



PARLIAMENTARY STANDING COMMITTEE ON SUBORDINATE LEGISLATION

ANNUAL REPORT 2013-2014

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 the reporting year, the Committee held a total of thirteen (13) meetings, nine (9) during the forty-seventh parliament and four (4) during the forty-eighth parliament. The Committee examined seventy eight (78) instruments of subordinate legislation, forty six (46) during the forty-seventh parliament and thirty two (32) during the forty-eighth parliament that had been published in the Government Gazette.

As part of the examination of these instruments, the Committee requested information from Ministers in writing, in relation to regulations imposing significant increases in fees, explanations of some provisions and other issues of concern. The majority of queries were resolved to the Committee's satisfaction using this mechanism to obtain further information.

During the year the Committee also received briefings from Departmental officers in relation to the following instruments –

- Vehicle and Traffic (Driver Licensing and Vehicle Registration) Amendment (Mandatory Alcohol Interlock) Regulations 2013 (S.R. 2013, No.50) -completed during the forty-seventh parliament
- Restricted Hire Vehicle Industry Amendment Regulations 2014 (S.R. 2014, No.13) - completed during the forty-eighth parliament

The briefings provided Members with further details and clarification of specific issues.

Completed Inquiry – Mandatory Alcohol Interlocks

The Committee completed one (1) inquiry in relation to the Vehicle and Traffic (Driver Licensing and Vehicle Registration) Amendment (Mandatory Alcohol Interlock) Regulations 2013 (S.R. 2013, No.50) and the Vehicle and Traffic (Driver Licensing and Vehicle Registration) Amendment (Mandatory Alcohol Interlock) Regulations 2013 (S.R. 2013, No. 63).

The Committee was concerned with a range of issues associated with the Regulations. Most significant amongst the concerns were

- the retrospective application of the Regulations;
- the cost implications for people required to use multiple vehicles;
- The impact on an employer whose staff member was required to use a mandatory alcohol interlock and was required to use multiple work vehicles during the course of their duties;

- The lack of hardship provisions.

The Committee conducted two (2) dates of hearings, received evidence from six (6) witnesses and considered the Regulations during seven (7) meetings.

The Government responded to the inquiry prior to its completion by proposing various amendments to the Regulations. The Committee was generally pleased with the Government's undertakings, including its reconsideration of costs, hardship provisions and the waiving of installation and full service fees for 15 months for all participants.

The report of the Committee was tabled in both Houses of the Tasmanian Parliament - completed during the forty-seventh parliament.

MEETING ATTENDANCE RECORD

Committee Membership – Forty-Seventh Parliament

Legislative Council

Hon Ruth Forrest (Chair)
Hon Tania Rattray (Deputy Chair)
Hon Adriana Taylor

House of Assembly

Ms Elise Archer
Mr Tim Morris
Mr Graeme Sturges

Committee Membership – Forty-Eighth Parliament

Legislative Council

Hon Ruth Forrest
Hon Leonie Hiscutt (Deputy Chair)
Hon Tania Rattray (Chair)

House of Assembly

Mr Guy Barnett
Mr Roger Jaensch
Ms Madeleine Ogilvie

Committee Membership – Forty-Seventh Parliament

	Forrest	Rattray	Taylor	Archer	Morris	Sturges
22 August	✓	✓	✓	✓	✓	✓
29 August	✓	✓	✓	✓	✓	✓
19 September	✓	✓	✓	✓	✓	✓
26 September	✓	✓	✓	✓	✓	✓
17 October	✓	✓	✓	✓	✓	✓
12 November	✓	✓	✓	✓	✓	✓
14 November	✓	✓	✓	✓	✓	✓
21 November	✓	✓	✓	✓	✓	x
7 February	✓	✓	✓	x	✓	✓

Committee Membership – Forty-Eighth Parliament

	Forrest	Ratray	Hiscutt	Barnett	Jaensch	Ogilvie
29 May	✓	✓	✓	✓	✓	x
5 June	✓	✓	✓	✓	✓	✓
23 June	✓	✓	✓	✓	✓	x
26 June	x	✓	✓	✓	✓	✓



**Hon Tania Rattray MLC
Chair**

30 October 2014