

1991

THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA

THE SENATE

(Presented and read a first time, 20 June 1991)

(SENATOR HARRADINE)

A BILL

for

**An Act to amend the *Acts Interpretation Act 1901*
relating to delegated legislation**

BE IT ENACTED by the Queen, and the Senate and the House of Representatives of the Commonwealth of Australia, as follows:

Short title etc.

1.(1) This Act may be cited as the *Acts Interpretation (Delegated*
5 *Legislation) Amendment Act 1991*.

(2) The *Acts Interpretation Act 1901* is in this Act referred to as the Principal Act.

Commencement

2. This Act shall come into operation on the day on which it receives
10 the Royal Assent.

Draft regulations

3. Section 48 of the Principal Act is amended by inserting after subsection (1) the following subsections:

“(1A) Subject to sub-section (1C), regulations shall not be made under an Act unless a draft of the regulations has been notified and made available in accordance with sub-section (1B) not less than 60 days before the day on which the regulations are made.

“(1B) Draft regulations under sub-section (1A):

- (a) shall be notified in the *Gazette* ;
- (b) shall be available to the public, by sale or otherwise, at places specified in the notification, on and after the day of notification; and
- (c) shall be laid before each House of the Parliament within 5 sitting days of that House after the day of notification.

“(1C) Where the Governor-general certifies, in writing, that it is necessary, by reason of circumstances of urgency, for regulations specified in the certificate to be made contrary to sub-section (1A), those regulations may be made accordingly.

“(1D) A certificate signed under sub-section (1C):

- (a) shall be published in the *Gazette* ; and
- (b) shall be laid before each House of the Parliament within 5 sitting days of that House after the day on which the certificate is signed.”.

Retrospective regulations

4. Section 48 of the Principal Act is amended by omitting from subsection (2) “shall not be expressed to take effect” and substituting “shall not take effect, whether by express provision or otherwise.”.

Parts of regulations

5. The Principal Act is amended by inserting after section 49 the following section:

“49AA. In sub-sections 48(4), (5), (5A), (6) and (7) and section 49, a reference to regulations includes a reference to parts of regulations and a reference to a regulation includes a reference to parts of a regulation.”.



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