



Statutory Instruments (Tabling and Disallowance) Legislation Amendment Act 1988

No. 99 of 1988

An Act to amend the law relating to the making of statutory instruments

[Assented to 2 December 1988]

BE IT ENACTED by the Queen, and the Senate and the House of
Representatives of the Commonwealth of Australia, as follows:

PART I—PRELIMINARY

Short title

1. This Act may be cited as the *Statutory Instruments (Tabling and
Disallowance) Legislation Amendment Act 1988*.

Commencement

2. This Act commences on the day on which it receives the Royal
Assent.

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PART II—AMENDMENT OF ACTS INTERPRETATION ACT 1901

Principal Act

3. In this Part, “Principal Act” means the *Acts Interpretation Act 1901*¹.

Disallowable instruments

4. Section 46A of the Principal Act is amended:

- (a) by inserting in paragraph (1) (a) “48A, 48B,” after “48,”;
- (b) by omitting from the end of subparagraph (1) (a) (iii) “and”;
- (c) by inserting after that subparagraph the following subparagraph:
 - “(iiia) references in subsection 48 (7) to another regulation included references to a provision of another instrument made under the enabling provision; and”.

Regulations

5. Section 48 of the Principal Act is amended:

- (a) by omitting from subsection (2) “shall be void and of no effect” and substituting “has no effect”;
- (b) by omitting from subsection (3) “shall be void and of no effect” and substituting “cease to have effect”;
- (c) by omitting from subsection (4) “shall thereupon cease to have effect” and substituting “thereupon ceases to have effect”;
- (d) by omitting from subsections (6) and (7) “becomes void and of no effect” and substituting “ceases to have effect”;
- (e) by omitting from subsection (7) “became void and of no effect” and substituting “ceased to have effect”.

6. After section 48 of the Principal Act the following sections are inserted:

Regulations not to be re-made while required to be tabled

“48A. (1) Where a regulation (in this section called the ‘original regulation’) has been made, no regulation the same in substance as the original regulation shall be made during the period defined by subsection (2) unless both Houses of the Parliament by resolution approve the making of a regulation the same in substance as the original regulation.

“(2) The period referred to in subsection (1) is the period starting on the day on which the original regulation was made and ending at the end of 7 days after:

- (a) if the original regulation has been laid, in accordance with paragraph 48 (1) (c), before both Houses of the Parliament on the same day—that day;
- (b) if the original regulation has been so laid before both Houses on different days—the later of those days; or

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- (c) if the original regulation has not been so laid before both Houses—the last day on which paragraph 48 (1) (c) could have been complied with.

“(3) A regulation made in contravention of this section has no effect.

Regulations not to be re-made while subject to disallowance

“48B. (1) Where notice of a motion to disallow a regulation has been given in a House of the Parliament within 15 sitting days after the regulation has been laid before that House, no regulation the same in substance as the first-mentioned regulation shall be made unless:

- (a) the notice has been withdrawn;
- (b) the regulation is deemed to have been disallowed under subsection 48 (5);
- (c) the motion has been withdrawn or otherwise disposed of; or
- (d) subsection 48 (5A) has applied in relation to the regulation.

“(2) Where:

- (a) because of subsection 48 (5A), a regulation is deemed to have been laid before a House of the Parliament on a particular day; and
- (b) notice of a motion to disallow the regulation has been given in that House within 15 sitting days after that day;

no regulation the same in substance as the first-mentioned regulation shall be made unless:

- (c) the notice has been withdrawn;
- (d) the regulation is deemed to have been disallowed under subsection 48 (5);
- (e) the motion has been withdrawn or otherwise disposed of; or
- (f) subsection 48 (5A) has applied again in relation to the regulation.

“(3) A regulation made in contravention of this section has no effect.

“(4) This section does not limit the operation of section 48A or 49.”.

Disallowed regulations not to be re-made unless resolution rescinded or House approves

7. Section 49 of the Principal Act is amended by omitting from subsection (2) “shall be void and of no effect” and substituting “has no effect”.

PART III—CONSEQUENTIAL AMENDMENTS OF OTHER ACTS

Schedule

8. The Acts set out in the Schedule are amended as provided in the Schedule.

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SCHEDULE

Section 8

CONSEQUENTIAL AMENDMENTS OF OTHER ACTS

1. The following provisions are amended by inserting "48A, 48B," before "49":
 - Aboriginal and Torres Strait Islander Heritage Protection Act 1984*—section 15
 - Aboriginal and Torres Strait Islanders (Queensland Reserves and Communities Self-management) Act 1978*—subsection 10 (7)
 - Aboriginal Councils and Associations Act 1976*—subsection 30 (7A)
 - Aboriginal Land (Lake Condah and Framlingham Forest) Act 1987*—subsections 15 (9) and 23 (9)
 - Aged or Disabled Persons Homes Act 1954*—subsection 9 (4)
 - Australian Broadcasting Corporation Act 1983*—subsection 83 (4)
 - Australian Capital Territory Electricity Supply Act 1962*—subsection 35C (7)
 - Australian Capital Territory Supreme Court Act 1933*—subsection 28 (3)
 - Australian Horticultural Corporation Act 1987*—subsection 122 (3)
 - Australian Meat and Live-stock Corporation Act 1977*—subsection 16M (1)
 - Australian National Railways Commission Act 1983*—subsection 79 (2)
 - Australian Shipping Commission Act 1956*—subsection 47 (2)
 - Bankruptcy Act 1966*—subsection 315 (4)
 - Bass Strait Freight Adjustment Levy Act 1984*—subsection 6 (5)
 - Bounty (Books) Act 1986*—subsections 4 (9) and (10)
 - Bounty (Computers) Act 1984*—subsection 5 (6)
 - Bounty (Metal Working Machines and Robots) Act 1985*—subsections 6 (12), 7 (7) and 8 (8)
 - Broadcasting Act 1942*—subsections 17 (3) and 125E (3)
 - Commonwealth Borrowing Levy Collection Act 1987*—subsection 4 (2)
 - Commonwealth Electoral Act 1918*—subsection 375 (2)
 - Customs Act 1901*—subsections 164 (5B) and 269S (2)
 - Dairy Industry Stabilization Act 1977*—subsection 11A (6)
 - Defence Act 1903*—subsections 58C (1), 116ZD (3) and 123G (3)
 - Defence Force Discipline Act 1982*—subsections 68B (1) and 149 (2)
 - Defence (Special Undertakings) Act 1952*—subsection 15 (2)
 - Disability Services Act 1986*—subsection 31 (2)
 - Environment Protection (Nuclear Codes) Act 1978*—subsections 14 (6) and 15 (4)
 - Excise Act 1901*—subsections 78A (5B) and 78B (4)
 - Excise Tariff Act 1921*—subsection 6B (13)
 - Explosives Act 1961*—subsection 16 (2)
 - Export Control Act 1982*—subsection 25 (4)
 - Extradition (Commonwealth Countries) Act 1966*—subsection 8 (6)
 - Family Law Act 1975*—section 26E and subsections 37A (14) and 123 (2)
 - Federal Airports Corporation Act 1986*—subsection 72 (5)
 - Federal Court of Australia Act 1976*—subsection 59 (4)
 - Fisheries Act 1952*—subsections 7C (3) and 8A (1)
 - Foreign Proceedings (Excess of Jurisdiction) Act 1984*—subsection 15 (1)

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- Health Insurance Act 1973*—subsections 3A (4), 3C (4), 4BC (2), 6 (6), 22 (2), 23DB (5), 23DC (12), 23DF (13), 23DN (9), 78C (3) and 124H (3)
Health Insurance Commission Act 1973—subsection 8J (3)
Horticultural Export Charge Collection Act 1987—subsection 22 (3)
Horticultural Levy Collection Act 1987—subsection 22 (3)
Horticultural Research and Development Corporation Act 1987—subsection 81 (3)
Interstate Road Transport Act 1985—subsection 35 (1)
Judiciary Act 1903—section 87
Liquefied Petroleum Gas (Grants) Act 1980—subsection 6A (5)
Meat Inspection Act 1983—subsection 37 (3)
National Health Act 1953—subsections 5 (3), 45C (2) and 85 (2B)
Navigation Act 1912—subsection 426 (1)
Nuclear Non-proliferation (Safeguards) Act 1987—subsections 4 (7), 11 (10) and 73 (4)
Postal Services Act 1975—subsection 115 (2)
Protection of the Sea (Discharge of Oil from Ships) Act 1981—subsection 22 (1)
Protection of the Sea (Powers of Intervention) Act 1981—subsection 24 (1)
Protection of the Sea (Prevention of Pollution from Ships) Act 1983—subsection 34 (1)
Public Service Act 1922—subsection 82F (1)
Quarantine Act 1908—subsection 86E (4)
Radiocommunications Act 1983—subsections 9 (10), 20 (5), 25 (6) and 41 (8)
States Grants (Tertiary Education Assistance) Act 1984—subsections 31 (3), 36 (3), 42 (3) and 46 (5)
Telecommunications Act 1975—subsection 111 (2)
Telecommunications (Interception) Act 1979—subsection 36 (1)
Veterans' Entitlements Act 1986—subsection 29 (9)
Wildlife Protection (Regulation of Exports and Imports) Act 1982—subsection 9 (2)

2. The following Acts are amended as set out below:

Ashmore and Cartier Islands Acceptance Act 1933

Subsection 10 (1):

Omit “is void and of no effect”, substitute “ceases to have effect”.

Subsections 10 (5) and (5A):

Omit “becomes void and of no effect”, substitute “ceases to have effect”.

Subsection 10 (5A):

Omit “became void and of no effect”, substitute “ceased to have effect”.

Subsections 10 (6) to (9) (inclusive):

Omit the subsections.

After section 10:

Insert the following sections:

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Ordinance not to be re-made while required to be tabled

“10A. (1) Where an Ordinance (in this section called the ‘original Ordinance’) has been made, no Ordinance containing a provision being the same in substance as a provision of the original Ordinance shall be made during the period defined by subsection (2) unless both Houses of the Parliament by resolution approve the making of an Ordinance containing a provision the same in substance as that provision of the original Ordinance.

“(2) The period referred to in subsection (1) is the period starting on the day on which the original Ordinance was made and ending at the end of 7 days after:

- (a) if the original Ordinance has been laid, in accordance with subsection 10 (1), before both Houses of the Parliament on the same day—that day;
- (b) if the original Ordinance has been so laid before both Houses on different days—the later of those days; or
- (c) if the original Ordinance has not been so laid before both Houses—the last day on which subsection 10 (1) could have been complied with.

“(3) If a provision of an Ordinance is made in contravention of this section, the provision has no effect.

Ordinance not to be re-made while subject to disallowance .

“10B. (1) Where notice of a motion to disallow an Ordinance has been given in a House of the Parliament within 15 sitting days after the Ordinance has been laid before that House, no Ordinance containing a provision being the same in substance as a provision of the first-mentioned Ordinance shall be made unless:

- (a) the notice has been withdrawn;
- (b) the Ordinance is deemed to have been disallowed under subsection 10 (3);
- (c) the motion has been withdrawn or otherwise disposed of; or
- (d) subsection 10 (4) has applied in relation to the Ordinance.

“(2) Where:

- (a) because of subsection 10 (4), an Ordinance is deemed to have been laid before a House of the Parliament on a particular day; and
- (b) notice of a motion to disallow the Ordinance has been given in that House within 15 sitting days after that day;

no Ordinance containing a provision being the same in substance as a provision of the first-mentioned Ordinance shall be made unless:

- (c) the notice has been withdrawn;

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- (d) the Ordinance is deemed to have been disallowed under subsection 10 (3);
- (e) the motion has been withdrawn or otherwise disposed of; or
- (f) subsection 10 (4) has applied again in relation to the Ordinance.

“(3) If a provision of an Ordinance is made in contravention of this section, the provision has no effect.

“(4) This section does not limit the operation of section 10A or 10C.

“(5) In this section:

‘Ordinance’ includes a part of an Ordinance.

Disallowed Ordinance not to be re-made unless resolution rescinded or House approves

“10C. If an Ordinance or a part of an Ordinance is disallowed, or is deemed to have been disallowed, under section 10, and an Ordinance containing a provision being the same in substance as a provision so disallowed, or deemed to have been disallowed, is made within 6 months after the date of the disallowance, that provision has no effect, unless:

- (a) in the case of an Ordinance, or a part of an Ordinance, disallowed by resolution—the resolution has been rescinded by the House of the Parliament by which it was passed; or
- (b) in the case of an Ordinance, or a part of an Ordinance, deemed to have been disallowed—the House of the Parliament in which notice of the motion to disallow the Ordinance or part was given has approved, by resolution, the making of a provision the same in substance as the provision deemed to have been disallowed.

Regulations, rules and by-laws

“10D. (1) All regulations made under an Ordinance shall be laid before each House of the Parliament within 15 sitting days of that House after the day on which the regulations are made and, if they are not so laid before each House of the Parliament, have no effect.

“(2) Subsections 10 (2) to (5B), inclusive, and sections 10A, 10B and 10C apply in relation to regulations laid before a House of the Parliament as if, in those provisions, references to an Ordinance were references to regulations and references to a provision of an Ordinance were references to a regulation.

“(3) In this section, ‘regulations’ includes rules and by-laws.”

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Australian Antarctic Territory Act 1954

Subsection 12 (1):

Omit “shall be void and of no effect”, substitute “ceases to have effect”.

Subsection 12 (2):

Omit “shall thereupon cease to have effect”, substitute “thereupon ceases to have effect”.

Subsections 12 (4) and (4A):

Omit “becomes void and of no effect”, substitute “ceases to have effect”.

Subsection 12 (4A):

Omit “became void and of no effect”, substitute “ceased to have effect”.

Subsections 12 (5) to (8) (inclusive):

Omit the subsections.

After section 12:

Insert the following sections:

Ordinance not to be re-made while required to be tabled

“12A. (1) Where an Ordinance (in this section called the ‘original Ordinance’) has been made, no Ordinance containing a provision being the same in substance as a provision of the original Ordinance shall be made during the period defined by subsection (2) unless both Houses of the Parliament by resolution approve the making of an Ordinance containing a provision the same in substance as that provision of the original Ordinance.

“(2) The period referred to in subsection (1) is the period starting on the day on which the original Ordinance was made and ending at the end of 7 days after:

- (a) if the original Ordinance has been laid, in accordance with subsection 12 (1), before both Houses of the Parliament on the same day—that day;
- (b) if the original Ordinance has been so laid before both Houses on different days—the later of those days; or
- (c) if the original Ordinance has not been so laid before both Houses—the last day on which subsection 12 (1) could have been complied with.

“(3) If a provision of an Ordinance is made in contravention of this section, the provision has no effect.

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Ordinance not to be re-made while subject to disallowance

“12B. (1) Where notice of a motion to disallow an Ordinance has been given in a House of the Parliament within 15 sitting days after the Ordinance has been laid before that House, no Ordinance containing a provision being the same in substance as a provision of the first-mentioned Ordinance shall be made unless:

- (a) the notice has been withdrawn;
- (b) the Ordinance is deemed to have been disallowed under subsection 12 (3);
- (c) the motion has been withdrawn or otherwise disposed of; or
- (d) subsection 12 (3A) has applied in relation to the Ordinance.

“(2) Where:

- (a) because of subsection 12 (3A), an Ordinance is deemed to have been laid before a House of the Parliament on a particular day; and
- (b) notice of a motion to disallow the Ordinance has been given in that House within 15 sitting days after that day;

no Ordinance containing a provision being the same in substance as a provision of the first-mentioned Ordinance shall be made unless:

- (c) the notice has been withdrawn;
- (d) the Ordinance is deemed to have been disallowed under subsection 12 (3);
- (e) the motion has been withdrawn or otherwise disposed of; or
- (f) subsection 12 (3A) has applied again in relation to the Ordinance.

“(3) If a provision of an Ordinance is made in contravention of this section, the provision has no effect.

“(4) This section does not limit the operation of section 12A or 12C.

“(5) In this section:

‘Ordinance’ includes a part of an Ordinance.

Disallowed Ordinance not to be re-made unless resolution rescinded or House approves

“12C. If an Ordinance or a part of an Ordinance is disallowed, or is deemed to have been disallowed, under section 12, and an Ordinance containing a provision being the same in substance as a provision so disallowed, or deemed to have been disallowed, is made within 6 months after the date of the disallowance, that provision has no effect, unless:

- (a) in the case of an Ordinance, or a part of an Ordinance, disallowed by resolution—the resolution has been rescinded by the House of the Parliament by which it was passed; or
- (b) in the case of an Ordinance, or a part of an Ordinance, deemed to have been disallowed—the House of the Parliament in which notice

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of the motion to disallow the Ordinance or part was given has approved, by resolution, the making of a provision the same in substance as the provision deemed to have been disallowed.

Regulations, rules and by-laws

“12D. (1) All regulations made under an Ordinance shall be laid before each House of the Parliament within 15 sitting days of that House after the day on which the regulations are made and, if they are not so laid before each House of the Parliament, have no effect.

“(2) Subsections 12 (2) to (4B), inclusive, and sections 12A, 12B and 12C apply in relation to regulations laid before a House of the Parliament as if, in those provisions, references to an Ordinance were references to regulations and references to a provision of an Ordinance were references to a regulation.

“(3) In this section, ‘regulations’ includes rules and by-laws.”

Christmas Island Act 1958

Subsection 10 (1):

Omit “shall be void and of no effect”, substitute “ceases to have effect”.

Subsection 10 (2):

Omit “shall thereupon cease to have effect”, substitute “thereupon ceases to have effect”.

Subsections 10 (4) and (4A):

Omit “becomes void and of no effect”, substitute “ceases to have effect”.

Subsection 10 (4A):

Omit “became void and of no effect”, substitute “ceased to have effect”.

Subsections 10 (5) to (8) (inclusive):

Omit the subsections.

After section 10:

Insert the following sections in Part III:

Ordinance not to be re-made while required to be tabled

“10A. (1) Where an Ordinance (in this section called the ‘original Ordinance’) has been made, no Ordinance containing a provision being the

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same in substance as a provision of the original Ordinance shall be made during the period defined by subsection (2) unless both Houses of the Parliament by resolution approve the making of an Ordinance containing a provision the same in substance as that provision of the original Ordinance.

“(2) The period referred to in subsection (1) is the period starting on the day on which the original Ordinance was made and ending at the end of 7 days after:

- (a) if the original Ordinance has been laid, in accordance with subsection 10 (1), before both Houses of the Parliament on the same day—that day;
- (b) if the original Ordinance has been so laid before both Houses on different days—the later of those days; or
- (c) if the original Ordinance has not been so laid before both Houses—the last day on which subsection 10 (1) could have been complied with.

“(3) If a provision of an Ordinance is made in contravention of this section, the provision has no effect.

Ordinance not to be re-made while subject to disallowance

“10B. (1) Where notice of a motion to disallow an Ordinance has been given in a House of the Parliament within 15 sitting days after the Ordinance has been laid before that House, no Ordinance containing a provision being the same in substance as a provision of the first-mentioned Ordinance shall be made unless:

- (a) the notice has been withdrawn;
- (b) the Ordinance is deemed to have been disallowed under subsection 10 (3);
- (c) the motion has been withdrawn or otherwise disposed of; or
- (d) subsection 10 (3A) has applied in relation to the Ordinance.

“(2) Where:

- (a) because of subsection 10 (3A), an Ordinance is deemed to have been laid before a House of the Parliament on a particular day; and
- (b) notice of a motion to disallow the Ordinance has been given in that House within 15 sitting days after that day;

no Ordinance containing a provision being the same in substance as a provision of the first-mentioned Ordinance shall be made unless:

- (c) the notice has been withdrawn;
- (d) the Ordinance is deemed to have been disallowed under subsection 10 (3);
- (e) the motion has been withdrawn or otherwise disposed of; or
- (f) subsection 10 (3A) has applied again in relation to the Ordinance.

“(3) If a provision of an Ordinance is made in contravention of this section, the provision has no effect.

“(4) This section does not limit the operation of section 10A or 10C.

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“(5) In this section:
‘Ordinance’ includes a part of an Ordinance.

Disallowed ordinance not to be re-made unless resolution rescinded or House approves

“10C. If an Ordinance or a part of an Ordinance is disallowed, or is deemed to have been disallowed, under section 10, and an Ordinance containing a provision being the same in substance as a provision so disallowed, or deemed to have been disallowed, is made within 6 months after the date of the disallowance, that provision has no effect, unless:

- (a) in the case of an Ordinance, or a part of an Ordinance, disallowed by resolution—the resolution has been rescinded by the House of the Parliament by which it was passed; or
- (b) in the case of an Ordinance, or a part of an Ordinance, deemed to have been disallowed—the House of the Parliament in which notice of the motion to disallow the Ordinance or part was given has approved, by resolution, the making of a provision the same in substance as the provision deemed to have been disallowed.

Regulations, rules and by-laws

“10D. (1) All regulations made under an Ordinance or any other law (not being an Act) in force in the Territory shall be laid before each House of the Parliament within 15 sitting days of that House after the day on which the regulations are made and, if they are not so laid before each House of the Parliament, have no effect.

“(2) Subsections 10 (2) to (4B), inclusive, and sections 10A, 10B and 10C apply in relation to regulations laid before a House of the Parliament as if, in those provisions, references to an Ordinance were references to regulations and references to a provision of an Ordinance were references to a regulation.

“(3) In this section, ‘regulations’ includes rules and by-laws.”.

Cocos (Keeling) Islands Act 1955

Subsection 13 (1):

Omit “shall be void and of no effect”, substitute “ceases to have effect”.

Subsection 13 (2):

Omit “shall thereupon cease to have effect”, substitute “thereupon ceases to have effect”.

Subsections 13 (4) and (4A):

Omit “becomes void and of no effect”, substitute “ceases to have effect”.

Subsection 13 (4A):

Omit “became void and of no effect”, substitute “ceased to have effect”.

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SCHEDULE—continued

Subsections 13 (5) to (8) (inclusive):

Omit the subsections.

After section 13:

Insert the following sections in Part III:

Ordinance not to be re-made while required to be tabled

“13A. (1) Where an Ordinance (in this section called the ‘original Ordinance’) has been made, no Ordinance containing a provision being the same in substance as a provision of the original Ordinance shall be made during the period defined by subsection (2) unless both Houses of the Parliament by resolution approve the making of an Ordinance containing a provision the same in substance as that provision of the original Ordinance.

“(2) The period referred to in subsection (1) is the period starting on the day on which the original Ordinance was made and ending at the end of 7 days after:

- (a) if the original Ordinance has been laid, in accordance with subsection 13 (1), before both Houses of the Parliament on the same day—that day;
- (b) if the original Ordinance has been so laid before both Houses on different days—the later of those days; or
- (c) if the original Ordinance has not been so laid before both Houses—the last day on which subsection 13 (1) could have been complied with.

“(3) If a provision of an Ordinance is made in contravention of this section, the provision has no effect.

Ordinance not to be re-made while subject to disallowance

“13B. (1) Where notice of a motion to disallow an Ordinance has been given in a House of the Parliament within 15 sitting days after the Ordinance has been laid before that House, no Ordinance containing a provision being the same in substance as a provision of the first-mentioned Ordinance shall be made unless:

- (a) the notice has been withdrawn;
- (b) the Ordinance is deemed to have been disallowed under subsection 13 (3);
- (c) the motion has been withdrawn or otherwise disposed of; or
- (d) subsection 13 (3A) has applied in relation to the Ordinance.

“(2) Where:

- (a) because of subsection 13 (3A), an Ordinance is deemed to have been laid before a House of the Parliament on a particular day; and
- (b) notice of a motion to disallow the Ordinance has been given in that House within 15 sitting days after that day;

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no Ordinance containing a provision being the same in substance as a provision of the first-mentioned Ordinance shall be made unless:

- (c) the notice has been withdrawn;
- (d) the Ordinance is deemed to have been disallowed under subsection 13 (3);
- (e) the motion has been withdrawn or otherwise disposed of; or
- (f) subsection 13 (3A) has applied again in relation to the Ordinance.

“(3) If a provision of an Ordinance is made in contravention of this section, the provision has no effect.

“(4) This section does not limit the operation of section 13A or 13C.

“(5) In this section:

‘Ordinance’ includes a part of an Ordinance.

Disallowed Ordinance not to be re-made unless resolution rescinded or House approves

“13C. If an Ordinance or a part of an Ordinance is disallowed, or is deemed to have been disallowed, under section 13, and an Ordinance containing a provision being the same in substance as a provision so disallowed, or deemed to have been disallowed, is made within 6 months after the date of the disallowance, that provision has no effect, unless:

- (a) in the case of an Ordinance, or a part of an Ordinance, disallowed by resolution—the resolution has been rescinded by the House of the Parliament by which it was passed; or
- (b) in the case of an Ordinance, or a part of an Ordinance, deemed to have been disallowed—the House of the Parliament in which notice of the motion to disallow the Ordinance or part was given has approved, by resolution, the making of a provision the same in substance as the provision deemed to have been disallowed.

Regulations, rules and by-laws

“13D. (1) All regulations made under an Ordinance shall be laid before each House of the Parliament within 15 sitting days of that House after the day on which the regulations are made and, if they are not so laid before each House of the Parliament, have no effect.

“(2) Subsections 13 (2) to (4B), inclusive, and sections 13A, 13B and 13C apply in relation to regulations laid before a House of the Parliament as if, in those provisions, references to an Ordinance were references to regulations and references to a provision of an Ordinance were references to a regulation.

“(3) In this section, ‘regulations’ includes rules and by-laws.”

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SCHEDULE—continued

Coral Sea Islands Act 1969

Subsection 7 (1):

Omit 'is void and of no effect', substitute "ceases to have effect".

Subsections 7 (5) and (5A):

Omit "becomes void and of no effect", substitute "ceases to have effect".

Subsection 7 (5A):

Omit "became void and of no effect", substitute "ceased to have effect".

Subsections 7 (6) to (9) (inclusive):

Omit the subsections.

After section 7:

Insert the following sections:

Ordinance not to be re-made while required to be tabled

"7A. (1) Where an Ordinance (in this section called the 'original Ordinance') has been made, no Ordinance containing a provision being the same in substance as a provision of the original Ordinance shall be made during the period defined by subsection (2) unless both Houses of the Parliament by resolution approve the making of an Ordinance containing a provision the same in substance as that provision of the original Ordinance.

"(2) The period referred to in subsection (1) is the period starting on the day on which the original Ordinance was made and ending at the end of 7 days after:

- (a) if the original Ordinance has been laid, in accordance with subsection 7 (1), before both Houses of the Parliament on the same day—that day;
- (b) if the original Ordinance has been so laid before both Houses on different days—the later of those days; or
- (c) if the original Ordinance has not been so laid before both Houses—the last day on which subsection 7 (1) could have been complied with.

"(3) If a provision of an Ordinance is made in contravention of this section, the provision has not effect.

Ordinance not to be re-made while subject to disallowance

"7B. (1) Where notice of a motion to disallow an Ordinance has been given in a House of the Parliament within 15 sitting days after the Ordinance has been laid before that House, no Ordinance containing a provision being the same in substance as a provision of the first-mentioned Ordinance shall be made unless:

- (a) the notice has been withdrawn;

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- (b) the Ordinance is deemed to have been disallowed under subsection 7 (3);
- (c) the motion has been withdrawn or otherwise disposed of; or
- (d) subsection 7 (4) has applied in relation to the Ordinance.

“(2) Where:

- (a) because of subsection 7 (4), an Ordinance is deemed to have been laid before a House of the Parliament on a particular day; and
- (b) notice of a motion to disallow the Ordinance has been given in that House within 15 sitting days after that day;

no Ordinance containing a provision being the same in substance as a provision of the first-mentioned Ordinance shall be made unless:

- (c) the notice has been withdrawn;
- (d) the Ordinance is deemed to have been disallowed under subsection 7 (3);
- (e) the motion has been withdrawn or otherwise disposed of; or
- (f) subsection 7 (4) has applied again in relation to the Ordinance.

“(3) If a provision of an Ordinance is made in contravention of this section, the provision has no effect.

“(4) This section does not limit the operation of section 7A or 7C.

“(5) In this section:

‘Ordinance’ includes a part of an Ordinance.

Disallowed Ordinance not to be re-made unless resolution rescinded or House approves

“7C. If an Ordinance or a part of an Ordinance is disallowed, or is deemed to have been disallowed, under section 7, and an Ordinance containing a provision being the same in substance as a provision so disallowed, or deemed to have been disallowed, is made within 6 months after the date of the disallowance, that provision has no effect, unless:

- (a) in the case of an Ordinance, or a part of an Ordinance, disallowed by resolution—the resolution has been rescinded by the House of the Parliament by which it was passed; or
- (b) in the case of an Ordinance, or a part of an Ordinance, deemed to have been disallowed—the House of the Parliament in which notice of the motion to disallow the Ordinance or part was given has approved, by resolution, the making of a provision the same in substance as the provision deemed to have been disallowed.

Regulations, rules and by-laws

“7D. (1) All regulations made under an Ordinance shall be laid before each House of the Parliament within 15 sitting days of that House after the day on which the regulations are made and, if they are not so laid before each House of the Parliament, have no effect.

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SCHEDULE—continued

“(2) Subsections 7 (2) to (5B), inclusive, and sections 7A, 7B and 7C apply in relation to regulations laid before a House of the Parliament as if, in those provisions, references to an Ordinance were references to regulations and references to a provision of an Ordinance were references to a regulation.

“(3) In this section, ‘regulations’ includes rules and by-laws.”.

Crimes (Foreign Incursions and Recruitment) Act 1978

Subsection 9 (4):

Omit “section 49”, substitute “sections 48A, 48B and 49”.

Environment Protection (Impact of Proposals) Act 1974

Subsection 7 (2):

Omit “shall be void and of no effect”, substitute “ceases to have effect”.

Subsection 7 (3):

Omit “shall thereupon cease to have effect”, substitute “thereupon ceases to have effect”.

Subsections 7 (6) and (7):

Omit “becomes void and of no effect”, substitute “ceases to have effect”.

Subsection 7 (7):

Omit “became void and of no effect”, substitute “ceased to have effect”.

After section 7:

Insert the following sections:

Order not to be re-made while required to be tabled

“7A. (1) Where an order (in this section called the ‘original order’) has been made, no order containing a provision being the same in substance as a provision of the original order shall be made during the period defined by subsection (2) unless both Houses of the Parliament by resolution approve the making of an order containing a provision the same in substance as that provision of the original order.

“(2) The period referred to in subsection (1) is the period starting on the day on which the original order was made and ending at the end of 7 days after:

- (a) if the original order has been laid, in accordance with subsection 7 (1), before both Houses of the Parliament on the same day—that day;
- (b) if the original order has been so laid before both Houses on different days—the later of those days; or
- (c) if the original order has not been so laid before both Houses—the last day on which subsection 7 (1) could have been complied with.

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SCHEDULE—continued

“(3) If a provision of an order is made in contravention of this section, the provision has no effect.

Order not to be re-made while subject to disallowance

“7B. (1) Where notice of a motion to disallow an order has been given in a House of the Parliament within 15 sitting days after the order has been laid before that House, no order containing a provision being the same in substance as a provision of the first-mentioned order shall be made unless:

- (a) the notice has been withdrawn;
- (b) the order is deemed to have been disallowed under subsection 7 (4);
- (c) the motion has been withdrawn or otherwise disposed of; or
- (d) subsection 7 (5) has applied in relation to the order.

“(2) Where:

- (a) because of subsection 7 (5), an order is deemed to have been laid before a House of the Parliament on a particular day; and
- (b) notice of a motion to disallow the order has been given in that House within 15 sitting days after that day;

no order containing a provision being the same in substance as a provision of the first-mentioned order shall be made unless:

- (c) the notice has been withdrawn;
- (d) the order is deemed to have been disallowed under subsection 7 (4);
- (e) the motion has been withdrawn or otherwise disposed of; or
- (f) subsection 7 (5) has applied again in relation to the order.

“(3) If a provision of an order is made in contravention of this section, the provision has no effect.

“(4) This section does not limit the operation of section 7A or 7C.

“(5) In this section:

‘order’ includes a part of an order.

Disallowed order not to be re-made unless resolution rescinded or House approves

“7C. If an order or a part of an order is disallowed, or is deemed to have been disallowed, under section 7, and an order containing a provision being the same in substance as a provision so disallowed, or deemed to have been disallowed, is made within 6 months after the date of the disallowance, that provision has no effect, unless:

- (a) in the case of an order, or a part of an order, disallowed by resolution—the resolution has been rescinded by the House of the Parliament by which it was passed; or
- (b) in the case of an order, or a part of an order, deemed to have been disallowed—the House of the Parliament in which notice of the motion to disallow the order or part was given has approved, by resolution, the making of a provision the same in substance as the provision deemed to have been disallowed.”

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Heard Island and McDonald Islands Act 1953

Subsection 11 (1):

Omit “shall be void and of no effect”, substitute “ceases to have effect”.

Subsection 11 (2):

Omit “shall thereupon cease to have effect”, substitute “thereupon ceases to have effect”.

Subsections 11 (4) and (4A):

Omit “becomes void and of no effect”, substitute “ceases to have effect”.

Subsection 11 (4A):

Omit “became void and of no effect”, substitute “ceased to have effect”.

Subsections 11 (5) to (8) (inclusive):

Omit the subsections.

After section 11:

Insert the following sections:

Ordinance not to be re-made while required to be tabled

“11A. (1) where an Ordinance (in this section called the ‘original Ordinance’) has been made, no Ordinance containing a provision being the same in substance as a provision of the original Ordinance shall be made during the period defined by subsection (2) unless both Houses of the Parliament by resolution approve the making of an Ordinance containing a provision the same in substance as that provision of the original Ordinance.

“(2) The period referred to in subsection (1) is the period starting on the day on which the original Ordinance was made and ending at the end of 7 days after:

- (a) if the original Ordinance has been laid, in accordance with subsection 11 (1), before both Houses of the Parliament on the same day—that day;
- (b) if the original Ordinance has been so laid before both Houses on different days—the later of those days; or
- (c) if the original Ordinance has not been so laid before both Houses—the last day on which subsection 11 (1) could have been complied with.

“(3) If a provision of an Ordinance is made in contravention of this section, the provision has no effect.

Ordinance not to be re-made while subject to disallowance

“11B. (1) Where notice of a motion to disallow an Ordinance has been given in a House of the Parliament within 15 sitting days after the Ordinance has been laid before that House, no Ordinance containing a provision being

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the same in substance as a provision of the first-mentioned Ordinance shall be made unless:

- (a) the notice has been withdrawn;
- (b) the Ordinance is deemed to have been disallowed under subsection 11 (3);
- (c) the motion has been withdrawn or otherwise disposed of; or
- (d) subsection 11 (3A) has applied in relation to the Ordinance.

“(2) Where:

- (a) because of subsection 11 (3A), an Ordinance is deemed to have been laid before a House of the Parliament on a particular day; and
- (b) notice of a motion to disallow the Ordinance has been given in that House within 15 sitting days after that day;

no Ordinance containing a provision being the same in substance as a provision of the first-mentioned Ordinance shall be made unless:

- (c) the notice has been withdrawn;
- (d) the Ordinance is deemed to have been disallowed under subsection 11 (3);
- (e) the motion has been withdrawn or otherwise disposed of; or
- (f) subsection 11 (3A) has applied again in relation to the Ordinance.

“(3) If a provision of an Ordinance is made in contravention of this section, the provision has no effect.

“(4) This section does not limit the operation of section 11A or 11C.

“(5) In this section:

‘Ordinance’ includes a part of an Ordinance.

Disallowed Ordinance not to be re-made unless resolution rescinded or House approves

“11C. If an Ordinance or a part of an Ordinance is disallowed, or is deemed to have been disallowed, under section 11, and an Ordinance containing a provision being the same in substance as a provision so disallowed, or deemed to have been disallowed, is made within 6 months after the date of the disallowance, that provision has no effect, unless:

- (a) in the case of an Ordinance, or a part of an Ordinance, disallowed by resolution—the resolution has been rescinded by the House of the Parliament by which it was passed; or
- (b) in the case of an Ordinance, or a part of an Ordinance, deemed to have been disallowed—the House of the Parliament in which notice of the motion to disallow the Ordinance or part was given has approved, by resolution, the making of a provision the same in substance as the provision deemed to have been disallowed.

Regulations, rules and by-laws

“11D. (1) All regulations made under an Ordinance shall be laid before each House of the Parliament within 15 sitting days of that House after the

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SCHEDULE—continued

day on which the regulations are made and, if they are not so laid before each House of the Parliament, have no effect.

“(2) Subsections 11 (2) to (4B), inclusive, and sections 11A, 11B and 11C apply in relation to regulations laid before a House of the Parliament as if, in those provisions, references to an Ordinance were references to regulations and references to a provision of an Ordinance were references to a regulation.

“(3) In this section, ‘regulations’ includes rules and by-laws.”.

High Court of Australia Act 1979

Subsection 19 (4):

Omit “section 49”, substitute “sections 48A, 48B and 49”.

Human Rights and Equal Opportunity Commission Act 1986

Subsection 47 (3):

Omit “section 49”, substitute “sections 48A, 48B and 49”.

Norfolk Island Act 1979

Subsection 28 (2):

Omit “shall be void and of no effect”, substitute “ceases to have effect”.

Subsection 28 (3):

Omit “shall thereupon cease to have effect”, substitute “thereupon ceases to have effect”.

Subsections 28 (6) and (7):

Omit “becomes void and of no effect”, substitute “ceases to have effect”.

Subsection 28 (7):

Omit “became void and of no effect”, substitute “ceased to have effect”.

Subsection 28 (8):

Omit the subsection.

After section 28:

Insert the following sections:

Ordinance not to be re-made while required to be tabled

“28AA. (1) Where an Ordinance (in this section called the ‘original Ordinance’) has been made, no Ordinance containing a provision being the same in substance as a provision of the original Ordinance shall be made during the period defined by subsection (2) unless both Houses of the

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Parliament by resolution approve the making of an Ordinance containing a provision the same in substance as that provision of the original Ordinance.

“(2) The period referred to in subsection (1) is the period starting on the day on which the original Ordinance was made and ending at the end of 7 days after:

- (a) if the original Ordinance has been laid, in accordance with subsection 28 (2), before both Houses of the Parliament on the same day—that day;
- (b) if the original Ordinance has been so laid before both Houses on different days—the later of those days; or
- (c) if the original Ordinance has not been so laid before both Houses—the last day on which subsection 28 (2) could have been complied with.

“(3) If a provision of an Ordinance is made in contravention of this section, the provision has no effect.

Ordinance not to be re-made while subject to disallowance

“28AB. (1) Where notice of a motion to disallow an Ordinance has been given in a House of the Parliament within 15 sitting days after the ordinance has been laid before that House, no Ordinance containing a provision being the same in substance as a provision of the first-mentioned Ordinance shall be made unless:

- (a) the notice has been withdrawn;
- (b) the Ordinance is deemed to have been disallowed under subsection 28 (4);
- (c) the motion has been withdrawn or otherwise disposed of; or
- (d) subsection 28 (5) has applied in relation to the Ordinance.

“(2) Where:

- (a) because of subsection 28 (5), an Ordinance is deemed to have been laid before a House of the Parliament on a particular day; and
- (b) notice of a motion to disallow the Ordinance has been given in that House within 15 sitting days after that day;

no Ordinance containing a provision being the same in substance as a provision of the first-mentioned Ordinance shall be made unless:

- (c) the notice has been withdrawn;
- (d) the Ordinance is deemed to have been disallowed under subsection 28 (4);
- (e) the motion has been withdrawn or otherwise disposed of; or
- (f) subsection 28 (5) has applied again in relation to the Ordinance.

“(3) If a provision of an Ordinance is made in contravention of this section, the provision has no effect.

“(4) This section does not limit the operation of section 28AA or 28AC.

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SCHEDULE—continued

“(5) In this section:
‘Ordinance’ includes a part of an Ordinance.

Disallowed Ordinance not to be re-made unless resolution rescinded or House approves

“28AC. If an Ordinance or a part of an Ordinance is disallowed, or is deemed to have been disallowed, under section 28, and an Ordinance containing a provision being the same in substance as a provision so disallowed, or deemed to have been disallowed, is made within 6 months after the date of the disallowance, that provision has no effect, unless:

- (a) in the case of an Ordinance, or a part of an Ordinance, disallowed by resolution—the resolution has been rescinded by the House of the Parliament by which it was passed; or
- (b) in the case of an Ordinance, or a part of an Ordinance, deemed to have been disallowed—the House of the Parliament in which notice of the motion to disallow the Ordinance or part was given has approved, by resolution, the making of a provision the same in substance as the provision deemed to have been disallowed.

Application of sections 28AA, 28AB and 28AC

“28AD. Sections 28AA, 28AB and 28AC apply to Ordinances made by the Governor-General under section 27.”.

Subsection 28A (3):

Omit “28 (3) to (8), inclusive,” substitute “28 (3) to (7), inclusive, and sections 28AA, 28AB and 28AC”.

Seat of Government (Administration) Act 1910

Subsection 12 (3):

Omit “shall be void and of no effect”, substitute “ceases to have effect”.

Subsection 12 (4):

Omit “shall thereupon cease to have effect”, substitute “thereupon ceases to have effect”.

Subsections 12 (6) and (6A):

Omit “becomes void and of no effect”, substitute “ceases to have effect”.

Subsection 12 (6A):

Omit “became void and of no effect”, substitute “ceased to have effect”.

Subsections 12 (7) to (10) (inclusive):

Omit the subsections.

After section 12:

Insert the following sections in Part III:

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SCHEDULE—continued

Ordinance not to be re-made while required to be tabled

“12AA. (1) Where an Ordinance (in this section called the ‘original Ordinance’) has been made, no Ordinance containing a provision being the same in substance as a provision of the original Ordinance shall be made during the period defined by subsection (2) unless both Houses of the Parliament by resolution approve the making of an Ordinance containing a provision the same in substance as that provision of the original Ordinance.

“(2) The period referred to in subsection (1) is the period starting on the day on which the original Ordinance was made and ending at the end of 7 days after:

- (a) if the original Ordinance has been laid, in accordance with subsection 12 (2), before both Houses of the Parliament on the same day—that day;
- (b) if the original Ordinance has been so laid before both Houses on different days—the later of those days; or
- (c) if the original Ordinance has not been so laid before both Houses—the last day on which subsection 12 (2) could have been complied with.

“(3) If a provision of an Ordinance is made in contravention of this section, the provision has no effect.

Ordinance not to be re-made while subject to disallowance

“12AB. (1) Where notice of a motion to disallow an Ordinance has been given in a House of the Parliament within 15 sitting days after the Ordinance has been laid before that House, no Ordinance containing a provision being the same in substance as a provision of the first-mentioned Ordinance shall be made unless:

- (a) the notice has been withdrawn;
- (b) the Ordinance is deemed to have been disallowed under subsection 12 (5);
- (c) the motion has been withdrawn or otherwise disposed of; or
- (d) subsection 12 (5A) has applied in relation to the Ordinance.

“(2) Where:

- (a) because of subsection 12 (5A), an Ordinance is deemed to have been laid before a House of the Parliament on a particular day; and
- (b) notice of a motion to disallow the Ordinance has been given in that House within 15 sitting days after that day;

no Ordinance containing a provision being the same in substance as a provision of the first-mentioned Ordinance shall be made unless:

- (c) the notice has been withdrawn;

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- (d) the Ordinance is deemed to have been disallowed under subsection 12 (5);
- (e) the motion has been withdrawn or otherwise disposed of; or
- (f) subsection 12 (5A) has applied again in relation to the Ordinance.

“(3) If a provision of an Ordinance is made in contravention of this section, the provision has no effect.

“(4) This section does not limit the operation of section 12AA or 12AC.

“(5) In this section:

‘Ordinance’ includes a part of an Ordinance.

Disallowed Ordinance not to be re-made unless resolution rescinded or House approves

“12AC. If an Ordinance or a part of an Ordinance is disallowed, or is deemed to have been disallowed, under section 12, and an Ordinance containing a provision being the same in substance as a provision so disallowed, or deemed to have been disallowed, is made within 6 months after the date of the disallowance, that provision has no effect, unless:

- (a) in the case of an Ordinance, or a part of an Ordinance, disallowed by resolution—the resolution has been rescinded by the House of the Parliament by which it was passed; or
- (b) in the case of an Ordinance, or a part of an Ordinance, deemed to have been disallowed—the House of the Parliament in which notice of the motion to disallow the Ordinance or part was given has approved, by resolution, the making of a provision the same in substance as the provision deemed to have been disallowed.

Regulations, rules and by-laws

“12AD. (1) All regulations made under an Ordinance shall be laid before each House of the Parliament within 15 sitting days of that House after the day on which the regulations are made and, if they are not so laid before each House of the Parliament, have no effect.

“(2) Subsections 12 (4) to (6B), inclusive, and sections 12AA, 12AB and 12AC apply in relation to regulations laid before a House of the Parliament as if, in those provisions, references to an Ordinance were references to regulations and references to a provision of an Ordinance were references to a regulation.

“(3) In this section, ‘regulations’ includes rules and by-laws.

Determinations of fees or charges

“12AE. (1) Every determination shall be laid before each House of the Parliament within 15 sitting days of that House after the day on which the determination is made and, if it is not so laid before each House of the Parliament, has no effect.

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SCHEDULE—continued

“(2) Subsections 12 (4) to (6B), inclusive, and sections 12AA, 12AB and 12AC apply in relation to a determination laid before a House of the Parliament as if, in those provisions, references to an Ordinance were references to a determination.

“(3) In this section:

‘determination’ means a determination made by a Minister under an Ordinance empowering the Minister to determine, by notice published in the *Gazette*, fees or charges for the purposes of the Ordinance.”.

States Grants (Petroleum Products) Act 1965

Subsection 7A (2):

After “48” insert “, 48A, 48B”.

NOTE

1. No. 2, 1901, as amended. For previous amendments, see No. 4, 1916; No. 8, 1918; No. 23, 1930; No. 24, 1932; No. 10, 1937; No. 7, 1941; No. 78, 1947; No. 79, 1948; No. 80, 1950; No. 69, 1957; No. 19, 1963; No. 52, 1964; No. 93, 1966; Nos. 79 and 216, 1973; No. 144, 1976; No. 35, 1978; No. 1, 1980; No. 61, 1981; Nos. 26 and 80, 1982; No. 39, 1983; Nos. 27 and 63, 1984 (as amended by No. 165, 1984); No. 72, 1984; No. 193, 1985; and Nos. 92, 120 and 141, 1987.

[*Minister's second reading speech made in—
House of Representatives on 21 April 1988
Senate on 27 September 1988*]