

# **SUBORDINATE LEGISLATION AMENDMENT BILL 2009**

## **NOTES ON CLAUSES**

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| Clause 1 | Short title  |
| Clause 2 | Provides for all provisions in the Act to commence on the date of Royal Assent.  |
| Clause 3 | Defines the Subordinate Legislation Act 1992 as the Principal Act.   |
| Clause 4 | Amends section 6 of the Principal Act so that a regulatory impact statement is not required if the proposed subordinate legislation has previously been subject to consultation under the Living Marine Resources Management Act 1995, the Environmental Management and Pollution Control Act 1994 or any other Act as specified by an Order, provided that the other requirements of the Subordinate Legislation Act are met.   |
| Clause 5 | Amends section 9 of the Principal Act so that the Parliamentary Standing Committee on Subordinate Legislation must be given an explanation of any significant changes made to the subordinate legislation following a regulatory impact statement process.   |
| Clause 6 | <p>Amends section 11 of the Principal Act to allow the repeal date for subordinate legislation to be extended in certain strictly defined circumstances by way of an Order by the Governor, for a period of up to two years.</p> <p>This clause permits an extension of the repeal date if the Treasurer certifies that there are factors outside the control of the responsible agency, or factors that could not have been reasonably foreseen, that make it highly desirable for the subordinate legislation to continue and not be remade or repealed.</p> <p>This clause also allows an extension where the Treasurer certifies that there are justifiable reasons for extending the relevant legislation and it is not expected that the legislation will be remade.</p> |
| Clause 7 | Removes redundant parts of section 14 of the Principal Act that relate to orders under a section of the Act that ceased to have affect in 1995.  |

- Clause 8      Amends Schedule 3 of the Principal Act so that an exemption from the requirement to prepare a regulatory impact statement only applies in cases where there is very similar legislation in another jurisdiction and an assessment of the costs and benefits was undertaken in that jurisdiction, which substantially meets the requirements of a regulatory impact statement under the Act.
- Clause 9      Revokes orders that are redundant as they relate to a section of the Act that ceased to have effect in 2005.