



New South Wales

PARLIAMENTARY COUNSEL'S OFFICE

Technical requirements for the publishing of miscellaneous statutory instruments

Nature of instruments

Miscellaneous statutory instruments are instruments of a legislative nature (whether orders, directions, guidelines, standards or other instruments) that are not statutory rules (ie regulations, by laws or rules made by the Governor in Council) or environmental planning instruments (ie State environmental planning policies or local environmental plans).

Publication requirements

The *Interpretation Act 1987* provides for statutory rules, environmental planning instruments and certain miscellaneous statutory instruments to be published on the NSW legislation website (www.legislation.nsw.gov.au) rather than in the Gazette. There is a program for the progressive transfer to publication on the NSW legislation website of existing miscellaneous statutory instruments. The *Interpretation Act 1987* provides that the Parliamentary Counsel may determine the requirements for lodging instruments required to be published on the NSW legislation website and the standard technical requirements with respect to the drafting of those instruments.

Quality check

The agency preparing an instrument is requested to send the draft instrument (in electronic form) to the Parliamentary Counsel's Office (PCO) prior to the instrument being finally made. This will enable a quick quality control check to be undertaken to ensure the instrument is in a suitable form to be published on the NSW legislation website. This includes a basic editorial check to ensure that the file meets the relevant requirements mentioned below. For amending instruments, the check will also ensure the amendments can be properly incorporated into the target legislation.

The check will be completed in a timely manner and the file will be returned to the agency with suggested corrections identified. The PCO will contact the agency to deal with any technical or critical issues.

Agencies preparing instruments should, as far as reasonably practicable in the circumstances, factor in sufficient time for this check to occur and for any resulting issues to be considered before seeking final sign-off from the Minister or other appropriate person.

Basic editorial requirements

Regulations and other instruments drafted by the PCO are subject to extensive and rigorous editorial and legal checks. The PCO will not require agencies to meet this same standard. However, some basic requirements should be adhered to.

All instruments are to include the following:

- A unique name (eg "Dog and Cat Order 2010" rather than just "Order"). The year of making is recommended to allow future replacement.
- An enacting formula, including the Minister's name and portfolio details (or the name and title of the person or body authorised to make the instrument under the enabling Act).
- The enacting formula should cite the enabling Act under which the instrument is made and the relevant provision of that Act if there is a single substantive provision concerned.
- A commencement provision that states when the instrument commences and the requirement to be published on the NSW legislation website (eg "This Order commences on the day on which it is published on the NSW legislation website" or "This instrument commences on 1

July 2010 and is required to be published on the NSW legislation website”).

- The citation (or instrument name) and commencement should be substantive clauses of the instrument rather than being included in the enacting formula.

In addition:

- Numbering (and terminology for the various components) of instruments should be consistent and wherever practicable follow the accepted style for regulations.
- Defined terms are usually listed in alphabetical order.
- Although an explanatory note can be included in a miscellaneous statutory instrument (between the enacting formula and the beginning of the instrument) it is not required.

Sample documents showing the preferred NSW style are attached for reference.

Basic technical requirements

The file sent for the quality check should be in either Word or PDF. Any graphics or maps to be included in the instrument should also be provided at that stage to ensure they will be able to be displayed properly on the website.

The technical requirements for submission of the final document for publication on the Legislation Website are:

- The file should be an unlocked PDF generated from the source document (not scanned).
- The text should be in black text on white background (except where colour graphics or maps are required).
- It should be formatted to A4 paper size (not Letter).
- It should not contain any scanned signatures and, ideally, should have a name of the person who signed it typed in place of the signature. (Although, in addition to the full document, a scanned or faxed copy of the page that shows the signature of the person who made the document will need to be provided and, if not clear from the signature, the person’s name.)
- Any graphics included in the document need to be able to be extracted or a source file must be provided.

PCO will add the publication details to the file prior to publishing on the Legislation Website.

However, PCO is unable to make any further formatting, editorial or drafting changes regardless of any obvious errors. For that reason, the instrument should undergo a quality check and any matters identified at that stage should be considered prior to sign-off.

Other matters to consider

To improve public accessibility, ensure clarity in relation to currency of instruments and for ease of maintenance, the preference is for instruments of the same type under an Act to be made by one principal instrument and then amended as changes are required, rather than creating a series of separate principal instruments that become difficult to track over time. Ideally, if previous instruments have been publishing in the Gazette, the first instrument published on the NSW legislation website will be a principal instrument that repeals the existing instruments and encompasses the provisions of existing instruments of that type that are to remain in force. That new principal instrument can then be amended over time (with a consolidated in force version made available by PCO on the NSW legislation website within 3 days of an amendment being made). The Parliamentary Counsel’s Office can on request provide advice on these matters.

Notification process

An information sheet on the notification process is available.



New South Wales

Fisheries Management (Continuation of Activities in Lowland Darling River Catchment) Interim Order 2010

under the

Fisheries Management Act 1994

I, the Minister for Primary Industries, in pursuance of section 221IG of the *Fisheries Management Act 1994*, make the following Order.

Dated, this 10th day of June 2010.

STEVEN WHAN, M.P.,
Minister for Primary Industries

Explanatory note

The aquatic ecological community in the natural drainage system of the lowland catchment of the Darling River is listed as an endangered ecological community under the *Fisheries Management Act 1994* (the *Act*).

However, the Act enables the Minister to make an order authorising a class of persons to carry out an activity that may result in harm to a threatened species, population or ecological community or damage to its habitat. While such a proposed order is being assessed under the Act, the Minister may make an interim order lasting up to 6 months to allow an existing activity to be continued. The Act also provides for the remaking of an interim Order.

The object of this interim Order is to remake the *Fisheries Management (Continuation of Activities in Lowland Darling River Catchment) Further Interim Order 2009* to allow certain recreational and commercial fishing activities in the natural drainage system of the lowland catchment of the Darling River to continue for a further period of 6 months. The activities the subject of this interim Order may only continue subject to compliance with any applicable fishing regulatory controls imposed by or under the Act.

The recommendation of the Fisheries Scientific Committee referred to in this interim Order is available on the Internet at:

http://www.dpi.nsw.gov.au/__data/assets/pdf_file/0010/208297/FR22-Darling-River-EEC.pdf.

This Order is made under section 221IG of the *Fisheries Management Act 1994*.

SAMPLE ONLY

Clause 1 Fisheries Management (Continuation of Activities in Lowland Darling River Catchment) Interim Order 2010

Fisheries Management (Continuation of Activities in Lowland Darling River Catchment) Interim Order 2010

under the

Fisheries Management Act 1994

1 Name of Order

This Order is the *Fisheries Management (Continuation of Activities in Lowland Darling River Catchment) Interim Order 2010*.

2 Commencement

This Order commences on the day on which it is published on the NSW legislation website.

3 Repeal of previous order

The *Fisheries Management (Continuation of Activities in Lowland Darling River Catchment) Further Interim Order 2009* is repealed.

4 Continuation of existing activities

- (1) The activities referred to in subclauses (2)–(4) may continue in the Lowland Darling River Catchment subject to compliance with any applicable fishing regulatory controls.
- (2) A recreational fisher may take from the Lowland Darling River Catchment any of the following species of fish, may possess any such species of fish taken from the Lowland Darling River Catchment, or may carry out any routine activity in connection with any such taking or possession:
 - (a) *Paratya australiensis* (freshwater shrimp),
 - (b) *Macrobrachium australiense* (freshwater prawn),
 - (c) *Caridina mccullochi* (freshwater shrimp),
 - (d) *Cherax destructor* (yabby),
 - (e) *Maccullochella peelii peelii* (Murray cod),
 - (f) *Macquaria ambigua* (golden perch),
 - (g) *Nematalosa erebi* (bony bream),
 - (h) *Leiopotherapon unicolor* (spangled perch).

SAMPLE ONLY

-
- (3) A person holding a commercial fishing licence that has a Class A: Yabby and carp endorsement (transferable) in the inland restricted fishery may:
- (a) take *Cherax destructor* (yabby) from the Lowland Darling River Catchment, or
 - (b) possess or sell *Cherax destructor* (yabby) taken from the Lowland Darling River Catchment, or
 - (c) carry out any routine activities in connection with any such taking, possession or sale.
- (4) A broodstock collector may take from the Lowland Darling River Catchment any of the following species of fish, may possess any such species of fish taken from the Lowland Darling River Catchment, or may carry out any routine activity in connection with any such taking or possession:
- (a) *Cherax destructor* (yabby),
 - (b) *Maccullochella peelii peelii* (Murray cod),
 - (c) *Macquaria ambigua* (golden perch).
- (5) In this clause:
- applicable fishing regulatory controls*** means requirements imposed by or under the *Fisheries Management Act 1994* that apply to or in respect of the activities concerned.
- broodstock collector*** means a person who takes fish under the authority of a permit issued under section 37 of the *Fisheries Management Act 1994* for aquaculture purposes.
- inland restricted fishery*** has the same meaning as it has in the *Fisheries Management (General) Regulation 2002*.
- Lowland Darling River Catchment*** means the aquatic ecological community in the natural drainage system of the lowland catchment of the Darling River (described in the recommendation of the Fisheries Scientific Committee to list that aquatic ecological community as the area covered by that recommendation).



New South Wales

Electronic Transactions (ECM Courts) Amendment (Consumer, Trader and Tenancy Tribunal) Order 2010

under the

Electronic Transactions Act 2000

I, the Attorney General, in pursuance of section 14C of the *Electronic Transactions Act 2000*, make the following Order.

Dated, this 16th day of June 2010.

JOHN HATZISTERGOS, M.L.C.,
Attorney General

Explanatory note

The object of this Order is to authorise the use of CTTT Online (an electronic case management system established under section 14B of the *Electronic Transactions Act 2000*) in relation to proceedings before the Consumer, Trader and Tenancy Tribunal.

This Order is made under section 14C of the *Electronic Transactions Act 2000*.

SAMPLE ONLY

Clause 1 Electronic Transactions (ECM Courts) Amendment (Consumer, Trader and Tenancy Tribunal) Order 2010

Electronic Transactions (ECM Courts) Amendment (Consumer, Trader and Tenancy Tribunal) Order 2010

under the

Electronic Transactions Act 2000

1 Name of Order

This Order is the *Electronic Transactions (ECM Courts) Amendment (Consumer, Trader and Tenancy Tribunal) Order 2010*.

2 Commencement

This Order commences on 1 May 2010 and is required to be published on the NSW legislation website.

SAMPLE ONLY

Electronic Transactions (ECM Courts) Amendment (Consumer, Trader and Tenancy Tribunal) Order 2010

Amendment of Electronic Transactions (ECM Courts) Order 2005

Schedule 1

Schedule 1 Amendment of Electronic Transactions (ECM Courts) Order 2005

[1] Clause 3 Definitions

Insert in alphabetical order in clause 3 (1):

CTTT Online means the electronic case management system of that name that has been established under section 14B of the Act.

[2] Clause 7

Insert after clause 6:

7 Authority to use CTTT Online

Pursuant to section 14C of the Act, CTTT Online is authorised to be used by any court specified in Column 1 of Schedule 4 for any purpose specified in Column 2 of that Schedule in relation to that court.