

**2007**

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

**STATUTE LAW AMENDMENT BILL 2007  
EXPLANATORY STATEMENT**

**Circulated by the authority  
of  
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## **Background**

The object 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 generally 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.

### **Clause 1 — Name of Act**

This clause provides for the bill's name.

### **Clause 2 — Commencement**

This clause provides for the bill's commencement 21 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. However, the amendment of the *Registrar-General Act 1993* requires a different commencement time and this is indicated by the inclusion of a special commencement provision at the end of the amendment. Clause 2 contains an example of a special commencement provision.

### **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.

### **Schedule 1 — Minor amendments**

Schedule 1 provides for minor, non-controversial amendments initiated by government departments and agencies. It contains amendments of the *Cemeteries and Crematoria Act 2003*, *Heritage Act 2004* and *Unlawful Games Act 1984*. Each amendment is explained in an explanatory note to the amendment.

### ***Cemeteries and Crematoria Act 2003***

Section 23 is amended to remove the requirement that a warrant under the *Coroners Act 1997* and the chief health officer's permission are both required to exhume human or foetal remains.

### ***Heritage Act 2004***

The first amendment is of section 13 which defines the term ***interested person*** for the Act. Notices about the registration, or proposed changes to the registration, of a place or object must be given to each interested person for the place or object. The amendment makes it clear that if a place or object is also an Aboriginal place or object, each of the entities mentioned in new subsection (2) is, in addition to the entities mentioned in existing section 13 (a) to (e), an interested person for the place or object.

The second amendment is of section 50 which provides for the partial cancellation of a registered place. The amendment extends the scope of the section to include the partial cancellation of a registered object. For example, if a part of a heritage object cannot be repaired and is replaced, it may be appropriate for the registration not to continue to apply to that part of the object.

### ***Unlawful Games Act 1984***

The definition of ***unlawful game*** lists various games and, in paragraph (f), provides 'any other game of skill or chance, or of mixed skill and chance, in which money or any other valuable thing is staked or risked on an event or contingency'. The amendment adds 'other than backgammon, bridge, chess or scrabble' to the end of the paragraph. Unlike most other board or card games of skill or chance, the 4 games are typically played in competitions organised by community bodies and, without the amendment, may offend the Act when played for some form of reward, such as part of a tournament in which prizes are awarded. However, when played for a reward, including as part of a tournament, they are not played for gambling purposes. The tournament prizes or other benefits are a recognition of skill rather than a gambling reward. The purpose of the amendment is to exclude the games from the Act's operation.

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

The schedule contains 2 technical amendments of section 192 which sets out the period within which prosecutions for offences must be begun. Offences by corporations that are punishable by a fine of 100 penalty units or more may be begun at any time. The amendments add a reference to the equivalent value of the fine (\$50 000) to allow for the application of national uniform laws in the ACT where the penalties are expressed as amounts of money rather than in penalty units.

**Schedule 3 — Technical amendments**

Schedule 3 contains minor or technical amendments of legislation initiated by the Parliamentary Counsel's Office. Each amendment is explained in an explanatory note in the schedule.

The amendments include the correction of minor errors, updating language, improving syntax and other minor changes to update or improve the form of legislation.