



Senate Standing Committee on  
Regulations and Ordinances

## SIXTY-SEVENTH REPORT

Members of the Committee 1932-1979  
List of Reports  
Index to First to Sixty-sixth Reports

## Members of the Committee

Senator A. J. Missen (*Chairman*)  
Senator N. T. Bonner  
Senator the Hon. J. L. Cavanagh  
Senator G. J. Evans  
Senator G. Georges  
Senator D. J. Hamer, D.S.C.  
Senator A. W. R. Lewis

### PRINCIPLES OF THE COMMITTEE

The Committee scrutinises delegated legislation to ensure:

- (a) that it is in accordance with the statute;
- (b) that it does not trespass unduly on personal rights and liberties;
- (c) that it does not unduly make the rights and liberties of citizens dependent upon administrative decisions which are not subject to review of their merits by a judicial or other independent tribunal; and
- (d) that it does not contain matter more appropriate for Parliamentary enactment.

Adopted 1932  
Amended 1979

## Sixty-seventh Report

The Standing Committee on Regulations and Ordinances has the honour to present its Sixty-seventh 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, which updates that contained in the Forty-fifth Report, will be useful not only to the Committee itself, but also to the Senate and to persons interested in parliamentary oversight of delegated legislation.

A. J. MISSEN  
*Chairman*

## Membership of the Committee 1932-1979

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 of Parliament. In the case of a dissolution of the Senate, the Committee terminates at the dissolution. Where members were appointed to successive Committees, the period between the end of one Committee and the appointment of the next is not shown.

### 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 11.11.75
Wood, I. A. C.	26. 2.76 to 30. 6.78
Missen, A. J.	24. 8.78 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
Bonner, N. T.	17. 8.78 to —
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 21. 8.75 28.10.75 to 18. 8.76
Button, J. N.	18. 7.74 to 11.11.75
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 18. 8.76 to —
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
Collard, S. J.	24. 2.76 to 17. 8.78
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 1.10.35 to 21. 2.50
Cooper, W. J.	15. 8.62 to 26. 8.65
Cormack, M. C.	2.12.37 to 27. 9.38
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 18. 8.76
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 11. 4.74 24. 2.76 to 18. 8.76
Elliott, R. C. D.	17. 3.32 to 30. 6.35
Evans, G. J.	17. 8.78 to —
Everett, M. G.	18. 7.74 to 11.11.75
Georges, G.	18. 8.76 to —
Greenwood, I. J.	20. 3.68 to 30. 3.71
Guy, J. A.	23. 2.50 to 14. 2.56
Hamer, D. J.	17. 8.78 to —
Hays, H.	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
Laught, K. A.	23. 2.56 to 15. 8.62

Lawrie, A. G. E.	26. 8.65 to 19. 8.71 24. 9.74 to 11.11.75
Lewis, A. W. R.	17. 8.78 to —
McClelland, J. R.	7. 3.73 to 11. 4.74
MacDonald, A.	31. 5.39 to 30. 6.47
McDonald, J. V.	26. 9.35 to 17. 8.37
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
Missen, A. J.	16.10.74 to 12. 2.75 18. 8.76 to —
Nash, R. H.	29. 9.43 to 12.12.51
O'Halloran, M. R.	24.11.32 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, E. W.	15. 8.62 to 26. 8.65
Rae, A.	17. 3.32 to 30. 6.35
Rae, P. E.	15. 9.71 to 26. 2.73
Rankin, A. J. M.	22.10.47 to 21. 2.50
Ryan, S. M.	24. 2.76 to 17. 8.78
Sandford, C. W.	15. 3.62 to 11. 4.62
Scott, D. B.	18. 7.74 to 24. 9.74
Seward, H. S.	16. 9.53 to 23. 7.58
Spicer, J. A.	28.11.40 to 22. 9.43
Tangney, D. M.	29. 9.43 to 22.10.47
Tate, J. P.	23. 2.50 to 30. 6.53
Toohey, J. P.	5. 9.57 to 16. 2.59
Vincent, V. S.	10. 9.53 to 14. 2.56
Walsh, P. A.	21. 8.75 to 28.10.75
Webster, J. J.	19. 8.71 to 26. 2.73
Wheeldon, J. M.	25.11.69 to 11. 4.74
Willessee, D. R.	29. 5.52 to 31. 8.66
Wilson, K. C.	27. 9.38 to 30. 5.40
Withers, R. G.	30. 3.71 to 15. 9.71
Wood, I. A. C.	23. 2.50 to 30. 6.78
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## List of Reports

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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

<i>Report No.</i>	<i>Subject</i>	<i>Date presented</i>	<i>Parliamentary Paper No.</i>
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—55 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. Printed in 188 of 1969
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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16	Public Service Regulations—regulation-making power of the statute and amount of expenditure authorised. Canberra Building Regulations—administrative discretion.	11.5.60	S1 of 1960 Reprinted in 188 of 1969
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—power 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	S2 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.	3.5.66	293 of 1964—65—66 Reprinted in 188 of 1969
22	A.C.T. Advisory Council Ordinance— independence of members from ministerial control.	29.9.66	329 of 1964—65—66 Reprinted in 188 of 1969
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

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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
29	Naval Financial Regulations—administrative discretion in relation to allowances and charges. Discretionary powers of administrative bodies.	16.4.70	49 of 1970
30	Norfolk Island Health Ordinance—liberty of the subject.	21.4.70	50 of 1970
31	Conciliation and Arbitration Regulations— retrospectivity.	23.4.70	52 of 1970
32	Customs (Prohibited Imports) Regulations— administrative discretion relating to imports of therapeutic substances.	4.6.70	81 of 1970
33	Public Service Regulations—administrative discretion relating to public service positions.	19.8.70	130 of 1970

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34	Bankruptcy (Offences) Rules—powers of the court to allow amendment of informations; power of registrar to issue warrants.	14.10.70	160 of 1970
35	Dairy Industry Equalization Legislation Referendum Regulations—administrative discretion relating to rejection of votes.	25.2.71	68 of 1971
36	A.C.T. Evidence Ordinance—matters more appropriate to substantive legislation.	18.8.71	121 of 1971
37	Norfolk Island Ordinances.	26.8.71	143 of 1971
38	General Report. Work of the Committee. Various A.C.T. Ordinances—payment of witnesses. Various Defence Forces Regulations—administrative discretion. National Service Regulations—ministerial discretion relating to court hearings. Public Service Regulations—administrative discretion relating to pay. Repatriation Regulations—discretion of the Repatriation Commissioner. States Receipts Duties Regulations—penalties. Air Navigation Regulations—administrative discretion relating to registration of aircraft. A.C.T. City Area Leases Ordinance—ministerial discretion relating to leases. Exports (Fresh Fruit) Regulations—administrative discretion relating to exports. Effect of previous Reports.	26.8.71	100 of 1971
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40	Naval Financial Regulations—administrative discretion, unclear drafting.	31.8.72	126 of 1972
41	Military Financial Regulations—retrospectivity.	28.9.72	149 of 1972

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42	Retrospectivity of regulations relating to the Defence Services.	24.10.72	217 of 1972
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
44	Commonwealth Scholarships and Awards Regulations—delay in drafting the regulations under the <i>Scholarships Act 1969</i> and consequent failure to proclaim the Act.	22.5.73	40 of 1973
45	Members of the Committee 1932–73. List of reports. Index to First to Forty-fourth Reports	7.7.73	101 of 1973
46	A.C.T. Landlord and Tenant Ordinance—powers of Rent Controller.	23.10.73	238 of 1973
47	General Report. Honey Industry (Election of Board) Regulations—powers of returning officers. Naval Reserve Cadets Regulations—discharge of cadets. Matrimonial Causes Rules—disallowance by the Senate. Navigation (Courts of Marine Inquiry) Regulations—alteration of questions before courts. Northern Territory Supreme Court Legal Assistance Rules—report to court by police. Various regulations under the Customs	3.12.73	290 of 1973

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48	Public Service (Parliamentary Officers) Regulations—benefits for officers; vires.	14.3.74	1 of 1974
49	A.C.T. City Area Leases Ordinance—regulation of contracts.	16.8.74	279 of 1974
50	General Report. Work of the Committee. Undertakings given by Ministers. Papua New Guinea (Staffing Assistance) (Terms and Conditions of Employment) Regulations—rights of appeal. Papua New Guinea (Staffing Assistance) (Superannuation) Regulations—benefits of officers. Apple and Pear (Conditions of Export) Regulations—rights of licensees. Conciliation and Arbitration Regulations—particulars of charges. Student Assistance Regulations—rights of appeal. Commonwealth Scholarships and Awards Regulations—retrospectivity; Scholarships Act. Superannuation (Prescribed Rates of Interest) Regulations—rights of provident fund contributors. Defence Force Financial Regulations—retrospectivity. A.C.T. Pyramid Selling Ordinance—liability of officers of	11.12.74	271 of 1974

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51	General Report. Postal Services Regulations and Postal By-laws—powers of officers to open mail. Postal By-laws—compensation for lost articles. Telecommunications (General) By-laws—immunity of Commission from legal proceedings. Census Regulations—information required. Apple and Pear (Conditions of Export) Regulations—rights of licensees. Customs (Prohibited Exports) Regulations—export of historical items. Patents Regulations—fees. A.C.T. Motor Traffic Ordinance—reversal of onus of proof. Canberra Hospitals (Charges) Regulations—fees for compensation patients. A.C.T. Liquor Ordinance—rights of licensees. A.C.T. Lake Burley Griffin Ordinance—power to close Lake.	4.3.76	4 of 1976
52	Cocos (Keeling) Islands Lands Acquisition Ordinance—power to compulsorily acquire land.	18.3.76	5 of 1976
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55	A.C.T. ordinances containing substantive legislation.	27.5.76	126 of 1976
56	Various retrospective regulations.	2.11.76	277 of 1976
57	General Report. Family Law Regulations—offences; court orders; sequestration. Defence Force Regulations—delegation of powers. Australian Rifle Club Regulations—exemption from State laws. Air Navigation Regulations—powers of entry and search. Remuneration and Allowances Regulations—remuneration of officers. Telecommunications By-laws—offences. Australian Tourist Commission Regulations—retrospectivity. Conciliation and Arbitration Regulations—powers of returning officers. A.C.T. Surveyors Ordinance—review of charges. A.C.T. Flammable Liquids Ordinance—powers of inspector. A.C.T. Land Rent and Rates (Deferment and Remission) Ordinance—valuation appeals. A.C.T. City Area Leases Ordinance—breaches of leases; offences. Norfolk Island Administration Ordinance—declaration of goals. Christmas Island Industrial Relations Ordinance—powers of Arbitrator. A.C.T. Remand Centres Ordinance—offences; powers of superintendent. Undertakings by Ministers.	3.12.76	353 of 1976
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59	Ombudsman Regulations—jurisdiction of the Ombudsman. A.C.T. Consumer Affairs Ordinance—powers of officers; immunity of officers from legal proceedings; self-incrimination of witnesses. A.C.T. Legal Aid	4.11.77	233 of 1977

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60	Defence Force (Salaries) Regulations—remuneration of officers.	13.4.78	17 of 1978
61	General Report. Remuneration Tribunals (Members' Fees and Allowances) Regulations—remuneration of the tribunal. National Parks and Wildlife Regulations—powers of officers. Naval Financial Regulations and Air Force Regulations—administrative discretion. Defence Force (Salaries) Regulations—Sixtieth Report. Federal Court of Australia Regulations—remission of fees. Australian National Railways General By-law—offences; powers and immunities of Commission; onus of proof. A.C.T. Physiotherapists Registration Ordinance—witnesses' fees.	8.6.78	18 of 1978
62	Undertakings by Ministers to amend regulations and ordinances. Standing Order 36A: matters referred to the Committee.	28.9.78	203 of 1978
63	Historic Shipwrecks Regulations—offences. Superannuation (Allocation of Previous Fund) Regulations—rights of contributors. Superannuation (Additional Pension) regulations—retrospectivity.	24.10.78	275 of 1978
64	Principles of the Committee.	20.3.79	42 of 1979
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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 indexes included in the 28th and 45th Reports of the Committee.

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