



PARLIAMENTARY STANDING COMMITTEE ON SUBORDINATE LEGISLATION

ANNUAL REPORT 2010-2011

INTRODUCTION

The Parliamentary Standing Committee on Subordinate Legislation is a statutory committee of the Tasmanian Parliament. It was established under the *Subordinate Legislation Committee Act 1969*.

The Committee's charter is to examine every regulation, by-law and rule. Regulations comprise all subordinate legislation made by the Governor-in-Council but do not include Orders, Proclamations or Rules of the Supreme Court. By-laws are those made by municipal councils, marine boards and other semi-government authorities. The Subordinate Legislation Committee Act 1969 uses "regulations" as the generic term to cover all subordinate legislation, be it a regulation, a by-law or a rule.

The Committee is required to conduct its examination of regulations with particular reference to the question of whether or not —

- (a) the regulation appears to be within the regulation-making power conferred by, or in accord with the general objects of, the Act pursuant to which it was made;
- (b) the form or purport of the regulation calls for elucidation;
- (c) the regulation unduly trespasses on personal rights and liberties;
- (d) the regulation unduly makes rights dependent on administrative decisions and not on judicial decisions;

- (e) the regulation contains matters that, in the opinion of the Committee, should be properly dealt with by an Act and not by regulation; or
- (f) whether the requirements of the Subordinate Legislation Act 1992 have been met.

The Committee also examines other instruments referred to it by Acts.

COMMITTEE ACTIVITY

General Overview

During 2010-2011 the Committee held thirteen (13) meetings and examined one hundred and twenty one (121) instruments of subordinate legislation that had been published in the Government Gazette.

As part of the examination of these instruments the Committee requested information from Ministers in relation to regulations imposing significant increases in fees, explanations of some provisions and other issues of concern.

The Committee again appreciated Ministers providing a Fact Sheet summarising the subordinate legislation being examined. The support of Ministers by allowing departmental officers to provide briefings and formal evidence when required, was also of great assistance and appreciated by the Committee.

Details of some areas where the Committee requested further information through briefings and hearings, are set out below:

Poisons Amendment Bill (No. 2) 2009 – Regulations and Guidelines

The Committee wrote to the Minister for Health advising of the commitment by the Leader of the Government in the Legislative Council to provide the Committee with the draft regulations relevant to the Poisons Amendment Bill (No. 2) 2009, prior to Gazettal.

The final version of the Guidelines for the “Administration of certain substances by aged-care workers in residential aged care services” were provided to the Committee on 16 July 2010.

The Committee met on 26 August 2010 and considered the Guidelines. The POISONS AMENDMENT REGULATIONS 2010 and the POISONS AMENDMENT REGULATIONS (NO 2) 2010 were reported as “Examined” on 2 September 2010.

Electricity Supply Industry (Price Control) Amendment Regulations 2010

The Committee received a briefing from Treasury officers in relation to these Regulations on 2 September 2010. Following the briefing, the Committee passed the Regulations as ‘Examined’.

Rail Safety Regulations 2010

On 8 December 2010 the Committee received a briefing from officers of the Department of Infrastructure, Energy and Resources in relation to the Rail Safety Regulations 2010. Following the briefing, the Committee passed the Regulations as 'Examined'.

Workplace Health and Safety Amendment (Mine Safety) Regulations 2010

The Committee was provided with draft Workplace Health and Safety Amendment (Mine Safety) Regulations for consideration. The Committee acknowledged that the draft Regulations had addressed the concerns raised in the Legislative Council and that further consideration would be given to the Regulations when Gazetted.

The Committee passed the Gazetted Regulations as 'Examined' on 17 March 2011.

Wildlife (General) Regulations 2010; Wildlife (Exhibited Animals) Regulations 2010; Wildlife (Deer Farming) Regulations 2010

As outlined above, the Committee is required to consider whether a Regulation "unduly trespasses on personal rights and liberties". The general principles contained in this reference are the most frequently used by the Committee and underlie members' interpretation of all subordinate legislation.

On 17 March 2011 the Committee was briefed by officers from the Department of Primary Industries, Parks, Water and Environment regarding the above Regulations.

The Committee received submissions from stakeholders and held public hearings in relation to the Wildlife (Deer Farming) Regulations 2010 on 14 April 2011. Witnesses were concerned with the impact on their commercial deer farming operations.

The Committee received a further briefing by officers from the Resource Management and Conservation Branch of the Department in relation to the current management practices for Tasmanian wild fallow deer on 7 June 2011. The Minister responded to the Committee's major concerns in correspondence dated 22 June 2011, and in addition indicated that –

"My Department is currently reviewing the options for addressing the issues of satellite deer herds. This will specifically involve working with affected stakeholders to determine practical management options and refinement of the current policy approach if required".¹

¹ Wightman, Hon Brian, MP, Minister for Environment, Parks and Heritage – Letter to the Committee Chair – 22 June 2011.

On 23 June 2011 the Committee again discussed the matter and agreed that the outstanding matters were of a policy nature and outside the Committee's terms of reference.

MEETING ATTENDANCE RECORD

	Forrest	Parkinson	Rattray	Archer	Wightman	Morris
26 August	✓	X Other Committee Business	✓	X Funeral	✓	✓
2 September	✓	✓	✓	✓	✓	X Other Committee Business
30 September	✓	✓	✓	✓	✓	✓
14 October	✓	✓	✓	✓	✓	X
18 November	✓	✓	✓	✓	✓	✓
8 December	✓	✓	✓	✓	X now Minister	✓
14 January	✓	✓	✓	✓	X now Minister	✓
					Bacon	
17 March	✓	✓	✓	✓	✓	✓
7 April	✓	✓	✓	✓	✓	✓
14 April	✓	X Other Committee Business	✓	✓	✓	✓
					Best	
26 May	✓	X Other Committee Business	✓	✓	✓	✓
7 June	✓	✓	✓	X	X	✓
					Sturges	
23 June	✓	✓	✓	✓	✓	✓

**Hon Ruth Forrest MLC
Chair**