

2000

AUSTRALIAN CAPITAL TERRITORY

MEDIATION ACT 1997

MEDIATION REGULATIONS

Subordinate Law No. 42 of 2000

EXPLANATORY STATEMENT

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of

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BACKGROUND

The *Mediation Act 1997* 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 agencies approved for this purpose. Registration by an approved agency must be based upon a mediator's assessment against Competency Standards applied by the Act.

PURPOSE OF THE REGULATION

Recent amendments to the *Mediation Act 1997* ("the Act") effected by the *Law Reform (Miscellaneous Provisions) Act 1999* ("the amending Act") have resulted in the following changes to the Act:

Competency Standards to be met by mediators are now declared by the Minister under subsection 4(1) of the Act, rather than prescribed by Regulation as was formerly the case. A similar change has been effected to the manner in which an "approved agency" is to be formally recognised under subsection 4(2) of the Act.

The amending Act contained no provisions to save the operation of Regulations already in existence. The status of Regulation 4 (which lists approved agencies) and Regulation 5 (which indicates the applicable Competency Standards) was consequently uncertain.

To remove all doubt about the continuing effect of the matters prescribed by Regulations 4 and 5, the Attorney-General made declarations about the approved agencies and the competency standards by Instruments No. 64 and No. 65 of 2000, which were gazetted on 24 February 2000. The result of these declarations is that the Mediation Regulations are now redundant. They will therefore be repealed by this Regulation.

- Regulations 1 and 2 deal with formal matters
- Regulation 3 repeals the Mediation Regulations, as amended to date.