



Speech by

Hon. J. FOURAS

MEMBER FOR ASHGROVE

Hansard 25 May 1999

STATUTORY INSTRUMENTS AND ANOTHER ACT AMENDMENT BILL

Hon. J. FOURAS (Ashgrove—ALP) (4.46 p.m.): The principal object of the Bill before us is to provide the flexibility required to ensure that the automatic expiry regime will complement other review processes. The Statutory Instruments Act 1992 currently enables uniform subordinate legislation to be exempted from the usual 10-year expiry period. The Act's provision for exemption and extension of uniform subordinate legislation is more generous than for other subordinate legislation, where the maximum period for any single exemption is one year. This Bill inserts a new definition of uniform subordinate legislation by adding "or declared under a regulation to be uniform subordinate legislation."

The member for Sandgate has described how this Bill would broaden the grounds for exemption. There may be criticism of the proposal to exempt the Traffic Regulation 1962 from the operation of Part 7 of the Statutory Instruments Act by including it in Schedule 2A. In criticising similar exemptions granted to the Weapons Categories Regulation 1997 and the Drugs Misuse Regulation 1987, the Scrutiny of Legislation Committee stated that the practice of exempting subordinate legislation from the expiry regime should be discouraged. However, this exemption may be justified on the basis that the Traffic Regulation 1962 is currently being extensively reviewed under a national scheme and will soon be replaced by substantially template subordinate legislation.

This Bill may also be criticised on the basis that the proposed amendments will allow the reviews of subordinate legislation to be postponed awaiting the outcome of broader legislative review processes. However, the ability to defer the review of subordinate legislation pending the outcome of a review of the principal legislation will promote more rational legislative review. This is what the Government wants to achieve by this legislation.

The Bill also provides for greater accountability in the extension of effective subordinate legislation. If subordinate legislation is preserved for more than a year after the date it would otherwise expire on the basis that it is affected by another review process, the responsible Minister is required to table in the Legislative Assembly a report on the progress of the review. This will not only ensure the continued effectiveness of the automatic review regime; it will also provide Parliament with information about the progress of other legislative review processes. These amendments are a sensible enhancement to the review regime. I am pleased to note that they are receiving bipartisan support. I commend this Bill to the House.
