

DEPARTMENT OF THE SENATE
PAPER NO. 954
DATE PRESENTED - 7 JUN 1973
<i>J.R. Odgers</i>
Clerk of the Senate

THE SENATE

FORTY-FIFTH REPORT

FROM

THE STANDING COMMITTEE ON REGULATIONS AND ORDINANCES

Members of the Committee 1932-1973

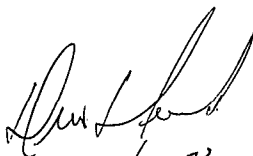
List of Reports

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AT PRESENTATION OF PAPERS

Senator Devitt: Mr President, I bring up the Forty-fifth Report of the Standing Committee on Regulations and Ordinances, being an index to the Reports of the Committee and related material, and I move:

That the Report be printed.



7. 6. 73

MEMBERS OF THE COMMITTEE

Senator D. M. Devitt (Chairman)
Senator W. W. C. Brown
Senator F. D. Durack
Senator J. R. McClelland
Senator J. M. Wheeldon
Senator I. A. C. Wood
Senator the Hon. R. C. Wright

FUNCTIONS OF THE COMMITTEE—Since 1932, when the Committee was first established, the principle has been followed that the functions of the Committee are to scrutinize regulations and ordinances to ascertain—

- (a) that they are in accordance with the Statute;
- (b) that they do not trespass unduly on personal rights and liberties;
- (c) that they do not unduly make the rights and liberties of citizens dependent upon administrative rather than judicial decisions; and
- (d) that they are concerned with administrative detail and do not amount to substantive legislation which should be a matter for parliamentary enactment.

Standing Committee on Regulations and Ordinances

FORTY-FIFTH REPORT

The Standing Committee on Regulations and Ordinances has the honour to present its Forty-fifth Report to the Senate.

This Report consists of:-

1. A list of members of the Committee since its establishment in 1932;
2. A list of previous Reports of the Committee in chronological order showing their subject matter and date of presentation; and
3. An index to all previous Reports.

The Committee hopes that this material will be useful not only to the Committee itself, but also to the Senate and to persons interested in parliamentary oversight of delegated legislation.

D.M. DEVITT

Chairman

Senate Committee Room,

[1] 7 JUN 1973

Senate Standing Committee on Regulations and Ordinances

MEMBERSHIP OF THE COMMITTEE 1932-1973

Note: Prior to 1966 the Committee was appointed at the beginning of each session. Since 1966 it has been appointed at the beginning of each Parliament, which is determined by the duration of the House of Representatives. Where a session or a Parliament was terminated, the Committee is assumed to have remained in existence until the day before the opening of the following session or Parliament.

The following Senators have served as Chairmen of the Committee:

Colebatch, Sir Hal. P.	4. 5.32 to 20. 3.33
Brennan, T.C.	1. 6.33 to 22.10.34
Payne, H.J.M.	29.11.34 to 23. 9.35
Duncan-Hughes, J.G.	2.10.35 to 8.12.37
McLeay, G.	8.12.37 to 17.11.38
Collett, H.B.	17.11.38 to 17. 5.39
Wilson, K.C.	17. 5.39 to 30. 5.40
McLachlan, A.J.	21. 6.40 to 10.12.40
Spicer, J.A.	10.12.40 to 22. 9.43
Large, W.J.	14.10.43 to 26. 3.47
Nash R.H.	26. 3.47 to 11. 5.50
Tate, J.P.	11. 5.50 to 30. 6.53
Wood, I.A.C.	23. 9.53 to 26. 2.73
Devitt, D.M.	15. 3.73 to -

The following Senators have served as members of the Committee:

Abbott, M.	26. 9.35 to 29. 6.37
Armstrong, J.I.	27. 9.38 to 19.11.40
Arnold, J.J.	7.11.46 to 30. 6.65
Ashley, W.	2.12.37 to 27. 9.38
Aylett, W.E.	29. 9.43 to 5.11.46
Barnes, J.	17. 3.32 to 25.11.32
Bishop, R.	26. 8.65 to 24.11.69
Brennan, T.C.	17. 3.32 to 22.10.34
Brown G.	26. 9.35 to 29.11.37
Brown, W.W.C.	7. 3.73 to -
Byrne, C.B.	20. 6.51 to 5. 9.57
Cameron, D.	27. 9.38 to 20.11.41
Cavanagh, J.L.	31. 8.66 to 26. 2.73
Clothier, R.E.	27. 9.38 to 22. 9.43
Cohen, S.H.	26. 8.65 to 20. 2.67
Colebatch, Sir Hal. P.	17. 3.32 to 20. 3.33
Collett, H.B.	31.10.34 to 30. 5.39
Collings, J.S.	26. 9.35 to 1.10.35
Cooke, J.A.	22.10.47 to 21. 2.50
	19. 2.59 to 19. 2.62
	11. 4.62 to 30. 6.65
Cooper, W.J.	1.10.35 to 21. 2.50

Cormack, M.C.	15. 8.62 to 26. 8.65
Courtice, B.	2.12.37 to 27. 9.38
Cunningham, J.	2.12.37 to 27. 9.38
Davidson, G.S.	26. 8.65 to 19. 8.71
Devitt, D.M.	23. 2.67 to -
Dooley, J.B.	17. 3.32 to 30. 6.35
Drake-Brockman, T.C.	17. 9.58 to 16. 2.59
Duncan-Hughes, J.G.	17. 3.32 to 30. 6.38
Durack, P.D.	19. 8.71 to -
Elliott, R.C.D.	17. 3.32 to 30. 6.35
Greenwood, I.J.	20. 3.68 to 30. 3.71
Guy, J.A.	23. 2.50 to 14. 2.56
Hays, Herbert	17.11.38 to 30. 6.47
Katz, F.	22.10.47 to 11. 6.51
Large, W.J.	20.11.41 to 22.10.47
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Lawrie, A.G.E.	26. 8.65 to 19. 8.71
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McKellar, G.C.	19. 2.59 to 15. 8.62
McLachlan, A.J.	30. 5.40 to 30. 6.44
McLeay, G.	26. 9.35 to 17.11.38
Maher, E.B.	23. 2.50 to 16. 9.53
Marwick, T.W.	29. 6.37 to 29.11.37
Nash, R.H.	29. 9.43 to 12.12.51
O'Halloran, M.R.	25.11.32 to 30. 6.35
O'Sullivan, N.	22.10.47 to 21. 2.50
Payne, H.J.M.	26. 5.33 to 23. 9.35
Prowse, F.W.	15. 8.62 to 26. 8.65
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Spicer, J.A.	28.11.40 to 22. 9.43
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Willesee, D.R.	29. 5.52 to 31. 8.66
Wilson, K.C.	27. 9.38 to 30. 5.40
Wood, I.A.C.	23. 2.50 to -
Wright, R.C.	23. 2.56 to 20. 3.68
	7. 3.73 to -

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1	Customs Regulations - provisions relating to film censorship.	18/5/32	S1 of 1932 Reprinted in 188 of 1969
2	General Report. Form and drafting of regulations. Air Force Regulations - matters more appropriate to statute. Waterside Employment Regulations - effect on State laws.	8/12/33	S2 of 1932-33 Reprinted in 188 of 1969
3	General Report. Various regulations containing retrospective provisions contrary to Acts Interpretation Act. Telephone Regulations - reversal of onus of proof. Regulations not tabled within prescribed time.	31/10/35	S1 of 1934-35 Reprinted in 188 of 1969
4	General Report. The Committee's principles and methods of operation. Effects of previous Reports. Acts Interpretation Bill 1937. Trade Diversion Policy and regulations. Bound volumes of regulations. Effect of the Committee.	23/6/38	S1 of 1937-38 Reprinted in 188 of 1969
5	General Report. Advances to Settlers Regulations - ministerial powers. Numbering of Territory regulations. Norfolk Island Ordinances - provisions for disallowance. Legislation under the National Security Act and scrutiny thereof.	17/9/42	S1 of 1940-42 Reprinted in 188 of 1969
6	General Report. Review of National Security Legislation. Legal Adviser. Re-establishment and Employment Act - amendment by regulation. Norfolk Island Ordinances - provisions for disallowance.	30/4/47	S1 of 1946-47 Reprinted in 188 of 1969

Report No.	Subject	Date Presented	Parliamentary Paper No.
7	General Report. Tabling of regulations. Drafting of amending regulations. Tabling of Territory legislation. Amendment of statutes by regulation.	26/10/49	S1 of 1948-49 Reprinted in 188 of 1969
8	General Report. Functions of the Committee. Defence Preparations Regulations - scrutiny. Re-establishment and Employment Act - repeal. Customs (Import Licensing) Regulations - ministerial powers.	3/6/52	S1 of 1951-52 Reprinted in 188 of 1969
9	Regulations containing matters more appropriate to statute. Statutory instruments other than regulations and ordinances.	21/10/54	S1 of 1954-5 Reprinted in 188 of 1969
10	Air Force Regulations - power to make deductions from members' pay.	22/5/56	S1 of 1956 Reprinted in 188 of 1969
11	Customs (Import Licensing) Regulations - ministerial powers and control over trade.	2/5/57	S1 of 1957 Reprinted in 188 of 1969
12	General Report. A.C.T. Companies Regulations - retrospectivity. Estate Duty Regulations - retrospectivity and delay in promulgation. Public Service Regulations - amount of expenditure provided.	20/5/57	S2 of 1957 Reprinted in 188 of 1969
13	A.C.T. Meat Ordinance - administrative discretion, control over trade.	31/10/57	S3 of 1957 Reprinted in 188 of 1969
14	Civil Aviation (Carriers' Liability) Bill 1959 - regulation - making power.	18/3/59	Not printed when presented. Reprinted in 188 of 1969

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15	The Committee's power to report upon the regulation - making power in a Bill. Ordinances of Territories.	22/9/59	S1 of 1959 Reprinted in 188 of 1969
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17	Public Service Regulations - retrospectivity and delay in promulgation.	5/10/61	S1 of 1961 Reprinted in 188 of 1969
18	Customs (Prohibited Imports) Regulations - ministerial discretion relating to prohibition of imports.	14/11/62	S1 of 1962 Reprinted in 188 of 1969
19	General Report. Customs (Prohibited Imports) Regulations - effect of 18th Report. Broadcasting and Television Regulations - powers of Broadcasting Control Board. Marriage Regulations - powers to require information. A.C.T. Dental and Medical Practitioners Registration Regulations - liberty of the subject. A.C.T. Lake Burley Griffin (Temporary Control) Ordinance - ministerial powers. Territory legislation. Retrospectivity of regulations.	21/5/64	52 of 1964 Reprinted in 188 of 1969
20	Christmas Island Tuberculosis Ordinance - liberty of the subject.	22/9/65	223 of 1964-65 Reprinted in 188 of 1969
21	Air Navigation (Buildings Control) Regulations - property rights of individuals.	22/9/65	293 of 1964-65 -66 Reprinted in 188 of 1969

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23	A.C.T. Freehold Land (Subdivision and Use) Ordinance - property rights of individuals and ministerial discretion.	5/10/67	147 of 1967 Reprinted in 188 of 1969
24	A.C.T. City Area Leases Ordinance - ministerial discretion relating to leases.	5/10/67	148 of 1967 Reprinted in 188 of 1969
25	Retrospectivity and delay in promulgation of regulations.	28/11/68	243 of 1968 Reprinted in 188 of 1969
26	General Report. Principles and Procedure of the Committee. Various Norfolk Island Ordinances- liberty of the subject. A.C.T. Companies (Life Insurance Holding Companies) Ordinance - defence to prosecutions. A.C.T. Sewerage Rates Ordinance - ministerial discretion regarding levy of rates. Retrospectivity of financial regulations. Effect of some previous reports.	23/9/69	186 of 1969 Reprinted in 188 of 1969
27	Military Financial, Naval Financial and Air Force Regulations - matters more appropriate to statute.	23/9/69	187 of 1969
28	Index to the First to twenty sixth Reports and a reprint of those Reports.	23/9/69	188 of 1969
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37	Norfolk Island Ordinances.	26/8/71	143 of 1971
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43	General Report. Retrospective scrutiny of regulations and Ordinances. Air Force Regulations and Public Service regulations - administrative discretion relating to pay. - Various A.C.T. Ordinances - administrative discretion and liberty of the subject. Certain Norfolk Island Ordinances - liberty of the subject. Conciliation and Arbitration Regulations - ministerial discretion relating to legal aid. Native Members of the Forces (Torres Strait Islands) Regulations - administrative discretion relating to allowances. Meat Export Control (Licences) Regulations - information required. Appendix on the operation of the Committee.	27/10/72	220 of 1972

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2. Particular ordinances and regulations of territories are entered under the name of the territory.

3. References are as follows: Report No./paragraph No.

4. This index incorporates the index included in the 28th Report of the Committee.

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