

**2004**

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

**STATUTE LAW AMENDMENT BILL 2004**

**EXPLANATORY STATEMENT**

**Circulated by the authority of  
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Attorney General**

## **Background**

The objective of this bill is to further enhance the ACT's statute book to ensure that it is of the highest standard. The bill does so by amending Acts and regulations for statute law revision purposes only.

This bill forms part of the technical amendments program for ACT legislation. Under guidelines for the technical amendments program approved by the Government, the essential criteria for the inclusion of amendments in the bill are that the amendments are minor or technical and non-controversial.

The development of a technical amendments program for ACT legislation was in response to the need for greater flexibility in the drafting of amendments for statute law revision purposes and to minimise costs associated with keeping ACT legislation up-to-date. Statute law amendment bills are an important part of maintaining and enhancing the standard of ACT law. They provide an opportunity to make amendments and repeals that, taken alone, would be insufficiently important to justify separate legislation and are inappropriate to make as editorial amendments under the *Legislation Act 2001*, chapter 11 (which provides for the republication of Acts and statutory instruments). However, the cumulative effect of the amendments and repeals made through a technical amendments program and statute law amendment bills can have a substantial impact on the ACT statute book and the overall quality of ACT law.

The ACT statute book is all ACT legislation taken as a body of law. A statute book that is well maintained significantly enhances access to legislation by making it easier to find in an up-to-date form and easier to read and understand. Statute law amendments under the technical amendments program can greatly assist the process of modernisation of the statute book. Laws need to be kept up-to-date to reflect ongoing technological and societal change.

The bill contains three schedules and has been structured to assist the transparency of the amendments made by it.

When enacted, this bill will help to improve the quality of the ACT's statute book by making it simpler, more consistent and more coherent, and will help to keep it up-to-date.

## **Notes on clauses**

### **Clause 1 — Name of Act**

This clause provides for the bill's name.

### **Clause 2 — Commencement**

This clause provides for the bill's commencement 14 days after the day it is notified under the *Legislation Act 2001*. This will enable the Parliamentary Counsel's Office to have up-to-date republications of the affected legislation ready for the legislation register on the day the amendments commence.

### **Clause 3 — Purpose**

This clause states the bill's purpose.

### **Clause 4 — Notes**

This clause confirms that an explanatory note in the bill does not form part of the Act when it is enacted.

### **Clause 5 — Legislation amended—schs 1-3**

This clause gives effect to the amendments made by schedules 1 to 3.

## **Notes on schedules**

Each amendment is explained in an explanatory note in the relevant schedule.

### **Schedule 1 — Minor amendments**

Schedule 1 provides for minor, non-controversial amendments initiated by agencies.

#### **Part 1.1 — *Drugs of Dependence Act 1989***

The amendments allow dentists to administer etc fentanyl (in addition to cocaine, pentazocine and pethidine) as part of their treatment of patients. Fentanyl is used for providing short-term pain relief and is available to dentists in other jurisdictions.

#### **Part 1.2 — *Interactive Gambling Act 1998***

The amendment corrects a typographical error to the penalty in section 14 (1). The provision imposes a penalty of 200 penalty units and imprisonment for two months instead of two years.

#### **Part 1.3 — *Land (Planning and Environment) Act 1991***

The amendments correct two unintended consequential amendments made when the planning and land authority was established. The amendments restore the previous position.

#### **Part 1.4 — *Magistrates Court Act 1930***

The amendments put beyond doubt that the Act's infringement notice scheme does not allow an infringement notice to be served for an offence, or an infringement notice offence to be prosecuted, after the end of the one-year period within which a prosecution must normally be brought for a summary offence.

#### **Part 1.5 — *Poisons Act 1933***

The amendments allow pharmacists to supply a small quantity of certain prescription medicines to a person without a doctor's or dentist's prescription if an emergency makes it impractical for the person to obtain a prescription for the medicine. The need for a provision of this kind was highlighted by the January 2003 bushfires.

## **Schedule 2 — Structural amendments of Legislation Act**

Schedule 2 provides for non-controversial structural amendments of the *Legislation Act 2001* initiated by the Parliamentary Counsel's Office. All the amendments in schedule 2 are of the Legislation Act.

Structural issues are particularly concerned with making the statute book more coherent and concise, and therefore more accessible. Strategies to achieve these objectives include such things as avoiding unnecessary duplication and the maximum degree of standardisation of legislative provisions consistent with policy requirements and operational needs.

Shortening legislation results in less clutter and increased simplicity. Reliance on the standard provisions achieves simplification by eliminating the need to repeat standard technical definitions and other provisions in every Act. Awareness of standard provisions, particularly in the Legislation Act, is being promoted by the inclusion of notes in Acts drawing attention to them.

The amendments in the schedule also reflect the process of continuous review and improvement of the operation of the Legislation Act and the enhancement of access to ACT legislation.

## **Schedule 3 — Technical amendments**

Schedule 3 contains minor or technical amendments of legislation initiated by the Parliamentary Counsel's Office.

The amendments include the correction of minor errors, updating language, improving syntax and other minor changes to update or improve the form of legislation. The schedule also provides for the inclusion of notes for the benefit of users of legislation. This, together with notes in dictionaries, is part of the overall strategy to raise awareness of the impact of the Legislation Act on other legislation.