

2013

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

STATUTE LAW AMENDMENT BILL 2013

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 4 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 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 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 *Health Act 1993*, the *Ombudsman Act 1989* and the *Road Transport (Third-Party Insurance) Act 2008*. Each amendment is explained in an explanatory note to the amendment.

Health Act 1993

The *Health Act 1993*, s 106 provides an arbitration process to resolve matters relating to establishing core conditions for service contracts for visiting medical officers that are not resolved by negotiations under s 103 or by mediation. Section 106 (5) (b) is amended in schedule 1 to broaden the field from which arbitrators can be selected and clarifies the reference to 'appropriate experience'.

Ombudsman Act 1989

The *Ombudsman Act 1989*, s 23 (2) provides that a person who is 65 or older must not be appointed as ombudsman, and the appointment of an ombudsman must not extend past the ombudsman's 65th birthday. This amendment enables the ACT to appoint a person as ombudsman who is, or will be, 65 during the term of the appointment. The amendment brings the Act into line with the *Ombudsman Act 1976* (Cwlth), section 22.

Road Transport (Third-Party Insurance) Act 2008

The *Road Transport (Third-Party Insurance) Act 2008*, section 72 is amended to exempt a person entitled to early payment for medical expenses under chapter 3 from the requirement to comply with the 30 working days time limit under that section while the complainant is under a legal disability. This brings chapter 3 into line with chapter 4.

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. These amendments reflect the process of continuous review and improvement of the operation of the Legislation Act.

The definition of *scrutiny committee principles* in the *Legislation Act 2001*, section 31 is amended as a consequence of a change of name in the committee.

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 number of Acts and regulations to bring references to Australian standards into line with current legislative drafting practice. A number of minor amendments have also been made to the *Retirement Villages Act 2012* and to a range of road transport legislation to clarify provisions, update dictionaries or bring the legislation into line with current drafting practice.

Schedule 4 — Repeal of redundant or obsolete legislation

Schedule 4 repeals two redundant Acts. The *Annual Leave Act 1973* entitled an employee to annual leave at the end of every year of the employee's employment and regulated the taking and payment of annual leave. The *Annual Leave Act 1973* has no practical effect and has been superseded by the *Fair Work Act 2009* (Cwlth).

The *Truck Act 1900* is a New South Wales law that took effect as an ACT law on the establishment of the ACT. The Act provides for the payment of wages to employees. Only technical and consequential changes have been made to the Act since self-government. The *Truck Act 1900* has no practical effect and has been superseded by the *Fair Work Act 2009* (Cwlth).