

Attention: Senate Scrutiny of Bills Committee

Re: Enquiry into Future Direction and Role of the Scrutiny of Bills Committee

**Some Supplementary Comments to My Submission**

Dear Mesdames et Messieurs,

I have read the Interim Report dated 29<sup>th</sup> November 2011 with great interest.

I wish to commend the Committee for its ongoing concern for the quality of the Parliament's legislative output over many years.

May I submit that the Committee's quality control task, though dealing often with technical matters of law, is essential bedrock of Australia's democracy?

I have argued in a submission submitted to both of your recent future directions enquiries that this quality control function must be saved and continued and enhanced if progress towards a better Australia is to be the future we all hope comes to pass.

I support many of the Interim Report's proposals, in particular:-

- (i) to change the name of the Committee to Scrutiny of Bills and Acts;
- (ii) that a minimum period of time be set for scrutiny of legislation, other than a very few exceptions that are really urgent such as Declarations of War by the Governor General in Council, War Powers Acts, and such Acts necessary to deal with the immediate consequences of natural disasters such as major earthquakes;
- (iii) permanent enquiry powers to consider, say, Acts already proclaimed that in hindsight prove to be have been passed in a hasty ill-considered manner;
- (iv) general enhanced powers for inter-Committee communication.

Nevertheless I think the only power or sanction the Committee ought to have regarding poor quality legislation is to hold it up for severe public criticism in the court of public opinion. The Committee ought not be a semi-judicial body, and ought not try to infringe on the very necessary function of the High Court in striking down poor quality legislation, as happens from time to time ...

In relation to Framework legislation, I think that unless really necessary for public policy reasons recognised generally in the parliament, this form of law is illegitimate as it undermines democracy where parliament is a debating chamber that is set up to debate proposals in a marketplace of ideas. To address social grievances in a structured way with legislation requires politicians of vision and stature with knowledge of many and varied issues and skills in drafting policy as a political response ...

In relation to a current matter of public concern in the press, it is very important that all members of parliament get their act together and make sure the referendum proposed at the next election about the race power be correctly drafted. The new preamble proposed in 1999 was poorly drafted in my opinion, and, together with a poorly thought out republican proposal, was voted down by the electorate then. With almost all political parties opposed in principle to racial legislation that imposes detriment on people by sole reason of their race, this should be possible.

My opinion for what it's worth is that personal computer technology by allowing much longer bills to be drafted has lowered legislative drafting standards, by making it too easy to do so. The Committee's task, then, is to reverse this decline and thereby make a better future for all Australians.

Yours Sincerely,

Andrew Oliver.