



MEDIA RELEASE

We must get the house in order, before our ability to do so slips away

Parliament should be the ultimate lawmaking authority in our system of government; however, last year Parliament was prevented from scrutinising 299 laws made by the executive.

These laws, known as delegated legislation, constitute about half the law of the Commonwealth by volume. It does not always deal with purely technical or administrative matters. Delegated legislation increasingly contains matters of policy significance. It has the capacity to affect the daily lives of Australians in profound ways.

Last year, 17.4 per cent of delegated legislation was exempted from disallowance. This included laws:

- imposing international travel bans on Australian citizens;
- increasing the federal government debt ceiling to \$1.2 trillion; and
- changing Australian content obligations that apply to commercial television broadcasters.

The disallowance mechanism gives the Parliament the opportunity to examine such legislation and potentially veto it.

The Constitution tasks the Parliament with ultimate lawmaking authority. This authority is being undermined by the growing amounts of delegated legislation exempt from disallowance and thus parliamentary oversight.

It is the Parliament itself that approves the delegation of legislative powers to the executive and their exemption from disallowance. It is up to the Parliament to fix the problem.

Today, the Senate Standing Committee for the Scrutiny of Delegated Legislation tabled its final report into the exemption of delegated legislation from parliamentary oversight.

Committee Chair, Senator the Honourable Concetta Fierravanti-Wells said:

That the Parliament insists its role is respected is not a judgement on the policy content of any piece of delegated legislation or the legislative agenda of any government. It is rather the application of the rule of law to the role of the Parliament. Without scrutiny, there is an erosion of constitutional principle.

Committee Deputy Chair, Senator the Honourable Kim Carr added:

The functioning of the disallowance mechanism ultimately goes to the role and responsibilities of the Parliament, and the substance of parliamentary democracy. Without scrutiny, the executive can make significant decisions without due regard for the people's voice expressed through their elected representatives.

The report makes 11 recommendations that when implemented will ensure delegated legislation is effectively scrutinised, and exempted from parliamentary oversight in only exceptional circumstances.

The report and further information about the inquiry, including the interim report, is available on the [committee's website](#). For further information, contact the committee secretariat.

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For further information: Please visit the committee's website: 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.