

Australian Capital Territory

Subject: ACT legislation—technical amendments program—guidelines

Background

1 The object of the technical amendments program is to make ACT legislation simpler and more coherent, and to keep it up to date. The program deals only with minor or technical amendments and repeals that are not controversial.

2 The program is implemented by—

- presenting a statute law amendment bill in each sitting of the Legislative Assembly (Spring and Autumn); and
- including schedules of technical amendments in other amending legislation (where appropriate).

Statute law amendment bills

3 A statute law amendment bill will be prepared for each sitting of the Legislative Assembly.

4 Statute law amendment bills usually have 4 schedules but may contain more if needed.

5 Schedule 1 contains minor policy changes proposed by government agencies. Amendments will be included in the schedule only if—

- the Chief Minister has given drafting approval for the amendments; and
- they are not controversial, not important enough to justify the introduction of a separate amending bill and otherwise meet the guidelines for inclusion in the technical amendments program.

6 Schedule 2 contains amendments proposed by the Parliamentary Counsel to ensure the overall structure of the statute book is developed to reflect best practice. Structural issues are particularly concerned with making the statute book more coherent and concise, and therefore more accessible. These amendments generally relate to Acts of general application (eg the *Legislation Act 2001*) and are directed at avoiding unnecessary duplication of provisions and ensuring the maximum degree of standardisation of provisions, consistent with operational and policy requirements. Amendments are only included if they are not controversial.

7 Schedule 3 contains technical amendments proposed by the Parliamentary Counsel. The amendments may correct minor typographical or clerical errors, improve grammar or syntax, omit redundant provisions, remove gender specific references or otherwise update or improve the form of the legislation (eg, administrative and machinery provisions about appointments and delegations etc to take advantage of the *Legislation Act 2001*). Amendments are only included if they

are technical (that is, they do not change the effect of the law in significant respects) and are not controversial. This schedule may include editorial amendments that could be made under the *Legislation Act 2001* but are appropriate to refer to the Legislative Assembly.

8 Schedule 4 contains repeals of obsolete or unnecessary legislation, proposed by government agencies or the Parliamentary Counsel's Office. Repeals will be included in the schedule only with the Chief Minister's approval.

Technical amendment schedules in amending legislation

9 Technical amendments (of the kind suitable for a statute law amendment bill, schedule 3) may also be added to particular items of amending legislation if appropriate. The amendments would be proposed by the Parliamentary Counsel, and included in a separate schedule that indicates that they are technical amendments. The Parliamentary Counsel's Office will prepare explanatory notes for the amendments and include them in the schedule.

Matters inappropriate for the technical amendments program

10 The Parliamentary Counsel assesses the suitability of each amendment proposed to be included in the technical amendments program.

11 Amendments that have significant policy implications or are controversial are not included in the technical amendments program. The following are examples of amendments that would not be made as technical amendments:

- amendments creating or abolishing offences
- amendments increasing or reducing penalties for offences
- amendments imposing liabilities, particularly retrospective liabilities
- amendments of Acts dealing with a controversial subject matter
- amendments prejudicing the rights of anyone
- amendments that may be perceived as favouring or disadvantaging a particular person
- amendments removing or restricting jurisdiction of a court or tribunal
- amendments imposing or changing liability to tax
- amendments appropriating public money
- amendments that directly affect a government agency other than the sponsoring government agency if the amendments have not been agreed between agencies
- amendments that are lengthy or voluminous (unless they are of a minor, repetitive nature)
- amendments proposed for an earlier statute law amendment bill that were found to be inappropriate
- amendments previously rejected by the Legislative Assembly.