

- MINUTES -

Minutes of the meeting of the Committee of Subordinate Legislation
held at 1.00 on 10 November 1992 in Room 9.13,
Parliamentary Annexe

Present:

Mr J H Sullivan MLA
Mr L W Stephan MLA
Mr D Beanland MLA
Mr G Nuttall MLA
Mr G Pyke MLA
Mr S Robertson MLA
Miss F Simpson MLA

Mr G Cooper (Legal Advisor)
Ms M Cook (Secretary)

Election of Chairman:

Mr Cooper took the Chair as temporary chairperson and called for nominations for the position of Chairman. Mr Nuttall nominated Mr Sullivan, seconded by Mr Pyke. As there were no further nominations, Mr Sullivan was elected as Chairman of the Committee.

The Chairman called for nominations for the position of Deputy Chairman. Mr Pyke nominated Mr Stephan, seconded by Mr Beanland and as there were no further nominations, Mr Stephan was declared elected as Deputy Chairman of the Committee.

Minutes of the previous meeting:

Mr Stephan moved that the minutes of the previous meeting were a true and accurate record of that meeting and Mr Sullivan countersigned the minutes.

Business arising from minutes:

40B/92 Industrial Development Act

The secretary reported that the Department had agreed that the orders in council had not been tabled. A letter from the Honourable J Elder to the Minister for Lands the Honourable G Smith indicated that the matter was to be corrected and new orders in council were to be gazetted.

It was resolved to monitor the gazettal of the new orders in council.

40C/92 State Housing Act

The Department's letter of 7 September 1992 was noted.

It was resolved to await further advice and gazettal of new order in council.

41/92 Financial Administration and Audit Act 1977

The Minister's reply of 15 September 1992 was discussed by the meeting and it was resolved to write to the Budget Division seeking further clarification of the schedule.

42/92 Fair Trading Act 1989

The meeting noted the Minister's reply of 15 September 1992 and resolved to monitor the amendment to the order in the gazette.

45/92 Stock Act 1915

The meeting endorsed the letter of 25 August 1992 to the Minister.

46/92 Primary Producers' Organisation and Marketing Act 1926

Letter of 25 August 1992 to the Minister in accordance with the resolution of the previous meeting endorsed.

47/92 Board of Senior School Studies By-law 1989

The meeting noted the Minister's reply of 16 October 1992 and resolved that no further action is required.

General Business:

Letter from Premier re availability of subordinate legislation

The meeting discussed the reply from the Premier dated 25 September 1992 and noted that whilst the letter provided an explanation of the availability of subordinate legislation it did not answer the question of exempted subordinate legislation.

The meeting resolved to write to the Premier seeking a further explanation.

Letter to Premier re annotations

The meeting noted that a letter to the Premier from the previous Committee had not been responded to. It was resolved to write again to the Premier.

Payment to Chairman and Members

It was reported that the Parliamentary Service Commission had approved that the Chairman and Members of the Committee receive payment for membership of the Committee.

This has been submitted to the Premier's Department for approval.

Legal adviser:

The Chairman advised that the submission to the Parliamentary Service Commission regarding the employment of an independent full time legal adviser had been rejected.

After discussion, it was resolved to authorise the Chairman and the Secretary to prepare a new submission to the Parliamentary Service Commission requesting the employment of a legal adviser, stressing that it is imperative that the Committee has access to independent advice.

Counsel's Report:

48/92 Transport Infrastructure (Roads) Act

Counsel advised that a mistake appeared to have been made in the drafting of the proclamation.

It was resolved to write to the Minister in terms of Counsel's report.

49/92 Local Government (Planning and Environment) Act

It was reported that the instrument was called an order but also has reference to a regulation.

It was resolved to write to the Minister in terms of Counsel's report.

50/92 Local Government (Planning and Environment) Act

Counsel reported on the complexity of and length of the Act under which the orders in council were made.

After discussion it was resolved to write to the Minister seeking advice on the relevant sections under which the orders are made.

51/92 Primary Producers' Organisation and Marketing Act

Counsel reported that 2 orders in council were gazetted, one was required to be tabled and one was not.

It was resolved to write to the Minister seeking clarification of the orders.

52/92 Criminal Justice Act

Counsel reported that the endnotes to the order indicate that it is required to be tabled in the Legislative Assembly. Counsel is unaware of any such requirement.

It was resolved to write to the Minister in terms of Counsel's report.

Next meeting:

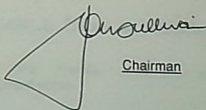
The next meeting of the Committee will be held on Tuesday 24 November 1992.

There being no further business, the Chairman declared the meeting closed at 2.05 pm.

Confirmed this

24TH

day of NOVEMBER 1992.


Chairman