

MINUTES OF THE MEETING OF THE COMMITTEE OF SUBORDINATE LEGISLATION
HELD AT 12.30 PM ON THURSDAY, 29 NOVEMBER 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.K. Hollis, MLA
Mr L.W. Stephan, MLA
Mr J.H. Sullivan, MLA
Miss 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 Sullivan, seconded by Mr Hollis.

CARRIED

DISCUSSIONS WITH
ATTORNEY-GENERAL:

At 12.35 pm the Attorney-General, the Honourable D McM Wells, MLA, joined the meeting advising that there were two matters he wished to bring to the Committee's attention.

Firstly, he had given the necessary approval for legal counsel to attend the Perth conference in 1991.

Secondly, with respect to the Criminal Justice Act, the Electoral and Administrative Review Act, the Public Sector Management Commission Act and the Superannuation (State Public Sector) Act, Mr Wells stated the Government's concern to define in the legislation that part of the public sector to which the legislation will be applicable. He outlined the difficulties involved in identifying which bodies should fall within the definitions "unit of public administration" and "unit of the public sector" and the possibility that the existing definitions could include bodies that were not intended to be affected by the legislation.

Mr Wells said that the Government therefore saw the need to have a definition that was variable from one statute to the next, allowing Executive Council, by regulation, to declare whether a particular body falls within the definition. Thus, the Act would contain a definition clause defining "unit of the public sector" and a further section empowering the Governor in Council to make regulations with respect to various matters, including the exclusion or inclusion of a body from or in the definition.

Mr Wells expressed the view that such a grant of power to the Executive Council would not be a Henry VIII clause as the Act was not being amended. He tabled a copy of a letter from the Chairman of the Law Reform Commission, who agreed with that view. Mr Wells indicated that the Government would be following that procedure and expressed the wish to inform Cabinet that the Committee was now satisfied that such a course was acceptable.

Members questioned Mr Wells on certain aspects of the proposal and indicated that they would like to consider the matter further before responding. Mr Wells agreed to request Cabinet to await the Committee's response.

At 12.50 pm Mr Wells left the meeting, having been thanked by the Chairman for his attendance.

BUSINESS ARISING
FROM MINUTES:

No 6/89 By-laws - Education (Teacher
Registration) Act

Letter of 22.11.1990 to the Minister, in accordance with resolution of previous meeting, endorsed.

No 19/90 Proclamation - Police Service
Administration Act

Letter of 28.11.1990 to the Minister in accordance with resolution of previous meeting, endorsed.

Perth Conference

The meeting (1) noted advice of 28.11.1990 from the Western Australian Committee that the conference will now be held from 21 - 24 May 1991; (2) endorsed letter of 23.11.1990 to the Attorney-General regarding counsel's attendance and noted his verbal approval; (3) agreed that the request for the Secretary's attendance be included as part of the submission to be made to the Parliamentary Service Commission when the composition of the delegation is known; (4) resolved to acknowledge the Western Australian Committee's letter and inform the Attorney-General of the altered dates.

OTHER BUSINESS:

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

The meeting discussed the Minister's letter of 27.11.1990 advising that the matter of the wording of the form of warrant would be raised again with the Crown Solicitor. It was noted that the Committee had resolved to take no further action in this matter in view of the Crown Solicitor's advice in the Firearms and Offensive Weapons Regulations that the form of warrant was lawful.

After further discussion it was resolved to await any further advice the Minister might offer.

NEXT MEETING:

The next meeting of the Committee will be held at 12.30 pm on Thursday, 6 December 1990, in Room 5.04, Parliamentary Annexe.

There being no further business the Chairman declared the meeting closed at 12.58 pm.

CONFIRMED this *6th* day of *Dec* 1990.

R Bee

Chairman