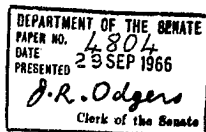


1964-65-66



THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA

THE SENATE

TWENTY-SECOND REPORT

from the

STANDING COMMITTEE

on

REGULATIONS AND ORDINANCES

(Being the Fourth Report of the 1964-65-66 Session,
and the Twenty-second Report since the formation
of the Committee.)

PERSONNEL OF COMMITTEE

Chairman:

Senator I.A.C. Wood

Members:

Senator R. Bishop
Senator J.L. Cavanagh
Senator S.H. Cohen, Q.C.
Senator G.S. Davidson
Senator A.G.E. Lawrie
Senator R.C. Wright

SENATE STANDING COMMITTEE ON REGULATIONS AND ORDINANCES

TWENTY-SECOND REPORT OF THE COMMITTEE

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

Australian Capital Territory Ordinance No. 14 of 1966

Advisory Council Ordinance 1966.

2. Section nine of the Advisory Council Ordinance 1936-1965 provides -

"9.-(1.) The Chairman of the Council, if an elected member of the Council, shall be paid an allowance at the rate of Two hundred pounds per annum.

(2.) Each elected member of the Council, not being the Chairman of the Council, shall be paid an allowance at the rate of One hundred pounds per annum."

3. Australian Capital Territory Ordinance No. 14 of 1966 repeals this section and substitutes a new section nine as follows -

"9. The Chairman, if an elected member, and the other elected members of the Council shall be paid such allowances as the Minister determines."

4. The Australia Capital Territory Advisory Council is a body consisting of eight elected and three nominated members, whose function is to advise the Minister in relation to any matter affecting the Territory including the making of new Ordinances or the repeal or amendment of existing Ordinances.

5. The Ordinance No. 14 of 1966, proposes to substitute for ordinance a ministerial determination as the means of fixing members' allowances. A ministerial determination is not specifically subject to disallowance by Parliament. It is not required to be published.

6. One of the elementary safeguards of the independence of members of advisory bodies is the requirement that their allowances be fixed either by a Statute itself, or by subordinate legislation in the form of an ordinance or regulation made pursuant to Statute. The fixation of allowances by the Executive by unpublicised determination - in this instance not necessarily in writing, and not specifically under the control of Parliament - is objectionable by these tests.

7. The Committee is of the opinion that the proposed ordinance makes the independence of members unduly dependant on the discretion of the Minister; and recommends its disallowance.

IAN WOOD,
Chairman.

Regulations and Ordinances Committee Room,
Thursday, 29th September, 1966.