

Minutes of the Meeting of the Committee of
Subordinate Legislation held at 12 noon on
Tuesday 22 October 1991 in Room 9.13,
Parliamentary Annexe.

Present:

Mr R D Barber, MLA (Chairman)
Mr R K Hollis, MLA
Mr A A FitzGerald, MLA
Mr L W Stephan, MLA

Ms S Munro (Legal Counsel)
Ms M Cook (Secretary)

Apologies:

Mr J H Sullivan, MLA
Mrs J M Sheldon, MLA
Mr G B Fenlon, 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 FitzGerald.

Business arising

No. 6/91 *Workplace Health and Safety Act 1989 - Notification*

Letter of 1 October 1991 to Minister in accordance with resolution of previous meeting endorsed.

8/91 *Justices Act 1886 - Order in Council*

Letter to Minister in accordance with resolution of previous meeting endorsed and Minister's acknowledgement noted.

10/91 *Fauna Conservation Act 1974 - Order in Council*

Minister's reply of 2 October 1991 noted. Counsel noted the Minister's reply and after discussion, it was resolved to write to the Minister further explaining provision (a) of his letter.

13/91 Primary Producers' Organisation and Marketing Act 1926 - Notice.

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

Parliamentary Counsel's Office

Letter of thanks to Parliamentary Counsel endorsed.

Secretary noted that she had received correspondence regarding subscription for the Subordinate Legislation Series. The meeting resolved that the Committee will subscribe to the series.

Canberra Conference

The meeting endorsed letter to Attorney-General requesting Counsel's attendance at conference. The meeting noted the Attorney-General's reply agreeing that Counsel should attend.

Letters to Ministers re role of Committee

The meeting endorsed letter to all Ministers regarding the role of the Committee. The Committee noted replies received from Ministers.

7/91 - Transport Infrastructure (Railways) Act 1991 - Order in Council.

The meeting acknowledged the reply from the Minister stating concurrence with the advice of the Committee that the correct instrument should have been a regulation and not an order in council.

The meeting resolved to await Gazettal of the correct instrument.

Computers

The Secretary informed the meeting that the Committees Secretariat had recently been investigated with regard to the installation of a computer network. The consultant was informed of the Committee's need regarding the on-line ability to obtain information currently held in the Parliamentary Counsel's Office.

Legal Counsel

Counsel informed the meeting that as a result of a re-organisation in the Attorney-General's Department she would no longer be carrying out the duties of Counsel to the Committee.

Discussion took place regarding the possibility of a full-time legal officer as the work of the Committee will increase.

It was discussed whether a legal officer could be utilised by both the Committee of Subordinate Legislation and the Privileges Committee.

It was resolved to put this matter on the agenda for the next meeting for further discussion.

Counsel's Reports

14/91 Rules of the Board of Senior Secondary School Studies Amendment Rules (No.2) 1991.

Counsel reported that the date of the Board's meeting had been omitted from the preamble to the amendment rules.

By-law 2.10 prescribes that the Board may make rules and that all rules made by the Board are to be published in the Gazette. It is unclear whether the meeting of the Board was ever held.

The meeting resolved to write to the Minister in terms of Counsel's report.

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15/91 Superannuation (State Public Sector) Act
1990 - Order in Council.

Counsel reported on two errors contained in this order. Firstly, the order is clearly an amending order but the word "amendment" has been omitted. Secondly, it is not clear which instrument is amended and it is useless in its present form.

The meeting resolved to write to the Treasurer in terms of Counsel's report.

16/91 Sawmills Licensing Amendment Regulations
1991.

Counsel reported that these regulations had been drafted in accordance with new drafting instructions prepared by the Parliamentary Counsel. However, the citation of the instrument being amended has not been changed.

The meeting resolved to write to the Minister informing him of this error.

Next meeting:

The next meeting of the Committee, which was to be held on Tuesday 29 October 1991, is now to be held on Wednesday 30 October 1991 at 1 pm in room 9.13.

There being no further business, the Chairman declared the meeting closed at 1 pm.

Confirmed this

day of

1991


Chairman