### DISALLOWANCE PROCEDURE IN THE LEGISLATIVE COUNCIL

## INSTRUMENT COMES INTO FORCE

- on the date of publication
   s 41(1)(b)
   Interpretation Act 1984;
- on the date specified in the parent Act - eg s 3.14(1) Local Government Act 1995; or
- on a later date specified in the instrument.

DISALLOWABLE INSTRUMENT IS MADE BY A DEPARTMENT, LOCAL GOVERNMENT OR ANOTHER ORGANISATION

### PUBLISHED IN THE GAZETTE

s 41(1)(a) Interpretation Act 1984

#### 'DISALLOWABLE INSTRUMENT'

is either a:

- regulation, rule, local law or by-law: s 42(8) *Interpretation Act 1984*; or
- another type of instrument made disallowable by the parent Act (under s 42 *Interpretation Act 1984* or another procedure).

## TABLED IN PARLIAMENT WITHIN 6 SITTING DAYS AFTER GAZETTAL

s 42(1) *Interpretation Act 1984*NB parent Act may specify another tabling deadline.

## IF NOT TABLED WITHIN 6 SITTING DAYS, THEN NO LONGER IN FORCE

s 42(2) Interpretation Act 1984

- However, it remains valid during the 6-sitting day period.
- Any previous instrument in force is automatically revived on the day after the last day for compliance: s 42(6) *Interpretation Act 1984*.

# NOTICE OF MOTION TO DISALLOW IS GIVEN WITHIN 14 SITTING DAYS AFTER TABLING

s 42(2) Interpretation Act 1984

NB parent Act may specify another deadline to give notice of motion to disallow

- Any member of the Legislative Council can give the notice of motion.
- The instrument generally continues to remain in force during this process.

### MOTION TO DISALLOW IS MOVED

Motion to disallow moves *pro forma* at the expiry of 2 sitting days after notice is given (ie the 3<sup>rd</sup> sitting day after the day that notice is given), if not moved earlier: Standing Order 67(3).

MOTION TO DISALLOW CAN BE DEBATED AND THE QUESTION CAN BE RESOLVED DURING THE NEXT 17 SITTING DAYS AFTER THE MOTION TO DISALLOW IS MOVED

## PROROGATION OF PARLIAMENT DUE TO GENERAL ELECTION

Despite 17 sitting days having not expired, motion to disallow must be resolved on last sitting day prior to general election.

Standing Order 67(5)(b)

## IF QUESTION UNRESOLVED AFTER 17 SITTING DAYS, IT MUST BE PUT BEFORE THE COUNCIL RISES ON THAT DAY

(ie on the 17<sup>th</sup> sitting day after motion to disallow is moved) Standing Order 67(5)(a)

QUESTION AGREED TO

INSTRUMENT DISALLOWED NO LONGER IN FORCE ON & FROM THAT DAY QUESTION NEGATIVED

QUESTION DEFEATED INSTRUMENT STILL IN FORCE QUESTION AGREED TO

INSTRUMENT
DISALLOWED
NO LONGER IN FORCE ON
& FROM THAT DAY

QUESTION NEGATIVED

QUESTION DEFEATED INSTRUMENT STILL IN FORCE

### NOTICE OF DISALLOWANCE MUST BE PUBLISHED WITHIN 21 DAYS OF BEING DISALLOWED

s 42(5) Interpretation Act 1984

Any previous instrument in force is automatically revived on the day of the disallowance: s 42(6) Interpretation Act 1984.