

2015

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

**STATUTE LAW AMENDMENT BILL 2015
EXPLANATORY STATEMENT**

**Presented by
Simon Corbell MLA
Attorney-General**

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 that the Bill commences 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 — Notes

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

Clause 4 — Purpose of Act

This clause states the bill's purpose.

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 an amendment of the *Road Transport (Third-Party Insurance) Act 2008*. The amendment is explained in an explanatory note to the amendment.

Road Transport (Third-Party Insurance) Act 2008.

The *Road Transport (Third-Party Insurance) Act 2008* (the **CTP Act**), section 14 is amended to enable the Minister to appoint a public servant as the ACT Compulsory Third-Party Insurance Regulator (the CTP regulator) for a term of up to 5 years.

Currently, the CTP Act, section 14 (2), provides that the Director-General administering the Act is the CTP regulator. This is currently the Director-General of the Chief Minister, Treasury and Economic Development Directorate (CMTEDD). When section 14 (2) was first enacted, the administering directorate was the Treasury, however, the Treasury and Chief Minister

directorates merged in 2012. As a consequence, the CTP regulator is no longer a Treasury executive with working knowledge of third-party insurance issues. Although the CTP regulator's functions under the Act are delegated to Treasury staff, the director-general remains fully accountable for the administration of the Act.

In order to improve the alignment of administrative arrangement responsibilities, the CTP Act, section 14 (2) is amended to remove the Director-General as CTP regulator and enable the Minister to appoint a public servant with appropriate knowledge and experience as the CTP regulator. This will also enhance practical administrative efficiency and ensure that insurance policy expertise remains in one agency.

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 Legislation Act is amended in schedule 2 by omitting redundant references to the ACT gazette in 4 provisions. Sections 28, 61, 65A and 69 contain examples that refer to the gazette as a place the parliamentary counsel considers appropriate for notifying various matters if it is not practicable to do so in the ACT legislation register. These matters are the notification of, the making of proposed laws, the making of legislative instruments, the disallowance of subordinate laws or disallowable instruments and the amendment of subordinate laws or disallowable instruments by a resolution of the Legislative Assembly. The examples are redundant because the gazette is now published in the ACT legislation register.

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 are made in schedule 3 to a standard provision in all the infringement notice regulations made under the *Magistrates Court Act 1930*. Section 12 (or equivalent) in these regulations provides that an authorised person may serve an infringement notice and a reminder notice for an infringement notice offence under a particular Act. This section is recast to remove a possible ambiguity by making it clear that an infringement notice for an infringement notice offence and a reminder notice for the offence do not have to be served at the same time. Thirty five infringement regulations are amended.

Amendments are also made in schedule 3 to various Acts and regulations to reflect the change of name of ACTEW Corporation Limited to Icon Water Limited. The names of other associated entities are also updated. While the *Legislation Act 2001*, s 183 covers a change of name of an entity, it is preferable to change the name throughout the statute book to avoid confusing the reader with references to the old name.

Consequential amendments are also made in schedule 3 to the *Road Transport (Third-Party Insurance) Act 2008* in line with the amendment enabling a public servant to be appointed as the CTP regulator instead of the Director-General administering the Act. The amendments ensure that the CTP regulator is responsible for regulatory and administrative matters under the Act instead of the Director-General.