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**THE LEGISLATIVE ASSEMBLY FOR THE AUSTRALIAN CAPITAL
TERRITORY**

REGULATIONS REVISION REGULATIONS

EXPLANATORY MEMORANDUM

Circulated by the authority of the Attorney General

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REGULATIONS REVISION REGULATIONS

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Outline

The Regulations Revision Regulations ("the Regulations") amend various Regulations by making technical corrections and bringing the language of those Regulations into accord with current drafting practice. In addition the Regulations repeal redundant Regulations. The Regulations do not change the substance of the law.

In particular, the provisions of the Regulations -

- remove sexist language;
- simplify expression consistent with modern drafting practice;
- remove references to redundant Regulations; and
- correct typographical errors.

The Bill does not attempt to update and correct all Territory Regulations. The process of removing sexist language will continue as legislation is amended.

Financial implications

There are no financial implications arising from the Regulations.

AMENDMENT OF REGULATIONS

Regulation 3 of the Regulations provides that those Regulations listed in Schedule 1 to the Regulations are amended as set out in that Schedule.

The Schedule amends the following Regulations:

Adoption Regulations

(made under the Adoption Act 1993)

The Regulations are amended to -

- recast provisions of regulation 30, consistent with modern drafting practice and clarify that references in the provision to "the Tribunal" are references to the Australian Capital Territory Administrative Appeals

Tribunal. The recasting requires the insertion of a new regulation 30A and new subregulation 30(2A).

Commonwealth Teaching Service Regulations

(made under the Teaching Service Act 1972)

The Regulations are amended to -

omit references to the "Commonwealth" throughout the Regulations, as the Regulations are made pursuant to Territory legislation - (regulations 1 and 3 and Schedule 2);

repeal a spent, and therefore, redundant, provision - (regulation 2);

omit the definition of "organization" based on the meaning of that term in the repealed *Conciliation and Arbitration Act 1904* and substitute a new definition for the term "organisation" based on the definition of the term in the *Industrial Relations Act 1988* of the Commonwealth - (regulation 3);

remove sexist language - (regulations 4A, 4B, 6, 6A, 6D, 43 and 45, subregulations 6B(1) and (2), 6C(2) and (3), 11(2), 36(1A), (2), (3) and (4), 39(1) and (3), 40(1), (2) and (3) paragraphs 36(1A)(a), (b) and (c), 39(1)(a) and (b), (2)(a), (c) and (d); and

otherwise bring the language of the Regulation into accord with modern drafting practice - (regulations 45 and 47, subregulations 10(1) and (2), 11(1) and (2), paragraphs 9(a) and (b), 36(1A)(a), (b), and (c) and subparagraphs 6C(2)(a)(ii) and 6C(3)(a)(ii).

Commonwealth Teaching Service (Prescribed Authorities) Regulations

(made under the Teaching Service Act 1972)

The Regulations are amended to -

omit references to the "Commonwealth" throughout the Regulations, as the Regulations are made pursuant to Territory legislation - (regulations 1 and 2); and

reflect modern drafting practice in relation to the citation of Acts - (regulation 2).

Finance Regulations

(made under the Audit Act 1989)

The Regulations are amended to -

- remove one of two identical definitions of the term "Act" from subregulation 2(1);
- remove sexist language - (regulation 75, subregulations 47(1) and (2) and 54(3) and paragraphs 85(a) and (b) and 86(a)); and
- otherwise bring the language of the Regulations into accord with modern drafting practice - (subregulation 25(3)).

Motor Vehicle (Third Party Insurance) Regulations

(made under the Motor Traffic Act 1936)

The Regulations are amended to -

- repeal a spent and, therefore, redundant provision - (regulation 3);
- remove an incorrect reference to a provision of legislation which, prior to its repeal, authorised the determination of fees for ambulance services, and substitute a reference to the provision of legislation pursuant to which such fees are, now, determined - (paragraph 11(a));
- remove sexist language - (First and Second Schedules); and
- otherwise, bring the language of the Regulations into accord with modern drafting practice - (regulations 9, 10 and 19, subregulations 2(1) and (2), 8(1), 14(1), 15(1) and (2), 16(1), (2) and (3), paragraphs 16(1)(a) and (b), 18(a) and (b), subparagraphs 18(a)(i) and (ii) and 18(b)(i) and (ii), and First and Second schedules).

Public Health (Private Hospitals) Regulations

(made under the Public Health Act 1928)

The Regulations are amended to -

correct the citation of the *Medical Practitioners Act 1930*, consequential on amendments effected to that Act by the *Medical Practitioners (Amendment) Act 1993* - (regulation 3);
 remove sexist language - (regulations 4, 5 and 11, subregulations 6(2), 12(2), 18(5) and (6), and paragraphs 17(a), (e), (h) and (m); and
 otherwise bring the language of the Regulations into accord with modern drafting practice - (regulations 3, 8, 11, 14, 22 and the Schedule, subregulations 10(2), 12(2) and (3), 18(1), (4) and (6), and paragraphs 9(a), (b), (c), (d), (e), (f), (g), (h), (i), (j), (k), (l), (la), (m), (n), (o), (p), (q) and (r), 10(1)(c), 10(2)(a), (b), (c), (ca), (d), (e) and (f), 17(a), (e), (f), (i) and (m), 18(1)(a) and (b).

Weights and Measures Regulations

(made under the Weights and Measures (Sale of Bread) Act 1929)

The Regulations are amended to -

repeal regulation 2 as it is a redundant provision. The purpose of regulation 2 was to modify the application of the NSW Weights and Measures Regulations, in the ACT. Those regulations applied, in the ACT, by virtue of section 3A of the *Weights and Measures (Sale of Bread) Act 1929*. However, with the repeal of section 3A of that Act by section 6 of the *Weights and Measures (Amendment) Act 1991*, regulation 2 was rendered redundant.

REPEALS

Regulation 4 repeals the following Regulations listed in Schedule 2.

Associations Incorporation Regulations

(made under the Associations Incorporation Act 1953)

The Regulations are repealed as they are redundant. The Regulations were saved by section 129 of the new *Associations Incorporation Act 1991*, which repealed the 1953 Act. It was intended that the Regulations would remain in place until new regulations under the 1991 Act could be prepared. The new Associations Incorporation Regulations were subsequently made (Subordinate Law No. 31 of 1991), but the old Regulations were not repealed. Having been superseded by the Regulations made pursuant to the new legislation, the Regulations made pursuant to the repealed Act are redundant and, therefore, repealed.

Public Health (Health Commission) Regulations

(made under the Public Health Act 1928 - 75)

The Regulations are repealed as the provisions of the Regulations are spent and, therefore, redundant.