



SUBORDINATE LEGISLATION (EXPIRY) AMENDMENT ACT 1992

No. 31 of 1992

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ELIZABETHAE II REGINAE

A.D. 1992

No. 31 of 1992

An Act to amend the Subordinate Legislation Act 1978.

[Assented to 21 May 1992]

The Parliament of South Australia enacts as follows:

Short title

1. (1) This Act may be cited as the *Subordinate Legislation (Expiry) Amendment Act 1992*.
- (2) The *Subordinate Legislation Act 1978* is referred to in this Act as “the principal Act”.

Commencement

2. This Act will come into operation on a day to be fixed by proclamation.

Amendment of s. 10—Making of regulations

3. Section 10 of the principal Act is amended by striking out subsection (2).

Insertion of ss. 10aa

4. The following section is inserted after section 10 of the principal Act:

Commencement of regulations

10aa. (1) Subject to this and any other Act, a regulation that is required to be laid before Parliament comes into operation four months after the day on which it is made or from such later date as is specified in the regulation.

- (2) A regulation that is required to be laid before Parliament—

(a) may come into operation on an earlier date specified in the regulation if the Minister responsible for the administration of the Act under which the regulation is made certifies that, in his or her opinion, it is necessary or appropriate that the regulation come into operation on an earlier date;

but

(b) may not come into operation earlier than the date on which it is made unless that earlier operation is authorized by the Act under which the regulation is made.

(3) Subject to any other Act, a regulation that is not required to be laid before Parliament comes into operation on the day on which it is made or from such later date as is specified in the regulation.

(4) A document appearing to be a certificate under subsection (2) will, in the absence of proof to the contrary, be accepted as such in any legal proceedings.

(5) A certificate under subsection (2) cannot be called in question in any legal proceedings.

Amendment of s. 10a—Regulations to be referred to Legislative Review Committee

5. Section 10a of the principal Act is amended by inserting after subsection (1) the following subsection:

(1a) If a Minister issues a certificate under section 10aa (2) in relation to a regulation, the Minister must cause a report setting out the reasons for the issue of the certificate to be given to the Committee as soon as practicable after the making of the regulation.

Amendment of s. 16a—Regulations to which this Part applies

6. Section 16a of the principal Act is amended—

(a) by striking out paragraphs (b) and (e);

and

(b) by striking out paragraph (f) and substituting the following paragraph:

(f) regulations made by a person, body or authority other than the Governor.

Amendment of s. 16b—Expiry of regulations to which this Part applies

7. Section 16b of the principal Act is amended by striking out subsection (1) and substituting the following subsection:

(1) Subject to this Part, a regulation to which this Part applies will, unless it has already expired or been revoked, expire as follows:

(a) a regulation made before 1 January 1976, and all subsequent regulations amending that regulation, will expire on 1 September 1992;

(b) a regulation made on or after 1 January 1976 but before 1 January 1980, and all subsequent regulations amending that regulation, will expire on 1 September 1993;

(c) a regulation made on or after 1 January 1980 but before 1 June 1982, and all subsequent regulations amending that regulation, will expire on 1 September 1994;

(d) a regulation made on or after 1 June 1982 but before 1 April 1984, and all subsequent regulations amending that regulation, will expire on 1 September 1995;

(e) a regulation made on or after 1 April 1984 but before 1 June 1985, and all subsequent regulations amending that regulation, will expire on 1 September 1996;

(f) a regulation made on or after 1 June 1985 but before 1 January 1987, and all subsequent regulations amending that regulation, will expire on 1 September 1997;

- (g) a regulation made on or after 1 January 1987, and all subsequent regulations amending that regulation, will expire on 1 September of the year following the year in which the tenth anniversary of the day on which the regulation was made falls.

Insertion of s. 16c

8. The following section is inserted after section 16b of the principal Act:

Postponement of expiry

16c. (1) The regulations may postpone the expiry of a regulation under this Part for a period or periods not exceeding two years at a time and not exceeding four years in aggregate.

(2) If a regulation postponing the expiry of another regulation is disallowed, that other regulation ceases to have effect—

(a) on the date on which the notice of disallowance is published in the *Gazette*;

or

(b) on the date of expiry,

whichever occurs last.

In the name and on behalf of Her Majesty, I hereby assent to this Bill.

ROMA MITCHELL Governor