



Australian Capital Territory

# Statute Law Amendment Act 2014

A2014-18

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Australian Capital Territory

# **Statute Law Amendment Act 2014**

**A2014-18**

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

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

## **1 Name of Act**

This Act is the *Statute Law Amendment Act 2014*.

## **2 Commencement**

- (1) This Act (other than schedule 1, part 1.2) commences on the 21st day after its notification day.

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

- (2) Schedule 1, part 1.2 (Cultural Facilities Corporation Act 1997) commences on 1 July 2014.

## **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**                      **Corrections Management Act 2007**

#### **[1.1] Section 177 (2)**

*omit*

a magistrate

*substitute*

judicially qualified

#### **Explanatory note**

Section 177 provides that the Minister may appoint at least 1 adjudicator for the purposes of the Act. An adjudicator reviews disciplinary matters and segregation decisions under the Act. Currently, adjudicators are required to be magistrates. This amendment will broaden the field from which an adjudicator may be appointed to include judges, retired judges or magistrates, or someone who has been a legal practitioner for not less than 5 years.

#### **[1.2] New section 177 (4)**

*insert*

- (4) For this section, each of the following are *judicially qualified*:
- (a) a judge or retired judge;
  - (b) a magistrate or retired magistrate;
  - (c) a person who has been a legal practitioner for not less than 5 years.

#### **Explanatory note**

This amendment inserts a definition as a consequence of another amendment.

## Part 1.2                            Cultural Facilities Corporation Act 1997

### [1.3]            Section 15

*omit*

#### Explanatory note

This section omits section 15. Under section 15, the Cultural Facilities Corporation (*the corporation*) must, at the end of each quarter, give the Minister a report on the quarter about its and the Act's operation. The Minister is required to present the report to the Legislative Assembly within 6 sitting days after receiving it. The report is not usually the subject of discussion in the Assembly. The requirement for quarterly reporting is to be removed as the information about the corporation's activities that the report generally contains is also available in other publications produced by the corporation, for example, the corporation's annual report, seasonal calendars of events and the 2 websites maintained by the corporation for the Canberra Theatre Centre and the ACT Museums and Galleries.

The corporation will continue to report on its activities and performance under the [Annual Reports \(Government Agencies\) Act 2004](#).

### [1.4]            Dictionary, note 2

*omit*

- quarter

#### 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 omits a term used in the Act and is consequential on the omission of a provision by another amendment.



## **Part 1.3                      Dangerous Substances Act 2004**

### **[1.5]            Section 8 (2) and (3)**

*after*

another territory law

*insert*

, other than the [WHS Act](#),

#### **Explanatory note**

This amendment is consequential on the insertion of new section 8A about the relationship of the Act to the [Work Health and Safety Act 2011](#) by another amendment.

### **[1.6]            New section 8A**

*insert*

#### **8A              Relationship of Act to WHS Act**

- (1) A person is taken to have complied with a duty under this Act in relation to a substance, thing or circumstance if the person—
  - (a) has a corresponding duty under the [WHS Act](#) in relation to the substance, thing or circumstance; and
  - (b) has complied with the duty under the [WHS Act](#).
- (2) A duty or power under this Act in relation to a dangerous substance has no effect to the extent that it is inconsistent with a duty under the [WHS Act](#) in relation to the substance.

- (3) However, a duty or power under this Act in relation to a dangerous substance must not be taken to be inconsistent with a duty under the [WHS Act](#) to the extent that they can operate concurrently.

**Explanatory note**

This amendment is consequential on the enactment of the [Work Health and Safety Act 2011](#) (the [WHS Act](#)). The enactment of the [WHS Act](#) made it possible for a person to have corresponding or inconsistent duties under the Act and the [WHS Act](#) in relation to dangerous substances, including asbestos and hazardous chemicals.

New section 8A (1) makes it clear that a person with corresponding duties under this Act and the [WHS Act](#) will be complying with the person's duties under this Act if the person complies with their duties under the [WHS Act](#). New section 8A (2) makes it clear if a duty in relation to a dangerous substance under this Act is inconsistent with a duty under the [WHS Act](#) in relation to the dangerous substance, the duty under this Act has no effect to the extent of the inconsistency. However, to the extent that the 2 duties can operate concurrently, they are not taken to be inconsistent (see s 8A (3)).

**[1.7]            Dictionary, new definition of [WHS Act](#)**

*insert*

**[WHS Act](#)** means the [Work Health and Safety Act 2011](#).

**Explanatory note**

This amendment inserts a definition and is consequential on other amendments about the [Work Health and Safety Act 2011](#).

## Schedule 2      Legislation Act 2001

(see s 5)

### [2.1]      Dictionary, part 1, new definition of *coroner*

*insert*

*coroner* means a coroner under the [Coroners Act 1997](#).

#### **Explanatory note**

This amendment inserts a definition of a term used in a number of Acts and subordinate legislation.

## **Schedule 3            Technical amendments**

(see s 5)

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

#### **[3.1]            Section 16 (2), note**

*substitute*

*Note 1*    If a form is approved under s 69 for this provision, the form must be used.

*Note 2*    A fee may be determined under s 67 for this provision.

*Note 3*    The *Statutory Declarations Act 1959* (Cwlth) applies to the making of statutory declarations under ACT laws.

*Note 4*    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 substitutes the note with standard notes about approved forms, determination of fees and statutory declarations.

#### **[3.2]            Dictionary, note 2**

*omit*

- civil union partner

#### **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 omits a term that is no longer used in the Act.

### **[3.3] Dictionary, note 2**

*insert*

- coroner

#### **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. The definition of *coroner* is inserted in the [Legislation Act](#), dictionary, part 1 by another amendment.

### **[3.4] Further amendments, new note**

*insert*

*Note* For how documents may be served, see the [Legislation Act](#), pt 19.5.

*in*

- section 5 (2)
- section 21 (2) (a) (ii)
- section 37 (1)
- section 41 (2)
- section 51 (2)

#### **Explanatory note**

This amendment inserts a standard note about service of documents.

## Part 3.2 Births, Deaths and Marriages Registration Regulation 1998

### [3.5] Section 9 (d)

*substitute*

- (d) whether the deceased was an Aboriginal or Torres Strait Islander person;

#### Explanatory note

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

### [3.6] New section 9 (2)

*insert*

- (2) In this section:

***Aboriginal or Torres Strait Islander person*** means a person who—

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

#### Explanatory note

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

**[3.7] Section 10 (e), new note**

*insert*

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

**Explanatory note**

This amendment inserts a note about a term used in the regulation and defined in the [Legislation Act](#), dictionary, part 1. The definition of **coroner** is inserted in the [Legislation Act](#), dictionary, part 1 by another amendment.

**[3.8] Section 12 (c), new note**

*insert*

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

**Explanatory note**

This amendment inserts a note about a term used in the regulation and defined in the [Legislation Act](#), dictionary, part 1. The definition of **coroner** is inserted in the [Legislation Act](#), dictionary, part 1 by another amendment.

## **Part 3.3 Cemeteries and Crematoria Act 2003**

**[3.9] Section 17 (1), new note**

*insert*

*Note 2* For how documents may be served, see the [Legislation Act](#), pt 19.5.

**Explanatory note**

This amendment inserts a standard note about service of documents.

**[3.10]      Section 23 (4)**

*insert*

*Note*      A fee may be determined under s 49 for this provision.

**Explanatory note**

This amendment inserts a standard note about determination of fees.

**[3.11]      Dictionary, note 2**

*insert*

- coroner

**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. The definition of *coroner* is inserted in the [Legislation Act](#), dictionary, part 1 by another amendment.

**[3.12]      Further amendments, new note**

*insert*

*Note*      For how documents may be served, see the [Legislation Act](#), pt 19.5.

*in*

- section 22 (1)
- section 23 (6)
- section 24 (5)

**Explanatory note**

This amendment inserts a standard note about service of documents.



## Part 3.4 Cemeteries and Crematoria Regulation 2003

### [3.13] Section 10, 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.

### [3.14] Sections 11 (2) and 16 (2), new note

*insert*

*Note* For how documents may be served, see the [Legislation Act](#), pt 19.5.

#### Explanatory note

This amendment inserts a standard note about service of documents.

### [3.15] Dictionary, note 2

*insert*

- coroner

#### 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 used in the regulation and defined in the [Legislation Act](#), dictionary, part 1. The definition of *coroner* is inserted in the [Legislation Act](#), dictionary, part 1 by another amendment.

**[3.16]     Dictionary, new definition of *operator register***

*insert*

*operator register*—see section 12.

**Explanatory note**

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

**[3.17]     Further amendments, section 7 (2) etc**

*omit*

, in writing,

*in*

- section 7 (2)
- section 8 (2)
- section 9 (2)

**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 3.5                            Corrections Management Act 2007

**[3.18]     Section 17 (2), note 3**

*omit*

s 36

*substitute*

s 36C

**Explanatory note**

This amendment corrects a cross-reference.

**[3.19] Dictionary, note 2**

*omit*

- bankrupt or personally insolvent
- public employee
- quarter

**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 omits terms no longer used in the Act.

## **Part 3.6 Crimes (Restorative Justice) Act 2004**

**[3.20] Section 15 (4)**

*omit*

by written notice

**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.

**[3.21] Section 21, definition of *court referral order***

*omit*

(Referral during court proceeding)

**Explanatory note**

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

**[3.22]      Section 21, definition of *section 24 referral conditions***

*omit*

(Referral power)

**Explanatory note**

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

**[3.23]      Section 22 (2), note 2**

*omit*

s 36

*substitute*

s 36C

**Explanatory note**

This amendment corrects a cross-reference.

**[3.24]      Dictionary, note 2**

*omit*

- sitting day

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

**[3.25]      Dictionary, definition of *court referral order***

*omit*

(Referral during court proceeding)

**Explanatory note**

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

**[3.26] Dictionary, definition of *restorative justice agreement***

*omit*

(Agreement as to object of conference)

**Explanatory note**

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

**[3.27] Dictionary, definition of *section 24 referral conditions***

*omit*

(Referral power)

**Explanatory note**

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

## **Part 3.7 Crimes (Surveillance Devices) Act 2010**

**[3.28] Section 16 (3)**

*omit*

Section 11 (Application for a surveillance device warrant) and section 12 (Remote application)

*substitute*

Section 11 (Surveillance device warrant—application) and section 12 (Surveillance device warrant—remote application)

**Explanatory note**

This amendment corrects cross-references.

**[3.29]    Section 16 (4)**

*omit*

section 13 (1) (Deciding the application)

*substitute*

section 13 (1) (Surveillance device warrant—deciding the application)

**Explanatory note**

This amendment corrects a cross-reference.

**[3.30]    Dictionary, note 2**

*insert*

- coroner

**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. The definition of *coroner* is inserted in the [Legislation Act](#), dictionary, part 1 by another amendment.

**[3.31]    Dictionary, definition of *unsworn application***

*substitute*

***unsworn application***, for a warrant, means an application under section 11 (4) or section 19 (4).

**Explanatory note**

This amendment remakes a definition to correct cross-references.

## **Part 3.8**                      **Firearms Act 1996**

### **[3.32] Section 37 (2)**

*omit everything before paragraph (a), substitute*

- (2) The Minister may make guidelines about the making of the following decisions by the registrar:

#### **Explanatory note**

This amendment omits words that are redundant because of the [Legislation Act](#), section 44 (3). Section 44 (3) provides that the power to make a statutory instrument (including a disallowable instrument) about a particular matter does not limit power to make a statutory instrument about any other matter.

### **[3.33] Section 37 (4)**

*omit everything before paragraph (a), substitute*

- (4) Also, the Minister may make guidelines about the following:

#### **Explanatory note**

This amendment omits words that are redundant because of the [Legislation Act](#), section 44 (3). Section 44 (3) provides that the power to make a statutory instrument (including a disallowable instrument) about a particular matter does not limit power to make a statutory instrument about any other matter.

### **[3.34] Section 199 (2), new note**

*insert*

*Note 2* For how documents may be served, see the [Legislation Act](#), pt 19.5.

#### **Explanatory note**

This amendment inserts a standard note about service of documents.

**[3.35]            Sections 273 (2) and 274 (2)**

*omit everything before paragraph (a), substitute*

(2) A regulation may—

**Explanatory note**

This amendment omits words that are redundant because of the [Legislation Act](#), section 44 (3). Section 44 (3) provides that the power to make a statutory instrument (including a regulation) about a particular matter does not limit power to make a statutory instrument about any other matter.

**[3.36]            Further amendments, new note**

*insert*

*Note*        For how documents may be given, see the [Legislation Act](#), pt 19.5.

*in*

- section 174 (3)
- section 178 (2)
- section 197 (1)
- section 198 (1)

**Explanatory note**

This amendment inserts a standard note about how documents may be given.

## **Part 3.9                                  Gambling and Racing Control Act 1999**

**[3.37]            Section 22 (1), new note**

*insert*

*Note*        For how documents may be served, see the [Legislation Act](#), pt 19.5.

**Explanatory note**

This amendment inserts a standard note about service of documents.



**[3.38] Section 22 (3) (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.

**[3.39] 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 used in the Act and defined in the *Legislation Act*, dictionary, part 1.

## **Part 3.10 Health Records (Privacy and Access) Act 1997**

**[3.40] Sections 13 (2), 16A (2) and 16D (2), new note**

*insert*

*Note* For how documents may be served, see the *Legislation Act*, pt 19.5.

**Explanatory note**

This amendment inserts a standard note about service of documents.

**[3.41]    New section 16D (5)**

*insert*

(5) In this section:

**registration board** means—

- (a) a national board under the *Health Practitioner Regulation National Law (ACT)*; or
- (b) a health profession board under the *Health Professionals Act 2004*.

**Explanatory note**

This amendment relocates from the dictionary a definition of a term that is used only in section 16D. The definition is omitted from the dictionary by another amendment.

**[3.42]    Section 36 (3)**

*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.

**[3.43]    Section 36 (3), 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.

**[3.44] Schedule 1, principles 11 (14), 12.1 (8) and 12.2 (8)**

*omit*

avoid

*substitute*

remove

**Explanatory note**

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

**[3.45] Dictionary, definition of *registration board***

*omit*

**Explanatory note**

This amendment omits a definition and is consequential on the relocation of the definition to section 16D by another amendment.

**[3.46] Further amendments, mentions of *shall***

*omit*

shall

*substitute*

must

*in*

- section 11 (3)
- schedule 1, principles 1 to 3
- schedule 1, principle 5
- schedule 1, principles 7 to 9

**Explanatory note**

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

## Part 3.11                      Heritage Act 2004

### [3.47]      Section 61 (3)

*omit*

all or any

*substitute*

1 or more

#### **Explanatory note**

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

### [3.48]      Section 95 (1) (a)

*omit*

knowledge of

#### **Explanatory note**

This amendment omits unnecessary words.

### [3.49]      Section 117, note 2

*omit*

s 36

*substitute*

s 36C

#### **Explanatory note**

This amendment corrects a cross-reference.

**[3.50] Section 121, note 2**

*omit*

s 36

*substitute*

s 36C

**Explanatory note**

This amendment corrects a cross-reference.

## **Part 3.12 Juries Act 1967**

**[3.51] Dictionary, note 2**

*insert*

- coroner
- magistrate

**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 used in the Act and defined in the [Legislation Act](#), dictionary, part 1. The definition of *coroner* is inserted in the [Legislation Act](#), dictionary, part 1 by another amendment.

**[3.52] Dictionary, note 2**

*omit*

- registrar

**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 omits a term no longer used in the Act.

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

*omit*

**Explanatory note**

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

## **Part 3.13                      Land Titles Act 1925**

**[3.54]      Section 38 (2)**

*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.

**[3.55]      Section 73 (3) (a)**

*omit*

a natural person

*substitute*

an individual

**Explanatory note**

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

**[3.56]      Dictionary, definition of *administrative interest***

*omit*

(Meaning of *administrative interest*—Act)

**Explanatory note**

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

**[3.57] Dictionary, definition of *authorised entity***

*substitute*

*authorised entity*, for part 8A (Record of administrative interests)—  
see section 69B.

**Explanatory note**

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

**[3.58] Dictionary, definition of *Federal Capital Commission***

*after*

(Cwlth)

*insert*

(repealed)

**Explanatory note**

This amendment amends a definition to include a reference to the repeal of the *Seat of Government (Administration) Act 1924* (Cwlth). That Act was repealed by the *Seat of Government (Administration) Act 1930* (Cwlth).

## **Part 3.14                      Legal Profession Act 2006**

**[3.59] Sections 96 (2) and 97 (2), new note**

*insert*

*Note*      For how documents may be served, see the [Legislation Act](#), pt 19.5.

**Explanatory note**

This amendment inserts a standard note about service of documents.

**[3.60]        Sections 113 (4) and 142 (4)**

*omit*

Without limiting subsection (3), the additional

*substitute*

The additional

**Explanatory note**

This amendment omits words that are redundant because of the [Legislation Act](#), section 44 (3). Section 44 (3) provides that the power to make a statutory instrument (including a regulation) about a particular matter does not limit power to make a statutory instrument about any other matter.

**[3.61]        Section 246 (3)**

*omit*

Without limiting subsection (2), a regulation

*substitute*

A regulation

**Explanatory note**

This amendment omits words that are redundant because of the [Legislation Act](#), section 44 (3). Section 44 (3) provides that the power to make a statutory instrument (including a regulation) about a particular matter does not limit power to make a statutory instrument about any other matter.



**[3.62] Section 315 (2)**

*omit*

Without limiting subsection (1), an approval

*substitute*

An approval

**Explanatory note**

This amendment omits words that are redundant because of the [Legislation Act](#), section 44 (3). Section 44 (3) provides that the power to make a statutory instrument (including a notifiable instrument) about a particular matter does not limit power to make a statutory instrument about any other matter.

**[3.63] Section 354 (2)**

*omit*

Without limiting subsection (1), a regulation

*substitute*

A regulation

**Explanatory note**

This amendment omits words that are redundant because of the [Legislation Act](#), section 44 (3). Section 44 (3) provides that the power to make a statutory instrument (including a notifiable instrument) about a particular matter does not limit power to make a statutory instrument about any other matter.

**[3.64] Section 364 (3)**

*omit everything before paragraph (a), substitute*

- (3) A regulation may decide or provide for the deciding of 1 or both of the following:

**Explanatory note**

This amendment omits words that are redundant because of the [Legislation Act](#), section 44 (3). Section 44 (3) provides that the power to make a statutory instrument (including a regulation) about a particular matter does not limit power to make a statutory instrument about any other matter. This amendment also updates language in line with current legislative drafting practice.

**[3.65] Section 526 (1), new note**

*insert*

*Note 3* For how documents may be served, see the [Legislation Act](#), pt 19.5.

**Explanatory note**

This amendment inserts a standard note about service of documents.

## **Part 3.15 Magistrates Court (Domestic Animals Infringement Notices) Regulation 2005**

**[3.66] Schedule 1, part 1.1, item 15, column 2**

*omit*

41 (4)

*substitute*

41 (5)

**Explanatory note**

This amendment updates a cross-reference because of amendments made by the [Domestic Animals Amendment Act 2007](#).

**[3.67] Schedule 1, part 1.1, item 31, column 2**

*omit*

48 (3)

*substitute*

48 (4)

**Explanatory note**

This amendment updates a cross-reference because of amendments made by the [Domestic Animals Amendment Act 2007](#).

**[3.68] Schedule 1, part 1.1, item 32, column 2**

*omit*

48 (4)

*substitute*

48 (5)

**Explanatory note**

This amendment updates a cross-reference because of amendments made by the [Domestic Animals Amendment Act 2007](#).

## **Part 3.16**                      **Magistrates Court (Planning and Development Infringement Notices) Regulation 2008**

### **[3.69]      Schedule 1 heading**

*substitute*

## **Schedule 1**                      **Planning and Development Act infringement notice offences and penalties**

### **Explanatory note**

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

### **[3.70]      Schedule 1, part 1.1 heading**

*omit*

### **Explanatory note**

This amendment omits an unnecessary heading and brings the schedule into line with current legislative drafting practice.

### **[3.71]      Schedule 1, item 1, column 2**

*omit*

155 (2)

*substitute*

155 (5)

### **Explanatory note**

This amendment corrects a cross-reference.

## Part 3.17 National Gas (ACT) Act 2008

### [3.72] Section 10 (1), definition of *adjacent area of another participating jurisdiction*

*omit*

*Offshore Petroleum Act 2006* (Cwlth), section 7 (Offshore areas)

*substitute*

*Offshore Petroleum and Greenhouse Gas Storage Act 2006* (Cwlth), section 8 (Offshore areas of the States and Territories)

#### Explanatory note

This amendment updates the reference to the Commonwealth Act as a consequence of the change of name of the Act, and the renumbering of section 7 as section 8, by the *Offshore Petroleum Amendment (Greenhouse Gas Storage) Act 2008* (Cwlth).

## Part 3.18 Retirement Villages Act 2012

### [3.73] Sections 55 (1) and 56 (1), new note

*insert*

*Note* For how documents may be served, see the [Legislation Act](#), pt 19.5.

#### Explanatory note

This amendment inserts a standard note about service of documents.

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

## Part 3.19                      Road Transport (Driver Licensing) Act 1999

### [3.75]            Sections 16 (2) and 17 (2), new note

*insert*

*Note*            For how documents may be served, see the [Legislation Act](#), pt 19.5.

#### **Explanatory note**

This amendment inserts a standard note about service of documents.

### [3.76]            Section 22 (1)

*omit*

The regulations

*substitute*

A regulation

#### **Explanatory note**

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

### [3.77]            Section 22 (1), example

*omit*

the regulations

*substitute*

a regulation

#### **Explanatory note**

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

**[3.78] Section 22 (2)**

*omit*

Without limiting subsection (1), a regulation may

*substitute*

A regulation may also

**Explanatory note**

This amendment omits words that are redundant because of the [Legislation Act](#), section 44 (3). Section 44 (3) provides that the power to make a statutory instrument (including a regulation) about a particular matter does not limit power to make a statutory instrument about any other matter.

**[3.79] Section 28 (1)**

*omit*

The regulations are

*substitute*

A regulation is

**Explanatory note**

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

**[3.80] Section 28 (2)**

*omit everything before paragraph (a), substitute*

(2) A regulation may also—

**Explanatory note**

This amendment omits words that are redundant because of the [Legislation Act](#), section 44 (3). Section 44 (3) provides that the power to make a statutory instrument (including a regulation) about a particular matter does not limit power to make a statutory instrument about any other matter.

## Part 3.20            Road Transport (Third-Party Insurance) Act 2008

### [3.81]            New section 29 (2)

*insert*

(2) In this section:

**registered operator**—see the *Road Transport (Vehicle Registration) Act 1999*, dictionary.

#### Explanatory note

This amendment relocates from the dictionary a definition of a term that is used only in section 29. The definition is omitted from the dictionary by another amendment.

### [3.82]            Section 52 (e), new note

*insert*

*Note*            **Found guilty**, of an offence—see the *Legislation Act*, dictionary, pt 1.

#### Explanatory note

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

### [3.83]            Sections 60 (2) and 62 (2)

*omit*

avoid

*substitute*

remove

#### Explanatory note

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



**[3.84] Section 76, new definitions**

*insert*

*later respondent*, for a motor accident claim—see section 91.

*rehabilitation*—see section 123.

**Explanatory note**

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

**[3.85] Section 84 (1), new note**

*insert*

*Note 3* For how documents may be served, see the [Legislation Act](#), pt 19.5.

**Explanatory note**

This amendment inserts a standard note about service of documents.

**[3.86] Section 90 (2), new note**

*insert*

*Note 2* For how documents may be served, see the [Legislation Act](#), pt 19.5.

**Explanatory note**

This amendment inserts a standard note about service of documents.

**[3.87] Section 94 (4), 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.

**[3.88]    Section 104 (4), 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 105 (4), 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.

**[3.90]    Section 139 (2), new note**

*insert*

*Note 2*    For how documents may be served, see the [Legislation Act](#), pt 19.5.

**Explanatory note**

This amendment inserts a standard note about service of documents.

**[3.91] Section 141 (2)**

*omit*

*mandatory final offers*

*substitute*

*mandatory final offer*

**Explanatory note**

This amendment corrects a tagged term.

**[3.92] Section 179**

*substitute*

**179 Meaning of *licensed insurer* and *former licensed insurer***

(1) In this Act:

*licensed insurer* means a corporation that holds a CTP insurer licence.

(2) In this chapter:

*former licensed insurer* means an entity that was, at any time, a licensed insurer but is no longer a licensed insurer.

**Explanatory note**

The term ‘former licensed insurer’ is used only in chapter 5 of the Act. This amendment revises the section to make it clear that the definition of the term applies only in chapter 5.

**[3.93]        Sections 227 (4) and 232 (5)**

*omit*

avoid

*substitute*

remove

**Explanatory note**

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

**[3.94]        Dictionary, note 3**

*insert*

- road
- road related area
- trader's plate

**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 used in the Act and defined in the [Road Transport \(General\) Act 1999](#), dictionary.

**[3.95]        Dictionary, definition of *business plan guidelines***

*substitute*

*business plan guidelines*—see section 215 (3) (b).

**Explanatory note**

This amendment remakes the definition to correct a cross-reference.

**[3.96]        Dictionary, definitions of *credit card* and *possession***

*omit*

**Explanatory note**

This amendment omits definitions of terms no longer used in the Act.

**[3.97] Dictionary, definition of *registered operator***

*omit*

**Explanatory note**

This amendment omits a definition and is consequential on the relocation of the definition to section 29 by another amendment.

**[3.98] Dictionary, definitions of *relevant claim information* and *required document***

*substitute*

*relevant claim information*, for a motor accident claim, for part 4.3 (Obligations to give documents and information)—see section 103.

*required document*, for a motor accident claim, for part 4.3 (Obligations to give documents and information)—see section 102.

**Explanatory note**

This amendment remakes the definitions and corrects a reference to the heading to part 4.3.

**[3.99] Dictionary, definition of *rider***

*omit*

**Explanatory note**

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

**[3.100] Dictionary, definitions**

*omit the definitions of*

*road*

*road related area*

*trader's plate*

**Explanatory note**

This amendment omits definitions of terms that are defined in the *Road Transport (General) Act 1999*, dictionary. The terms are inserted in dictionary, note 3 (which lists examples of terms defined in the *Road Transport (General) Act 1999*, dictionary and used in the Act) by another amendment.

**[3.101] Further amendments, new note**

*insert*

*Note*     For how documents may be served, see the [Legislation Act](#), pt 19.5.

*in*

- section 72 (1) (c)
- section 87 (1)
- section 88 (1)
- section 94 (1)
- section 104 (1)
- section 105 (1)
- section 106 (1)
- section 107 (1)
- section 118 (4)
- section 128 (2)
- section 141 (3)
- section 265 (2)

**Explanatory note**

This amendment inserts a standard note about service of documents.

## Part 3.21 Territory-owned Corporations Act 1990

### [3.102] Section 33B

*omit*

*Equal Opportunity for Women in the Workplace Act 1999* (Cwlth)

*substitute*

*Workplace Gender Equality Act 2012* (Cwlth)

#### Explanatory note

This amendment updates a cross-reference as a consequence of a change in name of the Act made by the *Equal Opportunity for Women in the Workplace Amendment Act 2012* (Cwlth).

### [3.103] Dictionary, definition of *borrowing*, except example

*substitute*

***borrowing***, in relation to a territory-owned corporation or subsidiary—

- (a) includes raising money or obtaining credit, whether by entering into a financing lease, dealing with securities or otherwise; but
- (b) does not include obtaining credit in a transaction forming part of the day-to-day operations of the corporation or subsidiary.

#### Explanatory note

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

## Part 3.22 Terrorism (Extraordinary Temporary Powers) Act 2006

### [3.104] Section 13 (2), new note

*insert*

*Note* For how documents may be served, see the [Legislation Act](#), pt 19.5.

#### **Explanatory note**

This amendment inserts a standard note about service of documents.

### [3.105] Section 79 (1)

*omit*

all or any

*substitute*

any

#### **Explanatory note**

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

### [3.106] Section 91 (2)

*omit*

any 1 or more

*substitute*

1 or more

#### **Explanatory note**

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



**[3.107] Section 96 (3), note**

*substitute*

*Note* The text of the Convention is set out in the Australian Treaty Series 1989 No 21 ([1989] ATS 21). The Australian Treaty Series is accessible at [www.legislation.act.gov.au/updates/humanrights](http://www.legislation.act.gov.au/updates/humanrights).

**Explanatory note**

This amendment updates an obsolete reference to repealed Commonwealth legislation and states where the text of the convention may be accessed.

**[3.108] Dictionary, definition of *impaired decision-making ability***

*omit*

section 6

*substitute*

section 5

**Explanatory note**

This amendment updates a cross-reference as a consequence of amendments made by the [Carers Recognition Legislation Amendment Act 2006](#).

## **Part 3.23 Transplantation and Anatomy Act 1978**

**[3.109] Section 42 (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.

**[3.110]    Dictionary, note 2**

*insert*

- coroner

**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. The definition of *coroner* is inserted in the [Legislation Act](#), dictionary, part 1 by another amendment.

**[3.111]    Dictionary, definition of *coroner***

*omit*

**Explanatory note**

This amendment is consequential on the insertion of a definition of the term in the [Legislation Act](#), dictionary, part 1 by another amendment.

## **Part 3.24                            Workers Compensation Regulation 2002**

**[3.112]    Section 5 (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.

**[3.113] Section 5 (4), 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 to assist legislation users and is consequential on another amendment.

**[3.114] Section 7 (3)**

*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.

**[3.115] Section 7 (3), note**

*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.

**[3.116] Section 7 (3), 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 to assist legislation users and is consequential on another amendment.

**[3.117] Section 7 (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.

**[3.118] Section 36 (1), new note**

*insert*

*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 inserts a standard note about appointments.

**[3.119] Section 81 (2) (b) (ii), 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).

**Explanatory note**

This amendment inserts a standard note about examples.

**[3.120] Section 86 (1) (k)**

*omit*

Australian Standard 4801 as in force from time to time

*substitute*

AS/NZS 4801

**Explanatory note**

This amendment updates a reference to a standard in line with current legislative drafting practice and omits words that are made redundant as a result of another amendment.

**[3.121] Section 86 (1) (k), note**

*omit*

**Explanatory note**

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

**[3.122] Section 86 (5)**

*substitute*

(5) The [Legislation Act](#), section 47 (6) does not apply to AS/NZS 4801.

*Note* AS/NZS 4801 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 updates a reference to a standard in line with current legislative drafting practice, omits words that are made redundant as a result of another amendment and inserts a standard note about the operation of the [Legislation Act](#), s 47 (6) and (7).

**[3.123] Section 86 (6), new definition of AS/NZS 4801**

*insert*

**AS/NZS 4801** means AS/NZS 4801 (Occupational health and safety management systems - Specification with guidance for use), as in force from time to time.

*Note* AS/NZS 4801 may be purchased at [www.standards.org.au](http://www.standards.org.au).

**Explanatory note**

This amendment inserts a definition that is consequential on another amendment and adds a standard note about Australian and New Zealand Standards.

**[3.124] Section 93 (2) (b) (ii), 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).

**Explanatory note**

This amendment inserts a standard note about examples.

**[3.125] Dictionary, note 2**

*insert*

- 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 a term used in the regulation and defined in the [Legislation Act](#), dictionary, part 1.

## **Part 3.25 Work Health and Safety Act 2011**

### **[3.126] Section 155 (2), new note**

*insert*

*Note* For how documents may be served, see the [Legislation Act](#), pt 19.5.

#### **Explanatory note**

This amendment inserts a standard note about service of documents.

### **[3.127] Section 276 (2)**

*omit*

Without limiting subsection (1), a regulation

*substitute*

A regulation

#### **Explanatory note**

This amendment omits words that are redundant because of the [Legislation Act](#), section 44 (3). Section 44 (3) provides that the power to make a statutory instrument (including a regulation) about a particular matter does not limit power to make a statutory instrument about any other matter.

### **[3.128] New part 21**

*insert*

## **Part 21 Transitional—investigations**

### **308 Meaning of commencement day—pt 21**

In this part:

*commencement day* means the day the [Work Health and Safety Act 2011](#), section 3 commenced.

**309            Investigations under Work Safety Act 2008 (repealed)**

- (1) This section applies to an investigation under the *Work Safety Act 2008* (repealed) of an event, accident or other incident that happened before the commencement day.
- (2) An inspector under this Act may exercise any function of an inspector under the *Work Safety Act 2008* (repealed) in relation to the investigation.

**310            Functions under director-general's delegations**

- (1) This section applies if—
  - (a) the director-general delegated a function of the director-general (the *delegated function*) under the *Work Safety Act 2008* (repealed) to a person; and
  - (b) the delegation was in force immediately before the commencement day.
- (2) The person may exercise the delegated function in relation to an investigation under the *Work Safety Act 2008* (repealed) of an event, accident or other incident that happened before the commencement day.

**311            Expiry—pt 21**

This part expires 5 years after the day it commences.

*Note*            Transitional provisions are kept in the Act for a limited time. A transitional provision is repealed on its expiry but continues to have effect after its repeal (see [Legislation Act](#), s 88).

**Explanatory note**

This amendment relocates a part containing transitional provisions from the *Work Health and Safety Regulation 2011*.



## **Part 3.26**                      **Work Health and Safety Regulation 2011**

### **[3.129] Part 20.4B**

*omit*

#### **Explanatory note**

This amendment omits a part containing transitional provisions. The part is relocated to the *Work Health and Safety Act 2011* by another amendment.

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#### **Endnotes**

**1 Presentation speech**

Presentation speech made in the Legislative Assembly on 10 April 2014.

**2 Notification**

Notified under the [Legislation Act](#) on 20 May 2014.

**3 Republications of amended laws**

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

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I certify that the above is a true copy of the Statute Law Amendment Bill 2014, which was passed by the Legislative Assembly on 8 May 2014.

Clerk of the Legislative Assembly

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