



Australian Capital Territory

Statute Law Amendment Act 2013

A2013-19

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Australian Capital Territory

Statute Law Amendment Act 2013

A2013-19

An Act to amend legislation for the purpose of statute law revision, and for other purposes

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

1 Name of Act

This Act is the *Statute Law Amendment Act 2013*.

2 Commencement

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)).

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.

4 Purpose of Act

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

5 Legislation amended—schs 1–3

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

6 Legislation repealed—sch 4

This Act repeals the legislation mentioned in schedule 4.

Schedule 1 **Minor amendments**

(see s 5)

Part 1.1 **Health Act 1993**

[1.1] Section 106 (5) (b)

substitute

- (b) must include a requirement that the arbitrator—
- (i) be a person with experience in determining industrial awards or a barrister with mediation experience; and
 - (ii) have appropriate experience to enable the arbitrator to carry out the arbitrator's role; and

Explanatory note

Section 106 provides an arbitration process to resolve matters relating to establishing core conditions for service contracts for visiting medical officers that are not resolved by negotiations under section 103 or mediation (see section 106 (2)). This amendment broadens the field from which arbitrators can be selected under section 106 (5) (b) and clarifies the reference to 'appropriate experience'.

Part 1.2 Ombudsman Act 1989

[1.2] Section 23 (2)

omit

Explanatory note

Section 23 (1) provides that the appointment of the ombudsman must not be longer than 7 years. Section 23 (2) provides that a person who is 65 years old or older must not be appointed as ombudsman, and the appointment of an ombudsman must not extend beyond the ombudsman's 65th birthday. This amendment makes section 23 consistent with the [Ombudsman Act 1976](#) (Cwlth), section 22 (Tenure of office) and allows the ACT to appoint a person as ombudsman who is, or will be, 65 years old or older during the term of the appointment.

The ombudsman for the ACT currently holds office under the [ACT Self-Government \(Consequential Provisions\) Act 1988](#) (Cwlth), section 28. Section 28 (3) of that Act provides that the person currently holding office as Ombudsman under the [Ombudsman Act 1976](#) (Cwlth) is taken to be the ACT ombudsman until the appointment of the ACT ombudsman under ACT law.

Part 1.3 Road Transport (Third-Party Insurance) Act 2008

[1.3] Section 72 (2)

omit everything before paragraph (a), substitute

- (2) However, the documents mentioned in subsection (1) (c) may be given to the insurer of a person identified in the police report as being at fault in the motor accident within the period mentioned in that subsection if the injured person—

Explanatory note

This amendment is consequential on the inclusion of new section 72 (4) to (6) by another amendment. This amendment also updates language in line with current legislative drafting practice.

[1.4] Section 72 (3)

omit everything before paragraph (a), substitute

- (3) If the person has applied for a police report but has not received it in time to comply with the time limit mentioned in subsection (1) (c), it is sufficient if—

Explanatory note

This amendment updates language in line with current legislative drafting practice.

[1.5] New section 72 (4) to (6)

insert

- (4) If the person is under a legal disability, the period mentioned in subsection (1) (c) begins when the legal disability ends.
- (5) However, subsection (4) does not prevent the person, or someone acting for the person, from complying with this section while the person is under a legal disability.
- (6) In this section:

legal disability—a person is under a ***legal disability*** in the circumstances in which a person is under a disability for the [Limitation Act 1985](#).

Explanatory note

This amendment revises section 72 to exclude a person entitled to early payment for medical expenses under chapter 3 from the requirement to comply with the time limit under that section while the claimant is under a legal disability. This amendment brings chapter 3 into line with chapter 4. Section 98 in that chapter excludes a claimant for compensation who is under a legal disability from the requirement to comply with a time limit under chapter 4.

Schedule 2 Legislation Act 2001

(see s 5)

[2.1] Section 31, definition of *scrutiny committee principles*

substitute

scrutiny committee principles means the terms of reference of the Legislative Assembly standing committee performing the duties of a scrutiny of bills and subordinate legislation committee that apply to subordinate laws and disallowable instruments.

Explanatory note

This amendment updates the definition as a consequence of a change in the name of the committee.

Schedule 3 Technical amendments

(see s 5)

Part 3.1 Administrative Decisions (Judicial Review) Act 1989

[3.1] Section 10 (6), definition of *relevant day*, paragraph (d)

after

decision

insert

is given to the applicant

Explanatory note

Statute Law Amendment Act 2005 (No 2) remade section 10 to bring the language and structure of the section more closely into line with current legislative drafting practice. In the course of remaking section 10, some words from the definition of *relevant day*, paragraph (d) were inadvertently omitted. Without the words, the paragraph does not make sense. This amendment revises the definition to reinsert the missing words.

Part 3.2 Animal Diseases Regulation 2006

[3.2] Sections 8 (3) and 41 (2), new note

insert

Note 3 A reference to an instrument includes a reference to a provision of an instrument (see [Legislation Act](#), s 14 (2)).

Explanatory note

This amendment inserts a note about the [Legislation Act](#), section 14 (2) to assist legislation users.

[3.3] Dictionary, note 2

omit

- person

insert

- person (see s 160)

Explanatory note

This amendment updates the term in line with current legislative drafting practice.

[3.4] Dictionary, note 3

insert

- chief veterinary officer

Explanatory note

This amendment inserts a new term to assist legislation users and is consequential on another amendment.

[3.5] Dictionary, note 3

omit

- director

Explanatory note

This amendment omits a redundant term.

[3.6] Further amendments, mentions of *director*

omit

director

substitute

chief veterinary officer

in

- section 15 (2) (c)
- section 28 (d) and (e)

- section 35 (1) and (2)
- section 44 (3)
- dictionary, definition of *approved vaccine*

Explanatory note

This amendment updates the regulation to reflect the change of title of the Director of Veterinary Health to ‘Chief Veterinary Officer’ in the *Animal Diseases Act 2005* made by the *Animal Diseases Amendment Act 2009*.

Part 3.3 Building Act 2004

[3.7] Section 14D (2), new notes

insert

Note 1 The *Statutory Declarations Act 1959* (Cwlth) applies to the making of statutory declarations under ACT laws.

Note 2 It is an offence to make a false or misleading statement, give false or misleading information or produce a false or misleading document (see *Criminal Code*, pt 3.4).

Explanatory note

This amendment inserts standard notes about statutory declarations.

[3.8] Sections 19A (2), 19E (2) and 20 (4), new note

insert

Note An appointment must be in writing (see *Legislation Act*, s 206).

Explanatory note

This amendment inserts a standard note about appointments.

[3.9] Section 26B (2), new notes

insert

Note 1 The *Statutory Declarations Act 1959* (Cwlth) applies to the making of statutory declarations under ACT laws.

Note 2 It is an offence to make a false or misleading statement, give false or misleading information or produce a false or misleading document (see [Criminal Code](#), pt 3.4).

Explanatory note

This amendment inserts standard notes about statutory declarations.

[3.10] Section 28A (5), new definition of *asbestos advice*

after the note, insert

asbestos advice—see the *Dangerous Substances Act 2004*, section 47J.

Explanatory note

This amendment relocates a definition of a term from the dictionary that is used only in section 28A, in line with current legislative drafting practice. The definition is omitted from the dictionary by another amendment.

[3.11] Section 32B (2), new notes

insert

Note 1 The *Statutory Declarations Act 1959* (Cwlth) applies to the making of statutory declarations under ACT laws.

Note 2 It is an offence to make a false or misleading statement, give false or misleading information or produce a false or misleading document (see [Criminal Code](#), pt 3.4).

Explanatory note

This amendment inserts standard notes about statutory declarations.

[3.12] Section 97 (2) (b), new notes

insert

Note 1 The *Statutory Declarations Act 1959* (Cwlth) applies to the making of statutory declarations under ACT laws.

Note 2 It is an offence to make a false or misleading statement, give false or misleading information or produce a false or misleading document (see [Criminal Code](#), pt 3.4).

Explanatory note

This amendment inserts standard notes about statutory declarations.

[3.13] Section 122 (1), new note

insert

Note For the making of appointments (including acting appointments), see the [Legislation Act](#), pt 19.3.

Explanatory note

This amendment inserts a standard note about appointments.

[3.14] Section 139B (4)

omit

(or provision of an instrument)

Explanatory note

This amendment omits words that are redundant because of the [Legislation Act](#), section 14 (2), which provides that a reference to an instrument includes a reference to a provision of an instrument.

[3.15] Section 139B (4), new note

insert

Note A reference to an instrument includes a reference to a provision of an instrument (see [Legislation Act](#), s 14 (2)).

Explanatory note

This amendment inserts a note to assist legislation users and is consequential on another amendment.

[3.16] Dictionary, definition of *asbestos advice*

omit

Explanatory note

This amendment omits a definition that is made redundant as a result of another amendment.

[3.17] Dictionary, definition of *completion day*

omit

section 84

substitute

section 85

Explanatory note

This amendment corrects a cross-reference.

[3.18] Dictionary, definition of *eligible entity*

omit

section 17

substitute

section 18

Explanatory note

This amendment corrects a cross-reference and brings the provision into line with current legislative drafting practice.

[3.19] Dictionary, definition of *removal*

omit

Explanatory note

This amendment omits a definition that is no longer used in the Act. The term is, however, used in the [Building \(General\) Regulation 2008](#) and has been relocated to the regulation by another amendment.

[3.20] Dictionary, definition of *special actuary*

omit

section 84

substitute

section 122

Explanatory note

This amendment corrects a cross-reference and brings the provision into line with current legislative drafting practice.

Part 3.4 Building and Construction Industry Training Levy Act 1999

[3.21] Section 6, note

omit

s 78 (5) (b)

substitute

s 78 (7) (b)

Explanatory note

This amendment corrects a cross-reference.

[3.22] Section 25 (1)

omit

in writing

Explanatory note

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

[3.23] Dictionary, definition of *authority*

after

Building and Construction Industry Training Fund Authority

insert

established under section 4

Explanatory note

This amendment updates the definition in line with current legislative drafting practice.

Part 3.5 Building (General) Regulation 2008

[3.24] New section 4A

in part 1, insert

4A Offences against regulation—application of Criminal Code etc

Other legislation applies in relation to offences against this regulation.

Note 1 Criminal Code

The [Criminal Code](#), ch 2 applies to all offences against this regulation (see Code, pt 2.1).

The chapter sets out the general principles of criminal responsibility (including burdens of proof and general defences), and defines terms used for offences to which the Code applies (eg *conduct*, *intention*, *recklessness* and *strict liability*).

Note 2 Penalty units

The [Legislation Act](#), s 133 deals with the meaning of offence penalties that are expressed in penalty units.

Explanatory note

This amendment inserts a standard information provision that states that the [Criminal Code](#) applies to all offences against this regulation.

[3.25] Section 6 (6), definition of *minor maintenance*

omit

all or any

substitute

1 or more

Explanatory note

This amendment updates language in line with current legislative drafting practice.

[3.26] Section 7D (e)

omit

a natural person

substitute

an individual

Explanatory note

This amendment updates language in line with current legislative drafting practice.

[3.27] Section 13 (2) (a), new note

insert

Note AS 2601 may be purchased at www.standards.org.au.

Explanatory note

This amendment adds a note about where the standard may be purchased.

[3.28] New section 13 (3)

insert

(3) In this section:

removal, of a building—

- (a) means the removal of the building from a place for re-erection, with or without further alteration, at another place; and
- (b) includes the demolition of part of the building removed or proposed to be removed.

Explanatory note

This amendment relocates a definition of a term from the *Building Act 2004*, dictionary to the regulation, section 13 because the term is used only in that section.

[3.29] Section 17 (2), example 3

omit
associated with
substitute
with associated

Explanatory note

This amendment corrects a minor typographical error.

[3.30] Section 17 (2), new note

insert
Note 1A Australian standards may be purchased at www.standards.org.au.

Explanatory note

This amendment adds a note about where the standards may be purchased.

[3.31] Section 17 (8), definitions of AS 1684, AS 2870, AS 3623 and AS 3700

omit
Australian Standard
substitute
AS

Explanatory note

This amendment updates language in line with current legislative drafting practice.

[3.32] Schedule 1, section 1.1, definition of AS 1742

substitute

AS 1742 means AS 1742 (Manual of uniform traffic control devices), as in force from time to time.

Note Australian standards may be purchased at www.standards.org.au.

Explanatory note

This amendment updates language in line with current legislative drafting practice and adds a note about where the standards may be purchased.

[3.33] Schedule 1, section 1.1, new definition of AS 3533

insert

AS 3533 means AS 3533 (Amusement rides and devices—Design and construction), as in force from time to time.

Explanatory note

This amendment inserts a definition of a term used in the regulation, schedule 1.

[3.34] Schedule 1, section 1.1, definition of AS/NZS 3845

omit

Australian and New Zealand Standard

Explanatory note

This amendment omits unnecessary words and brings the provision into line with current legislative drafting practice.

[3.35] Dictionary, note 2

insert

- AS (see s 164 (1))
- AS/NZS (see s 164 (2))

Explanatory note

Dictionary, note 2 lists examples of terms used in the regulation that are defined in the [Legislation Act](#), dictionary, part 1. This amendment inserts new terms mentioned in the regulation and defined in the [Legislation Act](#), dictionary, part 1.

[3.36] Dictionary, definition of AS 1100

substitute

AS 1100 means AS 1100 (which is about technical drawing) as in force from time to time, and includes AS/NZS 1100.501.

Note Australian standards may be purchased at www.standards.org.au.

Explanatory note

This amendment updates language in line with current legislative drafting practice and adds a note about where the standards may be purchased.

[3.37] Dictionary, new definition of AS 3533

insert

AS 3533, for schedule 1 (Exempt buildings and building works)—see schedule 1, section 1.1.

Explanatory note

This amendment inserts a signpost definition for a term defined elsewhere in the regulation.

Part 3.7 **Corrections Management Act 2007**

[3.41] Section 65 (1)

omit

all or any

substitute

1 or more

Explanatory note

This amendment updates language in line with current legislative drafting practice.

[3.42] Dictionary, note 2

insert

- found guilty

Explanatory note

Dictionary, note 2 lists examples of terms used in the Act that are defined in the [Legislation Act](#), dictionary, part 1. This amendment inserts a term mentioned in the Act and defined in the [Legislation Act](#), dictionary, part 1.

[3.43] Dictionary, definition of *administrative penalty*

substitute

administrative penalty—see section 184.

Explanatory note

This amendment updates a definition in line with current legislative drafting practice.

[3.44] Dictionary, definition of *charge notice*

substitute

charge notice—see section 159.

Explanatory note

This amendment updates a definition in line with current legislative drafting practice.

[3.45] Dictionary, definition of *corresponding corrections law*

omit

Explanatory note

This amendment omits a redundant definition. A *corresponding corrections law* is a law of a State or another Territory declared to be a corresponding corrections law under section 225. Outside of section 225, the term is used only in section 222 and is defined in section 222 (1) for the section.

[3.46] Dictionary, definitions of *disciplinary action* and *disciplinary breach*

substitute

disciplinary action—see section 183.

disciplinary breach—see section 152.

Explanatory note

This amendment updates definitions in line with current legislative drafting practice.

[3.47] Dictionary, definition of *investigator*

substitute

investigator—see section 153.

Explanatory note

This amendment updates a definition in line with current legislative drafting practice.

[3.48] Dictionary, definition of *privilege*

substitute

privilege, in relation to a detainee—see section 154.

Explanatory note

This amendment updates a definition in line with current legislative drafting practice.

Part 3.8 Court Procedures Act 2004

[3.49] New section 68A

in division 7A.1, insert

68A Definitions—pt 7A and div 7A.1

- (1) In this part:

care and protection chapters means the care and protection chapters under the *Children and Young People Act 2008*.

child—see the *Children and Young People Act 2008*, section 11.

director-general means the director-general responsible for the *Children and Young People Act 2008*.

young person—see the *Children and Young People Act 2008*, section 12.

- (2) In this division:

daily care responsibility—see the *Children and Young People Act 2008*, section 19.

long-term care responsibility—see the *Children and Young People Act 2008*, section 20.

victim, of an offence—see the *Crimes (Sentencing) Act 2005*, section 47.

Explanatory note

This amendment inserts a new section that defines terms for part 7A and division 7A.1. Some of the definitions for part 7A are relocated from section 74J, which is omitted by another amendment. The definitions for division 7A.1 are relocated from section 71 and section 72, which are amended by other amendments.

[3.50] Section 71 (6)

omit

of the *Children and Young People Act 2008*

Explanatory note

This amendment is consequential on the insertion of a definition of *director-general* in a definitions section inserted by another amendment.

[3.51] Section 71 (7)

omit

Explanatory note

This amendment is consequential on the inclusion of the definitions of *daily care responsibility*, *long-term care responsibility* and *victim* in a definitions section inserted by another amendment.

[3.52] Section 72 (1) (f)

substitute

(f) the director-general or an authorised person under the *Children and Young People Act 2008*;

Explanatory note

This amendment is consequential on the insertion of a definition of *director-general* in a definitions section inserted by another amendment.

[3.53] Section 72 (1) (h)

omit

of the *Children and Young People Act 2008*

Explanatory note

This amendment is consequential on the insertion of a definition of *care and protection chapters* in a definitions section inserted by another amendment.

[3.54] Section 72 (3)

omit

responsible for the *Children and Young People Act 2008*

Explanatory note

This amendment is consequential on the insertion of a definition of *director-general* in a definitions section inserted by another amendment.

[3.55] Section 72 (4)

substitute

(4) In this section:

circle sentencing—see the *Magistrates Court Act 1930*, section 291L.

Explanatory note

This amendment is consequential on the relocation of 3 definitions to a definitions section by another amendment.

[3.56] Sections 74A (2), 74C (2) (a) and 74D (1)

omit

responsible for the *Children and Young People Act 2008*

Explanatory note

This amendment is consequential on the insertion of a definition of *director-general* in a definitions section inserted by another amendment.

[3.57] Section 74J

omit

Explanatory note

This amendment omits a definitions provision that relates only to the division. The terms that were defined in the section and used throughout the part are included in a new definitions provision that is inserted by another amendment. The term *in need of care and protection*, used only in section 74K, is inserted in that section by another amendment.

[3.58] New section 74K (5)

insert

(5) In this section:

in need of care and protection, for a child or young person—see the [Children and Young People Act 2008](#), section 345.

Explanatory note

This amendment defines a term that is used only in section 74K. The definition had been included in a definitions provision, applicable to the whole division, that is omitted by another amendment.

[3.59] Section 80 (3), definition of *earnings*, paragraph (a)

omit

emolument

substitute

amount

Explanatory note

This amendment updates language in line with current legislative drafting practice.

[3.60] Section 80 (3), definition of *earnings*, paragraph (b) (ii)

substitute

- (ii) periodical payments in relation to compensation for the loss, or any reduction in benefits, of any office or employment; and

Explanatory note

This amendment updates language in line with current legislative drafting practice.

[3.61] Section 81

omit

forth

substitute

out

Explanatory note

This amendment updates language in line with current legislative drafting practice.

[3.62] Dictionary, new definitions

insert

care and protection chapters, for part 7A (Procedural provisions—proceedings involving children or young people)—see section 68A.

daily care responsibility, for division 7A.1 (General)—see the [Children and Young People Act 2008](#), section 19.

director-general, for part 7A (Procedural provisions—proceedings involving children or young people)—see section 68A.

long-term care responsibility, for division 7A.1 (General)—see the [Children and Young People Act 2008](#), section 20.

victim, of an offence, for division 7A.1 (General)—see the *Crimes (Sentencing) Act 2005*, section 47.

Explanatory note

This amendment inserts signpost definitions in line with current legislative drafting practice.

Part 3.9 Crimes (Sentencing) Act 2005

[3.63] Section 13 (3)

omit

any or all

substitute

1 or more

Explanatory note

This amendment updates language in line with current legislative drafting practice.

[3.64] Sections 16 (1), note 1 and 19 (1), note 1

omit

Explanatory note

This amendment omits notes about the definition of *found guilty*. A reference to the definition of the term in the *Legislation Act*, dictionary, part 1 is inserted in the dictionary, note 2 (which lists terms used in the Act and defined in the *Legislation Act*, dictionary, part 1) by another amendment.

[3.65] Section 33 (1) (y), note

omit

s 31

substitute

s 36

Explanatory note

This amendment updates a cross-reference because of amendments made by the [Road Transport \(General\) Amendment Act 2012](#).

[3.66] Sections 85, 115, 133B, 133N, 133U and 133Y headings

substitute

85 Meaning of *community service condition*

115 Meaning of *deferred sentence obligations*

133B Meaning of *young offender*

133N Meaning of *education and training condition*

133U Meaning of *supervision condition*

133Y Meaning of *accommodation order*

Explanatory note

This amendment—

- substitutes the headings to sections 85 and 115 because the definitions in those sections apply to the whole Act, not just the parts in which they appear; and
- updates the section headings to sections 133B, 133N, 133U and 133Y in line with current legislative drafting practice.

[3.67] Dictionary, note 2

insert

- found guilty

Explanatory note

Dictionary, note 2 lists examples of terms used in the Act that are defined in the [Legislation Act](#), dictionary, part 1. This amendment inserts a term that is mentioned in the Act and defined in the [Legislation Act](#), dictionary, part 1.

[3.68] Dictionary, definition of *correctional centre*

omit

[Crimes \(Sentence Administration\) Act 2005](#)

substitute

[Corrections Management Act 2007](#)

Explanatory note

This amendment corrects a cross-reference.

[3.69] Dictionary, definition of *deferred sentence obligations*

substitute

deferred sentence obligations, for an offender—see section 120.

Explanatory note

This amendment updates the definition in line with current legislative drafting practice.

Part 3.10 Criminal Code 2002

[3.70] Section 303 (2), note

substitute

Note A defendant has an evidential burden in relation to the matters mentioned in s (1) and s (2) (see s 58 (3)).

Explanatory note

This amendment makes the wording of the note consistent with the language used in section 58.

[3.71] Section 337 (6), note

substitute

Note A defendant has an evidential burden in relation to the matters mentioned in s (5) and s (6) (see s 58 (3)).

Explanatory note

This amendment makes the wording of the note consistent with the language used in section 58.

[3.72] Sections 404 (3) and 407 (2)

omit

In the prosecution of

substitute

In a prosecution for

Explanatory note

This amendment updates language in line with current legislative drafting practice.

[3.73] Division 4.1.3 heading, note

substitute

Note A defendant has an evidential burden in relation to the defences in this division (see s 58 (3)).

Explanatory note

This amendment makes the wording of the note consistent with the language used in section 58.

[3.74] Sections 415 (2) and 424 (3)

omit

In the prosecution of

substitute

In a prosecution for

Explanatory note

This amendment updates language in line with current legislative drafting practice.

[3.75] Section 654 (3)

omit

In the prosecution of

substitute

In a prosecution for

Explanatory note

This amendment updates language in line with current legislative drafting practice.

[3.76] Dictionary, definition of *property* and note

substitute

property—

- (a) for this Act generally—includes the following:
- (i) electricity;
 - (ii) gas;
 - (iii) water;
 - (iv) a wild creature that is tamed or ordinarily kept in captivity or that is, or is being taken into, someone's possession;
 - (v) any organ or part of a human body and any blood, ova, semen or other substance extracted from a human body; and
- (b) for part 4.1 (Property damage offences)—see section 400.

Note For further definition of ***property***, see the [Legislation Act](#), dict, pt 1.

Explanatory note

The current definition of ***property*** does not refer to the definition of the term in section 400. This amendment expands the definition with a signpost definition of the term in line with current legislative drafting practice.

[3.77] Dictionary, definition of *threat*

substitute

threat—

- (a) for this Act generally—includes a threat made by any conduct, whether explicit or implicit and whether conditional or unconditional; and

(b) for part 4.1 (Property damage offences)—see section 402.

Explanatory note

The current dictionary definition of *threat* does not refer to the definition of the term in section 402. This amendment expands the definition with a signpost definition of the term in line with current legislative drafting practice.

Part 3.11 Cultural Facilities Corporation Act 1997

[3.78] Section 9, note

omit

s 78 (5) (b)

substitute

s 78 (7) (b)

Explanatory note

This amendment corrects a cross-reference.

[3.79] Dictionary, definition of *corporation*

substitute

corporation means the Cultural Facilities Corporation established under section 5.

Explanatory note

This amendment updates the definition in line with current legislative drafting practice.

Part 3.12 Domestic Animals Act 2000

[3.80] New section 23 (3)

insert

(3) In this section:

animal boarding facility means a kennel, cattery, stable or other premises where animals are kept temporarily by a person other than a keeper of the animal.

Explanatory note

This amendment relocates a definition of a term from the dictionary that is used only in section 23, in line with current legislative drafting practice. The definition is omitted from the dictionary by another amendment.

[3.81] Section 143 (2), new note

insert

Note 3 A reference to an instrument includes a reference to a provision of an instrument (see [Legislation Act](#), s 14 (2)).

Explanatory note

This amendment inserts a standard note about the [Legislation Act](#), section 14 (2)) to assist legislation users.

[3.82] Section 143B (2)

omit

written

Explanatory note

This amendment omits a redundant word because of the [Legislation Act](#), section 42 (2), which requires notifiable instruments to be in writing.

[3.86] Dictionary, definition of *corresponding law*, paragraphs (c) and (d)

substitute

- (c) *Domestic Animals Act 1994* (Vic);
- (d) *Domestic Animals Regulations 2005* (Vic).

Explanatory note

This amendment updates the definition because the title of the Victorian Act and regulations has changed. The title of the Act was changed from the *Domestic (Feral and Nuisance) Animals Act 1994* (Vic) to the *Domestic Animals Act 1994* (Vic) by the *Animals Legislation Amendment (Animal Care) Act 2007* (Vic), section 3. The title of the regulations was changed from the *Domestic (Feral and Nuisance) Animals Regulations 2005* (Vic) to the *Domestic Animals Regulations 2005* (Vic) by the *Domestic (Feral and Nuisance) Animals Amendment Regulations 2009* (Vic), section 5.

Part 3.14 Duties Act 1999

[3.87] Section 10 (3), new definition of *intellectual property*

insert

intellectual property means—

- (a) a business name, trading name, trade mark, industrial design, patent, registered design or copyright; or
- (b) a right, whether or not under a franchise arrangement, to use or exploit—
 - (i) a business name, trading name, trade mark or industrial design; or

- (ii) a thing, system or process that is the subject of a patent, registered design or copyright (or an adaptation or modification of such a thing, system or process).

Explanatory note

This amendment relocates a definition of a term from the dictionary that is used only in section 10, in line with current legislative drafting practice. The definition is omitted from the dictionary by another amendment.

[3.88] Section 62 (5) (e), new notes

insert

Note 1 The *Statutory Declarations Act 1959* (Cwlth) applies to the making of statutory declarations under ACT laws.

Note 2 It is an offence to make a false or misleading statement, give false or misleading information or produce a false or misleading document (see *Criminal Code*, pt 3.4).

Explanatory note

This amendment inserts standard notes about statutory declarations.

[3.89] Section 63 (4), new definition of *pooled superannuation trust*

insert

pooled superannuation trust means an entity that is a pooled superannuation trust under the *Superannuation Industry (Supervision) Act 1993* (Cwlth), section 44.

Explanatory note

This amendment relocates a definition of a term from the dictionary that is used only in section 63, in line with current legislative drafting practice. The definition is omitted from the dictionary by another amendment. The amendment also updates the definition in line with current legislative drafting practice.

[3.90] New section 64 (3)

insert

(3) In this section:

non-commercial Commonwealth authority means a body corporate (other than an incorporated company, society or association) that—

- (a) is incorporated for a public purpose by or under a law of the Territory or the Commonwealth; and
- (b) does not have as its sole or principal function the carrying on of an activity in the nature of a business, whether or not for profit.

Explanatory note

This amendment relocates a definition of a term from the dictionary that is used only in section 64, in line with current legislative drafting practice. The definition is omitted from the dictionary by another amendment.

[3.91] Section 73A (4), definition of *residential lease*

omit

Explanatory note

This amendment omits a definition that is made redundant as a result of another amendment.

[3.92] Section 74B (5), new notes

insert

Note 1 The [Statutory Declarations Act 1959](#) (Cwlth) applies to the making of statutory declarations under ACT laws.

Note 2 It is an offence to make a false or misleading statement, give false or misleading information or produce a false or misleading document (see [Criminal Code](#), pt 3.4).

Explanatory note

This amendment inserts standard notes about statutory declarations.

[3.93] Section 75AA, definition of *residential lease*

omit

Explanatory note

This amendment omits a definition that is made redundant as a result of another amendment.

[3.94] Section 78A, note

omit

and *private unit trust scheme*

Explanatory note

This amendment omits a term mentioned in the note that is relocated from the dictionary to section 78A by another amendment.

[3.95] New section 78A (2)

insert

(2) In this section:

private unit trust scheme means a unit trust scheme that is not a public unit trust scheme.

Explanatory note

This amendment relocates a definition of a term from the dictionary that is used only in section 78A, in line with current legislative drafting practice. The definition is omitted from the dictionary by another amendment.

[3.96] Section 103 (2), note

omit

Explanatory note

This amendment omits a note that is made redundant as a result of another amendment.

[3.97] New section 103 (3)

insert

(3) In this section:

territory company means—

- (a) a company incorporated (or taken to be incorporated) under the [Corporations Act](#) that is taken to be registered in the ACT; or
- (b) a corporation that is incorporated under a territory Act.

Explanatory note

This amendment relocates a definition of a term from the dictionary that is used only in section 103, in line with current legislative drafting practice. The definition is omitted from the dictionary by another amendment.

[3.98] Section 115H (5), new notes

insert

Note 1 The [Statutory Declarations Act 1959](#) (Cwlth) applies to the making of statutory declarations under ACT laws.

Note 2 It is an offence to make a false or misleading statement, give false or misleading information or produce a false or misleading document (see [Criminal Code](#), pt 3.4).

Explanatory note

This amendment inserts standard notes about statutory declarations.

[3.99] New section 185 (5)

insert

(5) In this section:

determined amount, of duty, means the amount determined by the Minister, or calculated in a way determined by the Minister, under the Taxation Administration Act, section 139.

Explanatory note

This amendment relocates a definition of a term from the dictionary that is used only in section 185, in line with current legislative drafting practice. The definition is omitted from the dictionary by another amendment. The amendment also updates the definition in line with current legislative drafting practice.

[3.100] Section 201 (3), new definition of *international trade insurance*

insert

international trade insurance means any of the following:

- (a) insurance of freight against loss or damage in the course of, or incidental to, international transport of the freight;
- (b) insurance of an aircraft or ship (a ***carrier***) against loss or damage during a particular period when the carrier is under construction or undergoing refitting, maintenance or repairs if when the insurance was effected, the carrier's owner intended to use the carrier—
 - (i) entirely or mainly for the international transport of freight; and
 - (ii) for an indefinitely continuing period beginning immediately after the completion of the construction, refitting, maintenance or repairs;

- (c) insurance of a carrier against loss or damage in the course of, or incidental to, a particular journey if, when the insurance was effected, the owner intended that the journey would be entirely or mainly for the international transport of freight;
- (d) insurance of a carrier against loss or damage during a particular period if, when the insurance was effected, the carrier's owner intended the carrier to be used during that period entirely or mainly for the international transport of freight.

Explanatory note

This amendment relocates a definition of a term from the dictionary that is used only in section 201, in line with current legislative drafting practice. The amendment also updates the definition in line with current legislative drafting practice.

[3.101] Section 203A (2)

omit

all or any of the people in whose names

substitute

each person in whose name

Explanatory note

This amendment updates language in line with current legislative drafting practice.

[3.102] Section 208 (3), new note

insert

Note 2A A reference to an instrument includes a reference to a provision of an instrument (see [Legislation Act](#), s 14 (2)).

Explanatory note

This amendment inserts a note about the [Legislation Act](#), section 14 (2)) to assist legislation users.

[3.103] Section 211A (3)

omit

For this section:

substitute

In this section:

Explanatory note

This amendment updates language in line with current legislative drafting practice.

[3.104] Section 211A (3), new definition of *person with a disability*

insert

person with a disability means a person who has a disability that—

- (a) is attributable to an intellectual, psychiatric, sensory, physical or neurological impairment, or acquired brain injury; and
- (b) is likely to be permanent; and
- (c) results in substantially reduced capacity in self-care, self-management, mobility or communication requiring significant ongoing, or long-term episodic, support.

Explanatory note

This amendment relocates a definition of a term from the dictionary that is used only in section 211A, in line with current legislative drafting practice. The definition is omitted from the dictionary by another amendment.

[3.105] Section 213 (5), new notes

insert

Note 1 The *Statutory Declarations Act 1959* (Cwlth) applies to the making of statutory declarations under ACT laws.

Note 2 It is an offence to make a false or misleading statement, give false or misleading information or produce a false or misleading document (see [Criminal Code](#), pt 3.4).

Explanatory note

This amendment inserts standard notes about statutory declarations.

[3.106] New section 221 (4)

insert

(4) In this section:

demonstrator—see section 208A.

trading stock—see section 208A.

Explanatory note

This amendment inserts signpost definitions for terms used in the section and defined elsewhere.

[3.107] Dictionary, note 2

omit

- GST

Explanatory note

This amendment omits a redundant term.

[3.108] Dictionary

omit the definitions of

Australian register

determined amount

foreign resident

franchisor

intellectual property

international trade insurance

non-commercial Commonwealth authority

person with a disability

pooled superannuation trust

private unit trust scheme

replica

Explanatory note

This amendment omits the redundant terms *Australian register*, *foreign resident*, *franchisor* and *replica*. The other terms are omitted consequential on the relocation of the definitions to other sections by another amendment.

[3.109] Dictionary, definition of *residential lease*

substitute

residential lease means a lease granted for residential purposes only.

Explanatory note

This amendment recasts the definition so that it applies to the whole Act instead of being a signpost definition to a part of the Act.

[3.110] Dictionary, definition of *territory company*

omit

Explanatory note

This amendment is consequential on the relocation of the definition to section 103 by another amendment.

Part 3.15 **Enclosed Lands Protection Act 1943**

[3.111] Section 4 (1)

omit

shall lie

substitute

lies

Explanatory note

This amendment updates language in line with current legislative drafting practice.

[3.112] Section 5 (2)

omit

(other than a public gate as defined in the *Public Gates Act 1901* (NSW) in its application to the ACT)

Explanatory note

This amendment omits an obsolete reference to repealed NSW legislation.

Part 3.16 **Environment Protection Act 1997**

[3.113] New section 3B

insert

3B Offences against Act—application of Criminal Code etc

Other legislation applies in relation to offences against this Act.

Note 1 *Criminal Code*

The [Criminal Code](#), ch 2 applies to the following offences against this Act (see Code, pt 2.1):

- s 92 (Fuel sales—provision of information)

- s 92A (Confidential commercial information must not be disclosed)

The chapter sets out the general principles of criminal responsibility (including burdens of proof and general defences), and defines terms used for offences to which the Code applies (eg *conduct*, *intention*, *recklessness* and *strict liability*).

Note 2 *Penalty units*

The [Legislation Act](#), s 133 deals with the meaning of offence penalties that are expressed in penalty units.

Explanatory note

This amendment inserts a standard provision about the application of the [Criminal Code](#) to certain offences against the Act. The [Criminal Code](#), chapter 2 sets out the general principles of criminal responsibility (including burdens of proof and general defences) and defines terms used for offences to which the Code applies.

[3.114] Section 39 (c), new note

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 note about examples.

[3.115] Section 51 (a), new note

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 note about examples.

[3.116] Sections 91B (3) and 130

omit

shall

substitute

must

Explanatory note

This amendment updates language in line with current legislative drafting practice.

[3.117] Section 162 (1), new note

insert

Note 2 It is an offence to make a false or misleading statement, give false or misleading information or produce a false or misleading document (see [Criminal Code](#), pt 3.4).

Explanatory note

This amendment inserts a standard note about statutory declarations.

[3.118] Section 166 (2) (a)

omit

, or any provision of an instrument

Explanatory note

This amendment omits words that are redundant because of the [Legislation Act](#), section 14 (2), which provides that a reference to an instrument includes a reference to a provision of an instrument.

[3.119] Section 166 (2), note 1

omit

(or a provision of a law or instrument)

Explanatory note

This amendment omits words that are redundant because of the [Legislation Act](#), sections 7 (3), 13 (3) and 14 (2) which provide respectively that a reference to an Act, statutory instrument or an instrument includes a reference to a provision of an Act, statutory instrument or instrument.

[3.120] Section 166 (2), note 2

omit

(or a provision of a law or instrument), the law, instrument or provision

substitute

, the law or instrument

Explanatory note

This amendment omits words that are redundant because of the [Legislation Act](#), sections 7 (3), 13 (3) and 14 (2) which provide respectively that a reference to an Act, statutory instrument or an instrument includes a reference to a provision of an Act, statutory instrument or instrument.

[3.121] Section 166 (2), new note

insert

Note 3 A reference to an instrument includes a reference to a provision of an instrument (see [Legislation Act](#), s 14 (2)).

Explanatory note

This amendment inserts a note to assist legislation users and is consequential on another amendment.

[3.122] Schedule 2, section 2.1, definition of AS 4013

omit

Explanatory note

This amendment omits a definition. The definition is updated in another amendment.

[3.123] Schedule 2, section 2.1, new definition of AS/NZS 4013

insert

AS/NZS 4013 means AS/NZS 4013 (Domestic solid fuel burning appliances—Method for determination of flue gas emission), as in force from time to time.

Note AS/NZS 4013 may be purchased at www.standards.org.au.

Explanatory note

This amendment updates the title and language of the standard in line with current legislative drafting practice and makes clear that the standard is meant to be as in force from time to time.

[3.124] Schedule 2, section 2.1, definition of *solid fuel-burning equipment*

omit

AS 4013

substitute

AS/NZS 4013

Explanatory note

This amendment updates the title of the standard.

[3.125] Schedule 2, sections 2.4 and 2.5

omit

AS 4013

substitute

AS/NZS 4013

Explanatory note

This amendment updates the title of the standard.

[3.126] Dictionary, note 2

insert

- AS (see s 164 (1))
- found guilty

Explanatory note

Dictionary, note 2 lists examples of terms used in the Act that are defined in the [Legislation Act](#), dictionary, part 1. This amendment inserts terms mentioned in the Act and defined in the [Legislation Act](#), dictionary, part 1.

[3.127] Dictionary, note 2

omit

- heritage register

Explanatory note

This amendment omits a redundant term.

[3.128] Dictionary, definition of AS 4013

omit

Explanatory note

This amendment omits a definition. The definition is updated in another amendment.

[3.129] Dictionary, definition of AS/NZS 4013

insert

AS/NZS 4013, for schedule 2 (Specific offences)—see schedule 2, section 2.1.

Explanatory note

This amendment updates the title of the standard and language in line with current legislative drafting practice and makes clear that the standard is meant to be as in force from time to time.

[3.130] Dictionary, definition of *blank fire firearm*

omit

see schedule 1, section 1.1

substitute

see the *Firearms Act 1996*, dictionary

Explanatory note

This amendment updates a definition in line with current legislative drafting practice.

[3.131] Dictionary, definition of *clinical waste*

omit

see schedule 1, section 1.1

substitute

see the *Clinical Waste Act 1990*, dictionary

Explanatory note

This amendment updates a definition in line with current legislative drafting practice.

[3.132] Dictionary, definition of *consultation period*

omit

section 23B

substitute

section 25 (1)

Explanatory note

This amendment updates a definition in line with current legislative drafting practice.

[3.133] Dictionary, definition of *National Electricity (ACT) Law*

omit

Explanatory note

This amendment omits a redundant signpost definition because the term is defined in the [Legislation Act](#), dictionary, part 1.

[3.134] Dictionary, definition of *regulated waste*

omit

section 1.1

substitute

section 1.1A

Explanatory note

This amendment updates a definition in line with current legislative drafting practice.

[3.135] Dictionary, definition of *road transport legislation*

omit

see schedule 1, section 1.1

substitute

see the [Road Transport \(General\) Act 1999](#), section 6

Explanatory note

This amendment updates a definition in line with current legislative drafting practice.

[3.136] Dictionary, definition of *stock*

omit

see schedule 1, section 1.1

substitute

see the [Stock Act 2005](#), dictionary

Explanatory note

This amendment updates a definition in line with current legislative drafting practice.

Part 3.17 Environment Protection Regulation 2005

[3.137] Section 67 (1) (b)

omit

Australian Standard

substitute

AS

Explanatory note

This amendment updates language in line with current legislative drafting practice.

[3.138] Section 67 (1) (c)

omit

Environmental and Planning Assessment Act 1979 (NSW)

substitute

[Environmental Planning and Assessment Act 1979](#) (NSW)

Explanatory note

This amendment corrects a reference to a NSW law.

[3.139] Section 68 (3), definition of *incorporated document*

omit

Australian standard

substitute

AS

Explanatory note

This amendment updates language in line with current legislative drafting practice.

[3.140] Section 69 (2)

omit

written

Explanatory note

This amendment omits a redundant word because of the [Legislation Act](#), section 42 (2), which requires notifiable instruments to be in writing.

[3.141] Schedule 2, table 2.3, item 6

omit

Australian Standard

substitute

AS

Explanatory note

This amendment updates language in line with current legislative drafting practice.

[3.142] Dictionary, note 2

insert

- AS (see s 164 (1))

Explanatory note

Dictionary, note 2 lists examples of terms used in the regulation that are defined in the [Legislation Act](#), dictionary, part 1. This amendment inserts a term mentioned in the regulation and defined in the [Legislation Act](#), dictionary, part 1.

[3.143] Dictionary, note 3

omit

- national scheme laws

Explanatory note

This amendment omits a redundant term.

[3.144] Dictionary, new definition of AS 2436

insert

AS 2436 means AS 2436 (Guide to noise and vibration control on construction, demolition and maintenance sites), as in force from time to time.

Note AS 2436 may be purchased at www.standards.org.au.

Explanatory note

This amendment updates the title and language of the standard in line with current legislative drafting practice and makes clear that the standard is meant to be as in force from time to time.

[3.145] Dictionary, definition of *major road*

omit

schedule 2 (Noise zones, noise standards and conditions)

substitute

schedule 2, part 2.3 (Noise conditions)

Explanatory note

This amendment corrects a signpost entry in the dictionary. The definition applies to Schedule 2, part 2.3 rather than the whole of schedule 2.

[3.146] Dictionary, new definition of *national scheme laws*

insert

national scheme laws—see the [Act](#), section 2 (3).

Explanatory note

This amendment updates the dictionary by inserting a signpost definition for a term defined in the Act, section 2 (3) and used in several places in the regulation.

[3.147] Dictionary, new definitions

insert

network facility, for schedule 2, part 2.3 (Noise conditions)—see the [Utilities Act 2000](#), dictionary.

territory network facility, for schedule 2, part 2.3 (Noise conditions)—see the [Utilities Act 2000](#), dictionary.

Explanatory note

This amendment inserts signpost definitions for terms defined in another Act in line with current legislative drafting practice.

[3.148] Dictionary, definition of *territory service*

omit

Explanatory note

This amendment omits a redundant definition.

[3.149] Dictionary, definition of *utility service*

omit

Explanatory note

This amendment omits a redundant definition.

[3.150] Further amendments, dictionary definitions

omit

schedule 2 (Noise zones, noise standards and conditions)

substitute

schedule 2, part 2.1 (Noise zones)

in

broadacre zone

Central National Area (City Hill Precinct)

Central National Area (Fairbairn)

Central National Area (Parliamentary Zone and Other Areas)

city centre

commercial CZ4 zone

commercial CZ5 zone

group centre

industrial zone

leisure and accommodation zone

office site

Queanbeyan city business zone

Queanbeyan city industrial zone

Queanbeyan city special uses zone

restricted access recreation zone

town centre

TSZ2 services zone

Explanatory note

This amendment corrects the signpost entries in the dictionary. The definitions apply to schedule 2, part 2.1 rather than the whole of schedule 2.

Part 3.18 Evidence (Miscellaneous Provisions) Act 1991

[3.151] Section 16, definition of *territory court*, paragraph (g)

omit

Corrections Management Act 2006

substitute

Corrections Management Act 2007

Explanatory note

This amendment corrects a reference to an Act.

Part 3.20 Fair Trading (Australian Consumer Law) Act 1992

[3.155] Section 34 (2), definition of *consumer credit legislation*

omit

Explanatory note

This amendment omits a redundant definition.

[3.156] Dictionary, new definition of *credit*

insert

credit, for part 6 (Maximum annual percentage rate and disclosure)—see section 62.

Explanatory note

This amendment inserts a signpost definition for a term defined elsewhere in the Act.

Part 3.21 Financial Management Act 1996

[3.157] Section 11 (6), new definition of *appropriation unit*

insert

appropriation unit means a class of outputs, or a group of output classes, for which an appropriation is made by an Appropriation Act.

Explanatory note

This amendment relocates a definition of a term from the dictionary that is used only in section 11, in line with current legislative drafting practice. The definition is omitted from the dictionary by another amendment.

[3.158] Section 38 (4)

omit

shall

substitute

must

Explanatory note

This amendment updates language in line with current legislative drafting practice.

[3.159] New section 38 (10)

insert

(10) In this section:

superannuation banking account—see the [Territory Superannuation Provision Protection Act 2000](#), section 7.

Explanatory note

This amendment relocates a definition of a term from the dictionary that is used only in section 38, in line with current legislative drafting practice. The definition is omitted from the dictionary by another amendment

[3.160] Dictionary, note 2

insert

- found guilty

Explanatory note

Dictionary, note 2 lists examples of terms used in the Act that are defined in the [Legislation Act](#), dictionary, part 1. This amendment inserts a term mentioned in the Act and defined in the [Legislation Act](#), dictionary, part 1.

[3.161] Dictionary, definitions of *appropriation unit* and *superannuation banking account*

omit

Explanatory note

This amendment omits definitions that are made redundant as a result of other amendments.

[3.162] Further amendments, mentions of , *in writing*,

omit

, in writing,

in

- section 19C (2)
- section 59 (5)
- section 103 (1)
- section 133 (1)

Explanatory note

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

Part 3.22 Gambling and Racing Control Act 1999

[3.163] Section 6 (3)

omit

, in writing,

Explanatory note

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

[3.164] Section 11, note

omit

s 78 (5) (b)

substitute

s 78 (7) (b)

Explanatory note

This amendment corrects a cross-reference.

[3.165] Section 12 (2), new note

insert

Note **Found guilty**—see the [Legislation Act](#), dictionary, pt 1.

Explanatory note

This amendment inserts a standard note about the definition of *found guilty*.

[3.166] Section 18 (2) (c)

substitute

- (c) limiting facilities that make it easy for a gambler to spend more than the gambler originally intended;

Examples—facilities

- automatic teller machines
- credit facilities
- allowing people to pay by cheque or credit card

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 in line with current legislative drafting practice.

[3.167] Sections 22A (1), 47 (1) and 53D (1)

omit

, in writing,

Explanatory note

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

[3.168] Dictionary, note 2

insert

- found guilty

Explanatory note

Dictionary, note 2 lists examples of terms used in the Act that are defined in the [Legislation Act](#), dictionary, part 1. This amendment inserts a term mentioned in the Act and defined in the [Legislation Act](#), dictionary, part 1.

[3.169] Dictionary, definition of *commission*

substitute

commission means the ACT Gambling and Racing Commission established under section 5.

Explanatory note

This amendment updates the definition in line with current legislative drafting practice.

[3.170] Dictionary, definition of *executive officer*

omit

Explanatory note

This amendment omits a redundant definition.

Part 3.23 Gaming Machine Act 2004

[3.171] Section 3, note 1

omit

For example, the signpost definition ‘*associated entity*—see the [Electoral Act 1992](#), section 198.’ means that the term ‘associated entity’ is defined in that section and the definition applies to this Act.

substitute

For example, the signpost definition ‘*general licence*—see the [Liquor Act 2010](#), section 17.’ means that the term ‘general licence’ is defined in that section and the definition applies to this Act.

Explanatory note

This amendment updates note 1 as a consequence of the relocation of the definition of *associated entity* from the dictionary to section 164 by another amendment. The term ‘associated entity’ is used only in section 164, whereas the term ‘general licence’ is used throughout the Act.

[3.172] Section 38E (1) (c) (ii) (A)

omit

or (3) (d)

Explanatory note

This amendment omits an incorrect cross-reference.

[3.173] Section 38I (1)

omit

38D (3)

substitute

38D (2)

Explanatory note

This amendment corrects a cross-reference.

[3.174] Section 38X (1)

omit

section 38T, section 38U or section 38V

substitute

section 38U, section 38V or section 38W

Explanatory note

This amendment corrects cross-references.

[3.175] Section 66 (1), definition of *centralised monitoring system*, paragraph (a)

omit

approved gaming machines

substitute

gaming machines approved under section 69

Explanatory note

This amendment clarifies the reference to gaming machines.

[3.176] New section 158 (3)

insert

(3) In this section:

qualified accountant means—

- (a) a member of the Institute of Chartered Accountants in Australia, the Institute of Public Accountants or the Australian Society of Certified Practising Accountants; or

- (b) a person registered as a registered company auditor under the [Corporations Act](#).

Explanatory note

This amendment relocates a definition of a term from the dictionary that is used only in section 158, in line with current legislative drafting practice. The definition is omitted from the dictionary by another amendment.

[3.177] Section 164 (3), new definition of *associated entity*

insert

associated entity—see the [Electoral Act 1992](#), section 198.

Explanatory note

This amendment relocates a definition of a term from the dictionary that is used only in section 164, in line with current legislative drafting practice. The definition is omitted from the dictionary by another amendment.

[3.178] Dictionary, definition of *acquisition approval application*

omit

Explanatory note

This amendment omits the definition of a term that is not used in the Act.

[3.179] Dictionary, definition of *approved gaming machine*

omit

Explanatory note

This amendment is consequential on the clarification of the reference to gaming machines in section 66 by another amendment.

[3.180] Dictionary, definition of *associated entity*

omit

Explanatory note

This amendment is consequential on the relocation of the definition to section 164 by another amendment.

[3.181] Dictionary, definition of *charitable organisation*

omit

Explanatory note

This amendment omits the definition of a term that is not used in the Act.

[3.182] Dictionary, definitions of *disciplinary action* and *disciplinary notice*

substitute

disciplinary action, for part 4 (Disciplinary action)—see section 58.

disciplinary notice, for part 4 (Disciplinary action)—see section 61.

Explanatory note

This amendment updates the definitions in line with current legislative drafting practice.

[3.183] Dictionary, definition of *financial arrangement*

omit

101

substitute

101 (2)

Explanatory note

This amendment clarifies the definition.

[3.184] Dictionary, definition of *ground for disciplinary action*

substitute

ground for disciplinary action against a licensee, for part 4 (Disciplinary action)—see section 57.

Explanatory note

This amendment updates the definition in line with current legislative drafting practice.

[3.185] Dictionary, definition of *initial licence application*

substitute

initial licence application, for part 2 (Licences)—see section 9.

Explanatory note

This amendment updates the definition in line with current legislative drafting practice.

[3.186] Dictionary, definition of *inquiry*

omit

Explanatory note

This amendment omits the definition of a term that is not used in the Act.

[3.187] Dictionary, definition of *licence*, new paragraph (aa)

insert

(aa) for part 4 (Disciplinary action)—see section 56; and

Explanatory note

This amendment revises the definition to insert a signpost for a definition of *licence* for part 4, in line with current legislative drafting practice.

[3.188] Dictionary, definition of *licence amendment application*

substitute

licence amendment application, for part 2 (Licences)—see section 9.

Explanatory note

This amendment updates the definition in line with current legislative drafting practice.

[3.189] Dictionary, definition of *operator*

omit

Explanatory note

This amendment omits a definition of a term that is not used in the Act.

[3.190] Dictionary, definition of *qualified accountant*

omit

Explanatory note

This amendment is consequential on the relocation of the definition to section 158 by another amendment.

[3.191] Dictionary, definition of *relevant premises*

omit

Explanatory note

This amendment omits a definition of a term that is not used in the Act.

[3.192] Dictionary, definition of *warning notice*

substitute

warning notice, for an associated organisation, for part 9 (Club administration)—see section 147B.

Explanatory note

This amendment updates the definition in line with current legislative drafting practice.

Part 3.24 Gaming Machine Regulation 2004

[3.193] Section 7 (3), definition of *GM*, paragraph (b)

omit

for a

substitute

for a large-scale machine relocation amendment application or a

Explanatory note

Section 7 was amended by the *Gaming Machine Amendment Act 2012* to include the working out of the number of club members for the purposes of the *Gaming Machine Act 2004*, including the following provisions:

- section 12 (5) (section 12 applies to an initial licence application under section 11);
- section 26C (2) (c) (section 26C applies if a licensee applies for a large-scale relocation amendment);
- section 26D (6) (d) (i) (section 26D applies if a licensee applies for a new venue amendment under section 22 (1) (g)).

The definitions of *GM* and *TGM*, used in the formula for working out the number of club members for a club with a membership agreement, currently define those terms for an initial licence application and a new venue amendment application. The amendments of the definitions of *GM* and *TGM* by the *Gaming Machine Amendment Act 2012* inadvertently failed to include references to a large-scale relocation amendment application. It is clear from the heading to section 7 that large-scale relocation amendment applications were intended to be covered by section 7. This amendment revises the definition of *GM*, paragraph (b) to include a reference to a large-scale machine relocation amendment application.

[3.194] Section 7 (3), definition of *TGM*, paragraph (b)

omit

for a

substitute

for a large-scale machine relocation amendment application or a

Explanatory note

Section 7 was amended by the *Gaming Machine Amendment Act 2012* to include the working out of the number of club members for the purposes of the *Gaming Machine Act 2004*, including the following provisions:

- section 12 (5) (section 12 applies to an initial licence application under section 11);
- section 26C (2) (c) (section 26C applies if a licensee applies for a large-scale relocation amendment);
- section 26D (6) (d) (i) (section 26D applies if a licensee applies for a new venue amendment under section 22 (1) (g)).

The definitions of *GM* and *TGM*, used in the formula for working out the number of club members for a club with a membership agreement, currently define those terms for an initial licence application and a new venue amendment application. The amendments of the definitions of *GM* and *TGM* by the *Gaming Machine Amendment Act 2012* inadvertently failed to include references to a large-scale relocation amendment application. It is clear from the heading to section 7 that large-scale relocation amendment applications were intended to be covered by section 7. This amendment revises the definition of *TGM*, paragraph (b) to include a reference to a large-scale machine relocation amendment application.

Part 3.25 Gas Safety Regulation 2001

[3.195] Section 17 (1)

omit

all or any

substitute

1 or more

Explanatory note

This amendment updates language in line with current legislative drafting practice.

[3.196] Section 18B (c)

omit

(Australian Standard 3814)

substitute

(AS 3814 (Industrial and commercial gas-fired appliances))

Explanatory note

This amendment updates language in line with current legislative drafting practice.

[3.197] Section 18B (c), new note

insert

Note AS 3814 may be purchased at www.standards.org.au.

Explanatory note

This amendment inserts a new note in line with current legislative drafting practice.

[3.198] Dictionary, note 2

insert

- AS/NZS (see s 164)

Explanatory note

Dictionary, note 2 lists examples of terms used in the regulation that are defined in the [Legislation Act](#), dictionary, part 1. This amendment inserts a term that is mentioned in the regulation and defined in the [Legislation Act](#), dictionary, part 1.

[3.199] Dictionary, new definition of AS/NZS 5601

insert

AS/NZS 5601 means AS/NZS 5601 (Gas installations).

Note AS/NZS 5601 may be purchased at www.standards.org.au.

Explanatory note

This amendment inserts a new definition of a term that is mentioned in other definitions in the dictionary.

Part 3.26 Long Service Leave (Portable Schemes) Act 2009

[3.200] Section 18 (2)

omit

avoid

substitute

remove

Explanatory note

This amendment updates language in line with current legislative drafting practice.

[3.201] Section 20, note

omit

s 78 (5) (b)

substitute

s 78 (7) (b)

Explanatory note

This amendment corrects a cross-reference.

[3.202] Section 21 (3)

omit

reasonably

Explanatory note

This amendment updates language in line with current legislative drafting practice.

[3.203] Schedule 1, section 1.5, formula

omit

0.13

substitute

1.3

Explanatory note

This amendment corrects an error in the formula for calculating the long service leave entitlement for a worker in the building and construction industry. When the formula was amended by the *Long Service Leave (Portable Schemes) Amendment Act 2012*, the decimal point was inadvertently located in the wrong place.

[3.207] Section 6

omit

director-general

substitute

director-general for that Act

Explanatory note

This amendment clarifies that the director-general mentioned is the director-general for the [Liquor Act 2010](#).

[3.208] Dictionary, definition of *investigator*

substitute

investigator—see the [Fair Trading \(Australian Consumer Law\) Act 1992](#), dictionary.

Explanatory note

This amendment updates the definition to correct a reference to the [Fair Trading \(Consumer Affairs\) Act 1973](#). That Act was repealed by the [Fair Trading \(Australian Consumer Law\) Amendment Act 2010](#), and its provisions were relocated to the [Fair Trading \(Australian Consumer Law\) Act 1992](#).

Part 3.28 Magistrates Court Regulation 2009

[3.209] Section 4 (3)

omit everything before paragraph (b), substitute

- (3) In working out the amount—
 - (a) a reference to the registrar is taken to be a reference to the court or the parties; and

Explanatory note

This amendment updates language in line with current legislative drafting practice.

Part 3.29 **Magistrates Court (Smoke-Free Public Places Infringement Notices) Regulation 2010**

[3.210] Section 6

omit

director-general

substitute

director-general for that Act

Explanatory note

This amendment clarifies that the director-general mentioned is the director-general for the [Smoke-Free Public Places Act 2003](#).

Part 3.30 **Magistrates Court (Tobacco Infringement Notices) Regulation 2010**

[3.211] Section 6

omit

director-general

substitute

director-general for that Act

Explanatory note

This amendment clarifies that the director-general mentioned is the director-general for the [Tobacco Act 1927](#).

Part 3.31 Ombudsman Act 1989

[3.212] Section 3C (1)

omit

NEMMCO

substitute

AEMO

Explanatory note

This amendment updates a term to reflect its change of name.

[3.213] Section 3C (2), new definition of *AEMO*

insert

AEMO—see the *National Electricity (ACT) Law*.

Explanatory note

This amendment inserts a signpost definition for a term defined in another Act in line with current legislative drafting practice.

[3.214] Section 3C (2), definition of *NEMMCO*

omit

Explanatory note

This amendment omits a redundant definition and is consequential on another amendment.

Part 3.32 Planning and Development Act 2007

[3.215] Section 21 (1)

omit

to be

substitute

as

Explanatory note

This amendment updates language in line with current legislative drafting practice.

[3.216] Section 24 (1), new note

insert

Note **Found guilty**—see the [Legislation Act](#), dictionary, pt 1.

Explanatory note

This amendment inserts a standard note about the definition of *found guilty*.

[3.217] Section 42, note

omit

s 78 (5) (b)

substitute

s 78 (7) (b)

Explanatory note

This amendment corrects a cross-reference.

[3.218] Section 138F (2), new notes

insert

Note 1 The [Statutory Declarations Act 1959](#) (Cwlth) applies to the making of statutory declarations under ACT laws.

Note 2 It is an offence to make a false or misleading statement, give false or misleading information or produce a false or misleading document (see [Criminal Code](#), pt 3.4).

Explanatory note

This amendment inserts standard notes about statutory declarations.

[3.219] Section 212 (2) (b)

omit

written

Explanatory note

This amendment omits a word that is redundant because of the [Legislation Act](#), section 42 (2), which requires notifiable instruments to be in writing.

[3.220] Section 228 (2)

omit

any or all

substitute

1 or more

Explanatory note

This amendment updates language in line with current legislative drafting practice.

[3.221] Section 228 (4), except note

substitute

- (4) If the Minister establishes an inquiry panel to inquire about an EIS, the Minister must—
- (a) prepare terms of reference for the inquiry; and
 - (b) give written notice of the inquiry to the proponent of the development proposal to which the EIS relates.

Explanatory note

This amendment omits words that are redundant because of the [Legislation Act](#), section 42 (2) (which requires notifiable instruments to be in writing), while clarifying that notice under section 228 (4) (b) must still be given in writing.

[3.222] Section 234, definition of *registered lease*

omit

Explanatory note

This amendment omits a definition of a term that is not used in the Act or the [Planning and Development Regulation 2008](#).

[3.223] Section 323 (2) (b)

omit

written

Explanatory note

This amendment omits a word that is redundant because of the [Legislation Act](#), section 42 (2), which requires notifiable instruments to be in writing.

[3.224] Schedule 4, section 4.1, definitions of *correctional centre* and *Corrections Management Act 2007*

omit

Explanatory note

This amendment omits definitions that are redundant as a consequence of the expiry of transitional provisions in the *Crimes (Sentence Administration) Act 2005*. A reference to the definition of *correctional centre* in the *Legislation Act*, dictionary, part 1, is inserted in the dictionary, note 2 (which lists terms used in the Act and defined in the *Legislation Act*, dictionary, part 1) by another amendment.

[3.225] Dictionary, note 2

insert

- correctional centre
- found guilty

Explanatory note

Dictionary, note 2 lists examples of terms used in the Act that are defined in the *Legislation Act*, dictionary, part 1. This amendment inserts terms mentioned in the Act and defined in the *Legislation Act*, dictionary, part 1.

[3.226] Dictionary, definition of *certification of occupancy*

omit

Explanatory note

This amendment corrects a typographical error.

[3.227] Dictionary, new definition of *certificate of occupancy*

insert

certificate of occupancy means a certificate issued under the *Building Act 2004*, section 69.

Explanatory note

This amendment corrects a typographical error.

[3.228] Dictionary, definition of *complaint*

omit

chapter 11 (Compliance)

substitute

chapter 11 (Controlled activities)

Explanatory note

This amendment corrects an incorrect reference to a chapter heading.

[3.229] Dictionary, definition of *correctional centre*

omit

Explanatory note

This amendment omits a redundant definition. The term is included in the dictionary, note 2 (which lists terms used in the Act and defined in the [Legislation Act](#), dictionary, part 1) by another amendment.

[3.230] Dictionary, definition of *heritage direction*

omit

Explanatory note

This amendment omits a definition of a term that is not used in the Act or the [Planning and Development Regulation 2008](#).

[3.231] Dictionary, definition of *municipal waste*

substitute

municipal waste, for schedule 4 (Development proposals in impact track because of need for EIS)—see schedule 4, section 4.1.

Explanatory note

This amendment updates a definition in line with current legislative drafting practice.

[3.232] Dictionary, definition of *registered lease*

omit

Explanatory note

This amendment omits a definition of a term that is not used in the Act or the *Planning and Development Regulation 2008*.

Part 3.33 Planning and Development Regulation 2008

[3.233] Section 14 (a) (iv), example 2

substitute

- 2 environmental values identified or targeted in relevant:
- plans (eg the *Territory Plan 2008*)
 - strategies (eg the *ACT Planning Strategy*)
 - threatened species management plans

Explanatory note

This amendment revises the example to include current examples of a plan and a strategy.

[3.234] Schedule 1, section 1.4 (2) (b)

substitute

- (b) section 1.15 (Criterion 5—compliance with lease and agreement collateral to lease).

Explanatory note

This amendment updates a reference to the heading to section 1.15, which was amended by the *Planning and Development Amendment Regulation 2010 (No 3)*, section 4.

[3.235] Schedule 1, section 1.10 (d)

substitute

(d) section 1.15 (Criterion 5—compliance with lease and agreement collateral to lease);

Explanatory note

This amendment updates a reference to the heading to section 1.15, which was amended by the *Planning and Development Amendment Regulation 2010 (No 3)*, section 4.

[3.236] Schedule 1, section 1.11 (4), definition of *utility infrastructure access or protection space*, paragraph (b)

omit

such as

substitute

, for example,

Explanatory note

This amendment updates language in line with current legislative drafting practice.

[3.237] Schedule 1, section 1.100B (a)

omit

heritage and tree protection

substitute

heritage, tree and environment protection

Explanatory note

This amendment revises paragraph (a) as a consequence of a change to the heading to section 1.14, made by the *Planning and Development Amendment Regulation 2012 (No 1)*, section 8.

[3.238] Dictionary, definition of *educational establishment*

omit

section 100.

substitute

the [territory plan](#) (13 Definitions).

Explanatory note

This amendment updates a definition in line with current legislative drafting practice.

Part 3.34 Retirement Villages Act 2012

**[3.239] Section 8 (1), definition of *residence right*,
paragraph (a) (iii) (B)**

after

residential premises;

insert

or

Explanatory note

This amendment inserts a missing conjunction.

**[3.240] Section 11, definition of *incoming contribution*,
paragraph (b) (ii)**

substitute

(ii) a recurrent charge;

Explanatory note

This amendment updates language in line with current legislative drafting practice.

[3.241] Section 15A (1) (c)

omit

resident

substitute

occupant

Explanatory note

This amendment revises language to be consistent with the rest of the Act. When referring to previous residents of a retirement village, the Act refers to ‘former occupants’, not ‘former residents’.

[3.242] Section 19 (1) (c)

omit

within the meaning of this Act

Explanatory note

This amendment omits unnecessary words.

[3.243] Section 22 (2), note 1

omit

Trade Practices Act 1975 (Cwlth)

substitute

Competition and Consumer Act 2010 (Cwlth)

Explanatory note

This amendment corrects a reference to an Act. The *Trade Practices Act 1975* (Cwlth) was renamed the *Competition and Consumer Act 2010* (Cwlth) by the *Trade Practices Amendment (Australian Consumer Law) Act (No. 2) 2010* (Cwlth).

[3.244] Section 29 (1) (d)

omit

for the village

substitute

of the village

Explanatory note

This amendment revises the paragraph to be consistent with the dictionary definition of *accounts*.

[3.245] Section 29 (1), note

substitute

Note Section 258 prohibits the operator of a retirement village from charging for making a document mentioned in s (1) available.

Explanatory note

This amendment brings the note into line with current legislative drafting practice.

[3.246] Section 35 (1) (b)

omit

the village

substitute

the retirement village

Explanatory note

This amendment updates language in line with current legislative drafting practice.

[3.247] Section 35 (2)

omit

a retirement village

substitute

the retirement village

Explanatory note

This amendment updates language in line with current legislative drafting practice.

[3.248] Section 35 (2)

omit

that person

substitute

the person

Explanatory note

This amendment updates language in line with current legislative drafting practice.

[3.249] Section 38 (4) and (5), new note

insert

Note A defendant has an evidential burden in relation to the matters mentioned in s (4) and s (5) (see [Criminal Code](#), s 58).

Explanatory note

This amendment inserts a standard note about evidential burden.

[3.250] Section 39 (2)

omit

holding deposit paid

substitute

holding deposit

Explanatory note

This amendment corrects a typographical error.

[3.251] Section 45 (1)

omit

a residential premises

substitute

residential premises

Explanatory note

This amendment corrects a typographical error.

[3.252] Section 45 (3)

substitute

- (3) Subsection (2) does not apply if the inconsistent term is a term of a standard form contract.

Note **Standard form contract**—see s 67.

Explanatory note

This amendment updates language in line with current legislative drafting practice.

[3.253] Section 50 (3)

substitute

- (3) Subsection (1) does not apply if the resident requested the amendment or new contract.

Note The defendant has an evidential burden in relation to the matters mentioned in s (3) (see [Criminal Code](#), s 58).

Explanatory note

This amendment updates language in line with current legislative drafting practice and inserts a standard note about evidential burden.

[3.254] Section 57 (11)

omit

sections 12 to 17

substitute

section 12 to section 17

Explanatory note

This amendment updates language in line with current legislative drafting practice.

[3.255] Section 64 (2) (b)

omit

are

substitute

is

Explanatory note

This amendment corrects a grammatical error.

[3.256] New section 65 (2)

insert

(2) In this section:

development—see the *Planning and Development Act 2007*, section 7.

Explanatory note

This amendment revises section 65 to bring the provision into line with current legislative drafting practice.

[3.257] Section 68 (4) (b)

omit

standard form

substitute

standard form contract

Explanatory note

This amendment inserts a missing word.

[3.258] Section 68 (4) (b) (i), new note

insert

Note A regulation may prescribe a matter that must be excluded from a village contract (see s 66).

Explanatory note

This amendment inserts a note alerting the reader to the exclusions under section 66.

[3.259] Section 68 (5)

omit

(i) and (ii)

Explanatory note

This amendment updates language in line with current legislative drafting practice.

[3.260] Section 71, definition of *end of the settling-in period*

substitute

end of the settling-in period, for a village contract, means the latest of the following days:

- (a) the day that is 90 days after the day when the resident is entitled to occupy the residential premises under the residence contract for the premises;
- (b) if the resident occupies the premises before the day mentioned in paragraph (a)—the day that is 90 days after the resident first occupies the residential premises;
- (c) another day agreed to by the operator of the retirement village and the resident.

Explanatory note

This amendment updates language in line with current legislative drafting practice.

[3.261] Section 75 (1) (b)

substitute

- (b) if another period is ordered by the ACAT—the ordered period.

Explanatory note

This amendment updates language in line with current legislative drafting practice.

[3.262] Section 76 (1) (c)

substitute

- (c) the cost of refurbishment of residential premises the subject of the residence contract;

Explanatory note

This amendment updates language in line with current legislative drafting practice.

[3.263] Section 76 (2)

substitute

- (2) In this section:

refurbishment, of residential premises the subject of a residence contract—see section 218.

Explanatory note

This amendment updates language in line with current legislative drafting practice.

[3.264] New section 77A

insert

77A Meaning of *resident*—pt 6

In this part:

resident, of a retirement village, includes a former occupant of the retirement village.

Note *Resident* is defined for the Act in the dictionary.

Explanatory note

The dictionary definition of *resident* provides that, for part 6, *resident* includes a former occupant. This amendment inserts a definition of *resident* in pt 6, consistent with current legislative drafting practice.

[3.265] Section 85 (1), (2) and note

omit

an amendment

substitute

a proposed amendment

Explanatory note

This amendment inserts a missing word.

[3.266] Section 85 (4)

substitute

- (4) If the residents refuse to consent to the proposed amendment of the approved annual budget, the operator may apply to the ACAT for an order in relation to the proposed amendment.

Explanatory note

This amendment updates language in line with current legislative drafting practice.

[3.267] Section 87 (1), note

substitute

Note The ACAT may make various orders in relation to compliance with the village rules (see s 181). It may also end a resident's residence contract for serious or persistent breaches of the village rules (see s 188).

Explanatory note

This amendment brings the note into line with current legislative drafting practice.

[3.268] Section 91 (4)

omit

the village

substitute

the retirement village

Explanatory note

This amendment updates language in line with current legislative drafting practice.

[3.269] Section 95

omit

development consent

substitute

development approval

Explanatory note

This amendment corrects an incorrect reference.

[3.270] Section 97 (3)

omit everything before paragraph (a), substitute

- (3) Subsection (1) does not apply if the operator prohibits a goods or service provider from entry (or further entry) into the retirement village because the provider has—

Explanatory note

This amendment updates language in line with current legislative drafting practice.

[3.271] Section 97 (3), new note

insert

Note The defendant has an evidential burden in relation to the matters mentioned in s (3) (see [Criminal Code](#), s 58).

Explanatory note

This amendment inserts a standard note about evidential burden.

[3.272] Section 99 (2) (d)

omit

domestic and financial

substitute

domestic or financial

Explanatory note

This amendment corrects a conjunction.

[3.273] Section 99 (3)

omit

is

Explanatory note

This amendment omits a redundant word.

[3.274] Section 100 (1) (b)

omit

person, enter

substitute

person enters

Explanatory note

This amendment corrects a grammatical error.

[3.275] Section 100 (1) (c)

omit

Explanatory note

This amendment omits a redundant paragraph to bring the provision into line with current legislative drafting practice (see also the amendment of section 100 (3)).

[3.276] Section 100 (3)

omit everything before paragraph (a), substitute

- (3) Subsection (1) does not apply if the operator or authorised person enters the residential premises in any of the following circumstances:

Explanatory note

This amendment updates language in line with current legislative drafting practice.

[3.277] Section 100 (3), new note

insert

Note The defendant has an evidential burden in relation to the matters mentioned in s (3) (see [Criminal Code](#), s 58).

Explanatory note

This amendment inserts a standard note about evidential burden.

[3.278] Section 100 (5)

omit

for an order

Explanatory note

This amendment omits redundant words.

[3.279] Section 102 (1) (c), note

omit

(Charging for certain information)

Explanatory note

This amendment brings the note into line with current legislative drafting practice.

[3.280] Section 103 (4)

substitute

- (4) Only a resident of a retirement village may be a member of the residents committee for the village.

Explanatory note

This amendment updates language in line with current legislative drafting practice.

[3.281] Section 107 (1)

omit

financial year of the village

substitute

financial year for the village

Explanatory note

This amendment updates language in line with current legislative drafting practice.

[3.282] Section 112 (2)

after

residents

insert

of a retirement village

Explanatory note

This amendment updates language in line with current legislative drafting practice.

[3.283] Section 116 (1), new note

insert

Note If a form is approved under s 263 for this provision, the form must be used.

Explanatory note

This amendment inserts a standard note about forms.

[3.284] Section 125 (2) (a)

omit

residents of the village

substitute

residents of the retirement village

Explanatory note

This amendment updates language in line with current legislative drafting practice.

[3.285] New section 133A

in division 7.1, insert

133A Meaning of *resident*—pt 7

In this part:

resident, of a retirement village, includes a former occupant of the retirement village.

Explanatory note

The dictionary definition of *resident* provides that, for part 7, *resident* includes a former occupant. This amendment inserts a definition of *resident* in part 7, consistent with current legislative drafting practice.

[3.286] Section 134 heading

substitute

134 Financial year for retirement village

Explanatory note

This amendment brings the heading into line with current legislative drafting practice.

[3.287] Section 141 (3)

omit

charges for the village

substitute

charges for the retirement village

Explanatory note

This amendment updates language in line with current legislative drafting practice.

[3.288] Section 145 (5)

omit

must cover the full replacement value of the village

substitute

in the retirement village must cover the full replacement value of the buildings

Explanatory note

This amendment clarifies the provision.

[3.289] Section 146 (1) (a)

substitute

(a) the operator sells a capital item for which the operator is responsible; and

(aa) the sale is to a resident of the village; and

Explanatory note

This amendment updates language in line with current legislative drafting practice.

[3.290] Section 146 (4)

omit

This section

substitute

Subsection (1)

Explanatory note

This amendment updates language in line with current legislative drafting practice.

[3.291] Section 146 (4), new note

insert

Note The defendant has an evidential burden in relation to the matters mentioned in s (4) (see [Criminal Code](#), s 58).

Explanatory note

This amendment inserts a standard note about evidential burden.

[3.292] Section 150 (1) (b)

substitute

(b) the amended charges are less than the recurrent charges amended in proportion to the variation in the CPI (since the recurrent charges were last amended) and rounded to the nearest whole dollar.

Note See also the offence in s 152.

Explanatory note

This amendment updates language in line with current legislative drafting practice and inserts a note to assist legislation users.

[3.293] Section 150 (2) (b)

omit

is given

substitute

was given

Explanatory note

This amendment corrects a grammatical error.

[3.294] Section 150 (3)

omit

under this section

Explanatory note

This amendment omits unnecessary words, in line with current legislative drafting practice.

[3.295] Section 150 (5)

omit

mentioned in subsection (1)

Explanatory note

This amendment omits unnecessary words, in line with current legislative drafting practice.

[3.296] Section 151 (1) (b)

substitute

- (b) the amended charges are more than the recurrent charges amended in proportion to the variation in the CPI (since the recurrent charges were last amended) and rounded to the nearest whole dollar.

Note See also the offence in s 152.

Explanatory note

This amendment updates language in line with current legislative drafting practice and inserts a note to assist legislation users.

[3.297] Section 151 (2) (b)

omit

is given

substitute

was given

Explanatory note

This amendment corrects a grammatical error.

[3.298] Section 153 (1) (b)

omit

(ACAT Orders—recurrent charges)

Explanatory note

This amendment updates language in line with current legislative drafting practice.

[3.299] Section 153 (5)

omit

for this subsection

Explanatory note

This amendment updates language in line with current legislative drafting practice.

[3.300] Section 154 (3) (b)

omit

not exceeding

substitute

of not longer than

Explanatory note

This amendment updates language in line with current legislative drafting practice.

[3.301] Section 156 (4)

omit

This section

substitute

Subsection (1)

Explanatory note

This amendment updates language in line with current legislative drafting practice.

[3.302] Section 156 (4), new note

insert

Note The defendant has an evidential burden in relation to the matters mentioned in s (4) (see [Criminal Code](#), s 58).

Explanatory note

This amendment inserts a standard note about evidential burden.

[3.303] Section 157 (2), note

omit

(Ending of residence contract if premises uninhabitable etc)

Explanatory note

This amendment brings the note into line with current legislative drafting practice.

[3.304] Section 159 (4) (b)

omit

as

substitute

for

Explanatory note

This amendment updates language in line with current legislative drafting practice.

[3.305] Section 160 (4)

before

village must

insert

retirement

Explanatory note

This amendment updates language in line with current legislative drafting practice.

[3.306] Section 163 (1)

omit

financial year of the village

substitute

financial year for the village

Explanatory note

This amendment updates language in line with current legislative drafting practice.

[3.307] Section 163 (2) (c)

omit

type

substitute

kind

Explanatory note

This amendment updates language in line with current legislative drafting practice.

[3.308] Section 163 (6)

omit

direction or makes a recommendation for further action under subsection (2)

substitute

direction under subsection (2) (b) or makes a recommendation for further action under subsection (2) (c)

Explanatory note

This amendment clarifies the provision.

[3.309] Section 166 (4)

after

operator

insert

of a retirement village

Explanatory note

This amendment updates language in line with current legislative drafting practice.

[3.310] Section 166 (5)

omit

A resident may apply to the ACAT for

substitute

A resident of the retirement village may apply to the ACAT for (and the ACAT may make)

Explanatory note

This amendment clarifies the provision and revises it to be consistent with section 176 (1).

[3.311] Section 168 (1)

omit

accounts for the village

substitute

accounts of the village

Explanatory note

This amendment revises the provision to be consistent with the dictionary definition of *accounts*.

[3.312] Section 168 (5)

substitute

- (5) Subsection (3) does not apply if the operator of the retirement village need not give the residents of the village a copy of the quarterly accounts for the village under section 171 (Quarterly accounts need not be given to residents in certain circumstances).

Note The defendant has an evidential burden in relation to the matters mentioned in s (5) (see [Criminal Code](#), s 58).

Explanatory note

This amendment updates language in line with current legislative drafting practice and inserts a standard note about evidential burden.

[3.313] Section 168 (8), definition of *quarterly accounts*

omit

Explanatory note

This term is used outside section 168, so the definition has been relocated to the dictionary by another amendment.

[3.314] Section 169 (3) (a)

omit

the village

substitute

the retirement village

Explanatory note

This amendment updates language in line with current legislative drafting practice.

[3.315] Section 169 (4) (a)

after

operator

insert

of a retirement village

Explanatory note

This amendment updates language in line with current legislative drafting practice.

[3.316] Section 169 (4) (b)

omit

the operator's

substitute

an operator of a retirement village's

Explanatory note

This amendment updates language in line with current legislative drafting practice.

[3.317] Section 170 (1)

omit

(Copies of annual accounts to be given to residents)

Explanatory note

This amendment updates language in line with current legislative drafting practice.

[3.318] Section 170 (2)

omit

operator of the village

substitute

operator of the retirement village

Explanatory note

This amendment updates language in line with current legislative drafting practice.

[3.319] Section 171 (2)

omit

accounts for the village

substitute

accounts of the village

Explanatory note

This amendment revises the provision to be consistent with the dictionary definition of *accounts*.

[3.320] Section 172

omit

Explanatory note

Section 172 defines ‘surplus’, a term used only in section 173. The definition is relocated to section 173 by another amendment. Because section 172 has no other function and no other definitions are included in the section, this amendment omits the section.

[3.321] Section 173 (1)

omit

village must

substitute

village for a financial year (a *surplus*) must

Explanatory note

This amendment relocates the definition of *surplus* from section 172. ‘Surplus’ is not mentioned in any other section.

[3.322] Section 174 (1)

after

the village

insert

for a financial year of the village (a *deficit*)

Explanatory note

This amendment clarifies the section.

[3.323] Section 174 (2)

after

operator

insert

of a retirement village

Explanatory note

This amendment updates language in line with current legislative drafting practice.

[3.324] Section 174 (2) (a), (c) and (d)

after

year

insert

for the village

Explanatory note

This amendment clarifies the section.

[3.325] Section 174 (3)

omit

the operator may

substitute

an operator of a retirement village may

Explanatory note

This amendment updates language in line with current legislative drafting practice.

[3.326] Section 174 (3) (a)

after

residents

insert

of the village

Explanatory note

This amendment updates language in line with current legislative drafting practice.

[3.327] Section 174 (3) (c)

after

year

insert

for the village

Explanatory note

This amendment clarifies the section.

[3.328] Section 174 (4)

omit

operator must not charge the residents

substitute

operator of a retirement village must not charge the residents of the
village

Explanatory note

This amendment updates language in line with current legislative drafting practice.

[3.329] New section 174A

in division 8.1, insert

174A Meaning of *resident*—pt 8

In this part:

resident, of a retirement village, includes a former occupant of the retirement village.

Explanatory note

The dictionary definition of *resident* provides that, for part 8, *resident* includes a former occupant. This amendment inserts a definition of *resident* in part 8, consistent with current legislative drafting practice.

[3.330] Section 176 (1)

omit

or the operator and the resident

Explanatory note

This amendment omits unnecessary words.

[3.331] Section 176 (1), note

omit

(ACAT orders)

Explanatory note

This amendment brings the note into line with current legislative drafting practice.

[3.332] Section 176 (2)

after

in accordance with

insert

any requirement prescribed by

Explanatory note

This amendment updates language in line with current legislative drafting practice.

[3.333] Section 177 (1)

omit

harsh, oppressive, unconscionable or unjust

substitute

unjust, unconscionable, harsh or oppressive

Explanatory note

This amendment reorders the wording of the provision to make it consistent with section 86 and section 188.

[3.334] Section 181 (1) (i) and (j)

omit

a resident or the operator of a retirement village

substitute

the resident or the operator

Explanatory note

This amendment updates language in line with current legislative drafting practice.

[3.335] Section 186 (6)

omit

185

substitute

185 (2)

Explanatory note

This amendment clarifies the cross-reference.

[3.336] Division 9.2 heading

substitute

**Division 9.2 Ending of residence contract by
ACAT on application of either
operator or resident**

Explanatory note

This amendment clarifies the heading.

[3.337] Section 187 heading

substitute

187 Ending of residence contract on medical grounds

Explanatory note

This amendment makes the heading consistent with the headings for section 185, section 186, and section 188.

[3.338] Section 187 (1)

omit

of the resident if the party considers that residential premises occupied by the resident

substitute

if the party considers that residential premises occupied by the resident under the contract

Explanatory note

This amendment clarifies the provision.

[3.339] Section 188 (4)

after

resident

insert

under the contract

Explanatory note

This amendment clarifies the provision.

[3.340] Division 9.3 heading

substitute

**Division 9.3 Ending of residence contract by
ACAT on application of operator**

Explanatory note

This amendment revises the heading to be consistent with similar headings.

[3.341] Section 189 heading

substitute

**189 Ending of residence contract on grounds of resident
 causing serious damage or injury**

Explanatory note

This amendment makes the heading consistent with the headings for section 185, section 186, and section 188.

[3.342] Section 189 (1)

after

the resident

insert

under the contract

Explanatory note

This amendment clarifies the provision.

[3.343] Section 189 (2)

after

resident

insert

under the contract

Explanatory note

This amendment clarifies the provision.

[3.344] Section 189 (3), new note

insert

Note The operator may apply under s 184 for an order ending a residence contract.

Explanatory note

This amendment inserts a note to assist legislation users.

[3.345] Section 190 heading

substitute

190 Ending of residence contract on grounds of upgrade or change of use

Explanatory note

This amendment brings the heading into line with similar headings.

[3.346] Section 190 (1)

after

residence contract for residential premises

insert

in the village

Explanatory note

This amendment clarifies the provision.

[3.347] Section 190 (1) (a)

substitute

- (a) the operator intends to carry out substantial works to improve the village that requires vacant possession of the residential premises; or

Explanatory note

This amendment updates language in line with current legislative drafting practice.

[3.348] Division 9.4 heading

substitute

**Division 9.4 Ending of residence contract by
Supreme Court on application of
administrator**

Explanatory note

This amendment revises the heading to be consistent with similar headings.

[3.349] Section 191 heading

substitute

**191 Ending of residence contract on grounds of retirement
village ceasing to operate**

Explanatory note

This amendment revises the heading to be consistent with similar headings.

[3.350] Division 9.5 heading

substitute

**Division 9.5 Suspension or refusal of orders for
 ending of residence contract**

Explanatory note

This amendment revises the heading to be consistent with similar headings.

[3.351] Section 192 heading

substitute

**192 ACAT may suspend or refuse to make order ending
 residence contract**

Explanatory note

This amendment clarifies the heading.

[3.352] Section 201

omit

resident

substitute

occupant

Explanatory note

This amendment revises language to be consistent with the rest of the Act. When referring to previous residents of a retirement village, the Act refers to 'former occupants', not 'former residents'.

[3.353] Section 202

omit

resident

substitute

occupant

Explanatory note

This amendment revises language to be consistent with the rest of the Act. When referring to previous residents of a retirement village, the Act refers to ‘former occupants’, not ‘former residents’.

[3.354] Section 202 (2)

omit

resident’s

substitute

occupant’s

Explanatory note

This amendment revises language to be consistent with the rest of the Act. When referring to previous residents of a retirement village, the Act refers to ‘former occupants’, not ‘former residents’.

[3.355] Section 203

omit

resident

substitute

occupant

Explanatory note

This amendment revises language to be consistent with the rest of the Act. When referring to previous residents of a retirement village, the Act refers to ‘former occupants’, not ‘former residents’.

[3.356] Section 204

substitute

204 Title to sold goods

- (1) This section applies if a person (the *buyer*) buys goods sold by the operator of a retirement village under this division.
- (2) The buyer acquires title to the goods free of any mortgage, lien or charge in favour of another person affecting the goods that the buyer was unaware at the time of buying the goods.

Explanatory note

This amendment revises the section to make the meaning clearer and to be consistent with current legislative drafting practice.

[3.357] Section 209 (1)

substitute

- (1) A resident of a retirement village who is temporarily absent from the village for a period of at least 28 days is not liable to pay, in relation to the period over 28 days, recurrent charges for optional services.

Explanatory note

This amendment clarifies the meaning of the provision.

[3.358] Section 211 (2) (a) and (3)

omit

the village

substitute

the retirement village

Explanatory note

This amendment updates language in line with current legislative drafting practice.

[3.359] Section 214 (1), definition of *departure fee*, paragraph (a)

after

residence right

insert

in relation to residential premises

Explanatory note

This amendment updates language in line with current legislative drafting practice.

[3.360] Section 214 (3)

after

residence right

insert

in relation to residential premises

Explanatory note

This amendment updates language in line with current legislative drafting practice.

[3.361] New section 221A

insert

221A Meaning of *resident*—div 10.5

In this division:

resident, of a retirement village, includes a former occupant of the retirement village.

Explanatory note

The dictionary definition of ***resident*** provides that, for division 10.5, ***resident*** includes a former occupant. This amendment inserts a definition of ***resident*** in division 10.5, consistent with current legislative drafting practice.

[3.362] Section 224 (4)

omit

of the village

substitute

of the retirement village

Explanatory note

This amendment updates language in line with current legislative drafting practice.

[3.363] Section 224 (5), definition of *village rules*

substitute

village rules, of a retirement village, includes by-laws if the village is part of a community title scheme or units plan.

Explanatory note

This amendment updates language in line with current legislative drafting practice.

[3.364] Section 225 (1)

omit

gains

substitute

gain

Explanatory note

This amendment corrects a typographical error.

[3.365] Section 225 (3)

omit

operator's (or person's)

substitute

operator (or person)

Explanatory note

This amendment corrects a typographical error.

[3.366] Section 226 (1)

omit

for the sale

Explanatory note

This amendment omits unnecessary words.

[3.367] Section 226 (3)

omit

buyer's

substitute

buyer

Explanatory note

This amendment corrects a typographical error.

[3.368] Section 232 (1)

omit

(except as provided by section 229 (5) (Letting or subletting of premises))

Explanatory note

This amendment omits unnecessary words. Subsection (3) provides that subsection (1) does not apply if section 229 (5) applies.

[3.369] Section 232 (5)

omit

the village.

substitute

the retirement village.

Explanatory note

This amendment updates language in line with current legislative drafting practice.

[3.370] Section 238 (2)

omit the first occurrence of

the village

substitute

the retirement village

Explanatory note

This amendment updates language in line with current legislative drafting practice.

[3.371] Section 238 (4), note

omit

gains

substitute

gain

Explanatory note

This amendment corrects a typographical error.

[3.372] Section 241 (1) (a)

omit

a resident (other than a registered interest holder)

substitute

a resident of the village under the contract

Explanatory note

This amendment updates language in line with current legislative drafting practice.

[3.373] Section 241 (2)

substitute

- (2) However, this part does not apply to a village contract if the resident is a registered interest holder.

Explanatory note

This amendment updates language in line with current legislative drafting practice.

[3.374] Section 245 (2) (b)

omit

former resident

substitute

former occupant

Explanatory note

This amendment revises language to be consistent with the rest of the Act. When referring to previous residents of a retirement village, the Act refers to ‘former occupants’, not ‘former residents’.

[3.375] Section 253 (2) (b)

omit

conduct

substitute

conducting

Explanatory note

This amendment corrects a typographical error.

[3.376] Section 260 (1) (b)

omit

if the operator obtains legal advice—

Explanatory note

This amendment omits unnecessary words.

[3.377] Dictionary, note 2

insert

- authorised deposit-taking institution
- commissioner for fair trading
- doctor
- Territory

Explanatory note

Dictionary, note 2 lists examples of terms used in the Act that are defined in the [Legislation Act](#), dictionary, part 1. This amendment inserts terms that are mentioned in the Act and defined in the [Legislation Act](#), dictionary, part 1.

[3.378] Dictionary, definition of *approved annual budget*

substitute

approved annual budget, for a financial year of a retirement village, means a proposed annual budget taken to be an approved annual budget under section 165.

Explanatory note

This amendment revises the definition in line with current legislative drafting practice.

[3.379] Dictionary, definition of *financial year*

omit

of a retirement village

substitute

for a retirement village

Explanatory note

This amendment revises the definition in line with current legislative drafting practice.

[3.380] Dictionary, definition of *proposed annual budget*

omit

for a retirement village

substitute

of a retirement village

Explanatory note

This amendment revises the definition in line with current legislative drafting practice.

[3.381] Dictionary, new definition of *quarterly accounts*

insert

quarterly accounts, for a quarter for a retirement village, means the accounts of the village's income and spending for the quarter.

Explanatory note

This amendment relocates a definition from section 168 because the term is used outside that section. The amendment also clarifies the definition.

[3.382] Dictionary, definition of *resident*, paragraph (b) (iii)

substitute

- (iii) a person mentioned in section 15A (1) (a), (b) or (c) (Application to residents and operators of former retirement villages);
- (iv) for part 6 (General management of retirement villages)—see section 77A;
- (v) for part 7 (Financial management of retirement villages)—see section 133A;
- (vi) for part 8 (Disputes)—see section 174A;

- (vii) for division 10.5 (Sale or letting of premises by certain residents)—see section 221A.

Explanatory note

This amendment is consequential on new section 15A, section 77A, section 133A, section 174A and section 221A and is consistent with current legislative drafting practice.

[3.383] Dictionary, definition of *services and facilities*

omit

the operator

substitute

an operator of a retirement village

Explanatory note

This amendment revises the definition in line with current legislative drafting practice.

[3.384] Dictionary, definition of *surplus*

omit

Explanatory note

This amendment is consequential on the definition in section 172 being relocated to section 173.

[3.385] Dictionary, definition of *tenant*

after

occupy residential premises

insert

in a retirement village

Explanatory note

This amendment revises the definition in line with current legislative drafting practice.

[3.386] Dictionary, definition of *tenant*, note

substitute

Note A tenant is not a *resident* because a tenant does not have a residence right in relation to residential premises in a retirement village—see div 10.5.

Explanatory note

This amendment clarifies the note.

[3.387] Dictionary, definition of *unit*

omit

dictionary

substitute

section 9

Explanatory note

This amendment revises the definition in line with current legislative drafting practice.

[3.388] Further amendments, mentions of *village*

before

village

insert

retirement

in

- section 15 (2)
- section 22 (5) and (6)
- section 24 (3) (a)
- section 103 (3)
- section 125 (2) (a), (b) and (c), (3) and (4)
- section 130 (1) (c) and (2)

- section 153 (2) (b)
- section 154 (5) (a)
- section 159 (5) (a)
- section 160 (2) and (3)
- section 162 (4) and (5)
- section 163 (4) and (7)
- section 166 (3) (b)
- section 168 (2)
- section 170 (3) (a)
- section 191 (2) (a)
- section 195 (2)
- section 228 (4)
- section 231 (2)
- section 236 (3)

Explanatory note

This amendment updates language in line with current legislative drafting practice.

Part 3.35 Road Transport (Alcohol and Drugs) Act 1977

[3.389] Section 13 (1)

omit

shall take all steps that are reasonably practicable

substitute

must take all steps that are practicable

Explanatory note

This amendment updates language in line with current legislative drafting practice.

[3.390] Section 13F (1)

omit

reasonably

Explanatory note

This amendment updates language in line with current legislative drafting practice.

[3.391] Section 16 (2)

omit

that person

substitute

the person

Explanatory note

This amendment updates language in line with current legislative drafting practice.

[3.392] Section 16 (2) (a) and (4)

omit

a person to whom this section applies

substitute

the person

Explanatory note

This amendment updates language in line with current legislative drafting practice.

[3.393] Section 16 (3)

omit

For a person mentioned in subsection (1) (a), if the person is not in hospital,

substitute

If the person is not in hospital and is not otherwise in custody under this Act,

Explanatory note

This amendment removes unnecessary wording and clarifies that the subsection does not apply to people who are already in the custody of a police officer under the Act.

[3.394] Section 43 (3)

substitute

- (3) Even if a notice has been given under subsection (2) and the people mentioned in the notice give evidence relating to the matters stated in the certificates, the certificates—
- (a) are admissible in evidence; and
 - (b) are evidence of the matters stated in the certificates and of the facts on which they are based; and
 - (c) have the probative value that the court determines consistently with the other evidence before the court.

Explanatory note

This amendment updates language in line with current legislative drafting practice.

[3.395] Section 45 heading

substitute

45 Requirement for screening test before arrest

Explanatory note

This amendment updates the section heading to more accurately reflect the substance of the section.

[3.396] Dictionary, note 3

insert

- vehicle

Explanatory note

Dictionary, note 3 lists examples of terms used in the Act that are defined in the [Road Transport \(General\) Act 1999](#), dictionary. The definition is inserted in that dictionary by another amendment and applies to this Act (see [Road Transport \(General\) Act 1999](#), section 8).

[3.397] Dictionary, definition of *offence of culpable driving*

omit

section 29 (Culpable driving)

substitute

section 29 (Culpable driving of motor vehicle)

Explanatory note

This amendment updates the definition to correct the cross-reference to the heading of the [Crimes Act 1900](#), section 29.

[3.398] Dictionary, definition of *prescribed concentration*

omit

means

Explanatory note

This amendment omits a redundant word.

[3.399] Dictionary, definition of *sampling facility*

substitute

sampling facility means a facility prescribed by regulation to which a person may be taken for the purpose of having—

- (a) a blood sample taken by a doctor or nurse for analysis under part 2 (Examination of people for alcohol or drugs); or
- (b) a medical examination under part 2.

Examples—sampling facility

- 1 a police station
- 2 a police vehicle equipped for the purpose of taking blood samples

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

The [Act](#), section 16 allows a police officer, in limited circumstances, to take a person to a sampling facility for the purpose of a medical examination. The current definition of a sampling facility only refers to prescribed facilities whose purpose is to allow the taking of blood samples for analysis. This amendment ensures that the definition of sampling facility includes the purpose of having a medical examination under part 2 (Examination of people for alcohol or drugs). A sampling facility will still need to be prescribed by regulation.

[3.400] Further amendments, mentions of *shall*

omit

shall

substitute

must

in

- section 13 (1)
- section 15
- section 16

- section 18
- section 23 (2)
- section 42A (2)
- section 49

Explanatory note

This amendment updates language in line with current legislative drafting practice.

Part 3.36 Road Transport (Driver Licensing) Act 1999

[3.401] Dictionary, note 3

insert

- vehicle

Explanatory note

Dictionary, note 3 lists examples of terms used in the Act that are defined in the [Road Transport \(General\) Act 1999](#), dictionary. The definition is inserted in that dictionary by another amendment and applies to this Act (see [Road Transport \(General\) Act 1999](#), section 8).

[3.402] Dictionary, definition of *infringement notice*, paragraph (a)

omit

section 24 (Service of infringement notices generally) or 36 (Service of infringement notices on responsible people for vehicles)

substitute

division 3.2 (Infringement and reminder notices)

Explanatory note

This amendment updates a cross-reference because of amendments made by the [Road Transport \(General\) Amendment Act 2012 \(No 2\)](#).

[3.406] Section 14 (2) (b)

omit

all or any

substitute

any

Explanatory note

This amendment updates language in line with current legislative drafting practice.

[3.407] Section 69 (6)

omit

all or any

substitute

1 or more

Explanatory note

This amendment updates language in line with current legislative drafting practice.

[3.408] Section 73B, definition of *alcohol awareness course*

substitute

alcohol awareness course—see section 73I (Alcohol awareness course—approval).

Explanatory note

This amendment updates language in line with current legislative drafting practice.

[3.409] Section 73K, definition of *drug awareness course*

substitute

drug awareness course—see section 73R (Drug awareness course—approval).

Explanatory note

This amendment updates language in line with current legislative drafting practice.

[3.410] Section 78 (2)

omit

all or any

substitute

1 or more

Explanatory note

This amendment updates language in line with current legislative drafting practice.

[3.411] Section 120 (1)

omit

all or any

substitute

1 or more

Explanatory note

This amendment updates language in line with current legislative drafting practice.

[3.412] Section 138 (b)

omit

all or any

substitute

any

Explanatory note

This amendment updates language in line with current legislative drafting practice.

[3.413] Section 142

omit

Explanatory note

This section extends the definition of *vehicle* in the Act. That definition has been omitted by another amendment so this definition is redundant.

[3.414] Dictionary, note 3

omit

- vehicle

Explanatory note

Dictionary, note 3 lists examples of terms used in the regulation that are defined in the [Road Transport \(Driver Licensing\) Act 1999](#), dictionary. The definition is omitted from that dictionary by another amendment so this entry is redundant.

[3.415] Dictionary, note 4

insert

- vehicle

Explanatory note

Dictionary, note 4 lists examples of terms used in the regulation that are defined in the [Road Transport \(General\) Act 1999](#), dictionary. The definition is inserted in that dictionary by another amendment and applies to this regulation (see [Road Transport \(General\) Act 1999](#), section 8).

[3.416] Dictionary, definition of *GVM*

omit

Road Transport (Vehicle Registration) Regulation 2000

substitute

Road Transport (Vehicle Registration) Act 1999

Explanatory note

This amendment updates a definition in line with current legislative drafting practice.

[3.417] Dictionary, definition of *international visitor*

omit

Explanatory note

This amendment omits a redundant definition.

[3.418] Dictionary, definition of *private hire car*

omit

Explanatory note

This amendment omits a redundant definition.

Part 3.38 Road Transport (General) Act 1999

[3.419] Dictionary, new definitions

insert

alcohol awareness course—see the *Road Transport (Driver Licensing) Regulation 2000*, section 73I.

drug awareness course—see the *Road Transport (Driver Licensing) Regulation 2000*, section 73R.

Explanatory note

This amendment inserts new signpost definitions of *alcohol awareness course* and *drug awareness course* into the Act, dictionary. The Act, dictionary contains commonly-used terms in the road transport legislation. Including a definition of the term in the Act will assist legislation users, as it is used in other road transport legislation.

[3.420] Dictionary, new definition of *tracked vehicle*

insert

tracked vehicle means a vehicle that moves on wheels inside endless tracks.

Example—tracked vehicle

bulldozer

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 relocates a definition of a term used in the new definition of *vehicle* from the *Road Transport (General) Regulation 2000*, section 32. The definition of *vehicle* is replaced by the new definition in another amendment.

[3.421] Dictionary, definition of *vehicle*

substitute

vehicle means—

- (a) any vehicle, including a tracked vehicle, other than a vehicle that is used exclusively on railways or tramways; or

- (b) anything else prescribed as a vehicle by regulation.

Explanatory note

This amendment remakes the definition to include the substance of the *Road Transport (General) Regulation 2000*, section 32 which prescribed that the definition of *vehicle* includes a tracked vehicle that is not used exclusively on a railway or tramway. Section 32 is omitted by another amendment.

Part 3.39 Road Transport (General) Regulation 2000

[3.422] Section 32

omit

Explanatory note

This amendment omits the section as a consequence of the substance of the provision being incorporated into the definition of *vehicle* in the *Road Transport (General) Act 1999*, dictionary, by another amendment.

[3.423] Dictionary, note 3

insert

- alcohol awareness course
- drug awareness course
- vehicle

Explanatory note

Dictionary, note 3 lists examples of terms used in the Act that are defined in the *Road Transport (General) Act 1999*, dictionary. Under the *Road Transport (General) Act 1999*, section 8, a definition of a word or expression defined in an Act included in the road transport legislation applies to each use of the word or expression unless the contrary intention appears. This amendment inserts terms that are used in the Act and defined in the *Road Transport (General) Act 1999*, dictionary.

Part 3.40 Road Transport (Mass, Dimensions and Loading) Act 2009

[3.424] Dictionary, note 3

insert

- vehicle

Explanatory note

Dictionary, note 3 lists examples of terms used in the Act that are defined in the *Road Transport (General) Act 1999*, dictionary. Under the *Road Transport (General) Act 1999*, section 8, a definition of a word or expression defined in an Act included in the road transport legislation applies to each use of the word or expression unless the contrary intention appears. This amendment inserts a term that is used in the Act and defined in the *Road Transport (General) Act 1999*, dictionary. The definition of *vehicle* is omitted from the dictionary by another amendment.

[3.425] Dictionary, definition of *vehicle*

omit

Explanatory note

This amendment omits an unnecessary definition. The *Road Transport (General) Act 1999*, section 8 provides that if a word or expression is defined in an Act (but not a regulation or another publication) included in the road transport legislation, the definition applies to each use of the word or expression in other road transport legislation unless the contrary intention appears. The definition of *vehicle* in the Act, dictionary is effectively the same as the definition of *vehicle* in the *Road Transport (General) Act 1999*, dictionary that is being remade by another amendment.

Part 3.41 Road Transport (Mass, Dimensions and Loading) Regulation 2010

[3.426] Section 68A

omit

Explanatory note

This amendment omits the section as a consequence of the substance of the provision being incorporated into the definition of *vehicle* in the *Road Transport (General) Act 1999*, dictionary, by another amendment.

[3.427] Dictionary, new note

insert

Note 4 The *Road Transport (General) Act 1999*, dictionary contains definitions relevant to this regulation. For example, the following terms are defined in the *Road Transport (General) Act 1999*, dictionary:

- combination
- motor vehicle
- National Transport Commission
- road transport authority (or authority) (see s 16)
- use (in relation to a vehicle)
- vehicle.

Explanatory note

This amendment inserts a new note in the regulation, dictionary to assist users in interpreting the regulation and other road transport legislation. The new note lists examples of terms used in the regulation and defined in the *Road Transport (General) Act 1999*, dictionary.

[3.428] Dictionary, definition of *National Transport Commission*

omit

Explanatory note

This amendment omits a redundant definition.

Part 3.42 Road Transport (Public Passenger Services) Act 2001

[3.429] Dictionary, note 3

insert

- vehicle

Explanatory note

Dictionary, note 3 lists examples of terms used in the Act that are defined in the *Road Transport (General) Act 1999*, dictionary. Under the *Road Transport (General) Act 1999*, section 8, a definition of a word or expression defined in an Act included in the road transport legislation applies to each use of the word or expression unless the contrary intention appears. This amendment inserts a term that is used in the Act and defined in the *Road Transport (General) Act 1999*, dictionary. The definition of *vehicle* is omitted from the dictionary by another amendment.

[3.430] Dictionary, definition of *vehicle*

omit

Explanatory note

This amendment omits an unnecessary definition. The *Road Transport (General) Act 1999*, section 8 provides that if a word or expression is defined in an Act (but not a regulation or another publication) included in the road transport legislation, the definition applies to each use of the word or expression in other road transport legislation unless the contrary intention appears. The definition of *vehicle* in the Act, dictionary is effectively the same as the definition of *vehicle* in the *Road Transport (General) Act 1999*, dictionary that is being remade by another amendment.

Part 3.43 Road Transport (Public Passenger Services) Regulation 2002

[3.431] Section 7 (6), definition of *infringement notice*, paragraph (a)

omit

section 24 (Service of infringement notices generally) or section 36 (Service of infringement notices on responsible persons for vehicles)

substitute

division 3.2 (Infringement and reminder notices)

Explanatory note

This amendment updates a cross-reference because of amendments made by the [Road Transport \(General\) Amendment Act 2012 \(No 2\)](#).

[3.432] Chapter 10

omit

Explanatory note

Chapter 10 comprises section 327 only, the purpose of which is to extend the definition of *vehicle* for the purposes of the definition of that term in the [Road Transport \(Public Passenger Services\) Act 2001](#). Other amendments omit the definition of *vehicle* from that Act, and revise the definition of *vehicle* in the [Road Transport \(General\) Act 1999](#) to include the substance of section 327. This amendment omits chapter 10 as a consequence of those amendments.

[3.433] Dictionary, note 4

insert

- vehicle

Explanatory note

Dictionary, note 4 lists examples of terms used in the regulation that are defined in the *Road Transport (General) Act 1999*, dictionary. Under the *Road Transport (General) Act 1999*, section 8, a definition of a word or expression defined in an Act included in the road transport legislation applies to each use of the word or expression unless the contrary intention appears. This amendment inserts a term that is used in the regulation and defined in the *Road Transport (General) Act 1999*, dictionary.

[3.434] Further amendments, new note

insert

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

in

- section 50 (2)
- section 68 (2)
- section 72 (2) (d)
- section 132 (2)
- section 145
- section 156 (2)
- section 158 (2)
- section 159

Explanatory note

This amendment inserts a standard note about examples into each provision mentioned in the amendment.

Part 3.44 Road Transport (Safety and Traffic Management) Act 1999

[3.435] Section 27 (1) (b)

substitute

- (b) a person nominated in an illegal user declaration, known user declaration or sold vehicle declaration under the [Road Transport \(General\) Act 1999](#), division 3.2 (Infringement and reminder notices) by the responsible person for a vehicle shown in an image taken by a traffic offence detection device.

Explanatory note

This amendment updates a cross-reference because of amendments made by the [Road Transport \(General\) Amendment Act 2012 \(No 2\)](#).

[3.436] Dictionary, note 2

insert

- found guilty

Explanatory note

Dictionary, note 2 lists examples of terms used in the Act that are defined in the [Legislation Act](#), dictionary, part 1. This amendment inserts a term that is mentioned in the Act and defined in the [Legislation Act](#), dictionary, part 1.

[3.437] Dictionary, note 3

insert

- illegal user declaration
- known user declaration
- sold vehicle declaration
- vehicle

Explanatory note

Dictionary, note 3 lists examples of terms used in the Act that are defined in the *Road Transport (General) Act 1999*, dictionary. Under the *Road Transport (General) Act 1999*, section 8, a definition of a word or expression defined in an Act included in the road transport legislation applies to each use of the word or expression unless the contrary intention appears. This amendment inserts a term that is used in the Act and defined in the *Road Transport (General) Act 1999*, dictionary.

[3.438] Dictionary, definition of *loaded unsafely*

substitute

loaded unsafely, for part 3 (Unsafe loads)—see section 11.

Explanatory note

This amendment corrects a typographical error.

[3.439] Dictionary, definition of *registered interest*

omit

Registration of Interests in Goods Act 1986 (NSW)

substitute

Personal Property Securities Act 2009 (Cwlth)

Explanatory note

This amendment substitutes a reference to repealed NSW legislation with a reference to the Commonwealth legislation that replaced it.

[3.440] Dictionary, definition of *restricted licence*

omit

Explanatory note

This amendment omits a redundant definition.

[3.441] Dictionary, new definition of *shortest practicable route*

insert

shortest practicable route, between 2 detection points, for part 6 (Traffic offence detection devices)—see section 23B (a).

Explanatory note

This amendment inserts a signpost definition for a term defined elsewhere in the Act.

[3.442] Dictionary, definition of *vehicle*

omit

Explanatory note

This amendment omits an unnecessary definition. The *Road Transport (General) Act 1999*, section 8 provides that if a word or expression is defined in an Act (but not a regulation or another publication) included in the road transport legislation, the definition applies to each use of the word or expression in other road transport legislation unless the contrary intention appears. The definition of *vehicle* in the Act, dictionary is effectively the same as the definition of *vehicle* in the *Road Transport (General) Act 1999*, dictionary that is being remade by another amendment.

Part 3.45 Road Transport (Third-Party Insurance) Act 2008

[3.443] Dictionary, note 3

insert

- vehicle

Explanatory note

Dictionary, note 3 lists examples of terms used in the Act that are defined in the *Road Transport (General) Act 1999*, dictionary. Under the *Road Transport (General) Act 1999*, section 8, a definition of a word or expression defined in an Act included in the road transport legislation applies to each use of the word or expression unless the contrary intention appears. This amendment inserts a term that is used in the Act and defined in the *Road Transport (General) Act 1999*, dictionary.

Part 3.46 Road Transport (Vehicle Registration) Act 1999

[3.444] Dictionary, note 3

insert

- vehicle

Explanatory note

Dictionary, note 3 lists examples of terms used in the Act that are defined in the *Road Transport (General) Act 1999*, dictionary. Under the *Road Transport (General) Act 1999*, section 8, a definition of a word or expression defined in an Act included in the road transport legislation applies to each use of the word or expression unless the contrary intention appears. This amendment inserts a term that is used in the Act and defined in the *Road Transport (General) Act 1999*, dictionary. The definition of *vehicle* is omitted from the dictionary by another amendment.

[3.445] Dictionary, definition of *vehicle*

omit

Explanatory note

This amendment omits an unnecessary definition. The *Road Transport (General) Act 1999*, section 8 provides that if a word or expression is defined in an Act (but not a regulation or another publication) included in the road transport legislation, the definition applies to each use of the word or expression in other road transport legislation unless the contrary intention appears. The definition of *vehicle* in the Act, dictionary is effectively the same as the definition of *vehicle* in the *Road Transport (General) Act 1999*, dictionary that is being remade by another amendment.

Part 3.47 Road Transport (Vehicle Registration) Regulation 2000

[3.446] Section 32 (1) (b)

omit

, for example, any

substitute

a

Explanatory note

This amendment updates language in line with current legislative drafting practice.

[3.447] Section 32 (1), note

omit

Explanatory note

This amendment is consequential on the omission of the words ‘for example’ in section 3 (1) (b) by another amendment.

[3.448] Section 39 (b)

omit

all or any of that information

substitute

the information

Explanatory note

This amendment updates language in line with current legislative drafting practice.

[3.449] Section 72 (1)

omit

, for example

Explanatory note

This amendment updates language in line with current legislative drafting practice.

[3.450] Section 165

omit

Explanatory note

This amendment omits the section as a consequence of the substance of the provision being incorporated into the definition of *vehicle* in the *Road Transport (General) Act 1999*, dictionary by another amendment.

[3.451] Schedule 1, section 1.126 (1) and note

substitute

(1) In this section:

rear marking plate means a rear marking plate complying with VSB 12 (Rear marking plates) as in force from time to time.

VSB means Vehicle Standards Bulletin.

Note Vehicle Standards Bulletins provide information on the design, manufacture, sale, modification, maintenance, import and repair of road vehicles. The term ‘road vehicles’ includes both motor vehicles and trailers. The bulletins do not need to be notified under the [Legislation Act](#) because s 47 (5) or (6) does not apply (see [Legislation Act](#), s 47 (7)). The bulletins are accessible at www.infrastructure.gov.au.

Explanatory note

This amendment relocates a definition of a term from the dictionary that is used only in schedule 1, section 1.126, in line with current legislative drafting practice. The definition is omitted from the dictionary by another amendment.

[3.452] Dictionary, note 2

insert

- daylight
- found guilty

Explanatory note

Dictionary, note 2 lists examples of terms used in the Act that are defined in the [Legislation Act](#), dictionary, part 1. This amendment inserts terms that are mentioned in the Act and defined in the [Legislation Act](#), dictionary, part 1.

[3.453] Dictionary, note 4

insert

- vehicle

Explanatory note

Dictionary, note 4 lists examples of terms used in the regulation that are defined in the *Road Transport (General) Act 1999*, dictionary. Under the *Road Transport (General) Act 1999*, section 8, a definition of a word or expression defined in an Act included in the road transport legislation applies to each use of the word or expression unless the contrary intention appears. This amendment inserts a term that is used in the regulation and defined in the *Road Transport (General) Act 1999*, dictionary.

[3.454] Dictionary, new definitions

insert

approval, of premises, for part 6.3 (Inspections)—see section 115.

authorisation, for part 6.3 (Inspections)—see section 115.

certificate of appointment, for part 6.3 (Inspections)—see section 115.

Explanatory note

This amendment inserts signpost definitions for terms defined elsewhere in the Act.

[3.455] Dictionary, definition of *component identification number*

after

vehicle

insert

, for part 6.4 (Component identification numbers)

Explanatory note

This amendment updates a signpost definition in line with current legislative drafting practice.

[3.456] Dictionary, definition of *daylight*

omit

Explanatory note

This amendment omits a redundant definition. The [Legislation Act](#), dictionary, part 1 defines daylight in the same way as the omitted definition so a reference to the definition has been included in the dictionary, note 2 (which lists terms used in the Act and defined in the [Legislation Act](#), dictionary, part 1) by another amendment.

[3.457] Dictionary, definition of *infringement notice*, paragraph (a)

omit

section 24 (Service of infringement notices generally) or section 36 (Service of infringement notices on responsible persons for vehicles)

substitute

division 3.2 (Infringement and reminder notices)

Explanatory note

This amendment updates a cross-reference because of amendments made by the [Road Transport \(General\) Amendment Act 2012 \(No 2\)](#).

[3.458] Dictionary, definition of *operator*

substitute

operator—

- (a) of a motor vehicle or trailer, for part 6.1 (General requirements)—see section 105; and
- (b) of a combination, for part 6.1—see section 106.

Explanatory note

This amendment updates the definition in line with current legislative drafting practice.

[3.459] Dictionary, definition of *owner*

substitute

owner—

- (a) of a prescribed right to a non-standard registration number, for part 3.5 (Numberplates)—see section 46; and
- (b) of premises, for part 6.3 (Inspections)—see section 115.

Explanatory note

This amendment updates the definition in line with current legislative drafting practice.

[3.460] Dictionary, definition of *plate-holder*

substitute

plate-holder, of a numberplate, for part 3.5 (Numberplates)—see section 46.

Explanatory note

This amendment updates the definition in line with current legislative drafting practice.

[3.461] Dictionary, definition of *pole-type trailer*

substitute

pole-type trailer means a trailer that—

- (a) is attached to a towing vehicle by a pole, or an attachment fitted to a pole; and

- (b) is ordinarily used for transporting loads, including, for example, logs, pipes, structural members or other long objects, that can generally support themselves like beams between supports.

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

Explanatory note

This amendment updates the definition in line with current legislative drafting practice and inserts a standard note about examples.

[3.462] Dictionary, definition of *prescribed right*

substitute

prescribed right, to a non-standard registration number, for part 3.5 (Numberplates)—see section 46.

Explanatory note

This amendment updates the definition in line with current legislative drafting practice.

[3.463] Dictionary, definition of *proprietor*

substitute

proprietor, of premises, for part 6.3 (Inspections)—see section 115.

Explanatory note

This amendment updates the definition in line with current legislative drafting practice.

[3.464] Dictionary, definition of *registration charge category*

substitute

registration charge category means the vehicle's category under the current determination of the Minister under the *Road Transport (General) Act 1999*, section 96 determining the fees, charges and other amounts payable in relation to the registration of vehicles.

Explanatory note

This amendment updates the definition as a consequence of the repeal of the *Road Transport Charges (Australian Capital Territory) Act 1993* (Cwlth).

[3.465] Dictionary, definition of *relevant vehicle registration authority*

omit

Explanatory note

This amendment omits a redundant definition.

[3.466] Dictionary, definition of *right*, paragraph (a)

substitute

- (a) to a non-standard registration number, for part 3.5 (Numberplates)—see section 46; and

Explanatory note

This amendment updates the definition in line with current legislative drafting practice.

[3.467] Dictionary, definitions of *vehicle numberplate* and *vehicle part*

substitute

vehicle numberplate—

- (a) for the Act generally, means a numberplate (other than a bicycle rack numberplate) issued by the road transport authority under this regulation; and

(b) for division 3.5.6 (Damaged, lost, stolen or destroyed numberplates), includes a trader's plate.

vehicle part, of a registrable vehicle, for part 6.4 (Component identification numbers)—see section 154.

Explanatory note

This amendment updates the definitions in line with current legislative drafting practice.

[3.468] Dictionary, definition of *vehicle registration authority*

omit

Explanatory note

This amendment omits a redundant definition.

[3.469] Dictionary, definition of *VSB*

omit

Explanatory note

This amendment omits a definition of a term that is mentioned only in schedule 1, section 1.126. The definition is relocated to that section by another amendment.

[3.470] Further amendments, mentions of , *in writing*,

omit

, in writing,

in

- section 31 (4)
- section 47 (1)
- section 51 (1)
- section 68A (1)
- section 88 (2)
- section 114 (3) (b) (iii)
- section 116 (1) (a)

- section 153 (1)

Explanatory note

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

Part 3.48 Tree Protection Act 2005

[3.471] Section 68

omit

(the *advisory panel*)

Explanatory note

This amendment removes unnecessary words in line with current legislative drafting practice.

[3.472] Section 85

omit

to be

substitute

as

Explanatory note

This amendment updates language in line with current legislative drafting practice.

[3.473] Dictionary, definition of AS 4373

substitute

AS 4373 means AS 4373-2007 (Pruning of amenity trees), as in force from time to time.

Note AS 4373 may be purchased at www.standards.org.au.

Explanatory note

This amendment updates the definition in line with current legislative drafting practice.

[3.474] Dictionary, definition of *provisionally register*

omit

section 52

substitute

section 48

Explanatory note

This amendment corrects a cross-reference.

Part 3.49 Utility Networks (Public Safety) Regulation 2001

[3.475] Section 19 (4)

substitute

(4) In this section:

neutral screened cable has the same meaning as in AS/NZS 3000 (Wiring Rules), as in force from time to time.

Note AS/NZS 3000 may be purchased at www.standards.org.au.

Explanatory note

This amendment updates language in line with current legislative drafting practice.

[3.476] Dictionary, note 2

insert

- AS/NZS (see s 164)

Explanatory note

Dictionary, note 2 lists examples of terms used in the regulation that are defined in the [Legislation Act](#), dictionary, part 1. This amendment inserts a term mentioned in the regulation and defined in the [Legislation Act](#), dictionary, part 1.

Part 3.50 Waste Minimisation Act 2001

[3.477] Section 16

omit

, or any provision of an instrument

Explanatory note

This amendment omits words that are redundant because of the [Legislation Act](#), section 14 (2), which provides that a reference to an instrument includes a reference to a provision of an instrument.

[3.478] Section 16, new note

insert

Note 3 A reference to an instrument includes a reference to a provision of an instrument (see [Legislation Act](#), s 14 (2)).

Explanatory note

This amendment inserts a note to assist legislation users and is consequential on another amendment.

[3.479] Dictionary, note 2

insert

- found guilty

Explanatory note

Dictionary, note 2 lists examples of terms used in the Act that are defined in the [Legislation Act](#), dictionary, part 1. This amendment inserts a term mentioned in the Act and defined in the [Legislation Act](#), dictionary, part 1.

[3.480] Dictionary, definitions of *consumer packaging and covenant*

omit

Explanatory note

This amendment omits redundant terms.

Part 3.51 Water and Sewerage Act 2000

[3.481] Section 8 (2) (e)

omit

Australian Standard 3500

substitute

AS/NZS 3500

Explanatory note

This amendment corrects the reference to the standard and updates language in line with current legislative drafting practice.

[3.482] Section 16 (4)

omit

Australian Standard 1100

substitute

AS 1100

Explanatory note

This amendment updates language in line with current legislative drafting practice.

[3.483] Section 16 (8), new definition of AS 1100

insert

AS 1100 means AS 1100 (Technical drawing), as in force from time to time.

Note AS 1100 may be purchased at www.standards.org.au.

Explanatory note

This amendment updates language in line with current legislative drafting practice.

[3.484] Dictionary, new note

insert

Note 3 The [Legislation Act](#), s 164 defines the following terms:

- AS
- AS/NZS
- Australian Standard
- Australian/New Zealand Standard.

Explanatory note

This amendment inserts a new note in the dictionary to assist legislation users.

[3.485] Dictionary, definition of *Australian Standard 3500*

omit

Explanatory note

This amendment updates language in line with current legislative drafting practice.

[3.486] Dictionary, new definition of *AS/NZS 3500*

insert

AS/NZS 3500 means the AS/NZS 3500 (Plumbing and drainage set), as in force from time to time.

Note Australian standards may be purchased at www.standards.org.au.

Explanatory note

This amendment updates language in line with current legislative drafting practice.

[3.487] Dictionary, definition of *fire sprinkler service*

omit

Australian Standard 3500

substitute

AS/NZS 3500

Explanatory note

This amendment updates language in line with current legislative drafting practice.

[3.488] Dictionary, definition of *site plan*

omit

Australian Standard HB 50

substitute

HB 50 (*Glossary of building terms*)

Explanatory note

This amendment updates language in line with current legislative drafting practice.

Part 3.52 Water and Sewerage Regulation 2001

[3.489] Sections 6 and 9 (1)

omit

Australian Standard 3500

substitute

AS/NZS 3500

Explanatory note

This amendment updates language in line with current legislative drafting practice.

[3.490] Section 9 (2)

omit

all or

Explanatory note

This amendment updates language in line with current legislative drafting practice.

[3.491] Sections 9 (4) and 10 (2)

omit

Australian Standard 3500

substitute

AS/NZS 3500

Explanatory note

This amendment updates language in line with current legislative drafting practice.

[3.492] Section 16D (2) (b)

omit

Australian Standard 3500

substitute

AS/NZS 3500

Explanatory note

This amendment updates language in line with current legislative drafting practice.

[3.493] Sections 18 and 20 (1)

omit

Australian Standard 3500

substitute

AS/NZS 3500

Explanatory note

This amendment updates language in line with current legislative drafting practice.

[3.494] Section 20 (2)

omit

all or

Explanatory note

This amendment updates language in line with current legislative drafting practice.

[3.495] Sections 20 (4) and 21

omit

Australian Standard 3500

substitute

AS/NZS 3500

Explanatory note

This amendment updates language in line with current legislative drafting practice.

[3.496] Section 22 (4) (b) and (5) (a)

omit

Australian Standard 2845.3 as in effect on 1 March 1999

substitute

AS/NZS 2845.3

Explanatory note

This amendment updates language in line with current legislative drafting practice.

[3.497] Schedule 2, section 2.3 (3), definitions of AS 4013 and AS 4552

omit

Explanatory note

This amendment omits definitions. The definitions are updated in another amendment.

[3.498] Schedule 2, section 2.3 (3), definition of AS/NZS 2712

substitute

AS/NZS 2712 means AS/NZS 2712 (Solar and heat pump water heaters—Design and construction), as in force from time to time.

Note AS/NZS 2712 may be purchased at www.standards.org.au.

Explanatory note

This amendment updates language in line with current legislative drafting practice.

[3.499] Schedule 2, section 2.3 (3), new definition of AS/NZS 4013

insert

AS/NZS 4013 means AS/NZS 4013 (Domestic solid fuel burning appliances—Method for determination of flue gas emission), as in force from time to time.

Note AS/NZS 4013 may be purchased at www.standards.org.au.

Explanatory note

This amendment updates language in line with current legislative drafting practice.

[3.500] Schedule 2, section 2.3 (3), definition of AS/NZS 4234

substitute

AS/NZS 4234 means AS/NZS 4234 (Heated water systems—Calculation of energy consumption), as in force from time to time.

Note AS/NZS 4234 may be purchased at www.standards.org.au.

Explanatory note

This amendment updates language in line with current legislative drafting practice.

[3.501] Schedule 2, section 2.3 (3), new definition of AS/NZS 4552

insert

AS/NZS 4552 means AS/NZS 4552 (Gas fired water heaters for hot water supply and/or central heating), as in force from time to time.

Note AS/NZS 4552 may be purchased at www.standards.org.au.

Explanatory note

This amendment updates language in line with current legislative drafting practice.

[3.502] Dictionary, note 4

omit

- Australian Standard 3500

substitute

- AS/NZS 3500

Explanatory note

This amendment updates language in line with current legislative drafting practice.

[3.503] Dictionary, new definition of AS 1172

insert

AS 1172 means AS 1172 (Water closets (WC)—Pans), as in force from time to time.

Note AS 1172 may be purchased at www.standards.org.au.

Explanatory note

This amendment updates language in line with current legislative drafting practice.

[3.504] Dictionary, definition of AS/NZS 2845

insert

AS/NZS 2845 means AS/NZS 2845.1: 2010 (Water supply—Backflow prevention devices—Materials, design and performance requirements), as in force from time to time.

Note AS/NZS 2845 may be purchased at www.standards.org.au.

Explanatory note

This amendment inserts a new definition in line with current legislative drafting practice.

[3.505] Dictionary, new definition of AS/NZS 2845.3

insert

AS/NZS 2845.3 means AS/NZS 2845.3 (Water supply—Backflow prevention devices—Field testing and maintenance of testable devices), as in force from time to time.

Note AS 2845.3 may be purchased at www.standards.org.au.

Explanatory note

This amendment updates language in line with current legislative drafting practice.

[3.506] Dictionary, definition of Australian Standard 1172

omit

Explanatory note

This amendment omits a definition. The definition is updated in another amendment.

[3.507] Dictionary, definition of Australian Standard 2845.3

omit

Explanatory note

This amendment omits a definition. The definition is updated in another amendment.

Part 3.53 Water Resources Act 2007

[3.508] Section 14 (1)

omit 1st mention of

written

Explanatory note

This amendment omits a word that is made redundant because of the [Legislation Act](#), section 42 (2), which requires notifiable instruments to be in writing.

[3.509] Section 41

omit everything before

water structure means—

substitute

41 Definitions—Act

In this Act:

Explanatory note

This amendment recasts the provision so that the definitions of *water structure* and *waterway work* apply to the Act because the terms are also used elsewhere in the Act.

[3.510] Section 71 (2)

omit

written

Explanatory note

This amendment omits a word that is made redundant because of the [Legislation Act](#), section 42 (2), which requires notifiable instruments to be in writing.

[3.511] Section 100, new note

insert

Note 3 A reference to an instrument includes a reference to a provision of an instrument (see [Legislation Act](#), s 14 (2)).

Explanatory note

This amendment inserts a note about the [Legislation Act](#), section 14 (2)) to assist legislation users.

[3.512] Section 102 (2)

omit

written

Explanatory note

This amendment omits a word that is made redundant by the [Legislation Act](#), section 42 (2), which requires notifiable instruments to be in writing.

[3.513] Section 109 (2), new note

insert

Note 3 A reference to an instrument includes a reference to a provision of an instrument (see [Legislation Act](#), s 14 (2)).

Explanatory note

This amendment inserts a note about the [Legislation Act](#), section 14 (2)) to assist legislation users.

[3.514] Dictionary, note 2

insert

- found guilty

Explanatory note

Dictionary, note 2 lists examples of terms used in the Act that are defined in the [Legislation Act](#), dictionary, part 1. This amendment inserts a term mentioned in the Act and defined in the [Legislation Act](#), dictionary, part 1.

Part 3.54 Work Health and Safety Act 2011

[3.515] Section 274 (3), new note

insert

Note 3 A reference to an instrument includes a reference to a provision of an instrument (see [Legislation Act](#), s 14 (2)).

Explanatory note

This amendment inserts a note about the [Legislation Act](#), section 14 (2)) to assist legislation users.

[3.516] Dictionary, new definition of *council*

insert

council means the Work Safety Council established under schedule 2, section 2.1.

Explanatory note

This amendment inserts a new definition of *council* in line with current legislative drafting practice.

Part 3.55 Working with Vulnerable People (Background Checking) Act 2011

[3.517] Section 27 (2), new note

insert

Note 2 A reference to an instrument includes a reference to a provision of an instrument (see [Legislation Act](#), s 14 (2)).

Explanatory note

This amendment inserts a note about the [Legislation Act](#), section 14 (2)) to assist legislation users.

[3.518] Section 51 (3)

omit

statutory declaration made

substitute

written statement

Explanatory note

This amendment revises the provision to be consistent with section 18 (2) (b), which requires an applicant for registration to engage in a regulated activity to provide a written statement about the applicant's criminal history.

[3.519] Section 60 (2) (b)

omit

a statutory declaration signed

substitute

a written statement

Explanatory note

This amendment revises the provision to be consistent with section 18 (2) (b), which requires an applicant for registration to engage in a regulated activity to provide a written statement about the applicant's criminal history.

[3.520] Section 60 (2), note

omit

Explanatory note

This amendment omits a note that is made redundant by another amendment.

Schedule 4 **Repeal of redundant or obsolete legislation**

(see s 6)

Part 4.1 **Annual Leave Act 1973**

Explanatory note

This part repeals an Act that is no longer needed.

The *Annual Leave Act 1973* entitled an employee to annual leave at the end of every year of the employee's employment and regulated the taking and payment of annual leave. The *Annual Leave Act 1973* has no practical effect and has been superseded by the *Fair Work Act 2009* (Cwlth).

Annual Leave Act 1973 (A1973-46)

Part 4.2 **Truck Act 1900**

Explanatory note

This part repeals an Act that is no longer needed.

The *Truck Act 1900* is a New South Wales law that took effect as an ACT law on the establishment of the ACT. The Act provides for the payment of wages to employees. Only technical and consequential changes have been made to the Act since self-government. The *Truck Act 1900* has no practical effect and has been superseded by the *Fair Work Act 2009* (Cwlth).

Truck Act 1900 (A1900-55)

Endnotes

1 Presentation speech

Presentation speech made in the Legislative Assembly on 11 April 2013.

2 Notification

Notified under the [Legislation Act](#) on 24 May 2013.

3 Republications of amended laws

For the latest republication of amended laws, see www.legislation.act.gov.au.

I certify that the above is a true copy of the Statute Law Amendment Bill 2013, which was passed by the Legislative Assembly on 16 May 2013.

Clerk of the Legislative Assembly

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