



Parliamentary Standing Committee
on
Subordinate Legislation

Legislative requirements and committee practice

Purpose: This checklist is a tool to be used by departments, agencies and local government when preparing supporting documentation packages for consideration of the Parliamentary Standing Committee on Subordinate Legislation (the Committee).

What type of subordinate legislation falls within scope of the Committee's scrutiny remit?

The Committee's function is to examine every regulation, by-law and rule made by an entity under a power delegated to the entity by the parliament. Section 2 of the [Subordinate Legislation Committee Act 1969](#) (SLC Act) provides that regulation means a regulation, rule or by-law that is made under an Act and is required by law to be laid before both Houses of Parliament, but does not include rules of court made by the judges, or by a majority of them, under the authority of an Act. Essentially regulations comprise all subordinate legislation made by the Governor-in-Council, but generally does not include orders, proclamations, notices or rules of the Supreme Court.

By-laws are those made by municipal councils, marine boards and other semi-government authorities.

The Committee also examines other subordinate legislation referred to it by Acts.

Certain documents to be submitted to the Committee

Section 9 of the [Subordinate Legislation Act 1992](#) (SLA) requires the responsible minister must send to the Committee within seven days from gazettal or, where notification of its making is not required, within seven days of the subordinate legislation being made copies of the following documents where applicable:

- ☐ Covering letter from the responsible minister attaching the following documents where applicable.
- ☐ Copy of advice given by the Chief Parliamentary Counsel (s. 7 SLA).
- ☐ Copy of relevant certificate issued by Secretary of Department of Treasury and Finance (s. 5 SLA).
- ☐ Copy of Regulatory Impact Statement (RIS) (if one was required to be prepared)
- ☐ Copies of any written comments and submissions received as a result of any public consultation process undertaken.
- ☐ Copy of certificate of compliance if required (s. 4 SLA).
- ☐ Fact Sheet (see below for further detail).
- ☐ Copy of previous subordinate legislation if the subordinate legislation before the Committee is amending or remaking existing subordinate legislation.

Please note: In relation to subordinate legislation that is exempt from the SLA but falls within s. 2 of SLC — the Committee should receive a copy of advice given by the Chief Parliamentary Counsel and a Fact Sheet.

Fact Sheet

The Committee also requests a Fact Sheet be provided to accompany the above documents. This is not a legislative requirement under the SLC or SLA. The Fact Sheet should provide where applicable the following information:

- ☐ Summary of what the subordinate legislation achieves and reasons for the subordinate legislation. If the subordinate legislation is remade, outline any changes along with explanation.
- ☐ Consultation undertaken in the preparation of the subordinate legislation and outcomes.
- ☐ Explanation of any fee increase and amount of increase.

By-laws (Local Government)

Municipal Councils should provide the Committee within seven days of the by-laws being published in the [Gazette](#) as follows:

- ☐ Copy of Statement and Purpose and Effect which includes outcomes of public consultation in respect of the by-law.
- ☐ Copy of RIS, as approved by the Director of Local Government.
- ☐ Copy of certified by-laws (as published in the gazette).

Forward documents to

Please forward all relevant documents (**preferably electronically**) to:

Parliamentary Standing Committee on Subordinate Legislation
c/o subleg@parliament.tas.gov.au

Hardcopies may be posted to:

Parliamentary Standing Committee on Subordinate Legislation
Parliament of Tasmania
Parliament House
HOBART TAS 7000

Tabling requirement in both Houses of Parliament

In accordance with s. 47(3) of the [Acts Interpretation Act 1931](#) subordinate legislation must be tabled within the first ten sitting days of both Houses of Parliament after the making of the subordinate legislation or the notification of its making is published in the [Gazette](#). Whilst the tabling is not a legislative requirement of this Committee, the Committee's practice is to monitor tabling requirements and will generally not examine subordinate legislation until the tabling requirement has been met.

The links below provide information in relation to the tabling process for each House of Parliament.

[House of Assembly](#)

[Legislative Council](#)

Further information

For more information about the Committee:

VISIT

Webpage: <https://www.parliament.tas.gov.au/committees/joint-committees/standing-committees/subordinatelegislation>

CALL

The Committee Secretary on (03) 6212 2320

EMAIL

subleg@parliament.tas.gov.au