



AUSTRALIAN CAPITAL TERRITORY

Subordinate Laws (Amendment) Act 1994

No. 12 of 1994

An Act to amend the *Subordinate Laws Act 1989*

[Notified in ACT Gazette S74: 6 May 1994]

The Legislative Assembly for the Australian Capital Territory enacts as follows:

Short title

1. This Act may be cited as the *Subordinate Laws (Amendment) Act 1994*.

Commencement

2. This Act commences on the day on which it is notified in the *Gazette*.

Principal Act

3. In this Act, “Principal Act” means the *Subordinate Laws Act 1989*.¹

Notification, tabling, disallowance and amendment

4. Section 6 of the Principal Act is amended—

- (a) by inserting in subsection (7A) “or amend” after “disallow”;
- (b) by adding at the end of subsection (7A) “, or shall be deemed to have been amended, as the case requires”;
- (c) by inserting in subsection (7B) “or amend” after “disallow”;
- (d) by omitting from subsection (7B) “and (7A)” and substituting “, (7A) and (11)”;
- (e) by omitting subsections (11) and (12) and substituting the following subsections:

“(11) If the Legislative Assembly, pursuant to a motion of which notice has been given within 15 sitting days after a subordinate law has been laid before it, by resolution amends that law, then, subject to this section, that law is amended and has effect accordingly.

“(12) The relevant Minister shall cause notice of—

- (a) a resolution referred to in subsection (11); or
- (b) the fact that a subordinate law is to be deemed to have been amended by virtue of subsection (7A);

to be published in the *Gazette*.

“(13) An amendment made, or to be deemed to have been made, under this section takes effect—

- (a) on the day on which the notice referred to in subsection (12) is published in the *Gazette*; or
- (b) on the commencement of the subordinate law, or the part of the subordinate law, amended or to be deemed to have been amended, as the case requires;

whichever is the later or, if the amendment otherwise provides, as so provided.

“(14) An amendment made, or to be deemed to have been made, under this section shall, for the purposes of the application of sections 7, 8 and 9, be taken to have been made—

- (a) by a subordinate law under the Act containing the power to make the subordinate law amended or to be deemed to have been amended;
- (b) by the person or body so empowered; and
- (c) in compliance with any condition precedent, and in accordance with any procedural requirement, applicable to the making of such a subordinate law.

“(15) Subject to subsection (16), an amendment of a subordinate law made, or to be deemed to have been made, under this section does not prevent the further amendment or repeal of that subordinate law by a later subordinate law.

“(16) Subsection (10) applies in relation to a subordinate law amended, or to be deemed to have been amended, under this section as if the reference in that subsection to a subordinate law disallowed or to be deemed to have been disallowed were a reference to the first-mentioned subordinate law before being so amended or deemed to have been amended, as the case requires.

“(17) Notwithstanding subsections (7A) and (11), an amendment of a subordinate law made, or to be deemed to have been made, under this section which would, but for this subsection, have the effect of waiving or altering any fee, charge, penalty or other amount payable to the Territory is of no effect.

“(18) Notwithstanding subsections (7A) and (11), an amendment of a subordinate law, other than a regulation, rule or by-law, made, or to be deemed to have been made, under this section is of no effect.

“(19) In this section—

‘relevant Minister’, in relation to a subordinate law, means—

- (a) the Minister administering the Act under which, or the part of the Act for the purposes of which, the subordinate law was made; or
- (b) if there are 2 or more such Ministers—either or any of them;

‘subordinate law’ means—

- (a) regulations, rules or by-laws; or
- (b) a determination made by a Minister pursuant to a provision of an Act empowering him or her to determine, by notice in writing, fees or charges for the purposes of the Act.”

Application

5. The amendments effected by section 4 apply in relation to a subordinate law laid before the Legislative Assembly after the commencement of this Act.

NOTE

1. Reprinted as at 31 August 1991.

[Presentation speech made in Assembly on 15 December 1993]