



MEDIA RELEASE

Senate committee launches inquiry into the exemption of delegated legislation from parliamentary oversight

The Senate Standing Committee for the Scrutiny of Delegated Legislation has unanimously agreed to conduct an own motion inquiry into the exemption of executive-made laws from parliamentary oversight, including those laws relating to COVID-19.

The default position is that executive-made laws (known as delegated legislation), will be subject to parliamentary oversight through the disallowance process, by which either House of the Parliament may veto such laws after they are made.

However, in 2019 approximately 20 per cent of all delegated legislation was exempt from this disallowance process, thereby removing effective parliamentary oversight of a significant volume of executive-made laws. This is likely to increase in 2020, with the exemption of many of the instruments relating to COVID-19 from disallowance.

Given this trend, the committee has resolved to inquire into the appropriateness of exempting delegated legislation from parliamentary oversight.

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

As the scrutiny of delegated legislation committee, it is incumbent on our committee to ensure that Parliament has the opportunity to adequately scrutinise executive-made laws.

Committee Deputy Chair, Senator the Honourable Kim Carr, said:

This is a timely and necessary inquiry to ensure that the executive remains accountable to Parliament and through it the people in making delegated legislation.

Broadly, the terms of reference provide that the committee will inquire into and report on the exemption of delegated legislation from parliamentary oversight, with particular regard to:

- the appropriateness and adequacy of the existing framework for exempting delegated legislation from parliamentary oversight; and
- whether the existing framework for exempting delegated legislation from parliamentary oversight should be amended, and, if so, how.

Full terms of reference for the inquiry are published on the [committee's website](#).

The closing date for submissions to the inquiry is **Thursday 25 June 2020**.

30 April 2020

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.