



THE SENATE

STANDING COMMITTEE ON REGULATIONS AND ORDINANCES

16 August 2017

Mr Iain Anderson
Chair, Sunsetting Review Committee
c/- Attorney-General's Department
4 National Circuit
Barton ACT 2600

Dear Mr Anderson

Sunsetting review: further comment

I am writing further to the submission of 4 August to the department's sunsetting review, made jointly by the Senate Standing Committee on Regulations and Ordinances; the Senate Standing Committee for the Scrutiny of Bills; and the Parliamentary Joint Committee on Human Rights (the committees).

Since making that submission, the Regulations and Ordinances committee has had occasion to consider the implication of exemptions from sunsetting in the context of the Legislation (Exemption and Other Matters) Amendment (Sunsetting and Disallowance Exemptions) Regulation 2016 [F2016LO1897] and the Migration Amendment (Review of the Regulations) Regulation 2016 [F2016LO1809]. The committee would like to draw your attention to its comments on this matter, made in *Delegated legislation monitor 9 of 2017* on 14 August 2017.

The committee considers that it is essential for Parliament to retain effective and regular oversight of the power it has delegated, and expressed concern about the use of delegated legislative power by the Executive to exempt a significant piece of delegated legislation from the sunsetting framework of the Legislation Act.

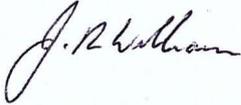
Although on this occasion the committee decided not to disallow the exemption, it indicated that this should not be seen to constitute a general acceptance of exemptions from the sunsetting framework. The committee considers that the circumstances in which an exemption will be appropriate are limited. It will continue to analyse any such proposal carefully and require detailed justification of it.

If time permits, the committee would appreciate its comments being taken into account, along with the committees' submission, during the review of the sunsetting framework. We look forward to the outcomes of the review later this year.

A copy of *Delegated legislation monitor 9 of 2017* is enclosed for your reference, and it is also available on the Parliament's website.

Should you require clarification of any of the comments provided, we invite you to address inquiries in the first instance to the Secretary of the R&O Committee, Ms Toni Dawes (telephone 6277 3066).

Yours sincerely

A handwritten signature in black ink, appearing to read "J. Williams". The signature is fluid and cursive, with a large initial "J" and a long, sweeping underline.

Senator John Williams
Chair
Senate Standing Committee on Regulations and Ordinances