

T H E S E N A T E

FORTY-EIGHTH REPORT  
FROM  
THE STANDING COMMITTEE ON REGULATIONS AND ORDINANCES

Statutory Rules 1973 No. 223  
Amendment of the Public Service (Parliamentary Officers) Regulations

MEMBERS OF THE COMMITTEE

Senator D. M. Devitt (Chairman)  
Senator W. W. C. Brown  
Senator P. 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-EIGHTH REPORT

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

Statutory Rules 1973 No. 223

Amendment of the Public Service (Parliamentary Officers) Regulations

2. This amendment provides that where an officer becomes critically or dangerously ill while absent from his headquarters on duty, and is visited by a close relative, the Commonwealth is liable to reimburse the relative for the cost of the travel involved.

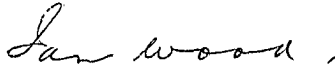
3. The Committee considers that the amendment is not in accordance with the statute, in that there is no provision in the Public Service Act which authorizes regulations making payments to relatives of officers.

4. The Act empowers regulations providing for allowances for officers. It is accepted that an officer may properly be reimbursed for expenses incurred by him in respect of his family because of conditions of employment. There are a

number of regulations providing for allowances of this nature, for example, under the Public Service Regulations an officer stationed in a remote district may be reimbursed fares for the removal of a member of his family for medical treatment. The present amendment, however, is not of this nature: it provides for the payment to be made to the relative in respect of expenses incurred by the relative.

5. The Committee recommends that the amendment be disallowed for the reason stated.

6. Statutory Rules 1973 No. 113 made a similar provision in relation to public servants other than parliamentary officers, but the time for disallowing that amendment had passed before the attention of the Committee was drawn to this matter. The Committee considers that that amendment is also ultra vires, and may appropriately receive the attention of the Public Service Board.



Ian Wood  
Deputy-Chairman

Senate Committee Room

Thursday, 14 March 1974