

MINUTES OF THE MEETING OF THE COMMITTEE OF SUBORDINATE LEGISLATION
HELD AT 12.30 PM ON THURSDAY, 8 NOVEMBER 1990,
IN ROOM 5.04 PARLIAMENTARY ANNEXE

PRESENT:

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

APOLOGIES:

Mr A.A. FitzGerald, MLA
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 Sullivan, seconded by Mr Stephan.

CARRIED

BUSINESS ARISING
FROM MINUTES:

No.17/89 Order in Council (Rule) - Jury Act

Consideration was given to the Minister's letter of 2.11.1990 explaining the reason for the delay in providing the Committee with a substantive response. It appeared from that letter and the Minister's previous letter of 16.10.90 that he was seeking agreement by the Committee that validating legislation was not necessary.

The meeting resolved to write to the Minister thanking him for his courtesy in the matter and informing him that the Committee agrees that in this instance validating legislation is not required.

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

The meeting considered the Minister's letter of 29.10.1990 stating that advice had been received from Parliamentary Counsel's office that the curing of the flaw in the regulations by the Egg Marketing Board (Administrative Levy) Regulations 1989 Validation Act 1990 negated any need to repeal the regulations and promulgate new ones. Counsel agreed with that view.

It was resolved to write to the Minister (1) setting out the corrective procedure the Committee has usually suggested when instruments have become void; (2) agreeing that in this matter the validating legislation avoids the necessity to repeal the regulations and promulgate new ones; (3) advising that the Committee seeks no further action in the matter.

No 17/90 Regulations - Motor Vehicles Insurance Act

Letter of 1.11.1990 to the Minister in accordance with resolution of previous meeting, endorsed.

Amendment of Acts by subordinate legislation.

Letter of 1.11.1990 to the Minister in accordance with resolution of previous meeting, endorsed.

Perth Conference

Letter of 1.11.1990 to the Research Officer of the Western Australia Committee in accordance with resolution of previous meeting, endorsed.

OTHER BUSINESS:

No.17/88 Regulations - Queensland Marine Act

Consideration was given to the Minister's letter of 31.10.1990 advising that following enquiries from other States and discussions with his senior officers it was considered that the regulations were unlikely to have any use and were redundant of the existing powers of Harbour Masters. It was therefore intended to repeal the Nuclear Powered Ship Regulations 1988.

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

No 19/88, 19A/88, 22/88 By-laws - Harbours Act

The meeting considered the Minister's letter of 29.10.1990 advising that it was intended to include the amendments sought by the Committee when other substantive amendments occurred to each of the by-laws. The Minister therefore suggested that the proposed amendments be postponed.

It was agreed that the suggestion be accepted and the meeting resolved that the Minister be advised accordingly.

No 23/88 By-laws - National Trust of Queensland Act

Consideration was given to the Minister's letter of 5.11.1990 stating that he was still awaiting advice from the Crown Solicitor and it was resolved to await the Minister's further advices.

No 19/89 Proclamations, Order in Council - Rental Bond Act

The meeting considered the Minister's advice of 22.10.1990 that Parliamentary Counsel had advised that validating legislation would be necessary to remedy the problems that had occurred with the instruments.

Resolved: That introduction of the legislation be awaited.

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

Consideration was given to letter of 5.11.1990 from the Chairman of the Public Sector Management Commission advising that the regulation had been resubmitted to the Governor in Council on 1.11.1990. The regulation also provided for the repeal of the void regulations.

It was noted that advice had not been received regarding the introduction of validating legislation and the meeting resolved to ask the Premier whether such action was being considered.

No 1A/90 Regulations - Motor Vehicles Insurance Act

The meeting discussed the Minister's letter of 26.10.1990 stating that he was still awaiting advice from Crown Law Office and resolved to await the Minister's further advices.

No 1B/90 Regulations - Valuation of Land Act

The meeting considered the Minister's letter of 2.11.1990 advising that (1) in the Crown Solicitor's opinion the regulations were valid notwithstanding failure to table; (2) section 47(4) of the Act will be amended to conform to section 28A of the Acts Interpretation Act.

It was resolved that the Committee await the introduction of the amending legislation.

NEXT MEETING:

The next meeting of the Committee will be held at 12.30 pm on Thursday, 22 November 1990, in Room 5.04, Parliamentary Annexe.

There being no further business the Chairman declared the meeting closed at 1.58 pm.

CONFIRMED this 22nd day of Nov 1990.



Chairman