



Speech by

PETER WELLINGTON

MEMBER FOR NICKLIN

Hansard 6 December 2001

WEAPONS AMENDMENT REGULATION [No. 1] 2001

Mr WELLINGTON (Nicklin—Ind) (3.46 p.m.): In speaking to this motion I refer members to the Scrutiny of Legislation Committee report, No. 20, tabled in this chamber last month. In particular, I draw members' attention to clause 2.3 and onwards—

In preparing its report, the committee's comments are limited to an assessment of the amendment regulation in light of the provisions of the Legislative Standards Act 1992 and the Statutory Instruments Act 1992 relevant to the committee's area of responsibility.

...

As required by the Statutory Instruments Act 1992, a Regulatory Impact Statement (RIS) must be prepared for all subordinate legislation which is likely to impose an appreciable cost on the community or part of the community.

The committee scrutinised the amendment regulation to ascertain whether it was lawful, consistent with the fundamental legislative principles and compliant with the provisions of the Statutory Instruments Act 1992 relating to regulatory impact statements. While the committee found that the regulatory impact statement did contain all the required information in compliance with section 44 of the Statutory Instruments Act, it was noted that the notices published pursuant to section 45 did not allow the necessary 28 days from the publication for the making of the comments. The committee found that the notice in question allowed for only 17 days for the written submission.

The committee went on to find that while the failure to allow the full 28 days for receipt of written submissions would technically constitute a failure to comply with section 45 of the Statutory Instruments Act, pursuant to sections 40(2) and 41(1) the regulation would not be invalidated as a consequence of any failure to properly advertise.

Notwithstanding these observations from the committee, and the interpretation of sections 40(2) and 41(1), I believe it is imperative at all times that the full time limit for the calling of submissions be strictly complied with. I see no reason why we in this parliament should send a message to all the state government department staff that, notwithstanding the legislative requirement in section 45 for 28 days from the publication to make comments, it is okay to simply allow 17 days for the receipt of written submissions.

Often in this chamber we hear members talk about how decisions in this chamber will set a precedent for other people. I believe we should send a very clear message to all state government department staff that this parliament will not tolerate any winding back of the 28 days to 17 days for making comments to proposed regulations. I do not intend to enter into a debate over the advantages or disadvantages of the registration of firearms. There can be no doubt that this government has a very clear mandate to do whatever it wants, but, notwithstanding this, it is not appropriate for the government to say to all state government department staff, 'It is okay not to comply with the 28 day notification period.'

For this reason, I will support the member for Gladstone's motion. I note the member for Logan asked, 'What are the alternatives?' My answer is that this government should follow due process. I am not making an argument about where the resources go. What I am saying to the member and to the government is: follow due process. What is the urgency? There is no urgency. If the legislation says we should comply with 28 days' notice, why the heck can we not? Simply because someone did not do their homework? This government, this parliament, has a responsibility to send a clear message to all

our state government department staff—follow due process, comply with the requirements and do not set dangerous precedents.

That is what I put to the member for Logan as the alternative, and that is what I submit is a viable and realistic alternative from the Independents in this House of parliament.
