

EXPLANATORY STATEMENT

Select Legislative Instrument 2012 No. 18

Issued by Authority of the Attorney-General

Acts Interpretation Act 1901

Family Law Act 1975

Acts Interpretation and Family Law Amendment Regulation 2012 (No. 1)

The *Acts Interpretation Act 1901* (the AIA) provides rules for the interpretation of Acts of the Commonwealth Parliament.

Section 51 of the AIA provides that the Governor-General may make regulations prescribing matters required or permitted by the AIA to be prescribed, or necessary or convenient to be prescribed for carrying out or giving effect to the AIA.

Subsection 125(1) of the *Family Law Act 1975* (the Family Law Act) provides, in part, that the Governor-General may make regulations, not inconsistent with the Family Law Act, prescribing all matters required or permitted by the Family Law Act to be prescribed, or necessary or convenient to be prescribed for carrying out or giving effect to the Family Law Act.

The purpose of the Regulation is to clarify the commencement of the *Acts Interpretation (Registered Relationship) Amendment Regulation 2012 (No. 1)* and items [1] and [2] of Schedule 1 of the *Family Law Amendment Regulation 2012 (No. 1)*.

In particular, the Regulation:

- amends the commencement of the *Acts Interpretation (Registered Relationship) Amendment Regulation 2012 (No. 1)* so that it commences on the commencement of the Regulation.
- Amends the commencement of items [1] and [2] of Schedule 1 of the *Family Law Amendment Regulation 2012 (No. 1)* so that those items commence on the commencement of the Regulation.
- amends section 1 of the *Acts Interpretation (Registered Relationship) Amendment Regulation 2012 (No. 1)* to ensure its title is consistent with the *Acts Interpretation (Registered Relationships) Regulations 2008* by changing “Relationship” to “Relationships”.
- amend section 3 of the *Acts Interpretation (Registered Relationship) Amendment Regulation 2012 (No.1)* to correct a drafting error. This amendment changes “Relationship” to “Relationships” to refer to the correct title of the Principal Regulations (*Acts Interpretation (Registered Relationships) Regulations 2008*).

The AIA and the Family Law Act specify no conditions that need to be satisfied before the power to make the Regulation may be exercised.

The Queensland Department of Justice was consulted on the Regulation. No further consultation was considered necessary because the Regulation does not alter the substantive effect of the *Acts Interpretation (Registered Relationship) Amendment Regulation 2012 (No. 1)* or the *Family Law Amendment Regulation 2012 (No. 1)*.

The Regulation commences on the day it is registered.

The Regulation is a legislative instrument for the purposes of the *Legislative Instruments Act 2003*.

Details of the Regulation is as follows:

Section 1 — Name of regulation

Section 1 provides that the title of the Regulation is the *Acts Interpretation and Family Law Amendment Regulation 2012 (No. 1)*.

Section 2 — Commencement

Section 2 provides that the Regulation commences on the day it is registered.

Section 3 — Amendment of Acts Interpretation (Registered Relationship) Amendment Regulation 2012 (No. 1) and Family Law Amendment Regulation 2012 (No. 1)

Section 3 provides that the:

- *Acts Interpretation (Registered Relationship) Amendment Regulation 2012 (No. 1)* is amended as set out in Part 1 of Schedule 1; and
- *Family Law Amendment Regulation 2012 (No. 1)* is amended as set out in Part 2 of Schedule 1.

Schedule 1 — Amendments

Part 1 – Amendments of Acts Interpretation (Registered Relationship) Amendment Regulation 2012 (No. 1)

Item [1] – Sections 1 to 3

Item 1 substitutes sections 1, 2 and 3 of the *Acts Interpretation (Registered Relationship) Amendment Regulation 2012 (No. 1)*.

Substituted section 1 amends the title of the *Acts Interpretation (Registered Relationship) Amendment Regulation 2012 (No. 1)* by changing “Relationship” to “Relationships”. This ensures the title is consistent with the *Acts Interpretation (Registered Relationships) Regulations 2008*.

Substituted section 2 amends the commencement of the *Acts Interpretation (Registered Relationship) Amendment Regulation 2012 (No. 1)* by providing that it commences on the commencement of the Regulation. The Regulation commences on the day it is registered. This will provide a clear date of commencement of the Regulation.

Substituted section 3 corrects a drafting error by changing “Relationship” to “Relationships” to refer to the correct title of the Principal Regulations (*Acts Interpretation (Registered Relationships) Regulations 2008*).

Part 2 – Amendment of Family Law Amendment Regulation 2012 (No. 1)

Item [2] – Paragraph 2 (b)

Item 2 substitutes paragraph 2(b) of the *Family Law Amendment Regulation 2012 (No. 1)* by providing that the *Family Law Amendment Regulation 2012 (No. 1)* commences on the commencement of the Regulation. The Regulation commences on the day it is registered. This provides a clear date of commencement for items [1] and [2] of the *Family Law Amendment Regulation 2012 (No. 1)*.

STATEMENT OF COMPATIBILITY WITH HUMAN RIGHTS

Prepared in accordance with Part 3 of the Human Rights (Parliamentary Scrutiny) Act 2011

Acts Interpretation and Family Law Amendment Regulation 2012 (No. 1)

This Legislative Instrument is compatible with the human rights and freedoms recognised or declared in the international instruments listed in section 3 of the *Human Rights (Parliamentary Scrutiny) Act 2011*.

Overview of the Legislative Instrument

The Regulation clarifies the commencement of the *Acts Interpretation (Registered Relationship) Amendment Regulation 2012 (No. 1)* and items [1] and [2] of Schedule 1 of the *Family Law Amendment Regulation 2012 (No. 1)*.

The Regulation also amends the title of the *Acts Interpretation (Registered Relationship) Amendment Regulation 2012 (No. 1)*, by changing “Relationship” to “Relationships”, to ensure its title is consistent with the *Acts Interpretation (Registered Relationships) Regulations 2008*.

Further, the Regulation fixes a drafting error in section 3 of the *Acts Interpretation (Registered Relationship) Amendment Regulation 2012 (No. 1)* by changing “Relationship” to “Relationships” when referring to the *Acts Interpretation (Registered Relationships) Regulations 2008* in that section.

Human Rights Implications

This Regulation does not engage any of the applicable rights or freedoms.

Conclusion

The Regulation is compatible with human rights as it does not raise any human rights issues.

The Hon Nicola Roxon MP

Attorney-General