



Australian Capital Territory

# Legislation Regulations 2001

## Subordinate Law 2001 No 34

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The Australian Capital Territory Executive makes the following regulations under the *Legislation Act 2001*.

Dated 11 September 2001.

GARY HUMPHRIES  
Minister

MICHAEL MOORE  
Minister

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## Subordinate Law 2001 No 34

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**1 Name of regulations**

These regulations are the *Legislation Regulations 2001*.

**2 Commencement**

These regulations commence on their notification day.

**3 Requirements for notification of registrable instruments (drafts supplied by parliamentary counsel)—Act, s 61 (2)**

- (1) This regulation applies if—
  - (a) the maker of, or appropriate person for, a registrable instrument asks the parliamentary counsel to notify the making of the instrument; and
  - (b) the draft instrument for making was supplied by the parliamentary counsel.
- (2) The request for notification of the instrument must—
  - (a) include the following information about the instrument:
    - (i) its name;
    - (ii) whether it is a subordinate law, a disallowable instrument, a notifiable instrument, an approved form or a commencement notice;
    - (iii) the Parliamentary Counsel's Office job number for the instrument (including the version and date of the instrument);
    - (iv) the name of the authorising Act or instrument;
    - (v) the authorising provision of that Act or instrument;
    - (vi) the name (as signed) and title of the instrument maker;
    - (vii) the date of making;

- (viii) whether the text of the instrument as made is the same as the text of the draft instrument supplied for making by the parliamentary counsel and, if not, a statement of the changes made and a copy of the instrument, or the relevant pages of the instrument, clearly marked to show the changes; and
  - (b) state whether the request for notification is made by or for—
    - (i) the instrument maker; or
    - (ii) the appropriate person for the instrument; and
  - (c) state whether the person making the request for notification is a delegate of the instrument maker or appropriate person; and
  - (d) include the following information about the person making the request for notification:
    - (i) the person's name and title;
    - (ii) the person's administrative unit or other agency;
    - (iii) the person's telephone and fax numbers.
- (3) The request may also state when the instrument is to be notified.

**4 Requirements for notification of registrable instruments (drafts not supplied by parliamentary counsel)—Act, s 61 (2)**

- (1) This regulation applies if—
  - (a) the maker of, or appropriate person for, a registrable instrument asks the parliamentary counsel to notify the making of the instrument; and
  - (b) the draft instrument for making was not supplied by the parliamentary counsel.
- (2) The request for notification of the instrument must—
  - (a) include the following information about the instrument:

- (i) its name;
  - (ii) the year it is made;
  - (iii) the number allocated to it by the parliamentary counsel under the Act, section 59;
  - (iv) whether it is a subordinate law, a disallowable instrument, a notifiable instrument, an approved form or a commencement notice;
  - (v) the name of the authorising Act or instrument;
  - (vi) the authorising provision of that Act or instrument;
  - (vii) the name (as signed) and title of the instrument maker; and
- (b) state whether the request for notification is made by or for—
- (i) the instrument maker; or
  - (ii) the appropriate person for the instrument; and
- (c) state whether the person making the request for notification is a delegate of the instrument maker or appropriate person; and
- (d) include the following information about the person making the request for notification:
- (i) the person's name and title;
  - (ii) the person's administrative unit or other agency;
  - (iii) the person's telephone and fax numbers; and
- (e) state whether the instrument repeals or amends another instrument; and
- (f) include—
- (i) electronic copies of the instrument as made, in both portable document format (created in Adobe Acrobat 5.0) and rich text format that comply with the requirements mentioned in subregulation (3); and

- (ii) a statement certifying that the electronic copies of the instrument comply with the requirements mentioned in subregulation (3).
- (3) For subregulation (2) (f), the requirements are as follows:
  - (a) the instrument must show—
    - (i) the name, or heading and number, of the instrument as required by paragraph (b) or (c); and
    - (ii) the name (as signed) of each maker of the instrument; and
    - (iii) the date of making;
  - (b) for an instrument other than an approved form, the name of the instrument must—
    - (i) include the year the instrument is made; and
    - (ii) be unique;
  - (c) an approved form must—
    - (i) have a heading that includes the name of the authorising law and a brief indication of the form's purpose; and
    - (ii) be numbered using a system that gives each form under the authorising law a unique number.
- (4) The request may also state when the instrument is to be notified.

## **5 Appropriate person—Act, s 61 (9) (c)**

- (1) This regulation applies to a registrable instrument other than—
  - (a) a registrable instrument made or approved (however described) by the Executive; or
  - (b) rules of a court or tribunal.



- (2) The appropriate person for the registrable instrument is the chief executive responsible for the provision under which the instrument is made.

## **6 Modification of Act, ch 20—Act, s 268 (1)**

The Act, chapter 20 (Transitional) is modified by inserting the following sections:

### **271B Commencement of Acts that refer to notification or notice in the Gazette**

- (1) Subsection (2) applies to an Act if—
  - (a) the Act has a commencement provision that provides for the Act, or a provision of the Act, to commence on the day the Act is notified in the Gazette; and
  - (b) the Act has not been notified in the Gazette before the commencement of this section.
- (2) The Act or provision commences on the Act's notification day.
- (3) Subsection (4) applies to an Act if—
  - (a) the Act has a commencement provision that provides for the Act, or a provision of the Act, to commence on a day fixed by notice in the Gazette; and
  - (b) the day has not been fixed by notice in the Gazette before the commencement of this section.
- (4) The Act or provision commences on the date or at the time fixed by commencement notice notified under this Act.
- (5) This section expires 1 year after it commences.

### **271C Commencement of registrable instruments that refer to notification or notice in the Gazette**

- (1) Subsection (2) applies to a registrable instrument if—

- (a) the instrument has a commencement provision that provides for the instrument, or a provision of the instrument, to commence on the day the instrument is notified in the Gazette; and
  - (b) the instrument has not been notified in the Gazette before the commencement of this section.
- (2) The instrument or provision commences on the instrument's notification day.
- (3) Subsection (4) applies to a registrable instrument if—
- (a) the instrument has a commencement provision that provides for the instrument, or a provision of the instrument, to commence on a day fixed by notice in the Gazette; and
  - (b) the day has not been fixed by notice in the Gazette before the commencement of this section.
- (4) The Act or provision commences on the date or at the time fixed by commencement notice notified under this Act.
- (5) This section expires 1 year after it commences.

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## Endnote

### Notification

- 1 Notified under the *Legislation Act 2001* on 13 September 2001.  
(see [www.legislation.act.gov.au](http://www.legislation.act.gov.au))