

House of Assembly—No 42

As laid on the table and read a first time, 5 April 2012

South Australia

**Subordinate Legislation (Proposals to Vary
Regulations) Amendment Bill 2012**

A BILL FOR

An Act to amend the *Subordinate Legislation Act 1978*.

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The Parliament of South Australia enacts as follows:

Part 1—Preliminary

1—Short title

This Act may be cited as the *Subordinate Legislation (Proposals to Vary Regulations) Amendment Act 2012*.

5 **2—Amendment provisions**

In this Act, a provision under a heading referring to the amendment of a specified Act amends the Act so specified.

Part 2—Amendment of *Subordinate Legislation Act 1978*

3—Insertion of section 10B

10 After section 10A insert:

10B—Proposals to vary regulations

(1) If a regulation has been laid before each House of Parliament in accordance with section 10(3)—

15 (a) the Legislative Review Committee of the Parliament as part of its inquiry into the regulation; or

(b) either House of Parliament, by resolution,

may request that the responsible Minister consider 1 or more variations to the regulation suggested by the Committee or specified in the relevant resolution (as the case may be).

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- (2) A resolution of a House of Parliament is not effective for the purposes of subsection (1) unless—
 - (a) in the case of a regulation that has been laid before the House in accordance with section 10(3)—the resolution is passed in pursuance of a notice of motion given within 14 sitting days (which need not fall within the same session of Parliament) after the regulation was laid before the House; or
 - (b) in the case of a regulation that has been the subject of a report by the Legislative Review Committee of the Parliament in accordance with section 10(5)—the resolution is passed in pursuance of a notice of motion given within 6 sitting days (which need not fall within the same session of Parliament) after the report of the Legislative Review Committee of the Parliament has been made to the House.
 - (3) If a request is made under subsection (1), the responsible Minister must, within 9 sitting days, respond to the request by—
 - (a) in the case of a request under subsection (1)(a)—by written report furnished to the Committee;
 - (b) in the case of a request under subsection (1)(b)—by written report tabled in the relevant House of Parliament.
 - (4) The report must include—
 - (a) an indication of any variation that is to be adopted or given effect to as a result of the request that has been made; and
 - (b) to the extent (if any) that it has been decided not to adopt or give effect to a variation that has been suggested—the reasons for the decision,and may include such other information or material as the responsible Minister thinks fit.
 - (5) In this section—
responsible Minister, in relation to a regulation, means the Minister responsible for the administration of the Act under which the regulation is made.

Schedule 1—Transitional provision

1—Transitional provision

The *Subordinate Legislation Act 1978*, as amended by this Act, applies in relation to a regulation made before or after the commencement of this Act.