



Australian Capital Territory

Statute Law Amendment Act 2013 (No 2)

A2013-44

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Australian Capital Territory

Statute Law Amendment Act 2013 (No 2)

A2013-44

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

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

1 Name of Act

This Act is the *Statute Law Amendment Act 2013 (No 2)*.

2 Commencement

This Act commences on the 14th 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.

Schedule 1 Minor amendments

(see s 5)

Part 1.1 Education and Care Services National Law (ACT) Act 2011

[1.1] New section 6 (6) and (7)

insert

- (6) Despite subsection (4), the *Education and Care Services National Law (ACT)* is taken to be amended by the *Children's Services Amendment Act 2011* (Vic) as if that Act—
- (a) had been presented to the Legislative Assembly in accordance with subsection (2); and
 - (b) had not been disallowed under subsection (3).

Note That *Act*, ss 62 to 78 made amendments of the Education and Care Services National Law set out in the schedule to the Victorian Act.

- (7) Subsection (6) and this subsection expire on the day they commence.

Explanatory note

The Education and Care Services National Law is set out in the schedule to a Victorian Act (the *Education and Care Services National Law Act 2010* (Vic)). The National Law has been applied in the ACT by the *Education and Care Services National Law (ACT) Act 2011* (the ACT Act).

Under the ACT Act, section 6 any amendments of the National Law that are passed by the Victorian Parliament after the ACT Act's notification day must be presented to the Legislative Assembly within 6 sitting days. The Assembly may disallow any amendment.

In late 2011, a series of amendments of the National Law was passed by the Victorian Parliament (in the *Children's Services Amendment Act 2011* (Vic), ss 62 to 78). The amendments were largely technical in nature.

Due to an oversight, the Victorian amending Act was not tabled in the Assembly as required under the ACT Act, section 6. As a result, the National Law as it applies in the ACT is taken not to include those amendments (see the ACT Act, s 6 (4)).

The purpose of this amendment is to remedy that and ensure that the amendments made by the Victorian amending Act are included in the National Law as it applies in the ACT.

Part 1.2 Health Act 1993

[1.2] Section 50, new definition of *eligible midwife*

insert

eligible midwife, for a health facility—see section 52.

Explanatory note

This amendment is consequential on the inclusion in section 59 of eligible midwives as a class of health practitioner in relation to which a scope of clinical practice committee may exercise its functions.

[1.3] Section 50, definition of *scope of clinical practice*

omit

or dentist

substitute

, dentist or eligible midwife

Explanatory note

This amendment is consequential on the inclusion, in section 59, of eligible midwives as a class of health practitioner in relation to which a scope of clinical practice committee may exercise its functions.

[1.4] Section 52 heading

substitute

52 Who is a *doctor, dentist or eligible midwife* for a health facility?

Explanatory note

This amendment is consequential on the inclusion in section 59 of eligible midwives as a class of health practitioner in relation to which a scope of clinical practice committee may exercise its functions.

[1.5] Section 52, new definition of *eligible midwife*

insert

eligible midwife, for a health facility, means a midwife who—

- (a) is an eligible midwife within the meaning of the *Health Insurance Act 1973* (Cwlth), section 21 (Meaning of *eligible midwife*); and
- (b) either—
 - (i) provides health services at the health facility; or
 - (ii) uses the equipment or other facilities of the health facility to provide health services elsewhere.

Explanatory note

This amendment inserts a new definition that is consequential on other amendments.

[1.6] Section 54, definition of *scope of clinical practice*

omit

or dentist

substitute

, dentist or eligible midwife

Explanatory note

This amendment is consequential on the inclusion in section 59 of eligible midwives as a class of health practitioner in relation to which a scope of clinical practice committee may exercise its functions.

[1.7] Section 59

omit

or dentist

substitute

, dentist or eligible midwife

Explanatory note

Section 59 sets out the functions of a scope of clinical practice committee, which include deciding whether to credential health practitioners for a health facility and the terms on which the health practitioner is credentialled. This amendment includes eligible midwives as a class of health practitioner in relation to which a scope of clinical practice committee may exercise its functions.

[1.8] Section 59 (1) (c)

omit

doctor or dentist's

substitute

doctor's, dentist's or eligible midwife's

Explanatory note

Section 59 sets out the functions of a scope of clinical practice committee, which include deciding whether to credential health practitioners for a health facility and the terms on which the health practitioner is credentialled. This amendment includes eligible midwives as a class of health practitioner in relation to which a scope of clinical practice committee may exercise its functions.

[1.9] Sections 65 and 66

omit

or dentist

substitute

, dentist or eligible midwife

Explanatory note

This amendment is consequential on the inclusion in section 59 of eligible midwives as a class of health practitioner in relation to which a scope of clinical practice committee may exercise its functions.

[1.10] Section 66 (2)

omit

doctor or dentist's

substitute

doctor's, dentist's or eligible midwife's

Explanatory note

This amendment is consequential on the inclusion in section 59 of eligible midwives as a class of health practitioner in relation to which a scope of clinical practice committee may exercise its functions.

[1.11] Sections 67 to 70

omit

or dentist

substitute

, dentist or eligible midwife

Explanatory note

This amendment is consequential on the inclusion in section 59 of eligible midwives as a class of health practitioner in relation to which a scope of clinical practice committee may exercise its functions.

[1.12] Section 70 (4) (a) to (c)

omit

doctor or dentist's

substitute

doctor's, dentist's or eligible midwife's

Explanatory note

This amendment is consequential on the inclusion in section 59 of eligible midwives as a class of health practitioner in relation to which a scope of clinical practice committee may exercise its functions.

[1.13] Sections 71 to 73

omit

or dentist

substitute

, dentist or eligible midwife

Explanatory note

This amendment is consequential on the inclusion in section 59 of eligible midwives as a class of health practitioner in relation to which a scope of clinical practice committee may exercise its functions.

[1.14] Section 73 (2) (a) and (3) (b)

omit

doctor or dentist's

substitute

doctor's, dentist's or eligible midwife's

Explanatory note

This amendment is consequential on the inclusion in section 59 of eligible midwives as a class of health practitioner in relation to which a scope of clinical practice committee may exercise its functions.

[1.15] Sections 74 (3), 77 and 78

omit

or dentist

substitute

, dentist or eligible midwife

Explanatory note

This amendment is consequential on the inclusion in section 59 of eligible midwives as a class of health practitioner in relation to which a scope of clinical practice committee may exercise its functions.

[1.16] Section 78 (a)

after

dentist

insert

, eligible midwife

Explanatory note

This amendment is consequential on the inclusion in section 59 of eligible midwives as a class of health practitioner in relation to which a scope of clinical practice committee may exercise its functions.

[1.17] Part 9 heading

omit

Explanatory note

This amendment is consequential on other amendments omitting or relocating all provisions in part 9 to a new part in the *Public Health Act 1997*, to which other provisions relating to pharmacy ownership and premises are being relocated.

[1.18] Section 128

relocate to Public Health Act 1997, new part 3B as section 66U

Explanatory note

This amendment relocates the definition of *community pharmacy* to a new part in the *Public Health Act 1997*, to which other provisions relating to pharmacy ownership and premises are being relocated.

[1.19] Section 128A

omit

Explanatory note

This amendment omits a provision that defines *complying pharmacy corporation* because most provisions relating to pharmacies are now being relocated to a new part in the *Public Health Act 1997*. The definition is remade in the *Public Health Regulation 2000*, section 62 (2) (because the term is currently used only in that section) and then relocated to the new part in the *Public Health Act 1997* by another amendment.

[1.20] Section 128B (1) (c)

omit

Explanatory note

This amendment omits a paragraph that is made redundant as a consequence of the making of the *Public Health (Community Pharmacy) Code of Practice 2012 (No 1)* DI2012-211 (the *code of practice*). Section 128B (1) (c) refers to standards approved by the Minister under section 128B (2). The *Health (Community Pharmacy Premises) Approved Standard 2010 (No 1)* NI2010-349, made under section 128B (2), was repealed when the code of practice was determined. The standard was no longer needed because the code replicates many of the requirements that were in the standard. The reference to the approval of standards under section 128B (1) is omitted to remove unnecessary duplication between the Act and the *Public Health Act 1997* regarding the regulation of community pharmacy premises.

[1.21] Section 128B (2) to (4)

omit

Explanatory note

This amendment omits provisions that are made redundant as a consequence of the making of the *Public Health (Community Pharmacy) Code of Practice 2012 (No 1)* DI2012-211 (the *code of practice*). Section 128B (2) to (4) refer to standards approved by the Minister about premises for community pharmacies. The *Health (Community Pharmacy Premises) Approved Standard 2010 (No 1)* NI2010-349, made under section 128B (2), was repealed when the code of practice was determined. The standard was no longer needed because the code replicates many of the requirements that were in the standard. The provisions are omitted to remove unnecessary duplication between the Act and the *Public Health Act 1997* regarding the regulation of community pharmacy premises.

[1.22] Section 128B (as amended) and section 129

*relocate to Public Health Act 1997, new part 3B as sections 66W
and 66X*

Explanatory note

This amendment relocates sections which deal with pharmacies and pharmacy premises to a new part in the *Public Health Act 1997*, to which other provisions relating to pharmacy ownership and premises are being relocated.

[1.23] Section 130

omit

or dentist,

substitute

dentist or eligible midwife

Explanatory note

This amendment is consequential on the inclusion in section 59 of eligible midwives as a class of health practitioner in relation to which a scope of clinical practice committee may exercise its functions.

[1.24] Section 130 (a) to (c)

omit

or dentist

substitute

, dentist or eligible midwife

Explanatory note

This amendment is consequential on the inclusion in section 59 of eligible midwives as a class of health practitioner in relation to which a scope of clinical practice committee may exercise its functions.

[1.25] Section 131

substitute

131 Pt 10 obligations—no contracting out

To remove any doubt, this part applies in relation to a doctor, dentist or eligible midwife for a health facility despite anything to the contrary in a term of the doctor's, dentist's or eligible midwife's engagement.

Explanatory note

This amendment is consequential on the inclusion in section 59 of eligible midwives as a class of health practitioner in relation to which a scope of clinical practice committee may exercise its functions. This amendment also corrects a cross-reference in the heading.

[1.26] Section 189 heading

substitute

189 Protection of doctor, dentist or eligible midwife from liability in emergency

Explanatory note

This amendment is consequential on the inclusion in section 59 of eligible midwives as a class of health practitioner in relation to which a scope of clinical practice committee may exercise its functions.

[1.27] Section 189

omit

doctor or dentist's

substitute

doctor's, dentist's or eligible midwife's

Explanatory note

This amendment is consequential on the inclusion in section 59 of eligible midwives as a class of health practitioner in relation to which a scope of clinical practice committee may exercise its functions.

[1.28] Section 189 (1)

omit

or dentist

substitute

, dentist or eligible midwife

Explanatory note

This amendment is consequential on the inclusion in section 59 of eligible midwives as a class of health practitioner in relation to which a scope of clinical practice committee may exercise its functions.

[1.29] Dictionary, definition of *community pharmacy*

omit

Explanatory note

This amendment omits a definition that is made redundant as a result of the relocation of section 128 to the *Public Health Act 1997*, new part 3B by another amendment.

[1.30] Dictionary, new definition of *eligible midwife*

insert

eligible midwife, for part 5 (Reviewing scope of clinical practice)—
see section 52.

Explanatory note

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

**Part 1.3 Medicines, Poisons and
Therapeutic Goods
Regulation 2008**

[1.31] Section 110 (2) (b) (ii)

omit

Health Act 1993, part 9 (Pharmacists and pharmacy premises)

substitute

Public Health Act 1997, part 3B (Pharmacies)

Explanatory note

This amendment is consequential on provisions relating to pharmacists and pharmacies being relocated to a new part in the *Public Health Act 1997* by other amendments.

Part 1.4 Public Health Act 1997

[1.32] New part 3B heading

insert

Part 3B Pharmacies

Explanatory note

This amendment inserts a heading for a new part for provisions about pharmacy ownership and premises restrictions that are relocated to new part 3B from the [Health Act 1993](#), part 9 and the [Public Health Regulation 2000](#), section 62 by other amendments.

Community pharmacies are now regulated under the Act as a consequence of the declaration of the operation of a pharmacy business at a community pharmacy as a licensable public health risk activity under the [Public Health \(Community Pharmacy\) Risk Activity Declaration 2012 \(No 1\)](#) DI2012-210 and the determination of a code of practice under the Act, section 133 for the operation of community pharmacies (see the [Public Health \(Community Pharmacy\) Code of Practice 2012 \(No 1\)](#) DI2012-211).

Provisions in other legislation relating to pharmacies are being consolidated in part 3B to assist legislation users.

[1.33] Dictionary, new definition of *community pharmacy*

insert

community pharmacy, for part 3B (Pharmacies)—see section 66U.

Explanatory note

This amendment inserts a signpost definition for a new term relocated from the [Health Act 1993](#), section 128 to new part 3B by another amendment.

Part 1.5 Public Health Regulation 2000

[1.34] Section 62 (2), definition of *close relative*

omit everything before paragraph (a), substitute

close relative, of a pharmacist or company pharmacist, means the pharmacist's—

Explanatory note

This amendment revises the definition to make it clear that it applies to close relatives of pharmacists who are directors of a complying pharmacy corporation as well as to other pharmacists.

[1.35] Section 62 (2), definition of *community pharmacy*

omit

Explanatory note

This amendment omits a signpost definition for a term defined in the *Health Act 1993*, section 128. That definition is relocated to the *Public Health Act 1997*, new part 3B (which deals with pharmacy ownership and premises) by another amendment. Section 62, as amended by this part, is also relocated to new part 3B by another amendment.

[1.36] Section 62 (2), definition of *complying pharmacy corporation*

substitute

complying pharmacy corporation means a corporation that—

- (a) has a constitution that provides that—
 - (i) the object of the corporation is to own and control a pharmacy business; and
 - (ii) only an individual who is a pharmacist may be a director; and
 - (iii) a director cannot be a director of another pharmacy corporation without the written consent of the board; and

- (iv) all voting rights exercisable at a general meeting of the corporation are exercisable only by or on behalf of pharmacists who are directors or employees of the corporation; and
- (v) a shareholder in the corporation must be either a pharmacist or a close relative of a pharmacist shareholder; and
- (b) has a constitution that ensures that each share in the corporation is beneficially owned by a pharmacist who is a director or employee of the corporation or a close relative of the pharmacist; and
- (c) for a corporation that is to own and control a pharmacy business as a trustee—is only a party to a trust deed that relates to the corporation’s ownership and control of a pharmacy business if the deed provides that all beneficiaries are to be pharmacists who are directors or employees of the corporation or close relatives of the pharmacists; and
- (d) has a constitution that is appropriate to a corporation formed to own and control a pharmacy business.

Explanatory note

This amendment replaces a signpost definition to the *Health Act 1993*, section 128A, which is omitted by another amendment. The definition of *complying pharmacy corporation* is amended to provide that the object of the corporation is not to practise as a pharmacist but to own and control a pharmacy business. This makes the definition consistent with the *Health Practitioner Regulation National Law (ACT)* which provides that only an individual can be a health practitioner. The requirement for a trust deed to have written approval by the National Pharmacy Board is also omitted as the Board no longer undertakes that function.

[1.37] Section 62 (as amended)

relocate to Public Health Act 1997, new part 3B as section 66V

Explanatory note

This amendment relocates a section which deals with pharmacies and pharmacy premises to a new part in the *Public Health Act 1997*, to which other provisions relating to pharmacy ownership and premises are being relocated.

Community pharmacies are now regulated under the *Public Health Act 1997* as a consequence of the relocation of provisions about pharmacy ownership from the *Health Act 1993* to the *Public Health Regulation 2000* in 2012 and the declaration of the operation of a pharmacy business at a community pharmacy as a licensable public health risk activity under the *Public Health (Community Pharmacy) Risk Activity Declaration 2012 (No 1)* DI2012-210.

Schedule 2 Legislation Act 2001

(see s 5)

[2.1] Dictionary, part 1, definition of *Standards Australia*

omit

International

Explanatory note

This amendment updates the definition to reflect the change of name of Standards Australia International Limited to Standards Australia Limited.

Schedule 3 Technical amendments

(see s 5)

Part 3.1 Agents Act 2003

[3.1] Section 37 heading

substitute

37 Continuation of existing licences until renewal applications decided

Explanatory note

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

[3.2] Sections 37 (4) and 61 (4), new note

insert

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

Explanatory note

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

[3.3] Section 78 (e)

omit

disseminated

substitute

distributed

Explanatory note

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

[3.4] Section 107 (4) (b) (ii)

omit

bears

substitute

has

Explanatory note

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

[3.5] Section 114 (1)

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.

[3.6] Section 116 (1), 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.

[3.7] Division 10.2 heading

substitute

Division 10.2 Claims against compensation fund

Explanatory note

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

[3.8] Section 151 (1), 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.

[3.9] Section 152 (2), new note 1A

insert

Note 1A 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 in relation to statutory declarations which are mentioned in another note.

[3.10] Sections 176 (1) and 177 (1)

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.

[3.11] Dictionary, definition of *claimant*

omit

the

Explanatory note

This amendment amends a heading description in the definition and is consequential on another amendment.

Part 3.2 Children and Young People Act 2008

[3.12] Section 10 (c)

omit

Aboriginal and Torres Strait Islander traditions and cultural values
(including kinship rules)

substitute

the traditions and cultural values (including kinship rules) of
Aboriginal and Torres Strait Islander people

Explanatory note

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

[3.13] Section 24 (1)

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.

[3.14] Section 30 (3) (b)

after 1st mention of

Islander

insert

person

Explanatory note

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

[3.15] Section 68 (2)

omit

any or all

substitute

1 or both

Explanatory note

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

[3.16] Section 141 (1) (k), example

substitute

Example—par (k)

observances and practices relating to religious or spiritual beliefs, including the spiritual beliefs of Aboriginal or Torres Strait Islander people

Explanatory note

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

[3.17] Section 158 (1)

omit

all or any

substitute

1 or more

Explanatory note

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

[3.18] Section 183 (1), example 1

substitute

1 observances and practices relating to religious or spiritual beliefs, including the spiritual beliefs of Aboriginal or Torres Strait Islander people

Explanatory note

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

[3.19] Section 368 (5)

omit

avoid

substitute

remove

Explanatory note

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

[3.20] Section 523 (1) (d) (ii), new example

insert

Example

the foster carer has moved and reasonable efforts to locate the foster carer have been unsuccessful

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 new example to illustrate the provision.

[3.21] Section 727N (2) (c)

omit

Aboriginal or a Torres Strait Islander

substitute

an Aboriginal or Torres Strait Islander person

Explanatory note

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

[3.22] 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.

[3.23] Dictionary, definition of *Aboriginal*

omit

Explanatory note

This amendment is consequential on the insertion of a definition of *Aboriginal or Torres Strait Islander person* by another amendment.

[3.24] Dictionary, new definition of *Aboriginal or Torres Strait Islander person*

insert

Aboriginal or Torres Strait Islander person means a person who—

- (a) is a descendant of an Aboriginal person or a Torres Strait Islander person; and
- (b) identifies as an Aboriginal person or a Torres Strait Islander person; and
- (c) is accepted as an Aboriginal person or a Torres Strait Islander person by an Aboriginal community or Torres Strait Islander community.

Explanatory note

This amendment inserts a new definition of *Aboriginal or Torres Strait Islander person* that is in line with current legislative drafting practice.

[3.25] Dictionary, new definition of *Children and Youth Services Council*

insert

Children and Youth Services Council means the Children and Youth Services Council established under section 27.

Explanatory note

This amendment inserts a new definition of *Children and Youth Services Council* in line with current legislative drafting practice.

[3.26] Dictionary, definition of *Torres Strait Islander*

omit

Explanatory note

This amendment is consequential on the insertion of a definition of *Aboriginal or Torres Strait Islander person* by another amendment.

Part 3.3 Civil Law (Wrongs) Act 2002

[3.27] Section 58 (4) etc, 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).

in

- section 58 (4)
- section 64 (4)
- section 68 (4)

Explanatory note

This amendment inserts standard notes about statutory declarations.

[3.28] Section 98 (3), definition of *average weekly earnings*, paragraph (a)

substitute

- (a) the average weekly earnings seasonally adjusted for the ACT (all employees average weekly total earnings) in *Average Weekly Earnings, Australia* (State and Territory Earnings) issued by the Australian statistician; or

Note *Average Weekly Earnings, Australia* is issued in May and November and is available at www.abs.gov.au.

Explanatory note

This amendment updates the definition of *average weekly earnings* because the ABS publication is now issued every 6 months (in May and November) instead of quarterly.

[3.29] Section 107G (2)

omit

any

substitute

part

Explanatory note

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

[3.30] Section 139F (3)

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.

[3.31] Section 139N (2)

omit

a natural person

substitute

an individual

Explanatory note

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

[3.32] Section 139N (2)

omit

the person

substitute

the individual

Explanatory note

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

[3.33] Section 180 heading

substitute

180 Definitions—pt 14.1

Explanatory note

This amendment updates the heading in line with current legislative drafting practice and corrects a cross-reference.

[3.34] Section 222 (1) etc

omit

, in writing,

in

- section 222 (1)
- section 222A (1)
- schedule 4, section 4.28 (4)

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.

[3.35] Dictionary, note 2

insert

- Australian statistician

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.

[3.36] Dictionary, new definition of *act of terrorism*

insert

act of terrorism, for part 3.3 (Temporary exclusion of liability for terrorism-associated risks)—see section 37.

Explanatory note

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

[3.37] Dictionary, definitions of *accommodation unit*, *agent*, *common carrier*, *community organisation* and *community work*

substitute

accommodation unit, for part 11.1 (Traveller accommodation providers liability)—see section 144.

agent, of an accommodation provider, for part 11.1 (Traveller accommodation providers liability)—see section 144.

common carrier, for part 11.2 (Common carriers)—see section 156.

community organisation, for part 2.2 (Volunteers)—see section 6.

community work, for part 2.2 (Volunteers)—see section 7.

Explanatory note

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

[3.38] Dictionary, definition of *costs*, paragraph (a)

omit

chapter 14 (Limitations on legal costs)

substitute

part 14.1 (Maximum costs for certain personal injury damages claims)

Explanatory note

This amendment corrects a cross-reference.

[3.39] Dictionary, new definitions of *donor, fit for human consumption and food*

insert

donor, for part 2.2A (Food donors)—see section 11A.

fit for human consumption, in relation to food, for part 2.2A (Food donors)—see section 11A.

food, for part 2.2A (Food donors)—see section 11A.

Explanatory note

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

[3.40] Dictionary, definitions of *innkeeper's liability, intoxicated, mediation, mediation session, neutral evaluation and neutral evaluation session*

substitute

innkeeper's liability, for part 11.1 (Traveller accommodation providers liability)—see section 147.

intoxicated, for part 7.1 (Damages for personal injuries—exclusions and limitations)—see section 92.

mediation, for part 15.1 (Mediation and neutral evaluation)—see section 192 (1).

mediation session, for part 15.1 (Mediation and neutral evaluation)—see section 192 (2).

neutral evaluation, for part 15.1 (Mediation and neutral evaluation)—see section 192 (3).

neutral evaluation session, for part 15.1 (Mediation and neutral evaluation)—see section 192 (5).

Explanatory note

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

[3.41] Dictionary, definition of *personal injury damages*

omit

chapter 14 (Limitations on legal costs)

substitute

part 14.1 (Maximum costs for certain personal injury damages claims)—

Explanatory note

This amendment corrects a cross-reference and updates the definition in line with current legislative drafting practice.

[3.42] Dictionary, definition of *provide*

substitute

provide traveller accommodation, for part 11.1 (Traveller accommodation providers liability)—see section 144.

Explanatory note

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

[3.43] Dictionary, new definitions

insert

unsafe, in relation to food, for part 2.2A (Food donors)—see section 11A.

unsuitable, in relation to food, for part 2.2A (Food donors)—see section 11A.

Explanatory note

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

[3.44] Dictionary, definitions of *voluntary basis* and *volunteer*

substitute

voluntary basis, for part 2.2 (Volunteers)—see section 6.

volunteer, for part 2.2 (Volunteers)—see section 6.

Explanatory note

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

Part 3.4 Crimes (Sentence Administration) Act 2005

[3.45] Section 116Q

omit

any or all

substitute

1 or more

Explanatory note

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

[3.46] Section 163 (1) etc

omit

, in writing,

in

- section 163 (1)
- section 221 (1)
- section 323 (1)
- section 324 (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.

[3.47] Section 325 (2), new note 3

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.

[3.48] Dictionary, new definitions

insert

administrative fee, for chapter 6A (Court imposed fines)—see section 116A.

default, for chapter 6A (Court imposed fines)—see section 116A.

default notice, for chapter 6A (Court imposed fines)—see section 116A.

earnings redirection order, for chapter 6A (Court imposed fines)—see section 116Y (2).

enforcement officer, for chapter 6A (Court imposed fines)—see section 116A.

examination hearing, for chapter 6A (Court imposed fines)—see section 116A.

examination notice, for chapter 6A (Court imposed fines)—see section 116P.

examination warrant, for chapter 6A (Court imposed fines)—see section 116R.

fine, for chapter 6A (Court imposed fines)—see section 116A.

fine defaulter, for chapter 6A (Court imposed fines)—see section 116A.

fine enforcement order, for chapter 6A (Court imposed fines)—see section 116A.

Explanatory note

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

[3.49] Dictionary, definition of *full-time detainee*

substitute

full-time detainee, for chapter 4 (Full-time detention)—see section 22 (1).

Explanatory note

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

[3.50] Dictionary, new definitions

insert

outstanding fine, in relation to a person, for chapter 6A (Court imposed fines)—see section 116A.

penalty notice, for chapter 6A (Court imposed fines)—see section 116A.

property seizure order, for chapter 6A (Court imposed fines)—see section 116ZA.

registrar, for chapter 6A (Court imposed fines)—see section 116A.

reminder notice, for chapter 6A (Court imposed fines)—see section 116A.

territory entity, for chapter 6A (Court imposed fines)—see the *Auditor-General Act 1996*, dictionary.

voluntary community work order, for chapter 6A (Court imposed fines)—see section 116ZE.

young fine defaulter, for chapter 6A (Court imposed fines)—see section 116A.

Explanatory note

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

Part 3.5 Domestic Relationships Act 1994

[3.51] Section 5

omit

shall be taken to affect

substitute

affects

Explanatory note

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

[3.52] Section 8 (1)

omit

all or

Explanatory note

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

[3.53] Section 23 (3) (a)

omit

Australian Statistician

substitute

Australian statistician

Explanatory note

This amendment revises the term to be consistent with the definition of that term in the [Legislation Act](#), dictionary, part 1.

[3.54] Section 32 (2)

omit

shall be taken to affect

substitute

affects

Explanatory note

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

[3.55] Section 34

omit

all or

Explanatory note

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

[3.56] Section 34

omit

notwithstanding that the matters referred to

substitute

even though the matters mentioned

Explanatory note

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

[3.57] Section 36 (3)

omit

shall not be taken to

substitute

do not

Explanatory note

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

[3.58] Section 38 (4)

omit

shall be taken

substitute

is taken

Explanatory note

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

[3.59] Dictionary, note 2

insert

- Australian statistician

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.

[3.60] Further amendments, mentions of *shall*

omit

shall

substitute

must

in

- section 6 (1)
- section 11 (1)
- section 13 (1)
- section 14
- section 19 (2) and (3)
- section 22

- section 23
- section 27 (3) and (5)
- section 29 (2)
- section 30
- section 33 (1)

Explanatory note

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

Part 3.6 Electoral Act 1992

[3.61] Section 77 (3), new note 3

insert

Note 3 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.

[3.62] Section 284

omit

any

substitute

part

Explanatory note

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

[3.63] Dictionary, note 2

insert

- Australian statistician

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 3.7 Evidence Act 2011

[3.64] Section 159

omit

Australian Statistician

substitute

Australian statistician

Explanatory note

This amendment revises the term to be consistent with the definition of that term in the [Legislation Act](#), dictionary, part 1.

[3.65] Dictionary, part 1, definition of *previous representation*

substitute

previous representation—

- (a) for this Act generally—means a representation made otherwise than in the course of giving evidence in the proceeding in which evidence of the representation is sought to be presented; and

(b) for division 3.2.2 (First-hand hearsay) (other than section 62 (2))—see section 62.

Explanatory note

This amendment remakes the definition to include a signpost definition for division 3.2.2.

[3.66] Dictionary, part 1, new definition of *request*

insert

request, for division 4.6.1 (Requests to produce documents or call witnesses)—see section 166.

Explanatory note

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

Part 3.8 Firearms Act 1996

[3.67] Section 40 (1)

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.

[3.68] Section 76 (f)

omit

shall be

substitute

is

Explanatory note

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

**[3.69] Section 140A (5), definition of *authorised period*,
paragraph (a)**

omit

or

substitute

and

Explanatory note

This amendment corrects a minor typographical error.

[3.70] Section 239 (3)

omit

shall be

substitute

is

Explanatory note

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

[3.71] Section 240 (2)

omit

shall be

substitute

are

Explanatory note

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

[3.72] Section 250 (3)

omit

shall be

substitute

is

Explanatory note

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

[3.73] Dictionary, note 2

omit

- CrimTrac

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 removes a term that is no longer used in the Act.

[3.74] 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.

[3.75] Dictionary, definition of *inoperable firearm*

omit

Explanatory note

This amendment omits a term that is no longer used in the Act.

[3.76] Dictionary, definition of *security organisation*

omit

(2)

substitute

(4)

Explanatory note

This amendment corrects a cross-reference.

[3.77] Further amendments, mentions of *shall*

omit

shall

substitute

must

in

- section 76 (b) to (e)
- sections 181 to 183
- sections 199 and 200 (1)
- sections 221 to 223
- sections 229 to 236
- sections 239 (1) and 240 (1)
- sections 241 and 242
- sections 250 and 251
- sections 253 to 256
- section 264
- sections 266 (2) and 267 (1) (b)

Explanatory note

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

Part 3.9 Food Act 2001

[3.78] New section 13A

in part 2, insert

13A Meaning of *food standards code*

(1) In this Act:

food standards code means the Australia New Zealand Food Standards Code as defined in the [Commonwealth Act](#), section 4 (1), as in force from time to time.

(2) The [Legislation Act](#), section 47 (6) does not apply to the food standards code.

Note The food standards code does not need to be notified under the [Legislation Act](#) because s 47 (6) does not apply (see [Legislation Act](#), s 47 (7)).

Explanatory note

This amendment relocates the definition of *food standards code* from the [Food Regulation 2002](#), section 7 to the Act to assist legislation users.

[3.79] Section 15 (1) etc

omit

any 1 or more

substitute

1 or more

in

- section 15 (1)
- section 39

- section 40 (1)
- section 51 (1)

Explanatory note

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

[3.80] Section 51 (4)

omit

all or

Explanatory note

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

[3.81] Section 53 (3) etc

omit

any 1 or more

substitute

1 or more

in

- section 53 (3)
- section 59 (4)
- section 80 (1)
- section 83 (1)
- section 84 (1) and (2)

Explanatory note

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

[3.82] Section 84 (1)

omit

or all

Explanatory note

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

[3.83] Section 114 (1)

omit

all or any

substitute

1 or more

Explanatory note

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

[3.84] Section 149 (1) etc

omit

, in writing,

in

- section 149 (1)
- section 150 (1)
- section 151 (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.

[3.85] Section 152 (3)

substitute

- (3) A regulation may apply, adopt or incorporate a law or instrument, or a provision of a law or instrument, as in force from time to time.

Explanatory note

This amendment remakes subsection (3) to omit a paragraph made redundant as a consequence of the definition of *food standards code* being relocated from the *Food Regulation 2002* to the Act by another amendment.

[3.86] Section 153 (1)

omit

Despite section 152 (3) (a), a regulation

substitute

A regulation

Explanatory note

This amendment is consequential on the omission of section 152 (3) (a) by the previous amendment.

[3.87] 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.

[3.88] Dictionary, definition of *equipment*

after

all or

omit

any

Explanatory note

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

[3.89] Dictionary, definition of *food authority*

omit

section 3 (1)

substitute

section 4 (1)

Explanatory note

This amendment corrects a cross-reference.

[3.90] Dictionary, definition of *food safety standard*

omit

section 3 (1)

substitute

section 4 (1)

Explanatory note

This amendment corrects a cross-reference.

[3.91] Dictionary, definition of *food standards code*

substitute

food standards code—see section 13A.

Explanatory note

This amendment is consequential on the insertion of new section 13A by another amendment and updates the signpost definition of *food standards code* with the new section reference.

[3.92] Dictionary, definition of *premises*

substitute

premises includes—

- (a) land (whether or not vacant); or
- (b) any part of a building, tent, stall or other structure (whether of a permanent or temporary nature); or
- (c) a pontoon; or
- (d) a food transport vehicle or any other vehicle.

Explanatory note

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

[3.93] Further amendments, 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).

in

- section 8 (1) (c)
- section 11 (1) (b)
- section 30 (4) (b)

- section 92 (2)
- section 108 (3)

Explanatory note

This amendment inserts a standard note about examples.

Part 3.10 Food Regulation 2002

[3.94] Section 7

omit

Explanatory note

This amendment omits the definition of *food standards code* as a consequence of the definition being relocated to the *Food Act 2001* by another amendment.

Part 3.11 Health Act 1993

[3.95] Section 70 (2), note 2

omit

pt 9

substitute

pt 10

Explanatory note

This amendment corrects a cross-reference.

[3.96] Section 103 (3)

omit

determined after 31 December 2003

Explanatory note

This amendment omits a transitional arrangement that no longer has any practical application.

[3.97] 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.

[3.98] Dictionary, note 2

omit

- sitting day
- territory authority

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 removes terms that are no longer used in the Act.

Part 3.12 Interactive Gambling Act 1998

[3.99] Section 101 (3)

omit

shall

substitute

must

Explanatory note

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

[3.100] Dictionary, new note 3

insert

Note 3 The Control Act contains definitions relevant to this Act. For example, the following terms are defined in the Control Act, dictionary:

- authorised officer
- code of practice
- commission
- gaming officer.

Explanatory note

The Act, section 7 provides that the *Gambling and Racing Control Act 1999* is incorporated and must be read as one with the Act. This amendment inserts a new note in the Act, dictionary to assist users in interpreting the Act. Dictionary, new note 3 lists examples of terms used in the Act and defined in the *Gambling and Racing Control Act 1999*.

Part 3.13 Lands Acquisition Act 1994

[3.101] Section 99

omit

Notwithstanding

substitute

Despite

Explanatory note

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

[3.102] Section 104 (1)

omit

all or any

substitute

1 or more

Explanatory note

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

[3.103] Section 114 (2) (a)

omit

a natural person

substitute

an individual

Explanatory note

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

[3.104] Dictionary, note 2

insert

- Australian statistician

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 3.14 Medicines, Poisons and Therapeutic Goods Act 2008

[3.105] Section 83 (2), new note 1A

insert

Note 1A 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 making a false or misleading statement in a statutory declaration.

[3.106] Section 95 (2), new note 3

insert

Note 3 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 making a false or misleading statement in a statutory declaration.

[3.107] Section 97 (2), new note 2

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 making a false or misleading statement in a statutory declaration.

[3.108] Section 190 (3) (b) and (4)

omit

subsection (1) (a)

substitute

subsection (1) (b)

Explanatory note

This amendment corrects cross-references.

[3.109] Dictionary, note 2

insert

- chief health officer
- 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 new terms used in the Act and defined in the [Legislation Act](#), dictionary, part 1.

[3.110] Dictionary, definition of *chief pharmacist*

relocate to Medicines, Poisons and Therapeutic Goods Regulation 2008, dictionary

Explanatory note

This amendment relocates to the [Medicines, Poisons and Therapeutic Goods Regulation 2008](#), dictionary a term that is used only in that regulation.

[3.111] Dictionary, definition of *declared substance*

omit

Supply of certain

substitute

Dealings with

Explanatory note

This amendment corrects the reference to the heading to the Act, part 4.1.

[3.112] Dictionary, definition of *drug-dependent person*

relocate to Medicines, Poisons and Therapeutic Goods Regulation 2008, dictionary

Explanatory note

This amendment relocates to the *Medicines, Poisons and Therapeutic Goods Regulation 2008*, dictionary a term that is used only in that regulation.

[3.113] Dictionary, definition of *medicines advisory committee*

omit

by

substitute

under

Explanatory note

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

[3.114] Dictionary, definition of *prescribe*

substitute

prescribe a medicine means issue a prescription for the medicine.

Explanatory note

This amendment revises the definition to make it clear that the reference to *prescribe* means prescribe a medicine. Other references to *prescribe* in the Act relate to prescribe something in a regulation under the Act.

[3.115] Dictionary, definition of *vending machine*

omit

(Other offences—vending machines)

substitute

(Vending machines—offences)

Explanatory note

This amendment corrects the reference to the heading to division 4.3.5.

Part 3.15 Prohibited Weapons Act 1996

[3.116] Section 3 (1) (c)

omit

firearm

substitute

weapon or article

Explanatory note

Section 3 is about possession of a prohibited weapon or prohibited article. This amendment revises the language of section 3 (1) (c) to be consistent with the remainder of the provision.

[3.117] Section 7 (1)

omit

shall

substitute

must

Explanatory note

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

[3.118] Sections 11 to 13 and 15

omit

shall

substitute

must

Explanatory note

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

[3.119] Section 16 (2), new note

insert

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

Explanatory note

This amendment inserts a standard note to assist users of the legislation.

[3.120] Section 18 (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.

[3.121] 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 used in the Act and defined in the [Legislation Act](#), dictionary, part 1.

Part 3.16 Public Health Act 1997

[3.122] Section 7 (4)

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.

[3.123] Sections 12 and 13, notes

substitute

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

Note 2 In particular, a person may be appointed for a particular provision of a law (see [Legislation Act](#), s 7 (3)) and an appointment may be made by naming a person or nominating the occupant of a position (see [Legislation Act](#), s 207).

Explanatory note

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

[3.124] Section 15, note 1

substitute

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

Explanatory note

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

[3.125] Section 18 (1)

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.

[3.126] Section 22 (3)

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.

[3.127] Section 22 (3), new note 3

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.

[3.128] Section 42D (3)

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.

[3.129] Section 42D (3), new note 3

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.

[3.130] Section 61 (4) and (5)

omit

any or all

substitute

1 or more

Explanatory note

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

[3.131] Section 64 (3)

omit

pursuant to

substitute

under

Explanatory note

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

[3.132] Section 66 (3) (d)

omit

all or any of

Explanatory note

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

[3.133] Section 66F

omit

shall remain

substitute

remains

Explanatory note

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

[3.134] Section 66J (1)

omit

shall not, only because of that supply, be taken

substitute

is not, only because of that supply, taken

Explanatory note

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

[3.135] Section 66J (2)

omit

shall not, only because of that printing or publishing, be taken

substitute

is not, only because of that printing or publishing, taken

Explanatory note

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

[3.136] Section 73 (3) (d)

omit

all or any of

Explanatory note

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

[3.137] Section 89 (6)

omit

any or all

substitute

1 or more

Explanatory note

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

[3.138] Section 89 (6) (d)

omit

all or any of

Explanatory note

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

[3.139] Section 92

omit

notwithstanding

substitute

despite

Explanatory note

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

[3.140] Section 100 (1)

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.

[3.141] Section 100 (3)

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.

[3.142] Section 100 (3), new note 3

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.

[3.143] Section 101 (1)

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.

[3.144] Section 102 (1) (a) (ii)

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.

[3.145] Section 106 (1)

omit

where

substitute

if

Explanatory note

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

[3.146] Section 106 (2)

omit

Where this section applies, an

substitute

The

Explanatory note

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

[3.147] Section 106 (2)

omit

or all

Explanatory note

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

[3.148] Section 108 (1)

omit

where

substitute

if

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.

[3.149] Section 108 (2)

omit

Where this section applies, the

substitute

The

Explanatory note

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

[3.150] Section 108 (5)

omit

notwithstanding

substitute

despite

Explanatory note

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

[3.151] Section 113 (1)

omit

Where

substitute

If

Explanatory note

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

[3.152] Section 113 (1)

omit

any or all

substitute

1 or more

Explanatory note

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

[3.153] Section 119 (1) and (4)

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.

[3.154] Section 120 (2)

omit

any or all of

Explanatory note

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

[3.155] Section 133 (1)

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.

[3.156] Section 133 (2)

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.

[3.157] Section 133 (2), new note 3

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.

[3.158] Sections 137 (1) and 137A (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.

[3.159] Further amendments, mentions of *shall*

omit

shall

substitute

must

in

- section 4
- section 10 (1)
- section 16
- section 20
- sections 29 and 30
- sections 33 to 35
- section 37
- sections 39 and 40

- section 42
- section 45
- sections 47 to 50
- sections 53 and 54
- section 56
- sections 57 to 61 (3)
- sections 62 and 63
- sections 65 and 66 (4)
- section 66C
- sections 66G to 66I
- section 66K
- sections 67 to 73 (4)
- section 77
- sections 79 to 89 (2)
- sections 93 (2) and 94
- section 98
- section 99 (a) and (c)
- sections 103 to 107
- sections 109 and 110
- sections 112 and 113
- section 115
- sections 116 to 118
- sections 119 and 120
- sections 123 to 125
- section 127 (1)
- section 129

Explanatory note

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

Part 3.17 Public Health Regulation 2000

[3.160] Section 4 (2)

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.

[3.161] Section 5 (2)

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.

[3.162] Section 8 (1), 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.

[3.163] Section 13 (2)

omit

any or all

substitute

1 or more

Explanatory note

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

[3.164] Section 26 (4)

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.

[3.165] Section 32, notes

substitute

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

Explanatory note

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

[3.166] Sections 51 (2), 52 (1) and 53 (1)

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.

[3.167] Dictionary, note 3

omit

- authorised nurse practitioner

Explanatory note

This amendment omits a term that is no longer used in the regulation.

[3.168] Dictionary, definition of *building*

omit

Explanatory note

This amendment omits a term that is no longer used in the regulation.

Part 3.18 Residential Tenancies Act 1997

[3.169] Section 6F (1), note

omit

retirement villages,

Explanatory note

This amendment omits words that are now redundant because of the [Justice and Community Safety Legislation Amendment Act 2013](#), which omitted section 4 (a) of the [Residential Tenancies Act 1997](#). Section 4 (a) provided that the Act did not apply to a retirement village.

[3.170] Section 11A (7), definition of *publish*

omit

disseminate

substitute

distribute

Explanatory note

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

[3.171] Section 71C (4), note

omit

retirement villages,

Explanatory note

This amendment omits words that are now redundant because of the *Justice and Community Safety Legislation Amendment Act 2013*, which omitted section 4 (a) of the *Residential Tenancies Act 1997*. Section 4 (a) provided that the Act did not apply to a retirement village.

[3.172] Dictionary, note 2

after

[Legislation Act](#),

insert

dict,

Explanatory note

This amendment corrects a cross-reference.

Part 3.19 Road Transport (Alcohol and Drugs) Act 1977

[3.173] Section 41 (1) (f)

omit

[Road Transport \(Safety and Traffic Management\) Act 1999](#) (NSW),
section 33 (4), (5) or (6)

substitute

[Road Transport Act 2013](#) (NSW), schedule 3, clause 36

Explanatory note

This amendment updates the name of an Act and cross-references because the *Road Transport (Safety and Traffic Management) Act 1999* (NSW) has been repealed and replaced with the *Road Transport Act 2013* (NSW).

[3.174] Section 41AE

omit

Road Transport (Safety and Traffic Management) Act 1999 (NSW),
section 33B, section 33D or section 35

substitute

Road Transport Act 2013 (NSW), schedule 3, clause 36

Explanatory note

This amendment updates the name of an Act and cross-references because the *Road Transport (Safety and Traffic Management) Act 1999* (NSW) has been repealed and replaced with the *Road Transport Act 2013* (NSW).

[3.175] Section 51 (2)

omit

Explanatory note

This amendment omits the provision as a consequence of the insertion of a definition of ***road related area*** in the dictionary by another amendment. The inserted definition includes the substance of section 51 (2).

[3.176] Dictionary, new definition of *road related area*

insert

road related area—

- (a) means an area that is a road related area under the *Road Transport (General) Act 1999*; and
- (b) includes an area prescribed by regulation as a road related area for this Act.

Explanatory note

This amendment inserts a new definition of ***road related area*** to assist users of the legislation. The substance of paragraph (b) is relocated from section 51 (2), which is omitted by another amendment.

Part 3.20 Road Transport (Public Passenger Services) Regulation 2002

[3.177] Section 68 (4)

omit

, or a 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.

[3.178] Section 68 (4), new note 3

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.

[3.179] Section 156 (4)

omit

, or a 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.

[3.180] Section 156 (4), new note 3

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.

[3.181] Section 219 (4)

omit

, or a 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.

[3.182] Section 219 (4), new note 3

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.

[3.183] Section 303 (4)

omit

, or a 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.

[3.184] Section 303 (4), new note 3

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.

Part 3.21 Road Transport (Safety and Traffic Management) Act 1999

[3.185] Section 10AA (3)

omit

section 15

substitute

schedule 1, section 1.2

Explanatory note

This amendment corrects a cross-reference.

[3.186] New section 10D (5)

insert

(5) In this section:

registered interest, in relation to a motor vehicle, means an interest in the vehicle that is registered under the [Personal Property Securities Act 2009](#) (Cwlth).

Explanatory note

This amendment relocates from the dictionary a definition of a term that is used only in section 10D. The definition is omitted from the dictionary by another amendment.

[3.187] Section 25 (3) (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.

[3.188] Section 33 (3)

omit

bears

substitute

has

Explanatory note

This amendment updates language to make the wording of the provision consistent with the [Criminal Code](#), section 58 (which deals with evidential burden of proof).

[3.189] Dictionary, note 3

omit

- another jurisdiction

Explanatory note

Dictionary, note 3 lists examples of terms used in the Act that are defined in the [Road Transport \(General\) Act 1999](#), dictionary. This amendment omits a term that is no longer used in the Act.

[3.190] Dictionary, note 3

insert

- Australian driver
- driver licence
- external driver licence
- infringement notice

Explanatory note

Dictionary, note 3 lists examples of terms used in the Act that are defined in the *Road Transport (General) Act 1999*, dictionary. This amendment inserts terms that are used in the Act and defined in the *Road Transport (General) Act 1999*, dictionary.

[3.191] Dictionary, note 3

omit

- jurisdiction

Explanatory note

Dictionary, note 3 lists examples of terms used in the Act that are defined in the *Road Transport (General) Act 1999*, dictionary. This amendment omits a term that is no longer used in the Act.

[3.192] Dictionary, note 3

insert

- registered operator
- responsible person
- rider
- traffic

Explanatory note

Dictionary, note 3 lists examples of terms used in the Act that are defined in the *Road Transport (General) Act 1999*, dictionary. This amendment inserts terms that are used in the Act and defined in the *Road Transport (General) Act 1999*, dictionary.

[3.193] Dictionary

omit the definitions of
Australian driver licence
driver licence
external driver licence
infringement notice
registered interest
registered operator
responsible person
rider
traffic

Explanatory note

This amendment omits commonly-used terms (other than *registered interest*) which are defined in the *Road Transport (General) Act 1999*, dictionary. It is consequential on the insertion, by another amendment, of the omitted terms in dictionary, note 3. Dictionary, note 3, refers users to the *Road Transport (General) Act 1999*, dictionary for the definitions of words and expressions commonly used in road transport legislation. The definition of *registered interest* is omitted as a consequence of its relocation to section 10D by another amendment.

Part 3.22 Taxation Administration Act 1999

[3.194] Section 40 (2) etc

omit

shall

substitute

must

in

- section 40 (2)
- section 42 (3)
- section 54 (3)

Explanatory note

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

[3.195] Section 82 (3), 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.

[3.196] Dictionary, note 2

insert

- Australian statistician
- 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.

Part 3.23 Tree Protection Act 2005

[3.197] Section 112

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.

[3.198] Section 112, 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.

[3.199] Section 114 (2)

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.

[3.200] Dictionary, definition of *incorporated document*

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.

[3.201] Dictionary, definition of *incorporated document*, 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.

Part 3.24 **Work Health and Safety Act 2011**

[3.202] Section 229 (2) (c)

omit

external review body

substitute

ACAT

Explanatory note

In the equivalent provision in the model bill for the Act, the term ‘external review body’ was used, with a jurisdictional note to the effect that each jurisdiction should specify the external review body for the jurisdiction. Section 229 (1) provides that a person may apply to the ACAT for review of certain decisions, making it clear that the external review body is intended to be the ACAT. This amendment corrects the reference.

[3.203] Section 274 (1), note

substitute

Note The power to approve a code of practice includes the power to amend or repeal the approval of the code of practice. The power to amend or repeal the approval is exercisable in the same way, and subject to the same conditions, as the power to make it (see [Legislation Act](#), s 46).

Explanatory note

Under section 274 (1), the Minister may approve a code of practice. This amendment revises the note to clarify that the power to approve a code of practice includes the power to amend or repeal the approval.

[3.204] Section 274 (4), note 2

substitute

Note 2 An amendment or repeal of an approval of a code of practice is also a notifiable instrument (see [Legislation Act](#), s 46 (2)).

Explanatory note

This amendment revises a note about the effect of an amendment or repeal of an approval. The revised note makes it clear that the amendment or repeal of the approval of a code of practice is a notifiable instrument.

Part 3.25 Work Health and Safety Regulation 2011

[3.205] Section 7 (4), definition of *strata title body corporate*

omit

[Unit Titles Act 2001](#), section 38 (Establishment of owners corporations)

substitute

[Unit Titles \(Management\) Act 2011](#), section 8 (Owners corporation—establishment)

Explanatory note

This amendment updates a cross-reference. The [Unit Titles Act 2001](#) was amended by the [Unit Titles \(Management\) Act 2011](#) to omit section 38 and remake it as section 8 in the [Unit Titles \(Management\) Act 2011](#).

Part 3.26 Workers Compensation Act 1951

[3.206] Section 16 (1) (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.

[3.207] Section 20 (1), definition of *CPI*

omit

Australian Statistician

substitute

Australian statistician

Explanatory note

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

[3.208] Section 129 (5), new note 2

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.

[3.209] Section 164 (5)

omit

shall not be

substitute

is not

Explanatory note

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

[3.210] Section 179A etc

omit

chapter

substitute

part

in

- section 179A (1) and (2)
- section 179B
- section 179C (1)
- section 179D (1) and (2)
- section 179E (1)
- section 179F (a)

Explanatory note

The Act, chapter 15 was amended by the *Workers Compensation (Terrorism) Amendment Act 2012* and the chapter, as amended, was relocated as part 8.3. This amendment corrects references to ‘chapter’ in part 8.3 that are necessary as a consequence of that relocation.

[3.211] Dictionary, note 2

insert

- Australian statistician
- 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.

[3.212] Dictionary, definition of AWE, paragraph (a)

substitute

- (a) the average weekly earnings seasonally adjusted for the ACT (all employees average weekly total earnings) in *Average Weekly Earnings, Australia* (State and Territory Earnings) issued by the Australian statistician; or

Note *Average Weekly Earnings, Australia* is issued in May and November and is available at www.abs.gov.au.

Explanatory note

This amendment updates the definition of *AWE* because the ABS publication is now issued every 6 months (in May and November) instead of quarterly.

[3.213] Dictionary, definition of *awe indexed*

substitute

awe indexed, for an amount, for chapter 4 (Entitlement to compensation)—see section 20.

Explanatory note

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

[3.214] Dictionary, definition of *cpi indexed*

substitute

cpi indexed, for an amount, for chapter 4 (Entitlement to compensation)—see section 20.

Explanatory note

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

[3.215] Dictionary, definition of *workplace injury*

substitute

workplace injury, for chapter 5 (Injury management process)—see section 86.

Explanatory note

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

Endnotes

1 Presentation speech

Presentation speech made in the Legislative Assembly on 19 September 2013.

2 Notification

Notified under the [Legislation Act](#) on 11 November 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 (No 2), which was passed by the Legislative Assembly on 29 October 2013.

Clerk of the Legislative Assembly

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