



4 April 2019

Introduction

This newsletter highlights key aspects of the work of the Senate Regulations and Ordinances Committee in *Delegated Legislation Monitor 2 of 2019*. It has a particular focus on information that may be useful while legislative instruments are subject to disallowance, and seeks to raise awareness about the committee's scrutiny principles (see Senate Standing Order 23).

For more detail and discussion of these matters see the committee's [*Delegated Legislation Monitors*](#).

Key scrutiny issues: Legislative instruments ([*Delegated Legislation Monitor 2 of 2019*](#))

Social Security (Administration) (Declared child protection State or Territory – Western Australia) Determination 2019 [F2019L00068]

- *Significant matters in delegated legislation*: the committee draws the Senate's attention to the use of delegated legislation to declare Western Australia a 'declared child protection State' for the purposes of the income management regime.

Immigration (Guardianship of Children) Regulations 2018 [F2018L01708]

- *Significant matters in delegated legislation*: the committee is seeking advice as to whether consideration has been given to amending the *Immigration (Guardianship of Children) Act 1946* to include the specific criteria on which a non-citizen child may become a ward of the minister, rather than including those criteria in delegated legislation.

Charter of the United Nations (Sanctions—Mali) Regulations 2018 [F2018L01614]

- *Significant penalties/strict liability*: the committee draws the Senate's attention to the application of strict liability to elements of an offence, and the use of delegated legislation to prescribe conduct that constitutes an offence, punishable by up to 10 years' imprisonment.

Other legislative instruments commented on ([*Delegated Legislation Monitor 2 of 2019*](#))

- The Regulations and Ordinances committee commented on 35 legislative instruments registered on the Federal Register of Legislation between 25 January 2019 and 28 February 2019. The committee sought further advice in relation to 7 instruments, and concluded its interest in 15 instruments, on which the committee had previously commented.
- All legislative instruments subject to a notice of motion for disallowance in either House of Parliament are listed in the [*Disallowance Alert*](#).

This document contains a very brief summary of some recent comments made by the Senate Regulations and Ordinances Committee (Chair: Senator John Williams and Deputy Chair: Senator Gavin Marshall).

For any comments or questions, please contact:

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