

**2007**

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

**STATUTE LAW AMENDMENT BILL 2007 (No 2)  
EXPLANATORY STATEMENT**

**Circulated by the authority  
of  
Simon Corbell MLA  
Attorney General**

## **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 3 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.

#### **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 and 3**

This clause gives effect to the amendments made by schedules 1 and 3. Schedule 2 is reserved for minor, non-controversial amendments of the *Legislation Act 2001* initiated by the Parliamentary Counsel's Office. However, schedule 2 of the Bill contains only a note explaining that there are no amendments of that Act.

#### **Schedule 1 — Minor amendments**

Schedule 1 provides for minor, non-controversial amendments initiated by government departments and agencies. It contains amendments of the *Environment Protection Act 1997* and *Environment Protection Regulation 2005*. Each amendment is explained in an explanatory note to the amendment.

### ***Environment Protection Act 1997***

The first 2 amendments omit a redundant provision (and a related definition) which regulated dealings with ozone-depleting substances or things containing such substances if the dealing had been a prescribed activity. No relevant dealings are prescribed and ozone-depleting substances are now regulated under the *Ozone Protection and Synthetic Greenhouse Gas Management Act 1989* (Cwlth).

The last 3 amendments omit schedule 2, part 2.4 and related definitions. Schedule 2, part 2.4, which regulated petrol quality, was enacted in the context of the introduction of unleaded petrol. Fuel quality is now regulated under the *Fuel Quality Standards Act 2000* (Cwlth) so the part is now redundant.

### ***Environment Protection Regulation 2005***

The amendment omits section 67 (2) (h) and is consequential on the omission of the definition of **ozone-depleting substance** from the *Environment Protection Act 1997*, schedule 1, section 1.1 by another amendment. The definition refers to the *Ozone Protection and Synthetic Greenhouse Gas Management Act 1989* (Cwlth) which is listed in section 67.

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

Schedule 2 is reserved for minor, non-controversial amendments of the *Legislation Act 2001* initiated by the Parliamentary Counsel's Office. This bill does not provide for such amendments but the schedule heading is retained to preserve the usual numbering of schedule 3.

### **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.