

TASMANIA

LEGISLATION PUBLICATION AMENDMENT BILL 2013

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LEGISLATION PUBLICATION AMENDMENT BILL 2013

This Public Bill originated in the House of Assembly, and, having this day passed, is now ready for presentation to the Legislative Council for its concurrence.

P. R. ALCOCK, *Clerk of the House*
21 May 2013

*(Brought in by the Premier, the Honourable Larissa Tahireh
Giddings)*

A BILL FOR

An Act to amend the *Legislation Publication Act 1996*

Be it enacted by His Excellency the Governor of Tasmania, by and with the advice and consent of the Legislative Council and House of Assembly, in Parliament assembled, as follows:

PART 1 – PRELIMINARY

1. Short title

This Act may be cited as the *Legislation Publication Amendment Act 2013*.

2. Commencement

This Act commences on the day on which this Act receives the Royal Assent.

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Part 2 – Legislation Publication Act 1996 Amended

**PART 2 – LEGISLATION PUBLICATION ACT 1996
AMENDED**

3. Principal Act

In this Part, the *Legislation Publication Act 1996** is referred to as the Principal Act.

4. Section 3 amended (Interpretation)

Section 3 of the Principal Act is amended as follows:

- (a) by inserting the following definitions after the definition of *minor error*:

original Act means an Act on which the Royal Assent has been signified;

original statutory rule means a statutory rule containing the signature or seal of the person or body that made the statutory rule;

- (b) by inserting the following definition after the definition of *reprint change*:

State Archivist means the person appointed as State Archivist under section 7 of the *Archives Act 1983*;

*No. 17 of 1996

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5. Section 6 amended (Authorised versions of Acts and statutory rules)

Section 6 of the Principal Act is amended as follows:

- (a) by omitting subsections (3), (3A) and (4) and substituting the following subsections:
 - (3) The authorised version of an Act that is not on the database is that Act as transmitted to the Archives Office of Tasmania in accordance with section 32.
 - (4) Subject to subsection (8), the authorised version of an Act passed before the commencement of this Act and not on the database, as at a particular date before the commencement of this Act, is that original Act, as transmitted to the Archives Office of Tasmania in accordance with section 32, read and construed with any Act amending that Act as so transmitted.
- (b) by omitting from subsection (5) “subsections (6) and (7)” and substituting “subsections (6), (6A), (6B), (7) and (7A)”;
- (c) by omitting subsections (6), (6A) and (7) and substituting the following subsections:

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- (6) The authorised version of a statutory rule, other than a statutory rule made by the judges of the Supreme Court, made before the commencement of this Act and not on the database is that original statutory rule as transmitted to the Archives Office of Tasmania in accordance with section 32A.
- (6A) The authorised version of a statutory rule, other than a statutory rule made by the judges of the Supreme Court, made on or after the commencement of this Act and not on the database is that original statutory rule as transmitted to the Archives Office of Tasmania in accordance with section 32A.
- (6B) The authorised version of a statutory rule made by the judges of the Supreme Court and not on the database is that original statutory rule as held among the records of the Supreme Court and transmitted to the Archives Office of Tasmania in accordance with section 32A.
- (7) Subject to subsection (8), the authorised version of a statutory rule, other than a statutory rule made by the judges of the

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Supreme Court, that is not on the database as at a particular date is that original statutory rule, as transmitted to the Archives Office of Tasmania in accordance with section 32A, read and construed with any statutory rule amending that statutory rule as so transmitted.

- (7A) Subject to subsection (8), the authorised version of a statutory rule made by the judges of the Supreme Court that is not on the database as at a particular date is that original statutory rule, as kept among the records of the Supreme Court and transmitted to the Archives Office of Tasmania in accordance with section 32A, read and construed with any statutory rule as so deposited and transmitted.

6. Section 32 substituted

Section 32 of the Principal Act is repealed and the following sections are substituted:

32. Custody of Acts

- (1) The Registrar of the Supreme Court must, as soon as practicable after the commencement of the *Legislation Publication Amendment Act 2013*, transmit to the Archives Office of

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Part 2 – Legislation Publication Act 1996 Amended

Tasmania, after consultation with the State Archivist, all original Acts held among the records of the Supreme Court immediately before the commencement of that Act.

- (2) The Clerk of the Legislative Council must, as soon as practicable after the commencement of the *Legislation Publication Amendment Act 2013*, transmit to the Archives Office of Tasmania, after consultation with the State Archivist, that Act and all original Acts that receive the Royal Assent on or after the commencement of that Act.

32A. Custody of statutory rules and certain other rules

- (1) The Secretary of the responsible Department in relation to the *Justices Act 1959* must, as soon as practicable after the commencement of the *Legislation Publication Amendment Act 2013*, transmit to the Archives Office of Tasmania, after consultation with the State Archivist, all original statutory rules, other than statutory rules or other rules made by the judges of the Supreme Court, held among the records of that department immediately before the commencement of that Act.
- (2) The Chief Parliamentary Counsel must, as soon as practicable after the commencement of the *Legislation*

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Publication Amendment Act 2013, transmit to the Archives Office of Tasmania, after consultation with the State Archivist, all original statutory rules, other than statutory rules or other rules made by the judges of the Supreme Court, held among the records of the Office of Parliamentary Counsel immediately before the commencement of that Act.

- (3) The Registrar of the Supreme Court must, as soon as practicable after the commencement of the *Legislation Publication Amendment Act 2013*, transmit to the Archives Office of Tasmania, after consultation with the State Archivist, all original statutory rules made by the judges of the Supreme Court and held among the records of the Supreme Court immediately before the commencement of that Act.
- (4) The Chief Parliamentary Counsel must transmit all original statutory rules, other than statutory rules or other rules made by the judges of the Supreme Court, made in each year on or after the commencement of the *Legislation Publication Amendment Act 2013* to the Archives Office of Tasmania by not later than 31 January in the following year.
- (5) The Registrar of the Supreme Court must transmit all original statutory rules made in each year on or after the

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commencement of the *Legislation Publication Amendment Act 2013* by the judges of the Supreme Court to the Archives Office of Tasmania by not later than 31 January in the following year.

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Part 3 – Rules Publication Act 1953 Amended

s. 7

PART 3 – RULES PUBLICATION ACT 1953 AMENDED

7. Principal Act

In this Part, the *Rules Publication Act 1953** is referred to as the Principal Act.

8. Section 9 amended (Regulations)

Section 9(1) of the Principal Act is amended as follows:

- (a) by omitting from paragraph (f) “Counsel; and” and substituting “Counsel.”;
- (b) by omitting paragraph (g).

*No. 50 of 1953

Legislation Publication Amendment Act 2013
Act No. of

s. 9

Part 4 – Rules Publication Regulations 2008 Amended

**PART 4 – RULES PUBLICATION REGULATIONS 2008
AMENDED**

9. Principal Regulations

In this Part, the *Rules Publication Regulations 2008** are referred to as the Principal Regulations.

10. Part 3 rescinded

Part 3 of the Principal Regulations is rescinded.

*S.R. 2008, No. 15

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Part 5 – Miscellaneous

s. 11

PART 5 – MISCELLANEOUS

11. Further amendment of regulations not prevented

Nothing in section 10 is to be taken as preventing the subsequent amendment or rescission of the *Rules Publication Regulations 2008* by a subsequent regulation.

12. Repeal of Act

This Act is repealed on the three hundred and sixty fifth day from the day on which it commences.