

JOINT STANDING COMMITTEE ON DELEGATED LEGISLATION

Third Report — Annual Report 2022 — Tabling

HON LORNA HARPER (East Metropolitan) [10.04 am]: I am directed to present the third report of the Joint Standing Committee on Delegated Legislation titled *Annual report 2022*.

[See paper [2109](#).]

Hon LORNA HARPER: President, the report that I have just tabled advises the house of the key activities of the committee for the period 1 January 2022 to 31 December 2022.

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. During the reporting period, the committee scrutinised 329 instruments, including 163 regulations and 99 local laws. 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 three instruments and local government undertakings covering 24 local laws. Some notable instruments for which the committee sought and received undertakings included the following. Firstly, there was a regulation enabling the Electrical Licensing Board to delegate its powers and duties. The committee considered the Electricity Act 1945 did not authorise this delegation. The Minister for Commerce undertook to delete the regulation. Secondly, it found a number of cat local laws banning or placing restrictions on cats in public places or forcing owners to confine them to avoid committing an offence. This is not authorized by the Cat Act 2011, which allows cats in public places unless they are not complying with this act. Thirdly, it found local laws copying clauses containing errors subject to previous committee undertakings. This can be avoided by local governments checking the undertakings list on the committee's website as well as any relevant disallowance reports.

The Local Laws Working Group, hosted by the Department of Local Government, Sport and Cultural Industries, met on 9 March 2022. 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.