



AUSTRALIAN CAPITAL TERRITORY

Subordinate Laws (Amendment) Act 1991

No. 15 of 1991

An Act to amend the *Subordinate Laws Act 1989*

[Notified in ACT Gazette S 30: 30 April 1991]

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 1991*.

Principal Act

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

Notification, tabling and disallowance

3. Section 6 of the Principal Act is amended—

- (a) by omitting from subsection (6) “shall be taken to be void and of no effect” and substituting “ceases to have effect”;

- (b) by omitting subsection (7) and substituting the following subsections:

“(7) 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 disallows that law or a provision of that law, that law or provision ceases to have effect.

“(7A) If, at the expiration of 15 sitting days after notice of a motion to disallow a subordinate law or a provision of a subordinate law has been given in the Legislative Assembly (being notice given within 15 sitting days after the subordinate law was laid before the Legislative Assembly)—

- (a) the notice has not been withdrawn and the motion has not been called on; or
- (b) the motion has been called on and moved and has not been withdrawn or otherwise disposed of;

the subordinate law or provision specified in the motion shall be deemed to have been disallowed and ceases to have effect.

“(7B) If, before the expiration of 15 sitting days after notice of a motion to disallow a subordinate law or a provision of a subordinate law has been given in the Legislative Assembly (being notice given within 15 sitting days after the subordinate law was laid before the Legislative Assembly)—

- (a) the Legislative Assembly is dissolved or expires; and
- (b) at the time of the dissolution or expiry—
 - (i) the notice has not been withdrawn and the motion has not been called on; or
 - (ii) the motion has been called on and moved and has not been withdrawn or otherwise disposed of;

the subordinate law shall, for the purposes of subsections (7) and (7A), be deemed to have been laid before the Legislative Assembly on the first sitting day of the Legislative Assembly after the next general election of members of the Legislative Assembly.”;

- (c) by omitting from subsection (8) “is disallowed or becomes void and of no effect” and substituting “ceases to have effect”;

- (d) by omitting from paragraph (9) (a) “is disallowed or becomes void and of no effect” and substituting “ceases to have effect”;
- (e) by omitting from subsection (9) “of the disallowance or the date on which the relevant law became void and of no effect” and substituting “on which the relevant law ceased to have effect”; and
- (f) by omitting subsection (10) and substituting the following subsection:
 - “(10) If—
 - (a) a subordinate law or a provision of a subordinate law is disallowed or is to be deemed to have been disallowed under this section; and
 - (b) another subordinate law the same in substance, or containing a provision the same in substance, as the law or provision so disallowed or to be deemed to have been disallowed is made within 6 months;that other law or provision is of no effect unless—
 - (c) if the first-mentioned law or provision was disallowed by resolution—the Legislative Assembly has rescinded the resolution; or
 - (d) if the first-mentioned law or provision was to be deemed to have been disallowed—the Legislative Assembly by resolution has approved the making of a subordinate law the same in substance, or containing a provision the same in substance, as the law or provision to be deemed to have been disallowed.”.

NOTE

1. Ordinance No. 24, 1989.

[Presentation speech made in Assembly on 20 March 1991]