



Speech by

HARRY BLACK

MEMBER FOR WHITSUNDAY

Hansard 25 May 1999

STATUTORY INSTRUMENTS AND ANOTHER ACT AMENDMENT BILL

Mr BLACK (Whitsunday—ONP) (4.43 p.m.): I agree with the intent of this Bill. It is necessary to ensure that subordinate legislation is updated in a practical manner. I am sure that the task which Part 7 of the Statutory Instruments Act imposes each year is not a small one and that the timing of reviews often conflicts with the required replacement dates of subordinate legislation. To create new legislation to satisfy the Act when the current legislation is being reviewed and will be changed in a few months is simply a waste of resources and a waste of taxpayers' money.

I agree with this Bill's increased flexibility, and hence practicality, in relation to the renewal of subordinate legislation, especially when there are checks in place to ensure that this extension of legislation is not used inappropriately. It would be inappropriate, for example, for this Bill to be used to cover up a failure on the part of a Minister to do his job or to hide difficult legislation under the carpet for a year. Strict guidelines for the extension of legislation are required, as are checks to ensure that the institution of Parliament is kept informed as to what legislation is being extended and why.

Except for a minor change, which I shall seek to make during the Committee stage, proposed new section 56A seems to cover these aspects adequately. My cause for concern is proposed subsections 56A(4) and 56A(5). Quite rightly, proposed subsection 56A(4) requires the Minister to table a report in the Legislative Assembly within seven days of the extension regulation being made. Proposed subsection 56A(5), however, states that failure to comply with subsection (4) does not affect the validity of the extension regulation. This would indicate that it is not a necessary requirement of the Minister to table a report explaining the extension regulation within the required time.

I believe it is necessary for this report to be tabled, in the interest of upholding the institution of Parliament. Hence, I will be moving an amendment that proposed subsection 56A(5) be omitted. As a result of the omission of this subsection, it will be necessary for the Minister to table, within seven sitting days of the extension regulation being made, a report stating how the Act is being reviewed, the extent to which it is being reviewed and when the Minister expects the review to end. I will also be moving an amendment to delete Henry VIII clauses from the Bill.

I believe that this legislation is required to ensure that the renewal of subordinate legislation can be carried out practically and economically. However, it is also necessary that it be carried out appropriately and with the correct regard for the purpose of this Parliament.
