

2003

LEGISLATIVE ASSEMBLY FOR THE AUSTRALIAN
CAPITAL TERRITORY

Legislation Regulations 2003
Subordinate Law SL2003-17

EXPLANATORY STATEMENT

Circulated by authority of

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LEGISLATION REGULATIONS 2003

EXPLANATORY STATEMENT

Overview

The *Legislation Act 2001*, section 61 (Notification of registrable instruments) requires the parliamentary counsel to notify the making of a registrable instrument if the maker of the instrument (or an *appropriate person*) asks for notification and complies with the requirements prescribed under the regulations. These requirements may relate to the form of the instrument, the making of the request or otherwise.

Subordinate laws, disallowable instruments, notifiable instruments and commencement notices are all registrable instruments, and are generally notified on the ACT legislation register. Section 61 also defines *appropriate person* to include a person prescribed under the regulations. The *Legislation Regulations 2001* currently prescribe requirements for notification and extend the section 61 definition of *appropriate person*.

The *Legislation Regulations 2003* would repeal and remake the existing regulations on 1 July 2003 to facilitate improved administrative procedures for making requests for notification to the parliamentary counsel. The new procedures are intranet-based and more efficient and flexible than the previous email-based systems. The opportunity has also been taken to spell out the prescribed requirements more fully in relation to the different types of registrable instruments.

These machinery provisions are to ensure as far as possible that instruments are named and identified consistently across the ACT statute book in accordance with current legislative drafting practice. These small steps help improve public access to the law by making instruments easier to identify and use.

NOTES ON REGULATIONS

Regulation 1 **Name of regulations**

This regulation provides the name of the regulations.

Regulation 2 **Commencement**

This regulation provides that the regulations commence on 1 July 2003.

Regulation 3 Dictionary

This regulation provides that the dictionary at the end of the regulations is part of the regulations.

Regulation 4 Notes

This regulation provides that a note in the regulations is explanatory and does not form part of the regulations.

Regulation 5 Meaning of *notification number* in part 2.

This regulation defines the expression *notification number* for part 2 of the regulations.

Regulation 6 Requirements about form of registrable instruments (other than approved forms)

This regulation prescribes the requirements about the form of a registrable instrument (other than an approved form) that must be complied with in order for the parliamentary counsel to notify the instrument. The matters that must be included are a unique name and the year in which the instrument was made, the name of the authorising law, the authorising provision of that law, the instrument notification number, the name (as signed) and title of each maker of the instrument, and the date the instrument was made.

Regulation 7 Requirements about form of approved forms

This regulation prescribes the requirements about the form of an approved form that must be complied with for the parliamentary counsel to notify the making of the approved form. The matters that must be included in an approved form are a brief indication of the form's purpose, the name of the authorising law, the authorising provision of that law, and the form's notification number. Additionally, the approved form must include, or be accompanied by, a written statement that includes the name and title of the person who approved the form and the date when the form was approved. A form may also have a unique form number under its authorising law, eg Form 1.

Regulation 8 Notification of subordinate laws

This regulation prescribes the requirements that must be complied with for the parliamentary counsel to notify the making of a subordinate law. The person requesting the notification must give the parliamentary counsel a written request for notification that contains information about the person such as their name and title,

their administrative unit, telephone number and whether the person making the request is the maker of the subordinate law. In making a request for notification a person must also include in the written request information and material in relation to the subordinate law. The specific information in relation to the subordinate law that is required is provided for in regulation 8 (4).

Regulation 9 Notification of disallowable instruments, notifiable instruments (other than approved forms) and commencement notices

This regulation provides for the requirements that must be complied with for the parliamentary counsel to notify the making of a disallowable instrument, a notifiable instrument (other than an approved form), or a commencement notice. Information is required in relation to the person who is making the request for notification and in relation to the instrument that is to be notified. The specific information required is set out in regulations 9 (3) and (4). A copy of the instrument as made must also be supplied (unless the draft instrument for making was supplied by the parliamentary counsel).

Regulation 10 Notification of approved forms

This regulation provides for the requirements that need to be complied with in relation to requesting notification of approved forms. Information must be provided in relation to the person making the request and in relation to the approved form that is to be notified. The specific information required is set out in regulation 10 (3) and (4). A copy of the instrument as made must also be supplied (unless the draft instrument for making was supplied by the parliamentary counsel).

Regulation 11 Appropriate person for registrable instrument

This regulation applies to a registrable instrument other than an instrument made by the Executive or rules of a court or tribunal. The appropriate person for the instrument is the chief executive of the administrative unit that is responsible for the provision under which the instrument is made.

Regulation 11 Repeal of Legislation Regulations 2001

Regulation 11 repeals the *Legislation Regulations 2001* No 34.