



## MEDIA RELEASE

### Senate committee to continue to scrutinise delegated legislation, including COVID-19 related legislation

The Senate Standing Committee for the Scrutiny of Delegated Legislation today met by teleconference and resolved that it will meet and report to the Senate regularly over the coming months so that it can fulfil its important role in scrutinising laws made by the executive while the Parliament is not sitting, including scrutinising those laws relating to COVID-19 response measures.

The Committee Chair, Senator the Hon Concetta Fierravanti-Wells, said: “Parliamentary scrutiny of executive-made laws is essential in critical times like these. By continuing to scrutinise legislative instruments which would ordinarily be subject to parliamentary oversight, the committee will play its part in ensuring that the government remains accountable to the Parliament during this time.”

Deputy Chair, Senator the Hon Kim Carr, said: “Now is the time for strong, non-partisan scrutiny of executive-made laws. The committee’s role in promoting government accountability and transparency is all the more important at a time when there will be prolonged periods without parliamentary sittings.”

[Senate standing order 23](#) empowers the committee to scrutinise delegated legislation subject to parliamentary oversight against its 12 technical scrutiny principles. These principles include whether the legislation unduly trespasses on personal rights and liberties, and whether it contains matters more appropriate for parliamentary enactment.

While the committee recognises the importance of effective measures to protect Australians from the spread of COVID-19, the committee resolved today to write to all ministers to advise them of its expectations regarding delegated legislation implementing significant COVID-19 response measures. In particular, the committee expects that such delegated legislation will:

- be time limited where it trespasses on personal rights or liberties, or amends, or modifies the operation of, primary legislation;
- only trespass on personal rights and liberties to the extent necessary to protect public health; and
- be accompanied by an explanatory statement which, in addition to the usual requirements, clearly explains:
  - why it is necessary to include significant matters in delegated legislation, rather than primary legislation; and
  - any safeguards in place to protect personal rights and liberties.

To promote public scrutiny of these laws, the committee will publish a list of all delegated legislation relating to COVID-19 on its website.

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**For further information:** Please visit the committee's website: [https://www.aph.gov.au/senate\\_sdlc](https://www.aph.gov.au/senate_sdlc) or contact the committee secretariat on (02) 6277 3066 or by email to [sdlc.sen@aph.gov.au](mailto:sdlc.sen@aph.gov.au).