

TASMANIA

RULES PUBLICATION REGULATIONS 2018
STATUTORY RULES 2018, No. 11

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RULES PUBLICATION REGULATIONS 2018

I, the Governor in and over the State of Tasmania and its Dependencies in the Commonwealth of Australia, acting with the advice of the Executive Council, make the following regulations under the *Rules Publication Act 1953*.

Dated 27 March 2018.

C. WARNER
Governor

By Her Excellency's Command,

ELISE ARCHER
Minister for Justice

PART 1 – PRELIMINARY

1. Short title

These regulations may be cited as the *Rules Publication Regulations 2018*.

2. Commencement

These regulations take effect on the day on which their making is notified in the *Gazette*.

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Part 1 – Preliminary

3. Interpretation

(1) In these regulations –

Act means the *Rules Publication Act 1953*;

database means database as defined in the
Legislation Publication Act 1996;

department means department as defined in
the *Administrative Arrangements Act*
1990;

exempt instrument means any instrument or
class of instruments that is exempted
under section 4(2) of the Act;

notified includes published.

(2) Without limiting what may constitute the making
of a statutory rule, the exercise by a rule-making
authority of a statutory power that is of a
legislative, and not an executive, character
constitutes the making of a statutory rule.

**PART 2 – MAKING AND PUBLISHING STATUTORY
RULES**

4. Examination and revision of statutory rules

A statutory rule is not to be made unless –

- (a) a draft of the proposed statutory rule has been examined by the Chief Parliamentary Counsel and, if necessary or desirable, revised; and
- (b) the statutory rule conforms to the draft of the proposed statutory rule as so examined or revised.

5. Statutory rules not requiring examination or revision

- (1) Regulation 4 does not apply to any of the following statutory rules unless the Act or other authority under which, or for the purposes of which, the statutory rule is made requires it to be submitted for the approval, sanction, consent or confirmation of the Governor:
 - (a) rules of court made by the judges or a majority of them;
 - (b) a regulation, rule or by-law made under the authority of an Act by –
 - (i) the judges or a majority of them;
or

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- (ii) a rule-making authority with the approval of the judges or a majority of them.
- (2) Also, regulation 4 does not apply to rules of court or other provisions made by the judges or a majority of them under the authority, or for the purposes, of any of the following:
 - (a) a Commonwealth Act;
 - (b) any rule or regulation made under a Commonwealth Act.

6. Printing of statutory rules

A statutory rule is to be printed with the following details specified in it:

- (a) a statement that the statutory rule is printed and numbered in accordance with the Act;
- (b) the date on which the statutory rule was notified in the *Gazette*;
- (c) the name of the department in or by which the statutory rule is administered;
- (d) in the case of a statutory rule that amends another statutory rule and is on the database, the number given to that statutory rule;
- (e) in the case of a statutory rule that –

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- (i) amends another statutory rule;
and
- (ii) was made before 1 January 1954;
and
- (iii) is not on the database –

a reference to the dates and pages of the *Gazette* in which that statutory rule and all subsequent amendments to that statutory rule were notified and, if any amendments were made to that statutory rule on or after 1 January 1954, the numbers given to those amendments;

- (f) in the case of a statutory rule that –
 - (i) amends another statutory rule;
and
 - (ii) was made on or after
1 January 1954; and
 - (iii) is not on the database –

the numbers given to that statutory rule and all subsequent amendments to that statutory rule.

7. Notification of making of statutory rules

- (1) The Government Printer is to publish in the *Gazette* in respect of any statutory rule printed under the Act a notice signed by or on behalf of the Chief Parliamentary Counsel that –

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- (a) specifies –
 - (i) the title of any Act or other authority under or for the purposes of which the statutory rule is made; and
 - (ii) the number given to the statutory rule; and
 - (iii) the title or subject matter of the statutory rule; and
 - (iv) the place where copies of the statutory rule may be obtained; and
 - (b) contains a statement indicating the general purport or effect of the statutory rule.
- (2) A notice referred to in subregulation (1) is to be in a form determined by the Chief Parliamentary Counsel.

8. Annual volume of statutory rules

- (1) The Chief Parliamentary Counsel is to cause an annual volume of statutory rules to be prepared and published.
- (2) The annual volume of statutory rules is to contain –
 - (a) all statutory rules that were printed and numbered during the year to which the volume relates; and

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- (b) a table including –
 - (i) exempt instruments; and
 - (ii) instruments in respect of which the Attorney-General has made a determination under section 2(2) of the Act; and
- (c) any other tables and indexes that the Chief Parliamentary Counsel determines.

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Printed and numbered in accordance with the *Rules Publication Act 1953*.

Notified in the *Gazette* on 27 March 2018.

EXPLANATORY NOTE

(This note is not part of the regulations)

These regulations make provision in relation to –

- (a) the compulsory examination or revision of draft statutory rules before the statutory rules may be made; and
- (b) the form and manner in which statutory rules are to be printed; and
- (c) the manner in which statutory rules are to be notified in the *Gazette*; and
- (d) the preparation and publication of an annual volume of statutory rules.