



Australian Capital Territory

# Statute Law Amendment Act 2006

A2006-42

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Australian Capital Territory

# Statute Law Amendment Act 2006

A2006-42

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An Act to amend certain legislation for the purpose of statute law revision

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The Legislative Assembly for the Australian Capital Territory enacts as follows:

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J2005-766

Authorised by the ACT Parliamentary Counsel—also accessible at [www.legislation.act.gov.au](http://www.legislation.act.gov.au)

**1 Name of Act**

This Act is the *Statute Law Amendment Act 2006*.

**2 Commencement**

- (1) This Act commences on the 21st day after its notification day.

*Note* The naming and commencement provisions automatically commence on the notification day (see Legislation Act, s 75 (1)).

- (2) However, a date or time provided by a special commencement provision for an amendment made by this Act has effect, or is taken to have had effect, as the commencement date or time of the amendment.

- (3) In this section:

*special commencement provision*, for an amendment made by this Act, is a provision, in brackets beginning with the text ‘commencement:’, at the end of the amendment.

**Example**

An amendment followed by ‘(commencement: 12 November 2005)’ means that the amendment is taken to have commenced on 12 November 2005.

*Note* An example is part of the Act, 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 Purpose**

The purpose of this Act is to improve the quality of the statute law of the Territory by amending Acts and regulations for the purpose of statute law revision.

**4 Notes**

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

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

**5            Legislation amended—schs 1–3**

This Act amends the legislation mentioned in schedules 1 to 3.

## Schedule 1            Minor amendments

(see s 5)

### Part 1.1             Emergencies Act 2004

#### [1.1]            Section 123 (2)

*substitute*

- (2) The owner of land may burn any material (including wood, straw, stubble, grass and herbage) on the land on any day outside the bushfire season if—
- (a) the land around the material to be burnt is clear of flammable material for at least 5m in every direction; and
  - (b) at least 24 hours before burning the material, the owner has given notice of the intended burning to every occupier of land adjacent to the land where the material is to be burnt .

#### **Explanatory note**

Existing paragraph (a) ends with ‘or’ and allows burning off to be undertaken outside the bushfire season if either paragraph (a) or paragraph (b) is satisfied. The intended effect of the provision was that both paragraphs must be complied with before burning off may be undertaken. This amendment changes the ‘or’ to an ‘and’.

## **Schedule 2      Structural amendments**

(see s 5)

### **Part 2.1                      Legislation Act 2001**

#### **[2.1]      Section 4 (2), example 2**

*omit*

, in writing,

##### **Explanatory note**

The example relates to the determination of fees under an Act. Fee determinations are disallowable instruments (see s 9 (1) (b)). This amendment omits words that are now redundant because of the effect of the Legislation Act, section 42 (2) which requires disallowable instruments to be in writing.

#### **[2.2]      Section 4 (2), note**

*substitute*

*Note 1*    The determination of a fee by a Minister under an Act is a disallowable instrument and must be in writing (see s 9 (1) (b) and s 42 (2)).

*Note 2*    An example is part of the Act, is not exhaustive and may extend, but does not limit, the meaning of the provision in which it appears (see s 126 and s 132).

##### **Explanatory note**

This amendment includes new note 1 to assist users of the Act.

#### **[2.3]      Section 12**

*substitute*

### **12                      Meaning of *legislative instrument***

- (1) A legislative instrument is—
  - (a) a subordinate law; or

- (b) a disallowable instrument; or
  - (c) a notifiable instrument; or
  - (d) a commencement notice.
- (2) A reference to a *legislative instrument* includes a reference to a provision of a legislative instrument.

**Explanatory note**

This amendment replaces the defined term *registrable instrument* with the defined term *legislative instrument*. It has become apparent that users of the Legislation Act do not find the term *registrable instrument* helpful. The amendment, therefore, replaces it with the equivalent term used in the *Legislative Instruments Act 2003* (Cwlth).

**[2.4]            Section 56 (3), note 1**

*substitute*

*Note 1*    The determination of a fee by a Minister under an Act is a disallowable instrument and must be in writing (see s 9 (1) (b) and s 42 (2)).

**Explanatory note**

This amendment brings the note into line with the new note for section 4 (2) which is inserted by another amendment.

**[2.5]            New section 75AA**

*before section 75A, insert*

**75AA            Commencement of provisions identifying amended laws**

- (1) This section applies if a law amends another law and includes a provision (a *legislation amended provision*) identifying the amended law.
- (2) The legislation amended provision automatically commences (or is taken to have automatically commenced)—
  - (a) on the commencement of the amendments; or
  - (b) if the amendments commence at different times—on the commencement of the earlier or earliest of the amendments.



- (2) This section is a determinative provision.

*Note* See s 5 for the meaning of determinative provision, and s 6 for their displacement.

**Explanatory note**

This amendment includes a new section to ensure that provisions identifying legislation that is amended commence when the amendments (or the earlier or earliest of the amendments) commence.

**[2.6] Section 88 (1) and (2)**

*substitute*

- (1) The continuing operation of a transitional law or validating law is not affected only because the law is repealed.
- (2) Subsection (1) does not apply to a law that is a transitional law or validating law because of modifications that it makes to another law.

**Explanatory note**

This amendment and the next clarify and simplify provisions of section 88 (Repeal does not end effect of transitional laws etc). To make existing section 88 (1) more readable, details of the subsection are proposed to be moved to definitions inserted by the next amendment and the language of the subsection brought more closely into line with Legislation Act, section 86 (2). Existing section 88 (2) is only amended consequentially.

The Legislation Act, like other interpretation legislation in Australia, contains provisions dealing with the effect of the repeal and amendment of laws (see chapter 9). Despite these provisions and the general principle against the retrospective operation of legislation, transitional provisions are commonly included in legislation, particularly in legislation moving from one legislative scheme to another. It is readily apparent that not all of these transitional provisions are, on a strict analysis, legally necessary.

Transitional provisions that may not be strictly legally necessary are commonly included for at least 2 reasons. First, to put the intended effect of legislation during a transitional period completely beyond doubt. Second, to have an express statement of the transitional effect of provisions. Such a statement assists members of the Legislative Assembly and users of new or amended legislation to arrive at a clear understanding of the intended effect of the new or amended legislation.

In this regard the statement is educative rather than having an intended long-term legal effect. Hence the practice in the ACT for a number of years has been to include transitional provisions even though they may not be strictly necessary and to sunset the transitional provisions (including those that may be legally necessary) after they have become known to users. Sunsetting transitional provisions assists in avoiding unnecessary clutter in the statute book. However, because the ACT legislation register provides ready access to versions of the law at each point in time since the establishment of the register, these sunsetted transitional provisions can be readily located by looking at a version of the law for the relevant point in time or at the extensive endnotes provided for all ACT legislation. Because of the ACT drafting practice of including transitional provisions for amended legislation by amendment into the legislation being amended, it is unnecessary for users of ACT legislation to check amending legislation for transitional provisions.

The ACT legislative drafting practice is supported by section 88 which enables transitional provisions to be removed from current versions of legislation after a period sufficient to allow users to become familiar with them, whether or not they may have a continuing legal effect. The operation of this legislative drafting practice is reflected in the sunsetting of every transitional provision that was included in the Legislation Act when it was enacted. It is also demonstrated in many other Acts enacted by the Legislative Assembly in recent years. For example, see—

- *Unit Titles Act 2001*, part 16
- *Food Act 2001*, part 12
- *Civil Law (Wrongs) Act 2002*, chapter 16 (previously ch 12)
- *Security Industry Act 2003*, part 6
- *Rates Act 2004*, part 9
- *Animal Diseases Act 2005*, part 9.

## **[2.7]                      New section 88 (8) and (9)**

*insert*

- (8) To remove any doubt and without limiting section 6 (Legislation Act provisions must be applied), the application of this section to a law is not displaced only because the law is repealed and, in particular, the repeal of the law does not of itself imply an intention to displace the application of this section to the law.

(9) In this section:

***transitional law*** means—

- (a) a law made or expressed to be made for a transitional purpose; or
- (b) a law that makes provision consequential on a law mentioned in paragraph (a).

**Examples**

- 1 a provision stating that an existing licence under a repealed Act is taken to be a licence of a particular kind under another Act and authorising the imposition of conditions under the other Act
- 2 a provision stating that a provision applies to certain applications made before the commencement of an amendment or only to applications made after the commencement of an amendment
- 3 a declaration made for subsection (3)

*Note 1* ***Transitional*** is defined in the dictionary to include application and savings.

*Note 2* An example is part of the Act, is not exhaustive and may extend, but does not limit, the meaning of the provision in which it appears (see s 126 and s 132).

***validating law*** means—

- (a) a law that validates something that is or may be invalid; or
- (b) a law that makes provision consequential on a law mentioned in paragraph (a).

**Examples**

- 1 a provision declaring an instrument to have been validly made and acts done in reliance on the instrument to have been validly done
- 2 a provision stating that an instrument that is declared valid is taken to have been amended in a particular way

**Explanatory note**

This amendment inserts 2 new subsections into section 88.

Proposed section 88 (8) is included to ensure that the repeal or expiry of a transitional or validating law does not, of itself, displace section 88 or give rise to an implication that

section 88 is intended to be displaced. As mentioned in the explanatory note to the previous amendment of section 88, transitional provisions may be included in legislation even though they may not be strictly legally necessary. Their repeal (or expiry) should not, therefore, give rise to an implication that any legal effect that they had was to be ended.

Proposed section 88 (9) defines the terms *transitional law* and *validating law*. The details of the definitions (including examples) are largely taken from existing section 88 (1).

## **[2.8]                      Section 89 (1)**

*substitute*

- (1) An amending law is automatically repealed on the day after—
  - (a) all of its provisions have commenced; or
  - (b) the last of its provisions that have not commenced are omitted or cannot commence.

### **Example of provision that can no longer commence**

The *ABC Act 2005* includes a provision that amends the *XYZ Act 2000*. Before the provision commences, the *XYZ Act 2000* is repealed. The provision can, therefore, no longer commence.

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

### **Explanatory note**

This amendment makes it clear that an amending law is automatically repealed if the last of its uncommenced amendments are repealed before they commence or can no longer commence. Amendments can no longer commence if, for example, they amend a law or provisions that are repealed before the amendments commence. The amendment will help to remove unnecessary clutter from the statute book.

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**[2.9] Section 151 (4)**

*before*

until

*insert*

to or

**Explanatory note**

Section 151 deals with working out periods of time generally. Section 151 (4) provides for the inclusion of the last day of a stated period in that period. The amendment makes it clear that section 151 (4) covers cases where the period is described as 'to' a stated day. For example, the period described as '1 January 1974 to 31 December 1980' means that 31 December 1980 is included in the period.

**[2.10] New section 151 (6A)**

*insert*

- (6A) Despite subsection (3), if, under an Act or statutory instrument, something must or may be done within a particular period of time after a stated day, the thing may be done on the stated day.

**Explanatory note**

This amendment makes it clear that, if something must or may be done, within a particular period of time after a stated day, then, despite section 151 (3) (which would otherwise exclude the day), the thing may be done on that day.

**[2.11] Section 151A (4), definition of *working day*, paragraph (b) (ii)**

*substitute*

- (ii) a public holiday at the place where the thing must or may be done; or

- (iii) if the thing is to be done by or in relation to an authorised deposit-taking institution—a day observed by the institution as a bank holiday at the place where the thing must or may be done.

**Explanatory note**

This amendment amends the definition of *working day* in section 151A (Periods of time ending on non-working days) to take into account the effect of bank holidays.

**[2.12] Section 255 (3), example**

*substitute*

**Example**

The X Act, section 23 provides for a person to apply for registration but makes no mention of a form for the application. However, the Act, section 80 (1) provides:

- (1) The Minister may approve forms for this Act.

Section 80 (3) provides that the approval of a form is a notifiable instrument.

Because section 80 (1) permits a form to be approved ‘for this Act’, this Act, section 255 applies in relation to section 23 and the Minister may, *in writing*, approve a form for the application.

*Note 1* Because the approval is a notifiable instrument, it must be in writing (see s 42 (2)).

*Note 2* An example is part of the Act, is not exhaustive and may extend, but does not limit, the meaning of the provision in which it appears (see s 126 and s 132).

**Explanatory note**

This amendment clarifies the example by including references to the approval being a notifiable instrument.

**[2.13] Dictionary, part 1, definition of *change***

*substitute*

*change* includes change by alteration, omission, substitution or addition.

**Explanatory note**

This amendment revises the definition of *change* to expressly include change by alteration. Alteration is a common kind of change and its express inclusion in the definition should assist users to better understand the scope of the definition.

**[2.14] Dictionary, part 1, definition of *foreign country***

*substitute*

*foreign country* means a country (whether or not an independent sovereign country) outside Australia and the external territories, and includes a state, province or other part of such a country.

**Explanatory note**

This amendment revises the definition of *foreign country* to ensure that a reference to a foreign country includes a reference to a state, province or other part of the foreign country. The amendment will, for example, ensure that a reference to the law of a foreign country includes, for a foreign country that has states or provinces, a reference to the relevant law of the states or provinces.

**[2.15] Dictionary, part 1, new definition of *legislative instrument***

*insert*

*legislative instrument*—see section 12.

**Explanatory note**

This amendment is consequential on another amendment in this part that replaces the defined term *registrable instrument* with the defined term *legislative instrument*.

**[2.16]    Dictionary, part 1, definition of *modification***

*substitute*

*modification* includes modification by alteration, omission, substitution and addition.

**Explanatory note**

This amendment revises the definition of *modification* to expressly include modifications by alteration. Alteration is a common kind of modification and its express inclusion in the definition should assist users to better understand the scope of the definition.

**[2.17]    Dictionary, part 1, definition of *registrable instrument***

*omit*

**Explanatory note**

This amendment is consequential on another amendment in this part that replaces the defined term *registrable instrument* with the defined term *legislative instrument*.

**[2.18]    Further amendments, mentions of *registrable instrument***

*omit*

registrable instrument

*substitute*

legislative instrument

*in*

- section 19 (11)
- section 42 (2)
- section 46 (3)
- section 59 (2) (b)
- sections 60 to 63
- section 73
- section 75 (3)
- section 75A
- section 81 (6) (a) and (8)



- section 89 (6) and (9)
- dictionary, part 1, definition of *notification*

**Explanatory note**

This amendment is consequential on another amendment in this part.

**[2.19] Further amendments, mentions of *registrable instruments***

*omit*

registrable instruments

*substitute*

legislative instruments

*in*

- section 19 (4), (5) and (7)
- part 6.4 heading
- section 59
- section 60 (1)
- section 61 heading
- section 63 heading
- section 255 (1), note
- section 302 (2) (b)

**Explanatory note**

This amendment is consequential on another amendment in this part.

## Part 2.2                            Legislation Regulation 2003

### [2.20]    Section 3, note 1

*omit*

registrable instruments

*substitute*

legislative instruments

#### **Explanatory note**

This amendment is consequential on the amendment of the Legislation Act, section 12 in part 2.1.

### [2.21]    Part 2 heading

*substitute*

## Part 2    Notification of legislative instruments

#### **Explanatory note**

This amendment is consequential on the amendment of the Legislation Act, section 12 in part 2.1.

### [2.22]    Section 5

*omit*

registrable instrument

*substitute*

legislative instrument

#### **Explanatory note**

This amendment is consequential on the amendment of the Legislation Act, section 12 in part 2.1.

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**[2.23] Section 6 heading**

*substitute*

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

**Explanatory note**

This amendment is consequential on the amendment of the Legislation Act, section 12 in part 2.1.

**[2.24] Section 6 (1) and (2)**

*omit*

registrable instrument

*insert*

legislative instrument

**Explanatory note**

This amendment is consequential on the amendment of the Legislation Act, section 12 in part 2.1.

**[2.25] Dictionary, note 2**

*insert*

- legislative instrument (see s 12)

**Explanatory note**

This amendment is consequential on the amendment of the Legislation Act, section 12 in part 2.1.

**[2.26] Dictionary, note 2**

*omit*

- registrable instrument

**Explanatory note**

This amendment is consequential on the amendment of the Legislation Act, section 12 in part 2.1.

**[2.27]    Dictionary, definition of *notification number***

*substitute*

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

**Explanatory note**

This amendment is consequential on the amendment of the Legislation Act, section 12 in part 2.1.

## **Schedule 3      Technical amendments**

(see s 5)

### **Part 3.1                      Births, Deaths and Marriages Registration Act 1997**

#### **[3.1]      Sections 67 (1) and 69 (1)**

*omit*

, in writing,

##### **Explanatory note**

This amendment omits words that are now redundant because of the effect of the Legislation Act, section 42 (2) which requires disallowable and notifiable instruments to be in writing.

#### **[3.2]      Dictionary, definition of *doctor***

*omit*

##### **Explanatory note**

This amendment omits a redundant signpost definition. The relevant definition was omitted by an earlier amendment.

### **Part 3.2                      Business Names Act 1963**

#### **[3.3]      Section 9 (1)**

*substitute*

- (1) Except with the Minister's consent, a business name must not be registered under this Act if the business name is a name that is—
  - (a) in the registrar-general's opinion, undesirable; or

- (b) unacceptable for registration under the *Corporations Regulations 2001* (Cwlth).

**Explanatory note**

This amendment improves the structure of the subsection and updates the reference to the relevant Commonwealth legislation.

**[3.4]                      Section 19 (1) (d)**

*substitute*

- (d) if the business name is registered in relation to a corporation only and the corporation is deregistered under the Corporations Act or dissolved.

**Explanatory note**

This amendment brings the language of the paragraph into line with the Corporations Act.

## **Part 3.3                                      Canberra Institute of Technology Act 1987**

**[3.5]                      Section 5 (3) and (4)**

*omit*

**Explanatory note**

This amendment omits subsections that were retained in this section in error when the Act was amended by the *Financial Management Legislation Amendment Act 2005*, schedule 1, part 1.4. The omitted subsections relate to directions given by the Minister to the Canberra Institute of Technology. Directions are now dealt with in the *Canberra Institute of Technology 1987*, section 6. The omitted subsections are inserted into that section by another amendment.

**[3.6]                      New section 6 (1)**

*omit*

, in writing,

**Explanatory note**

This amendment omits words that are now redundant because of the effect of the Legislation Act, section 42 (2) which requires notifiable instruments to be in writing.

---

**[3.7] New section 6 (3) and (4)**

*insert*

- (3) A direction is a notifiable instrument.

*Note* A notifiable instrument must be notified under the Legislation Act.

- (4) If the Minister gives the institute a direction under this section, a copy of the direction must be presented to the Legislative Assembly within 5 sitting days after the day the direction is given.

**Explanatory note**

This amendment inserts provisions omitted from section 5 by another amendment.

**[3.8] Section 30 (5)**

*substitute*

- (5) The members are to be appointed by the Minister.

*Note 1* For the making of appointments (including acting appointments), see the Legislation Act, pt 19.3.

*Note 2* In particular, an appointment may be made by naming a person or nominating the occupant of a position (see s 207).

*Note 3* Certain Ministerial appointments require consultation with an Assembly committee and are disallowable (see Legislation Act, div 19.3.3).

**Explanatory note**

This amendment omits from subsection (5) the requirement that appointments be in writing, which is required by the Legislation Act, section 206 (1). The amendment also adds standard appointment notes.

**[3.9]            Section 51**

*omit*

**Explanatory note**

This amendment omits a redundant provision in relation to the employment and promotion of staff of the institute. The section relates to equal employment opportunity and was inserted into the Act when the staff of the institute were not public servants to give them similar protection to Commonwealth employees under the *Public Service Act 1922* (Cwlth). In 1994 the staff of the institute were brought under the *Public Sector Management Act 1994* which provides for equal employment opportunity programs (see that Act, s 40).

## **Part 3.4                            Children and Young People Act 1999**

**[3.10]           Section 403A (4) (a)**

*omit*

registrable instruments

*insert*

legislative instruments

**Explanatory note**

This amendment is consequential on the amendment of the Legislation Act, section 12 in part 2.1.

**[3.11]           Section 403A (4) (b)**

*omit*

registrable instrument

*insert*

legislative instrument

**Explanatory note**

This amendment is consequential on the amendment of the Legislation Act, section 12 in part 2.1.



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## Part 3.5 Civil Law (Sale of Residential Property) Regulation 2004

### [3.12] Section 9 (1) (a)

*substitute*

- (a) a statement about any registration in the heritage register in relation to the property;

#### **Explanatory note**

This amendment updates a reference to the heritage places register. The register is now called the heritage register (see *Heritage Act 2004*, s 20) .

### [3.13] Section 9 (2)

*omit*

#### **Explanatory note**

This amendment omits a redundant definition of *heritage places register*.

### [3.14] Section 11 (2) (b)

*omit*

, in writing,

#### **Explanatory note**

This amendment omits words that are now redundant because of the effect of the Legislation Act, section 42 (2) which requires disallowable instruments to be in writing.

### [3.15] Dictionary, note 2

*insert*

- heritage register

#### **Explanatory note**

This amendment is consequential on other amendments in this part. Dictionary note 2 is an aid to users that lists examples of terms used in the regulation that are defined in the Legislation Act, dictionary, part 1.

## Part 3.6                            Coroners Act 1997

### [3.16]    Section 10 (1)

*omit*

shall not perform a function or duty

*substitute*

must not exercise a function

#### Explanatory note

This amendment brings the subsection more closely into line with current drafting practice. The Legislation Act, dictionary, part 1 defines *function* as including duty and power.

### [3.17]    Section 21 heading

*substitute*

## 21                            Directions to doctors to conduct post-mortem examinations

#### Explanatory note

This amendment updates language to bring it into line with current drafting practice.

### [3.18]    Section 60 (1)

*omit*

exercising a power or performing a function or duty under this Act

*substitute*

exercising a function under this Act

#### Explanatory note

This amendment brings the subsection more closely into line with current drafting practice. The Legislation Act, dictionary, part 1 defines *function* as including duty and power.

---

**[3.19] New section 108**

*insert*

**108 Saving of transitional provisions**

This part is a law to which the Legislation Act, section 88 (Repeal does not end effect of transitional laws etc) applies.

**Explanatory note**

This amendment inserts a new provision into part 11 which deals with transitional matters in relation to the repealed *Coroners Act 1956*. The provision ensures that any ongoing effect of the transitional provisions is preserved after their repeal by the next amendment.

**[3.20] Part 11**

*omit*

**Explanatory note**

This amendment omits a redundant part dealing with transitional provisions in relation to the repealed *Coroners Act 1956*. Any ongoing effect of the transitional provisions is preserved after their repeal by this amendment.

**[3.21] Schedule 1 heading**

*substitute*

**Schedule 1 Oath or affirmation of office**

(see s 10)

**Explanatory note**

This amendment substitutes a descriptive a schedule heading in accordance with current drafting practice.

**[3.22]    Dictionary, note 2**

*insert*

- doctor
- lawyer
- registrar-general

**Explanatory note**

This amendment is consequential on other amendments in this part. Dictionary note 2 is an aid to users that lists examples of terms used in the Act that are defined in the Legislation Act, dictionary, part 1.

**[3.23]    Dictionary, definition of *registrar-general***

*omit*

**Explanatory note**

This amendment omits a redundant definition. The term *registrar-general* is defined in the Legislation Act, dictionary, part 1.

**[3.24]    Further amendments, references to *legal practitioner***

*omit*

legal practitioner

*substitute*

lawyer

*in*

- section 39
- section 42
- section 72

**Explanatory note**

This amendment updates language to bring it into line with current drafting practice.

**[3.25] Further amendments, references to *medical practitioner***

*omit*

medical practitioner

*substitute*

doctor

*in*

- section 9 (3)
- section 13 (1) (f) and (g)
- sections 21 to 23
- section 25
- section 32
- section 70 (1) (d)

**Explanatory note**

This amendment updates language to bring it into line with current drafting practice.

## **Part 3.7 Court Procedures Act 2004**

**[3.26] Section 81**

*omit*

registrable instruments

*substitute*

legislative instruments

**Explanatory note**

This amendment is consequential on the amendment of the Legislation Act, section 12 in part 2.1.

## Part 3.8 Crimes (Child Sex Offenders) Act 2005

### [3.27] Section 3, note 1

*substitute*

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

For example, the signpost definition '*witness protection program*—see the *Witness Protection Act 1996*, dictionary.' means that the term 'witness protection program' is defined in that dictionary and the definition applies to this Act.

#### Explanatory note

This amendment is consequential on the transfer, by another amendment, of definitions in the *Witness Protection Act 1996* from a definitions section to a dictionary.

### [3.28] Section 119 (2)

*omit*

*Witness Protection Act 1996*, section 3

*substitute*

*Witness Protection Act 1996*, dictionary

#### Explanatory note

This amendment is consequential on the transfer, by another amendment, of definitions in the *Witness Protection Act 1996* from a definitions section to a dictionary.

### [3.29] Section 133 (1)

*omit*

, in writing,

#### Explanatory note

This amendment omits words that are now redundant because of the effect of the Legislation Act, section 42 (2) which requires notifiable instruments to be in writing.

**[3.30] Dictionary, definition of *witness protection program***

*omit*

*Witness Protection Act 1996*, section 3

*substitute*

*Witness Protection Act 1996*, dictionary

**Explanatory note**

This amendment is consequential on the transfer, by another amendment, of definitions in the *Witness Protection Act 1996* from a definitions section to a dictionary.

## **Part 3.9 Dangerous Substances Act 2004**

**[3.31] Sections 10 (1) (i) and 13 (2)**

*omit*

in writing

**Explanatory note**

This amendment omits words that are now redundant because of the effect of the Legislation Act, section 42 (2) which requires disallowable instruments to be in writing.

**[3.32] Section 49 (1) (a)**

*substitute*

- (a) the knowledge, experience and training of the person in relation to the kinds of dangerous substances to which the application relates;

**Explanatory note**

This amendment adds the words ‘to which the application relates’ to make it clear that it is only the dangerous substances to which the application relates that are relevant.

**[3.33]    Section 72 (5)**

*substitute*

- (5) For the *Civil Law (Wrongs) Act 2002*, section 139 (Defences of fair report of proceedings of public concern), the information published by the chief executive under this section about disciplinary action is taken to be a fair report of proceedings of public concern.

**Explanatory note**

This amendment updates a cross-reference and terminology consequent on the enactment of the *Civil Law (Wrongs) Amendment Act 2006*.

**[3.34]    Further amendments, references to *in writing***

*omit*

, in writing,

*in*

- section 218 (1)
- section 219 (1)
- section 221 (1)
- section 222 (1)

**Explanatory note**

This amendment omits words that are now redundant because of the effect of the Legislation Act, section 42 (2) which requires disallowable and notifiable instruments to be in writing.

## Part 3.10            Duties Act 1999

**[3.35]    Section 96 (1), definition of *voting shares***

*substitute*

***voting share***—see the Corporations Act, section 9.

**Explanatory note**

This amendment brings the definition into line with current drafting practice.



**[3.36] Section 175, new definition of *paid***

*insert*

*paid*, for a premium or an instalment of a premium—see section 176.

**Explanatory note**

This amendment inserts a signpost definition of *paid* to assist users.

**[3.37] Section 208A, definition of *licensed vehicle dealer***

*omit*

**Explanatory note**

This definition, and the omission of section 220 by the amendment below, omits 2 separate (but effectively identical) definitions of *licensed vehicle dealer* for different parts of the Act. The definitions are made redundant by a new definition of the term for the Act which is inserted into the dictionary by another amendment.

**[3.38] Section 220**

*omit*

**Explanatory note**

This amendment omits a definition of *licensed vehicle dealer* and is consequential on the insertion of a new definition of the term into the dictionary by another amendment.

**[3.39] Dictionary, new definitions**

*insert*

*acquired*, for an interest in a landholding private corporation, for part 3.2 (Acquisition of interests in certain landholders)—see section 84.

*acquisition statement*, for chapter 3 (Certain transactions treated as transfers)—see section 76.

*asset*, for part 3.6 (Voluntary transfers under Financial Sector (Transfers of Business) Act 1999 (Cwlth))—see section 115A.

**Explanatory note**

This amendment inserts into the dictionary, in accordance with current drafting practice, signpost definitions for terms defined elsewhere in the Act.

**[3.40]    Dictionary, definition of *bankrupt***

*substitute*

*bankrupt* includes having executed a personal insolvency agreement.

**Explanatory note**

The *Bankruptcy Legislation Amendment Act 2004* (Cwlth) amended the *Bankruptcy Act 1966* (Cwlth) to replace the concepts of deed of assignment, deed of arrangement and composition with the new single concept of personal insolvency agreement. This amendment brings the paragraph into line with the new concept.

**[3.41]    Dictionary, new definitions**

*insert*

*business*, for part 3.6 (Voluntary transfers under Financial Sector (Transfers of Business) Act 1999 (Cwlth))—see section 115A.

*capital reduction*, for part 3.3 (Entitlements arising from capital reductions or alterations of rights)—see section 96 (1).

*chapter 3 transaction*, for chapter 3 (Certain transactions treated as transfers)—see section 76.

*company*, for part 3.3 (Entitlements arising from capital reductions or alterations of rights)—see section 96 (1).

*consideration*—see section 21.

*declaration of trust*, for chapter 2 (Transactions concerning dutiable property)—see section 6.

*demonstrator*, for part 9.2 (Exemptions)—see section 208A.

*dutiable entitlement*, for part 3.3 (Entitlements arising from capital reductions or alterations of rights)—see section 96 (1).

*equipment financing arrangement*, for chapter 6 (Hire of goods)—see section 151.

*first executed*, for an instrument (including a contract)—see section 243.

*FS (TB) Act*, for part 3.6 (Voluntary transfers under Financial Sector (Transfers of Business) Act 1999 (Cwlth))—see section 115A.

*goods*, for chapter 6 (Hire of goods)—see section 151.

**Explanatory note**

This amendment inserts into the dictionary, in accordance with current drafting practice, signpost definitions for terms defined elsewhere in the Act.

**[3.42] Dictionary, definition of *hire of goods***

*substitute*

*hire of goods*—see section 152 and section 153.

**Explanatory note**

This amendment adds a reference to section 153 which also deals with the meaning of *hire of goods*.

**[3.43] Dictionary, definition of *hiring charges***

*substitute*

*hiring charges*—see section 155 and section 156.

**Explanatory note**

This amendment adds a reference to section 156 which also deals with the meaning of *hiring charges*.

**[3.44]    Dictionary, definition of *insurance intermediary***

*substitute*

*insurance intermediary*—see the *Insurance Contracts Act 1984* (Cwlth), section 11.

**Explanatory note**

This amendment updates a signpost definition.

**[3.45]    Dictionary, definition of *interest***

*substitute*

*interest*—

- (a) includes an estate, an interest under a lease or a sublease, a proprietary right and a beneficial interest; and
- (b) for a private corporation, for part 3.2 (Acquisition of interests in certain landholders)—see section 83 (1).

**Explanatory note**

The dictionary at present contains separate definitions of this term. The substituted definition combines both in accordance with current drafting practice. It also updates a reference to a land-rich corporation.

**[3.46]    Dictionary, new definitions**

*insert*

*landholding*, for part 3.2 (Acquisition of interests in certain landholders)—see section 80.

*lease instrument*, for chapter 5 (Lease instruments)—see section 133.

*lessee*, for chapter 5 (Lease instruments)—see section 133.

*lessor*, for chapter 5 (Lease instruments)—see section 133.

*licensed vehicle dealer* means a licensed dealer under the *Sale of Motor Vehicles Act 1977*.

**Explanatory note**

This amendment inserts into the dictionary, in accordance with current drafting practice, signpost definitions for terms defined elsewhere in the Act. It also inserts a definition of *licensed vehicle dealer* for the Act to replace the definitions in section 208A and section 220 which are omitted by other amendments.

**[3.47] Dictionary, definition of *life company***

*substitute*

*life company*—see the *Life Insurance Act 1995* (Cwlth), schedule.

**Explanatory note**

This amendment brings a signpost definition into line with current drafting practice.

**[3.48] Dictionary, new definitions**

*insert*

*majority interest*, in a private corporation—see section 83 (2).

*paid*, for a premium or an instalment of a premium, for chapter 8 (Insurance)—see section 176.

*person*, for part 3.3 (Entitlements arising from capital reductions or alterations of rights)—see section 96 (1).

*property transferred*, by a dutiable transaction—see section 8 (2).

*receiving body*, for part 3.6 (Voluntary transfers under Financial Sector (Transfers of Business) Act 1999 (Cwlth))—see section 115A.

*relevant acquisition*, for division 3.2.3 (Charging of duty)—see section 86.

*rights alteration*, in relation to voting shares, for part 3.3 (Entitlements arising from capital reductions or alterations of rights)—see section 96 (1).

**Explanatory note**

This amendment inserts into the dictionary, in accordance with current drafting practice, signpost definitions for terms defined elsewhere in the Act.

**[3.49] Dictionary, definition of *solicitor***

*omit*

**Explanatory note**

This amendment omits an unnecessary definition. The term *solicitor* is defined in the Legislation Act, dictionary, part 1.

**[3.50] Dictionary, definition of *subsidiary***

*substitute*

*subsidiary*—see section 81 (3) to (5).

**Explanatory note**

This amendment adds a reference to section 81 (5) which also deals with the meaning of *subsidiary*.

**[3.51] Dictionary, new definition of *time***

*insert*

*time*, of transfer of dutiable property—see section 8 (2).

**Explanatory note**

This amendment inserts into the dictionary, in accordance with current drafting practice, a signpost definition for a term defined elsewhere in the Act.

**[3.52] Dictionary, definition of *trading stock***

*substitute*

*trading stock*, for part 9.2 (Exemptions)—see section 208A.

**Explanatory note**

This amendment brings the definition into line with current drafting practice.

**[3.53] Dictionary, definition of *transfer***

*substitute*

*transfer*—

- (a) includes—
  - (i) assignment; and
  - (ii) exchange; and
  - (iii) vesting of an interest in property under a law of the Territory, the Commonwealth, a State or another Territory, unless the interest does not exist before it is vested; and
  - (iv) vesting of an interest in property under a court order, unless the interest did not exist before it is vested; and
- (b) for chapter 2 (Transactions concerning dutiable property)—see section 6.

**Explanatory note**

This amendment updates the definition of *transfer* by adding to the definition, in accordance with current drafting practice, a signpost definition to a term defined elsewhere in the Act.

**[3.54] Dictionary, new definitions**

*insert*

*transferee*, of dutiable property—see section 8 (2).

*unascertainable*, for an amount of a cost component, for part 5.4 (Unascertainable lease costs)—see section 143 (2).

*voluntary transfer*, for part 3.6 (Voluntary transfers under Financial Sector (Transfers of Business) Act 1999 (Cwlth))—see section 115A.

*voting share*, for part 3.3 (Entitlements arising from capital reductions or alterations of rights)—see the Corporations Act, section 9.

**Explanatory note**

This amendment inserts into the dictionary, in accordance with current drafting practice, signpost definitions for terms defined elsewhere in the Act.

**[3.55] Further amendments, references to *in writing***

*omit*

, in writing,

*in*

- section 4 (2)
- section 4A (1)
- section 70A (4)
- section 91A (4)
- section 115G (1)
- section 201A (1)
- section 208AA (4)
- section 214A (5)
- section 230 (2)
- section 252A (1)

**Explanatory note**

This amendment omits words that are now redundant because of the effect of the Legislation Act, section 42 (2) which requires disallowable and notifiable instruments to be in writing.



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## **Part 3.11**                      **Guardianship and Management of Property Act 1991**

### **[3.56] Section 10 (2) (c)**

*substitute*

- (c) is bankrupt or has executed a personal insolvency agreement (and, if so, has given particulars to the tribunal).

#### **Explanatory note**

The *Bankruptcy Legislation Amendment Act 2004* (Cwlth) amended the *Bankruptcy Act 1966* (Cwlth) to replace the concepts of deed of assignment, deed of arrangement and composition with the new single concept of personal insolvency agreement. This amendment brings the paragraph into line with the new concept.

### **[3.57] Section 64 (2) (b)**

*substitute*

- (b) if the member becomes bankrupt or executes a personal insolvency agreement.

#### **Explanatory note**

The *Bankruptcy Legislation Amendment Act 2004* (Cwlth) amended the *Bankruptcy Act 1966* (Cwlth) to replace the concepts of deed of assignment, deed of arrangement and composition with the new single concept of personal insolvency agreement. This amendment brings the paragraph into line with the new concept.

### **[3.58] Section 75 (1)**

*omit*

, in writing,

#### **Explanatory note**

This amendment omits words that are now redundant because of the effect of the Legislation Act, section 42 (2) which requires disallowable instruments to be in writing.

## Part 3.12                            Inquiries Act 1991

### [3.59]            Section 1

*substitute*

#### 1                    Name of Act

This Act is the *Inquiries Act 1991*.

#### Explanatory note

This amendment brings the naming section into line with current drafting practice.

### [3.60]            Section 3

*substitute*

#### 2                    Dictionary

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

*Note 1*    The dictionary at the end of this Act defines certain terms used in this Act.

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

#### Explanatory note

This amendment inserts a standard dictionary provision consequent on the insertion of a new dictionary by another amendment.

### [3.61]            Sections 4 and 4A

*renumber as sections 3 and 4*

#### Explanatory note

This amendment renumbers sections.

---

**[3.62] Section 5**

*substitute*

**5 Appointment of board of inquiry**

The Executive may appoint 1 or more people as a board of inquiry to inquire into a matter stated in the instrument of appointment.

*Note* For the making of appointments, see the Legislation Act, pt 19.3.

**Explanatory note**

This amendment updates the appointment section by removing the words ‘by instrument’ because the Legislation Act, section 206 provides that an appointment must be made, or evidenced, by writing signed by the appointer.

The amendment also inserts a note about appointments.

**[3.63] Section 6 (4)**

*omit*

**Explanatory note**

This amendment omits a redundant provision about the appointment of a member not being invalid because of a defect or irregularity in connection with the member’s appointment. The provision is unnecessary because of the Legislation Act, section 212 which is to the same effect.

**[3.64] Section 9, new note**

*insert*

*Note* A member’s appointment also ends if the person resigns (see Legislation Act, s 210).

**Explanatory note**

This amendment inserts a standard note about an appointment ending if a person resigns consequent on the next amendment.

**[3.65]    Section 10**

*omit*

**Explanatory note**

Section 10 is no longer necessary because of the Legislation Act, section 210 which deals with resignation. A standard note about resignation is inserted in section 9 by another amendment.

**[3.66]    Section 14B (3)**

*omit*

calendar month

*substitute*

month

**Explanatory note**

This amendment omits unnecessary words. The Legislation Act, dictionary, part 1, defines *month* as meaning calendar month.

**[3.67]    Section 16 (1)**

*omit*

performance or exercise of any function or power

*substitute*

exercise of any function

**Explanatory note**

This amendment brings the section more closely into line with current drafting practice. The Legislation Act, dictionary, part 1 defines *exercise* a function to include perform the function and *function* to include power.

---

**[3.68] Section 17**

*omit*

performance or exercise of a function or power

*substitute*

exercise of a function

**Explanatory note**

This amendment brings the section more closely into line with current drafting practice. The Legislation Act, dictionary, part 1 defines *exercise* a function to include perform the function and *function* to include power.

**[3.69] Section 17 (c)**

*omit*

furnished

*substitute*

provided

**Explanatory note**

This amendment updates language.

**[3.70] Section 23**

*substitute*

**23 Conduct of hearing**

Except as otherwise provided by this Act, the procedure at a hearing may be decided by the board.

**Explanatory note**

This amendment updates language.

**[3.71]    Section 37**

*substitute*

**37        Delegation by board**

A board may delegate any of its functions under this Act with the written consent of the Chief Minister.

*Note*      For the making of delegations and the exercise of delegated functions, see the Legislation Act, pt 19.4.

**Explanatory note**

This amendment brings the provision into line with current drafting practice.

**[3.72]    Section 38 (1)**

*omit*

a proceeding of public concern for the *Civil Law (Wrongs) Act 2002*, section 128

*substitute*

proceedings of public concern for the *Civil Law (Wrongs) Act 2002*, section 139 (Defences of fair report of proceedings of public concern)

**Explanatory note**

This amendment updates a cross-reference and terminology consequent on the enactment of the *Civil Law (Wrongs) Amendment Act 2006*.

---

**[3.73] Section 38 (3)**

*omit*

*Civil Law (Wrongs) Act 2002*, section 129

*substitute*

*Civil Law (Wrongs) Act 2002*, section 138 (Defence for publication of public documents)

**Explanatory note**

This amendment updates a cross-reference consequent on the enactment of the *Civil Law (Wrongs) Amendment Act 2006*.

**[3.74] New Dictionary**

*insert*

## Dictionary

(see s 2)

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

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

- Executive
- exercise
- function
- month
- under.

***authorised person*** means a person declared in writing by the chairperson to be an authorised person for this Act.

***board*** means—

- (a) a board of inquiry appointed under section 5; and
- (b) in relation to an inquiry—the board of inquiry appointed to conduct that inquiry.

*chairperson* means—

- (a) the chairperson of a board appointed under section 6 (1) or (3);  
or
- (b) for a board constituted by 1 person—that person.

*member* means—

- (a) for a board constituted by 1 person—that person; or
- (b) for a board constituted by 2 or more people—each of those people.

*premises* includes—

- (a) a building or other structure; and
- (b) an aircraft, vehicle or vessel; and
- (c) a place, whether or not enclosed or built on.

**Explanatory note**

This amendment inserts a new dictionary consequent on the omission of the interpretation provision (existing section 3) by another amendment. The language and structure of the definitions is updated to bring them into line with current drafting practice.

**[3.75] Further amendments, references to *legal practitioner***

*omit*

legal practitioner

*substitute*

lawyer

*in*

- sections 15 to 17
- section 24 (c)



- section 25 (a)

**Explanatory note**

This amendment updates language.

**[3.76] Further amendments, references to *persons***

*omit*

persons

*substitute*

people

*in*

- section 6 (1) to (3)
- section 21 (3) and (4)
- section 24, heading

**Explanatory note**

This amendment updates language.

## **Part 3.13 Intoxicated People (Care and Protection) Act 1994**

**[3.77] Section 13**

*substitute*

### **13 Protection of carers, managers and licensees**

A proceeding does not lie against a person who is or has been a licensee, manager of a licensed place or carer in relation to anything honestly done or omitted to be done by the person as licensee, manager of a licensed place or carer for the exercise, or purported exercise, of a function for this Act or another territory law.

**Explanatory note**

This amendment updates language.

**[3.78]    Section 15 (2) (c) (i)**

*substitute*

- (i) if the applicant is an individual—a written statement signed by the applicant stating that the applicant has never been bankrupt or executed a personal insolvency agreement; or

**Explanatory note**

The *Bankruptcy Legislation Amendment Act 2004* (Cwlth) amended the *Bankruptcy Act 1966* (Cwlth) to replace the concepts of deed of assignment, deed of arrangement and composition with the new single concept of personal insolvency agreement. This amendment brings the paragraph into line with the new concept.

**[3.79]    Section 21 (2)**

*substitute*

- (2) A condition takes effect 28 days after the day the licensee is given notice of the condition or, if the notice states a later date of effect, that date.

**Explanatory note**

This amendment brings the language of the provision more closely into line with current drafting practice, particularly by ensuring that a condition does not take effect until the required time after a licensee is given notice of the condition.

**[3.80]    Section 23 (1) (a)**

*substitute*

- (a) if the licensee is an individual—the licensee becomes bankrupt or executes a personal insolvency agreement;

**Explanatory note**

The *Bankruptcy Legislation Amendment Act 2004* (Cwlth) amended the *Bankruptcy Act 1966* (Cwlth) to replace the concepts of deed of assignment, deed of arrangement and composition with the new single concept of personal insolvency agreement. This amendment brings the paragraph into line with the new concept.

**[3.81] Section 23 (1) (c)**

*substitute*

- (c) if the licensee is an incorporated association or any other kind of entity—that the entity is unable to meet its debts;

**Explanatory note**

This amendment brings the language of the grounds on which a licence may be cancelled under section 23 into line with the language of section 15 (2) (c) (iii) which is about applications for a licence. In particular, the reference to ‘a body established by or under a law of the Territory or elsewhere’ is changed to ‘any other kind of entity’.

**[3.82] Section 23 (2) (d) and (3)**

*substitute*

- (d) inviting the licensee to make submissions to the Minister, not later than 28 days after the day the licensee is given the notice, why the licence should not be cancelled.
- (3) After considering any submissions made in accordance with the notice, the Minister may cancel the licence in relation to any licensed place stated in the notice on any ground stated in the notice.

**Explanatory note**

This amendment brings the language of the provision more closely into line with current drafting practice, particularly by ensuring that a licensee is given a minimum time to make submissions about a proposed licence cancellation.

**[3.83] Sections 31 (1) and 38 (1)**

*omit*

, in writing,

**Explanatory note**

This amendment omits words that are now redundant because of the effect of the Legislation Act, section 42 (2) which requires disallowable and notifiable instruments to be in writing.

## Part 3.14            Judicial Commissions Act 1994

### [3.84]            Section 1

*substitute*

#### 1            Name of Act

This Act is the *Judicial Commissions Act 1994*.

#### Explanatory note

This amendment brings the naming section into line with current drafting practice.

### [3.85]            Section 3

*substitute*

#### 2            Dictionary

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

*Note 1*    The dictionary at the end of this Act defines certain terms used in this Act.

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

#### Explanatory note

This amendment inserts a standard dictionary provision consequent on the insertion of a new dictionary by another amendment.

### [3.86]            Sections 3A and 3B

*renumber as sections 3 and 3A*

#### Explanatory note

This amendment renumbers sections.

---

**[3.87] Section 5 (3) (a)**

*omit*

laid a copy of that report before

*substitute*

presented a copy of the report to

**Explanatory note**

This amendment updates language.

**[3.88] Section 5 (3) (b) (i)**

*omit*

laid that statement before

*substitute*

presented the statement to

**Explanatory note**

This amendment updates language.

**[3.89] Section 6**

*substitute*

**6 Constitution of judicial commission**

A judicial commission must consist of a presiding member and 2 other members appointed by the Executive.

*Note* For the making of appointments, see the Legislation Act, pt 19.3.

**Explanatory note**

This amendment updates the appointment section by removing the words ‘in writing’ because the Legislation Act, section 206 provides that an appointment must be made, or evidenced, by writing signed by the appointer.

The amendment also inserts a note about appointments.

**[3.90]      Section 7 (4)**

*omit*

**Explanatory note**

This amendment omits a redundant provision about the appointment of a member not being invalid because of a defect or irregularity in connection with the member's appointment. The provision is unnecessary because of the Legislation Act, section 212 which is to the same effect.

**[3.91]      Section 10, new note**

*insert*

*Note*      A commissioner's appointment also ends if the person resigns (see Legislation Act, s 210).

**Explanatory note**

This amendment inserts a standard note about an appointment ending if a person resigns consequent on the next amendment.

**[3.92]      Section 11**

*omit*

**Explanatory note**

Section 11 is no longer necessary because of the Legislation Act, section 210 which deals with resignation. A standard note about resignation is inserted in section 10 by another amendment.

**[3.93]      Section 19 (1)**

*omit*

performing

*substitute*

exercising

**Explanatory note**

This amendment brings the section more closely into line with current drafting practice. The Legislation Act, dictionary, part 1 defines *exercise* a function to include perform the function.

**[3.94] Section 19 (2)**

*omit*

performance

*substitute*

exercise

**Explanatory note**

This amendment brings the section more closely into line with current drafting practice. The Legislation Act, dictionary, part 1 defines *exercise* a function to include perform the function.

**[3.95] Section 19 (2) (b)**

*omit*

laid the commission's report before

*substitute*

presented the commission's report to

**Explanatory note**

This amendment updates language.

**[3.96] Section 20 (1) and (2)**

*omit*

perform

*substitute*

exercise

**Explanatory note**

This amendment brings the section more closely into line with current drafting practice. The Legislation Act, dictionary, part 1 defines *exercise* a function to include perform the function.

**[3.97]    Section 20 (3)**

*omit*

performs

*substitute*

exercises

**Explanatory note**

This amendment brings the section more closely into line with current drafting practice. The Legislation Act, dictionary, part 1 defines *exercise* a function to include perform the function.

**[3.98]    Section 20 (3)**

*omit*

performed

*substitute*

exercised

**Explanatory note**

This amendment brings the section more closely into line with current drafting practice. The Legislation Act, dictionary, part 1 defines *exercise* a function to include perform the function.

**[3.99]    Section 23 (1)**

*omit*

lay a copy of the report before

*substitute*

present a copy of the report to

**Explanatory note**

This amendment updates language.



**[3.100] Section 23 (2)**

*omit*

shall, on laying a copy of the report before

*substitute*

must, on presenting a copy of the report to

**Explanatory note**

This amendment updates language.

**[3.101] Section 24 (3)**

*omit*

laid the report before

*substitute*

presented the report to

**Explanatory note**

This amendment updates language.

**[3.102] Section 24 (4)**

*omit*

lay a copy of the statement before

*substitute*

present a copy of the statement to

**Explanatory note**

This amendment updates language.

**[3.103]    Section 27 (1)**

*omit*

performance or exercise of any function or power

*substitute*

exercise of any function

**Explanatory note**

This amendment brings the section more closely into line with current drafting practice. The Legislation Act, dictionary, part 1 defines *exercise* a function to include perform the function and *function* to include power.

**[3.104]    Section 28 (2)**

*omit*

performance or exercise of a function or power

*substitute*

exercise of a function

**Explanatory note**

This amendment brings the section more closely into line with current drafting practice. The Legislation Act, dictionary, part 1 defines *exercise* a function to include perform the function and *function* to include power.

**[3.105]    Section 28 (2) (c)**

*omit*

furnished

*substitute*

provided

**Explanatory note**

This amendment updates language.

**[3.106] Section 29**

*omit*

furnish

*substitute*

give

**Explanatory note**

This amendment updates language.

**[3.107] Section 30 (1) (b)**

*omit*

performance

*substitute*

exercise

**Explanatory note**

This amendment brings the section more closely into line with current drafting practice. The Legislation Act, dictionary, part 1 defines *exercise* a function to include perform the function.

**[3.108] Division 5.3 heading, new note**

*insert*

*Note* A provision of a law that gives an entity (including a person) a function also gives the entity powers necessary and convenient to exercise the function (see Legislation Act, s 196 and dict, pt 1, def *entity*).

**Explanatory note**

This amendment is consequent on the omission of section 36 by another amendment.

**[3.109]    Section 35 (2)**

*omit*

refuses or

**Explanatory note**

This amendment omits unnecessary words. *Fail* is defined in the Legislation Act, dictionary, part 1 to include refuse.

**[3.110]    Section 36**

*omit*

**Explanatory note**

This amendment omits section 36 which states that a commission has power to do all things necessary or incidental to the performance of its functions. This is unnecessary because the Legislation Act, section 196 states that a provision of a law that gives an entity a function also gives the entity powers necessary and convenient to exercise the function.

**[3.111]    Section 39**

*substitute*

**39            Conduct of hearing**

Except as otherwise provided by this Act, the procedure at a hearing may be decided by the commission.

**Explanatory note**

This amendment updates language.

**[3.112] Section 58**

*omit*

in good faith in performance or exercise or purported performance or exercise of any function, power or authority conferred on

*substitute*

honestly in the exercise or purported exercise of any function—  
given to

**Explanatory note**

This amendment brings the language of the section more closely into line with current drafting practice. The Legislation Act, dictionary, part 1 defines *exercise* a function to include perform the function and *function* to include authority and power.

**[3.113] Section 62 (1)**

*omit*

, in writing,

**Explanatory note**

This amendment omits words that are now redundant because of the effect of the Legislation Act, section 42 (2) which requires notifiable instruments to be in writing.

**[3.114] Section 62 (2), new note**

*insert*

*Note* For other provisions about forms, see the Legislation Act, s 255.

**Explanatory note**

This amendment inserts a standard note to bring the provision into line with current drafting practice.

**[3.115]    New dictionary**

*insert*

## Dictionary

(see s 2)

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

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

- administrative appeals tribunal
- chief police officer
- Executive
- exercise
- fail
- function
- sitting day
- under.

***authorised person*** means a person declared in writing by the presiding member to be an authorised person for this Act.

***commission*** means—

- (a) a judicial commission appointed under section 16 (3) or section 18; and
- (b) for a complaint—the commission appointed to examine the complaint.

***complaint*** means—

- (a) a complaint made in accordance with section 14 (1) and (2); or
- (b) an allegation, notice of which has been given to the Attorney-General in accordance with section 14 (3) (b).

***head of jurisdiction*** means—

- (a) for a judge or the master of the Supreme Court—the Chief Justice; or
- (b) for a magistrate—the Chief Magistrate; or
- (c) for a member of the administrative appeals tribunal—the president of the tribunal.

***judge***—

- (a) means—
  - (i) a judge of the Federal Court or Family Court; or
  - (ii) a judge of the Supreme Court of a State or the Northern Territory; and
- (b) includes a person who is an additional judge appointed under the *Supreme Court Act 1933*, section 4A.

***judicial officer*** means—

- (a) a judge of the Supreme Court, other than a person who is an additional judge appointed under the *Supreme Court Act 1933*, section 4A; or
- (b) the master of the Supreme Court; or
- (c) a magistrate; or
- (d) a member of the administrative appeals tribunal, other than a person who is also a member of the Commonwealth administrative appeals tribunal.

***magistrate*** does not include a registrar.

***member***, of a commission, means a member of the commission, and includes the presiding member.

***premises*** includes—

- (a) a building or other structure; and

- (b) an aircraft, vehicle or vessel; and
- (c) a place, whether or not enclosed or built on.

*presiding member* means the presiding member of a commission appointed under section 6 or section 7 (3).

**Explanatory note**

This amendment inserts a new dictionary consequent on the omission of the interpretation provision (existing section 3) by another amendment. The language and structure of the definitions is updated to bring them into line with current drafting practice.

**[3.116] Further amendments, references to *laid before***

*omit*

laid before

*substitute*

presented to

*in*

- section 5 (2) (b)
- section 22 (3) and (5)
- section 23 (5)

**Explanatory note**

This amendment updates language.

**[3.117] Further amendments, references to *legal practitioner***

*omit*

legal practitioner

*substitute*

lawyer

*in*

- section 5 (3) (c)



- sections 26 to 28
- sections 40 to 42

**Explanatory note**

This amendment updates language.

**[3.118] Further amendments, references to *persons***

*omit*

persons

*substitute*

people

*in*

- section 5 (4)
- section 24 (2)
- section 37 (3) and (4)
- section 41 heading

**Explanatory note**

This amendment updates language.

## **Part 3.15                      Limitation Act 1985**

**[3.119] New sections 2 and 3**

*insert*

### **2                      Dictionary**

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

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

For example, the signpost definition '*government*—see the *Legislation Act 2001*, section 121 (Binding effect of Acts).' means that the term

‘government’ is defined in that section and the definition applies to this Act.

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

### **3            Notes**

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

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

#### **Explanatory note**

This amendment inserts standard dictionary and notes provisions consequent on the insertion of a new dictionary by another amendment.

#### **[3.120]    Section 4 (a) and (b)**

*omit*

(other than a law repealed or omitted by this Act)

#### **Explanatory note**

This amendment removes redundant words.

#### **[3.121]    Section 5 (b)**

*omit*

a purchaser of the goods in good faith

*substitute*

an honest purchaser of the goods

#### **Explanatory note**

This amendment updates language.

**[3.122] Section 7 (5), new definition of *mineral***

*insert*

*mineral* includes petroleum.

**Explanatory note**

This amendment relocates the definition to the relevant provision in accordance with current drafting practice.

**[3.123] Section 8**

*substitute*

**8 Derived rights and agency**

For this Act—

- (a) a person claims through someone else in relation to any property or right if the person is entitled to the property or a right by, through, under or by the act of the other person, but a person entitled to property or a right because of an appointment under a special power of appointment does not, because of the appointment, claim the property or right through the appointor; and
- (b) a thing done to or by or suffered by an agent is done to or by or suffered by the agent's principal.

**8A Application of provisions relating to accrual date**

The provisions of this Act that relate to the date of accrual of a cause of action have effect for this Act but not for any other purpose.

**Explanatory note**

This amendment omits the interpretation section. The definitions in section 8 (1) (with 1 exception), and a new definition of person *under a disability* based on section 8 (3), are included in the new dictionary which is inserted by another amendment. The exception is the definition of *mineral*, which is included in section 7 by another amendment.

Section 8 (2) and (4) are remade in accordance with current drafting practice as new sections 8 and 8A.

**[3.124] Section 19 (1)**

*substitute*

- (1) An action on a cause of action to enforce a claim or lien against a vessel (the *former vessel*) or its owners in relation to any damage or loss to another vessel, its cargo or freight, or any property on board the other vessel, or damage for loss of life or personal injuries suffered by anyone on board the other vessel, caused by the fault of the former vessel, whether the former vessel, is completely or partly at fault, is not maintainable if brought after the end of a limitation period of 2 years running from the date when the damage, loss or injury is caused.

**Explanatory note**

This amendment updates language.

**[3.125] Section 19 (4)**

*substitute*

- (4) In this section:  
*freight* includes passage money and hire.  
*vessel* means a vessel used in navigation, other than air navigation, and includes a barge, lighter or similar vessel.
- (5) In this section, a reference to damage or loss caused by the fault of a vessel includes salvage or other expenses, consequent on that fault, recoverable at law by way of damages.

**Explanatory note**

This amendment brings the language and structure of existing subsection (4) more closely into line with current drafting practice.

**[3.126] Section 21 (3)**

*omit*

(including a law repealed or omitted by this Act)

**Explanatory note**

This amendment removes redundant words.

**[3.127] Section 21A (4), definition of *revenue amount***

*omit everything after paragraph (b), substitute*

if the amount would have been legally owing if the provision under which it was paid had been valid.

**Explanatory note**

This amendment updates language.

**[3.128] Section 36 (3)**

*omit*

(without derogating from the generality of the foregoing)

*substitute*

, for example,

**Explanatory note**

This amendment brings the provision into line with current drafting practice.

**[3.129]    Section 36 (3) (f)**

*substitute*

- (f) the steps (if any) taken by the plaintiff to obtain medical, legal or other expert advice and the nature of the advice the plaintiff may have received.

*Note*    An example is part of the Act, 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).

**Explanatory note**

This amendment updates language and inserts a standard example note.

**[3.130]    Section 38 (2)**

*omit*

(without derogating from the generality of the foregoing)

*substitute*

, for example,

**Explanatory note**

This amendment brings the provision into line with current drafting practice.

**[3.131]    Section 38 (2), new note**

*after paragraph (g), insert*

*Note*    An example is part of the Act, 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).

**Explanatory note**

This amendment inserts a standard example note.

**[3.132] Section 39 (3)**

*omit*

(without derogating from the generality of the foregoing)

*substitute*

, for example,

**Explanatory note**

This amendment brings the provision into line with current drafting practice.

**[3.133] Section 39 (3) (g)**

*substitute*

(g) the steps (if any) taken by the person to obtain, for the cause of action, medical, legal or other expert advice, and the nature of the advice.

*Note* An example is part of the Act, 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).

**Explanatory note**

This amendment updates language and inserts a standard example note.

**[3.134] Section 39 (5)**

*omit*

(without derogating from the generality of the foregoing)

*substitute*

, for example,

**Explanatory note**

This amendment brings the provision into line with current drafting practice.

**[3.135]    Section 40 (2)**

*omit*

(without derogating from the generality of the foregoing)

*substitute*

, for example,

**Explanatory note**

This amendment brings the provision into line with current drafting practice.

**[3.136]    Section 40 (2), new note**

*after paragraph (e), insert*

*Note*     An example is part of the Act, 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).

**Explanatory note**

This amendment inserts a standard example note.

**[3.137]    Section 49 (2) (a) to (c)**

*substitute*

- (a) gives it to the party to whom it is to be given; or
- (b) leaves it at the usual or last known business or residential address of the party to whom it is to be given; or
- (c) posts it to the person to whom it is to be given at the person's usual or last-known business or residential address; or

**Explanatory note**

This amendment updates language.



**[3.138] Section 54 (2), definition of *revenue amount***

*omit everything after paragraph (b), substitute*

if the amount would have been legally owing if the provision under which it was paid had been valid.

**Explanatory note**

This amendment updates language.

**[3.139] Section 58 (1)**

*omit*

, in writing,

**Explanatory note**

This amendment omits words that are now redundant because of the effect of the Legislation Act, section 42 (2) which requires notifiable instruments to be in writing.

**[3.140] New dictionary**

*insert*

## Dictionary

(see s 2)

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

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

- ACT
- Commonwealth
- instrument (see s 14)
- interest
- under.

*action* includes any proceeding in a court.

*administrator*—see the *Administration and Probate Act 1929*, section 5.

**cause of action** means the fact or combination of facts that gives rise to a right to bring a civil proceeding.

**deed** includes—

- (a) an instrument having the effect of a deed under a law in force in the ACT; or
- (b) for an instrument executed under the law of any of the following jurisdictions—an instrument having the effect of a deed under the law under which it is executed:
  - (i) the Commonwealth;
  - (ii) a State;
  - (iii) another Territory;
  - (iv) the United Kingdom;
  - (v) New Zealand;

**defendant** means a person against whom a cause of action lies, whether or not a proceeding has been started for the cause of action.

**government**—see the *Legislation Act 2001*, section 121 (Binding effect of Acts).

**income** includes interest on a judgment and other interest, rent, annuities and dividends, but does not include arrears of interest secured by a mortgage and lawfully treated as principal.

**judgment** includes a judgment of a court of the ACT and of any other place.

**land**—see the *Land Titles Act 1925*, section 6 (1).

**mortgage** includes—

- (a) a charge or lien on any property for securing money or money's worth, other than a possessory lien on goods or any binding effect on property arising under an enforcement order of a court; and

- (b) for land registered under the *Land Titles Act 1925*—a charge within the meaning of that Act.

**mortgagee** includes a person claiming a mortgage through an original mortgagee.

**mortgagor** includes a person claiming property subject to a mortgage through an original mortgagor.

**personal injury** includes any disease and any impairment of the physical or mental condition of a person.

**personal representative**—see the *Civil Law (Wrongs) Act 2002*, dictionary.

**plaintiff** means a person who has a cause of action, whether or not a proceeding has been started for the cause of action.

**principal money**, for a mortgage, means all money secured by the mortgage, including arrears of interest lawfully treated as principal, but does not include other interest.

**successor**, for a person liable on a cause of action, means someone on whom the person's liability devolves, whether or not—

- (a) as personal representative or otherwise on death; or
- (b) bankruptcy, disposition of property, or ending of a limited interest in property.

**trust**—

- (a) includes—
  - (i) an express, implied and constructive trust, whether or not the trustee has a beneficial interest in the trust property, and whether or not the trust arises only because of a transaction impeached; and
  - (ii) the duties incident to the office of personal representative; but

- (b) does not include the duties incident to the estate or interests of a mortgagee in mortgaged property.

***under a disability***—a person is ***under a disability***—

- (a) while the person is under 18 years old; or
- (b) while the person is, for a continuous period of 28 days or longer, incapable of, or substantially impeded in, the management of his or her affairs in relation to the cause of action in relation to the limitation period for which the question of disability arises because of—
- (i) intellectual retardation or disability, mental illness or disorder, brain damage, senility or physical disability; or
- (ii) war or warlike operations; or
- (iii) circumstances arising out of war or warlike operations.

**Explanatory note**

This amendment inserts a new dictionary consequent on the omission of the interpretation provision (existing section 8 (1)) by another amendment. The language and structure of the definitions is updated to bring them into line with current drafting practice.

The significant changes are:

- a new definition of ***under a disability*** for a person (based on section 8 (3)) is included;
- the definition of mineral is not included in the dictionary because it is inserted in the provision where it is used (section 7) by another amendment;
- the definition of trustee is omitted because of the Legislation Act, section 157 which provides that, for a defined term, other parts of speech and grammatical forms have a corresponding meaning.

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## **Part 3.16**                      **Notaries Public Act 1984**

### **[3.141] Section 10 (1)**

*omit*

Supreme Court, in accordance with the form in schedule 2.

*substitute*

Supreme Court.

*Note 1*    If a form is approved under the *Court Procedures Act 2004*, s 8 for this provision, the form must be used.

*Note 2*    A fee for the application may be determined under the *Court Procedures Act 2004*, section 13.

#### **Explanatory note**

This amendment is consequential on the *Court Procedures Act 2004* and brings the provision into line with current drafting practice.

### **[3.142] Schedule 1 heading**

*substitute*

## **Schedule 1**                      **Oath or affirmation of office**

(see s 9)

#### **Explanatory note**

This amendment substitutes a descriptive schedule heading in accordance with current drafting practice.

**[3.143]    Schedule 1**

*omit*

I shall know

*substitute*

I know

**Explanatory note**

This amendment updates language.

**[3.144]    Schedule 2**

*omit*

**Explanatory note**

This amendment is consequential on the amendment of section 10 (1) by another amendment.

## **Part 3.17                      Payroll Tax Act 1987**

**[3.145]    Section 2D (2) (c)**

*omit*

deemed

*substitute*

taken

**Explanatory note**

This amendment updates language.

**[3.146]    Section 3 heading**

*substitute*

### **3                      Meaning of *benefit* and *value of benefits***

**Explanatory note**

This amendment bring the heading into line with current drafting practice.

**[3.147] Section 3 (2)**

*omit*

For this Act, the value of any benefits

*substitute*

For this Act, the **value** of any benefits

**Explanatory note**

This amendment brings the reference to ‘value’ into line with current drafting practice.

**[3.148] Dictionary, new definition of *value***

*insert*

**value**, of benefits—see section 3.

**Explanatory note**

This amendment inserts a signpost definition of **value** of benefits into the dictionary.

**[3.149] Further amendments, references to *shall be deemed***

*omit*

shall be deemed

*substitute*

are taken

*in*

- section 2D (2) and (3)
- section 5 (1) (b) and (c)

**Explanatory note**

This amendment updates language.

## Part 3.18                            Pest Plants and Animals Act 2005

### [3.150]    Schedule 1, amendment 1.1

*omit*

#### **Section 254 (3) (c)**

*substitute*

#### **Section 254 (3) (d)**

(commencement: 12 November 2005)

#### **Explanatory note**

Amendment 1.1 amends the *Land (Planning and Environment) Act 1991*, section 254 which relates to applications for orders for enforcement purposes. Until it was amended by the *Pest Plants and Animals Act 2005*, the Land (Planning and Environment) Act dealt with the control of pest plants and animals and an order could be made under it in relation to their control. The Pest Plants and Animals Act commenced on 12 November 2005.

The *Heritage Act 2004* amended the Land (Planning and Environment) Act, section 254 (3) by inserting a new paragraph (ba) which, under another amendment, was renumbered as paragraph (c). The amendments related to a place or object that was registered, or nominated for provisional registration, under the Heritage Act. The effect of the renumbering was to renumber then paragraph (c), which dealt with orders sought for the control of pest plants and animals, as paragraph (d).

The *Pest Plants and Animals Act 2005*, schedule 1 consequentially amended the Land (Planning and Environment) Act to remove pest plants and animals from the orders regime. However, the relevant amendment omitted section 254 (3) (c) (about heritage matters) rather than paragraph (d) (about pest plants and animals). Accordingly, by editorial amendment under the Legislation Act, section 114, the reference to section 254 (3) (c) was changed to a reference to section 254 (3) (d). This ensured that the correct paragraph was omitted.

This amendment confirms the editorial amendment.



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**[3.151] Schedule 1, amendment 1.4**

*omit*

**Section 255 (2) (c)**

*substitute*

**Section 255 (2) (d)**

(commencement: 12 November 2005)

**Explanatory note**

Amendment 1.4 amends the *Land (Planning and Environment) Act 1991*, section 255 which states the entities to whom notice of a proposal to make an order on the planning and land authority's initiative must be given. Until it was amended by the *Pest Plants and Animals Act 2005*, the Land (Planning and Environment) Act dealt with the control of pest plants and animals and an order could be made under it in relation to their control. The Pest Plants and Animals Act commenced on 12 November 2005.

The *Heritage Act 2004* amended the Land (Planning and Environment) Act, section 255 (2) by inserting a new paragraph (ba) which, under another amendment, was renumbered as paragraph (c). The amendments related to the giving of notice to the heritage council of a proposed order relating to a place or object registered, or nominated for provisional registration, under the Heritage Act. The effect of the renumbering was to renumber then paragraph (c), which dealt with the giving of notice of orders for the control of pest plants and animals, as paragraph (d).

The *Pest Plants and Animals Act 2005*, schedule 1 consequentially amended the Land (Planning and Environment) Act to remove pest plants and animals from the orders regime. However, the relevant amendment omitted section 255 (2) (c) (about heritage matters) rather than paragraph (d) (about pest plants and animals). Accordingly, by editorial amendment under the Legislation Act, section 114, the reference to section 255 (2) (c) was changed to a reference to section 255 (2) (d). This ensured that the correct paragraph was omitted.

This amendment confirms the editorial amendment.

**[3.152] Further amendments, references to *in writing***

*omit*

, in writing,

*in*

- section 7 (1)
- section 16 (1)
- section 51 (1)
- section 52 (1)

**Explanatory note**

This amendment omits words that are now redundant because of the effect of the Legislation Act, section 42 (2) which requires disallowable and notifiable instruments to be in writing.

## **Part 3.19            Racing Act 1999**

**[3.153] Section 18 heading**

*substitute*

### **18            Racing club—reports and accounts**

**Explanatory note**

This amendment gives the section a unique heading within the Act.

**[3.154] Section 20 heading**

*substitute*

### **20            Racing club—appointment of administrator**

**Explanatory note**

This amendment gives the section a unique heading within the Act.

**[3.155] Section 20 (1), new note**

*insert*

*Note* For the making of appointments, see the Legislation Act, pt 19.3.

**Explanatory note**

This amendment inserts a standard note about the making of appointments.

**[3.156] New section 20 (3)**

*insert*

- (3) To remove any doubt, the Legislation Act, division 19.3.3 does not apply to an appointment of an administrator under subsection (1).

**Explanatory note**

This amendment clarifies the operation of the section for the user of the legislation.

**[3.157] Section 24 heading**

*substitute*

**24 Harness club—reports and accounts**

**Explanatory note**

This amendment gives the section a unique heading within the Act.

**[3.158] Section 26 heading**

*substitute*

**26 Harness club—appointment of administrator**

**Explanatory note**

This amendment gives the section a unique heading within the Act.

**[3.159]    Section 26 (1), new note**

*insert*

*Note*    For the making of appointments, see the Legislation Act, pt 19.3.

**Explanatory note**

This amendment inserts a standard note about the making of appointments.

**[3.160]    New section 26 (3)**

*insert*

- (3) To remove any doubt, the Legislation Act, division 19.3.3 does not apply to an appointment of an administrator under subsection (1).

**Explanatory note**

This amendment clarifies the operation of the section for the user of the legislation.

**[3.161]    Section 30 heading**

*substitute*

**30            Greyhound club—reports and accounts**

**Explanatory note**

This amendment gives the section a unique heading within the Act.

**[3.162]    Section 32 heading**

*substitute*

**32            Greyhound club—appointment of administrator**

**Explanatory note**

This amendment gives the section a unique heading within the Act.

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**[3.163] Section 32 (1), new note**

*insert*

*Note* For the making of appointments, see the Legislation Act, pt 19.3.

**Explanatory note**

This amendment inserts a standard note about the making of appointments.

**[3.164] New section 32 (3)**

*insert*

- (3) To remove any doubt, the Legislation Act, division 19.3.3 does not apply to an appointment of an administrator under subsection (1).

**Explanatory note**

This amendment clarifies the operation of the section for the user of the legislation.

**[3.165] Section 46**

*substitute*

**46 Registrar of tribunal**

- (1) The chief executive must appoint a public servant as the registrar of the tribunal.

*Note 1* For the making of appointments (including acting appointments), see the Legislation Act, pt 19.3.

*Note 2* In particular, an appointment may be made by naming a person or nominating the occupant of a position (see Legislation Act, s 207).

- (2) Until the chief executive makes an appointment under subsection (1), the registrar is the public servant for the time being exercising the duties of the public service office the duties of which include exercising the functions of the registrar.
- (3) Subsection (2) is a law to which the Legislation Act, section 88 (Repeal does not end effect of transitional laws etc) applies.

- (4) Subsections (2) and (3) and this subsection expire 1 year after the day this section commences.

**Explanatory note**

This amendment removes the requirement that the chief executive must create and maintain an office of registrar in the public service. The Legislation Act, section 207 provides that an appointment may be made by naming the person appointed or by nominating the occupant of a position (however described), at a particular time or from time to time.

The amendment includes transitional arrangements that operate until new appointments are made. Proposed section 46 (3) ensures that these transitional arrangements will, if necessary, continue to operate after the expiry of proposed section 46 (2) to (4). The amendment also inserts standard notes about appointments.

**[3.166]    New section 46A**

*in division 5.1, insert*

**46A        Protection from liability for tribunal members**

- (1) A tribunal member is not civilly liable for anything done or omitted to be done honestly and without recklessness—
- (a) in the exercise of a function under this Act; or
  - (b) in the reasonable belief that the act or omission was in the exercise of a function under this Act.
- (2) Any liability that would, apart from this section, attach to a tribunal member attaches instead to the Territory.

**Explanatory note**

This amendment remakes existing section 62 (Immunity from liability) to bring it into line with current drafting practice and relocates it from part 6 (Miscellaneous) of the Act to the part dealing with the racing appeals tribunal. Existing section 62 is omitted by another amendment.

---

**[3.167] Section 61**

*omit*

persons and bodies

*substitute*

entities

**Explanatory note**

This amendment updates language.

**[3.168] Section 62**

*substitute*

**62 Delegation by Minister**

The Legislation Act, section 254A (Delegation by Minister) does not apply to a function under the following sections:

- section 20 (Racing club—appointment of administrator)
- section 26 (Harness club—appointment of administrator)
- section 32 (Greyhound club—appointment of administrator).

**Explanatory note**

This amendment remakes existing section 67 (which is omitted by another amendment) in accordance with current drafting practice and relocates the provision in a more appropriate place in the Act. The amendment omits the actual delegation power in the existing section because it is now covered by the Legislation Act, section 254A. The references to section 5 (3) (Licensed racecourses) and section 35 (Variation of conditions or approved rules) in existing section 67 are not included in the functions that cannot be delegated because the relevant functions were transferred from the Minister to the gambling and racing commission by the *Gambling and Racing Control (Consequential Provisions) Act 1999*.

**[3.169] Section 63**

*substitute*

**63 Decisions reviewable by AAT**

- (1) Application may be made to the administrative appeals tribunal for review of a decision of the commission mentioned in table 63.
- (2) The commission must give a written notice of a decision mentioned in table 63 to each person affected by the decision.
- (3) The notice must be in accordance with the requirements of the code of practice in force under the *Administrative Appeals Tribunal Act 1989*, section 25B (1).

**Table 63 Table of reviewable decisions**

<b>column 1 item</b>	<b>column 2 provision</b>	<b>column 3 decision</b>
1	section 6 (1)	refusing to approve a race meeting for the purpose of betting
2	section 7 (2)	a requirement about the time and form of the publication of schedules
3	section 9	refusing to approve the conduct of a phantom race meeting
4	section 12	refusing to approve rules other than the approved rules

**Explanatory note**

This amendment brings the provision into line with current drafting practice and changes the reference to the Minister to the commission because the relevant functions were transferred from the Minister to the gambling and racing commission by the *Gambling and Racing Control (Consequential Provisions) Act 1999*. It also includes the standard provision (see s (3)) about how notice of a reviewable decision must be given.



---

**[3.170] Section 67**

*omit*

**Explanatory note**

This amendment is consequential on the insertion of a new section 62 by another amendment.

**[3.171] Schedule 1, section 1.2**

*omit*

**Explanatory note**

This amendment omits a provision about acting appointments. The Legislation Act, section 209 deals with acting appointments. Section 1.1 (1) already includes a standard note referring to the Legislation Act, section 209.

**[3.172] Schedule 1, section 1.4 (1) (b)**

*substitute*

(b) becomes bankrupt or executes a personal insolvency agreement; or

**Explanatory note**

The *Bankruptcy Legislation Amendment Act 2004* (Cwlth) amended the *Bankruptcy Act 1966* (Cwlth) to replace the concepts of deed of assignment, deed of arrangement and composition with the new single concept of personal insolvency agreement. This amendment brings the paragraph into line with the new concept.

**[3.173] Dictionary, note 2, new dot points**

*insert*

- entity
- sitting day

**Explanatory note**

This amendment inserts new terms to assist users. Dictionary note 2 is an aid to users which lists examples of terms used in the Act that are defined in the Legislation Act, dictionary, part 1.

**[3.174] Further amendments, references to *laid before***

*omit*

laid before

*substitute*

presented to

*in*

- section 20 (2) (b)
- section 26 (2) (b)
- section 32 (2) (b)

**Explanatory note**

This amendment updates language.

**[3.175] Further amendments, references to *persons***

*omit*

persons

*substitute*

people

*in*

- section 16 (1) (e)
- section 22 (1) (e)
- section 28 (1) (e)
- schedule 2, section 2.1

**Explanatory note**

This amendment updates language.

---

## **Part 3.20**                      **Royal Commissions Act 1991**

### **[3.176] Section 1**

*substitute*

#### **1 Name of Act**

This Act is the *Royal Commissions Act 1991*.

#### **Explanatory note**

This amendment brings the naming section into line with current drafting practice.

### **[3.177] Section 3**

*substitute*

#### **2 Dictionary**

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

*Note 1* The dictionary at the end of this Act defines certain terms used in this Act.

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

#### **Explanatory note**

This amendment inserts a standard dictionary provision consequent on the insertion of a new dictionary by another amendment.

### **[3.178] Sections 4 and 4A**

*renumber as sections 3 and 4*

#### **Explanatory note**

This amendment renumbers sections.

**[3.179]    Section 5**

*substitute*

**5            Appointment of royal commission**

- (1) The Executive may appoint 1 or more people as a royal commission to inquire into a matter stated in the instrument of appointment.

*Note*        For the making of appointments, see the Legislation Act, pt 19.3.

- (2) An appointment is a notifiable instrument.

*Note*        A notifiable instrument must be notified under the Legislation Act.

**Explanatory note**

This amendment updates the appointment section by removing the words ‘in writing’ because the Legislation Act, section 206 provides that an appointment must be made, or evidenced, by writing signed by the appointer.

The amendment also inserts a note about appointments.

**[3.180]    Section 6 (1) (b)**

*substitute*

- (b) is a lawyer and has been a lawyer for at least 5 years.

**Explanatory note**

This amendment updates language.

**[3.181]    Section 6 (5)**

*omit*

**Explanatory note**

This amendment omits a redundant provision about the appointment of a member not being invalid because of a defect or irregularity in connection with the member’s appointment. The provision is unnecessary because of the Legislation Act, section 212 which is to the same effect.

---

**[3.182] Section 9, new note**

*insert*

*Note* A commissioner's appointment also ends if the person resigns (see Legislation Act, s 210).

**Explanatory note**

This amendment inserts a standard note about an appointment ending if a person resigns consequent on the next amendment.

**[3.183] Section 10**

*omit*

**Explanatory note**

Section 10 is no longer necessary because of the Legislation Act, section 210 which deals with resignation. A standard note about resignation is inserted in section 9 by another amendment.

**[3.184] Section 14**

*substitute*

**14 Conduct of inquiry**

Except as otherwise provided by this Act, an inquiry may be conducted in the way the commission decides.

**Explanatory note**

This amendment updates language.

**[3.185] Section 16A (3)**

*omit*

calendar month

*substitute*

month

**Explanatory note**

This amendment omits unnecessary words. The Legislation Act, dictionary, part 1, defines *month* as meaning calendar month.

**[3.186]    Section 19 (1)**

*omit*

performance or exercise of any function or power

*substitute*

exercise of any function

**Explanatory note**

This amendment brings the section more closely into line with current drafting practice. The Legislation Act, dictionary, part 1 defines *exercise* a function to include perform the function and *function* to include power.

**[3.187]    Section 20 (2)**

*omit*

performance or exercise of a function or power

*substitute*

exercise of a function

**Explanatory note**

This amendment brings the section more closely into line with current drafting practice. The Legislation Act, dictionary, part 1 defines *exercise* a function to include perform the function and *function* to include power.

**[3.188]    Section 20 (2) (c)**

*omit*

furnished

*substitute*

provided

**Explanatory note**

This amendment updates language.

---

**[3.189] Section 21**

*omit*

furnish

*substitute*

give

**Explanatory note**

This amendment updates language.

**[3.190] Section 22 (1) (b)**

*omit*

performance

*substitute*

exercise

**Explanatory note**

This amendment brings the section more closely into line with current drafting practice. The Legislation Act, dictionary, part 1 defines *exercise* a function to include perform the function.

**[3.191] Division 4.3 heading, new note**

*insert*

*Note* A provision of a law that gives an entity (including a person) a function also gives the entity powers necessary and convenient to exercise the function (see Legislation Act, s 196 and dict, pt 1, def *entity*).

**Explanatory note**

This amendment is consequent on the omission of section 27 by another amendment.

**[3.192] Section 27**

*omit*

**Explanatory note**

This amendment omits section 27 which states that a commission has power to do all things necessary or incidental to the performance of its functions. This is unnecessary because the

Legislation Act, section 196 states that a provision of a law that gives an entity a function also gives the entity powers necessary and convenient to exercise the function.

**[3.193]    Section 30**

*substitute*

**30            Conduct of hearing**

Except as otherwise provided by this Act, the procedure at a hearing may be decided by the commission.

**Explanatory note**

This amendment updates language.

**[3.194]    Section 47**

*omit*

in good faith in performance or exercise or purported performance or exercise of any function, power or authority conferred on

*substitute*

honestly in the exercise or purported exercise of any function given to

**Explanatory note**

This amendment brings the language of the section more closely into line with current drafting practice. The Legislation Act, dictionary, part 1 defines *exercise* a function to include perform the function and *function* to include authority and power.



---

**[3.195] Section 49 (1)**

*omit*

a proceeding of public concern for the *Civil Law (Wrongs) Act 2002*, section 128

*substitute*

proceedings of public concern for the *Civil Law (Wrongs) Act 2002*, section 139 (Defences of fair report of proceedings of public concern)

**Explanatory note**

This amendment updates a cross-reference and terminology consequent on the enactment of the *Civil Law (Wrongs) Amendment Act 2006*.

**[3.196] Section 49 (3)**

*omit*

*Civil Law (Wrongs) Act 2002*, section 129

*substitute*

*Civil Law (Wrongs) Act 2002*, section 138 (Defence for publication of public documents)

**Explanatory note**

This amendment updates a cross-reference consequent on the enactment of the *Civil Law (Wrongs) Amendment Act 2006*.

**[3.197] Section 51 (1)**

*omit*

, in writing,

**Explanatory note**

This amendment omits words that are now redundant because of the effect of the Legislation Act, section 42 (2) which requires notifiable instruments to be in writing.

**[3.198] Section 51 (2), new note**

*insert*

*Note* For other provisions about forms, see the Legislation Act, s 255.

**Explanatory note**

This amendment inserts a standard note to bring the provision into line with current drafting practice.

**[3.199] New dictionary**

*insert*

## Dictionary

(see s 2)

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

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

- Executive
- exercise
- function
- month
- under.

***authorised person*** means a person declared in writing by the chairperson to be an authorised person for this Act.

***chairperson*** means—

- (a) the chairperson of a commission appointed under section 6 (2) or (4); or
- (b) for a commission constituted by 1 person—that person.

***commission*** means—

- (a) a royal commission appointed under section 5; and

- (b) for an inquiry—the royal commission appointed to conduct that inquiry.

***commissioner*** means—

- (a) for a commission constituted by 1 person—that person; or  
(b) for a commission constituted by 2 or more people—each of those people.

***judge*** means—

- (a) a justice of the High Court; or  
(b) a judge of the Federal Court or Family Court; or  
(c) a judge of the Supreme Court; or  
(d) a judge of the Supreme Court of a State or the Northern Territory.

***premises*** includes—

- (a) a building or other structure; and  
(b) an aircraft, vehicle or vessel; and  
(c) a place, whether enclosed or built on, or not.

**Explanatory note**

This amendment inserts a new dictionary consequent on the omission of the interpretation provision (existing section 3) by another amendment. The language and structure of the definitions is updated to bring them into line with current drafting practice.

**[3.200] Further amendments, references to *legal practitioner***

*omit*

legal practitioner

*substitute*

lawyer

*in*

- sections 18 to 20
- sections 31 to 33

**Explanatory note**

This amendment updates language.

**[3.201] Further amendments, references to *persons***

*omit*

persons

*substitute*

people

*in*

- section 6 (2) to (4)
- section 17
- section 28 (3) and (4)
- section 32, heading

**Explanatory note**

This amendment updates language.

---

## Part 3.21 Taxation Administration Act 1999

### [3.202] Section 4

*omit everything before paragraph (a), substitute*

#### 4 Meaning of *tax law*

For this Act, each of the following is a *tax law*:

##### Explanatory note

This amendment changes the defined term from ‘tax laws’ to ‘tax law’ so that it is consistent with both current drafting practice and the definition of the term in the Act’s dictionary.

### [3.203] Dictionary, definition of *lodge*

*omit*

##### Explanatory note

This amendment omits an inappropriate signpost definition. The omitted definition is ‘*lodge*—see section 127’. Section 127 provides how a document may be served on, given to or lodged with the commissioner for a tax law. It is not appropriately structured for a definition. Also, the existing definition deals with only 1 of the concepts in section 127.

### [3.204] Further amendments, references to *in writing*

*omit*

, in writing,

*in*

- section 42 (1)
- section 139 (1)
- section 139A (1)
- section 139C (1)

##### Explanatory note

This amendment omits words that are now redundant because of the effect of the Legislation Act, section 42 (2) which requires disallowable and notifiable instruments to be in writing.

## Part 3.22      Territory-owned Corporations Act 1990

### [3.205]      Section 17A (1)

*omit*

, in writing,

#### **Explanatory note**

This amendment omits words that are now redundant because of the effect of the Legislation Act, section 42 (2) which requires notifiable instruments to be in writing.

### [3.206]      Section 20 (1) (a) and (b)

*substitute*

- (a) the commercial objectives of the corporation or group;
- (b) a description of the main undertakings of the corporation or group;

#### **Explanatory note**

Section 20 (1) requires that a statement of corporate intent must contain certain stated information in relation to a territory-owned corporation or a group of companies comprising a territory-owned corporation and any subsidiaries. Existing section 20 (1) (a) and (b) refer certain matters in relation to 'the group'. This amendment revises these paragraphs to make them consistent with the scope of subsection (1) so that they refer to the stated matters in relation to 'the corporation or group'.

---

## Part 3.23                      Tree Protection Act 2005

### [3.207]    Schedule 1, amendment 1.17

*substitute*

### [1.17]    Section 254 (3) (d)

*substitute*

- (d) if the order relates to the pruning of a tree that is a protected tree under the *Tree Protection Act 2005*—the conservator; and

*Note*     For restrictions on pruning etc a protected tree, see the *Tree Protection Act 2005*.

(commencement: 29 March 2006)

#### **Explanatory note**

Amendment 1.17 amends the *Land (Planning and Environment) Act 1991*, section 254 which relates to applications for orders for enforcement purposes. Until it was amended by the *Tree Protection Act 2005*, the Land (Planning and Environment) Act dealt with the pruning of a significant tree under the *Tree Protection (Interim Scheme) Act 2001* (the *interim scheme*) and an order could be made under it to control the activity.

The *Tree Protection Act 2005*, schedule 1 consequentially amended the Land (Planning and Environment) Act to remove the interim scheme from the orders regime and replaced it with the scheme under the Tree Protection Act. However, the relevant amendment omitted section 254 (3) (e) (about parking heavy vehicle matters) rather than paragraph (d) (about protected trees). Accordingly, by editorial amendment under the Legislation Act, section 114, the reference to section 254 (3) (e) was changed to a reference to section 254 (3) (d). This ensured that the correct paragraph was omitted.

This amendment confirms the editorial amendment.

**[3.208]    Schedule 1, amendment 1.18**

*substitute*

**[1.18]    Section 255 (2) (d)**

*substitute*

- (d) if the order relates to the pruning of a tree that is a protected tree under the *Tree Protection Act 2005*—the conservator; and

*Note*        For restrictions on pruning etc a protected tree, see the *Tree Protection Act 2005*.

(commencement: 29 March 2006)

**Explanatory note**

Amendment 1.18 amends the *Land (Planning and Environment) Act 1991*, section 255 which relates to proposed orders on the planning and land authority's own initiative.

The reason for this amendment is the same as that in the previous amendment, that is, to confirm the editorial amendments mentioned in explanatory note to amendment 3.203.

**[3.209]    Schedule 1, amendment 1.20**

*substitute*

**[1.20]    Section 257A (e)**

*substitute*

- (e) if the order relates to the pruning of a tree that is a protected tree under the *Tree Protection Act 2005*—the conservator; and

*Note*        For restrictions on pruning etc a protected tree, see the *Tree Protection Act 2005*.

(commencement: 29 March 2006)

**Explanatory note**

Amendment 1.20 amends the *Land (Planning and Environment) Act 1991*, section 257A which relates to proposed orders on the planning and land authority's own initiative.

The reason for this amendment is the same as that in the previous amendment, that is, to confirm the editorial amendments mentioned in explanatory note to amendment 3.203.



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## Part 3.24 Unit Titles Act 2001

### [3.210] Section 20 (4)

*omit*

heritage places register under the Land Act

*substitute*

heritage register

#### **Explanatory note**

This amendment updates a reference to the heritage places register. The register is now called the heritage register (see *Heritage Act 2004*, s 20).

### [3.211] Sections 20 (5) (a), 179 (1) and 180 (1)

*omit*

, in writing,

#### **Explanatory note**

This amendment omits words that are now redundant because of the effect of the Legislation Act, section 42 (2) which requires disallowable and notifiable instruments to be in writing.

### [3.212] Schedule 1, item 1, column 3

*omit*

heritage places register

*substitute*

heritage register

#### **Explanatory note**

This amendment updates a reference to the heritage places register. The register is now called the heritage register (see *Heritage Act 2004*, s 20).

**[3.213]    Dictionary, note 2, new dot point**

*insert*

- heritage register

**Explanatory note**

This amendment inserts a new term to assist users. Dictionary note 2 is an aid to users that lists examples of terms used in the Act that are defined in the Legislation Act, dictionary, part 1.

## **Part 3.25                            Water and Sewerage Act 2000**

**[3.214]    Section 8 (1) (b)**

*omit*

**Explanatory note**

This amendment omits a provision which is duplicated by section 8 (2) (b).

**[3.215]    Section 23 (2)**

*omit*

perform

*substitute*

exercise

**Explanatory note**

This amendment brings the section more closely into line with current drafting practice. The Legislation Act, dictionary, part 1 defines *exercise* a function to include perform the function.

**[3.216]    Sections 45 (1) and 48 (1)**

*omit*

, in writing,

**Explanatory note**

This amendment omits words that are now redundant because of the effect of the Legislation Act, section 42 (2) which requires disallowable and notifiable instruments to be in writing.

**[3.217] Dictionary, note 2, new dot point**

*insert*

- exercise

**Explanatory note**

This amendment insert a new term to assist users. Dictionary note 2 is an aid to users that lists examples of terms used in the Act that are defined in the Legislation Act, dictionary, part 1.

## Part 3.26 Witness Protection Act 1996

**[3.218] Section 3**

*substitute*

### 2 Dictionary

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

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

For example, the signpost definition ‘*register*—see the *Births, Deaths and Marriages Registration Act 1997*, dictionary.’ means that the term ‘register’ is defined in that dictionary and the definition applies to this Act.

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

### 3            Notes

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

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

#### Explanatory note

This amendment adds standard dictionary and notes provisions. The definitions in existing section 3 that are still needed are included in the new dictionary which is inserted by another amendment.

### [3.219]    Section 3C

*substitute*

### 3C           Declaration of authority—dict, def *witness*

- (1) The Minister may declare an authority to be an authority for the dictionary, definition of *witness*, paragraph (a) (ii).
- (2) A declaration is a notifiable instrument.

*Note*        A notifiable instrument must be notified under the Legislation Act.

#### Explanatory note

This amendment is consequent on the insertion of a new dictionary by another amendment. It also omits 'in writing' from subsection (1) because these words are now redundant because of the effect of the Legislation Act, section 42 (2) which requires notifiable instruments to be in writing.

### [3.220]    Section 27

*omit*

action, suit or

#### Explanatory note

This amendment omits unnecessary words.

**[3.221] Section 27**

*omit*

in good faith

*substitute*

honestly

**Explanatory note**

This amendment updates language.

**[3.222] New dictionary**

*insert*

## Dictionary

(see s 2)

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

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

- chief police officer
- Commonwealth
- Minister (see s 162)
- ombudsman
- proceeding
- registrar-general.

***approved authority*** means—

- (a) the commissioner of police; or
- (b) a commissioner (however designated) of the police force or service of a State or another Territory; or
- (c) the chief executive officer of the Australian Crime Commission; or

- (d) an authority or body of the Commonwealth, a State or another Territory that—
  - (i) is authorised to conduct inquiries or investigations in relation to conduct that is, or is alleged to be, criminal conduct, misconduct or corruption; and
  - (ii) is declared under section 3A (Declaration of approved authority) to be an approved authority for this Act.

**Commonwealth Act** means the *Witness Protection Act 1994* (Cwlth).

**complementary witness protection law** means a law of the Commonwealth, a State or another Territory that—

- (a) makes provision for the protection of witnesses; and
- (b) is declared under section 3B (Declaration of complementary witness protection law) to be a complementary witness protection law.

**designated position** means a position of a police officer that has been declared in writing by the chief police officer to be a designated position for this Act.

**participant** means a witness who is included in a witness protection program.

**register**—see the *Births, Deaths and Marriages Registration Act 1997*, dictionary.

**witness** means—

- (a) a person who has given, or agreed to give, evidence on behalf of the prosecution in—
  - (i) a proceeding for an offence; or
  - (ii) hearings or proceedings before an authority to which this paragraph applies because of a declaration under section 3C; or

- (b) a person who has given, or agreed to give, evidence otherwise than as mentioned in paragraph (a) in relation to the commission or possible commission of an offence against a law of the Territory, the Commonwealth, a State or another Territory; or
- (c) a person who has made a statement to the chief police officer, another police officer or an approved authority in relation to an offence against a law of the Territory, the Commonwealth, a State or another Territory; or
- (d) a person who, for any other reason, may require protection or other assistance under this Act; or
- (e) a person who, because of his or her relationship to, or association with, a person mentioned in paragraph (a) to (d) may require protection or other assistance under the witness protection program.

**witness protection order** means an order of the Supreme Court under part 3 (Protecting witnesses from identification).

**witness protection program** means the national witness protection program established under the Commonwealth Act.

**Explanatory note**

This amendment inserts a dictionary consequential on the omission of the definitions section (existing section 3) by another amendment. The language of the definitions is updated to bring them into line with current drafting practice. The definition of *court* is omitted consequent on another amendment.

**[3.223] Further amendments, references to *in writing***

*omit*

, in writing,

*in*

- section 3A (1)
- section 3B (1)

- section 26 (1)
- section 29 (1)

**Explanatory note**

This amendment omits words that are now redundant because of the effect of the Legislation Act, section 42 (2) which requires disallowable and notifiable instruments to be in writing.

**[3.224] Further amendments, references to *the court***

*omit*

the court

*substitute*

the Supreme Court

*in*

- section 7
- section 8
- section 11 (2)
- section 13 (1) (c)
- section 15 (2)
- section 22 (2) (c)
- section 23 (2)

**Explanatory note**

This amendment is consequential on the omission of the definition of *court* by another amendment.



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## Endnotes

**1 Presentation speech**

Presentation speech made in the Legislative Assembly on 4 May 2006.

**2 Notification**

Notified under the Legislation Act on 26 October 2006.

**3 Republications of amended laws**

For the latest republication of amended laws, see [www.legislation.act.gov.au](http://www.legislation.act.gov.au).

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I certify that the above is a true copy of the Statute Law Amendment Bill 2006, which was passed by the Legislative Assembly on 17 October 2006.

Clerk of the Legislative Assembly

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