



Australian Capital Territory

# **Legislation Regulation 2003**

**SL2003-17**

made under the

**Legislation Act 2001**

**Republication No 2**

**Effective: 3 November 2004 – 1 June 2005**

Republication date: 3 November 2004

Regulation not amended  
(replication includes editorial amendments  
under Legislation Act)

Authorised by the ACT Parliamentary Counsel

## About this republication

### The republished law

This is a republication of the *Legislation Regulation 2003*, made under the *Legislation Act 2001* (including any amendment made under the *Legislation Act 2001*, part 11.3 (Editorial changes)) as in force on 3 November 2004. It also includes any commencement, repeal or expiry affecting the republished law.

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](http://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.

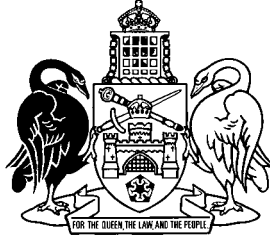
### Modifications

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 is—

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



Australian Capital Territory

# Legislation Regulation 2003

made under the

**Legislation Act 2001**

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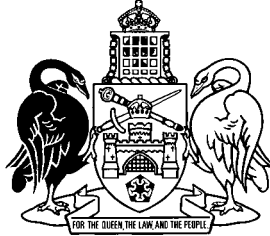
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Australian Capital Territory

# Legislation Regulation 2003

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**Legislation Act 2001**

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## Part 1                            General

### 1            **Name of regulation**

This regulation is the *Legislation Regulation 2003*.

### 3            **Dictionary**

The dictionary at the end of this regulation is part of this regulation.

*Note 1*    The dictionary at the end of this regulation defines certain terms used in this regulation, and includes references (*signpost definitions*) to other terms defined elsewhere in this regulation.

For example, the signpost definition ‘*notification number*, for part 2 (*Notification of registrable instruments*)—see section 5.’ means that the term ‘notification number’ is defined in section 5 for that part.

*Note 2*    A definition in the dictionary (including a signpost definition) applies to the entire regulation unless the definition, or another provision of the regulation, provides otherwise or the contrary intention otherwise appears (see Legislation Act, s 155 and s 156 (1)).

### 4            **Notes**

A note included in this regulation is explanatory and is not part of this regulation.

*Note*      See the Legislation Act, s 127 (1), (4) and (5) for the legal status of notes.

## Part 2 Notification of registrable instruments

### 5 Meaning of *notification number* in pt 2

In this part:

*notification number*, for a registrable instrument, means the number allocated to the instrument by the parliamentary counsel under the Act, section 59 (Numbering).

### 6 Requirements about form of registrable instruments (other than approved forms)—Act, s 61 (2)

- (1) This section sets out requirements about the form of a registrable instrument (other than an approved form) that must be complied with for the parliamentary counsel to notify the making of the instrument.
- (2) The registrable instrument must include the following:
  - (a) a unique name that includes the year when the instrument was made;
  - (b) the name of the authorising law;
  - (c) the authorising provision of that law;
  - (d) the instrument's notification number;
  - (e) the name (as signed) and title of each maker of the instrument;
  - (f) the date the instrument was made.

**7 Requirements about form of approved forms—Act, s 61 (2)**

- (1) This section sets out requirements about the form of an approved form that must be complied with for the parliamentary counsel to notify the making of the approved form.
- (2) The approved form must—
  - (a) include the following:
    - (i) a brief indication of the form’s purpose;
    - (ii) the name of the authorising law;
    - (iii) the authorising provision of that law;
    - (iv) the form’s notification number; and
  - (b) be accompanied by a written statement that includes—
    - (i) the name (as signed) and title of the person who approved the form; and
    - (ii) the date the form was approved.

**Example for par (a) (i)**

an approved form with the heading ‘Application for hawkers licence’

*Note* An example is part of the regulation, is not exhaustive and may extend, but does not limit, the meaning of the provision in which it appears (see Legislation Act, s 126 and s 132).

- (3) In addition to complying with subsection (2) (a) (i), the approved form may also be numbered using a system that gives each form under the authorising law a unique number.
- (4) Instead of complying with subsection (2) (b), the approved form may include—
  - (a) the name (as signed) and title of the person who approved the form; and
  - (b) the date the form was approved.



**8 Notification of subordinate laws—Act, s 61 (2)**

- (1) This section sets out the other requirements that must be complied with for the parliamentary counsel to notify the making of a subordinate law.
- (2) The person requesting notification must give the parliamentary counsel a written request for notification that gives—
  - (a) the information about the person required under subsection (3); and
  - (b) the information and material required under subsection (4) in relation to the subordinate law.
- (3) The information required about the person is as follows:
  - (a) the person's name and title;
  - (b) the person's administrative unit, court, tribunal or other agency;
  - (c) the person's telephone number;
  - (d) whether the person is making the request as the maker of the subordinate law, the appropriate person or a delegate.
- (4) The information and material required in relation to the subordinate law are as follows:
  - (a) the name of the subordinate law;
  - (b) the name of the authorising law;
  - (c) the authorising provision of that law;
  - (d) the subordinate law's notification number;
  - (e) the name (as signed) and title of—
    - (i) for a subordinate law made by the Executive—each Minister who signed the subordinate law; or

- (ii) for any other rules of a court or tribunal—each maker of the rules; or
  - (iii) for any other by-laws—each maker of the by-laws;
- (f) the date the subordinate law was made;
- (g) if the draft subordinate law for making was supplied by the parliamentary counsel—
  - (i) the Parliamentary Counsel’s Office job number of the supplied draft; and
  - (ii) a statement certifying that the text of the subordinate law as made is the same as the text of the supplied draft, or a statement of any changes made to the supplied draft;
- (h) if the draft subordinate law for making was not supplied by the parliamentary counsel—
  - (i) an electronic copy of the subordinate law as made in Microsoft Word or another electronic form approved by the parliamentary counsel; and
  - (ii) a statement certifying that the electronic copy is an exact copy of the text of the subordinate law as made; and
  - (iii) a statement certifying that the subordinate law complies with section 6 or a statement about why the subordinate law should be notified despite the noncompliance; and
  - (iv) whether the subordinate law repeals or amends another instrument and, if so, details that identify the repealed or amended instrument including its name (if any) and notification number (if any);
- (i) whether the subordinate law is to be notified as soon as practicable or on a date stated in the request for notification;
- (j) details about the commencement date, or proposed commencement date, for the subordinate law.

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**9 Notification of disallowable instruments, notifiable instruments (other than approved forms) and commencement notices—Act s 61 (2)**

- (1) This section sets out the other requirements that must be complied with for the parliamentary counsel to notify the making of—
  - (a) a disallowable instrument; or
  - (b) a notifiable instrument (other than an approved form); or
  - (c) a commencement notice.
- (2) The person requesting notification must give the parliamentary counsel a written request for notification that gives—
  - (a) the information about the person required under subsection (3); and
  - (b) the information and material required under subsection (4) in relation to the instrument.
- (3) The information required about the person is as follows:
  - (a) the person's name and title;
  - (b) the person's administrative unit, court, tribunal or other agency;
  - (c) the person's telephone number;
  - (d) whether the person is making the request as the instrument maker, the appropriate person or a delegate.
- (4) The information and material required in relation to the instrument are as follows:
  - (a) the name of the instrument;
  - (b) whether it is a disallowable instrument, a notifiable instrument or a commencement notice;
  - (c) the name of the authorising law;

- (d) the authorising provision of that law;
- (e) the instrument's notification number;
- (f) the name (as signed) and title of—
  - (i) for an instrument made by the Executive—each Minister who signed the instrument; or
  - (ii) for any other instrument—each maker of the instrument;
- (g) the date the instrument was made;
- (h) whether the instrument repeals or amends another instrument and, if so, details that identify the repealed or amended instrument including its name (if any) and notification number (if any);
- (i) if the instrument is an appointment for a period—the date the appointment period ends;
- (j) if the draft instrument for making was supplied by the parliamentary counsel—
  - (i) the Parliamentary Counsel's Office job number of the supplied draft; and
  - (ii) a statement certifying that the text of the instrument as made is the same as the text of the supplied draft, or a statement of any changes made to the supplied draft;
- (k) if the draft instrument for making was not supplied by the parliamentary counsel—
  - (i) an electronic copy of the instrument as made in Microsoft Word or another electronic form approved by the parliamentary counsel; and
  - (ii) a statement certifying that the electronic copy is an exact copy of the text of the instrument as made; and

- (iii) a statement certifying that the instrument complies with section 6 or a statement about why the instrument should be notified despite the noncompliance;
- (l) whether the instrument is to be notified as soon as practicable or on a date stated in the request for notification;
- (m) details about the commencement date, or proposed commencement date, for the instrument.

## **10 Notification of approved forms—Act, s 61 (2)**

- (1) This section sets out the other requirements that must be complied with for the parliamentary counsel to notify the making of an approved form.
- (2) The person requesting notification must give the parliamentary counsel a written request for notification that gives—
  - (a) the information about the person required under subsection (3); and
  - (b) the information and material required under subsection (4) in relation to the approved form.
- (3) The information required about the person is as follows:
  - (a) the person's name and title;
  - (b) the person's administrative unit, court, tribunal or other agency;
  - (c) the person's telephone number;
  - (d) whether the person is making the request as the person who approved the form, the appropriate person or a delegate.
- (4) The information and material required in relation to the approved form are as follows:
  - (a) a brief indication of the form's purpose;

- (b) the name of the authorising law;
- (c) the authorising provision of that law;
- (d) the form's notification number;
- (e) the name (as signed) and title of the person who approved the form;
- (f) the date the form was approved;
- (g) whether the approved form repeals another approved form and, if so, details that identify the repealed form (including its notification number);
- (h) if the draft form for approval was supplied by the parliamentary counsel—
  - (i) the Parliamentary Counsel's Office job number of the supplied draft; and
  - (ii) a statement certifying that the text of the form as approved is the same as the text of the supplied draft, or a statement of any changes made to the supplied draft;
- (i) if the draft form for approval was not supplied by the parliamentary counsel—
  - (i) an electronic copy of the form as approved in Microsoft Word or another electronic form approved by the parliamentary counsel; and
  - (ii) a statement certifying that the electronic copy is an exact copy of the text of the form as approved; and
  - (iii) a statement certifying that the approved form complies with section 7 or a statement about why the approved form should be notified despite the noncompliance;
- (j) whether the approved form is to be notified as soon as practicable or on a date stated in the request for notification;

- (k) details about the commencement date, or proposed commencement date, for the approved form.

**11 Appropriate person for registrable instrument—Act, s 61 (12), def *appropriate person*, par (c)**

- (1) This section applies to a registrable instrument other than—
  - (a) a registrable instrument made by the Executive; or
  - (b) rules of a court or tribunal.
- (2) The appropriate person for the registrable instrument is the chief executive of the administrative unit responsible for the provision under which the instrument is made.

## Dictionary

(see s 3)

*Note 1* The Legislation Act contains definitions and other provisions relevant to this regulation.

*Note 2* For example, the Legislation Act, dict, pt 1, defines the following terms:

- administrative unit
- commencement notice
- disallowable instrument
- Executive
- Minister
- notifiable instrument
- registrable instrument
- subordinate law.

***appropriate person***—see the Act, section 61 (12).

***notification number***, for part 2 (Notification of registrable instruments)—see section 5.



## 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 and expiries 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 endnote.

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.

### 2 Abbreviation key

am = amended	ord = ordinance
amdt = amendment	orig = original
ch = chapter	par = paragraph/subparagraph
def = definition	pres = present
dict = dictionary	prev = previous
disallowed = disallowed by the Legislative Assembly	(prev...) = previously
div = division	pt = part
exp = expires/expired	r = rule/subrule
Gaz = gazette	renum = renumbered
hdg = heading	reloc = relocated
IA = Interpretation Act 1967	R[X] = Republication No
ins = inserted/added	RI = reissue
LA = Legislation Act 2001	s = section/subsection
LR = legislation register	sch = schedule
LRA = Legislation (Republication) Act 1996	sdiv = subdivision
mod = modified/modification	sub = substituted
o = order	SL = Subordinate Law
om = omitted/repealed	<u>underlining</u> = whole or part not commenced or to be expired

## Endnotes

3 Legislation history

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### 3 Legislation history

This regulation was originally the *Legislation Regulations 2003*. It was renamed under the *Legislation Act 2001*.

#### Legislation Regulation 2003 SL2003-17

notified LR 30 June 2003

s 1, s 2 commenced 30 June 2003 (LA s 75 (1))

remainder commenced 1 July 2003 (s 2)

### 4 Amendment history

#### Name of regulation

s 1 am R2 LA

#### Commencement

s 2 om LA s 89 (4)

#### Repeal

pt 3 hdg om LA s 89 (3)

#### Repeal of Legislation Regulation 2001

s 12 om LA s 89 (3)

### 5 Earlier republications

Some earlier republications were not numbered. The number in column 1 refers to the publication order.

Since 12 September 2001 every authorised republication has been published in electronic pdf format on the ACT legislation register. A selection of authorised republications have also been published in printed format. These republications are marked with an asterisk (\*) in column 1. Except for the footer, electronic and printed versions of an authorised republication are identical.

Republication No and date	Effective	Last amendment made by	Republication for
R1 1 July 2003	1 July 2003– 2 Nov 2004	not amended	new regulation

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