discussed an enquiry from the Chairman of the Western Australian Standing Committee on Constitutional Affairs and Statutes Revision whether Queensland had a similar Committee and whether any other Queensland Committee would be interested in conferring with his Committee.

It was noted that Queensland did not have such a Committee nor did there appear to be any proposal to appoint one.

It was therefore resolved that the Secretary inform the Clerk-Assistant (Committees), who had referred the matter to the Committee, that the Committee could not offer any advice that would assist the Western Australian Committee in its inquiries and therefore did not wish to confer with it. It was further resolved to suggest that the Attorney-General's attention be drawn to the Committee's existence.

Enquiry re Adoption of Children Regulations

The Chairman reported that one of his constituents, Reverend Knapp, had contacted him to object to form 20 of the regulations. He stated that the terminology of the form did not comply with the wording of the Act.

An error also appeared in the heading to form 25.

Counsel advised that she had checked the Act and the regulations but could not find the provisions that prompted Reverend Knapp's enquiry.

After discussion the meeting resolved to request Reverend Knapp to put his enquiry in writing so that the Committee can investigate it further.

Parliamentary Committee Transitional Act 1977

The meeting discussed a memorandum from the Clerk of the Parliament conveying an enquiry from the Premier's Department regarding the proposed repeal of the above Act.

Advice was sought as to whether the Committee had completed all its work and made all reports in respect of the matters inquired into during the relevant period or whether there was any unfinished business that a subsequent Committee might wish to inquire into.

The Secretary was requested to check Committee records and report at next meeting.

NEXT MEETING:

The next meeting of the Committee will be held at 12.30 pm on Thursday, 21 February 1991, in Room 5.04, Parliamentary Annexe.

There being no further business the Chairman declared the meeting closed at 1.25 pm.

CONFIRMED this 21st day of February 1991.



Chairman