



# PARLIAMENTARY STANDING COMMITTEE ON SUBORDINATE LEGISLATION

## ANNUAL REPORT 2015-2016

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### **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 nine (9) meetings. The Committee examined sixty three (63) 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 –

- ◆ Public Health (Tobacco Sellers Licence) Amendment Regulations 2015 (S.R. 2015, No. 5)
- ◆ Residential Tenancy Regulations 2015 (S.R. 2015, No. 21)
- ◆ Burial and Cremation Regulations 2015 (S.R. 2015, No. 33)
- ◆ Gaming Control (Infringement Notices) Amendment Regulations 2015 (S.R. 2015, No. 63)
- ◆ Liquor Licensing (Fees) Regulations 2015 (S.R. 2015, No. 64)
- ◆ Fisheries (Scalefish) Rules 2015 (S.R. 2015, No. 68)
- ◆ Fisheries (Rock Lobster) Amendment Rules 2015 (S.R. 2015, No. 69)
- ◆ Industrial Relations Regulations 2015 (S.R. 2015, No. 93)
- ◆ Water Management Amendment Regulations 2015 (S.R. 2015, No. 97)
- ◆ Water Management (Safety of Dams) Regulations 2015 (S.R. 2015, No. 98)
- ◆ Racing (Bookmaker Betting) Regulations 2015 (S.R. 2015, No. 105)
- ◆ Racing (Miscellaneous) Regulations 2015 (S.R. 2015, No. 106)

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 in fulfilling its statutory functions in accordance with section 8 of the *Subordinate Legislation Committee Act 1969*.

The Committee acknowledges the remedial work undertaken by the Department of Justice in response to concerns previously raised in relation to its performance with the Minister and Department Secretary. The Committee believes the Department of Justice is now fulfilling its statutory obligations in a manner that should be considered the standard for all Agencies to adopt as best practice in relation to the provision of information to the Subordinate Legislation Committee.

## **MEETING ATTENDANCE RECORD**

### **Committee Membership**

#### **Legislative Council**

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

#### **House of Assembly**

Mr Guy Barnett (*resigned 8/3/16*)  
Mr Roger Jaensch  
Ms Madeleine Ogilvie  
Mr Nic Street (*appointed 10/3/16*)

### **Committee Membership**

	<b>Forrest</b>	<b>Hiscutt</b>	<b>Rattray</b>	<b>Barnett</b>	<b>Jaensch</b>	<b>Ogilvie</b>	<b>Street</b>
20 August	✓	✓	✓	✓	✓	x	n/a
27 August	✓	✓	✓	✓	✓	✓	n/a
24 September	✓	✓	✓	✓	✓	✓	n/a
15 October	x	✓	✓	x	✓	✓	n/a
29 October	✓	✓	✓	✓	✓	x	n/a
19 November	✓	✓	✓	✓	✓	✓	n/a
17 March	✓	✓	✓	n/a	✓	✓	✓
7 April	✓	✓	✓	n/a	✓	✓	✓
2 June	✓	✓	✓	n/a	✓	✓	✓



**Hon Tania Rattray MLC  
Chair**

**13 October 2016**