

MINUTES OF THE MEETING OF THE COMMITTEE OF SUBORDINATE LEGISLATION
HELD AT 12.30 PM ON TUESDAY, 9 APRIL 1991,
IN ROOM 9.13 PARLIAMENTARY ANNEXE

PRESENT:

Mr R D Barber, MLA (Chairman)
Mr G B Fenlon, MLA
Mr R K Hollis, MLA
Mrs J M Sheldon, MLA
Mr L W Stephan, MLA
Mr J H Sullivan, MLA
Ms S Munro (Legal Counsel)
Ms M Cook (Secretary)

APOLOGIES:

Mr A A FitzGerald, 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 34/88 Regulations - Tobacco Products
(Licensing Act)

Letter of 12 March 1991 to the Minister in accordance with resolution of previous meeting, endorsed.

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

Letter of 12 March 1991 to the Minister in accordance with resolution of previous meeting endorsed.

The meeting acknowledged the Minister's letter of 2 April 1991 indicating the Order in Council had received the necessary concurrence of the requisite number of Supreme Court Judges and that the Order in Council would be presented to the Governor in Council on 18 April 1991.

No 9/89 Regulations - Firearms and Offensive
Weapons Act

Counsel reported that while Regulation 8 is not at variance with section 10 of the Act, the Committee should consider whether the matter contained in the regulation is of sufficient importance to be included in the Principal Act and not in the regulations.

The Committee resolved to write to the Minister conceding the legality of regulation 8 but suggesting that the Committee believes the issue to be of sufficient legal importance that consideration should be given to include this matter in the Principal Act when it is amended in the future.

No 1/91 Regulations - Friendly Societies Act

Counsel reported that while the Minister's reply of 27 March 1991 addressed certain aspects of the Committee's report, in the main, the offending provisions were not dealt with specifically in the Minister's response.

Counsel detailed the offending provisions and pointed out that the powers conferred by the regulations in the main, supplement rather than complement the Act.

The meeting discussed disallowance of the regulations and the Chairman suggested that more time was needed for Committee members to read the Minister's reply and consider the issues involved.

The Committee resolved to meet again on Thursday 11 April 1991 at 12.30 pm in Room 9.13, Parliamentary Annexe to further discuss the matter.

Perth Conference

Travel arrangements were discussed with most details being finalised. The Secretary reported that Jane Burn from the Western Australian Committee had contacted her to discuss if one of our members would be prepared to open discussion at the Workshop on Henry VIII clauses.

The Chairman suggested that, as he was already giving a paper which included some material about this matter, one of the other members might prefer to open discussion at the workshop.

It was resolved that the Secretary ring Jane Burn and discuss the paper and workshop.

It was further resolved that the Secretary would provide all members with an itinerary of the trip as soon as possible.

Enquiry re Adoption of Children Regulations

The Committee noted a letter from the Minister's office stating that all forms now used are those approved by the Director-General and are not regulated forms.

The Committee resolved to write to the Reverend J J Knapp explaining that we have received advice from the Minister's Office indicating that as a result of 1991 amendments all forms now used are those approved by the Director-General and are not regulated forms.

No 11/89 Regulations - Pawnbrokers Act

The meeting acknowledged receipt of Minister's letter of 13 March 1991 and resolved to write to the Minister thanking him for his co-operation in finalising this matter by introducing validating legislation.

Letter from N.T. Subordinate Legislation and Tabled Papers Committee

The Committee discussed the correspondence and resolved that the Secretary, in consultation with the Chairman, should prepare the information required by the Northern Territory Committee.

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

The Committee acknowledged the Premier's letter of 26 March 1991 indicating no validating legislation was necessary. It was resolved to write to the Premier and thank him for his reply.

No 47A/87 Regulations - Fire Safety Act

The meeting acknowledged the Minister's reply and resolved to write to the Minister, thanking him for his co-operation in providing for validating legislation.

NEXT MEETING:

The next ordinary meeting of the Committee will be held at 12.30 pm on Tuesday, 16 April 1991 in Room 9.13, Parliamentary Annexe.

There being no further business the Chairman declared the meeting closed at 1.30 pm.

CONFIRMED this day of 1991.

Chairman