

Minister for Local Government and Water and
Minister for Fire, Disaster Recovery and Volunteers

Report to the Legislative Assembly under section 56A of the
Statutory Instruments Act 1992

Background

Section 54 of the *Statutory Instruments Act 1992* (SI Act) provides for subordinate legislation to expire on 1 September first occurring after the tenth anniversary of the day of its making unless it is sooner repealed or expires, or a regulation is made exempting it from expiry.

Under section 56A(1) of the SI Act, a regulation may exempt subordinate legislation, other than uniform subordinate legislation, from expiry for a stated period of not more than one year on a number of grounds, including that the Act or provision under which the subordinate legislation, or part of the subordinate legislation, is made or preserved is subject to review.

Section 56A(2) permits the period of exemption stated in the regulation to be further extended by regulation (called an extension regulation) for further periods of not more than one year if the Act or provision under which the subordinate legislation, or part of the subordinate legislation, is made or preserved is subject to review.

If an extension regulation is made, the Minister responsible for the exempted subordinate legislation is required, under section 56A(4) of the SI Act, to table a report in the Legislative Assembly within seven sitting days after the extension regulation is made. The report must state how the Act or provision is subject to review and, if the Act or provision is being reviewed by the Minister, the extent to which the Act or provision is being reviewed and when the Minister expects the review to end.

Statutory Instruments (Exemptions from Expiry) Amendment Regulation 2025

The *Statutory Instruments (Exemptions from Expiry) Amendment Regulation 2025* provides for the expiry of the following regulations to be extended under section 56A(2) of the SI Act, for a period ending at midnight on 31 August 2026.

Building Fire Safety Regulation 2008

Exemption from expiry: The extension regulation for the *Building Fire Safety Regulation 2008* was made on the basis that the *Fire Services Act 1990* (FS Act) is subject to review.

Details of review: With amendments to the FS Act to establish the fire services as two separate services and implement a range of other structural reforms finalised in 2024, the purpose of the review is to identify practical amendments to improve the operation of the FS Act, including in the area of building fire safety.

Timeframe for review: The review of the FS Act is continuing and will be completed after the expiry date of the *Building Fire Safety Regulation 2008*.

Fire Services Regulation 2011

Exemption from expiry: The extension regulation for the *Fire Services Regulation 2011* was made on the basis that provisions of the *Fire Services Act 1990* (FS Act) are subject to review.

Details of review: With amendments to the FS Act to establish the fire services as two separate services and implement a range of other structural reforms finalised in 2024, the purpose of the review is to identify practical amendments to improve the operation of the FS Act, including in the areas of fire control and prevention and financial provisions.

Timeframe for review: The review of the FS Act is continuing and will be completed after the expiry date of the *Fire Services Regulation 2011*.