

## DEPARTMENTAL UNDERTAKINGS 2009 - 2016

Under its Terms of Reference, the Joint Standing Committee on Delegated Legislation scrutinises regulations and other instruments made by government agencies, departments and statutory authorities. As part of that process the Committee may seek an undertaking to amend a regulation or other instrument. The following written undertakings were provided to the Committee from 2009 to November 2016.

Document is current as at: **16 January 2017**.

Instrument Title	Undertaking Given to Committee	Date Given	Date Amendment Made
<a href="#"><u>Co-operatives Regulations 2010</u></a>	<p>The Minister for Commerce undertakes to:</p> <ol style="list-style-type: none"> <li>1. amend regulation 21(a) to prescribe the Act that has replaced the <i>Liens on Crops and Wool and Stock Mortgages Act 1898</i> (NSW), if any.</li> <li>2. amend regulation 21(i) to insert a comma after the word "Wool".</li> <li>3. amend regulation 37(d) to reference section 339 of the <i>Cooperatives Act 2002</i> (ACT) instead of section 362.</li> <li>4. amend regulation 40(a)(iv) to substitute "is being" for "was" so that it correctly reflects the activity referenced in section 331 of the <i>Co-operatives Act 2009</i>.</li> </ol>	01/11/2010	<p style="text-align: center;">02/12/2016 <i>(Committee reference: 4003/2)</i></p>

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	<p>5. (a) amend the reference in clause 1 of Schedule 1 (definition of 'special resolution') to refer to clauses 38(1), (2) and (3); and</p> <p>(b) ensure that the Department of Commerce advise co-operatives that rely on clause 1 of Schedule 1 of the need to only reference clauses 38(1), (2) and (3).</p> <p>6. (a) delete the cross reference to section 73 in Schedule 1, clause 9(5); and</p> <p>(b) ensure that the Department of Commerce advise co-operatives of the need to delete the reference.</p> <p>7. (a) insert the words "as those to which" before "the dead person" in Schedule 1, clause 21(2); and</p> <p>(b) ensure that the Department of Commerce advise non-distributing co-operatives seeking to be guided by Schedule 1 of the need to insert those words in their rules.</p> <p>8. (a) amend Schedule 1, clause 22 to ensure that the clause consistently refers to "the giver" and "the receiver" as defined in clause 22(1); and</p>		

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	<p>(b) ensure that the Department of Commerce advise non-distributing co-operatives of the correct terms for their rules.</p> <p>9. (a) amend Schedule 1, clause 28(4) to refer to subclause (5) instead of clause 37(5); and</p> <p>(b) ensure that the Department of Commerce advises non-distributing co-operatives of the correct reference for their rules.</p> <p>10. (a) amend Schedule 1, clause 66(3)(d) to reference “Division 50” instead of “Section 50” of the <i>Income Tax Assessment Act 1997</i> (Cth); and</p> <p>(b) ensure that the Department of Commerce advises non-distributing co-operatives of the correct reference.</p> <p>11. (a) amend the reference in clause 1 of Schedule 2 (definition of ‘special resolution’) to refer to clauses 47(1), (2) and (3); and</p> <p>(b) ensure that the Department of Commerce advise co-operatives that rely on clause 1 of Schedule 2 of the need to only reference clauses 47(1), (2) and (3).</p>		

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	<p>12. (a) amend Schedule 2, clause 31 to ensure that the clause consistently refers to “the giver” and “the receiver” as defined in clause 31(1); and</p> <p>(b) ensure that the Department of Commerce advise non-distributing co-operatives of the correct terms for their rules.</p> <p>13. (a) amend Schedule 2, clause 60(2) to change the reference to five minutes to 15 minutes for consistency with equivalent clauses in Schedules 1 and 3; and</p> <p>(b)ensure that the Department of Commerce advise non-distributing co-operatives with share capital of the need to reflect this change in their rules.</p> <p>14. (a) amend Schedule 2, clause 75(3)(d) to reference “Division 50” instead of “Section 50” of the <i>Income Tax Assessment Act 1997</i> (Cth); and</p> <p>(b) ensure that the Department of Commerce advises non-distributing co-operatives of the correct reference.</p> <p>15. (a) amend the reference in clause 1 of Schedule 3 (definition of ‘special resolution’) to refer to clauses 47(1), (2) and (3); and</p>		

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	<p>(b) ensure that the Department of Commerce advise co-operatives that rely on clause 1 of Schedule 3 of the need to only reference clauses 47(1), (2) and (3).</p> <p>16. (a) amend Schedule 3, clause 31 to ensure that the clause consistently refers to “the giver” and “the receiver” as defined in clause 31(1);</p> <p>(b) amend the form prescribed in Schedule 3, clause 31(5) to remove the comma and backslash before the word “witness”; and</p> <p>(c) ensure that the Department of Commerce advise distributing co-operatives of the correct terms for their rules and the change to the form.</p> <p>17. (a) amend Schedule 3, clause 61(6) to change the reference to 15 minutes to five minutes for consistency with equivalent clauses in Schedules 1 and 2; and</p> <p>(b) ensure that the Department of Commerce advise distributing co-operatives with share capital of the need to reflect this change in their rules.</p> <p>18. (a) amend Schedule 3, clauses 74(7) and (8)(b) to refer to “a share” rather than “an interest” for</p>		

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	<p>consistency with the equivalent clause in Schedule 2; and</p> <p>(b) ensure that the Department of Commerce advise distributing co-operatives with share capital of the need to reflect this change in their rules.</p> <p>19. (a) amend Schedule 5, clauses 1, 2 and 3 to replace the term “the Act” with “the Corporations Act”; and</p> <p>(b) amend Schedule 5, clauses 25 and 26 to replace the term “the Act” with “the <i>Co-operatives Act 2009</i> (Western Australia)”.</p> <p>20. amend Schedule 9, clause 3 to refer to the “Australian Securities and Investments Commission” in full.</p> <p>21. (a) amend Schedule 9, clause 8 to replace the reference to the <i>Public Trustee Act 1913</i> (NSW) with a reference to the <i>Trustee and Guardian Act 2009</i> (NSW);</p> <p>(b) amend Schedule 9, clause 9 to replace the reference to “the office of Master” with “the office of Associate Judge” in the <i>Supreme Court Act 1970</i> (NSW);</p>		

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	<p>(c) amend Schedule 9, clause 11 to replace the reference to the <i>Protected Estates Act 1983</i> (NSW) with a reference to the <i>Trustee and Guardian Act 2009</i> (NSW);</p> <p>(d) amend Schedule 9, clause 23 after consulting with South Australia, to replace the reference to “the office of accountant under the <i>Supreme Court Act 1935</i> (SA)” with the appropriate office. If there is none, clause 23 will be omitted from Schedule 9;</p> <p>(e) amend Schedule 9, clause 24 after consulting with Tasmania, to replace the reference to the “office of administrator” with the correct office under Chapter 49 of the Criminal Code (Tas). If there is no correct reference clause 24 will be omitted from Schedule 9; and</p> <p>(f) amend Schedule 9, clause 32 to replace the reference to “the office of Master” with “the office of Associate Judge” in the <i>Supreme Court Act 1986</i> (Vic).</p>		
<a href="#">Education and Care Services National Regulations 2012</a>	To raise various issues with the Regulator and report back to the Committee.	4/10/12	05/08/2013 (report to Committee) 28/11/14 (amendments) <i>Committee reference: 3939/7</i>

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<a href="#"><u>Building Amendment Regulations (No.2) 2012</u></a>	<p>The Minister for Commerce undertakes to amend regulation 31(2)(b) within six months to make it clear that a demolition contractor:</p> <ul style="list-style-type: none"> <li>• must disconnect all services mentioned no later than completion of the demolition work;</li> <li>• may use services such as water and electricity during the demolition work; and</li> <li>• must arrange with each service provider for the safe disconnection of the particular service at the appropriate time.</li> <li>• All consequential undertakings arising from the above undertaking will also be made, as required.</li> </ul>	9 July 2013	<p>24 April 2014 to state:</p> <p><i>... ensuring that each electrical, gas, telephone or water service to the building or incidental structure being demolished is disconnected by the provider of the service no later than the day on which the demolition work is completed.</i></p>
<a href="#"><u>Dog Regulations 2013</u></a>	<p>The Minister for Local Government and Communities undertakes to:</p> <ul style="list-style-type: none"> <li>• Amend regulation 33, Item 10 of the Table in two places to refer to 'microchip database company' instead of 'microchip company';</li> <li>• In Form 7, change the Act reference from section 38(3) to 38(2).</li> </ul>	10/12/13	<p>20/05/2014 (by the <i>Dog Amendment Regulations 2014</i>)</p>



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<a href="#"><u>Environmental Protection (Noise) Amendment Regulations 2013</u></a>	<p>The Minister for Environment undertakes to:</p> <ul style="list-style-type: none"> <li>• Make available the Australian Standards referred to in the regulations at no cost.</li> <li>• Correct the typographical error in new regulation 16BE.</li> </ul>	18/03/14	<p>18/03/14 (statement on website regarding no cost access to Australian Standards)</p> <p>16/05/2014 (by <i>Environmental Protection (Noise) Amendment Regulations 2014</i>)</p>
<a href="#"><u>Water Services Regulations 2013</u></a>	<p>The Minister for Water undertakes to:</p> <ul style="list-style-type: none"> <li>• amend regulations 57(3)(f), 69 and 70(2) within six months</li> </ul>	12/03/14	27/06/14
<a href="#"><u>Durack Institute of Technology By-Laws 2013</u></a>	<p>The Minister for Training and Workforce Development undertakes to make amendments in relation to the following matters within six months:</p> <ul style="list-style-type: none"> <li>• the absence of an express repeal clause;</li> <li>• assistance animals and Commonwealth anti-discrimination legislation; and</li> <li>• rights of appeal for disciplinary offences.</li> </ul>	31/03/14	04/07/14
<a href="#"><u>Building Services (Registration) Amendment Regulations (No.4) 2013</u></a>	<p>The Minister for Commerce undertakes to:</p> <ul style="list-style-type: none"> <li>• provide, by the end of September 2014, details of the Building Commission's funding model as well</li> </ul>	03/04/14	The Minister has now provided costing model information.

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	as cost recovery percentages for each individual fee the subject of the amendment regulations.		
<a href="#"><u>Magistrates Court (General) Amendment Rules (No.2) 2013</u></a>	<p>The Attorney General undertakes to:</p> <ul style="list-style-type: none"> <li>• rectify within six months, a drafting error in Form 1 in Schedule 2. The reference to “(r.37 and 42C)” should be “(r.37 and 40C)”.</li> </ul>	08/05/14	12/08/14
<a href="#"><u>Coal Industry Superannuation Regulations 2014</u></a>	<p>The Minister for Mines and Petroleum undertakes to:</p> <ul style="list-style-type: none"> <li>• amend regulations 13(2), 20(2)(b) and 25(1)(b).</li> </ul>		12/08/14
<a href="#"><u>Transport Co-ordination Amendment Regulations (No. 2) 2014</u></a>	<p>The Minister for Transport undertakes to:</p> <p>Reduce the licence fee for 60 plus seat omnibuses to \$415, to a level that under recovers the cost of providing the service, and issue refunds to any person who has paid the previous fee where required.</p>	17/08/14	17/08/14
<a href="#"><u>Road Traffic (Charges and Fees) Amendment Regulations (No. 6) 2014</u></a>	<p>The Minister for Transport undertakes to:</p> <ul style="list-style-type: none"> <li>• In relation to the seven inspection of vehicle fees (Schedule 1, Division 2, items 2 to 8), perform a comprehensive and appropriate costing exercise prior to the fees being next amended, and to provide costing detail demonstrating that the fees</li> </ul>	15/10/14	

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	<p>do not over recover in the EM provided to the Committee when the fees are next amended.</p> <ul style="list-style-type: none"> <li>In relation to the regional inspection of vehicle fees (Schedule 1, Division 3), perform a comprehensive and appropriate costing exercise, establishing the cost of providing the service in the region or regions prior to the fees being next amended, and to provide costing detail demonstrating that the fees do not over recover in the EM provided to the Committee when the fees are next amended.</li> </ul>		
<p><a href="#"><u>Lotteries Commission (Saturday Lotto) Amendment Rules (No. 2) 2014</u></a></p>	<p>The Premier undertakes to:</p> <ul style="list-style-type: none"> <li>To amend the references to a Slikpik 25 entry for a single Saturday draw, and a Slikpik 25 entry for 10 weeks of Saturday draws in Schedule 1, Part 2 of the <i>Lotteries Commission (Saturday Lotto) Rules 1996</i>, so that the prescribed component costs equal the total cost.</li> </ul> <p>(This correction will form part of an overall review of the <i>Lotteries Commission (Saturday Lotto) Rules 1996</i> scheduled for completion by the end of 2014)</p>	<p>23/10/14</p>	<p>16/12/14</p>

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<a href="#"><u>Road Traffic (Drug Driving) Amendment Regulations 2014</u></a>	<p>The Premier undertakes to:</p> <ul style="list-style-type: none"> <li>• amend Schedule 2 of the <i>Road Traffic (Drug Driving) Regulations 2007</i> to, within 6 months, remove references to 's' and 'min' and replace these occurrences with full words.</li> </ul>	19/11/14	6 March 2015
<a href="#"><u>Fiona Stanley Hospital By-laws 2014</u></a>	<p>The Minister for Health undertakes to insert a right of review of decisions to refuse parking permits.</p>	06/01/15	01/07/15
<a href="#"><u>Road Traffic (Administration) Regulations 2014</u></a> ; <a href="#"><u>Road Traffic (Authorisation to Drive) Regulations 2014</u></a> ; and <a href="#"><u>Road Traffic (Vehicles) Regulations 2014</u></a>	<p>The Minister for Transport undertakes to:</p> <ul style="list-style-type: none"> <li>• Administratively reduce various fees that are slightly over-recovering to either at or just under 100% cost recovery; and</li> <li>• Make minor amendments to regulation 18 of the <i>Road Traffic (Administration) Regulations 2014</i> and regulation 226 of the <i>Road Traffic (Vehicles) Regulations 2014</i>.</li> </ul>	17/04/15	<p>Amendment to regulation 226 made by regulation 4, <i>Road Traffic (Vehicles) Amendment Regulations (No. 3) 2016</i></p> <p>Amendment to regulation 18 made by regulation 4, <i>Road Traffic (Administration) Amendment Regulations 2016</i></p> <p><b>Committee reference: 3982/3 and 3982/5</b></p>
<a href="#"><u>Transport Co-ordination Amendment Regulations 2014</u></a>	<p>The Minister for Transport undertakes to:</p> <ul style="list-style-type: none"> <li>• Amend regulation 5(5) so that it refers to Schedule 2, Form 14.</li> </ul>	23/04/15	17/04/15



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	<ul style="list-style-type: none"> <li>delete regulation 16(2A) of the principal regulations [<i>Planning and Development (Development Assessment Panels) Regulations 2011</i>]; and</li> <li>amend the <i>Planning and Development Act 2005</i> by inserting a provision in the nature of regulation 16(2A) (regulations prevail over a planning instrument in the event of an inconsistency) of the principal regulations,</li> </ul> <p>after the completion of the <a href="#">Uniform Legislation and Statutes Review Committee's inquiry into the principal regulations</a>. (completed 8 September 2015)</p>		<p>(Committee reference: 4004/2)</p> <p>Point 3: Act is yet to be amended as per this undertaking</p>
<a href="#">Fair Trading (Retirement Villages Code) Regulations 2015</a>	<p>The Minister for Commerce undertakes to:</p> <ul style="list-style-type: none"> <li>Correct the drafting error in clause 27(6) so that it refers to a proxy notice set out in Appendix 2 (rather than 1).</li> <li>Make the deeming mechanism in clause 36(4) consistent with Australia Post's regular mail delivery timeframes.</li> </ul>	5 June 2015	06/10/2015
<a href="#">Retirement Villages Amendment Regulations 2015</a>	<p>The Minister for Commerce undertakes to:</p> <ul style="list-style-type: none"> <li>Address the formatting error at pages 1018 and 1019 of the <i>Government Gazette</i> dated 24 March</li> </ul>	5 June 2015	23/03/2016

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	<p>2015 relating to regulation 7G Item 5(b) of the Table.</p> <ul style="list-style-type: none"> <li>Review Schedule 1, Form 1 titled: <i>Information statement for prospective resident</i> before 1 October 2015</li> </ul>		
<p><a href="#">Fremantle Hospital Amendment by-laws (No. 2) 2015</a>,  <a href="#">Royal Perth Hospital Amendment By-laws (No. 2) 2015</a>,  <a href="#">Women's and Children's Hospitals Amendment By-laws (No. 2) 2015</a>,  <a href="#">Queen Elizabeth II Medical Centre (Delegated Site) Amendment By-laws (No. 3) 2015</a></p>	<p>The Minister for Health undertook to include, within amendments to the principal by-laws to be made in 2016, a by-law mirroring by-law 23A of the Fiona Stanley Hospital By-laws 2014 (allowing a right of review against decisions regarding parking permits on the hospital sites).</p>	<p>1 September 2015</p>	<p>By-laws for Fremantle Hospital, Royal Perth Hospital and Women's and Children's Hospitals repealed by section 307(d), (k) and (l) of the <i>Health Services Act 2016</i> — 1 July 2016.</p> <p>Requested provisions for review of parking permit decisions now at regulation 24, <i>Health Services (Conduct and Traffic) Regulations 2016</i>.</p> <p>Section 307(j), to repeal the QEII Medical Centre By-laws, not yet in force, but by-law amended by <i>Queen Elizabeth II Medical Centre (Delegated Site) Amendment By-Laws 2016</i> — 1 July 2016.</p>
<p><a href="#">Biosecurity and Agriculture Management (Agriculture Standards)</a></p>	<p>The Minister for Agriculture and Food undertakes to amend regulations 20D(4)(a) and (6) of the principal regulations [<i>Biosecurity and Agriculture Management</i></p>	<p>18 September 2015</p>	<p>03/02/2017</p>

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<a href="#"><u>Amendment Regulations 2015</u></a>	<i>(Agriculture Standards) Regulations 2013</i> ] by replacing references to “HPG” with the correct acronym, ‘HGP’, when the regulations are next reprinted or amended.		<i>Committee reference: 4008/6</i>
<a href="#"><u>Gascoyne Demersal Scalefish Management Plan Amendment 2015</u></a>	The Minister for Fisheries undertakes to: <ul style="list-style-type: none"> <li>• Amend the definition of Shark Bay Beach Seine and Mesh Net managed fishery licence in clause 5.</li> <li>• Amend the definition of West Coast Demersal Gillnet and Demersal Longline interim managed fishery authorisation in clause 5</li> <li>• Amend various references in the Plan to clause 11(d) to state ‘11(1)(d)’.</li> </ul>	19/10/15	06/11/2015  <i>Committee reference: 3964/7</i>
<a href="#"><u>North Metropolitan TAFE By-Laws 2016;</u></a> <a href="#"><u>South Regional TAFE By-Laws 2016;</u></a> <a href="#"><u>Central Regional TAFE By-Laws 2016;</u></a> <a href="#"><u>North Regional TAFE By-Laws 2016</u></a>	The Minister for Training and Workforce Development undertakes to include an internal appeals process in the five sets of TAFE By-Laws, similar to that adopted by the Edith Cowan University, including notification of that appeals process to any student penalised under by-law 19, by the beginning of the 2017 student year.	26/07/16	30/12/2016  <i>Committee reference: 4004/16, 4005</i>