



The Hon. Danny Pearson MP

Assistant Treasurer
Minister for Regulatory Reform
Minister for Government Services
Minister for Creative Industries

Level 5, 1 Macarthur Street
East Melbourne VIC 3002
Telephone: +613 7005 8911
DX210759

Subordinate Legislation Act 1994

Subordinate Legislation (Legislative Instruments) Regulations 2021

RECOMMENDATION

It is recommended to the Governor in Council that, under sections 4A and 28 of the **Subordinate Legislation Act 1994**, the Subordinate Legislation (Legislative Instruments) Regulations 2021 be made.

Advice from the Chief Parliamentary Counsel is submitted as required by section 13 of the **Subordinate Legislation Act 1994**.

A Regulatory Impact Statement for these Regulations has been prepared. As the Minister responsible for the administration of the **Subordinate Legislation Act 1994**, I have issued a compliance certificate under section 10(4) of the **Subordinate Legislation Act 1994**, and it is attached.

Under my hand, the following additional certificates are attached:

- a certificate stating that the proposed Regulations do not restrict competition, under clause 5(1) of the Competition Principles Agreement;
- a consultation certificate under section 6 of the **Subordinate Legislation Act 1994**;
and
- a human rights certificate under section 12A of the **Subordinate Legislation Act 1994**.

Dated: 17/06/2021

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Minister for Government Services





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SUBORDINATE LEGISLATION THAT DOES NOT RESTRICT COMPETITION

Subordinate Legislation (Legislative Instruments) Regulations 2021

I, the Hon Danny Pearson MP, Minister for Government Services, and Minister responsible for administering the **Subordinate Legislation Act 1994** certify that:

- (a) the proposed Subordinate Legislation (Legislative Instruments) Regulations 2021 have been assessed in accordance with the guidelines contained in the *Victorian Guide to Regulation* and the results documented in the Regulatory Impact Statement prepared for these proposed Regulations; and
- (b) the proposed Subordinate Legislation (Legislative Instruments) Regulations 2021 do not restrict competition.

Dated: 17/06/2021

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Subordinate Legislation Act 1994

COMPLIANCE CERTIFICATE

(Section 10(4))

Subordinate Legislation (Legislative Instruments) Regulations 2021

I, the Hon Danny Pearson MP, Minister for Government Services, and Minister responsible for administering the **Subordinate Legislation Act 1994**, certify that in respect of the proposed Subordinate Legislation (Legislative Instruments) Regulations 2021:

- (a) the requirements relating to Regulatory Impact Statements in the **Subordinate Legislation Act 1994** and the guidelines made under that Act have been complied with; and
- (b) in my opinion the Regulatory Impact Statement prepared under the **Subordinate Legislation Act 1994** adequately assesses the likely impact of the proposed Regulations.

Dated: 17/06/2021

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Subordinate Legislation Act 1994

CONSULTATION CERTIFICATE

(Section 6)

Subordinate Legislation (Legislative Instruments) Regulations 2021

I, the Hon Danny Pearson MP, Minister for Government Services, and Minister responsible for administering the **Subordinate Legislation Act 1994**, certify that in accordance with the guidelines made under the **Subordinate Legislation Act 1994** there has been consultation with every other Minister whose area of responsibility may be affected by the proposed Subordinate Legislation (Legislative Instruments) Regulations 2021 and there is no overlap or conflict with any other existing or proposed statutory rule, legislation or stated government policy.

Dated: 17/06/2021

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Minister for Government Services





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Subordinate Legislation Act 1994

HUMAN RIGHTS CERTIFICATE

(Section 12A)

Subordinate Legislation (Legislative Instruments) Regulations 2021

I, the Hon Danny Pearson MP, Minister for Government Services and Minister responsible for administering the **Subordinate Legislation Act 1994** certify that, in my opinion the proposed Subordinate Legislation (Legislative Instruments) Regulations 2021 do not limit any human right set out in the **Charter of Human Rights and Responsibilities Act 2006**.

Dated: 17/06/2021

The Hon. Danny Pearson MP
Minister for Government Services





PARLIAMENTARY COUNSEL VICTORIA

Your Reference: Parliamentary Counsel's Chambers
Level 2, 1 Macarthur Street, Melbourne, VIC 3002
DX 210753
Our Reference: 21-019:cd Tel: (03) 9651 2103 Fax: (03) 9651 2107
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SUBORDINATE LEGISLATION ACT 1994 SECTION 13 CERTIFICATE

Proposed statutory rule: **Subordinate Legislation (Legislative Instruments)
Regulations 2021**
Authorising Act: **Subordinate Legislation Act 1994**
Date of print of proposed statutory rule: **10 June 2021**



A proposed statutory rule that is to be made by, or with the consent or approval of, the Governor in Council must be submitted to the Chief Parliamentary Counsel for the issue of a certificate by the Chief Parliamentary Counsel specifying whether the proposed statutory rule —

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| <i>(a) appears to be within the powers conferred by the authorising Act;</i> | <i>(a) so appears;</i> |
| <i>(b) appears without clear and express authority being conferred by the authorising Act —</i> | <i>(b)</i> |
| <i>(i) to have a retrospective effect; or</i> | <i>(i) if made on or before 28 June 2021 does not so appear;</i> |
| <i>(ii) to impose a tax, fee, fine, imprisonment or other penalty; or</i> | <i>(ii) does not so appear;</i> |
| <i>(iii) to shift the legal burden of proof to a person accused of an offence; or</i> | <i>(iii) does not so appear;</i> |
| <i>(iv) to sub-delegate powers delegated by the authorising Act;</i> | <i>(iv) does not so appear;</i> |
| <i>(c) appears to be consistent with the general objectives of the authorising Act;</i> | <i>(c) so appears;</i> |

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|---|--------------------------------|
| <p>(d) <i>appears to be consistent with and to achieve the objectives set out in the proposed statutory rule and, if the proposed statutory rule is to amend an existing statutory rule, appears to be consistent with the objectives set out in the existing statutory rule;</i></p> | <p>(d) so appears;</p> |
| <p>(e) <i>appears to be inconsistent with principles of justice and fairness;</i></p> | <p>(e) does not so appear;</p> |
| <p>(f) <i>appears significantly or substantially to overlap or conflict with any other statutory rule or legislation;</i></p> | <p>(f) does not so appear;</p> |
| <p>(g) <i>is expressed as clearly and unambiguously as is reasonably possible.</i></p> | <p>(g) is so expressed.</p> |



Marina Farnan

MARINA FARNAN

Chief Parliamentary Counsel

Date: 11 June 2021

This certificate relates to the circumstances as at the date of the certificate.