

TASMANIA

SUBORDINATE LEGISLATION AMENDMENT BILL 2009

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**SUBORDINATE LEGISLATION AMENDMENT
BILL 2009**

*(Brought in by the Premier, the Honourable David John
Bartlett)*

A BILL FOR

**An Act to amend the *Subordinate Legislation Act 1992* and
consequently revoke certain orders made under that Act**

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:

1. Short title

This Act may be cited as the *Subordinate
Legislation Amendment Act 2009*.

2. Commencement

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

3. Principal Act

In this Act, the *Subordinate Legislation Act
1992** is referred to as the Principal Act.

*No. 30 of 1992

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4. Section 6 amended (Regulatory impact statements not necessary in certain cases)

Section 6 of the Principal Act is amended by inserting after paragraph (a) the following paragraph:

(ab) the Secretary certifies in writing that –

- (i) public consultation in respect of the proposed subordinate legislation has been carried out under the *Environmental Management and Pollution Control Act 1994*, the *Living Marine Resources Management Act 1995* or an Act specified by order by the Governor; and
- (ii) the process by which the public consultation has been carried out wholly or substantially corresponds to the process specified in section 5(2)(a), (b) and (c); or

5. Section 9 amended (Certain documents to be sent to Subordinate Legislation Committee)

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

- (a) by omitting from subparagraph (ii) “section 5(2)(a)(iv).” and substituting “section 5(2)(a)(iv); and”;

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(b) by inserting the following subparagraph after subparagraph (ii):

(iii) a written statement of any significant changes made to the subordinate legislation following the consultation process under section 5(2).

6. Section 11 amended (Staged repeal of subordinate legislation)

Section 11 of the Principal Act is amended as follows:

(a) by omitting subsection (1);

(b) by omitting subsections (5) and (6) and substituting the following subsections:

(5) Subject to subsections (6) and (7), the Governor, by order, may postpone by a period not exceeding 2 years the date on which any subordinate legislation specified in the order would otherwise be repealed under subsection (2).

(6) An order of postponement under subsection (5) may not be made unless the Treasurer certifies in writing that –

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- (a) the circumstances requiring the postponement –
 - (i) are beyond the control of the responsible Department; or
 - (ii) could not reasonably have been foreseen before the responsible Minister determined that the relevant subordinate legislation would be required to be remade; or
 - (b) the relevant subordinate legislation, though still required for the period of postponement, is not expected to be required after that period.
- (7) An order under subsection (5) is to be made before the date on which the subordinate legislation to which the order applies would, but for the order, be repealed under subsection (2).

7. Section 14 substituted

Section 14 of the Principal Act is repealed and the following section is substituted:

14. Regulations

The Governor may make regulations for the purposes of this Act.

8. Schedule 3 amended (Exempt Matters and Categories)

Part 1 of Schedule 3 to the Principal Act is amended as follows:

- (a) by omitting item 3 and substituting the following item:

3. Matters arising under legislation that is substantially uniform with or complementary to legislation of the Commonwealth or another State or a Territory, where –

- (a) an assessment of the costs and benefits that is relevant to Tasmania has already been made; and
- (b) the process by which that assessment has been made wholly or substantially corresponds to the process specified in

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section 5(2)(a), (b) and
(c).

(b) by omitting from item 8 “section 11(5) or
14(2)” and substituting “section 11(5)”.

9. Legislation revoked

The legislation specified in Schedule 1 is
revoked.

SCHEDULE 1 – LEGISLATION REVOKED

Section 9

Subordinate Legislation Order 1995 (No. 126 of 1995)

Subordinate Legislation Order (No. 2) 1995 (No. 145 of 1995)

Subordinate Legislation Order (No. 3) 1995 (No. 189 of 1995)

Subordinate Legislation Order (No. 4) 1995 (No. 190 of 1995)

Subordinate Legislation Order 1996 (No. 98 of 1996)

Subordinate Legislation Order (No. 2) 1996 (No. 195 of 1996)

Subordinate Legislation Order (No. 3) 1996 (No. 196 of 1996)

Subordinate Legislation Order (No. 4) 1996 (No. 197 of 1996)

Subordinate Legislation Order 1997 (No. 157 of 1997)

Subordinate Legislation Order 1998 (No. 175 of 1998)

Subordinate Legislation Order 1999 (No. 174 of 1999)

Subordinate Legislation Order 2000 (No. 233 of 2000)

Subordinate Legislation Order 2001 (No. 165 of 2001)

Subordinate Legislation Order 2002 (No. 154 of 2002)

Subordinate Legislation Order 2003 (No. 176 of 2003)

Subordinate Legislation Order 2004 (No. 149 of 2004)