

2012

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

**STATUTE LAW AMENDMENT BILL 2012
REVISED EXPLANATORY STATEMENT**

**Presented by
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Background

The object of this bill is to continue to enhance the ACT's statute book to ensure that it is of the highest standard. The bill does this 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 enable legislative amendments and repeals to be made that, taken alone, would generally be insufficiently important to justify separate legislation. The amendments are also 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 significant 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 greatly enhances access to legislation by making it easier to find in an up-to-date form and easier to read and understand. Statute law amendment bills are an extremely useful vehicle for assisting the ongoing process of modernising the statute book. Laws need to be regularly kept up to date to reflect continuous 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 assist in keeping 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 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 of Act

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, 2 and 3.

Schedule 1 — Minor amendments

Schedule 1 provides for minor, non-controversial amendments initiated by government directorates and agencies. It contains amendments of the *Cultural Facilities Corporation Act 1997*, *Training and Tertiary Education Act 2003* and the *Working with Vulnerable People (Background Checking) Act 2011*. Each amendment is explained in an explanatory note to the amendment.

Cultural Facilities Corporation Act 1997

The *Cultural Facilities Corporation Act 1997*, s 6 is amended in schedule 1 to remove the function of the Cultural Facilities Corporation to manage and develop Civic Square precinct as a cultural focus of the ACT. This amendment is the Government's

response to a recommendation of the Loxton Report of a Review of the Arts in Canberra. The responsibility for the Civic Square precinct will be transferred to the Territory and Municipal Services Directorate.

The Act, dictionary is amended to omit the definition of ***Civic Square precinct*** which is made redundant by the amendment of s 6.

Training and Tertiary Education Act 2003

The *Training and Tertiary Education Act 2003*, s 108 is amended in schedule 1 to change the designated authority for the purposes of the *Education Services for Overseas Students Act 2000* (Cwlth), from the Accreditation and Registration Council (ARC), council chairperson to the Minister for Education and Training. The designated authority is responsible for approving providers of courses to overseas students. The amendment also limits the provision to course providers for overseas students at schools.

The amendment is necessary because the role of the ARC, in relation to vocational education and training and higher education providers, is being substantially diminished due to developments under Commonwealth legislation. The *National Vocational Education and Training Regulator Act 2011* (Cwlth) and the *Tertiary Education Quality and Standards Agency Act 2011* (Cwlth) establish entities that will be the designated authorities in the Territory in relation to vocational education training and higher education providers.

As the Minister is already responsible under the *Education Act 2004* for establishing schools and approving the registration of non-government schools for domestic students, it is considered appropriate for the Minister to approve providers of courses for overseas students at the same schools.

Working with Vulnerable People (Background Checking) Act 2011

The bill amends the *Working with Vulnerable People (Background Checking) Act 2011* in schedule 1 to replace existing table 3. Table 3 provides that the Act applies to

regulated activities mentioned in an item in the table in the year mentioned in relation to the item. The table has been revised to change the years in which the Act applies to certain regulated activities because of the review of the Act that will occur in its 4th year of operation (as provided for in section 70 of the Act).

Schedule 2 — Structural amendments of Legislation Act

Schedule 2 is reserved for minor, non-controversial amendments of the *Legislation Act 2001* initiated by the Parliamentary Counsel's Office.

The dictionary, part 1 is amended to insert new definitions of ***Australian citizen*** and ***fire and rescue*** to help users of legislation. Amendments have also been made to the definitions of ***chief officer (fire brigade)***, ***emergency service*** and ***fire brigade*** to reflect the change of name of the ACT Fire Brigade to ACT Fire and Rescue.

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, adding notes, improving syntax, omitting redundant provisions and other minor changes to update or improve the form of legislation. In particular, amendments have been made to a range of Acts and regulations as a consequence of the inclusion of definitions for new definitions of ***Australian citizen*** and ***fire and rescue*** and the amendment of definitions of ***chief officer (fire brigade)***, ***emergency service*** and ***fire brigade*** in the Legislation Act, dictionary, part 1.