



# PARLIAMENT OF VICTORIA

## Scrutiny of Acts and Regulations Committee

### Statutory Rules Exemptions Checklist

#### **Section 8(1)(a) – Would not impose Significant Economic or Social Burden**

- Explanatory Memorandum
- Recommendation from the Minister to the Governor in Council to make the Regulations
- Section 6 Consultation Certificate
- Section 6A Infringements offence consultation certificate (*if relevant*)
- Section 8 Exemption Certificate
- Section 12A Human Rights Certificate
- Section 13 Certificate from the Chief Parliamentary Counsel
- Copy of draft regulations (*Optional*)

#### **Section 8(1)(b) – Is a Rule which relates only to a Court or Tribunal**

- Explanatory Memorandum
- Section 6 Consultation Certificate (*Optional*)
- Section 8 Exemption Certificate
- Section 12A(3) Human Rights Exemption Certificate

#### **Section 8(1)(c) – Is of a Fundamentally Declaratory or Machinery Nature**

- Explanatory Memorandum
- Recommendation from the Minister to the Governor in Council to make the Regulations
- Section 6A Infringements offence consultation certificate (*if relevant*)
- Section 8 Exemption Certificate
- Section 12A Human Rights Certificate
- Section 13 Certificate from the Chief Parliamentary Counsel
- Copy of draft regulations (*Optional*)

#### **Section 8(1)(d) – Only increases Fees in respect of a Financial Year by an amount not exceeding the Annual Rate Approved by the Treasurer**

- Explanatory Memorandum
- Recommendation from the Minister to the Governor in Council to make the Regulations
- Section 6A Infringements offence consultation certificate (*if relevant*)
- Section 8 Exemption Certificate
- Section 12A Human Rights Certificate
- Section 13 Certificate from the Chief Parliamentary Counsel
- Copy of draft regulations (*Optional*)

Note: Section 13 certificates are not required for court rules or for statutory rules which are not made by Governor-in-Council.

**Please forward all relevant documents to:**  
**Scrutiny of Acts and Regulations Committee**  
**Parliament House, Spring Street**  
**East Melbourne VIC 3002**

**By email: [sarc@parliament.vic.gov.au](mailto:sarc@parliament.vic.gov.au)**



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#### **Section 8(1)(e)(i) and (ii) – Prescribes under section 4(1)(a) or 4(1)(b) an instrument or class of instrument to be a statutory rule or to be exempt**

- Explanatory Memorandum
- Recommendation from the Minister to the Governor in Council to make the Regulations
- Section 8 Exemption Certificate
- Section 12A(3) Human Rights Exemption Certificate
- Section 13 certificate from the Chief Parliamentary Counsel
- Copy of draft regulations (*Optional*)

#### **Section 8(1)(e)(iii) – Is an extension regulation**

- Explanatory Memorandum
- Recommendation from the Minister to the Governor in Council to make the Regulations
- Section 5A(1) Minister's extension certificate
- Section 5A(3) Premier's extension certificate
- Section 8 Exemption Certificate
- Section 12A(3) Human Rights Exemption Certificate
- Section 13 Certificate from the Chief Parliamentary Counsel
- Copy of draft regulations (*Optional*)

#### **Section 8(1)(e)(iv), (v) and (vi) – Prescribes under section 4A(1)(a), 4A(1)(b) or 4A(1)(c) an instrument to be a legislative instrument or to be exempt**

- Explanatory Memorandum
- Recommendation from the Minister to the Governor in Council to make the Regulations
- Section 8 Exemption Certificate
- Section 12A(3) Human Rights Exemption Certificate
- Section 13 Certificate from the Chief Parliamentary Counsel
- Copy of draft regulations (*Optional*)

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**Section 8(1)(f) – Is required under a national uniform legislation scheme and an assessment of costs and benefits has been undertaken under that scheme**

- Explanatory Memorandum
- Recommendation from the Minister to the Governor in Council to make the Regulations
- Section 6 Consultation Certificate
- Section 6A Infringements offence consultation certificate (*if relevant*)
- Section 8 Exemption Certificate
- Section 12A Human Rights Certificate
- Section 13 Certificate from the Chief Parliamentary Counsel
- Copy of draft regulations (*Optional*)

**Section 8(1)(g) – Deals with administration or procedures within or a between Departments or declared authorities within the meaning of the *Public Administration Act 2004* or Departments within the meaning of the *Parliamentary Administration Act 2005***

- Explanatory Memorandum
- Recommendation from the Minister to the Governor in Council to make the Regulations
- Section 6 Consultation Certificate
- Section 6A Infringements offence consultation certificate (*if relevant*)
- Section 8 Exemption Certificate
- Section 12A Human Rights Certificate
- Section 13 Certificate from the Chief Parliamentary Counsel
- Copy of draft regulations (*Optional*)

**Section 8(1)(h) – Notice of the proposed statutory rule would render the proposed statutory rule ineffective or would unfairly advantage or disadvantage any person likely to be affected by the proposed statutory rule**

- Explanatory Memorandum
- Recommendation from the Minister to the Governor in Council to make the Regulations
- Section 6 Consultation Certificate (*Optional*)
- Section 6A Infringements offence consultation certificate (*if relevant*)
- Section 8 Exemption Certificate
- Section 12A Human Rights Certificate
- Section 13 Certificate from the Chief Parliamentary Counsel
- Copy of draft regulations (*Optional*)

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**Section 9 – The Premier may issue a certificate in writing that, in the Premier’s opinion, in the special circumstances of the case the public interest requires that the proposed statutory rule be made without complying with Section 7(1)**

- Explanatory Memorandum
- Recommendation from the Minister to the Governor in Council to make the Regulations
- Section 6 Consultation Certificate (*Optional*)
- Section 6A Infringements offence consultation certificate (*if relevant*)
- Section 9 Exemption Certificate
- Section 12A Human Rights Certificate
- Section 13 Certificate from the Chief Parliamentary Counsel
- Copy of draft regulations (*Optional*)

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