

1903.

THE PARLIAMENT OF THE COMMONWEALTH.

HOUSE OF REPRESENTATIVES.

(Brought in by the Prime Minister.)

A BILL FOR AN ACT

For the Publication of Statutory Rules.

BE it enacted by the King's Most Excellent Majesty, the Senate, and the House of Representatives of the Commonwealth of Australia, as follows :—

1. This Act may be cited as the Rules Publication Act 1903, and shall commence on the first day of January, One thousand nine hundred and four. Short title and commencement.

2. In this Act—

“Statutory rules” means rules, regulations, or by-laws, made under any Act, which— Definitions. See 56 and 57 Vic. c. 66, s. 4.

(a) relate to any Court within the Commonwealth, or to the procedure, practice, or costs therein, or to any fees or matters applying generally throughout the Commonwealth or any part of the Commonwealth; or

(b) are made by the Governor-General, or any Minister, or the Inter-State Commission, or any Government department.

“Rule-making authority” includes every authority authorized to make any statutory rules.

“Prescribed” means prescribed by Regulations under this Act.

3. (1) At least forty days before making any statutory rules to which this section applies, notice of the proposal to make the rules and of the place where copies of the draft rules may be obtained shall be published in the Gazette. Notice and representation concerning certain draft rules. 56 & 57 Vict. c. 66 s. 1.

(2) During those forty days any public body may obtain copies of the draft rules on payment of the prescribed sum, and any representations or suggestions made in writing by a public body interested to the authority proposing to make the rules shall be taken into consideration by that authority before finally settling the rules ; and on the expiration of those forty days the rules may be made by the rule-making authority ; either as originally drawn or as amended by that authority, and shall come into operation forthwith or at such time as is prescribed in the rules. 5

(3) The statutory rules to which this section applies are those made in pursuance of any Act which directs the statutory rules to be laid before the Houses of the Parliament, but do not include any statutory rules if they or a draft thereof are required to be laid before the Houses of the Parliament for any period before the rules come into operation. 10 15

Provisional rules in certain cases.  
56 & 57 Vict  
c. 66 s. 2,

4. Where a rule-making authority certifies that on account of urgency or any special reason any rules should come into immediate operation, that authority may make the rules to come into operation forthwith as provisional rules, but provisional rules shall only continue in force until rules are made in accordance with the foregoing provisions of this Act. 20

Printing numbering, and sale of statutory rules.  
Ib. s. 3.

5. (1) All statutory rules made after the commencement of this Act shall forthwith after they are made be sent to the Government Printer, and shall, in manner prescribed, be numbered, and (save as prescribed) printed and sold by him. 25

(2) Any statutory rules may, without prejudice to any other mode of citation, be cited by the number so given and the calendar year.

(3) Where any statutory rules are required by any Act to be published or notified in the *Gazette*, a notice in the *Gazette* of the rules having been made, and of the place where copies of them can be purchased, shall be sufficient compliance with that requirement. 30

(4) Regulations under this Act may prescribe the classes of cases in which the exercise of a statutory power by any rule-making authority constitutes or does not constitute the making of a statutory rule within the meaning of this section. 35

Regulations.

6. (1) The Governor-General may make Regulations for carrying this Act into effect.

(2) All such Regulations shall be notified in the *Gazette*, and shall thereupon have the force of law. 40

(3) All such Regulations shall be laid before both Houses of the Parliament within thirty days after the making thereof, if the Parliament is then sitting, and if not, then within thirty days of the next meeting of the Parliament.

THIS Bill originated in the House of Representatives; and having this day passed, is now ready for presentation to the Senate for its concurrence.

C. GAVAN DUFFY,

*Clerk of the House of Representatives.*

House of Representatives,  
Melbourne, 20th October, 1903.

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3. (1) At least sixty days before making any statutory rules to which this section applies, notice of the proposal to make the rules and of the place where copies of the draft rules may be obtained shall be published in the *Gazette*. Notice and representation concerning certain draft rules.  
56 & 57 Vic.  
c. 66, s. 1.

(2) During those sixty days any person may obtain copies of the draft rules on payment of the prescribed sum, and any representations or suggestions made in writing by a person interested to the authority proposing to make the rules shall be taken into consideration by that authority before finally settling the rules ; and on the expiration of those sixty days the rules may be made by the rule-making authority ; either as originally drawn or as amended by that authority, and shall come into operation forthwith or at such later time as is prescribed in the rules. 5

(3) The statutory rules to which this section applies are those made in pursuance of any Act which directs the statutory rules to be laid before the Houses of the Parliament, but do not include any statutory rules if they or a draft thereof are required to be laid before the Houses of the Parliament for any period before the rules come into operation. 10 15

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(3) All such Regulations shall be laid before both Houses of the Parliament within thirty days after the making thereof, if the Parliament is then sitting, and if not, then within thirty days of the next meeting of the Parliament. 45