

DEPARTMENT OF THE SENATE	
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PRESENTED	18 MAR 1976
<i>E. J. O'Connell</i>	
Clerk of the Senate	

THE SENATE

STANDING COMMITTEE ON REGULATIONS AND ORDINANCES

FIFTY-SECOND REPORT

COCOS (KEELING) ISLANDS LANDS ACQUISITION ORDINANCE 1975

MEMBERS OF THE COMMITTEE

Senator I. A. C. Wood (Chairman)
Senator W. W. C. Brown
Senator S. J. Collard
Senator D. M. Devitt
Senator P. D. Durack
Senator S. M. Ryan
Senator R. C. Wright

Function of the Committee Since 1932, when the Committee was first established, the principle has been followed that the function of the Committee is to scrutinise 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 upon 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

FIFTY-SECOND REPORT

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

COCOS (KEELING) ISLANDS LANDS ACQUISITION ORDINANCE 1975

- 2 This Ordinance, as contained in Cocos (Keeling) Islands Ordinance No. 5 of 1975, provides for the acquisition of land in the Territory by agreement or by compulsory process, and the transfer of land so acquired to persons. The Lands Acquisition Act does not apply to the Territory.
- 3 The Ordinance would allow the acquisition of all land in the Territory, and contains no restriction on the purposes for which land may be acquired and transferred to persons. The then responsible Minister submitted to the Committee in October 1975:

'Much attention was given, when the Ordinance was being prepared, to ways of defining the purposes for which acquisition might take place, but no formula could be found that was entirely satisfactory to cover all the possible purposes for which a government may propose to acquire land in the Territory.'
- 4 The Committee is not concerned with the policy of the Ordinance, but is concerned to ensure that subordinate legislation, made by the executive, is not used to give effect to substantive matters of policy which ought to be the subject of parliamentary enactment. The Committee considers that, if the executive is to have a general power to acquire and transfer all land in the Territory for unspecified purposes, this policy ought to be laid before the Parliament in the form of a proposed statute for the Parliament's consideration.

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- 5 For that reason the Committee recommends that the Ordinance be disallowed.

Ian Wood

IAN WOOD
Chairman

Senate Committee Room
18 March 1976