



Australian Capital Territory

Legislation Regulations 2001 No 34

made under the

Legislation Act 2001

Republication No 1

Republication date: 13 September 2001

Regulations not amended up to this date

Provisions effective to 13 September 2001

Authorised by the ACT Parliamentary Counsel

About this republication

The republished law

This is a republication of the *Legislation Regulations 2001*, made under the *Legislation Act 2001* as in force on 13 September 2001. It includes any commencement, amendment, repeal or expiry affecting the republished law up to 13 September 2001 and any amendment made under the *Legislation Act 2001*, part 11.3 (Editorial changes).

The legislation history and amendment history of the republished law are set out in endnotes 3 and 4.

Kinds of republications

The Parliamentary Counsel's Office prepares 2 kinds of republications of ACT laws (see the ACT legislation register at www.legislation.act.gov.au):

- authorised republications to which the *Legislation Act 2001* applies
- unauthorised republications.

The status of this republication appears on the bottom of each page.

Editorial amendments

The *Legislation Act 2001*, part 11.3 authorises the Parliamentary Counsel to make editorial amendments and other changes of a formal nature when preparing a law for republication. Editorial changes do not change the effect of the law, but have effect as if they had been made by an Act commencing on the republication date (see *Legislation Act 2001*, s 115 and s 117). The changes are made if the Parliamentary Counsel considers they are desirable to bring the law into line, or more closely into line, with current legislative drafting practice.

This republication includes amendments made under part 11.3 (see endnote 1).

Uncommenced provisions and amendments

If a provision of the republished law has not commenced or is affected by an uncommenced amendment, the symbol **U** appears immediately before the provision heading. The text of the uncommenced provision or amendment appears only in the last endnote.

Modifications

If a provision of the republished law is affected by a current modification, the symbol **M** appears immediately before the provision heading. The text of the modifying provision appears in the endnotes. For the legal status of modifications, see *Legislation Act 2001*, section 95.

Penalties

The value of a penalty unit for an offence against this republished law at the republication date—

- (a) if the person charged is an individual—\$100; or
- (b) if the person charged is a corporation—\$500.

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Legislation Regulations 2001

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1 Name of regulations

These regulations are the *Legislation Regulations 2001*.

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.

Endnotes

1 About the endnotes

Endnotes

1 About the endnotes

Amending and modifying laws are annotated in the legislation history and the amendment history. Current modifications are not included in the republished law but are set out in the endnotes.

Not all editorial amendments made under the *Legislation Act 2001*, part 11.3 are annotated in the amendment history. Full details of any amendments can be obtained from the Parliamentary Counsel's Office.

Uncommenced amending laws are listed in the legislation history and the amendment history. These details are underlined. Uncommenced provisions and amendments are not included in the republished law but are set out in the last endnotes.

If all the provisions of the law have been renumbered, a table of renumbered provisions gives details of previous and current numbering.

The endnotes also include a table of earlier republications.

If the republished law includes penalties, current information about penalty unit values appears on the republication inside front cover.

2 Abbreviation key

| | |
|--|--|
| am = amended | ord = ordinance |
| amdt = amendment | orig = original |
| ch = chapter | p = page |
| cl = clause | par = paragraph |
| def = definition | pres = present |
| dict = dictionary | prev = previous |
| disallowed = disallowed by the Legislative Assembly | (prev...) = previously |
| div = division | prov = provision |
| exp = expires/expired | pt = part |
| Gaz = Gazette | r = rule/subrule |
| hdg = heading | reg = regulation/subregulation |
| ins = inserted/added | renum = renumbered |
| LA = Legislation Act 2001 | reloc = relocated |
| LR = legislation register | R[X] = Republication No |
| LRA = Legislation (Republication) Act 1996 | s = section/subsection |
| mod = modified / modification | sch = schedule |
| No = number | sdiv = subdivision |
| o = order | sub = substituted |
| om = omitted/repealed | SL = Subordinate Law |
| | <u>underlining</u> = whole or part not commenced |

3 Legislation history

Legislation Regulations 2001 SL 2001 No 34

notified LR 13 September 2001

commenced 13 September 2001 (reg 2)

4 Amendment history

Commencement

s 2 om R1 (LA s 89 (4))

Authorised when accessed at www.legislation.act.gov.au or in authorised printed form

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