

Joint Standing Committee on Delegated Legislation — Thirty-eighth Report — “Issues of Concern Raised by the Committee between 1 May 2009 and 31 December 2009 with Respect to Local Laws”

Resumed from 22 April 2010.

Motion

Hon HELEN BULLOCK: I move —

That the report be noted.

I was not a member of this committee during the reporting period; however, in the past 11 months I have come to appreciate the importance of the Joint Standing Committee on Delegated Legislation and how privileged I am to serve on it. When a bill passes through this house, it is not the end of the process. The intention of the legislation is practically carried out in the real world partly through the regulations. After seeing so many delegated legislation and regulation changes made to existing laws come before this committee, I cannot help thinking that this committee is the last defence that this Parliament has to ensure that the intentions of enacted legislation are correctly interpreted and properly implemented. As everyone appreciates, different people often see the same object in a different light. It is very dangerous when the regulations go beyond the intention of the related legislation, especially as regulations can be manipulated and used for some political purpose. We witnessed such an incident in the not-long-distant past, and this report provides another example of such a case—that is, the City of Joondalup Cats Local Law.

The committee does all it can within its power to ensure that legislation is executed in the spirit of its original intentions; however, committee members are seeing an increasing number of regulations passed to fill the gaps in current legislation, which raises very important questions. Why do legislators not put more effort into drafting the actual legislation to ensure that their intentions are clear, rather than being open to interpretation? Can regulations effectively fill gaps in current legislation? Why can those regulations not be incorporated into existing legislation so that they can be properly debated and scrutinised in this place? These questions are worth serious consideration in this place.

Question put and passed.