

FIRST PRINT

INTERPRETATION (AMENDMENT) BILL 1988

NEW SOUTH WALES



EXPLANATORY NOTE

(This Explanatory Note relates to this Bill as introduced into Parliament)

The Interpretation Act 1987 relates to the interpretation, construction, application and operation of the legislation of New South Wales and makes provision with respect to the exercise of certain statutory functions.

Section 40 requires that notice of the making of statutory rules be tabled in each House of Parliament.

The object of this Bill is to amend section 40 of the Interpretation Act 1987 to provide that a statutory rule has no effect if written notice of the making of the statutory rule is not laid before each House of Parliament. If the statutory rule is not laid before each House of Parliament, and the statutory rule had amended or repealed some other Act or statutory rule, the Act or statutory rule is restored or revised as it was before it was amended or repealed.

The amendments will only affect statutory rules published in the Gazette on or after commencement of the proposed Act.

Clause 1 specifies the short title of the proposed Act.

Clause 2 provides for the commencement of the proposed Act.

Clause 3 is a formal provision that gives effect to the Schedule of amendments.

Clause 4 provides for the application of the amendments only to statutory rules published in the Gazette on or after commencement of the proposed Act.

SCHEDULE 1—AMENDMENTS

Schedule 1 (1) omits section 40 (4) and inserts a new subsection so that a statutory rule not laid before each House of Parliament in accordance with the provisions of section 40 ceases to have effect. Currently, where notice of the making of a statutory rule is not laid before each House of Parliament in accordance with the provisions of section 40, the validity of the rule is not affected.

Interpretation (Amendment) 1988

Schedule 1 (2) inserts new subsections (4A)–(4C) into section 40. Subsection (4A) treats a statutory rule that ceases to have effect under the new subsection (4) as having been repealed (and consequently the savings provisions of section 30 will apply). Subsection (4B) restores any Act or any statutory rule that was amended or repealed, if the rule amending or repealing ceases to have effect under subsection (4), as if that rule had not been made. Subsection (4C) treats the restoration or revival as taking effect on the date the amending or repealing statutory rule ceases to have effect.

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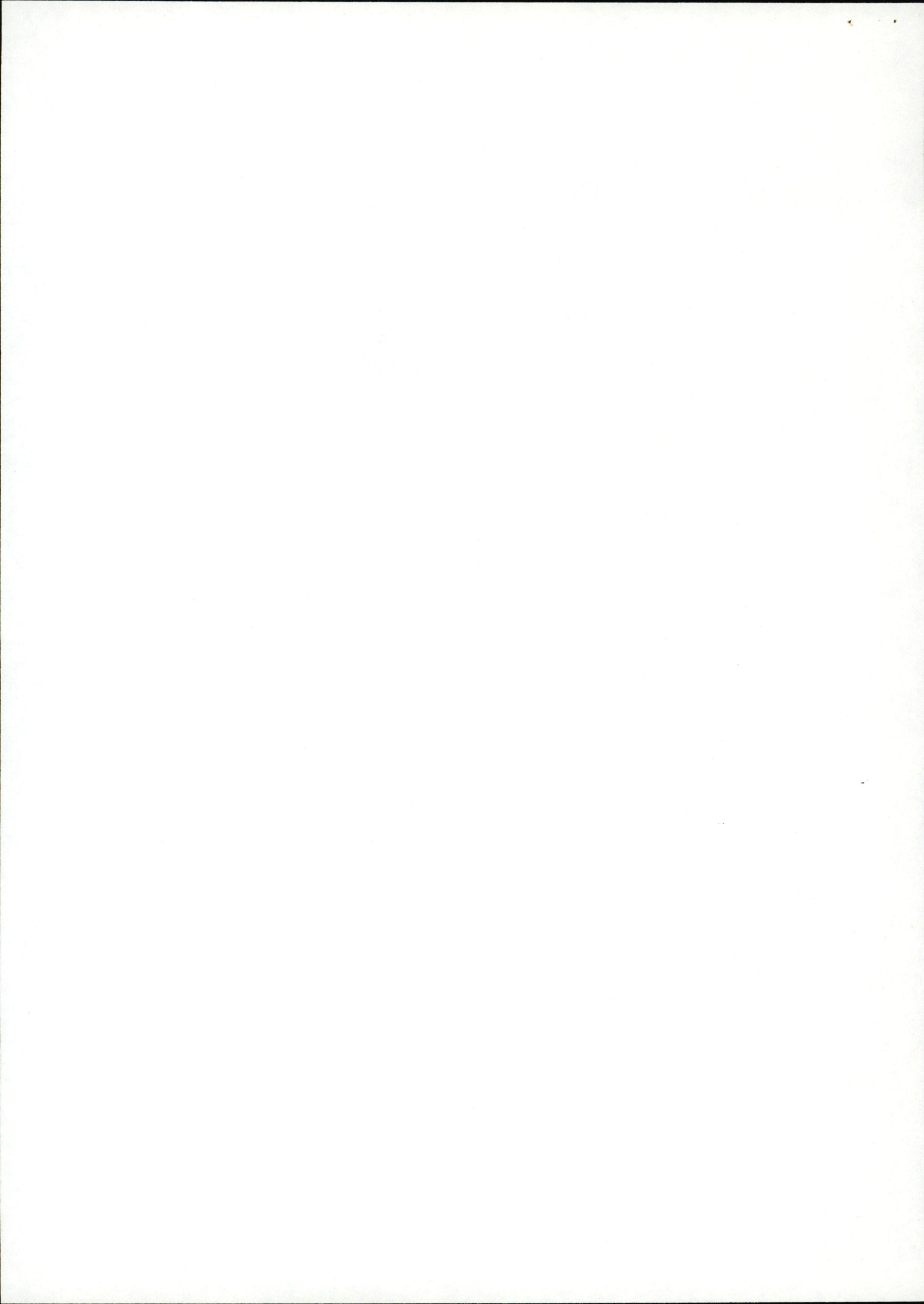
NEW SOUTH WALES



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SCHEDULE 1—AMENDMENTS



INTERPRETATION (AMENDMENT) BILL 1988

NEW SOUTH WALES



No. , 1988

A BILL FOR

An Act to amend the Interpretation Act 1987 to provide that a statutory rule has no effect if written notice of the making of the statutory rule is not laid before each House of Parliament.

Interpretation (Amendment) 1988

The Legislature of New South Wales enacts:

Short title

1. This Act may be cited as the Interpretation (Amendment) Act 1988.

Commencement

2. This Act commences on the date of assent.

Amendment of Interpretation Act 1987 No. 15

3. The Interpretation Act 1987 is amended as set out in Schedule 1.

Application of amendments

4. The amendments made by this Act apply to statutory rules published in the Gazette on or after, but not before, the commencement of this Act.

SCHEDULE 1—AMENDMENTS

(Sec. 3)

Section 40 (Notice of statutory rules to be tabled)—**(1) Section 40 (4)—**

- 15 Omit the subsection, insert instead:

(4) If written notice of the making of a statutory rule is not laid before each House of Parliament in accordance with this section, the statutory rule shall cease to have effect.

(2) Section 40 (4A), (4B), (4C)—

- 20 After section 40 (4), insert:

(4A) If a statutory rule ceases to have effect under subsection (4), the operation of that subsection in relation to the rule has the same effect as a repeal of the rule.

(4B) If—

- 25 (a) a statutory rule ceases to have effect under subsection (4);
and

(b) the rule amended or repealed some other Act or statutory rule that was in force immediately before the rule took effect,

- 30 the operation of subsection (4) has the effect of restoring or reviving the other Act or statutory rule, as it was immediately before it was amended or repealed, as if the rule had not been made.

SCHEDULE 1—AMENDMENTS—*continued*

(4C) The restoration or revival of an Act or statutory rule pursuant to subsection (4B) takes effect on the day on which the statutory rule by which it was amended or repealed ceases to have effect.

