



PARLIAMENTARY STANDING COMMITTEE ON SUBORDINATE LEGISLATION

ANNUAL REPORT 2016-2017

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 eleven (11) meetings. The Committee examined seventy six (76) instruments of subordinate legislation during the reporting period of 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 –

- ◆ A general briefing on By-Laws
- ◆ Building Amendment (Bushfire-Prone Areas) Regulations 2016 (S.R. 2016, No. 11)
- ◆ Mineral Resources Regulations 2016 (S.R. 2016, No. 41)
- ◆ Wildlife (General) Amendment (Browsing Animal Management) Regulations 2016 (S.R. 2016, No. 42)
- ◆ Liquor Licensing Regulations 2016 (S.R. 2016, No. 62)
- ◆ Liquor Licensing (Infringement Notices) Amendment Regulations 2016 (S.R. 2016, No. 63)
- ◆ Liquor Licensing (Fees) Amendment Regulations 2016 (S.R. 2016, No. 64)
- ◆ Road Amendment Rules 2016 (S.R. 2016, No. 56)
- ◆ Legal Profession Amendment Regulations 2016 (S.R. 2016, No. 70)
- ◆ Fisheries (General and Fees) Regulations 2016 (S.R. 2016, No. 30)
- ◆ Marine Farming Planning Regulations 2016 (S.R. 2016, No. 81)
- ◆ Building Regulations 2016 (S.R. 2016, No. 110)
- ◆ Property Agents and Land Transactions Regulations 2016 (S.R. 2016, No. 99)

- ◆ Health Service Establishments Amendment Regulations 2016 (S.R. 2016, No. 100)
- ◆ Public Sector Superannuation Reform (Parliamentary Superannuation) Regulations 2016 (S.R. 2016, No. 102)
- ◆ Animal Welfare (Dogs) Regulations 2016 (S.R. 2016, No. 121)

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

Provision of Documentation in accordance with Statutory Provisions

The Committee has continued to encounter difficulties at times in obtaining documentation, including relevant certificates, from some Departments and Local Government Authorities, in accordance with relevant statutory provisions. As a result of these difficulties, the Committee has experienced unreasonable delays on occasion in fulfilling its statutory functions in accordance with section 8 of the *Subordinate Legislation Committee Act 1969*.

As a result of the delays, the Chair wrote to the Premier on 27 September 2016 seeking his assistance to resolve the issue. The Premier confirmed by correspondence of 14 November 2017 that he had instructed Departments to comply with their statutory obligations.

MEETING ATTENDANCE RECORD

Committee Membership

During the reporting year, Hon Ruth Forrest MLC and Hon Leonie Hiscutt MLC resigned from the Committee and welcomed Hon Rob Valentine MLC and Hon Craig Farrell MLC to the Committee. The Committee acknowledges the contributions of both Members.

Legislative Council

Hon Ruth Forrest (*resigned 26 October 2016*)
 Hon Leonie Hiscutt (Deputy Chair)
 (*resigned 30/5/17*)
 Hon Tania Rattray (Chair)
 Hon Rob Valentine (*appointed 16 November 2016*)
 Hon Craig Farrell (*appointed 20 June 2017*)

House of Assembly

Mr Roger Jaensch
 Ms Madeleine Ogilvie
 Mr Nic Street

Committee Membership

	Forrest	Hiscutt	Rattray	Valentine	Jaensch	Ogilvie	Street
18 August	✓	✓	✓	n/a	✓	x	✓
25 August	✓	x	✓	n/a	✓	x	✓
15 September	✓	✓	✓	n/a	✓	✓	✓
22 September	✓	✓	✓	n/a	✓	✓	✓

13 October	✓	✓	✓	n/a	✓	✓	✓
27 October	n/a	✓	✓	n/a	✓	✓	✓
17 November	n/a	✓	✓	✓	✓	✓	✓
16 March	n/a	✓	✓	✓	✓	✓	✓
6 April	n/a	✓	✓	✓	✓	✓	✓
13 April	n/a	✓	✓	✓	✓	✓	✓
1 June	n/a	n/a	✓	✓	✓	x	✓

**Hon Tania Rattray MLC
Chair**



19 October 2017