



JOINT STANDING COMMITTEE ON SUBORDINATE LEGISLATION

ANNUAL REPORT 2009-2010

INTRODUCTION

The Joint 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 2009-2010 the Committee held nine (9) meetings and examined one hundred and eighteen (118) 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, retrospective provisions and other issues of concern.

It should be noted that the House of Assembly was dissolved on 12 February 2010 for the State Election, which was held on 20 March 2010.

The Committee was therefore unable to meet to consider any instruments of subordinate legislation between 12 February and the commencement of the new Parliament in June 2010.

The Committee also appreciates the response by several Ministers and their Departments to its request for a Fact Sheet summarising the subordinate legislation being examined.

Dangerous Substances (Safe Handling) Regulations 2009

The Committee held public hearings in relation to the Dangerous Substances (Safe Handling) Regulations 2009 (S.R. 2009, No. 42). During these hearings further information was requested from Minister for Workplace Standards and Bright Star Fireworks.

The Committee Chair gave notice of motion to disallow the Regulations on 27 October 2009 as a 'holding' motion, to allow the Committee more time to receive and consider the additional information requested.

After further consideration of the requested information, and additional clarification provided by the Minister, the Committee resolved that the regulations be passed as 'examined'.

In recommending the regulations, however, the Committee noted the Minister's undertaking to increase the quantity of fireworks available under a Type 2 permit and requested that this commitment be upheld. The Committee also acknowledged the potential impact the regulations may have on Bright Star Fireworks and encouraged the owner to look at marketing initiatives and engagement with existing and potential customers to inform them of the changed regulations.

The Chair withdrew the Notice of Motion to Disallow.

It is noted that the quantity of fireworks available under a Type 2 permit has now been increased, in accordance with the Minister's commitment.

MEETING ATTENDANCE RECORD

	Forrest	Martin	Rattray-Wagner	Rockliff	Butler	Green
27 August	✓	✓	✓	✓	✓	✓
15 October	✓	✓	✓	✓	✓	✓
29 October	✓	x	✓	✓	✓	✓
6 November	✓	x	✓	✓	✓	✓
19 November	✓	x	✓	✓	✓	✓
18 December	✓	x	✓	✓	✓	✓
21 January	✓	x	x	✓	✓	✓
	Forrest	Parkinson	Rattray-Wagner	Archer	Wightman	Morris
10 June	✓	✓	✓	✓	✓	✓
24 June	✓	✓	✓	✓	✓	✓

**Hon Ruth Forrest MLC
Chair**