

**JOINT STANDING COMMITTEE ON DELEGATED LEGISLATION**

*Second Report — Annual Report 2021 — Tabling*

**HON LORNA HARPER (East Metropolitan)** [10.07 am]: I am directed to present the second report of the Joint Standing Committee on Delegated Legislation titled *Annual Report 2021*.

[See paper [1345](#).]

**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 2021 to 31 December 2021. The committee scrutinises instruments made under statutory delegation and determines whether the instruments are beyond the scope of the delegated power, or are otherwise in breach of the committee's terms of reference. Like its predecessors, the committee continues to scrutinise large volumes of delegated legislation. During the reporting period, the committee scrutinised 369 instruments, including 180 regulations and 118 local laws.

Motions for the disallowance of delegated legislation do not usually 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 seven instruments and local government undertakings covering 33 local laws. The committee tabled one disallowance report, recommending the City of Kalamunda Dogs Local Law 2021 be disallowed for breaching section 3.12(4) of the Local Government Act 1995. This local law was significantly different from the one publicly advertised. This was a systemic issue in local laws in the reporting period. Although acceptable undertakings were received in most instances, the committee strongly encourages local governments to ensure explanatory memorandums justify why a local law is not significantly different from the one advertised. Local governments should also restart the local lawmaking process under section 3.12 of the Local Government Act 1995 if any significant changes are made following public advertising.

The committee worked with the Department of the Premier and Cabinet to update the Premier's circular and a number of changes were made that will assist the committee and other agencies. One change requiring agencies to provide free public access to standards referred to in the regulations is a key reform. This addresses the committee's longstanding concerns about free public access to standards. Some proposed reforms announced by the Minister for Local Government as part of the local government reform process are relevant to the committee's work. The committee looks forward to receiving feedback from the minister in due course. The committee trusts that the matters noted in this report will assist those making delegated legislation to understand the committee's processes. I commend the report to the house.