

7 STANDARDS

7.1 The Committee remains concerned about the accessibility of standards published by Standards Australia adopted in delegated legislation.

7.2 As noted in the Committee's *Annual Report 2011*, it is an important principle that people have a right to know the law that they are obliged to comply with. Standards adopted in delegated legislation are not publicly accessible in the same way that Acts and regulations are readily accessible online at no cost to the public.

7.3 The Committee recommended in its *Annual Report 2011* that:

The Government requires departments, agencies and local governments to advise on their internet site where standards called up in subsidiary legislation can be accessed at no cost.

7.4 The Government Response to this recommendation was:

*The Government notes that Committee's recommendation and will consider the merit of its implementation.*⁴³

⁴² The Department of Local Government, *Local Laws Local Government Operational Guidelines - Number 16 September 2006*, p5.

⁴³ Letter from Hon Colin Barnett MLA, Premier, undated: Legislative Council, Tabled Paper 4861.

- 7.5 On the basis of the disappointing Government Response, the Committee re-affirms its recommendation and requests a determinative response to the following:

Recommendation 1: The Committee recommends that the Government requires departments, agencies and local governments to advise on their internet site where standards called up in subsidiary legislation can be accessed at no cost.

- 7.6 The Committee often raises the issue of public access to standards with departments and local governments when writing to them about a particular instrument.
- 7.7 The Committee was pleased with the City of Cockburn's recent response that it would purchase copies of a standard adopted in a particular local law and make the standard available at its main administration building and at three public libraries.
- 7.8 The Committee expects departments and local governments to make standards adopted in local laws more accessible to the public, and to advise on their websites where adopted standards can be accessed at no cost.
- 7.9 It would also assist the Committee if departments and local governments advised the Committee in the Explanatory Memorandum provided with delegated legislation where standards adopted in the relevant delegated legislation can be accessed at no cost and if this information is provided on its website.