

DEPARTMENTAL UNDERTAKINGS

Under its Terms of Reference, the Joint Standing Committee on Delegated Legislation scrutinises regulations and other legislative instruments made by government agencies, departments, local governments and statutory authorities. As part of that process the Committee may seek an undertaking to amend a regulation or other instrument. The following written undertakings were provided to the Committee in the 40th Parliament.

Document is current as at: **1 April 2020**

Instrument Title	Undertaking Given to Committee	Date Given	Date Amendment Gazetted
<u>Water Services Legislation Amendment Legislation Amendment Regulations 2016</u>	The Minister for Water undertakes to within six months: correct numerical cross references in the definition of 'revised plan'. Committee reference: 4003/19	01/08/2017	<u>(GG) 15/09/2017</u> Committee reference 4020/11
<u>Limited Partnerships Regulations 2017</u>	The Minister for Commerce and Industrial Relations undertakes to comply fully with the <i>Premier's Circular 2014/01</i> (or its equivalent) when the fees imposed by the regulations are next amended. Committee reference: 4008/4	14/08/2017	
<u>Electricity (Licensing) Amendment Regulations 2017</u>	The Minister for Commerce and Industrial Relations undertakes: <ol style="list-style-type: none"> 1. to instruct <i>EnergySafety</i> to immediately take the necessary steps to draft an amendment to the principal regulations (<i>Electricity (Licensing) Regulations 1991</i>) that will insert the words 'knows, or ought reasonably to know' in each of the four offences created in regulations 52(2AB), 52A(5), 52B(4B) and 52B(7) 	05/09/2017	

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	<p>2. that the relevant amendments will be included with other amendments to the <i>Electricity (Licensing) Regulations 1991</i> that Parliamentary Counsel is currently drafting</p> <p>3. that, in the meantime, EnergySafety will not initiate proceedings against any person to whom the above principal regulations might apply.</p> <p>Committee reference: 4011/12</p>		
Road Traffic Regulations Amendment (Pilot Vehicle Drivers) Regulations 2016	<p>The Minister for Transport undertakes to as soon as possible delete Amendment Regulations 454P(a) and (b)(ii).</p> <p>Committee reference: 4001/8</p>	15/09/17	<p>(GG) 01/12/2017</p> <p>Committee reference 4023/16</p>
Water Services (Water Corporations Charges) Amendment Regulations 2017	<p>The Minister for Water undertakes to, within three months, amend the Regulations to be in line with the <i>Energy Operators (Electricity Generation and Retail Corporation)(Charges) Amendment By-laws 2018</i> so far as they relate to the imposition of surcharges for payments by credit cards.</p>	15/03/18	<p>(GG) 22/06/2018</p> <p>Committee reference 4033/15</p>
Police (Fees and Charges) Regulations 2018	<p>That Regulation 6 of the Regulations be amended to remove the imposition of minimum charges.</p> <p>Committee reference 4026/05</p>	28/06/2018	<p>(GG) 17/08/2018</p> <p>Committee Reference 4036/18</p>
Rights in Water and Irrigation Amendment Regulations 2018	<p>The Minister for Water undertakes to:</p> <ol style="list-style-type: none"> 1. amend the <i>Rights in Water and Irrigation Regulations 2000</i>, within six months, in the following manner: 	16/07/2018	<p>(GG) 08/10/2019</p>

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	<p>a. Amend regulation 41F(2) by limiting the power to revoke an exemption to circumstances where the terms, conditions and restrictions that relate to the taking or measurement of water have not been complied with.</p> <p>b. Amend regulation 41C(1)(b)(v) to correct the reference to 'Minster'.</p> <p>c. Amend regulation 31(b) to replace the phrase 'licence holder' with 'licensee'.</p> <p>2. in the meantime, apply regulation 41F(2) of the <i>Rights in Water and Irrigation Regulations 2000</i> in a manner that is consistent with undertaking 1a.</p> <p>Committee Reference 4027/07</p>		Committee Reference 4055/18
<p>Health Regulations Amendment (Fees and Charges) Regulations 2018</p>	<p>The Minister undertakes to, within six months, amend the <i>Radiation Safety (General) Regulations 1983</i> by repealing the six fees prescribed in Schedule XV, Part 1, clause 1(b).</p> <p>Committee Reference 4031/17</p>	12/08/2018	<p>(GG) 16/10/2018</p> <p>Committee Reference 4040/17</p>
<p>Duties Amendment Regulations 2018</p>	<p>The Minister for Finance undertakes to repeal the <i>Duties Amendment Regulations 2018</i> as soon as possible after the end of the transition period for heavy vehicles from the Federal Interstate Registration Scheme to Western Australia's vehicle licensing system on 30 June 2019.</p> <p>Committee reference 4033/10</p>	01/10/2018	

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Marine Aquarium, Fish Managed Fishery Management Plan 2018	<p>The Minister for Fisheries undertakes to insert a definition of 'Regulations' in respect of 'coral' in the <i>Marine Aquarium, Fish Managed Fishery Management Plan 2018</i> when it is next reviewed.</p> <p>Committee reference 4036/3</p>	15/10/2018	
Prohibition on Fishing for Rock Lobster Order 2018	<p>The Minister for Fisheries undertook that when the Order is next reviewed the clause 3 definition of 'rock lobster' will be amended to refer to the correct citation of the <i>Fish Resources Management Regulations 1995</i>.</p> <p>Committee reference 4034/20</p>	15/10/2018	
Public Transport Authority Amendment Regulations 2018	<p>The Minister for Transport undertakes to:</p> <ul style="list-style-type: none"> (1) repeal amendment regulation 41(3) (2) make all consequential amendments (if any) (3) until repealed, not enforce amendment regulation 41(3) in a manner contrary to the undertaking already given. (4) gazette the repeal as soon as possible or within six months. <p>Committee reference 4035/6</p>	26/11/18	<p>(GG) 19/02/19</p> <p>Committee Reference 4046/5</p>
Biodiversity Conservation Regulations 2018	<p>The Minister for Environment undertook to:</p> <ol style="list-style-type: none"> 1. by the end of March 2019, amend the <i>Biodiversity Conservation Regulations 2018</i> as follows: 	19/11/2018	<p>(GG) 21/12/18</p> <p>Committee Reference 4044/2</p>

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	<p>a) Amend regulations 23 and 104 by correcting the departmental reference.</p> <p>b) Amend regulation 110 by including a reference to 'aircraft'.</p> <p>c) Delete regulation 158.</p> <p>2. in the meantime, enforce the Regulations in a manner that is consistent with undertaking 1.</p> <p>Committee Reference 4038/10</p>		
<p>Mental Health Amendment Regulations (No. 3) 2018</p>	<p>The Minister undertook that, within 12 months, regulations 19(1) and (2) of the <i>Mental Health Regulations 2015</i> will be amended in a manner similar to this:</p> <p style="padding-left: 40px;"><i>19(1) For paragraph (a) of the definition of prescribed State authority in section 573(1)(a) of the Act, the following are prescribed — ...</i></p> <p style="padding-left: 40px;"><i>19(2) For paragraph (b) of the definition of prescribed State authority in section 573(1)(b) of the Act, the following are prescribed — ...</i></p> <p>Committee Reference 4038/08</p>	<p>28/11/2018</p>	<p>(GG) 08/10/2019</p> <p>Committee Reference 4055/17</p>
<p>Health Practitioner Regulation National Law Regulation 2018</p>	<p>The Minister undertook to:</p> <p>a) within 12 months:</p>	<p>01/04/2019</p>	<p>(GG) 17/12/19</p> <p>Committee Reference 4059/08</p>

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	<p>i. raise the Committee's concerns with the COAG Health Council about the absence of specific reference to the <i>Health Practitioner Regulation National Law Regulation (Western Australia)</i> in regulations 22 and 43 of the <i>Health Practitioner Regulation National Law Regulation 2018</i></p> <p>ii. request that the COAG Health Council amend those regulations to specifically refer to the <i>Health Practitioner Regulation National Law Regulation (Western Australia)</i>.</p> <p>b) advise the Committee of compliance with this undertaking.</p> <p>Committee Reference 4041/07</p>		
Australian Computer Society Professional Standards Scheme	<p>The Minister undertook that within the following three months to:</p> <ul style="list-style-type: none"> • correct the commencement date of the Scheme in WA; • notify the affected Australian Computer Society Inc. members of the corrected commencement date; • publicise the correction; and • advise the Committee of compliance with this undertaking. <p>Committee Reference: 4045.21</p>	01/05/2019	(GG) 23/07/2019 Committee Reference 4053.06
Dangerous Sexual Offenders Amendment Regulations 2019	<p>The Minister undertook that within six months, the <i>Dangerous Sexual Offender Amendment Regulations 2019</i> will be amended as follows:</p>	01/05/2019	(GG) 05/11/2019

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	<p>(a) in regulation 7(1), Table items 4-7 - depending on what is deemed necessary, either:</p> <ul style="list-style-type: none"> (i) delete the references to <i>Crimes Act 1900</i> (NSW) sections 61M(1), 61M(2), 610(2) and 610(2A) and, where appropriate, replace them with the equivalent new provisions in that Act; or (ii) insert prescriptions of the new offences in addition to the offences already prescribed; <p>(b) in regulation 7(3), Table item 3 - if appropriate, delete the reference to <i>Crimes Act 1900</i> (NSW) section 66F(4);</p> <p>(c) in regulation 7(4), Table items 1 and 2 - if appropriate, delete the reference to <i>Crimes Act 1900</i> (NSW) sections 61P and 73(4) respectively;</p> <p>(d) in regulation 8(1)- insert the year in the Northern Territory Act's short title;</p> <p>(e) in regulation 8(2), Table item 13 - restrict the prescription of the Northern Territory offence to instances where the offence is committed against a child, or a person who is under 18 years of age, depending on the terminology used in the Northern Territory;</p> <p>(f) in regulation 9(2), Table item 7 - restrict the prescription of the Queensland offence to instances where the offence is committed against a child under the age of 13 years;</p> <p>(g) in regulation 10(2), Table item 13 - restrict the prescription of the South Australian offence to instances where the offence is committed against a child under the age of 13 years;</p>		Committee Reference 4057/3

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	<p>(h) in regulation 10(2) , Table item 14 - restrict the prescription of the South Australian offence to instances where the offence is committed against a child under the age of 16 years ;</p> <p>(i) in regulation 11(2), Table item 3 - restrict the prescription of the Tasmanian offence to instances where the offence is committed against a child under the age of 13 years;</p> <p>(j) in regulation 11(2), Table item 4 - restrict the prescription of the Tasmanian offence to instances where the offence is committed against a child under the age of 16 years;</p> <p>(k) in regulation 11(2), Table item 5 - restrict the prescription of the Tasmanian offence to instances where the offence is committed against a child under the age of 16 years;</p> <p>(l) in regulation 12(2), Table item 14 - if appropriate include reference to section 7 of the Code in relation to sections 325(1) and 324(2) of the Code.</p> <p>Committee Reference: 4046.01</p>		
Waste Avoidance and Resource Recovery (Container Deposit Scheme) Regulations 2019	<p>The Minister undertook to, within 3 months:</p> <ol style="list-style-type: none"> 1. not include in the new regulations any regulation which provides a limitation period for making application for a civil penalty order after the alleged contravention. 2. notify any affected stakeholders of this amendment to the regulations; 	26 June 2019	

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	<p>3. not enforce regulation 36(4) contrary to the undertaking.</p> <p>Committee Reference 4048.07</p>		
Transport Regulations Amendment (Road Passenger Services) Regulations (No 2) 2019	<p>The Minister undertook that, within 6 months, Regulation 35ZF(4) will be amended to limit the scope of 'authorised people' able to carry out functions on behalf of the ODBS provider to employees of the ODBS, contractors of the ODBS or the CSU provider, in a manner similar to this:</p> <ul style="list-style-type: none"> <i>The provider of an authorised on-demand booking service may, in accordance with subregulation (5), authorise a person <u>an employee, contractor or the CSU provider</u> to carry out a function under subregulation (3) on the provider's behalf.</i> <p>Committee Reference 4051.19</p>	<p>26 November 2019</p>	<p>GG 04/02/20</p> <p>Committee Reference 4061/16</p>
Waste Avoidance and Resource Recovery (Container Deposit Scheme) Amendment Regulations 2019	<p>Regulation 3A(1)(a) to be amended to insert the word 'all' between the words 'contain and 'the'.</p> <p>Committee Reference 4059:07</p>	<p>31 March 2020</p>	