

2010 - 2011 - 2012

THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA

SENATE

**LEGISLATIVE INSTRUMENTS AMENDMENT  
(SUNSETTING MEASURES) BILL 2012**

**CORRECTION TO THE  
EXPLANATORY MEMORANDUM**

**NOTES ON CLAUSES**

**Schedule 1 — Repeal of spent instruments and provisions**

**Item 26**

Omit ‘New subsection 26(1B) states that a new explanatory statement is not required when an instrument or provision is substantially the same as an existing instrument or provision. In such a situation, the information in the existing explanatory statement can be relied upon’, substitute ‘New subsection 26(1B) states that an explanatory statement need not contain an explanation in full of the purpose and operation of a new instrument or provision if it replaces and is substantially the same as a specified instrument or provision. This provision will enable and encourage statements to identify changes and focus on the purpose and operation of these changes, and on other issues such as consultation and human rights compatibility.’

Omit ‘New subsection 26(1C) states that a rule-maker can, at their discretion, provide an explanatory statement for new instruments and provisions’, substitute ‘New subsection 26(1C) states that a rule-maker can, at their discretion, provide a more detailed explanation of the purpose and operation of a new instrument or provision that is substantially the same as an existing one. This may be appropriate if, for example, no explanatory statement was required when the existing instrument or provision was first made.’

(Circulated by authority of the Attorney-General,  
the Hon Nicola Roxon MP)