

Act 1993 No. 48

**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).

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**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.

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\* Amended in committee — see table at end of volume.

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

**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.

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**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).

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