

NSW Parliamentary Counsel's Office

Automatic Parliamentary Tabling Scheme

A system for the Parliamentary Counsel's Office to notify the Parliament of regulations and certain other statutory instruments to be tabled was introduced in 1993.

The system replaced the previous arrangements under which each Minister was responsible for tabling or arranging the tabling of these instruments.

Under the current system, the Parliamentary Counsel's Office identifies the instruments as they are officially published on the Legislation website or in the Gazette and arranges for the appropriate notices and copies to be delivered to the Clerk of the Legislative Council and the Clerk of the Legislative Assembly on a weekly basis.

It is then the responsibility of the Clerks to table the material before each House of Parliament.

It is **important to note** that the instruments covered by the scheme are those that meet the following criteria, which are that the instruments:

- (1) are required to be published on the NSW legislation website or in the Gazette,
- (2) are required to be tabled in each House of Parliament,
- (3) are capable of disallowance by either or both Houses of Parliament.

A list of the classes of instruments covered by the scheme follows this narrative. All entries in the list are disallowable under section 41 of the *Interpretation Act 1987* except those marked with an asterisk (*), which are subject to disallowance under the Act or Law concerned. The list will be updated as required.

The tabling of documents that do not meet the above criteria (such as annual reports, land reservations, etc) remains the responsibility of individual Ministers.

Further information about the system can be obtained from the Parliamentary Counsel's Office.
<http://www.pco.nsw.gov.au/contact.htm>

Tabling of statutory rules and certain other instruments

The Automatic Parliamentary Tabling Scheme applies to the following classes of instruments:

1 Statutory rules

Statutory rules to which Part 6 of the *Interpretation Act 1987* automatically applies, namely:

- (a) **regulations, by-laws, rules or ordinances** made by the Governor, or made by a person or body other than the Governor, but is required by law to be approved or confirmed by the Governor, and
- (b) **rules of court** (a court or tribunal regulating the practice and procedure of the court or tribunal eg, the Civil and Administrative Tribunal, the District Court, the Dust Diseases Tribunal, the Land and Environment Court, the Local Court, Uniform Civil Procedure Rules, Supreme Court Rules),

2 Other instruments

- (a) other instruments taken to be statutory rules for the purposes of Part 6 of the *Interpretation Act 1987*, and
- (b) other instruments published on the NSW legislation website or in the Government Gazette, or published in another jurisdiction, that are required to be tabled and that are subject to disallowance under the Act or Law concerned. These instruments are marked with an asterisk (*) in the table below.

The table below is a tabling list of other instruments only.

Tabling List – Other Instruments
Agricultural Livestock (Disease Control Funding) Act 1998 No 139 <ul style="list-style-type: none">• Orders under section 12B (made by the Minister) establishing a scheme for the collection from designated livestock producers of contributions based on their livestock transactions for payment into the industry fund for the designated disease control program concerned (a transaction based contribution scheme)• Orders under section 13 (given by the Minister) authorising the imposition of an industry levy to assist the funding of any designated disease control program
Building Professionals Act 2005 No 115 <ul style="list-style-type: none">• Accreditation scheme adopted by the Minister under section 4 An accreditation scheme may make provision for or with respect to the following matters:<ul style="list-style-type: none">(a) the qualifications, skills, knowledge and experience required for accreditation under the Act,(b) a code of conduct for accreditation holders,(c) continuing professional development requirements for accreditation holders,(d) such other matters as may be prescribed by the regulationsThe Minister may amend or replace an accreditation scheme.• Orders under clause 6 (1) of Schedule 2 (made by the Minister) adopting as the first accreditation scheme under the Act a document that has been published and publicly exhibited by a government department or statutory authority and that complies with section 4 (2). An accreditation scheme adopted under this clause is taken to have been adopted by the Minister in accordance with section 4.
* Cemeteries and Crematoria Act 2013 No 105 <ul style="list-style-type: none">• Notifications under clause 6 of Schedule 4 (issued by the Minister) of intention to declare the whole or any part of land within a cemetery to be a public park

Tabling List – Other Instruments
<p>* Children (Education and Care Services) National Law (NSW)</p> <ul style="list-style-type: none"> • Regulations under section 301 (made by the Ministerial Council) as applied by the law of the States and Territories <i>[See sections 303 and 304 for tabling and disallowance]</i>
<p>Children’s Court Act 1987 No 53</p> <ul style="list-style-type: none"> • Practice notes under section 23A (issued by the President) in relation to any matter with respect to which rules may be made
<p>* Civil Aviation (Carriers’ Liability) Act 1967 No 64</p> <ul style="list-style-type: none"> • Regulations made under Civil Aviation (Carriers’ Liability) Act 1959 of the Commonwealth (Published in the Commonwealth Gazette for the purposes of Part IV or IVA of that Act, other than regulations made for the purpose of section 41 of that Act.)
<p>Civil Liability Act 2002 No 22</p> <ul style="list-style-type: none"> • Orders under section 26D (2A) (by the Minister administering the Crimes (Administration of Sentences) Act 1999) issuing guidelines for the purposes of the application of Part 7 of Chapter 7 of the <i>Workplace Injury Management and Workers Compensation Act 1998</i> to offenders in respect of the same kinds of matters for which the WorkCover Guidelines may make provision for the purposes of that Part
<p>Civil Procedure Act 2005 No 28</p> <ul style="list-style-type: none"> • Practice notes under section 15 (issued by the senior judicial officer of the court, subject to rules of court) for the court in relation to civil proceedings to which the Act applies
<p>Contract Cleaning Industry (Portable Long Service Leave Scheme) Act 2010 No 122</p> <ul style="list-style-type: none"> • Orders under section 8 (made by the Minister) declaring that for the Act: <ul style="list-style-type: none"> (a) a person is an employer for the contract cleaning industry, or (b) a person is a contractor for that industry, or (c) a person is an employee, or an employee of a stated employer, for that industry, or (d) work, or an activity, is cleaning work • Orders under section 48 (made by the Minister) of the determination of the percentage of an employee’s ordinary remuneration in relation the levy payable by each employer for the contract cleaning industry • Orders under section 49 (made by the Minister) of the determination of the percentage of a contractor’s ordinary remuneration in relation the levy payable by each contractor registered as a worker for the contract cleaning industry
<p>Coroners Act 2009 No 41</p> <ul style="list-style-type: none"> • Practice notes under section 52 (issued by the State Coroner with the Chief Magistrate’s approval) for or with respect to the practice and procedure to be followed in coronial proceedings and approving forms for use in coronial proceedings
<p>* Crown Lands Act 1989 No 6</p> <ul style="list-style-type: none"> • Notifications under section 84 (made by the Minister) of <u>proposed</u> revocations of dedication of land
<p>District Court Act 1973 No 9</p> <ul style="list-style-type: none"> • Practice notes under section 161 (issued by or on behalf of the Court) including any other document, however described, but excluding a decision of the Court, regulating the practice or procedure of the Court or of any class of proceedings in the Court • Proclamations under section 188 (made by the Governor) relating to references to District Court judges in existing instruments
<p>Energy and Utilities Administration Act 1987 No 103</p> <ul style="list-style-type: none"> • Orders under section 34D (made by the Minister) making provision for any matter that is required or permitted to be prescribed or otherwise dealt with by a savings order under a provision of the Act
<p>* Environmental Planning and Assessment Act 1979 No 203</p> <ul style="list-style-type: none"> • Notices under sections 132 and 133 (made by the Secretary of the Department of Planning and Environment) of <u>proposals</u> to constitute, alter or abolish a development area under Division 1 of Part 7 of the Act <i>[See section 135 for tabling and disallowance.]</i>

Tabling List – Other Instruments

Fertilisers Act 1985 No 5

- **Orders under section 3A (1) or (2)** (made by the Minister) declaring certain substances to be or not to be fertilisers for the purposes of the Act
- **Orders under section 16** (made by the Minister) declaring that particulars specified in the order must be marked on a parcel that contains a soil improving agent or a soil improving agent of a specified class
- **Orders under section 18** (made by the Minister) declaring that a soil improving agent, or a soil improving agent of a class specified in the order, must not contain more than a specified maximum concentration or proportion of any specified component (a ***composition standard***)
- **Orders under section 21** (made by the Minister) declaring that particulars specified in the order must be marked on a parcel that contains a specified trace element product or a trace element product of a specified class
- **Orders under section 22B** (made by the Minister) declaring that a trace element product, or a trace element product of a class specified in the order, must not contain more than a specified maximum concentration or proportion of any specified component (a ***composition standard***)

* Health Practitioner Regulation National Law (NSW)

- **Regulations under section 245 of the Law** (made by the Ministerial Council) as applied by the law of the States and Territories and published by the Victorian Government Printer
[See section 246 for tabling and disallowance]

Heavy Vehicle National Law (NSW)

- **Regulations under section 730 of the Law** (made by the Governor of Queensland) as applied by section 8 of the Heavy Vehicle (Adoption of National Law) Act 2013 No 42
[See section 8 of the Heavy Vehicle (Adoption of National Law) Act 2013 No 42 for tabling and disallowance]

* Imperial Acts Application Act 1969 No 30

- **Proclamations under section 11** (made by the Governor) reviving repealed provisions

Industrial Relations Act 1996 No 17

- **Practice notes under section 185A** (issued by the President of the Industrial Relations Commission of New South Wales, subject to rules of the Commission) with respect to any matter for which rules may be made

Land and Environment Court Act 1979 No 204

- **Practice notes under section 76** (issued by the Chief Judge of the Land and Environment Court, subject to the rules) in relation to any matter with respect to which rules may be made. Does not apply to proceedings in Class 1, 2, 3 or 4 of the Court's jurisdiction

Tabling List – Other Instruments

Legal Profession Uniform Law Application Act 2014 No 16

- **Rules under section 21A** (made by the NSW Admission Board) for or with respect to:
 - (a) any administrative matters relating to functions of the Board
 - (b) registration and deregistration as, and the discipline of, students-at-law and the qualifications for registration
 - (c) the examination and assessment in academic subjects of candidates for registration and students-at-law
 - (d) fees and costs payable for registration and students-at-law (other than fees for admission to the Australian legal profession) and the refund or remission of fees
- **Rules under section 93** (made by the Costs Assessment Rules Committee) for or with respect to costs assessments and reviews, including without limitation:
 - (a) the making, timing and processing of applications
 - (b) the conduct of costs assessments and reviews, including:
 - (i) the practice and procedure for costs assessments and reviews
 - (ii) the appointment of costs assessors to conduct costs assessments
 - (iii) the establishment of review panels and the appointment of costs assessors to review panels
 - (iv) matters relating to the interests of costs assessors in particular matters
 - (v) the determination and payment of the costs of costs assessments and reviews
 - (vi) the issue of certificates of determinations
 - (vii) the giving of reasons for determinations and the provision of supplementary information to accompany the reasons
 - (viii) the suspension of a costs determination in the event of an application for a costs review
 - (c) requiring a person (including an applicant, the law practice concerned, any other law practice or client, or a costs assessor) to produce documents, to provide information (verified by statutory declaration if the requirement so states), or otherwise to assist in, or co-operate with, the determination or finalisation of an assessment or review
 - (d) requiring documents produced in response to a requirement referred to in paragraph (c) to be returned or otherwise disposed of within a period specified in or determined in accordance with the rules
 - (e) the correction of errors in a determination

Legal Profession Uniform Law (NSW)

- **Regulations under section 417 of the Law** (made by the Standing Committee) as applied by section 4 of the Legal Profession Application Act 2014 No 16
[See section 8 of the Legal Profession Uniform Law Application Act 2014 No 16 for tabling and disallowance]

Local Court Act 2007 No 93

- **Practice notes under section 27** (issued by the Chief Magistrate, subject to the rules) in relation to any matter with respect to which rules may be made

* Marine Estate Management Act 2014 No 72

- **Proclamations under section 26** (made by the Governor) varying the area of a marine park
- **Notices under section 38** (made by the relevant Minister) revoking or varying the declaration of an aquatic reserve

Mining Act 1992 No 29

- **Orders under section 148A** (made by the Secretary) approving arbitration procedures for the conduct of mediations and arbitrations (*approved arbitration procedures*)

Tabling List – Other Instruments

Motor Accidents Compensation Act 1999 No 41

- **MAA Medical Guidelines under section 44** (issued by the Motor Accidents Authority) with respect to the following:
 - (a) the appropriate treatment of injured persons,
 - (b) the appropriate procedures with respect to the provision of rehabilitation services or attendant care services for injured persons (including the circumstances in which rehabilitation services or attendant care services are required to be provided),
 - (c) the assessment of the degree of permanent impairment of an injured person as a result of an injury caused by a motor accident,
 - (d) the procedures for the referral of disputes for assessment or review of assessments, and the procedure for assessment and review of assessments, under Part 3.4 of the Act
- **MAA Medical Guidelines under section 45** (issued by the Motor Accidents Authority) relating to the assessment of the degree of permanent impairment of an injured person as a result of an injury caused by a motor accident
- **MAA Claims Assessment Guidelines under section 69** (issued by the Motor Accidents Authority) for or with respect to procedures for the assessment of claims under Part 4.4 of the Act and associated matters

Motor Accidents (Lifetime Care and Support) Act 2006 No 16

- **LTCS Guidelines under sections 58** (issued by the Lifetime Care and Support Authority of New South Wales) for or with respect to any matter required or permitted by the Act to be the subject of the guidelines

* National Parks and Wildlife Act 1974 No 80

- **Notices under section 30A (1)** (made by the Governor) reserving land as, or as part of, a national park, a historic site, a state conservation area, a regional park, a karst conservation reserve or a nature reserve *[See section 35, and sections 47D, 47R, 58 and 58S applying section 35, for tabling and disallowance]*
Note. See also sections 30C and 30D regarding the requirement, before reserving certain land, to obtain the concurrence in writing of the Minister or public authority in whom or which the land is vested, or the Ministers administering respectively the *Fisheries Management Act 1994*, the *Forestry Act 1916*, the *Mining Act 1992* or the *Offshore Minerals Act 1999* depending on the type of land.
- **Notifications under section 71N** (made by the Minister) of a proposed change of classification (for example, from a nature reserve to a national park) of lands vested in an Aboriginal Land Council or Councils under Part 4A (Aboriginal land)
- **Proclamations under section 71BA** (made by the Governor) declaring that the whole or part of lands listed in Schedule 14 be taken to be reserved as part of an area reserved under Part 4A (Aboriginal land) *[See section 71BB for tabling and disallowance.]*

* New South Wales—Queensland Border Rivers Act 1947 No 10

- **Regulations under section 6 (1) (b) and (c)** (made by The Dumaesq-Barwon Border Rivers Commission) prescribing what business is to be deemed formal for the purposes of the Agreement defined in the Act and prescribing penalties

* Ombudsman Act 1974 No 68

- **Proclamations under section 14** (made by the Governor) amending Schedule 1 in relation to any class of conduct of a public authority

Passenger Transport Act 1990 No 39

- **Orders under section 15** (made by the Director-General of the Ministry of Transport) fixing fees for applications for an accreditation or authority, and for the renewal of an accreditation or authority

Petroleum (Onshore) Act 1991 No 84

- **Orders under section 69KA** (made by the Secretary) approving arbitration procedures for the conduct of mediations and arbitrations (*approved arbitration procedures*)

Tabling List – Other Instruments

Plant Diseases Act 1924 No 38

- **Orders under section 5A** (made by the Minister) requiring an appropriate person to do or permit such acts, or take such measures, or to prohibit such acts or the taking of such measures for the purpose of treating a disease or pest or preventing the spread of disease or a pest, or for the purpose of eradicating or lessening the risk of disease or pest or to prevent any disease or pest attacking or being harboured
- **Orders under section 13A** (made by the Minister) authorising an inspector to enter any land or premises specified or described in the order and there to carry out such work, for the prevention or control of any pest or disease, as the order may authorise
- **Orders under section 28A** (made by the Minister) for or with respect to the grading or packing of fruit or vegetables or the branding or labelling of coverings containing fruit, vegetables or other plants

Poisons and Therapeutic Goods Act 1966 No 31

- **Proclamations under section 8** (made by the Governor on the recommendation of the Minister) amending the Poisons List
- **Orders under section 37** (made by the Director-General of the Department of Health) prohibiting the supply of any substance specified in the order which, in the opinion of the Director-General, should not be supplied pending the evaluation of its toxic or deleterious properties or of any substance containing any such substance.
[See section 46 for tabling and disallowance.]

Professional Standards Act 1994 No 81

- **Schemes (including interstate schemes) limiting the occupational liability of members of an occupational association under section 13** (approved by the Professional Standards Council) submitted to the Minister by the Council or, in the case of an interstate scheme, by the appropriate Professional Standards Council for the jurisdiction in which the scheme was prepared and authorised to be published by the Minister

Public Notaries Act 1997 No 98

- **Rules under section 9** (made by the Legal Practitioners Admission Board) for or with respect to all or any of the following:
 - (a) the qualifications for appointment as a public notary,
 - (b) the examination in such branches of knowledge as the Board thinks fit of candidates for appointment as public notaries,
 - (c) the approval of properly qualified persons to be appointed as public notaries,
 - (d) applications for appointment as a public notary and the approval of such applications,
 - (e) the keeping of records concerning public notaries,
 - (f) the fees payable to the Board in relation to the examination of candidates for appointment as, and the appointment of, public notaries, and certificates of appointment as public notaries,
 - (g) any other matters relating to the exercise of the Board's functions under the Act*[See section 9A for tabling and disallowance.]*

Rail Safety National Law (NSW)

- **Regulations under section 264** (made by the Governor of SA or other designated authority)
[See section 7 of the Rail Safety (Adoption of National Law) Act 2012 No 82 for tabling and disallowance.]

* Statutory and Other Offices Remuneration Act 1975 (1976 No 4)

- **Reports under section 18 of determinations made under sections 13, 14, 15 and 15A** (made by the Statutory and Other Offices Remuneration Tribunal) relating to the remuneration to be paid to office holders
[See sections 19 and 19A for tabling and disallowance.]

Tabling List – Other Instruments

Stock Diseases Act 1923 No 34

- **Orders under section 17A** (made by the Minister) for the purpose of preventing the spread of disease resulting from use of artificial breeding material:
 - (a) prohibiting the sale or supply, or the use for or in connection with an artificial breeding procedure, of artificial breeding material taken from specified stock, or
 - (b) prohibiting the sale or supply, or the use for or in connection with an artificial breeding procedure, of artificial breeding equipment used for or in connection with an artificial breeding procedure involving specified stock or involving artificial breeding material taken from specified stock, or
 - (c) requiring the owner or person in charge of artificial breeding material taken from specified stock to take specified action in respect of that artificial breeding material, or
 - (d) requiring the owner or person in charge of artificial breeding equipment used for or in connection with an artificial breeding procedure involving specified stock or involving artificial breeding material taken from specified stock to take specified action in respect of that artificial breeding equipment, or
 - (e) ordering the owner or person in charge of specified stock to cause the stock to be tested for disease in a specified manner prior to the collection of artificial breeding material from the stock
- Note.** Orders under this section are (unless revoked sooner) revoked 6 months after the date on which the order was published in the Gazette.

Stock Medicines Act 1989 No 182

- **Orders under section 46** (made by the Director-General of the Department of Industry and Investment) stock medicine supply and use bans and recall orders
[See section 47 for tabling and disallowance.]

Supreme Court Act 1970 No 52

- **Proclamations under section 24 (7)** (made by the Governor) directing that the section shall not apply to any power specified in the proclamation
- **Practice notes under section 124 (11)** (issued by or on behalf of the Court), including any other document, however described, but excluding a decision of the Court, regulating the practice or procedure of the Court, any Division of the Court or of any class of proceedings in the Court

* Sydney Water Act 1994 No 88

- **Orders under section 10** (made by the Governor) varying the *area of operations*. An order may also specify which systems and services the Sydney Water Corporation may provide in the whole or a part or parts of the area of operations as so varied

Workplace Injury Management and Workers Compensation Act 1998 No 86

- **WorkCover Guidelines under section 376 (1) (a)** (issued by the WorkCover Authority) relating to the assessment of the degree of permanent impairment of an injured worker as a result of an injury
[See section 377 for tabling and disallowance.]