Subcommittee to Study Issues Relating to the Power of the Legislative Council to Amend Subsidiary Legislation

Principles Underlying the Cases Quoted in the LegCo Secretariat's Information Paper LC Paper No. CB(2) 852/10-11

The paper of the Administration entitled "Delegation by the Legislature of the Power to Make Subsidiary Legislation to an Executive Authority or Other Body" examines the principles and policies concerning the delegation of legislative powers to an executive authority or other body. This paper considers the principles underlying the cases discussed in the paper prepared by the Legislative Council Secretariat LC paper No. CB(2) 852/10-11 entitled "Appointment of a subcommittee to study issues relating to the power of the Legislative Council to amend subsidiary legislation". It focuses on the following issues -

(a) what is "subsidiary legislation"; and

(b) the Legislative Council's power to amend the subsidiary legislation.

A. What is "subsidiary legislation"

2. "Subsidiary legislation" and "subordinate legislation" are defined in section 3 of the Interpretation and General Clauses Ordinance (Cap. 1) ("IGCO") to mean "any proclamation, rule, regulation, order, resolution, notice, rule of court, bylaw or other instrument made under or by virtue of any Ordinance and having legislative effect".

3. Although "legislative effect" is not defined in the IGCO, certain criteria can be discerned from local and other common law jurisprudence for determining if an instrument has legislative effect (see paragraphs 2.6 and 2.7 of LC paper No. CB(2) 852/10-11). To recap, these criteria include -

(a) whether the instrument extends or amends existing legislation[1], or alters the common law[2];

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[1] For example, an order made by the Chief Executive in Council pursuant to section 4(1) of the Mutual Legal Assistance in Criminal Matters Ordinance (Cap. 525) applying the Ordinance as between Hong Kong and a place outside Hong Kong to which an arrangement for mutual legal assistance relates, subject to modifications as may be specified in the Ordinance. Such order is subsidiary legislation. Another example is a notice issued by the Commissioner for Transport under section 55(6) of the

(b) whether the instrument has general application to the public or a class of public, as opposed to individuals[3];

(c) whether the instrument formulates general rules of conduct, usually of prospective application, as opposed to applying those rules to particular cases[4];

(d) whether the measure is legally binding, as opposed to providing guidance only[5];

(e) whether the instrument is subject to parliamentary control[6]; and

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Eastern Harbour Crossing Ordinance (Cap. 215) to amend the tolls specified in the Schedule to that Ordinance. Such notice is subsidiary legislation.

[2] For example, section 19 of the Marine Parks Ordinance (Cap. 476) alters all rights existing under common law in relation to any land, the sea or any tidal water within the area of the marine park or marine reserve. Another example is section 3 of the Pension Ordinance (Cap. 89) under which the Chief Executive in Council is empowered to make regulations that may have the effect of altering the common law presumption against retrospective operation.

[3] For example, orders made by the professional body concerned under section 21(5) of the Medical Registration Ordinance (Cap. 161) or section 19 of the Veterinary Surgeon Registration Ordinance (Cap. 529) are instrument(s) applying to individuals only (and hence do not have any legislative effect and are not subsidiary legislation). Statutory tribunals or committees are set up under the relevant Ordinance to conduct inquiry into complaints. The findings of the inquiry and judgment or orders made by the relevant disciplinary tribunal or committee are published in the Gazette.

[4] For example, the legislation may prescribe a licensing regime and lay down the conditions for grant of a licence. However, licences issued to the individual applicants are not subsidiary legislation. Another example is the approval of a labour importation scheme by the Chief Executive in Council under section 14 of the Employees Retraining Ordinance (Cap. 423). The Court of Appeal confirmed in ***Julita F Raza & Others v Chief Executive in Council*** [2006] HKCU 119 that the decision by the Chief Executive in Council under section 14 is one concerning the identification of a category of workers to whose employers the employees retraining levy specified in Schedule 3 to the Ordinance would apply. In other words, approval of a scheme by the Chief Executive in Council under section 14 is not a legislative act but an exercise of executive powers given to the Chief Executive in Council in a particular instance. The Chief Executive Election Ordinance (Cap. 569) provides for various matters relating to the election of the Chief Executive in case of a vacancy in the office. Section 5 provides for notice to be given by the Acting Chief Executive declaring a vacancy of the office of the Chief Executive. Such notice is not subsidiary legislation. A further example is a notice by the Chief Electoral Officer designating polling, counting and sorting stations under section 28(1) of the Electoral Affairs Commission (Electoral Procedure) (Legislative Council) Regulation (Cap. 541) sub. leg. D)

[5] For example, a code of practice issued by the Authority under section 44 of the Building Management Ordinance (Cap. 344) giving guidance and direction on the matters set out in that section is not subsidiary legislation (see also the Lands Tribunal decision in ***Pokfulam Development Company Limited v The Incorporated Owners of Scenic Villas*** LDBM 70/2000). Another example is a technical memorandum issued by the Secretary for Development pursuant to section 39A of the Buildings Ordinance (Cap. 123).

[6] However, in Hong Kong there are examples of non-legislative instruments being made subject to vetting by the Legislative Council e.g. a technical memorandum issued by the Secretary for Development under section 39A of the Buildings Ordinance (Cap. 123) is required to be published in the Gazette, be made available for public inspection at Government offices (section 39A(2) and (10)) and be subject to vetting by the Legislative Council in accordance with the procedure set out in section 39A which is substantially the same as the negative vetting procedure in section 34 of the IGCO. Another example is a code of practice issued by the Equal Opportunities Commission under section 69

(f) whether the legislative intent is to treat the instrument as subsidiary legislation.

4. The Australian case of ***RG Capital Radio v Australia Broadcasting Authority*** (2001) 113 FCR 185 (referred to in the Court of Appeal judgment of ***Julita F Raza & Others v Chief Executive in Council*** [2006] HKCU 119) also suggests other indicia for determining whether an instrument has legislative effect or is an administrative act, such as whether the executive has power to vary or control the instrument in question and whether the decision of the executive is subject to merit review by the administrative appeal tribunal[7].

5. Each criterion may not necessarily be conclusive on its own[8]. Nor are the above criteria exhaustive[9]. Besides, whether an instrument is subsidiary legislation or not should also be considered in the light of the legislative framework set up by the primary legislation under which the instrument is to be made. That said, while it may not always be easy to apply the criteria in discerning whether an instrument has legislative effect, in many instances it will be obvious from the nature and contents of the instrument whether this is the case. Moreover, the legislative intent in treating the instrument in question as subsidiary legislation or otherwise would be a highly relevant factor. In this regard, since October 1999, the Administration has adopted the approach whereby, in cases where there may be doubt as to the nature of an instrument to be made pursuant to an Ordinance, an express provision would be included in the primary legislation indicating whether the instrument is or is not subsidiary legislation, in order to clarify the position[10].

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of the Sex Discrimination Ordinance (Cap. 480). Such code is required to be published in the Gazette and be laid on the table of the Legislative Council. Section 69(4)-(8) provides for amendment of the code of practice by the Legislative Council. On the other hand, there are also examples of subsidiary legislation not being subject to vetting by the Legislative Council e.g. regulations made by the Chief Executive pursuant to section 3 of the United Nations Sanctions Ordinance (Cap. 537); another example was a regulation made by the English Schools Foundation pursuant to section 10(1) (now section 24) of The English Schools Foundation Ordinance (Cap. 1117), until that section was amended in 2008.

[7] If so, this might suggest the instrument to be of an administrative nature. The Australian Court also considered whether requiring the authority to take wide policy considerations into account in preparing the instrument would be indicative of the instrument having legislative effect. The Court decided that the breadth of considerations which the authority is required to take into account in making the instrument in question does not alone compel a conclusion that this is not an administrative act. More persuasive are the nature and impact of the resulting decision.

[8] This may be particularly true in respect of the criteria referred to in paragraph 3(b) and (e) and paragraph 4.

[9] Other criteria include whether the instrument creates binding rights and obligations, or confers privileges or immunities, or imposes offences or penalties.

[10] An example where an express provision is included in the primary legislation indicating that the

6. A table summarising the approach in the United Kingdom ("UK"), Australia, New Zealand and Canada for discerning whether an instrument is treated as subsidiary legislation or an administrative act is set out at **Annex** for reference. It appears that in all the four jurisdictions the legislative or administrative character of the instrument is considered relevant in determining whether it is in substance a piece of subsidiary legislation[11]. That notwithstanding, in the UK and New Zealand, a formalistic approach has been adopted to determine whether an instrument is a piece of subsidiary legislation. This approach looks at the form of the instrument, for example, whether the primary legislation delegates a power to make "regulations", "rules" or "byelaws" to determine if the instrument is a piece of subsidiary legislation[12].

B. Legislative Council's power to amend subsidiary legislation where section 34 of the IGCO applies

7. LC paper No. CB(2) 852/10-11 has referred to cases where the Legislative Council's power to amend the subsidiary legislation in question appears to have been circumscribed.

8. In this regard, a distinction may be drawn between those cases where the negative vetting procedure in section 34 of the IGCO has not been disapplied, and those cases where it has. In case of the former, the vetting procedure in section 34 of the IGCO continues to apply. Any perceived "restriction" on the Legislative Council's power to amend the subsidiary legislation may be the result of the interpretation and application of section 34(2) of the IGCO in the particular context of the primary legislation. This is because section 34(2) provides that "the Legislative Council may, by resolution… provide that such subsidiary legislation shall be amended in any manner whatsoever **consistent with**

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instrument is not subsidiary legislation is section 97 of the Arbitration Ordinance (Cap. 609) where the list of recognised Mainland arbitral authorities published in the Gazette is not subsidiary legislation.

[11] In New Zealand, according to a Cabinet Office Circular issued by the Ministry of Justice on 14 March 2008, the general rule is that the disallowance procedure under the Regulations (Disallowance) Act 1989 should apply to instruments that are legislative in nature. This would affect whether an instrument made by a delegate would be declared as a "regulation" under the primary legislation.

[12] Unlike section 3 of the IGCO, the definition of "statutory instrument" in the Statutory Instrument Act of 1946 (UK) and the definition of "regulation" in the Regulations (Disallowance) Act 1989 of New Zealand do not include a reference to the legislative effect of the instrument. See section 1 of the Statutory Instrument Act of 1946 (UK). See sections 2 and 5 of the Regulations (Disallowance) Act 1989 of the New Zealand. A formalistic approach is adopted in section 6 of the Legislative Instrument Act 2003 of the Commonwealth of Australia but it is stated that section 6 does not limit the generality of s. 5(1) of the Act which looks at the legislative character of an instrument.

the power to make such subsidiary legislation". Section 28(1)(c) provides that "subsidiary legislation may at any time be amended by the same person and **in the same manner by and in which it was made**…". Read together, the Legislative Council's power to amend a piece of subsidiary legislation under section 34(2) has to be consistent with the delegate's power to make the subsidiary legislation, as set out in the primary legislation. In other words, the scope of the Legislative Council's amendment powers is primarily a matter of statutory interpretation of the effect of section 34(2) as read with section 28(1) of the IGCO and the empowering provision in the primary legislation which delimits the power of the maker of that subsidiary legislation.

9. One example of the Legislative Council's power to amend subsidiary legislation being limited by virtue of the primary legislation restricting the scope of legislative power of the maker of the subsidiary legislation is section 55 of the Eastern Harbour Crossing Ordinance (Cap. 215)("EHCO"). Section 55(3) provides that where the tunnel tolls are varied by agreement between the Chief Executive in Council and the New Hong Kong Tunnel Company Ltd. ("the Road Company") or, in default of agreement, by an arbitration award, the Commissioner for Transport shall, as soon as is practicable, amend the Schedule by notice in the Gazette. The approach in the ECHO allows for fare adjustment to be determined by agreement between the Administration and the Road Company, failing which by arbitration. This approach accords with the essentially commercial character of a franchise to construct and operate a public infrastructure. Moreover, the ECHO provides for an independent and objective mechanism (arbitration) to resolve any dispute over the fare increase. The Commissioner for Transport is then required to make subsidiary legislation to implement the results of such determination. The legislative intention is clear – the Commissioner for Transport cannot make subsidiary legislation to vary the tolls by a unilateral decision, but can only (and must) do so to give effect to the outcome of an agreement between the Road Company and the Chief Executive in Council or the outcome of the independent arbitration process. A similar regime is provided for in section 36 of the Tate's Cairn Tunnel Ordinance (Cap. 393)("TCTO"). Since the maker of the subsidiary legislation has limited power to amend the subsidiary legislation, upon application of section 34(2) of the IGCO, the Legislative Council's power to amend the subsidiary legislation is similarly circumscribed. This interpretation has been adopted by Members of the Legislative Council in the past[13].

[13] See the minutes of meeting on 12 April 2005 of the Subcommittee to Study the Eastern Harbour Crossing Ordinance (Amendment of Schedule) Notice 2005 (LC Paper No. CB(1)1384/04-05). A

10. In line with the statutory framework and the legal principles enshrined in the specific cases mentioned above, where the primary legislation prescribes a procedure to be followed, and imposes an obligation on a delegate to make subsidiary legislation to implement the outcome of the prescribed procedure, the delegate has a legal duty to do so. Sections 34(2) and 28(1)(c) of the IGCO will also apply accordingly. One example is a designation order made pursuant to section 14 of the Country Parks Ordinance (Cap. 208) following the procedure prescribed in Part III of that Ordinance, which procedure includes, *inter alia*, an extensive public consultation process, hearing of objections by a statutory body, as well as the deliberation and approval by the Chief Executive in Council. The same principle applies to a designation order made pursuant to section 15 of the Marine Parks Ordinance (Cap. 476).

C. Cases where the negative vetting procedure under section 34 has been disapplied

11. There are only a limited number of cases where the negative vetting procedure has been expressly disapplied. Whether the negative vetting procedure should be applied or disapplied completely, or replaced by a different form of vetting procedure (e.g. power to repeal but not amend the subsidiary legislation or requiring approval by the Legislative Council i.e. positive vetting) is ultimately a decision to be made after taking into account and balancing the special considerations of the particular legislative regime in question. Below are a number of non-exhaustive factors which may be relevant to the decision as to the form of vetting procedure to be applied -

(a) ***the subject matter being dealt with in the subsidiary***

Member of the Subcommittee and the Assistant Legal Adviser expressed their understanding that given the legislative provisions governing the variation of tolls of EHC and the arbitration award, the power of LegCo to change the toll increase was severely restricted. See also the Legal Services Division Report on Subsidiary Legislation gazetted on 20 May 2010 (LC Paper No. LS68/09-10). With respect to the Tate's Cairn Tunnel Ordinance (Amendment of Schedule) Notice 2010, para 22 of the Report notes that Subcommittee was formed to study notices on toll increases in 2005 and 2008, and in the course of study, members noted that the power of the Commissioner for Transport to make the notices did not cover the determination of toll levels and the timing for implementation of the new tolls. According to section 34(2) of the IGCO, LegCo's power to amend subsidiary legislation has to be consistent with the power to make such subsidiary legislation and there is little room for Members to amend the notices other than making minor technical amendments. Similarly, LegCo could not repeal the notices as this would be inconsistent with the power of the Commissioner for Transport to make such notices. A similar interpretation was also adopted in the ruling of the President of the Legislative Council on the proposed resolutions under section 34(2) of the IGCO to amend the Public Revenue Protection (Revenue) Order 1999.

legislation and the level of public importance or public interest in the matter - For example, section 9(1A) of the Criminal Procedure Ordinance (Cap. 221) provides for rules and orders made by the Criminal Procedure Rules Committee not to have effect until approved by the Legislative Council. Similarly, while section 3 of the Pension Ordinance (Cap. 89) empowers the Chief Executive to make regulations which may have retrospective effect, section 3(3) provides that no such regulation shall have legislative effect unless it has received prior approval of the Legislative Council. On the other hand, section 34 has been disapplied in bylaws made by the Council of Hong Kong Academy of Medicine under section 13 of the Hong Kong Academy of Medicine Ordinance (Cap. 419);

(b) ***whether the legislation provides an alternative means to exercise supervision over the subsidiary legislation -*** For example, LC paper No. CB(2) 852/10-11 notes that section 34 of the IGCO has been disapplied with respect to the notices issued by Commissioner for Transport to vary a toll under section 52 of the Western Harbour Crossing Ordinance (Cap. 436) ('WHCO") and section 45 of the Tai Lam Tunnel and Yuen Long Approach Road Ordinance (Cap. 474) ("TLTO"). In fact, Part X of the WHCO and Part X of the TLTO prescribe detailed provisions restricting the circumstances in which a toll may be varied as well as the amount of toll increase. In view of this, the making of the subsidiary legislation is an exercise to reflect the increase of toll made in accordance with the Ordinance and the project agreement concerned;

(c) ***the need for frequent or constant updating of the rules embodied in the subsidiary legislation to give effect to international obligations -*** For example, section 21 of the Carriage by Air Ordinance (Cap. 500) requires the Director-General of Civil Aviation to announce any revision on the limits of liability specified in Article 21, 22 or 23 of the Montreal Convention for the Unification of Certain Rules for International Carriage by Air by notice in Gazette. Article 21, 22 or 23 of Schedule 1A and Article 21 or 22 of Schedule 3 (as the case may be) to that Ordinance shall have effect subject to the revision so announced. The Carriage of

Air Ordinance was enacted to give effect to, inter alia, certain international conventions concerning international carriage of air. It is conducive to Hong Kong's air transportation industry that our legislation can be updated promptly to implement Hong Kong's obligations under the international conventions.[14]

12. As discussed in the Administration's paper "Delegation by the Legislature of the Power to Make Subsidiary Legislation to an Executive Authority or Other Body", different means can be used by the Legislative Council to exercise supervision over subsidiary legislation, whether by means of the provisions of the primary legislation or through the subsidiary legislation vetting procedure. As noted above, the disapplication of section 34 of the IGCO is the exception, not the norm. More importantly, the negative vetting procedure would only be disapplied when there are good reasons for the disapplication, for example when prior approval of the subject matter has been obtained from the Legislative Council or when a specific mechanism is established under the primary legislation or when constant updating pursuant to international convention is necessary. With the Legislative Council and the executive working diligently together at all stages of the legislative process, it is most unlikely that the negative vetting procedure would be disapplied arbitrarily without good cause.

13. At a broader level, the demands of public accountability, the Legislative Council's power to engage in debates on issues concerning public interests, and the Court's power to review the limits of the powers exercised by the delegate, can also act as effective safeguards to ensure that delegated legislative powers are exercised properly.

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[14] Another example is section 3(5) of the UN Sanctions Ordinance (Cap. 537) which provides that sections 34 and 35 of IGCO shall not apply to regulations made by the Chief Executive under section 3(1) of the Ordinance. It is noted that there has been in-depth discussion on section 3(5) between the Administration and the Legislative Council. See LC Paper No. CB(1)2051/07-08.

Annex

Comparative Research on Subsidiary Legislation – Whether an Instrument is Subsidiary Legislation

The following table summarises whether a particular instrument is considered a piece of subsidiary legislation in the United Kingdom ("UK"), Australia, Canada, New Zealand and Canada.

	UK	Australia (federal)	New Zealand	Canada (federal)
Guidelines/ Legislation	- Wade and Forsyth understand the definition of 'statutory instrument' in the Statutory Instrument Act of 1946[1](**"SIA 1946"**) covers three categories of 'subordinate legislation' made under the authority of some statute: (i) Orders in Council, (ii) Ministerial powers stated in the statute to be exercisable by statutory instrument, and (iii) future rules made under past statutes to which the Statutory Instrument Act of 1893 applied.[2] Bradley and	- If an instrument is in a class of instruments listed or is described as a regulation in the Legal Instrument Act 2003 (**"LIA"**),[6] then it is a "legislative instrument" for the purposes of the LIA's mechanism of Parliamentary scrutiny. Section 7 of the LIA provides that an instrument is not a legislative instrument for the purpose of the Act if it is included in the table	- The Interpretation Act 1999,[9] the Acts and Regulations Publications Act 1989[10] and the Regulations (Disallowance) Act 1989 (**"RDA"**)[11] define 'regulations' as including "regulations, rules, or bylaws made under any Act by the Governor- General in Council or by a Minister of the Crown" and an Order in Council, Proclamation, notice, Warrant, or instrument, made under	- Statutory Instruments Act 1985 (**"SIA 1985"**) has elaborate definition of the terms "regulation" and "statutory instrument", e.g. a "regulation" means a statutory instrument "made in the exercise of legislative power conferred by or under an Act of Parliament" or "for the contravention of which a penalty, fine or imprisonment is prescribed by or under

	UK	Australia (federal)	New Zealand	Canada (federal)
	Ewing criticise that "despite the [SIA 1946], terminology is often confusing."[3] The 1946 Act differentiates between statutes made before 1 January 1948 and after that date. For statutes made after the relevant date, there is a clear-cut definition depending on whether the primary legislation requires the instrument to be subsidiary legislation. For statutes made before the relevant date, the older test which focuses on the legislative effect of the instrument would continue to apply. - The Interpretation Act 1978 defines "subordinate legislation" as "Orders in Council, orders, rules,	in that section, these include, inter alia, ministerial directions to a Commonwealth company and decisions and orders of Fair Work Australia. - Moreover, if an instrument is "of a legislative character" and "is or was made in the exercise of a power delegated by the Parliament," then that instrument is *also* a legislative instrument. An instrument is "of a legislative character" if "it determines the law or alters the content of the law, rather than applying the law in a particular	an enactment that varies or extends the scope of provisions of an enactment. The RDA itself gives no guidelines when an instrument will be made a regulation. - A Cabinet paper issued by the Ministry of Justice takes the view that an instrument being legislative in nature should in general be declared to be a regulation for the purposes of disallowance under RDA. It however recognizes that there are a very few cases with good reasons which may allow departure from this general rule:	an Act of Parliament."[13] Section 2(a) defines "statutory instrument" to mean "any rule, order, regulation, ordinance, direction, form, tariff of costs or fees, letters patent, commission, warrant, proclamation, by-law, resolution or other instrument made in the execution of a power under an Act of the Parliament or under the authority of the Governor in Council but section 2(b) provides that "statutory instrument" does not include any instrument referred to in (a) and made by a corporation

	UK	Australia (federal)	New Zealand	Canada (federal)
	regulations, schemes, warrants, byelaws and other instruments made or to be made under any Act."[4] - Commenting on the definition of "statutory instrument" under s. 1 of the 1946 Act, Wade and Forsyth opine that "Parliament has abandoned the attempt to define subordinate legislation by its substance, since this could never achieve precision."[5] - It is noted the above Acts give no guidelines when a maker of an instrument will be made a regulation.	case"; and "it has the direct or indirect effect of affecting a privilege or interest, imposing an obligation, creating a right, or varying or removing an obligation or right."[7] (See the Federal Court's discussion in *RG Capital Radio v Australia Broadcasting Authority* (2001) 113 FCR 185.) - A "Legislative Instruments Handbook" suggests that other factors indicative of legislative character include: (i) whether the instrument is	(i) where instrument, made by an independent body or an industry, is not subject to ministerial approval, (ii) there are strong reasons for Parliament not to intervene, e.g. an instrument which concerns academic/press freedoms, and (iii) an instrument which concerns interests of international uniformity. The Ministry of Justice opines that: "In broad terms, an instrument is legislative in nature if it regulates the public generally or any class of the public (including an occupational class); and prescribes or imposes obligations, confers	incorporated under an Act of Parliament unless other conditions apply. The Act itself gives no guidelines when an instrument will be made a regulation. - In determining whether a directive made by the executive is a regulation or statutory instrument, the Federal Court of Canada has decided that it is significant that there is no provision for penalty concerning the breach of the directive in dispute. This leads to the conclusion that the directive is of an administrative, not a

	UK	Australia (federal)	New Zealand	Canada (federal)
		binding, (ii) "if an instrument applies an existing principle it is more likely to be administrative, but if it establishes a new regime it is legislative", and (iii) instruments having effect of imposition of penalty or setting mandatory standards will be legislative instrument.[8]	entitlements, or creates benefits or privileges."[12]	legislative, nature. (*A-G of Canada v Gaeten Plante* 29 WCB (2d) 299, as summarised in *Raza v Chief Executive-in- Council* [2005] 3 HKLRD, p. 601.)

Notes

[1] Statutory Instruments Act 1946.
[2] W. Wade and C. Forsyth, "Administrative Law" (10th ed.), Oxford : Oxford University Press, 2009, p.760.
[3] A. Bradley & K. Ewing, "Constitutional and Administrative Law" (14th ed.), Harlow, England ; New York : Pearson Longman (2007), p.680.
[4] Section 21(1), Interpretation Act 1978.
[5] W. Wade and C. Forsyth, "Administrative Law" (10th ed.), Oxford : Oxford University Press, 2009, p.760.
[6] Section 6, Legislative Instruments Act 2003.

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[7] Section 5, Legislative Instruments Act 2003.
[8] "Legislative Instruments Handbook: A Practical Guide for Compliance with the Legislative Instruments Act 2003 and Related Matters", Office of Legislative Drafting and Publishing in the Australian Attorney-General's Department (2004), pp. 9 – 10 (http://www.ag.gov.au/www/agd/rwpattach.nsf/vap/(cfd7369fcae9b8f32f341dbe097801ff)~11li+handbook_v3_1_1204.pdf/$file/11li+handbook_v3_1_1204.pdf).
[9] Section 29, Interpretation Act 1999.
[10] Section 2(2), Act and Regulations Publication Act 1989.
[11] Section 2, Regulations (Disallowance) Act 1989.
[12] "Cabinet Office Circular CO (O8) 4 – Delegated Legislation: Guidelines for Legislative Instruments that are not Regulations" New Zealand Cabinet Office (2008) (http://www.dpmc.govt.nz/cabinet/circulars/co08/4.html#legislative-instrument-definition).
[13] Section 2(1), Statutory Instruments Act.