



Australian Capital Territory

Statute Law Amendment Act 2015

A2015-15

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Australian Capital Territory

Statute Law Amendment Act 2015

A2015-15

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 2015*.

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 **Road Transport (Third-Party Insurance) Act 2008**

[1.1] Section 14 heading

substitute

14 CTP regulator—establishment

Explanatory note

This amendment substitutes a new heading and is consequential on another amendment.

[1.2] Section 14 (2)

substitute

- (2) The Minister must appoint a public servant as the CTP regulator.

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)

(2A) An appointment must be for not longer than 5 years.

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 and dict, pt 1, def *appoint*).

Explanatory note

Section 14 (2) provides that the director-general administering the Act is the CTP regulator (currently the director-general of the Chief Minister, Treasury and Economic Development Directorate). When section 14 (2) was first enacted, the administering directorate was the Treasury. The Treasury and Chief Minister directorates were combined in 2012. As a consequence, the CTP regulator is no longer a Treasury executive with working knowledge of third-party insurance issues. Although the CTP regulator's functions under the Act are delegated to Treasury staff, the director-general remains fully accountable for the administration of the Act.

This amendment enables the Minister to appoint a public servant with the appropriate knowledge and experience as the CTP regulator. This is the same approach taken for the Lifetime Care and Support Commissioner of the ACT under the [Lifetime Care and Support \(Catastrophic Injuries\) Act 2014](#), section 10.

Schedule 2 Legislation Act 2001

(see s 5)

[2.1] Section 28 (2) (b), example 2

omit

Explanatory note

This amendment omits a reference to the gazette as an example of a place the parliamentary counsel considers appropriate for notifying the making of a proposed law if it is not practicable to do so in the ACT legislation register. The example is redundant because the gazette is now published in the ACT legislation register.

[2.2] Section 61 (2) (b), example 2

omit

Explanatory note

This amendment omits a reference to the gazette as an example of a place the parliamentary counsel considers appropriate for notifying a legislative instrument if it is not practicable to notify the instrument in the ACT legislation register. The example is redundant because the gazette is now published in the ACT legislation register.

[2.3] Section 65A (2) (b), example 2

omit

Explanatory note

This amendment omits a reference to the gazette as an example of a place the parliamentary counsel considers appropriate for notifying the disallowance of a subordinate law or disallowable instrument if it is not practicable to notify the disallowance in the ACT legislation register. The example is redundant because the gazette is now published in the ACT legislation register.

[2.4] Section 69 (2) (b), example 2

omit

Explanatory note

This amendment omits a reference to the gazette as an example of a place the parliamentary counsel considers appropriate for notifying the amendment of a subordinate law or disallowable instrument if it is not practicable to notify the amendment in the ACT legislation register. The example is redundant because the gazette is now published in the ACT legislation register.

Schedule 3 Technical amendments

(see s 5)

Part 3.1 ACTEW/AGL Partnership Facilitation Act 2000

[3.1] Dictionary, definition of *ACTEW*, new note

insert

Note The name of ACTEW Corporation Limited was changed to Icon Water Limited on 28 October 2014.

Explanatory note

On 28 October 2014 the entity formerly known as ACTEW Corporation Limited changed its name to Icon Water Limited. This amendment inserts a note about the change of name to assist users of the Act.

Part 3.2 Agents Act 2003

[3.2] New section 9 (3)

insert

(3) In this section:

lessee includes prospective lessee.

livestock means animals raised or kept for profit.

Explanatory note

This amendment relocates from the dictionary definitions of terms that are used only in section 9. The definitions are omitted from the dictionary by other amendments.

[3.3] Section 73 (5)

omit

subsection (5)

substitute

this section

Explanatory note

This amendment corrects a cross-reference.

[3.4] Section 101

substitute

101 Meaning of *licensed agent*—divs 7.2 and 7.3

- (1) In division 7.2 (Trust money and trust accounts) and division 7.3 (Periodic returns and quarterly statements):

licensed agent includes the following:

- (a) a person who is no longer a licensed agent but holds trust money received while licensed;
- (b) the personal representative of a licensed agent who died while holding trust money, if the representative holds the trust money;
- (c) the liquidator of a corporation that went into liquidation while being a licensed agent and holding trust money, if the corporation holds the trust money.

(2) In this section:

agent means a licensed real estate agent, stock and station agent or business agent.

Explanatory note

This amendment updates the heading to correct cross-references and relocates provisions within the section in line with current legislative drafting practice.

[3.5] Section 101 (as amended)

relocate to division 7.2 as section 104A

Explanatory note

This amendment relocates section 101 to the appropriate division in line with current legislative drafting practice.

[3.6] New section 109A (3)

insert

(3) In this section:

owners corporation managing agent means a person appointed as manager of an owners corporation for a units plan under the [Unit Titles \(Management\) Act 2011](#).

Explanatory note

This amendment relocates from the dictionary a definition of a term that is used only in section 109A. The definition is omitted from the dictionary by another amendment.

[3.7] Division 7.4 heading, note

omit

s 101

substitute

s 104A

Explanatory note

This amendment updates a cross-reference consequential on another amendment.

[3.8] Section 138

substitute

138 Meaning of *administrator*—pt 9

In this part:

administrator means an administrator appointed under section 139.

Explanatory note

This amendment remakes the section to omit an unnecessary definition and to update the section in line with current legislative drafting practice.

[3.9] Dictionary, definition of *account*

substitute

account, for an agent, for division 8.2 (Freezing accounts)—see section 131.

Explanatory note

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

[3.10] Dictionary, definition of *agency agreement*

omit

Explanatory note

This amendment omits an unnecessary definition.

[3.11] Dictionary, definition of *claimant*

omit

section 147

substitute

section 149

Explanatory note

This amendment corrects a cross-reference.

[3.12] Dictionary, definitions of *former licensed agent* and *former registered salesperson*

omit

Explanatory note

This amendment omits unnecessary definitions.

[3.13] Dictionary, definition of *ground for occupational discipline*, paragraph (a)

omit

for a licensed agent

substitute

for an agent

Explanatory note

The definition of *ground for occupational discipline*, paragraph (a) is a signpost definition to section 41, which contains a definition of the term in relation to agents. This amendment amends the definition to be consistent with the definition of the term in section 41.

[3.14] Dictionary, definitions of *kind of licence* and *kind of registration*

omit

Explanatory note

This amendment omits unnecessary definitions.

[3.15] Dictionary, definition of *lessee*

omit

Explanatory note

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

[3.16] Dictionary, definition of *licensed agent*

substitute

licensed agent—

- (a) for this Act generally—means an agent who holds a licence; and
- (b) for division 7.2 (Trust money and trust accounts) and division 7.3 (Periodic returns and quarterly statements)—see section 104A; and
- (c) for division 10.2 (Claims against compensation fund)—see section 147.

Explanatory note

This amendment updates the definition to include a definition for the Act and a new signpost for division 10.2.

[3.17] Dictionary, definition of *livestock*

omit

Explanatory note

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

[3.18] Dictionary, definition of *owners corporation managing agent*

omit

Explanatory note

This amendment is consequential on the relocation of the definition to section 109A by another amendment.

[3.19] Dictionary, definition of *register*

substitute

register, when used as a noun, means the register under section 160.

Explanatory note

This amendment clarifies the meaning of the defined term.

[3.20] Dictionary, definition of *trust account*

omit

(Opening trust accounts)

Explanatory note

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

Part 3.3 Crimes (Sentence Administration) Act 2005

[3.21] Section 116E (3) (c) (ii)

substitute

- (ii) Icon Water Limited; or

Explanatory note

This amendment is consequential on ACTEW Corporation Limited's change of name to Icon Water Limited on 28 October 2014.

[3.22] Dictionary, definition of *sentence of imprisonment*

substitute

sentence of imprisonment—

- (a) for part 7.6 (Interstate transfer of parole orders)—see section 162; and
(b) for part 11.1 (Interstate transfer of prisoners)—see section 218.

Explanatory note

This amendment updates a definition to insert a signpost definition for part 11.1 in line with current legislative drafting practice.

Part 3.4 Duties Act 1999

[3.23] Section 115B (2), new note

insert

Note 2 For how documents may be given to the commissioner, see the [Taxation Administration Act](#), s 127.

Explanatory note

This amendment inserts a standard note about the service of documents.

[3.24] Dictionary, definition of *charitable organisation*

substitute

charitable organisation means an organisation, society, institution or body carried on for a religious, educational, benevolent or charitable purpose, other than one carried on for securing financial benefits to its members.

Explanatory note

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

Part 3.5 Education Act 2004

[3.25] Section 9C (5)

substitute

(5) In this section:

AQF means the Australian Qualifications Framework under the *National Vocational Education and Training Regulator Act 2011* (Cwlth), section 3.

Explanatory note

This amendment is consequential on amendments of the *Training and Tertiary Education Act 2003* made by the *Training and Tertiary Education Amendment Act 2014*.

[3.26] Dictionary, definition of *approved educational course (government)*

omit

(Approved educational courses for students at government schools)

Explanatory note

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

**[3.27] Dictionary, definition of *approved educational course*
(*non-government*)**

omit

(Approved educational courses for students at non-government schools)

Explanatory note

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

[3.28] Dictionary, definition of *authorised person* (*government*)

omit

(Appointment of authorised persons (government))

Explanatory note

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

**[3.29] Dictionary, definition of *authorised person*
(*non-government*)**

omit

(Appointment of authorised persons (non-government))

Explanatory note

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

[3.30] Dictionary, new definition of *decision-maker*

insert

decision-maker, for part 6.1 (Notification and review of decisions)—see section 140.

Explanatory note

This amendment inserts a signpost definition for a term defined for part 6.1.

[3.31] Dictionary, definition of *exemption certificate*

omit

(Exemption certificate—application)

Explanatory note

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

[3.32] Dictionary, definition of *proposed opening day*

omit

(Applications for in-principle approval for proposed registration)

Explanatory note

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

[3.33] Dictionary, definition of *register of enrolments and attendances*

substitute

***register of enrolments and attendances*—**

- (a) for a government school or approved educational course (government)—means the register kept under section 32; and
- (b) for a non-government school or approved educational course (non-government)—means the register kept under section 99.

Explanatory note

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

[3.34] Dictionary, definition of *registrar*

after

Schools

insert

appointed under section 77

Explanatory note

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

[3.35] Dictionary, definition of *school board*

omit

part 3.4

substitute

section 38

Explanatory note

This amendment corrects a cross-reference.

[3.36] Dictionary, definition of *school-related institution*

substitute

school-related institution—see section 20 (3).

Explanatory note

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

Part 3.6 Electoral Regulation 1993

[3.37] Section 5

omit

Actew Retail Ltd

substitute

Icon Retail Investments Limited

Explanatory note

This amendment is consequential on Actew Retail Ltd's change of name to Icon Retail Investments Limited on 28 October 2014.

Part 3.7 Environment Protection Act 1997

[3.38] Section 91A (2) (b)

omit

any 1 or more

substitute

1 or more

Explanatory note

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

[3.39] Section 91C (1) etc, new note

insert

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

in

- section 91C (1)
- section 91D (1)

- section 125 (1)
- section 133 (1)

Explanatory note

This amendment inserts a standard note about the service of documents.

[3.40] Dictionary, new definition of *hazardous component*

insert

hazardous component, of electronic waste, for schedule 1 (Activities requiring environmental authorisation)—see schedule 1, section 1.1.

Explanatory note

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

Part 3.8 Information Privacy Act 2014

[3.41] Section 24 (d)

substitute

- (d) Icon Water Limited, Icon Distribution Investments Limited or Icon Retail Investments Limited;

Explanatory note

This amendment is consequential on ACTEW Corporation Limited's change of name to Icon Water Limited, ACTEW Distribution Ltd's change of name to Icon Distribution Investments Limited and ACTEW Retail Ltd's change of name to Icon Retail Investments Limited on 28 October 2014.

Part 3.9 **Leases (Commercial and Retail)** **Act 2001**

[3.42] New section 21 (3)

insert

(3) In this section:

taxable supply—see the *A New Tax System (Goods and Services Tax) Act 1999* (Cwlth), dictionary.

Explanatory note

This amendment relocates from the dictionary a definition of a term that is used only in section 21. The definition is omitted from the dictionary by another amendment.

[3.43] Section 66 (4) (a)

omit

any or all

substitute

1 or more

Explanatory note

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

[3.44] Section 66 (4) (a) (iv)

omit

section 76

substitute

section 78

Explanatory note

This amendment corrects a cross-reference.

[3.45] Section 73 (2) (a)

omit

such as

substitute

for example,

Explanatory note

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

[3.46] Section 96 (2) and (3)

omit

any or all of the following information or documents

substitute

1 or more of the following

Explanatory note

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

[3.47] Section 129 (2) (g)

omit

such as

substitute

for example,

Explanatory note

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

[3.48] Section 129 (2), 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.

[3.49] Section 157A (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.

[3.50] Dictionary, note 2

omit

- function

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 not used in the Act.

[3.51] Dictionary, note 2

insert

- Magistrates Court

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.

[3.52] Dictionary, definition of *certified exclusionary clause*

omit

Explanatory note

This amendment omits a signpost definition of a term that is used only in section 111.

[3.53] Dictionary, definition of *commercial premises*

omit

(When are premises commercial or retail premises?)

Explanatory note

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

[3.54] Dictionary, definition of *excluded area*

omit

(What is an *excluded area*?)

Explanatory note

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

[3.55] Dictionary, definition of *lease*

omit

(What leases does this Act apply to?)

Explanatory note

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

[3.56] Dictionary, definition of *Magistrates Court*

omit

Explanatory note

This amendment omits an unnecessary definition.

[3.57] Dictionary, definition of *renewal*

omit

(When is a lease taken to be renewed for this Act?)

Explanatory note

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

[3.58] Dictionary, definition of *taxable supply*

omit

Explanatory note

This amendment is consequential on the relocation of the definition to section 21 by another amendment.

Part 3.10 Legal Profession Regulation 2007

[3.59] Section 6 (3), definition of *ActewAGL-linked corporation*, paragraphs (a) to (e)

substitute

- (a) Icon Distribution Investments Limited (ACN 073 025 224);
- (b) AGL ACT Retail Investments Pty Ltd (ACN 093 631 586);
- (c) Jemena Networks (ACT) Pty Ltd (ACN 008 552 663).

Explanatory note

This amendment is consequential on ACTEW Distribution Ltd's change of name to Icon Distribution Investments Limited on 28 October 2014 and Alinta GCA Pty Ltd's change of name to Jemena Networks (ACT) Pty Ltd on 4 August 2008. The ACNs for these entities are unchanged. This amendment also omits 2 redundant entities mentioned in paragraphs (d) and (e) because the Territory has sold those entities.

[3.63] Schedule 1, item 20

omit

Explanatory note

Schedule 1, item 20 refers to an offence under the [Agents Act 2003](#), section 127 (1). This amendment omits item 20 because there is no offence under section 127 (1).

[3.64] Schedule 1, item 21, column 2

omit

127 (3)

substitute

127 (4)

Explanatory note

This amendment corrects a cross-reference.

[3.65] Schedule 1, item 28

omit

Explanatory note

Schedule 1, item 28 refers to an offence under the [Agents Act 2003](#), section 202. Section 202 expired on 1 November 2007. This amendment omits item 28 as a consequence of the expiry of that section.

Part 3.12 Magistrates Court (Animal Welfare Infringement Notices) Regulation 2014

[3.66] Section 12

omit

serve—

substitute

serve the following:

Explanatory note

This amendment, together with the following amendment, recasts the section to remove a possible ambiguity by making it clear that an infringement notice for an infringement notice offence and a reminder notice for the offence do not have to be served at the same time.

[3.67] Section 12 (a)

omit

OR

Explanatory note

This amendment is consequential on the previous amendment of section 12.

Part 3.13 Magistrates Court (Building Infringement Notices) Regulation 2008

[3.68] Section 12 (1)

omit

serve—

substitute

serve the following:

Explanatory note

This amendment, together with the following amendment, recasts the section to remove a possible ambiguity by making it clear that an infringement notice for an infringement notice offence and a reminder notice for the offence do not have to be served at the same time.

[3.69] Section 12 (1) (a)

omit

and

Explanatory note

This amendment is consequential on the previous amendment of section 12 (1).

[3.70] Schedule 1, part 1.1, item 2, column 2

omit

37B (5)

substitute

37B (4)

Explanatory note

This amendment corrects a cross-reference.

Schedule 3 Technical amendments
Part 3.14 Magistrates Court (Charitable Collections Infringement Notices) Regulation 2003

Amendment [3.71]

[3.71] Schedule 1, part 1.1, item 4, column 2

omit

50B (2) (b) (ii)

substitute

50B (2)

Explanatory note

This amendment corrects a cross-reference.

Part 3.14 Magistrates Court (Charitable Collections Infringement Notices) Regulation 2003

[3.72] Section 12

omit

serve—

substitute

serve the following:

Explanatory note

This amendment, together with the following amendment, recasts the section to remove a possible ambiguity by making it clear that an infringement notice for an infringement notice offence and a reminder notice for the offence do not have to be served at the same time.

[3.73] Section 12 (a)

omit

and

Explanatory note

This amendment is consequential on the previous amendment of section 12.

Part 3.15

Magistrates Court (Construction Occupations Infringement Notices) Regulation 2004

[3.74] Section 12 (1)

omit

serve—

substitute

serve the following:

Explanatory note

This amendment, together with the following amendment, recasts the section to remove a possible ambiguity by making it clear that an infringement notice for an infringement notice offence and a reminder notice for the offence do not have to be served at the same time.

[3.75] Section 12 (1) (a)

omit

and

Explanatory note

This amendment is consequential on the previous amendment of section 12 (1).

Part 3.16 Magistrates Court (Crimes Infringement Notices) Regulation 2008

[3.76] Section 14 (1)

omit

serve—

substitute

serve the following:

Explanatory note

This amendment, together with the following amendment, recasts the section to remove a possible ambiguity by making it clear that an infringement notice for an infringement notice offence and a reminder notice for the offence do not have to be served at the same time.

[3.77] Section 14 (1) (a)

omit

and

Explanatory note

This amendment is consequential on the previous amendment of section 14 (1).

[3.78] Section 14 (2)

omit

serve—

substitute

serve the following:

Explanatory note

This amendment, together with the following amendment, recasts the section to remove a possible ambiguity by making it clear that an infringement notice for an infringement notice offence and a reminder notice for the offence do not have to be served at the same time.

[3.79] Section 14 (2) (a)

omit

and

Explanatory note

This amendment is consequential on the previous amendment of section 14 (2).

Part 3.17 **Magistrates Court (Dangerous
Goods Road Transport
Infringement Notices)
Regulation 2010**

[3.80] Section 6 heading

substitute

6 **Administering authority**

Explanatory note

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

[3.81] Section 7 heading

substitute

7 Infringement notice offences

Explanatory note

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

[3.82] Section 8 heading

substitute

8 Infringement notice penalties

Explanatory note

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

[3.83] Section 9 heading

substitute

**9 Contents of infringement notices—identifying authorised
 person**

Explanatory note

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

[3.84] Section 10 heading

substitute

10 Contents of infringement notices—other information

Explanatory note

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

[3.85] Section 11 heading

substitute

11 Contents of reminder notices—identifying authorised person

Explanatory note

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

[3.86] Section 12 heading

substitute

12 Authorised people for infringement notice offences

Explanatory note

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

[3.87] Section 12

omit

serve—

substitute

serve the following:

Explanatory note

This amendment, together with the following amendment, recasts the section to remove a possible ambiguity by making it clear that an infringement notice for an infringement notice offence and a reminder notice for the offence do not have to be served at the same time.

[3.88] Section 12 (a)

omit

and

Explanatory note

This amendment is consequential on the previous amendment of section 12.

Part 3.18 **Magistrates Court (Dangerous Substances Infringement Notices) Regulation 2004**

[3.89] Section 12

omit

serve—

substitute

serve the following:

Explanatory note

This amendment, together with the following amendment, recasts the section to remove a possible ambiguity by making it clear that an infringement notice for an infringement notice offence and a reminder notice for the offence do not have to be served at the same time.

[3.90] Section 12 (a)

omit

and

Explanatory note

This amendment is consequential on the previous amendment of section 12.

[3.91] Schedule 1, part 1.2, item 5, column 2

omit

56 (3)

substitute

56 (2)

Explanatory note

This amendment corrects a cross-reference.

Part 3.19

Magistrates Court (Domestic Animals Infringement Notices) Regulation 2005

[3.92] Section 14

omit

serve—

substitute

serve the following:

Explanatory note

This amendment, together with the following amendment, recasts the section to remove a possible ambiguity by making it clear that an infringement notice for an infringement notice offence and a reminder notice for the offence do not have to be served at the same time.

[3.93] Section 14 (a)

omit

and

Explanatory note

This amendment is consequential on the previous amendment of section 14.

Part 3.20 Magistrates Court (Electoral Infringement Notices) Regulation 2012

[3.94] Section 12

omit

serve—

substitute

serve the following:

Explanatory note

This amendment, together with the following amendment, recasts the section to remove a possible ambiguity by making it clear that an infringement notice for an infringement notice offence and a reminder notice for the offence do not have to be served at the same time.

[3.95] Section 12 (a)

omit

and

Explanatory note

This amendment is consequential on the previous amendment of section 12.

Part 3.21 **Magistrates Court (Environment Protection Infringement Notices) Regulation 2005**

[3.96] Section 12

omit

serve—

substitute

serve the following:

Explanatory note

This amendment, together with the following amendment, recasts the section to remove a possible ambiguity by making it clear that an infringement notice for an infringement notice offence and a reminder notice for the offence do not have to be served at the same time.

[3.97] Section 12 (a)

omit

and

Explanatory note

This amendment is consequential on the previous amendment of section 12.

Part 3.22 **Magistrates Court (Fair Trading Motor Vehicle Repair Industry Infringement Notices) Regulation 2012**

[3.98] Section 12

omit

serve—

substitute

serve the following:

Explanatory note

This amendment, together with the following amendment, recasts the section to remove a possible ambiguity by making it clear that an infringement notice for an infringement notice offence and a reminder notice for the offence do not have to be served at the same time.

[3.99] Section 12 (a)

omit

and

Explanatory note

This amendment is consequential on the previous amendment of section 12.

Part 3.23 Magistrates Court (Fisheries Infringement Notices) Regulation 2004

[3.100] Section 12

omit

serve—

substitute

serve the following:

Explanatory note

This amendment, together with the following amendment, recasts the section to remove a possible ambiguity by making it clear that an infringement notice for an infringement notice offence and a reminder notice for the offence do not have to be served at the same time.

[3.101] Section 12

omit

fisheries legislation; or

substitute

fisheries legislation;

Explanatory note

This amendment is consequential on the previous amendment of section 12.

Part 3.24 Magistrates Court (Food Infringement Notices) Regulation 2005

[3.102] Section 14

omit

serve—

substitute

serve the following:

Explanatory note

This amendment, together with the following amendment, recasts the section to remove a possible ambiguity by making it clear that an infringement notice for an infringement notice offence and a reminder notice for the offence do not have to be served at the same time.

[3.103] Section 14 (a)

omit

and

Explanatory note

This amendment is consequential on the previous amendment of section 14.

Part 3.25

Magistrates Court (Hawkers Infringement Notices) Regulation 2003

[3.104] Section 12

omit

serve—

substitute

serve the following:

Explanatory note

This amendment, together with the following amendment, recasts the section to remove a possible ambiguity by making it clear that an infringement notice for an infringement notice offence and a reminder notice for the offence do not have to be served at the same time.

[3.105] Section 12 (a)

omit

and

Explanatory note

This amendment is consequential on the previous amendment of section 12.

Part 3.27

Magistrates Court (Liquor Infringement Notices) Regulation 2010

[3.109] Section 12

omit

serve—

substitute

serve the following:

Explanatory note

This amendment, together with the following amendment, recasts the section to remove a possible ambiguity by making it clear that an infringement notice for an infringement notice offence and a reminder notice for the offence do not have to be served at the same time.

[3.110] Section 12 (a)

omit

and

Explanatory note

This amendment is consequential on the previous amendment of section 12.

Part 3.28 Magistrates Court (Litter Infringement Notices) Regulation 2004

[3.111] Section 12

omit

serve—

substitute

serve the following:

Explanatory note

This amendment, together with the following amendment, recasts the section to remove a possible ambiguity by making it clear that an infringement notice for an infringement notice offence and a reminder notice for the offence do not have to be served at the same time.

[3.112] Section 12 (a)

omit

and

Explanatory note

This amendment is consequential on the previous amendment of section 12.

Part 3.29

Magistrates Court (Pest Plants and Animals Infringement Notices) Regulation 2005

[3.113] Section 13

omit

serve—

substitute

serve the following:

Explanatory note

This amendment, together with the following amendment, recasts the section to remove a possible ambiguity by making it clear that an infringement notice for an infringement notice offence and a reminder notice for the offence do not have to be served at the same time.

[3.114] Section 13 (a)

omit

and

Explanatory note

This amendment is consequential on the previous amendment of section 13.

Part 3.30 **Magistrates Court (Planning and Development Infringement Notices) Regulation 2008**

[3.115] Section 12

omit

serve—

substitute

serve the following:

Explanatory note

This amendment, together with the following amendment, recasts the section to remove a possible ambiguity by making it clear that an infringement notice for an infringement notice offence and a reminder notice for the offence do not have to be served at the same time.

[3.116] Section 12 (a)

omit

and

Explanatory note

This amendment is consequential on the previous amendment of section 12.

Part 3.31 Magistrates Court (Plant Diseases Infringement Notices) Regulation 2005

[3.117] Section 13

omit

serve—

substitute

serve the following:

Explanatory note

This amendment, together with the following amendment, recasts the section to remove a possible ambiguity by making it clear that an infringement notice for an infringement notice offence and a reminder notice for the offence do not have to be served at the same time.

[3.118] Section 13 (a)

omit

and

Explanatory note

This amendment is consequential on the previous amendment of section 13.

Part 3.32 **Magistrates Court (Plastic Shopping Bags Ban Infringement Notices) Regulation 2011**

[3.119] Section 12

omit

serve—

substitute

serve the following:

Explanatory note

This amendment, together with the following amendment, recasts the section to remove a possible ambiguity by making it clear that an infringement notice for an infringement notice offence and a reminder notice for the offence do not have to be served at the same time.

[3.120] Section 12 (a)

omit

and

Explanatory note

This amendment is consequential on the previous amendment of section 12.

Part 3.33

Magistrates Court (Public Unleased Land Infringement Notices) Regulation 2013

[3.121] Section 12 (1)

omit

serve—

substitute

serve the following:

Explanatory note

This amendment, together with the following amendment, recasts the section to remove a possible ambiguity by making it clear that an infringement notice for an infringement notice offence and a reminder notice for the offence do not have to be served at the same time.

[3.122] Section 12 (1) (a)

omit

and

Explanatory note

This amendment is consequential on the previous amendment of section 12 (1).

Part 3.34 **Magistrates Court (Sale of Motor Vehicles Infringement Notices) Regulation 2005**

[3.123] Section 13

omit

serve—

substitute

serve the following:

Explanatory note

This amendment, together with the following amendment, recasts the section to remove a possible ambiguity by making it clear that an infringement notice for an infringement notice offence and a reminder notice for the offence do not have to be served at the same time.

[3.124] Section 13 (a)

omit

and

Explanatory note

This amendment is consequential on the previous amendment of section 13.

Part 3.35

Magistrates Court (Sale of Residential Property Infringement Notices) Regulation 2004

[3.125] Section 11

omit

serve—

substitute

serve the following:

Explanatory note

This amendment, together with the following amendment, recasts the section to remove a possible ambiguity by making it clear that an infringement notice for an infringement notice offence and a reminder notice for the offence do not have to be served at the same time.

[3.126] Section 11 (a)

omit

and

Explanatory note

This amendment is consequential on the previous amendment of section 11.

Part 3.36 Magistrates Court (Security Industry Infringement Notices) Regulation 2003

[3.127] Section 12

omit

serve—

substitute

serve the following:

Explanatory note

This amendment, together with the following amendment, recasts the section to remove a possible ambiguity by making it clear that an infringement notice for an infringement notice offence and a reminder notice for the offence do not have to be served at the same time.

[3.128] Section 12 (a)

omit

and

Explanatory note

This amendment is consequential on the previous amendment of section 12.

Part 3.37

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

[3.129] Section 12

omit

serve—

substitute

serve the following:

Explanatory note

This amendment, together with the following amendment, recasts the section to remove a possible ambiguity by making it clear that an infringement notice for an infringement notice offence and a reminder notice for the offence do not have to be served at the same time.

[3.130] Section 12 (a)

omit

and

Explanatory note

This amendment is consequential on the previous amendment of section 12.

Part 3.38 **Magistrates Court (Smoking in Cars with Children Infringement Notices) Regulation 2012**

[3.131] Section 11

omit

serve—

substitute

serve the following:

Explanatory note

This amendment, together with the following amendment, recasts the section to remove a possible ambiguity by making it clear that an infringement notice for an infringement notice offence and a reminder notice for the offence do not have to be served at the same time.

[3.132] Section 11 (a)

omit

and

Explanatory note

This amendment is consequential on the previous amendment of section 11.

Part 3.39 Magistrates Court (Tobacco Infringement Notices) Regulation 2010

[3.133] Section 12

omit

serve—

substitute

serve the following:

Explanatory note

This amendment, together with the following amendment, recasts the section to remove a possible ambiguity by making it clear that an infringement notice for an infringement notice offence and a reminder notice for the offence do not have to be served at the same time.

[3.134] Section 12 (a)

omit

and

Explanatory note

This amendment is consequential on the previous amendment of section 12.

Part 3.40 Magistrates Court (Tree Protection Infringement Notices) Regulation 2006

[3.135] Section 12

omit

serve—

substitute

serve the following:

Explanatory note

This amendment, together with the following amendment, recasts the section to remove a possible ambiguity by making it clear that an infringement notice for an infringement notice offence and a reminder notice for the offence do not have to be served at the same time.

[3.136] Section 12 (a)

omit

and

Explanatory note

This amendment is consequential on the previous amendment of section 12.

Part 3.41 **Magistrates Court (Utilities Water Conservation Infringement Notices) Regulation 2006**

[3.137] Section 5

omit

ACTEW Corporation Limited

substitute

Icon Water Limited

Explanatory note

This amendment is consequential on ACTEW Corporation Limited's change of name to Icon Water Limited.

[3.138] Section 11

omit

serve—

substitute

serve the following:

Explanatory note

This amendment, together with the following amendment, recasts the section to remove a possible ambiguity by making it clear that an infringement notice for an infringement notice offence and a reminder notice for the offence do not have to be served at the same time.

[3.139] Section 11 (a)

omit

and

Explanatory note

This amendment is consequential on the previous amendment of section 11.

Schedule 3 Technical amendments
Part 3.42 Magistrates Court (Water Resources Infringement Notices) Regulation
2007

Amendment [3.140]

[3.140] Schedule 1 heading

substitute

**Schedule 1 Utilities (Water Conservation)
Regulation 2006 infringement
notice offences and penalties**

Explanatory note

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

**Part 3.42 Magistrates Court (Water
Resources Infringement Notices)
Regulation 2007**

[3.141] Section 13

omit

serve—

substitute

serve the following:

Explanatory note

This amendment, together with the following amendment, recasts the section to remove a possible ambiguity by making it clear that an infringement notice for an infringement notice offence and a reminder notice for the offence do not have to be served at the same time.

[3.142] Section 13 (a)

omit

and

Explanatory note

This amendment is consequential on the previous amendment of section 13.

Part 3.43

Magistrates Court (Workers Compensation Infringement Notices) Regulation 2006

[3.143] Section 13

omit

serve—

substitute

serve the following:

Explanatory note

This amendment, together with the following amendment, recasts the section to remove a possible ambiguity by making it clear that an infringement notice for an infringement notice offence and a reminder notice for the offence do not have to be served at the same time.

[3.144] Section 13 (a)

omit

and

Explanatory note

This amendment is consequential on the previous amendment of section 13.

Part 3.44 **Magistrates Court (Work Health and Safety Infringement Notices) Regulation 2011**

[3.145] Section 12

omit

serve—

substitute

serve the following:

Explanatory note

This amendment, together with the following amendment, recasts the section to remove a possible ambiguity by making it clear that an infringement notice for an infringement notice offence and a reminder notice for the offence do not have to be served at the same time.

[3.146] Section 12 (a)

omit

and

Explanatory note

This amendment is consequential on the previous amendment of section 12.

Part 3.45

Magistrates Court (Working with Vulnerable People Infringement Notices) Regulation 2012

[3.147] Section 12

omit

serve—

substitute

serve the following:

Explanatory note

This amendment, together with the following amendment, recasts the section to remove a possible ambiguity by making it clear that an infringement notice for an infringement notice offence and a reminder notice for the offence do not have to be served at the same time.

[3.148] Section 12 (a)

omit

and

Explanatory note

This amendment is consequential on the previous amendment of section 12.

Part 3.46 National Energy Retail Law (ACT) Regulation 2012

[3.149] Section 10 (2)

substitute

(2) In this section:

ActewAGL Distribution means ActewAGL Distribution (ABN 76 670 568 688) (the partnership of Icon Distribution Investments Limited (ACN 073 025 224) and Jemena Networks (ACT) Pty Ltd (ACN 008 552 663)).

ActewAGL Retail means ActewAGL Retail (ABN 46 221 314 841) (the partnership of Icon Retail Investments Limited (ACN 074 371 207) and AGL ACT Retail Investments Pty Ltd (ACN 093 631 586)).

Explanatory note

This amendment is consequential on ACTEW Distribution Ltd's change of name to Icon Distribution Investments Limited and ACTEW Retail Ltd's change of name to Icon Retail Investments Limited on 28 October 2014. The ACNs for these entities are unchanged.

Part 3.47 Planning and Development Act 2007

[3.150] Section 3, note 1

substitute

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

For example, the signpost definition '*tree management plan*—see the *Tree Protection Act 2005*, dictionary.' means that the term 'tree management plan' is defined in that dictionary and the definition applies to this Act.

Explanatory note

This amendment replaces an example of a signpost definition because the definition currently used for the example is not used in the Act.

[3.151] Section 9, definitions of *the inter-generational equity principle* and *the precautionary principle*

omit

Explanatory note

This amendment is consequential on the relocation of the definitions to new section 9 (2) by another amendment.

[3.152] New section 9 (2)

insert

(2) In this section:

the inter-generational equity principle means that the present generation should ensure that the health, diversity and productivity of the environment is maintained or enhanced for the benefit of future generations.

the precautionary principle means that, if there is a threat of serious or irreversible environmental damage, a lack of full scientific certainty should not be used as a reason for postponing measures to prevent environmental degradation.

Explanatory note

This amendment inserts a new subsection (2) and relocates the definitions of *the inter-generational equity principle* and *the precautionary principle* to that subsection because the terms defined are used only in section 9. The definitions are omitted from the dictionary by another amendment.

[3.153] New section 39 (5)

insert

(5) In this section:

land agency board member means a member of the land agency board.

Explanatory note

This amendment relocates from the dictionary a definition of a term that is used only in section 39. The definition is omitted from the dictionary by another amendment.

[3.154] Section 86, definition of *error variation*

omit

Explanatory note

This amendment omits a definition of a term that is used only in section 87. The definition is omitted from the dictionary by another amendment.

[3.155] Section 162 (6), new definition of *regulated tree*

after the note, insert

regulated tree—see the [Tree Protection Act 2005](#), section 10.

Explanatory note

This amendment relocates from the dictionary a definition of a term that is used only in section 162. The definition is omitted from the dictionary by another amendment.

[3.156] Section 284 (7), new note

insert

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

Explanatory note

This amendment inserts a standard note about a term used in this section and defined in the [Legislation Act](#), dictionary, part 1.

[3.157] Section 317 (6), new definitions

insert

Aboriginal object—see the [Heritage Act 2004](#), section 9 (1).

Aboriginal place—see the [Heritage Act 2004](#), section 9 (1).

Explanatory note

This amendment relocates from the dictionary definitions of terms that are used only in schedule 3. The definitions are recast in the dictionary by another amendment.

[3.158] Section 345 (1), example 1

omit

emergency services authority

substitute

emergency service

Explanatory note

This amendment updates the example by omitting the reference to an entity that no longer exists and replacing it with the relevant responsible organisation. The emergency services authority was abolished by the [Administrative \(Miscellaneous Amendments\) Act 2006](#).

[3.159] Section 365, definition of *authorised person*

omit

Explanatory note

This amendment omits a definition defined for part 11.4 that is also used elsewhere in the Act. The definition is recast in the dictionary by another amendment.

[3.160] Section 419 (2), note 1

omit

Explanatory note

This amendment is consequential on the relocation of the definition of *associate* to section 419 by another amendment.

[3.161] New section 419 (3)

insert

(3) In this section:

associate, of a person, means—

- (a) the person’s business partner; or
- (b) a close friend of the person; or
- (c) a family member of the person.

Explanatory note

This amendment relocates from the dictionary a definition of a term that is used only in section 419. The definition is omitted from the dictionary by another amendment.

[3.162] Schedule 3, note

substitute

Note For the definitions of *Aboriginal object*, *Aboriginal place* and *natural environment*, see s 317 (6).

Explanatory note

This amendment amends a note about definitions used only in schedule 3.

[3.163] Schedule 5, section 5.1, definition of *deal*

substitute

deal, with a lease—see section 234.

Explanatory note

This amendment updates a definition in line with current legislative drafting practice. The definition is recast in the dictionary by another amendment.

[3.164] Dictionary, note 2

omit

- correctional centre

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.

[3.165] Dictionary, note 2

omit

- emergency services authority

substitute

- emergency service

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 the reference to an entity that no longer exists and replaces it with the relevant responsible organisation and is consequential on another amendment.

[3.166] Dictionary, definitions of *Aboriginal object* and *Aboriginal place*

substitute

Aboriginal object, for schedule 3 (Management objectives for public land)—see the [Heritage Act 2004](#), section 9 (1).

Aboriginal place, for schedule 3 (Management objectives for public land)—see the *Heritage Act 2004*, section 9 (1).

Explanatory note

This amendment recasts the definitions of terms that are used only in schedule 3 and is consequential on the relocation of the definitions to section 317 by another amendment.

[3.167] Dictionary, definition of *associate*

omit

Explanatory note

This amendment is consequential on the relocation of the definition to section 419 by another amendment.

[3.168] Dictionary, definition of *authorised person*

substitute

authorised person—see section 368 (1).

Explanatory note

This definition is currently a signpost definition for part 11.4 only, however, the definition is also used elsewhere in the Act. This amendment consequently recasts the definition as a signpost definition for the Act.

[3.169] Dictionary, definitions of *conservation requirement* and *custodianship map*

omit

Explanatory note

This amendment—

- omits the definition of *conservation requirement* because it is no longer used in the Act; and
- omits the definition of *custodianship map* because it is used only in section 334.

[3.170] Dictionary, definition of *deal*

substitute

deal with a lease—

- (a) for chapter 9 (Leases and licences)—see section 234; and
- (b) for schedule 5 (Market value leases and leases that are possibly concessional)—see section 234.

Explanatory note

This definition is currently a signpost definition for chapter 9 only, however, the definition is also used in schedule 5. This amendment consequently recasts the definition in line with current legislative drafting practice. The amendment is consequential on another amendment.

[3.171] Dictionary, definition of *error variation*

omit

Explanatory note

This amendment omits a definition of a term that is used only in section 87.

[3.172] Dictionary, new definition of *incorporated association*

insert

incorporated association, for schedule 5 (Market value leases and leases that are possibly concessional)—see schedule 5, section 5.1.

Explanatory note

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

[3.173] Dictionary, definition of *land agency board member*

omit

Explanatory note

This amendment omits a definition of a term that is used only in section 39.

[3.174] Dictionary, definition of *market value*

before

for

insert

of a lease,

Explanatory note

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

[3.175] Dictionary, definition of *material detriment*

substitute

material detriment, in relation to land—see section 419.

Explanatory note

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

[3.176] Dictionary, definition of *normal operating level*

before

for

insert

of a reservoir formed by a water storage dam,

Explanatory note

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

[3.177] Dictionary, definition of *original application*

omit

(Reconsideration of development applications for approval)

substitute

(Reconsideration of decisions on development applications)

Explanatory note

This amendment corrects a heading description for division 7.3.10.

[3.178] Dictionary, definition of *publicly notifies*

after

application

insert

, for chapter 7 (Development approvals)

Explanatory note

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

[3.179] Dictionary, definition of *regulated tree*

omit

Explanatory note

This amendment omits a definition of a term that is used only in section 162.

[3.180] Dictionary, definition of *rental lease*

substitute

rental lease—

- (a) for chapter 9 (Leases and licences)—see section 234; and
- (b) for schedule 5 (Market value leases and leases that are possibly concessional)—see section 234.

Explanatory note

This definition is currently a signpost definition for chapter 9 only, however, the definition is also used in schedule 5. This amendment consequently recasts the definition in line with current legislative drafting practice.

[3.181] Dictionary, definition of *representative Aboriginal organisation*

omit

Explanatory note

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

[3.182] Dictionary, definition of *required fee*

omit

section 298E

substitute

section 298D (1)

Explanatory note

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

[3.183] Dictionary, definition of *residential lease*

substitute

residential lease—

- (a) for chapter 9 (Leases and licences)—see section 234; and
- (b) for schedule 5 (Market value leases and leases that are possibly concessional)—see section 234.

Explanatory note

This definition is currently a signpost definition for chapter 9 only, however, the definition is also used in schedule 5. This amendment consequently recasts the definition in line with current legislative drafting practice.

[3.184] Dictionary, definition of *rural lease*

substitute

rural lease—

- (a) for chapter 9 (Leases and licences)—see section 234; and
- (b) for schedule 5 (Market value leases and leases that are possibly concessional)—see section 234.

Explanatory note

This definition is currently a signpost definition for chapter 9 only, however, the definition is also used in schedule 5. This amendment consequently recasts the definition in line with current legislative drafting practice.

[3.185] Dictionary, definition of *scoping document*

before

for

insert

for a development proposal,

Explanatory note

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

[3.186] Dictionary, definition of *statement of planning intent*

omit

(Statement of planning intent)

Explanatory note

This amendment omits an unnecessary heading description in line with current legislative drafting practice.

[3.187] Dictionary, definitions of *the inter-generational equity principle* and *the precautionary principle*

omit

Explanatory note

This amendment omits definitions of terms that are used only in section 9.

Part 3.48 Planning and Development Regulation 2008

[3.188] Section 26 (1) (a)

substitute

- (a) Icon Water Limited;

Explanatory note

This amendment is consequential on ACTEW Corporation Limited's change of name to Icon Water Limited on 28 October 2014.

[3.189] Section 26 (4)

substitute

- (4) In this section:

ActewAGL Distribution means Icon Distribution Investments Limited (ABN 83 073 025 224) and Jemena Networks (ACT) Pty Ltd (ABN 24 008 552 663) working in partnership as ActewAGL Distribution (ABN 76 670 568 688).

Explanatory note

This amendment is consequential on ACTEW Distribution Ltd's change of name to Icon Distribution Investments Limited on 28 October 2014 and Alinta GCA Pty Ltd's change of name to Jemena Networks (ACT) Pty Ltd on 4 August 2008. The ABNs for these entities are unchanged.

[3.190] Section 108 (1) (b) (ii) (B), example 1

substitute

- 1 Aboriginal or Torres Strait Islander people

Explanatory note

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

Part 3.49 Road Transport (General) Act 1999

[3.191] Section 21A, definition of *infringement notice declaration*, 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.

[3.192] Section 32 (2), note 2

omit

Explanatory note

This amendment omits a redundant note in line with current legislative drafting practice.

[3.193] Section 55, 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.

[3.194] Sections 58 (1) and 58A (2)

omit

any or all

substitute

1 or more

Explanatory note

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

[3.195] Section 59 (4)

omit

any 1 or more

substitute

1 or more

Explanatory note

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

[3.196] Section 61B (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 the service of documents.

[3.197] Section 90, definition of *decision-maker*, note

omit

s 273

substitute

s 14

Explanatory note

This amendment corrects a cross-reference.

[3.198] Section 96 (2) (b), 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.

Part 3.50 Road Transport (General) Regulation 2000

[3.199] Section 8, new note

insert

Note For the making of delegations and the exercise of delegated functions, see the [Legislation Act](#), pt 19.4.

Explanatory note

This amendment inserts a standard note about delegations.

[3.200] Section 14 (1) to (3)

substitute

- (1) The road transport authority must refund a fee, charge or other amount mentioned in an item in schedule 3, part 3.1 (Fees, charges and other amounts—refund) paid to the authority.
- (2) The road transport authority must refund part, worked out in accordance with the refund formula in section 15, of a fee, charge or other amount (other than a non-refundable amount) mentioned in an item in schedule 3, part 3.2 (Fees, charges and other amounts—partial refund using s 15 formula) paid to the authority.
- (3) However, something mentioned in an item in schedule 3, part 3.1 or part 3.2 need not be surrendered as required by the item if the road transport authority—
 - (a) is satisfied that the thing has been lost, stolen or destroyed; or
 - (b) directs that the thing need not be surrendered.

Explanatory note

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

[3.201] New schedule 3

insert

Schedule 3 Fees, charges and other amounts—refund

(see s 14 (1) and (2))

Part 3.1 Fees, charges and other amounts—refund

column 1 item	column 2 fee, charge or other amount
1	an amount remitted by the Minister under s 13
2	an amount remitted by the road transport authority under s 13AA
3	an excess payment
4	a fee, charge or other amount paid in relation to an application for the issue, renewal or variation of a driver licence if the application is refused
5	a fee, charge or other amount paid in relation to the issue, renewal or variation of a driver licence if the licence is issued, renewed or varied in error, is then cancelled and the holder of the licence surrenders the licence
6	a fee, charge or other amount paid in relation to an application for a driving instructor's or heavy vehicle driver assessor's accreditation if the application is refused
7	a fee, charge or other amount paid in relation to a driving instructor's or heavy vehicle driver assessor's accreditation or an accreditation under the <i>Road Transport (Public Passenger Services) Act 2001</i> if the accreditation is issued in error, is then cancelled and the holder of the accreditation surrenders the certificate of accreditation
8	a fee, charge or other amount paid in relation to an application for the registration or renewal of registration of a vehicle if the application is refused

column 1 item	column 2 fee, charge or other amount
9	a fee, charge or other amount paid in relation to the registration or renewal of registration of a vehicle if the vehicle is registered or the registration is renewed in error, is then cancelled and the registered operator surrenders the certificate of registration and numberplates
10	a fee, charge or other amount paid in relation to an application for the approval of premises for the inspection and testing of a class of vehicles if the application is refused
11	a fee, charge or other amount paid in relation to the approval of premises for the inspection and testing of a class of vehicles if the approval is issued in error, is then cancelled and the proprietor of the premises surrenders the certificate of approval
12	a fee, charge or other amount paid in relation to an application for the issue or transfer of a taxi licence or hire car licence under the <i>Road Transport (Public Passenger Services) Act 2001</i> if the application is refused
13	a fee, charge or other amount paid in relation to an application for an accreditation (other than an application for an accreditation under the <i>Road Transport (Public Passenger Services) Act 2001</i>), approval, authority, certificate, exemption, permit or anything else not mentioned in items 4 to 12 if the application is refused
14	a fee, charge or other amount paid by a person in relation to an application to which item 13 applies if the accreditation, approval, authority, certificate, exemption, permit or other thing is given, issued or done in error, is then cancelled and anything given to the person by the road transport authority because of the authority's decision on the application is surrendered to the authority
15	a fee, charge or other amount in relation to a test or assessment of the person's driving ability by an authorised person if the authorised person cancels the test or assessment
16	a fee, charge or other amount in relation to a test or assessment of the person's driving ability by an authorised person if the person cancels the test or assessment more than 48 hours before the time agreed for the test or assessment

Part 3.2 Fees, charges and other amounts—partial refund using s 15 formula

column 1 item	column 2 fee, charge or other amount
1	a fee, charge or other amount in relation to the issue or renewal of a driver licence if the holder of the licence surrenders the licence
2	a fee, charge or other amount in relation to a driving instructor's accreditation or an accreditation under the <i>Road Transport (Public Passenger Services) Act 2001</i> if the certificate of accreditation is surrendered
3	a fee, charge or other amount paid in relation to the issue of any of the following licences under the <i>Road Transport (Public Passenger Services) Act 2001</i> if the licence is surrendered in accordance with that Act: (a) a leased car licence; (b) a transferable leased taxi licence; (c) a non-transferable leased taxi licence; (d) a wheelchair-accessible taxi licence
4	a fee, charge or other amount in relation to the registration or renewal of registration of a vehicle if the registered operator surrenders the certificate of registration and numberplates
5	a fee, charge or other amount in relation to the authorisation of an examiner if the examiner surrenders the certificate of authorisation
6	a fee, charge or other amount in relation to the approval of premises for the inspection and testing of a class of vehicles if the proprietor of the premises surrenders the certificate of approval
7	a fee, charge or other amount in relation to the registration or renewal of registration of a vehicle if the vehicle is changed so that a fee, charge or other amount is payable before it can be used
8	a fee, charge or other amount in relation to the issue of trader's plates if the holder of the plates surrenders the plates

column 1 item	column 2 fee, charge or other amount
9	a fee, charge or other amount paid in relation to the issue of a parking permit under the <i>Road Transport (Safety and Traffic Management) Regulation 2000</i> if the permit-holder surrenders the permit

Explanatory note

This amendment inserts a new schedule 3 and is consequential of the amendment of section 14 by another amendment. The amendment relocates information previously included in section 14 (1) to (3) into the new schedule, using language and a structure that is in line with current legislative drafting practice.

[3.202] Dictionary, definition of *authorised examiner*

omit

dictionary

substitute

section 115

Explanatory note

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

[3.203] Dictionary, definition of *reminder notice*

omit

Explanatory note

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

Part 3.51 Road Transport (Third-Party Insurance) Act 2008

[3.204] Section 14 (1), note 1

omit

s 54 (1)

substitute

s 54

Explanatory note

This amendment corrects a cross-reference.

[3.205] Sections 130 (2) and 133 (2), new note

insert

Note If a form is approved under s 276 for this provision, the form must be used.

Explanatory note

This amendment inserts a standard note about approved forms.

[3.206] Section 261 (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 the service of documents.

[3.207] Dictionary, definition of *appointed auditor*

substitute

appointed auditor—see section 224.

Explanatory note

This amendment revises the definition to make it a signpost definition instead of a definition for part 5.7 to be consistent with current legislative drafting practice.

[3.208] Dictionary, definition of *occupier*

substitute

occupier, of premises, for chapter 6 (Enforcement)—see section 249.

Explanatory note

This amendment revises the definition to be consistent with current legislative drafting practice.

[3.209] Further amendments, mentions of *director-general*

omit

director-general

substitute

CTP regulator

in

- section 263 (d)
- section 264 (2) (b)
- section 265 (2) and (3)

Part 3.53 Taxation Administration Act 1999

[3.212] Section 6 (3) (k)

omit

such as

substitute

, for example,

Explanatory note

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

[3.213] Section 6 (3) (k), 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.

[3.214] Section 127 (c)

omit

such as

substitute

for example,

Explanatory note

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

[3.215] Section 127 (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.

[3.216] Section 129 (1) (d)

omit

such as

substitute

for example,

Explanatory note

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

[3.217] Section 129 (1) (d), 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.

[3.218] Dictionary, definition of *premium component*

omit

section 26 (4)

substitute

section 26 (3)

Explanatory note

This amendment corrects a cross-reference.

Part 3.54 Taxation (Government Business Enterprises) Regulation 2003

[3.219] Section 3

omit

- ACTEW Corporation Limited
- ACTEW Distribution Limited
- ACTEW Retail Limited
- ACTEW China Pty Limited

substitute

- Icon Water Limited
- Icon Distribution Investments Limited
- Icon Retail Investments Limited

Explanatory note

This amendment updates the name of an entity that was formerly known as ACTEW Corporation Limited, and makes corresponding changes to the names of associated entities. The amendment also omits a redundant reference to ACTEW China Pty Limited. That entity has been de-registered and has no current counterpart.

[3.220] Section 4

omit

- ACTEW China Pty Limited
- ACTEW Corporation Limited
- ACTEW Distribution Limited
- ACTEW Retail Limited

substitute

- Icon Water Limited
- Icon Distribution Investments Limited
- Icon Retail Investments Limited

Explanatory note

This amendment updates the name of an entity that was formerly known as ACTEW Corporation Limited, and makes corresponding changes to the names of associated entities. The amendment also omits a redundant reference to ACTEW China Pty Limited. That entity has been de-registered and has no current counterpart.

Part 3.55 Territory-owned Corporations Act 1990

[3.221] Section 4

omit

ACTEW Corporation Limited

substitute

Icon Water Limited

Explanatory note

This amendment is consequential on ACTEW Corporation Limited's change of name to Icon Water Limited on 28 October 2014.

[3.222] Schedule 1, item 1

substitute

1 Icon Water Limited

Explanatory note

This amendment is consequential on ACTEW Corporation Limited's change of name to Icon Water Limited on 28 October 2014.

[3.223] Schedule 4 heading

substitute

Schedule 4 Modifications in relation to Icon Water Limited

Explanatory note

This amendment is consequential on ACTEW Corporation Limited's change of name to Icon Water Limited on 28 October 2014.

[3.224] Schedule 4, modification 1, definition of company

substitute

company means Icon Water Limited.

Explanatory note

This amendment is consequential on ACTEW Corporation Limited's change of name to Icon Water Limited on 28 October 2014.

Endnotes

1 Presentation speech

Presentation speech made in the Legislative Assembly on 19 March 2015.

2 Notification

Notified under the [Legislation Act](#) on 27 May 2015.

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 2015, which was passed by the Legislative Assembly on 12 May 2015.

Clerk of the Legislative Assembly

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