

2000

AUSTRALIAN CAPITAL TERRITORY

MEDIATION ACT 1997

DECLARATION UNDER SUBSECTION 4(1)

EXPLANATORY STATEMENT

INSTRUMENT NO. 65 OF 2000

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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 competency standards required for the registration of a mediator by an agency approved under section 5 of the Act. Subsection 4(1) provides that the Minister may declare such standards.

PURPOSE OF THE DECLARATION

Since amendments to the Act by the *Law Reform (Miscellaneous Provisions) Act 1999* ("the amending Act"), competency standards 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 the competency standards purportedly prescribed by Mediation Regulation 5 is therefore uncertain.

To remove all doubt about the continuing force of the existing standards, the Attorney-General has here declared them to be the competency standards in force under subsection 4(1) of the Act and Mediation Regulation 5 will be repealed.