

# MAKING A COMPLAINT TO THE REGULATIONS REVIEW COMMITTEE



**Office of the Clerk of the House of Representatives**

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*Te Tari o te Manahautū o te Whare Māngai*  
**2009**



## **About this guide**

New Zealand's system of parliamentary democracy provides citizens with opportunities to have input into the legislative process. One aspect of the work of the Regulations Review Committee is the investigation of complaints received from a person or organisation aggrieved at the operation of a regulation.

This guide is designed to help those making a complaint to the Regulations Review Committee to prepare it in a form that contains all the necessary information and is easily understood by the members of the committee. It also covers the committee's procedures for considering complaints, provides guidance on how to present a complaint orally, and outlines natural justice provisions applicable to select committees.

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## What are regulations?

### Delegated law-making powers

*Parliament can delegate some law-making powers*

You may be surprised to learn that most of the legislation created each year is not made directly by Parliament. This is because there are different types and levels of legislation. Legislation enacted by Parliament itself, as Acts of Parliament or statutes, is known as primary legislation. Parliament may also delegate its law-making power to other persons or bodies by authorising the making of delegated legislation.

*Delegated legislation is generally not subject to public debate before implementation*

Generally speaking, neither Parliament nor the House of Representatives has a role in making delegated legislation. Parliament plays its part by passing the primary legislation that authorises the making of delegated legislation. Unlike the passage of primary legislation, there are no general procedures for ensuring that delegated legislation is subject to public debate and scrutiny before it is made.

*“Regulations” as a term covers many types of delegated legislation*

There are many different types of delegated legislation. The most common are regulations or Orders in Council made by the Governor-General on the advice of the Executive Council. The word “regulations” is often used to describe delegated legislation in a general sense and will be used in this guide.

*Acts of Parliament cannot set out every detail of a regulatory regime*

The public rightly expects Acts of Parliament to set out legal requirements clearly and specifically. However, it would be difficult for an Act of Parliament to cover everything necessary to implement a new policy initiative completely. This would take up a disproportionate amount of the House’s time, and it would be almost impossible to predict all of the details necessary to

	make a piece of legislation work in practice. The details of how an Act of Parliament will be implemented are usually delegated to regulations.
<i>Statutory definition in appendix</i>	The statutory definition of regulations is reprinted in Appendix 1.
	<b>Deemed regulations</b>
<i>Some legal instruments are prepared outside central government</i>	Regulations are usually developed within the Government department responsible for administering the Act of Parliament that delegates the power to make regulations. The Parliamentary Counsel Office, as the Government’s law drafting agency, drafts legislation, including most regulations. However, some regulations are not drafted by the Parliamentary Counsel Office. For instance, these include certain notices or rules made by occupational boards and councils. These are instruments falling within paragraph (e) of the definition of “regulations” in section 2 of the Regulations (Disallowance) Act 1989. They are sometimes referred to as “deemed regulations” because, originally, they were instruments “deemed” to be regulations by their empowering legislation.
<i>The committee treats all complaints the same</i>	The committee treats all complaints about regulations in the same way, whether they relate to statutory regulations, deemed regulations or other regulations.
<i>Some examples of deemed regulations</i>	Some examples of deemed regulations are land transport rules, civil aviation rules, maritime rules, rating valuation rules, privacy codes of practice, financial reporting standards, animal welfare codes, and food standards.
<i>Not all deemed regulations are published</i>	Most deemed regulations are not published in the annual Statutory Regulations series. This means that deemed regulations are not always as readily

accessible as other regulations. If you want to obtain a copy of a deemed regulation, check the principal Act to see if particular publication and notification requirements have been specified. If the Act does not list locations where a deemed regulation can be inspected or purchased, you should contact the person or organisation responsible for making the deemed regulation for assistance. Some deemed regulations can be purchased (see below) or are available on the responsible agency's website. They may also be found on *New Zealand Gazette Online* at [www.gazette.govt.nz](http://www.gazette.govt.nz).

**Public access to regulations, Acts, reports and other Government publications**

*Many libraries hold Acts and regulations*

Many of the larger libraries hold Acts and regulations. They can also be found at [www.legislation.govt.nz](http://www.legislation.govt.nz).

*Acts, regulations, committee reports and other official publications can be purchased*

Bennetts Government Bookshops and several other bookshops throughout New Zealand stock Acts, regulations, select committee reports and Government publications. If you call Legislation Direct ☎ 04 568 0005, staff will be able to inform you of the stockist nearest you or you can place a direct order with Legislation Direct. [www.legislationdirect.co.nz](http://www.legislationdirect.co.nz).

## What is the Regulations Review Committee?

### A specialist committee of the House

*Select committees are appointed by the House*

Select committees are appointed by the House of Representatives to undertake business on behalf of the House. They derive their powers from the House and report their findings to it. Their membership reflects the balance of parties in the House.

*Regulation-making needs monitoring*

The Regulations Review Committee is a specialist committee appointed at the beginning of each parliamentary term. The House has an interest in monitoring the use of regulation-making powers to ensure they are being exercised within the limits Parliament intended.

*The committee is chaired by an opposition member*

The committee is, by convention, chaired by an opposition member. It also tries to reach a consensus view across party lines.

*The committee recognises the separation of powers*

The committee is mindful of the separation of powers between Parliament, the Executive and the Judiciary. It recognises that the Executive has a legitimate role in the determination of Government policy. Similarly the committee does not directly make findings on whether regulations are outside the scope of the power delegated by Parliament (*ultra vires*) because, ultimately, these are matters for the courts to determine.

### Functions of the committee

*Committee examines all regulations and investigates complaints*

The Regulations Review Committee examines all regulations, investigates complaints about regulations, and performs other functions so that regulations are subject to effective parliamentary scrutiny and control. Unlike the 13 subject select committees, the Regulations Review Committee does not examine matters of policy. It carries out

technical scrutiny of regulations, on behalf of the House, in accordance with grounds listed in the Standing Orders (see Appendix 2). This means the committee is unlikely to express an opinion about whether a regulation represents good or bad policy.

*Functions and powers set out in Standing Orders*

The functions and powers of the Regulations Review Committee are set out in the Standing Orders of the House of Representatives, which contain the rules by which the House and its committees operate. The Standing Orders that relate specifically to the Regulations Review Committee are set out in Appendix 2. The general procedures for the operation of select committees also apply to the Regulations Review Committee. A summary of these is included under the heading “Operation of select committees”.

*Complaints investigated must relate to an existing regulation*

The committee can investigate any complaint about a regulation after it has been made. The committee cannot investigate complaints about proposed regulations but may examine draft regulations referred to it by a Minister (see Standing Order 309(2) in Appendix 2).

## How to set out a complaint

### Getting started

*No time limit*

There are no time limits on lodging a complaint about a regulation.

*Presentation is important*

While there is no set format for a complaint, you should aim to present your material in a way that is ordered and easy to read. A suggested format is included in Appendix 3. Your aim in writing a complaint is to demonstrate how you or the organisation you represent are aggrieved at the operation of a regulation.

### Setting out your complaint

*Identify the complaint, the regulations and Standing Order grounds*

Identify that you are making a complaint to the Regulations Review Committee and include the full title of the regulations you are writing about and the Standing Order ground or grounds on which the complaint is based. The committee may return a complaint that fails to address a particular regulation or regulations, or fails to identify the relevant Standing Order ground or grounds.

*Who is it from?*

State clearly who the complaint is from. Include your name or the name of the organisation you are representing, a contact address, and daytime telephone number. If, for privacy reasons, you do not want your contact details to be publicly released with your complaint, include this information only in your covering letter.

*State if you wish to appear before the committee*

Indicate clearly whether you would like to speak to the committee in person. If you wish others to appear with you, either in support or to speak, include their names and designations if they represent an organisation.

*Provide brief details of the organisation*

If you are writing for an organisation, give brief details of the organisation's aims, membership

<i>you represent</i>	and structure. Make sure that you have the authority to speak on behalf of the organisation and note your position within it.
<i>Who else supports you?</i>	Note how widely you have consulted during the preparation of the complaint. Include the names of other interested parties you think the committee may wish to contact in its investigation.
<i>What other action have you taken?</i>	The committee will be interested to know what steps you have already taken to address the issues you are raising. In particular, you should alert the committee if the issue is being, or will be, considered by the courts.
	<b>Layout</b>
<i>Typed if possible</i>	Where possible, your complaint should be typed on white A4 paper. The clerk of the committee will accept double-sided pages. Handwritten complaints are acceptable but can be difficult to read.
<i>Page layout</i>	Provide adequate margins down both sides of the paper and spacing between paragraphs.
<i>Use headings and paragraphs</i>	Use headings and group your paragraphs under them. The grounds in Standing Order 310(2) make useful headings (see Appendix 2).
<i>Number and staple pages</i>	Number each page clearly and staple the pages together in the top left-hand corner.

*15 copies required*

**Sending your complaint**

The committee requires 15 copies of each complaint. This enables each member of the committee and committee officials to have a copy. Copies are also required for the committee's records, the news media and the Parliamentary Library. Address your complaint to: Clerk of the Regulations Review Committee  
Room 2.037  
Parliamentary Library  
Parliament Buildings  
Wellington

## Content of your complaint

<i>Focus on effects rather than policy</i>	<p><b>Staying relevant to the committee's jurisdiction</b></p> <p>A complaint should not focus on the merits of basic Government policy. Instead, it should address one or more of the following:</p> <ul style="list-style-type: none"><li>• the relationship between the Act and the regulations</li><li>• the practical operation of the regulations</li><li>• the implementation of the policy in the regulations</li><li>• the regulation-making process itself.</li></ul>
<i>Address the Standing Order grounds</i>	<p>Structure your complaint according to the relevant grounds in the Standing Orders (see Appendix 2). This will focus attention on the main issues and help facilitate a speedy investigation. Some general guidance on the application of the grounds in Standing Order 310(2) follows.</p> <p><b>Examples of issues that can be addressed</b></p>
<i>General objects and intentions of the Act</i>	<p>A regulation must implement the policy stated in the empowering Act and not exceed the limits of the power delegated by Parliament.</p>
<i>Undue trespass on personal rights and liberties</i>	<p>Regulations may infringe on someone's personal rights and liberties in some way. The committee's role is to assess whether a regulation affects individuals, or a class of persons, in ways that are unfair or unreasonable. This ground has two aspects. A complaint must first establish that a personal right or liberty exists. It is then necessary to demonstrate that the right or liberty is subject to an undue trespass. The committee may balance the needs of the general public against the rights and liberties of affected persons or organisations.</p>

*Unusual or unexpected use of regulation-making powers*

Even where there is clear authority to make a regulation, the regulation-making power may have been used in a way that is unusual or unexpected. The committee will determine whether the powers have been used consistently with Parliament's intentions.

*Rights and liberties unduly dependent on decisions not subject to independent review*

Where there is an administrative decision that affects a person's legal rights, privileges or legitimate expectations, the committee will examine whether there should be a right of appeal to, or review by, an independent person or body.

*Excludes jurisdiction of the courts without authority*

As a general rule, regulations should not attempt to limit the review of administrative decisions by the courts unless Parliament has specifically authorised the limitation. This principle preserves the constitutional checks and balances inherent in the separation of powers between the Legislature, the Executive and the Judiciary.

*Contains matter more appropriate for parliamentary enactment*

A regulation-making power may be so wide that it authorises the making of legislation that properly falls within the role of Parliament itself. Regulations should be limited to matters of implementation of detail. Matters of broad policy and principle are more appropriate for inclusion in the principal Act.

*Retrospective without authority*

The law should be clear and certain at all times. Parliament may authorise retrospective legislation, but this is an exception to the general principle that legislation should deal with future acts and not alter the character of past transactions lawfully carried out. Regulations should not be retrospective unless clear authority has been given under an Act of Parliament.

*Not in compliance with notification and consultation procedures*

Some statutes require that specific consultation or notification procedures be carried out before regulations are made. Where they exist, the committee will check for compliance with the requirements of the principal Act.

*Form or purport call for elucidation*

A regulation should clearly state what it purports to do and what is required to comply with its provisions. The committee will examine regulations to see whether they are drafted in plain English and are expressed directly and clearly.

#### **Remedies for your complaint**

*State the remedy you seek*

If you seek a specific remedy you should make it clear. The committee is unlikely to endorse suggestions that focus entirely on matters of Government policy. You may wish to suggest that regulations be amended or revoked by the Government or disallowed by the House. The Executive's power to revoke regulations is by executive action, while the House's power to disallow regulations is provided for in the Regulations (Disallowance) Act 1989.

*It is possible for a regulation to be disallowed*

Section 5 of the Regulations (Disallowance) Act 1989 gives the House the authority to pass a resolution disallowing regulations. In addition, section 6 of the Act contains a specific procedure for dealing with a disallowance motion lodged by a member of the Regulations Review Committee. Section 6 contains a mechanism for the automatic disallowance of regulations if the motion is not disposed of within 21 sitting days of the House. If a disallowance motion is moved in the House, voted on and defeated, disallowance will not occur.

*Disallowance means the regulation has no effect*

The legal consequence of disallowance is that the regulations cease to have any effect and the regulation or Act that was in force prior to the disallowed regulation is revived.

*Disallowance is rare*

Disallowance is rarely used or seen to be necessary. The power of disallowance acts as an incentive for the Government to co-operate with the committee's attempts to resolve a complaint satisfactorily, to avoid the possibility of disallowance.

*Consider other possibilities*

Disallowance is a relatively blunt instrument. Before seeking disallowance as a possible remedy you should consider whether your objectives would be achieved by the restoration of the instrument in place before the regulations you complain about came into force.

#### **Finding precedents**

*Previous committee reports show how other complaints have been addressed*

You may find it helpful to read past reports of the committee to understand the types of issues that have been the subject of complaints. These can be found on the website at:

[www.parliament.nz/en-NZ/PB/SC/Documents/Reports](http://www.parliament.nz/en-NZ/PB/SC/Documents/Reports).

You could also look at the *Regulations Review Committee Digest* at:

[www.victoria.ac.nz/nzcpl/RegsRev/Index.aspx](http://www.victoria.ac.nz/nzcpl/RegsRev/Index.aspx).

This is a database created through Victoria University's New Zealand Centre for Public Law. It contains material on the committee's functions and some historical reports.

## Presenting a complaint orally

### Your opportunity to be heard

*You have the right to be heard if the committee proceeds with the complaint*

Standing Order 311(2) provides that, unless all members of the committee agree not to proceed further with a complaint, the person or organisation concerned is given an opportunity to address the committee. This provides you with an opportunity to reinforce what you have already said in writing and allows the committee to ask questions about your complaint. If the committee has decided to hear oral evidence, the clerk of the committee will contact you to arrange the necessary details of the time and place of the meeting. Please note that notification of the meeting may be at short notice. Hearings of evidence are generally open to the public and the news media.

### Before the meeting

*Prepare your presentation*

The committee makes the final decision about how much time is allocated to witnesses. The clerk of the committee will tell you how much time has been allocated. Prior to appearing before the committee, it is a good idea to prepare your presentation so you are able to present all relevant points and leave enough time for questions. The clerk of the committee will also inform you if any other parties, such as the Government department responsible for administering the regulations, have been invited to attend.

### At the meeting

*Chairperson will invite you to the table*

The chairperson will invite you to sit at the table. At this stage, you should introduce yourself and those who are appearing with you. You should address the committee through the chairperson.

*You will be asked to summarise your main points*

Following the introductions, the chairperson will ask you to speak to your complaint. Briefly summarise the main points, along with any recommendations. Because of time constraints and the fact that the committee will have already studied your complaint, you should not read it aloud. If there is any new information that has become available you may wish to inform the committee of it. Please provide the clerk of the committee with 15 copies of any supplementary material before the meeting or when you arrive.

#### **Questions from committee members**

*Committee members may ask questions*

After your initial presentation the members of the committee will usually question you to clarify points they are uncertain about or that they feel require further examination.

*You may be asked for additional information*

Sometimes the committee will ask for additional information. You should forward 15 copies of each item of information requested to the clerk of the committee by an agreed date.

*Further hearings may be held*

You may be invited to attend a further meeting to hear evidence in response to your complaint from the relevant Government department, or other interested parties. The clerk of the committee will, either before the meeting or at the meeting, depending on when the committee released the information, provide you with a copy of written evidence prepared by other parties in response to your complaint.

#### **Your rights as a witness**

*Several protections available*

The Standing Orders provide some protection to you when you appear as a witness before a select committee. Your rights as a witness allow you to:

- apply to have some or all of your evidence heard in private or secret, giving reasons for

such an application

- raise matters of concern with the clerk of the committee about the evidence you are to give
- make a written submission before appearing to give evidence
- be accompanied by and consult counsel
- object to a question on the grounds of relevance
- object on any grounds to answering a relevant question stating the grounds for objection
- have the opportunity to correct errors in any transcripts of your evidence.

*Right of reply to allegations and findings*

The Standing Orders also provide certain protections for people where allegations made in select committee proceedings may seriously damage their reputation, whether or not that person appears as a witness. Such a person may:

- make a written and/or oral response in relation to the allegation
- request a copy of all information (except secret evidence) a committee possesses concerning him or her
- make a submission on proposed committee findings where his or her reputation would be seriously damaged by those findings, before a committee reports to the House.

*Apparent bias can be raised*

Witnesses can complain of apparent bias on the part of a committee member. In a select committee context apparent bias occurs where a member has made an allegation of crime or expressed a concluded view on any conduct or activity of a criminal nature identifying by name or otherwise a person as being responsible for or associated with that crime, conduct or activity.

*Separate guide on natural justice*

If you wish to raise any of the matters outlined above, contact the clerk of the committee. The Office of the Clerk provides a separate guide, *Natural Justice Before Select Committees* (see “Further reading”).

*The committee decides whether to report to the House*

#### **Committee consideration of complaints**

Once the committee has finished hearing evidence it considers all the issues raised in the complaint and decides whether it wishes to report to the House. Apart from hearings of evidence, the committee’s consideration of complaints is not open to the public and remains strictly confidential to the committee until it reports to the House. Please talk to the clerk of the committee about how to identify that the committee has presented a report to the House. All reports are published on Parliament’s website at: [www.parliament.nz/en-NZ/PB/SC/Documents/Reports/](http://www.parliament.nz/en-NZ/PB/SC/Documents/Reports/).

## Operation of select committees

### Calling for evidence

*Committees can call for evidence*

Select committees may request people to attend meetings and may ask that documents and records be produced. Most evidence is provided willingly, but committees can apply to the Speaker for a summons, if necessary, to obtain evidence.

### Hearing of submissions

*Evidence is heard in public*

A complaint is considered to be a submission to a select committee. It is usual for evidence on complaints to be heard in public. This means your written complaint will be publicly released unless the committee decides to hear it in private or in secret. Evidence heard in private will remain confidential until the complaint is reported to the House. Secret evidence remains secret unless the House chooses to disclose it, or the committee considers that disclosure to a person about whom allegations are made in a complaint is necessary in accordance with the natural justice provisions in the Standing Orders.

### Status of complaints

*Your complaint is usually released at the public hearing*

While a complaint can be discussed freely during its preparation, once it has been sent, it becomes the property of the committee. The committee will usually release a complaint when it starts hearing evidence, but may do so beforehand. For example, the committee might release a complaint to a Minister or the relevant Government department for comment, prior to conducting oral hearings. It is not a contempt of the House for you to release your complaint before the committee has received it. However, should you do this, you cannot assume the protection of parliamentary

privilege for any statements made in your complaint.

**Costs**

*Complainants meet their own travel expenses*

You are responsible for paying your own travel expenses to meeting venues and all other personal costs associated with presenting your complaint. If you are unable to attend a meeting on the designated day, you may nominate someone to present the complaint on your behalf.

**Travel**

*Committees may travel*

Select committees may travel within New Zealand to obtain evidence and hear submissions.

## Further reading

*Effective Select Committee Membership: A Guide for Members of Parliament*, Office of the Clerk of the House of Representatives.

<http://www.parliament.nz/en-NZ/?document=00HOOCPubResAboutProceduresSelect1>

This guide was prepared for members of Parliament to assist them with select committee work. It can also help other readers in understanding the parliamentary context and perspective of select committees.

McGee, David, *Parliamentary Practice in New Zealand*, Third Edition, Wellington, 2005.

This book provides detailed guidance on parliamentary procedure and practice. It also provides some theoretical background to aspects of Parliament that will assist in learning about constitutional principles.

*Making a Submission to a Parliamentary Select Committee*, Office of the Clerk of the House of Representatives.

<http://www.parliament.nz/en-NZ/?document=00CLOOCMakingSubmission1>

This guide provides guidance for people making submissions to a select committee. It is particularly useful for those who are not experienced at preparing written material for committees. Copies are available free of charge from the Office of the Clerk.

*Natural Justice Before Select Committees*, Office of the Clerk of the House of Representatives.

<http://www.parliament.nz/en-NZ/?document=00CLOOCPubResAboutProceduresNatural1>

This guide informs people about their rights in relation to select committee proceedings, especially regarding allegations that may have been made about them. Copies are available free of charge from the Office of the Clerk.

*Parliament Brief*, Office of the Clerk of the House of Representatives.

<http://www.parliament.nz/en-NZ/AboutParl/HowPWorks/FactSheets/>

This is a series of fact-sheets about Parliament. Copies are available free of charge from the Office of the Clerk.

*Regulations Review Committee Digest*, New Zealand Centre for Public Law, Victoria University of Wellington.

<http://www.victoria.ac.nz/nzcpl/RegsRev/Index.aspx>

The Digest provides an overview of the history, role and work of the Regulations Review Committee.

*Standing Orders of the House of Representatives*, New Zealand, 2008.

<http://www.parliament.nz/en-NZ/PB/Rules/>

This is the complete set of rules by which the House and its committees operate. For your convenience, the Standing Orders referred to in the text of this booklet are reprinted at the back as Appendix 2.

## Appendix 1

### Definition of regulations

The statutory definition of regulations is significant because it sets the limits of the jurisdiction of the Regulations Review Committee. Standing Order 3 provides that any reference to a regulation in the Standing Orders “means a regulation within the meaning of the Regulations (Disallowance) Act 1989”.

The definition in section 2 of the Regulations (Disallowance) Act 1989 was amended by the Interpretation Act 1999. The current definition has been in force since 1 November 1999.

**Regulations** means—

- (a) Regulations, rules, or bylaws made under an Act by the Governor-General in Council or by a Minister of the Crown:
- (b) An Order in Council, Proclamation, notice, Warrant, or instrument, made under an enactment that varies or extends the scope or provisions of an enactment:
- (c) An Order in Council that brings into force, repeals, or suspends an enactment:
- (d) Regulations, rules, or an instrument made under an Imperial Act or the Royal prerogative and having the force of law in New Zealand:
- (e) An instrument that is a regulation or that is required to be treated as a regulation for the purposes of the Regulations Act 1936 or Acts and Regulations Publication Act 1989 or this Act:
- (f) An instrument that revokes regulations, rules, bylaws, an Order in Council, a Proclamation, a notice, a Warrant, or an instrument, referred to in paragraphs (a) to (e).

## Appendix 2

### Standing Orders applying to the Regulations Review Committee

#### DELEGATED LEGISLATION

##### **309 Functions of Regulations Review Committee**

- (1) The Regulations Review Committee examines all regulations.
- (2) A Minister may refer draft regulations to the committee for consideration and the committee may report on the draft regulations to the Minister.
- (3) In respect of a bill before another committee, the committee may consider—
  - (a) any regulation-making power,
  - (b) any provision that contains a delegated power to make instruments of a legislative character, and
  - (c) any matter relating to regulations,—  
and report on it to the committee that is considering the bill.
- (4) The committee may consider any matter relating to regulations and report on it to the House.
- (5) The committee investigates complaints about the operation of regulations, in accordance with Standing Order 311, and may report on the complaints to the House.

##### **310 Drawing attention to a regulation**

- (1) In examining a regulation, the committee considers whether it ought to be drawn to the special attention of the House on one or more of the grounds set out in paragraph (2).
- (2) The grounds are, that the regulation—
  - (a) is not in accordance with the general objects and intentions of the statute under which it is made:
  - (b) trespasses unduly on personal rights and liberties:
  - (c) appears to make some unusual or unexpected use of the powers conferred by the statute under which it is made:
  - (d) unduly makes the rights and liberties of persons dependent upon administrative decisions which are not subject to review on their merits by a judicial or other independent tribunal:

- (e) excludes the jurisdiction of the courts without explicit authorisation in the enabling statute:
- (f) contains matter more appropriate for parliamentary enactment:
- (g) is retrospective where this is not expressly authorised by the empowering statute:
- (h) was not made in compliance with particular notice and consultation procedures prescribed by statute:
- (i) for any other reason concerning its form or purport, calls for elucidation.

**311 Procedure where complaint made concerning regulation**

- (1) Where a complaint is made to the committee or to the chairperson of the committee by a person or organisation aggrieved at the operation of a regulation, the complaint must be placed before the committee at its next meeting for the committee to consider whether, on the face of it, the complaint relates to one of the grounds on which the committee may draw a regulation to the special attention of the House.
- (2) The person or organisation making the complaint is given an opportunity to address the committee on the regulation unless the committee agrees by unanimous resolution not to proceed with the complaint.

**312 Disallowance motion does not lapse**

Any notice of a motion to which section 6(1) of the Regulations (Disallowance) Act 1989 applies (being a motion for the disallowance of a regulation under that Act given by a member who is, at the time of the giving of the notice, a member of the Regulations Review Committee) does not lapse and is retained on the Order Paper until dealt with by the House.

## Appendix 3

### Suggested format for a complaint

*Date* *Page number*

### **COMPLAINT ABOUT XXX REGULATIONS**

*To the Regulations Review Committee*

#### **Introduction**

This complaint is from (name of individual/organisation and address).

I/We wish to appear before the committee to speak to my/our complaint.

I/We can be contacted at: *(List your daytime telephone number or the name, address and contact telephone number of the contact person for your organisation if different from above. These details could be included in a covering letter instead for privacy reasons.)*

I/We wish that the following people also appear in support of my/our complaint: *(List names and positions in organisation. If an organisation, give brief details of your organisation's aims, membership and structure and the people consulted in the preparation of the complaint.)*

#### **Executive summary**

I/We are making a complaint about the regulations under the following grounds of Standing Order 310(2): *(List the specific grounds and provide a brief explanation of your reasons.)*

#### **Arguments under specific grounds**

I/We are aggrieved at the operation of the regulations in the following ways. *(Explain how.)* I/We consider these regulations ought to be drawn to the special attention of the House on the grounds that: *(Set out your specific arguments under each ground relied upon.)*

#### **Recommendations**

*(List any specific recommendations you wish the committee to consider if it makes a report to the House.)*