

2025

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

ELEVENTH ASSEMBLY

STATUTE LAW AMENDMENT BILL 2025

**EXPLANATORY STATEMENT
and
HUMAN RIGHTS COMPATIBILITY STATEMENT
(*Human Rights Act 2004*, s 37)**

**Presented by
Tara Cheyne MLA
Attorney-General
June 2025**

STATUTE LAW AMENDMENT BILL 2025

The Bill **is not** a Significant Bill. Significant Bills are bills that have been assessed as likely to have significant engagement of human rights and require more detailed reasoning in relation to compatibility with the *Human Rights Act 2004*.

OVERVIEW OF THE BILL

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 purpose of the *Statute Law Amendment Bill 2025* (the Bill) is to continue to improve the quality of the ACT's statute book to ensure that it is of the highest standard, and that it is simpler, more consistent and more coherent. The Bill does this by amending Acts and regulations for statute law revision purposes.

The 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 non-controversial, and minor or technical.

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 generally inappropriate to make as editorial amendments under the *Legislation Act 2001*, chapter 11. 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 Bill contains 3 schedules and has been structured to assist the transparency of the amendments made by it. The Bill includes amendments to:

- update multiple Acts and regulations with gender-neutral language;
- update references to the Commonwealth Criminal Code across the statute book;

- update references to the Commonwealth Administrative Review Tribunal (formerly the Administrative Appeals Tribunal) across the statute book;
- omit standard notes that are no longer used in current legislative drafting practice across the statute book;
- make other technical and non-controversial amendments of ACT legislation to correct minor errors, such as typographical errors and outdated cross-references; update language; add and update definitions and notes; omit redundant provisions, definitions, examples and notes; and improve the form of legislation.

CONSULTATION ON THE PROPOSED APPROACH

As the Bill is an omnibus bill to provide for non-controversial, minor and technical legislative amendments, consultation on the Bill was conducted internally with ACT Government directorates only.

CLIMATE IMPACT

The Bill will not have any impact on climate change or emissions reduction.

CONSISTENCY WITH HUMAN RIGHTS

Amendments in the Bill updating multiple Acts and regulations with gender-neutral language promotes the right to equality before the law under the *Human Rights Act 2004*, section 8.

The Bill does not engage any other human rights under the *Human Rights Act 2004*. Therefore, a human rights proportionality analysis is not required.

Statute Law Amendment Bill 2025

Human Rights Act 2004 – Compatibility Statement

In accordance with section 37 of the *Human Rights Act 2004* I have examined the **Statute Law Amendment Bill 2025**. In my opinion, having regard to the Bill and the outline of the policy considerations and justification of any limitations on rights outlined in this explanatory statement, the Bill as presented to the Legislative Assembly is consistent with the *Human Rights Act 2004*.

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Tara Cheyne MLA
Attorney-General

CLAUSE NOTES

Clause 1 Name of Act

This clause provides for the Bill's name.

Clause 2 Commencement

This clause provides that the preliminary provisions, schedules 1 and 2 and schedule 3, parts 3.1 to 3.50 (other than part 3.16) of the Bill commence 10 days after the day the Act is notified under the *Legislation Act 2001*. The remainder of schedule 3 (other than part 3.101) and the amendments in schedule 4 will be staggered to commence 20, 30, 40, 50 and 60 days after the Act's notification day. Given the number of amendments in the bill across many pieces of legislation, this commencement 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.

The commencement of amendments in schedule 3, part 3.16 and part 3.101 are dependent on the commencement of other pieces of legislation, and will commence on the commencement of the other relevant legislation.

To limit the number of republications required, if a law is amended in both schedules 3 and 4, the schedule 4 amendments will commence at the same time as the related schedule 3 amendments.

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 1-4

This clause gives effect to the amendments made by schedules 1, 2, 3 and 4.

Schedule 1 — Minor amendments

Schedule 1 of statute law amendment bills provide for minor, non-controversial amendments initiated by government directorates and agencies. The Bill, schedule 1 does not contain such amendments but the schedule 1 heading has been retained to preserve the usual numbering.

Schedule 2 — Structural amendments of Legislation Act and Regulation [clauses 2.1 – 2.12]

Schedule 2 is reserved for minor, non-controversial amendments of the *Legislation Act 2001* (the Legislation Act) and the *Legislation Regulation 2003* initiated by the Parliamentary Counsel's Office. Each amendment is explained in an explanatory note in the schedule.

The Bill, schedule 2 contains amendments to several terms that are defined in the Legislation Act. In particular, amendments are made to the definitions of **enrolled nurse**, **midwife** and **nurse** to align with amendments made to those terms in the *Health Practitioner Regulation National Law and Other Legislation Amendment Act 2017* (Qld). Also, a new definition of **Commonwealth Criminal Code** is inserted to standardise references to the Commonwealth Criminal Code across the ACT statute book.

Schedule 3 — Technical amendments [clauses 3.1 – 3.394]

Schedule 3 provides for 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, such as typographical errors and outdated cross-references; updating language in line with current legislative drafting practice; adding and updating definitions and notes; omitting redundant provisions, definitions, examples and notes; and other minor changes to improve the form of legislation.

In particular, amendments in schedule 3 update multiple Acts and regulations with gender-neutral language, replacing instances of 'he or she', 'his or her', 'him or her' and 'himself or herself' with 'they', 'their', 'them', 'themselves' or the relevant noun.

References to the Commonwealth Criminal Code in a number of Acts and regulations are updated in schedule 3 to reflect the insertion of a new definition of **Commonwealth Criminal Code** in the Legislation Act, dictionary, part 1.

Schedule 3 contains amendments to update the name of a Commonwealth tribunal in several Acts. The Administrative Appeals Tribunal of the Commonwealth was established under the *Administrative Appeals Tribunal Act 1975* (Cwlth). That Act has been repealed and replaced by the *Administrative Review Tribunal Act 2024* (Cwlth), which establishes the Commonwealth Administrative Review Tribunal.

Schedule 4 — Technical amendments—Notes [clauses 4.1 – 4.199]

Schedule 4 omits standard notes that are no longer used in current legislative drafting practice across the ACT statute book. The notes to be omitted were identified by the Parliamentary Counsel's Office during a review of the use of standard notes, which resulted in the decision to reduce the amount of notes to improve the readability of ACT legislation. Each amendment is explained in an explanatory note in the schedule.

The notes to be omitted include standard notes about disallowable and notifiable instruments; examples; the power to make, amend or repeal instruments; internal review and reviewable decision notices; approved forms; fees and regulations. The omission of these notes will not have any impact on the operation of ACT legislation as, under the Legislation Act, section 127, notes are explanatory and not part of an Act or statutory instrument.