

JOINT STANDING COMMITTEE ON DELEGATED LEGISLATION

Seventeenth Report — “Annual Report 2019” — Tabling

HON MARTIN PRITCHARD (North Metropolitan) [9.06 am]: I am directed to present the seventeenth report of the Joint Standing Committee on Delegated Legislation, titled “Annual Report 2019”.

[See paper [3970](#).]

Hon MARTIN PRITCHARD: The report I have just tabled advises the house of the key activities of the committee for the 2019 calendar year. The committee scrutinises instruments made under statutory delegation and determines whether the instruments are beyond the scope of the delegated power or otherwise in breach of the committee’s terms of reference. The committee continues to scrutinise a large volume of delegated legislation. In 2019, 338 instruments, including 160 regulations and 99 local laws, were referred for scrutiny. The committee tabled two reports. In one of those reports, the Parliament was asked to consider whether an instrument should be disallowed, and the instrument was disallowed by this house. Motions for the disallowance of delegated legislation usually do not proceed in Parliament if satisfactory undertakings are given to the committee. The committee recommends disallowance only as a last resort. During 2019, the committee received five departmental and 28 local government undertakings. One set of regulations contained a limitation period that the committee considered, under term of reference 10.6(d), should be contained within an act. An undertaking addressing the committee’s concern was received from the Minister for Environment and no further action was required.

Another set of regulations contained a provision that included an unintended effect on a person’s rights or interests, which the committee considered under term of reference 10.6(b). An undertaking was received from the Minister for Transport. The committee also encountered a 2019 amendment to section 3.12 of the Local Government Act 1995. Section 3.12 governs the procedure for making local laws. The result of the amendment is that local governments no longer need to give statewide notice of a proposed local law. Local public notices are still required under section 3.12(3)(a).

The committee trusts that the matters noted in this report will assist persons and bodies making delegated legislation to understand the committee’s process and the issues identified in previous instruments. I commend the report to the house.