

MINUTES OF THE MEETING OF THE COMMITTEE OF SUBORDINATE LEGISLATION
HELD AT 12.30 P.M. ON THURSDAY, 29 MARCH 1990
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.J. Quinn, MLA
Mr L.W. Stephan, MLA

Miss E. Hall (Legal Counsel)
Miss J. Dingwell (Secretary)

APOLOGIES:

Mr R.K. Hollis, MLA
Mr J.H. Sullivan, 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 Stephan, seconded by Mr Fenlon.

CARRIED

BUSINESS ARISING
FROM MINUTES:

Services of Legal Counsel

The meeting noted formal advice of 23.3.1990 from the Clerk of the Parliament that the Parliamentary Service Commission had decided that the Committee's submission be not approved.

Miss Hall then introduced Mr P. Wedge, Assistant Crown Solicitor, who would be appointing a legal officer to replace her as counsel to the Committee. Mr Wedge advised that the position was now with the Crown Solicitor's Office and would be attached to the Conveyancing Branch of which he was Officer-in-Charge.

Mr Wedge will select an officer who will be appointed as legal counsel to the Committee for a period of time, giving priority to the Committee's work; however, if promoted or acting in a higher position, another officer will take over. Mr Wedge pointed out that it was necessary for the officer to gain experience in other areas to protect his or her position within the career structure of the Public Service.

Mr Wedge added that any problems with this arrangement could be referred by the Committee to him.

The Chairman thanked Mr Wedge for his attendance and advice.

No. 2/90 Regulations - Criminal Code - Letters of 22.3.1990 to the Attorney-General and the Minister for Justice and Corrective Services, in accordance with resolution of previous meeting, endorsed.

OTHER BUSINESS:

No. 47A/87 Regulations - Fire Safety Act
No. 9/89 Regulations - Firearms and Offensive Weapons Act

No. 10/89 Regulations - Second-hand Dealers and Collectors Act

No. 11/89 Regulation - Pawnbrokers Act - The meeting noted the Minister's acknowledgments of 21.3.1990 and resolved to await his further advices in the respective matters.

No. 18/89 Regulation - Rural Fires Act - The Minister's acknowledgement of 22.3.1990 was noted and the meeting resolved to await his further advices.

No. 18C/89 Regulations - Primary Producers' Organisation and Marketing Act - The meeting considered letter of 23.3.1990 from the Minister advising that (1) he would be proceeding to a new regulation; (2) validating legislation would be prepared; (3) the Government Printer had been advised of the situation. It was resolved to await gazettal of the new regulation and introduction of the legislation.

Void Regulations

Consideration was given to Parliamentary Counsel's request of 20.3.1990 that his office be advised by telephone of any possibly void regulations as soon as the Committee becomes aware of that possibility.

Resolved: That Parliamentary Counsel be advised that the Committee Secretary will give early telephonic advice of such regulations to the Publications Officer.

COUNSEL'S REPORT:

No. 3/90 Regulations - Mental Health Services Act
Counsel outlined the background to security patients' hospitals and reported several concerns regarding the regulations gazetted on 17.3.1990, viz., "security" has not been included in the Act as a subject matter for regulations; an Order in Council gazetted on 10.3.1990 is unnecessary in view of the provisions of sec. 16 of the Act; as women security patients are housed separately,

action should be taken to establish a security patients' hospital for women pursuant to the Act; clarification of the expression "under the direction of the medical superintendent" in reg. 49(2)(b) is required; some standard or code governing searches should be adopted and power given to confiscate any items discovered during a search; it is presumed that the Director will delegate authority to the medical superintendent; it appears regs. 51 and 53 should be repealed as a result of later amendments.

Discussed and resolved that these matters be referred to the Minister for consideration and advice.

NEXT MEETING:

The next meeting of the Committee will be held at 12.30 pm on Thursday, 10 May 1990, in Room 5.04, Parliamentary Annexe.

There being no further business the Chairman declared the meeting closed at 1.20 pm.

CONFIRMED this 10th day of May 1990.

R. B. D. L.

Chairman