

EXPLANATORY STATEMENT

AUSTRALIAN CAPITAL TERRITORY
SUBORDINATE LAWS ORDINANCE 1989

ORDINANCE NO. 24 OF 1989

Section 36 of the Australian Capital Territory (Self-Government) Act 1988 establishes the Australian Capital Territory Executive. Section 37 of that Act imposes on the Executive responsibility for the execution and maintenance of enactments and subordinate laws, amongst other things.

The Subordinate Laws Ordinance 1989 makes provision relating to the making and disallowance of subordinate laws.

Much of the Ordinance is a restatement of the law previously contained in the Interpretation Ordinance 1967.

Details of the Ordinance are as follows.

Section 1 provides that the Ordinance may be cited as the Subordinate Laws Ordinance 1989.

Section 2 provides that sections 1 and 2 come into operation on gazettal of the Ordinance. The remaining provisions will come into operation on self-government day.

Section 3 provides for the manner in which a regulation-making power of the Executive conferred on it by other legislation may be exercised.

Section 4 imposes requirements for the numbering and citation of subordinate laws made in each year.

Section 5 provides for, but imposes restrictions on, the exercise of certain powers conferred by laws passed by the Legislative Assembly between the dates of notification and commencement.

Section 6 sets out the requirements with respect to the notification, taking effect, tabling and disallowance of subordinate laws and the legal consequences of a failure to comply with the requirement to table. The provision also deals with the effect of tabling a subordinate law or a provision of a subordinate law that was disallowed within the period of 6 months prior to its being tabled.

Section 7 proscribes Regulations being expressed to take effect from a date before the date of notification where existing rights would be prejudiced or liability would be imposed for past conduct.

Section 8 provides for the extent to which subordinate laws or disallowable instruments may make provision for a matter by applying, adopting or incorporating provisions of other legislation or instruments.

Section 9 applies the provisions of Parts I, II and III of the Interpretation Ordinance 1967 in relation to subordinate laws and instruments of an administrative nature. The section makes further provision for the interpretation and construction of such subordinate laws and instruments having regard to the terms of the primary legislation under which such laws or instruments are issued.

Section 10 makes provision with respect to instruments under other laws that are required to be tabled in the Legislative Assembly and to be made subject to disallowance. Other relevant provisions of this Ordinance are attracted to such instruments by declaring in that other law that the instrument is a disallowable instrument for the purposes of the section.

ISSUED BY THE AUTHORITY OF
THE MINISTER OF STATE FOR
THE ARTS AND TERRITORIES