

House of Representatives

Supplementary Order Paper

Tuesday, 24 September 2019

End of Life Choice Bill

Proposed amendment to SOP No 259

Paulo Garcia, in Committee, to move the following amendment:

Clause 23

In *clause 23*, replace “providing for any matters contemplated by this Act, necessary for its administration,” (page 21) with “necessary for this Act’s administration”.

Explanatory note

This Supplementary Order Paper (SOP) amends SOP No 259 amending the End of Life Choice Bill by removing what might be described as a legislative blank cheque from the executive branch of government.

The formulation of regulation-making powers in SOP No 259 is far too broad, enabling regulations to be made beyond the scope of what is “necessary for [the] administration” of the legislation or to give it “full effect”.

There are many “matters contemplated by this Act” that should not be able to be the subject of regulations made, effectively by a single Minister, with the relatively low level of scrutiny that such power would entail.

It is worth noting that the Bill, without the amendment in SOP No 259, is much more modest in its ambitions for *clause 23*. As drafted and introduced to the House, it merely provides a regulation-making power in relation to “prescribing forms for the purposes of this Act” and not “any matters contemplated”, as SOP No 259 would enable.