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THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA.

*Brought up by
Senator Brennan*

THE SENATE

*Mr
Clyde of the Senate,
1 DEC 1933*

SECOND REPORT

from the

STANDING COMMITTEE

on

REGULATIONS AND ORDINANCES

Brought up and ordered to be printed,
8th December, 1933.

1932-33.

STANDING COMMITTEE ON REGULATIONS AND ORDINANCES.

S E C O N D R E P O R T

The Standing Committee on Regulations and Ordinances has the honor to report to the Senate as follows :-

1. Your Committee has met regularly during the times that the Senate has been in session, with the object of considering regulations and ordinances made by the Governor-General in Council. The task has been exacting, because the output of regulations has continued in but slightly diminished volume. Over 120 regulations covering a wide variety of subjects have already been gazetted during 1933.

2. Though this is a decrease as compared with such years as 1926, 1927, and 1928, it still means a very great addition to the laws of the Commonwealth.

3. The frequent amendment of regulations makes it extremely difficult for those concerned to lay their fingers upon all the regulations that bind them. Your Committee suggests three means by which this evil might be mitigated.

4. The first is that where the regulations on a particular subject are numerous and extend over a number of years, a periodic consolidation of the regulations could be made.

5. The second is that when an amending regulation is promulgated, the dates or numbers of the original and all amending regulations be printed upon it.

6. The third is that when short paragraphs of previous regulations are amended by the omission or addition of certain words the whole original clause be repealed and the clause as it would read with the omissions or additions be re-enacted.

7. Air Force Regulations.- Your Committee has noted that in Statutory Rules 1933, No. 46 (Regulations under the Air Force Act) an amendment was made to Regulation 180 in

order to bring the Air Force Regulations into line with section 79 of the Defence Act, relating to unlawful disposal of arms, &c. Your Committee considers it extremely undesirable that the Air Force should continue to be governed by regulation while the Naval and Military branches of the Defence forces are governed by statute.

8. Waterside Employment Regulations.- Your Committee has considered Statutory Rules 1933, No. 12 (Amendment of the Waterside Employment Regulations, under the Transport Workers Act), and directs the attention of the Senate to the fact that this regulation involves the question of the power of the Executive to declare, by regulation, that a State law shall have no force or effect, as to which power there is considerable legal doubt. In any case your Committee considers it desirable for action of this kind to be taken by statute rather than by regulation. (Senator Payne dissents from this last sentence).

9. Your Committee acknowledges the great assistance it has received from the practice, instituted last year, of the department concerned in the issue of a new or an amending regulation supplying an explanation of the effect of, or the changes worked by, such regulation.

W. C. Brennan

Chairman.

Senate Committee Room,

7th December, 1933.