

FIRST PRINT

SUBORDINATE LEGISLATION (AMENDMENT) BILL 1993

NEW SOUTH WALES



EXPLANATORY NOTE

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

The objects of this Bill are:

- (a) to amend the Subordinate Legislation Act 1989 so as:
- to reduce, from 28 days to 21 days, the period within which copies of the relevant regulatory impact statement and other documents are to be forwarded to the Regulation Review Committee after a statutory rule is published in the Gazette; and
 - to extend the automatic 1 September repeal date that applies to statutory rules published before 1 September 1990 to statutory rules published on or after that date; and
 - to increase, from 2 to 5, the maximum number of occasions on which the automatic repeal of a statutory rule may be postponed; and
 - to provide for notice to be given to the Regulation Review Committee if such a postponement is granted for the third, fourth or fifth time with respect to a particular statutory rule; and
- (b) to amend the Interpretation Act 1987 so as to enable the notice that is required to be laid before each House of Parliament in connection with the making of a statutory rule to be laid before each House by the Clerk of that House (in addition to a Minister).

Clause 1 specifies the short title of the proposed Act.

Clause 2 provides for the commencement of the proposed Act on 1 July 1993.

Clause 3 is a formal provision that gives effect to the Schedule containing the amendments to the Subordinate Legislation Act 1989.

Clause 4 is a formal provision that gives effect to the Schedule containing the amendment to the Interpretation Act 1987.

Subordinate Legislation (Amendment) 1993

Clause 5 is a transitional provision that ensures that a statutory rule published before the commencement of the proposed Act is not affected by the reduction in the period within which copies of the relevant regulatory impact statement and other documents are to be forwarded to the Regulation Review Committee.

**SCHEDULE 1—AMENDMENT OF SUBORDINATE LEGISLATION
ACT 1989**

Giving of regulatory impact statements etc. to Regulation Review Committee

Section 5 requires the preparation of a regulatory impact statement for a proposed statutory rule and the invitation of comments and submissions on the proposed rule. Section 5 (4) requires the statement, together with any comments and submissions that are made, to be forwarded to the Regulation Review Committee in the event that the proposed rule is made. Schedule 1 (1) amends section 5 (4) so as to reduce, from 28 to 21 days after the rule is gazetted, the period within which those documents must be forwarded.

This is intended to give the Regulation Review Committee more time to consider a statutory rule between the time it is gazetted and the time within which it can be disallowed.

Automatic repeal of post-1.9.90 statutory rules on 1 September

Section 10 (2) currently provides that a statutory rule published on or after 1 September 1990 is to be automatically repealed on the fifth anniversary of its publication. Schedule 1 (2) substitutes section 10 (2) with a provision to the effect that such a statutory rule is instead to be repealed on the fifth anniversary of its publication (in the case of a statutory rule published on 1 September in any year) and on 1 September following the fifth anniversary of its publication (in any other case).

This is intended to bring section 10 (2) into line with section 10 (1), which applies a common 1 September repeal date to statutory rules published before 1 September 1990.

Increase in maximum number of postponements of repeal

Section 11 (1) enables the Governor to postpone the automatic repeal of a statutory rule by one year at a time. Section 11 (3) restricts to 2 the number of occasions on which the repeal of a particular statutory rule may be postponed. Schedule 1 (3) (a) amends section 11 (3) so as to increase the number to 5, while Schedule 1 (3) (b) inserts a new subsection (4) into section 11 so as to provide that in the event that the repeal of a statutory rule is postponed for a third, fourth or fifth time, the Minister responsible for the statutory rule must cause notice of that fact to be given to the Regulation Review Committee as soon as possible.

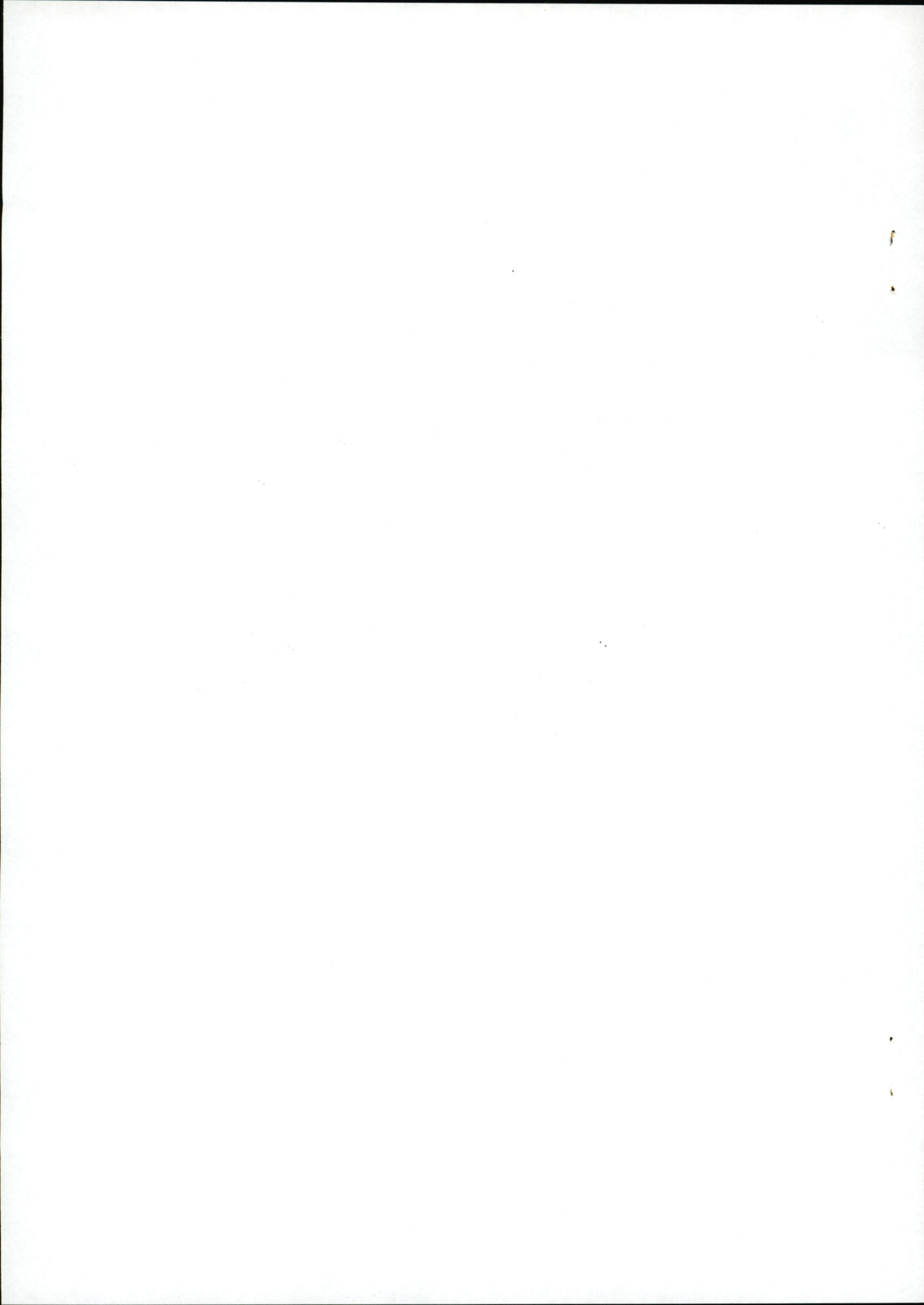
This is intended to enable the staged repeal program to take into account the existence of other legislative initiatives (particularly those that are likely to involve the making of statutory rules) and so avoid the costly duplication of effort that would otherwise occur if a new statutory rule were to be made under the staged repeal program only to be repealed and remade as a consequence of some such initiative.

Subordinate Legislation (Amendment) 1993

SCHEDULE 2—AMENDMENT OF INTERPRETATION ACT 1987

Tabling notice of the making of statutory rules

Section 40 requires written notice of the making of a statutory rule to be laid before each House of Parliament. Schedule 2 inserts a new subsection (3A) into section 40 so as to enable such a notice to be laid before each House by the Clerk of that House (in addition to a Minister).



FIRST PRINT

SUBORDINATE LEGISLATION (AMENDMENT) BILL 1993

NEW SOUTH WALES



TABLE OF PROVISIONS

1. Short title
2. Commencement
3. Amendment of Subordinate Legislation Act 1989 No. 146
4. Amendment of Interpretation Act 1987 No. 15
5. Transitional provision

SCHEDULE 1—AMENDMENT OF SUBORDINATE LEGISLATION ACT 1989
SCHEDULE 2—AMENDMENT OF INTERPRETATION ACT 1987

SUBORDINATE LEGISLATION (AMENDMENT) BILL 1993

NEW SOUTH WALES



No. , 1993

A BILL FOR

An Act to amend the Subordinate Legislation Act 1989 with respect to the staged repeal of subordinate legislation and the forwarding of certain documents to the Regulation Review Committee; and to amend section 40 of the Interpretation Act 1987 with respect to the tabling of notice of the making of statutory rules.

Subordinate Legislation (Amendment) 1993

The Legislature of New South Wales enacts:

Short title

1. This Act may be cited as the Subordinate Legislation (Amendment) Act 1993.

5 Commencement

2. This Act commences on 1 July 1993.

Amendment of Subordinate Legislation Act 1989 No. 146

3. The Subordinate Legislation Act 1989 is amended as set out in Schedule 1.

10 Amendment of Interpretation Act 1987 No. 15

4. The Interpretation Act 1987 is amended as set out in Schedule 2.

Transitional provision

5. The amendment made by Schedule 1 (1) does not apply to a statutory rule that was published in the Gazette before 1 July 1993.

**15 SCHEDULE 1—AMENDMENT OF SUBORDINATE
LEGISLATION ACT 1989**

(Sec. 3)

(1) Section 5 (**Regulatory impact statements**):

20 From section 5 (4), omit “28 days”, insert instead “21 days”.

(2) Section 10 (**Staged repeal of statutory rules**):

Omit section 10 (2), insert instead:

(2) Unless it sooner ceases to be in force, a statutory rule published on or after 1 September 1990 is repealed:

25 (a) on the fifth anniversary of the date on which it was published (in the case of a statutory rule published on 1 September in any year); or

(b) on 1 September following the fifth anniversary of the date on which it was published (in any other case).

Subordinate Legislation (Amendment) 1993

**SCHEDULE 1—AMENDMENT OF SUBORDINATE
LEGISLATION ACT 1989—*continued***

- (3) Section 11 (**Postponement of repeal in specific cases**):
- (a) From section 11 (3), omit “2”, insert instead “5”.
- (b) After section 11 (3), insert: 5
- (4) In the event that the repeal of a statutory rule is postponed on a third, fourth or fifth occasion, the responsible Minister must cause notice of that fact to be given to the Regulation Review Committee as soon as possible.

**SCHEDULE 2—AMENDMENT OF INTERPRETATION
ACT 1987** 10

(Sec. 4)

- Section 40 (**Notice of statutory rules to be tabled**):
- After section 40 (3), insert:
- (3A) A written notice may be laid before a House of Parliament by a Minister or by the Clerk of that House. 15
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SECOND PRINT

SUBORDINATE LEGISLATION (AMENDMENT) BILL 1993

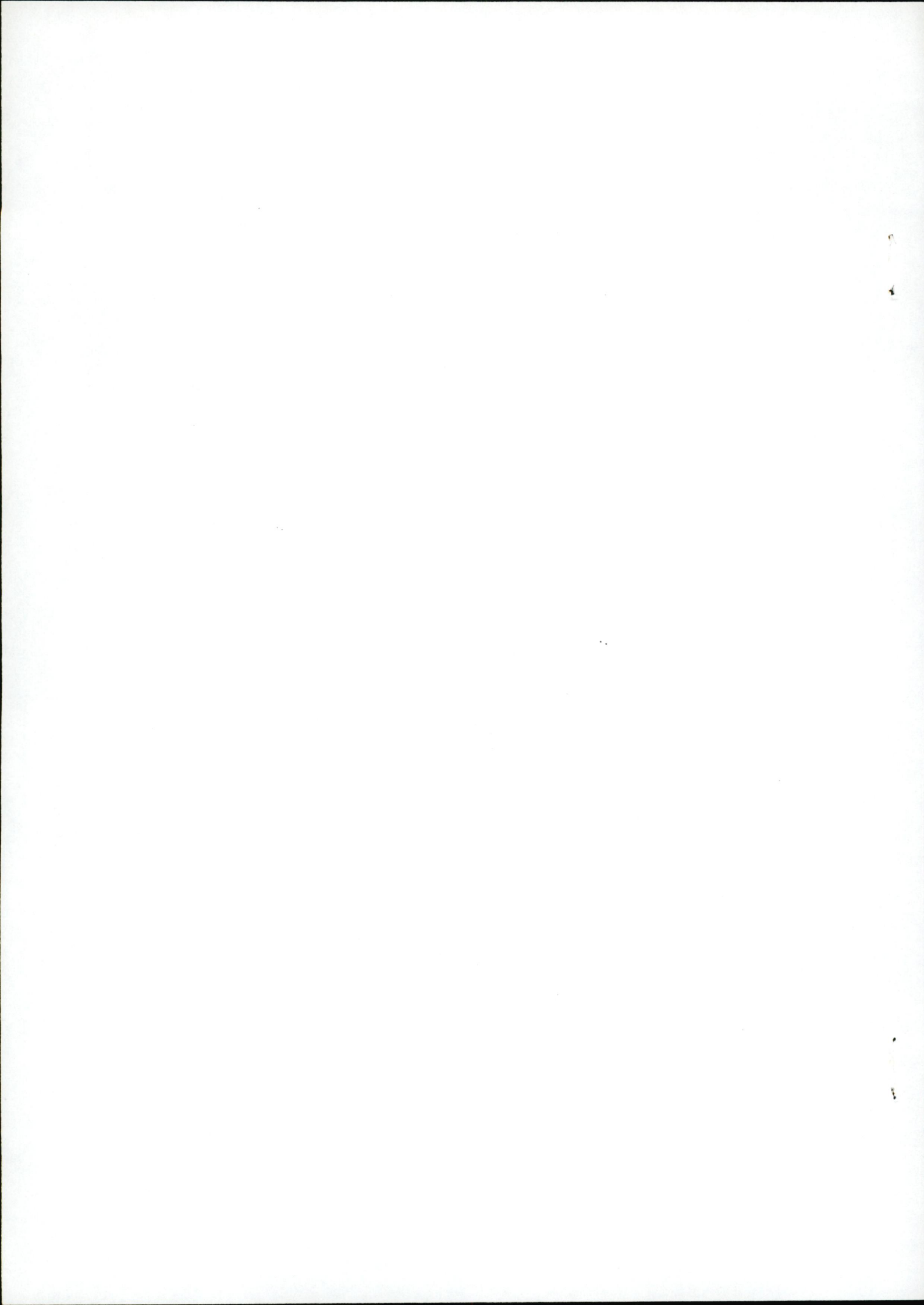
NEW SOUTH WALES



TABLE OF PROVISIONS

1. Short title
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SCHEDULE 1—AMENDMENT OF SUBORDINATE LEGISLATION ACT 1989
SCHEDULE 2—AMENDMENT OF INTERPRETATION ACT 1987



This PUBLIC BILL, originated in the LEGISLATIVE ASSEMBLY and, having this day passed, is now ready for presentation to the LEGISLATIVE COUNCIL for its concurrence.

Legislative Assembly

Clerk of the Legislative Assembly.

NEW SOUTH WALES



Act No. , 1993

An Act to amend the Subordinate Legislation Act 1989 with respect to the staged repeal of subordinate legislation and the forwarding of certain documents to the Regulation Review Committee; and to amend section 40 of the Interpretation Act 1987 with respect to the tabling of notice of the making of statutory rules.

Subordinate Legislation (Amendment) 1993

The Legislature of New South Wales enacts:

Short title

1. This Act may be cited as the Subordinate Legislation (Amendment) Act 1993.

5 Commencement

2. This Act commences on 1 July 1993.

Amendment of Subordinate Legislation Act 1989 No. 146

3. The Subordinate Legislation Act 1989 is amended as set out in Schedule 1.

10 Amendment of Interpretation Act 1987 No. 15

4. The Interpretation Act 1987 is amended as set out in Schedule 2.

Transitional provision

5. The amendment made by Schedule 1 (1) does not apply to a statutory rule that was published in the Gazette before 1 July 1993.

**15 SCHEDULE 1—AMENDMENT OF SUBORDINATE
LEGISLATION ACT 1989**

(Sec. 3)

(1) Section 5 (**Regulatory impact statements**):

20 From section 5 (4), omit "28 days", insert instead "14 days".

(2) Section 10 (**Staged repeal of statutory rules**):

Omit section 10 (2), insert instead:

(2) Unless it sooner ceases to be in force, a statutory rule published on or after 1 September 1990 is repealed:

25 (a) on the fifth anniversary of the date on which it was published (in the case of a statutory rule published on 1 September in any year); or

(b) on 1 September following the fifth anniversary of the date on which it was published (in any other case).

Subordinate Legislation (Amendment) 1993

**SCHEDULE 1—AMENDMENT OF SUBORDINATE
LEGISLATION ACT 1989—*continued***

- (3) Section 11 (**Postponement of repeal in specific cases**):
- (a) From section 11 (3), omit “2”, insert instead “5”.
- (b) After section 11 (3), insert: 5
- (4) The repeal of a statutory rule may not be postponed on a third, fourth or fifth occasion unless the responsible Minister has given the Regulation Review Committee at least one month’s written notice of the proposed postponement.
- (5) The Regulation Review Committee may make such reports to the responsible Minister and to each House of Parliament as it thinks desirable in connection with the third, fourth or fifth postponement of the repeal of a statutory rule. 10

**SCHEDULE 2—AMENDMENT OF INTERPRETATION
ACT 1987** 15

(Sec. 4)

- Section 40 (**Notice of statutory rules to be tabled**):
- After section 40 (3), insert:
- (3A) A written notice may be laid before a House of Parliament by a Minister or by the Clerk of that House. 20
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SUBORDINATE LEGISLATION (AMENDMENT) ACT 1993
No. 48

NEW SOUTH WALES

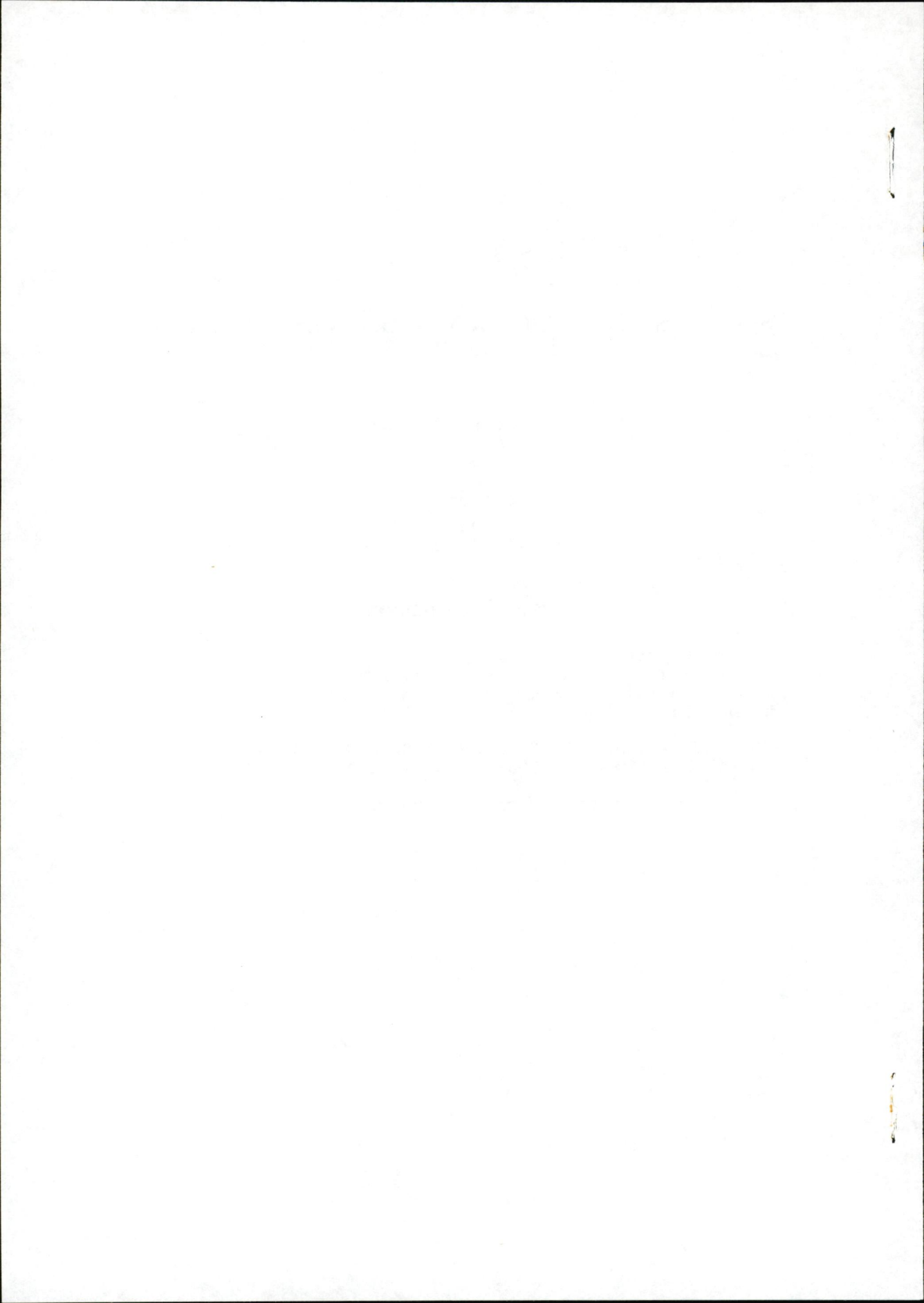


TABLE OF PROVISIONS

1. Short title
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5. Transitional provision

SCHEDULE 1—AMENDMENT OF SUBORDINATE LEGISLATION ACT 1989

SCHEDULE 2—AMENDMENT OF INTERPRETATION ACT 1987



SUBORDINATE LEGISLATION (AMENDMENT) ACT 1993
No. 48

NEW SOUTH WALES



Act No. 48, 1993

An Act to amend the Subordinate Legislation Act 1989 with respect to the staged repeal of subordinate legislation and the forwarding of certain documents to the Regulation Review Committee; and to amend section 40 of the Interpretation Act 1987 with respect to the tabling of notice of the making of statutory rules. [Assented to 15 June 1993]

Subordinate Legislation (Amendment) Act 1993 No. 48

The Legislature of New South Wales enacts:

Short title

1. This Act may be cited as the Subordinate Legislation (Amendment) Act 1993.

Commencement

2. This Act commences on 1 July 1993.

Amendment of Subordinate Legislation Act 1989 No. 146

3. The Subordinate Legislation Act 1989 is amended as set out in Schedule 1.

Amendment of Interpretation Act 1987 No. 15

4. The Interpretation Act 1987 is amended as set out in Schedule 2.

Transitional provision

5. The amendment made by Schedule 1 (1) does not apply to a statutory rule that was published in the Gazette before 1 July 1993.

**SCHEDULE 1—AMENDMENT OF SUBORDINATE
LEGISLATION ACT 1989**

(Sec. 3)

(1) Section 5 (**Regulatory impact statements**):

From section 5 (4), omit "28 days", insert instead "14 days".

(2) Section 10 (**Staged repeal of statutory rules**):

Omit section 10 (2), insert instead:

(2) Unless it sooner ceases to be in force, a statutory rule published on or after 1 September 1990 is repealed:

(a) on the fifth anniversary of the date on which it was published (in the case of a statutory rule published on 1 September in any year); or

(b) on 1 September following the fifth anniversary of the date on which it was published (in any other case).

Subordinate Legislation (Amendment) Act 1993 No. 48

**SCHEDULE 1—AMENDMENT OF SUBORDINATE
LEGISLATION ACT 1989—*continued***

(3) Section 11 (Postponement of repeal in specific cases):

(a) From section 11 (3), omit “2”, insert instead “5”.

(b) After section 11 (3), insert:

(4) The repeal of a statutory rule may not be postponed on a third, fourth or fifth occasion unless the responsible Minister has given the Regulation Review Committee at least one month’s written notice of the proposed postponement.

(5) The Regulation Review Committee may make such reports to the responsible Minister and to each House of Parliament as it thinks desirable in connection with the third, fourth or fifth postponement of the repeal of a statutory rule.

**SCHEDULE 2—AMENDMENT OF INTERPRETATION
ACT 1987**

(Sec. 4)

Section 40 (Notice of statutory rules to be tabled):

After section 40 (3), insert:

(3A) A written notice may be laid before a House of Parliament by a Minister or by the Clerk of that House.

[*Minister’s second reading speech made in—
Legislative Assembly on 13 May 1993
Legislative Council on 20 May 1993*]

