



Australian Capital Territory

Statute Law Amendment Act 2014 (No 2)

A2014-44

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Australian Capital Territory

Statute Law Amendment Act 2014 (No 2)

A2014-44

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 2014 (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 **Health Records (Privacy and Access) Act 1997**

[1.1] Dictionary, definition of *health service provider*

omit

in the ACT

Explanatory note

Currently, the definition of *health service provider* is restricted to entities that provide a health service in the ACT. The inclusion of this geographical limitation can create difficulties in relation to the sharing of information between members of a treating team if some of the health service providers are located outside the ACT. This is because the definition of *treating team* is restricted to health service providers, so that if a consumer is receiving health treatment from a provider outside the ACT, information may not be shared with that provider in the same way as information may be shared among the members of a treating team within the ACT.

This amendment will remove the limiting words ‘in the ACT’ from the definition of *health service provider*. As a consequence, the definition will not be explicitly geographically limited. Under the amended definition, whether or not the Act applies to a particular health service provider will depend on the general rule that there is a relevant connection to the ACT.

Part 1.2 Lifetime Care and Support (Catastrophic Injuries) Act 2014

[1.2] New section 6 (3) (aa)

insert

- (aa) a compulsory third-party insurance policy was in force for the motor vehicle under the law of a jurisdiction other than the ACT at that time; or

Explanatory note

This amendment inserts a new paragraph to make it clear that the term ‘CTP cover under the CTP Act’ extends to a motor vehicle involved in a motor accident if the vehicle is covered by a compulsory third-party insurance policy in force under the law of a jurisdiction other than the ACT. This clarification is consistent with the *Motor Accidents (Lifetime Care and Support) Act 2006* (NSW), which the Act is intended to mirror and on which minimum benchmarks agreed for the National Injury Insurance Scheme for motor accidents have been modelled.

[1.3] Section 98 (1) and (2)

omit

director-general

substitute

LTCS commissioner

Explanatory note

This amendment revises section 98 to give the power to approve forms to the LTCS commissioner instead of the director-general. The LTCS commissioner is responsible for decisions about a person’s eligibility for the LTCS scheme and a participant’s treatment and care needs. Most of the forms required under the Act relate to these functions, for example, applications to participate in the LTCS scheme, so it is appropriate for the LTCS commissioner to have the power to approve the forms.

Schedule 2 Legislation Act 2001

(see s 5)

[2.1] Section 2, note 2

substitute

Note 2 Pt 1 defines terms commonly used in Acts (including this Act) and statutory instruments. For example, because of the definition '*calendar month* means one of the 12 months of the year.', the term 'calendar month' has the defined meaning wherever the term is used in an Act or statutory instrument unless the Act or instrument provides otherwise or the contrary intention otherwise appears (see s 144 and s 155).

Explanatory note

This amendment updates the note as a consequence of the remaking of the definitions of *month* and *calendar month* by other amendments.

[2.2] Section 151 (1), note 1

omit

- *named month*

Explanatory note

Note 1 lists a number of terms defined in the dictionary, part 1 that are relevant to periods of time. This amendment omits a reference to *named month* as a consequence of the omission of the definition of that term from the dictionary, part 1, by another amendment.

[2.3] Section 151 (2) to (7)*substitute*

- (2) A period of time mentioned in an Act or statutory instrument that is of a kind mentioned in an item in the following table is to be worked out according to the rule mentioned in column 3 of the item:

Table 151 Working out periods of time

column 1 item	column 2 If the period of time—	column 3 then the period—
1	is described as beginning at, on or with a stated day, act or event	includes the stated day or the day of the stated act or event
2	is described as beginning from or after a stated day, act or event	does not include the stated day or the day of the stated act or event
3	is described as ending at, by, on or with, or as continuing to or until, a stated day, act or event	includes the stated day or the day of the stated act or event
4	is described as ending before a stated day, act or event	does not include the stated day or the day of the stated act or event
5	is described as occurring between 2 events	does not include the days when the events happen

Example—item 1

If a licence begins on the first day of a financial year, the licence is in force on that day.

Example—item 2

If a disallowable instrument is described as beginning from 30 June, the instrument starts to operate on 1 July.

Example—item 3

If a person's right to apply for review of a decision ends on the last day of a financial year, the person may apply for review of the decision on that day.

Example—item 4

If a person may apply for renewal of accreditation not later than 6 months before the day the accreditation period ends, and the accreditation period ends on 2 November, the person may apply for renewal at any time during the 6-month period ending on 1 November.

Example—item 5

A court rule requires a notice of motion to be served 2 days before the return date for the application. If the return date is Friday, that day and the day the application is served are not counted in working out the 2 days. For service to be valid, the application must be served on or before the Tuesday before the return date.

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

- (3) Despite table 151, item 3, if, under an Act or statutory instrument, something must or may be done within a particular period of time after a stated day, the thing may be done on the stated day.

Explanatory note

Section 151 deals with working out periods of time generally in an Act or statutory instrument. This amendment replaces section 151 (2) to (6) with a table to make working out periods of time easier for users of legislation. The table is based on a similar table in the [Acts Interpretation Act 1901](#) (Cwlth), section 36.

Proposed table 151 replaces current section 151 (2) to (6) as follows:

- item 1 replaces current section 151 (2)
- item 2 replaces current section 151 (3)
- item 3 replaces current section 151 (4)
- item 4 replaces current section 151 (5)
- item 5 replaces current section 151 (6).

Proposed section 151 (3) replaces current section 151 (7) as a consequence of the replacement of current section 151 (4) by proposed item 3 of the table.

The proposed amendment does not substantively change the existing policy on working out periods of time.

[2.4] Dictionary, part 1, definition of *calendar month* and examples

substitute

calendar month means one of the 12 months of the year.

Explanatory note

Calendar month is currently defined as ‘a period beginning at the start of any day of a named month and ending at the end of the day before the corresponding day of the next named month or, if there is no such corresponding day, at the end of the last day of the next named month.’. The definition of ***month*** is substituted by another amendment to replicate the substance of the current definition of ***calendar month***. As a consequence, the definition of ***calendar month*** is being simplified in accordance with current plain language drafting style. The revised definitions of ***month*** and ***calendar month*** will be consistent with the definitions of those terms in the [Acts Interpretation Act 1901](#) (Cwlth) and are more consistent with how ***calendar month*** and ***month*** are generally understood. The amendments also remove the need for a definition of ***named month***, which is omitted by another amendment.

[2.5] Dictionary, part 1, definition of *month*

substitute

month means a period beginning at the start of any day of one of the calendar months and ending—

- (a) immediately before the start of the corresponding day of the next calendar month; or
- (b) if there is no such corresponding day—at the end of the next calendar month.

Examples

- 1 The period beginning at the start of 8 May 2014 and ending at midnight on 7 June 2014 is a month.

- 2 The period beginning at the start of 30 January 2014 and ending at midnight on 28 February 2014 is a month. The month ends on the last day of February because in that year, February does not have a day corresponding to 29 January (because 2014 is not a leap year). If the period began at the start of 30 January 2016 (ie a leap year), the month would end at midnight on 29 February 2016.

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

Month is currently defined as meaning a calendar month. The definition of *calendar month* is remade by another amendment and the substance of that definition is included in the definition of *month* by this amendment. The effect of this amendment, and the remaking of the definition of *calendar month* by another amendment, means that the definition of *named month* is no longer needed and is omitted by another amended.

[2.6] Dictionary, part 1, definition of *named month*

omit

Explanatory note

This amendment omits the definition because it is made redundant as a result of the remaking of the definitions of *calendar month* and *month* by other amendments.

Schedule 3 Technical amendments

(see s 5)

Part 3.1 Building and Construction Industry (Security of Payment) Act 2009

[3.1] Section 9 (6)

omit

To avoid doubt,

substitute

To remove any doubt,

Explanatory note

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

[3.2] Section 9 (7), new definition of *recognised financial institution*

insert

recognised financial institution means a bank or any other person or body prescribed by regulation.

Explanatory note

This amendment relocates from the dictionary a definition of a term that is used only in section 9 and updates language in line with current legislative drafting practice. The definition is omitted from the dictionary by another amendment.

[3.3] Section 10 (3), definition of *reference date*, paragraph (b)

omit

named month

substitute

calendar month

Explanatory note

This amendment is consequential on the remaking of the definition of *calendar month*, and the consequential omission of the definition of *named month*, in the [Legislation Act](#), dictionary, part 1 by other amendments.

[3.4] Section 10 (3), definition of *reference date*, new note

insert

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

Explanatory note

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

[3.5] Section 15 (1)

omit

a payment claim

substitute

a claim (a *payment claim*)

Explanatory note

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

[3.6] Section 16 (1), except notes

substitute

- (1) A respondent who is given a payment claim may reply to the claim by giving a schedule of proposed payment (a *payment schedule*) to the claimant.

Explanatory note

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

[3.7] Section 18 (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.

[3.8] New section 32 (2)

insert

- (2) In this section:

corresponding law means a law of the Commonwealth or another State that provides for security of payments in the building and construction industry.

Explanatory note

This amendment relocates from the dictionary a definition of a term that is used only in section 32. The definition is omitted from the dictionary by another amendment.

[3.9] Sections 46 (1) and 47 (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.

[3.10] Dictionary, note 2

insert

- found guilty

Explanatory note

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

[3.11] Dictionary, definition of *corresponding law*

omit

Explanatory note

This amendment is consequential on the relocation of the definition to section 32 by another amendment.

[3.12] Dictionary, definitions of *payment claim* and *payment schedule*

substitute

payment claim—see section 15 (1).

payment schedule—see section 16 (1).

Explanatory note

This amendment revises the definitions in line with current legislative drafting practice and is consequential on changes to section 15 and section 16 by other amendments.

[3.13] Dictionary, definition of *recognised financial institution*

omit

Explanatory note

This amendment is consequential on the relocation of the definition to section 9 by another amendment.

[3.14] Dictionary, definition of *related goods and services*

substitute

related goods and services for construction work—see section 8 (1).

Explanatory note

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

Part 3.2 Duties Act 1999

[3.15] Dictionary, definition of *unascertainable*

omit

Explanatory note

This amendment omits a redundant term.

[3.16] Further amendments, new note

insert

Note A reference to an Act includes a reference to the statutory instruments made or in force under the Act, including regulations (see [Legislation Act](#), s 104).

in

- section 75AA, definition of *home buyer concession scheme*
- section 88
- section 104
- section 115D

- section 191 (1) (c)
- section 246 (3)

Explanatory note

This amendment inserts a standard note about references to Acts including references to statutory instruments under the Act in line with current legislative drafting practice.

Part 3.3 Electoral Act 1992

[3.17] Sections 105 (10) and 108 (5)

omit

Legislation Act 2001, section 151 (4) (Reckoning of time)

substitute

Legislation Act, section 151A (2) (Periods of time ending on non-working days)

Explanatory note

This amendment corrects a cross-reference. Section 151 (Reckoning of time) was inserted in the *Legislation Act* by the *Legislation Amendment Act 2002* and applied if a period was provided or allowed for a purpose by an Act or statutory instrument. Section 151 (4), as inserted by that Amendment Act, provided as follows:

- (4) If the last day of the period is not a working day, the last day of the period is the first working day after the end of the period.

Section 151 was remade by the *Statute Law Amendment Act 2005 (No 2)*, amendment 2.14 to provide comprehensively for working out the time for doing something required or allowed to be done under an Act or statutory instrument. Section 151A was inserted to deal with extending the time for something to be done if the day or the last day of the period for the thing to be done is not a working day. Section 151A (2) is fully consistent with former section 151 (4) although the definition of *working day* in section 151A (4) was changed for section 151A to specifically deal with the time for doing something at an office of a public entity where the thing must or may be done. Under the definition of *working day* for section 151A, a working day for doing something at the office of a public entity is a day when the entity's office is open. In any other case, a 'working day' is a day that is not a Saturday, Sunday or a public holiday at the place where the thing must or may be done.

[3.22] Dictionary, definition of *information requirement*

substitute

information requirement, for division 5.5C (Information requirements)—see section 49J (2).

Explanatory note

This amendment corrects a cross-reference.

[3.23] Dictionary, new definition of *shortfall penalty*

insert

shortfall penalty—see section 22 (1).

Explanatory note

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

[3.24] Further amendments, new note

insert

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

in

- section 17 (1)
- section 20 (7)
- section 20A (7)
- section 20B (3)
- section 21 (6)
- section 28B (1)
- section 43 (4)
- section 47 (2)
- section 49E (7)

- section 49F (3)
- section 49G (6)
- section 49J (2)

Explanatory note

This amendment inserts a standard note about service of documents.

Part 3.5 Government Procurement Act 2001

[3.25] Section 44, definition of *relevant date*

before

month

insert

calendar

Explanatory note

This amendment updates the definition as a consequence of amendments of the definitions of *calendar month* and *month* in the [Legislation Act](#), dictionary, part 1 by other amendments.

[3.26] Section 44, definition of *relevant date*, note

substitute

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

Explanatory note

This amendment remakes the note as a consequence of amendments of the definitions of *calendar month* and *month* in the [Legislation Act](#), dictionary, part 1 by other amendments.

[3.27] Section 51 (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.

Part 3.6 Land Rent Act 2008

[3.28] Section 22

omit

calendar

Explanatory note

This amendment omits a word as a consequence of the amendments of the definitions of *calendar month* and *month* in the [Legislation Act](#), dictionary, part 1 by other amendments.

[3.29] Dictionary, definition of *lessee*

omit

part 3 (Land rent—discount)

substitute

division 3.1 (Lessees generally)

Explanatory note

This amendment corrects a cross-reference.

Part 3.7 Land Tax Act 2004

[3.30] Section 10 (2), new definition of *rural land*

before the note, insert

rural land means—

- (a) rateable land leased for the purpose of primary production only; or
- (b) rateable land leased for the purpose of primary production and other purposes but used mainly for primary production; or
- (c) a parcel of rateable land included in the common property of a community title scheme under the *Community Title Act 2001*, if no parcel of land in the scheme is—
 - (i) residential land; or
 - (ii) leased for a commercial purpose.

Explanatory note

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

[3.31] New section 17 (7)

insert

- (7) In this section:

assessment notice, in relation to land tax, means a notice of assessment under the Taxation Administration Act, section 14 in relation to the land tax.

Explanatory note

This amendment relocates from the dictionary a definition of a term that is used only in section 17. The definition is omitted from the dictionary by another amendment.

[3.32] Sections 19 and 19A

omit

calendar

Explanatory note

This amendment omits a word as a consequence of the amendments of the definitions of *calendar month* and *month* in the [Legislation Act](#), dictionary, part 1 by other amendments.

[3.33] Section 34 (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.

[3.34] Section 43 (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.

[3.35] Dictionary, note 2

omit

- calendar month

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 as a consequence of another amendment.

[3.40] Sections 43 (2), 45 (2) and 47 (2)

omit

all or any

substitute

1 or more

Explanatory note

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

[3.41] Section 70 (1)

omit

to be

substitute

as

Explanatory note

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

[3.42] Section 89

omit

to be

substitute

as

Explanatory note

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

[3.43] Section 102 (4), new note

insert

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

Explanatory note

This amendment inserts a standard note about service of documents.

[3.44] Section 116 (2), new note

insert

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

Explanatory note

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

[3.45] Section 117 (2)

omit

written

Explanatory note

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

[3.46] Section 122 (2), new note

insert

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

Explanatory note

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

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

[3.48] Dictionary, definition of *analysis*

omit

Explanatory note

This amendment omits the definition of *analysis*, as it is no longer used in the Act.

[3.49] Dictionary, definition of *incorporated document*, paragraph (b)

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.

[3.50] Dictionary, definition of *incorporated document notice*

omit

Explanatory note

This amendment omits the definition of *incorporated document notice*, as it is used only in section 117.

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

Part 3.9 Rates Act 2004

[3.52] Section 21

omit

calendar

Explanatory note

This amendment omits a word as a consequence of the amendments of the definitions of *calendar month* and *month* in the [Legislation Act](#), dictionary, part 1 by other amendments.

[3.53] Dictionary, note 2

omit

- calendar month

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 as a consequence of another amendment.

Part 3.10 Road Transport (Driver Licensing) Regulation 2000

[3.54] Section 2, note 1

substitute

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

For example, the signpost definition ‘*infringement notice*—see the [Road Transport \(General\) Act 1999](#), dictionary.’ means that the term ‘infringement notice’ is defined in that dictionary and the definition applies to this regulation.

Explanatory note

This amendment updates the note because of a redundant signpost definition.

[3.55] Section 73K, definition of *drug-related disqualifying offence*, paragraph (e)

omit

Explanatory note

This amendment omits a redundant provision.

[3.56] Sections 124 (3), 127 (3), 130 (2) and 132 (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.

[3.57] Further amendments, new note

insert

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

in

- section 55 (4)
- section 69 (6)
- section 73G (2)
- section 73P (2)
- section 73ZA (1)
- section 73ZG (3)
- section 73ZK (2)
- section 76 (1)
- section 78 (2)
- section 79
- section 81 (3)
- section 85 (2)
- section 88 (1)
- section 88AA (2)
- section 89 (2)
- section 103 (1)
- section 120 (1)
- section 121 (1)
- section 136

Explanatory note

This amendment inserts a standard note about service of documents.

[3.58] Further amendments, new note

insert

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

in

- section 56 (2)
- section 73C (3)
- section 73D (3)
- section 73E (2)
- section 73F (2)
- section 73L (3)
- section 73M (3)
- section 73N (2)
- section 73O (2)
- section 73ZE (3)
- section 73ZM (2)
- section 73ZZB (1)
- section 80 (1)
- section 105 (1)

Explanatory note

This amendment inserts a standard note about service of documents.

Part 3.11 Totalisator Act 2014

[3.59] Section 29 (1), note

substitute

Note 1 An executive officer who fails to comply with a requirement under this subsection is no longer an *eligible person* (see s 25 (1) (a) (vii)).

Note 2 The *Statutory Declarations Act 1959* (Cwlth) applies to the making of statutory declarations under ACT laws.

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).

Note 4 For how documents may be given, see the [Legislation Act](#), pt 19.5.

Explanatory note

This amendment corrects a cross-reference in note 1 and inserts 3 standard notes about statutory declarations and service of documents.

[3.60] Section 66, new note

insert

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

Explanatory note

This amendment inserts a standard note about service of documents.

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

[3.62] Dictionary, definition of *betting*

omit

moneys

substitute

money

Explanatory note

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

[3.63] Dictionary, definition of *licensee*

omit

Explanatory note

The [Legislation Act](#), section 157 provides that if an Act defines a term, other parts of speech and grammatical forms of the term have corresponding meanings. The term *licence* is defined in the dictionary. This amendment omits the definition of *licensee* because it is redundant.

[3.64] Further amendments, new note

insert

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

in

- section 8 (1)
- section 9 (2)
- section 17 (2)
- section 18 (2)
- section 21 (2)
- section 28
- section 31
- section 34
- section 42 (2)
- section 43 (2)

[3.67] Section 38 (1), new note

insert

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

Explanatory note

This amendment inserts a standard note about service of documents.

[3.68] Section 49 (2)

omit

all or any

substitute

1 or more

Explanatory note

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

[3.69] Section 53 (3) (b)

omit

any

Explanatory note

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

[3.70] Section 54N, note 2

substitute

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

Explanatory note

This amendment updates a standard note about appointments.

[3.71] Section 55 (2)

omit

all or any

substitute

1 or more

Explanatory note

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

[3.72] Section 55 (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.

[3.73] Section 55 (4), note 1

omit

(or a provision of a law or instrument)

Explanatory note

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

[3.74] Section 55 (4), note 2

omit

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

substitute

, the law or instrument

Explanatory note

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

[3.75] Section 55 (4), new note

insert

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

Explanatory note

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

[3.76] Section 83 (3)

omit

avoid

substitute

remove

Explanatory note

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

[3.77] New section 83 (4)

insert

(4) In this section:

water distributor means—

- (a) in relation to the collection or treatment of water, or both, for distribution through a water network—a utility licensed for the service; and
- (b) in relation to the distribution of water through a water network—a utility licensed for the service; and
- (c) in relation to the provision of a water connection service to premises—a utility licensed to provide the service for the premises.

Explanatory note

This amendment relocates from the dictionary a definition of a term that is used only in section 83. The definition is omitted from the dictionary by another amendment.

[3.78] Section 85 (3)

omit

avoid

substitute

remove

Explanatory note

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

[3.79] Section 100 (3), 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.

[3.80] Section 135 (2), new note

insert

Note 1A In particular, 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.

[3.81] Section 136 (2), new note

insert

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

Explanatory note

This amendment inserts a standard note about service of documents.

[3.82] Section 149A

substitute

149A Definitions—pt 9A

In this part:

essential service means electricity, gas or water.

essential service restriction means a restriction or other regulation prescribed by regulation in relation to the use of an essential service.

Explanatory note

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

[3.83] Dictionary, definitions of *essential service* and *essential service restriction*

substitute

essential service, for part 9A (Shortage of essential services)—see section 149A.

essential service restriction, for part 9A (Shortage of essential services)—see section 149A.

Explanatory note

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

[3.84] Dictionary, definition of *water distributor*

omit

Explanatory note

This amendment is consequential on the relocation of the definition to section 83 by another amendment.

[3.85] Further amendments, new note

insert

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

in

- section 42 (1) (a)
- section 45 (5)
- section 48 (3)
- section 49 (1)
- section 57 (2)
- section 58 (6)
- section 59 (3)
- section 75I (2)
- section 88 (2)
- section 89 (3)
- section 109 (1)
- section 110 (2)
- section 111 (2)
- section 176 (2)
- section 181 (6)
- section 235 (1)
- section 236 (2)
- section 238 (2)
- section 249 (2)

Explanatory note

This amendment inserts a standard note about service of documents.

Part 3.13 Working with Vulnerable People (Background Checking) Act 2011

[3.86] Section 28 (2)

omit

Without limiting subsection (1), the risk assessment guidelines must

substitute

The risk assessment guidelines must

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.

[3.87] Section 34 (1), new note

insert

Note 3 In particular, 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.

[3.88] Section 34 (3), new note

insert

Note A person may be reappointed to a position if the person is eligible to be appointed to the position (see [Legislation Act](#), s 208 (1) (c)).

Explanatory note

This amendment inserts a standard note about reappointments.

[3.89] Section 40 (2) (a), new note

insert

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

Explanatory note

This amendment inserts a standard note about service of documents.

[3.90] Section 43 (1), new note

insert

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

Explanatory note

This amendment inserts a standard note about service of documents.

[3.91] Section 49 (2) (a)

omit

(a *registration number*)

Explanatory note

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

[3.92] Section 58 (1), new note

insert

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

Explanatory note

This amendment inserts a standard note about service of documents.

[3.93] Section 71 (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.

[3.94] Dictionary, definition of *registration number*

omit

Explanatory note

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

Endnotes

1 Presentation speech

Presentation speech made in the Legislative Assembly on 25 September 2014.

2 Notification

Notified under the [Legislation Act](#) on 5 November 2014.

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 2014 (No 2), which was passed by the Legislative Assembly on 21 October 2014.

Clerk of the Legislative Assembly

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