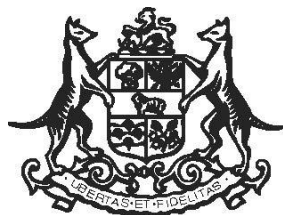


2024

(No. 22)



Parliament of Tasmania

PARLIAMENTARY STANDING COMMITTEE ON SUBORDINATE LEGISLATION

ANNUAL REPORT 2023-2024

Members of the Committee (as at 30 June 2024)

Legislative Council

Hon Tania Rattray MLC (Chair)
Hon Dean Harriss MLC
Hon Leonie Hiscutt MLC

House of Assembly

Ms Meg Brown (Deputy Chair)
Ms Helen Burnet MP
Mr Rob Fairs MP

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PARLIAMENTARY STANDING COMMITTEE ON SUBORDINATE LEGISLATION

BACKGROUND

The Parliamentary Standing Committee on Subordinate Legislation (the Committee) is a statutory committee of the Tasmanian Parliament. The Committee is established under the provisions of section 3 of the [Subordinate Legislation Committee Act 1969](#) (the Act). Members are appointed at the beginning of each Parliamentary session, and vacancies are filled as when required.

STATUTORY ROLES AND FUNCTIONS

The Committee's function is to examine every regulation, by-law and rule made by an entity under a power delegated to the entity by the Parliament. Section 2 of the Act provides that regulation means a regulation, rule, or by-law that is made under an Act and is required by law to be laid before both Houses of Parliament, but does not include rules of court made by the judges, or by a majority of them, under the authority of an Act. Essentially, 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 Committee also examines other instruments referred to it by Acts.

By virtue of section 8 of the Act 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.

YEAR IN REVIEW 2023-2024

COMMITTEE ACTIVITY

General Overview

During the reporting period the Committee held a total of seven (7) meetings in relation to the scrutiny of regulations.

On 14 February 2024, a Proclamation was issued by Her Excellency the Governor proroguing the Fiftieth Parliament and dissolving the House of Assembly due to the calling of an early general state election. Following convention, all committee activity ceased. In the new session of the Fifty-First Parliament, the Committee held its first meeting on 20 June 2024.

The Committee examined sixty-four (64) instruments published in the Government Gazette. A breakdown of the examined regulations is provided as follows:

- nine (9) by-laws;
- fifty-three (53) regulations; and
- two (2) rules.

As part of the examination of these instruments, the Committee requested information from Ministers in writing, in relation to 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 reporting period the Committee also received briefings from departmental officers in relation to the following regulations –

1. ANIMAL WELFARE (LAND TRANSPORT OF LIVESTOCK) AMENDMENT REGULATIONS 2022 (S.R. 2022, No. 118);
2. ANIMAL WELFARE (CATTLE) REGULATIONS 2023 (S.R. 2023, No. 6);
3. GAMING CONTROL (COMMUNITY SUPPORT FUND) REGULATIONS 2023 (S.R. 2023, No. 10);
4. BIOSECURITY (SALMONID BIOSECURITY ZONES) REGULATIONS 2022 (S.R. 2022, No. 120);
5. FISHERIES (GENERAL AND FEES) AMENDMENT REGULATIONS 2023 (S.R. 2022, No. 121);
6. CHILD CARE (FEES) REGULATIONS 2023 (S.R. 2023, No. 23);
7. INLAND FISHERIES AMENDMENT REGULATIONS 2023 (S.R. 2023, No. 59); and
8. FISHERIES (SCALEFISH) AMENDMENT RULES 2023 (S.R. 2023, No. 71).

The briefings provided Members with a general overview of the regulations and opportunity to seek further clarification on specific issues.

The Committee has from time to time encountered some issues in the timeliness of receiving information or the adequacy of information from Departments. The Committee works to remind departments and authorities of their respective obligations to ensure that explanatory materials are adequate and that the requirements of the Act and the timely tabling of legislative instruments under the [Acts Interpretation Act 1931](#) and [Subordinate Legislation Act 1992](#) are met.

The Committee continues to monitor the timeliness of the preparation for and provision of supporting documentation to the Committee and timely tabling of legislative instruments.

COMMITTEE MEMBERSHIP

During the reporting financial year¹ committee membership was as follows:

Fiftieth Parliament	
Legislative Council	House of Assembly
Hon Tania Rattray MLC (Chair) (Ind Member for McIntyre)	Ms Janie Finlay (Deputy Chair) (ALP Member for Bass)
Hon Dean Harriss MLC (Ind Member for Huon)	Mr Simon Wood MP (LP Member for Bass)
Hon Leonie Hiscutt MLC (LP Member for Montgomery)	Mr Dean Young MP (LP Member for Franklin)

Fifty-First Parliament	
Legislative Council	House of Assembly
Hon Tania Rattray MLC (Chair) (Ind Member for McIntyre)	Ms Meg Brown MP (Deputy Chair) (ALP Member for Franklin)
Hon Dean Harriss MLC (Ind Member for Huon)	Ms Helen Burnet MP (Greens Member for Clark)
Hon Leonie Hiscutt MLC (LP Member for Montgomery)	Mr Rob Fairs MP (LP Member for Bass)

COMMITTEE SECRETARIAT

The Committee acknowledges the assistance during the period by the following parliamentary officers:

Position	Parliamentary Officer
Committee Secretary	Julie Thompson
Assistant Committee Secretary	Allison Scott



Hon Tania Rattray MLC
Chair
Independent Member for McIntyre

19 September 2024

¹ On 14 February 2024, Her Excellency the Governor issued a proclamation proroguing the parliament and dissolving the House of Assembly due to the calling of an early general state election meaning by convention committees cannot operate. The Fifty-First Parliament opened on 14 May 2024.