

2000

AUSTRALIAN CAPITAL TERRITORY

MEDIATION ACT 1997

DECLARATION UNDER SUBSECTION 4(2)

EXPLANATORY STATEMENT

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of

Gary Humphries MLA
Attorney-General

BACKGROUND

The *Mediation Act 1997* (the Act) was passed by the ACT Legislative Assembly on Tuesday 23 September 1997. It was notified in the ACT *Gazette* S300 on 9 October 1997. The substantive provisions of the Act commenced on 1 July 1998.

One of the purposes of the Act is to provide for the registration of mediators by “approved agencies”. Subsection 4(2) provides that the Minister may declare an entity to be an approved agency for the Act. In order to become an “approved agency” an organisation is required to meet certain criteria laid down by the Attorney-General and notified in the ACT *Gazette* No 19 of 13 May 1998.

PURPOSE OF THE DECLARATION

Since amendments to the Act by the *Law Reform (Miscellaneous Provisions) Act 1999* (“the amending Act”), approved agencies are as declared by the Minister, rather than as prescribed by Regulation as was formerly the case. The amending Act, however, includes no provisions to save the operation of Regulations already in existence. The status of agencies whose approval is purportedly effected by Mediation Regulation 4 is therefore uncertain.

To remove all doubt about the continuing approval of these agencies, the Attorney-General has here declared them to be approved agencies under subsection 4(2) of the Act and Mediation Regulation 4 will be repealed.

Tim Chadwick and Mediate Today Pty. Limited recently submitted applications to the Department which were carefully assessed against all criteria for approval as an agency. The declaration also reflects the Attorney-General’s decision to add Tim Chadwick and Mediate Today to the seven agencies approved to date under the Act.