

# RULE OF LAW

INSTITUTE OF AUSTRALIA

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*For immediate release*

media release

## **RoLIA commends Senate Scrutiny of Bills Committee for upholding the rule of law**

RoLIA applauds Senate Standing Committee for the Scrutiny of Bills on its assiduous reporting of potential breaches of important rule of law principles, bringing them to the attention of the Senate and relevant Ministers. In this regard the Committee's recent reports on the National Vocation Education Training Regulator Bill 2010 and the National Vocation Education Training Regulator (Transitional Provisions) Bill 2010 are especially noteworthy, and should be widely read. These Bills were covered in Alert Digest No.1 of 2011 and elaborated on in the Committee's Second Report of 2011.

The following issues were identified and discussed:

- (a) Insufficient definition of powers;
- (b) Natural justice issues;
- (c) Inappropriate delegation of power;
- (d) Unjustified penalties;
- (e) Trespass on rights and liberties;
- (f) Retrospectivity of provisions; and
- (g) Henry VIII clauses.

RoLIA CEO, Richard Gilbert said “any Legislation which gives rise to these fundamental rule of law issues needs to be amended by the Senate and agreed to by the Government in the lower house.

RoLIA supports the SSB Committee in its endeavours to ensure that legislation complies with the rule of law. RoLIA also encourages the Senate Education, Employment and Workplace Relations Legislation Committee to give due consideration to recommending changes to these Bills so as to address any critical rule of law issues” Mr Gilbert concluded.

The reports can be found at the links below-

Second Report of 2011:

<http://www.aph.gov.au/senate/committee/scrutiny/bills/2011/b02.pdf>

Alert Digest No.1 of 2011:

<http://www.aph.gov.au/senate/committee/scrutiny/bills/2011/b02.pdf>

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