

JOINT STANDING COMMITTEE ON DELEGATED LEGISLATION

Fifth Report — Annual report 2023 — Tabling

HON LORNA HARPER (East Metropolitan) [10.11 am]: I am directed to present the fifth report of the Joint Standing Committee on Delegated Legislation titled *Annual report 2023*.

[See paper 3086.]

Hon LORNA HARPER: The report that I have just tabled advises the house of the key activities of the committee for the period 1 January 2023 to 31 December 2023. The committee scrutinises instruments made under statutory delegation. It determines whether the instruments are within power of the authorising legislation or otherwise in breach of the committee's terms of reference. The committee scrutinised 324 instruments, including 148 regulations and 88 local laws during the reporting period. Motions for the disallowance of delegated legislation usually do not proceed if the committee receives satisfactory undertakings. The committee recommends disallowance only as a last resort. During the reporting period the committee received departmental undertakings covering one instrument and local government undertakings covering 38 local laws. The committee tabled one disallowance report, recommending the City of Gosnells Bush Fire Brigade Local Law 2023 be disallowed because it was not authorised by the Local Government Act 1995, was inconsistent with the Bush Fires Act 1954 and contained an unauthorised sub-delegation of legislative power. The committee worked with the Department of the Premier and Cabinet to update the Premier's circular following the commencement of the Legislation Act 2021. It identified several other amendments to make the circular clearer to agencies.

The committee reported its position on cat local laws that were inconsistent with the Cat Act 2011 in its 2021 and 2022 annual reports. It identified further cat local laws of this type during the reporting period. The local laws working group, hosted by the Department of Local Government, Sport and Cultural Industries, met on 4 May 2023. It provided an opportunity for participants to discuss local law issues of concern and a valuable forum to update participants on new developments and initiatives. The committee trusts the matters noted in this report will assist those making delegated legislation understand the committee's processes and requirements.

I commend the report to the house.