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The LIA Review Secretariat
c/-Attorney-General's Department
Robert Garran Offices
National Circuit
Barton, ACT, 2600

9th May '08

Dear Sir or Madam,

Re: Review of the Legislative Instruments Act (LIA) 2003

I refer to your letter to National Legal Aid (NLA) dated 14 April '08 inviting a submission by us to the review of the Legislative Instruments Act (LIA) 2003.

The Issues Paper provided with your letter contains many matters which are of a technical nature and outside our general business. We therefore wish to respond to Question 30 and make general comment only.

"Question 30. Are the current procedures for both parliamentary and judicial scrutiny of legislative instruments adequate? Should those procedures be altered or clarified in any way?"

Where a legislative instrument is disallowable by Parliament, the decision to make the legislative instrument should never be the subject of judicial review. This extra form of scrutiny increases uncertainty.

Generally, we wish to indicate our support of attempts by Government to make the law less complex and more readily discernable. We are of course in favour of consultation.

NLA appreciates the invitation to make a submission in relation to the review, and the provision of Issues Paper.

Yours sincerely,

A handwritten signature in black ink, appearing to read "H. Gilmore".

H. Gilmore
Chairperson
National Legal Aid