

**JOINT STANDING COMMITTEE ON DELEGATED LEGISLATION**

*Seventeenth Report — “Annual Report 2019” — Tabling*

**MRS R.M.J. CLARKE (Murray–Wellington)** [10.21 am]: I present for tabling the seventeenth report of the Joint Standing Committee on Delegated Legislation titled “Annual Report 2019”.

[See paper [3449](#).]

**Mrs R.M.J. CLARKE:** This report 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. The instrument was disallowed by the Legislative Council. Motions for disallowance for delegated legislation usually do not proceed in the 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. The committee considered under its terms of reference 10.6(d) that one set of regulations contained a limitation period that should be contained within an act. An undertaking addressing the committee’s concerns 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 its terms 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 and the result of the amendment is that local governments no longer need to give statewide notice of a proposed local law. Local public notice is still required by 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 processes and the issues identified in previous instruments. I would like to thank the committee and staff for all the work they have done over the last three years. I commend the report to the house.