



Australian Capital Territory

# Statute Law Amendment Act 2015 (No 2)

A2015-50

## Contents

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	Page
1 Name of Act	2
2 Commencement	2
3 Notes	2
4 Purpose of Act	2
5 Legislation amended—schs 1–3	2
<b>Schedule 1</b>	
<b>Minor amendments</b>	3
<b>Part 1.1</b>	
<b>Auditor-General Act 1996</b>	3
<b>Part 1.2</b>	
<b>Medicines, Poisons and Therapeutic Goods Act 2008</b>	5
<b>Part 1.3</b>	
<b>Medicines, Poisons and Therapeutic Goods Regulation 2008</b>	8

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J2015-48

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---

		Page
<b>Part 1.4</b>	<b>Road Transport (Third-Party Insurance) Act 2008</b>	15
<b>Schedule 2</b>	<b>Legislation Act 2001</b>	19
<b>Schedule 3</b>	<b>Technical amendments</b>	21
<b>Part 3.1</b>	<b>ACT Civil and Administrative Tribunal Act 2008</b>	21
<b>Part 3.2</b>	<b>Auditor-General Act 1996</b>	22
<b>Part 3.3</b>	<b>Building Act 2004</b>	23
<b>Part 3.4</b>	<b>Building (General) Regulation 2008</b>	24
<b>Part 3.5</b>	<b>Children and Young People Act 2008</b>	25
<b>Part 3.6</b>	<b>Civil Unions Act 2012</b>	36
<b>Part 3.7</b>	<b>Confiscation of Criminal Assets Act 2003</b>	37
<b>Part 3.8</b>	<b>Corrections Management Act 2007</b>	39
<b>Part 3.9</b>	<b>Court Procedures Regulation 2004</b>	40
<b>Part 3.10</b>	<b>Crimes Act 1900</b>	40
<b>Part 3.11</b>	<b>Crimes (Child Sex Offenders) Regulation 2005</b>	50
<b>Part 3.12</b>	<b>Crimes (Sentence Administration) Act 2005</b>	51
<b>Part 3.13</b>	<b>Criminal Code 2002</b>	52
<b>Part 3.14</b>	<b>Dangerous Substances Act 2004</b>	55
<b>Part 3.15</b>	<b>Dangerous Substances (General) Regulation 2004</b>	56
<b>Part 3.16</b>	<b>Electoral Act 1992</b>	57
<b>Part 3.17</b>	<b>Firearms Act 1996</b>	59
<b>Part 3.18</b>	<b>Gambling and Racing Control Act 1999</b>	61
<b>Part 3.19</b>	<b>Gaming Machine Act 2004</b>	62
<b>Part 3.20</b>	<b>Heavy Vehicle National Law (ACT)</b>	63
<b>Part 3.21</b>	<b>Juries Act 1967</b>	64
<b>Part 3.22</b>	<b>Liquor Act 2010</b>	64

---

contents 2	Statute Law Amendment Act 2015 (No 2)	A2015-50
------------	---------------------------------------	----------

## Contents

---

	Page
<b>Part 3.23</b>	<b>Long Service Leave (Portable Schemes) Act 2009</b> 66
<b>Part 3.24</b>	<b>Medicines, Poisons and Therapeutic Goods Regulation 2008</b> 69
<b>Part 3.25</b>	<b>Ombudsman Act 1989</b> 69
<b>Part 3.26</b>	<b>Planning and Development Act 2007</b> 72
<b>Part 3.27</b>	<b>Public Sector Management Act 1994</b> 74
<b>Part 3.28</b>	<b>Road Transport (Driver Licensing) Regulation 2000</b> 74
<b>Part 3.29</b>	<b>Road Transport (Safety and Traffic Management) Act 1999</b> 75
<b>Part 3.30</b>	<b>Road Transport (Safety and Traffic Management) Regulation 2000</b> 76
<b>Part 3.31</b>	<b>Road Transport (Vehicle Registration) Regulation 2000</b> 77
<b>Part 3.32</b>	<b>Spent Convictions Act 2000</b> 80
<b>Part 3.33</b>	<b>Unit Titles (Management) Act 2011</b> 81
<b>Part 3.34</b>	<b>Utilities Act 2000</b> 83





Australian Capital Territory

# **Statute Law Amendment Act 2015 (No 2)**

**A2015-50**

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

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

**1 Name of Act**

This Act is the *Statute Law Amendment Act 2015 (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 the 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**                      **Auditor-General Act 1996**

#### **[1.1] Section 17 (6)**

*omit*

##### **Explanatory note**

This amendment is consequential on the inclusion of the substance of section 17 (6) in new section 21, which is inserted by another amendment.

#### **[1.2] New section 21**

*in division 3.7, insert*

#### **21 Ministerial response to report for Legislative Assembly**

- (1) Within 4 months after the day a report by the auditor-general is presented to the Legislative Assembly under section 17 (Reports for Legislative Assembly), the Minister must—
  - (a) prepare a written response to the report; and
  - (b) either—
    - (i) present the response to the Legislative Assembly; or
    - (ii) give the response, and a copy for each member of the Assembly, to the Speaker.
- (2) If the Minister gives the response to the Speaker—
  - (a) the Speaker must arrange for a copy of the response to be given to each member of the Legislative Assembly; and
  - (b) the Minister must present the response to the Legislative Assembly—
    - (i) on the next sitting day; or

(ii) if the next sitting day is the first meeting of the Legislative Assembly after a general election of members of the Assembly—on the second sitting day after the election.

(3) In this section:

*Speaker*, for a response given to the Deputy Speaker or clerk under section 37A (Reports to be given to Speaker), means the Deputy Speaker or clerk.

**Explanatory note**

This amendment inserts new section 21 to replace current section 17 (6) (which requires the Minister to prepare a response to a report by the auditor-general under section 17). New section 21 gives the Minister more flexibility in how a response may be presented to the Legislative Assembly and also extends the period for presenting the response from 3 months to 4 months.

**[1.3] Section 37A (1)**

*after*

report

*insert*

or response

**Explanatory note**

This amendment is consequential on the insertion of new section 21 by another amendment, which requires the Minister to prepare a response to an auditor-general's report for the Legislative Assembly under section 17.



## Part 1.2 Medicines, Poisons and Therapeutic Goods Act 2008

### [1.4] Section 13

*substitute*

#### 13 Meaning of *prohibited substance* and *schedule 10 substance*—Act

In this Act:

*prohibited substance* means a substance to which the [medicines and poisons standard](#), schedule 9 applies.

*Note* Sch 9 substances are generally illegal substances that are subject to abuse. They include some derivatives of the scheduled substances (see s 16 (2)).

*schedule 10 substance* means a substance to which the [medicines and poisons standard](#), schedule 10 applies.

*Note* Sch 10 substances are substances, other than those in sch 9, the sale, supply and use of which is prohibited because of the degree of danger to health they represent. The schedule includes some derivatives of the substances to which the schedule applies (see s 16 (2)).

#### Explanatory note

The Act refers to a number of provisions in the medicines and poisons standard in relation to the packaging and labelling of regulated substances. Section 15 (1) defines the medicines and poisons standards as meaning the poisons standard made under the [Therapeutic Goods Act 1989](#) (Cwlth), section 52D (2), as in force from time to time and as modified by regulation (if any). In June 2015, the Commonwealth replaced the current poisons standard with [Poisons Standard June 2015](#) (the *new poisons standard*). This amendment is consequential on the making of the new poisons standard, which renames appendix C substances as schedule 10 substances.

**[1.5] Section 71 (1) and (2)**

*omit*

schedule paint

*substitute*

group paint

**Explanatory note**

This amendment is consequential on the making of the [new Poisons Standard June 2015](#) (Cwlth), which renames first and second schedule paints as first and second group paints.

**[1.6] Section 71 (3)**

*omit*

third schedule paint

*substitute*

paint or tinter

**Explanatory note**

This amendment is consequential on the making of the [new Poisons Standard June 2015](#) (Cwlth), which replaces references to third schedule paints with references to paint or tinters of a particular kind (to be prescribed by regulation).

**[1.7] Dictionary, definition of *appendix C substance***

*omit*

**Explanatory note**

This amendment is consequential on the making of the [new Poisons Standard June 2015](#) (Cwlth) which renames appendix C substances as schedule 10 substances.

**[1.8] Dictionary, new definition of *schedule 10 substance***

*insert*

*schedule 10 substance*—see section 13.

**Explanatory note**

This amendment is consequential on the making of the [new Poisons Standard](#) June 2015 (Cwlth) which renames appendix C substances as schedule 10 substances.

**[1.9] Further amendments, mentions of *appendix C***

*omit*

appendix C

*substitute*

schedule 10

*in*

- section 10
- section 19 (1) (i)
- section 20 (2), (3) and (5), definition of *administration-related dealing*
- section 25, definition of *declared substance*, paragraph (d)
- section 39 (1), definition of *reportable substance*, paragraph (d)

**Explanatory note**

This amendment is consequential on the making of the [new Poisons Standard](#) June 2015 (Cwlth) which renames appendix C substances as schedule 10 substances.



**[1.12] Section 665 (1) (a)**

*omit*

medicines and poisons standard, paragraphs 21 to 27

*substitute*

[medicines and poisons standard](#), sections 2.1 (2) to 2.6 (2)

**Explanatory note**

This amendment updates cross-references to provisions in the medicines and poisons standard as a consequence of the making of the [new Poisons Standard](#) June 2015 (Cwlth).

**[1.13] Section 666 (a)**

*omit*

medicines and poisons standard, paragraphs 3 to 19

*substitute*

[medicines and poisons standard](#), sections 1.1 (2) to 1.6 (2)

**Explanatory note**

This amendment updates cross-references to provisions in the medicines and poisons standard as a consequence of the making of the [new Poisons Standard](#) June 2015 (Cwlth).

**[1.14] Sections 676 (f) and 686 (f)**

*substitute*

- (f) the following are kept at the supplier's business premises or, if the chief health officer approves, in writing, another place, the place approved by the chief health officer, for at least 2 years after the day the poison is supplied:
  - (i) the filled purchase order;
  - (ii) the delivery acknowledgement under paragraph (e) or section 720 (d) (ii);

- (fa) the record for section 722 is kept at the supplier's business premises or, if the chief health officer approves, in writing, another place, the place approved by the chief health officer, for at least 5 years after the day the poison is supplied;

**Explanatory note**

The regulation refers to a number of provisions in the medicines and poisons standard in relation to the packaging and labelling of regulated substances. The *Medicines, Poisons and Therapeutic Goods Act 2008*, section 15 (1) defines the medicines and poisons standard as meaning the poisons standard made under the *Therapeutic Goods Act 1989* (Cwlth), section 52D (2), as in force from time to time and as modified by regulation (if any). In June 2015, the Commonwealth replaced the current poisons standard with *Poisons Standard June 2015* (the *new poisons standard*). This amendment is consequential on the requirement in the *new poisons standard*, part 2, section 5.1 to keep records relating to the supply of dangerous poisons for 5 years.

**[1.15] Section 722**

*substitute*

**722 Recording supply of dangerous poisons**

A person who supplies a dangerous poison on a purchase order to someone else must keep a written record of the supply in accordance with the *medicines and poisons standard*, section 5.1 (1) and (2).

**Explanatory note**

This amendment remakes section 722 as a consequence of the remaking of the poisons standard and to require a person supplying dangerous poisons to act in accordance with the *new poisons standard*, part 2, section 5.1.

**[1.16] Section 731 (a)**

*omit*

medicines and poisons standard, paragraphs 21 to 27

*substitute*

[medicines and poisons standard](#), sections 2.1 (2) to 2.6 (2)

**Explanatory note**

This amendment updates cross-references to provisions in the medicines and poisons standard as a consequence of the making of the [new Poisons Standard](#) June 2015 (Cwlth).

**[1.17] Section 732 (a)**

*omit*

medicines and poisons standard, paragraphs 3 to 19

*substitute*

[medicines and poisons standard](#), sections 1.1 (2) to 1.6 (2)

**Explanatory note**

This amendment updates cross-references to provisions in the medicines and poisons standard as a consequence of the making of the [new Poisons Standard](#) June 2015 (Cwlth).

**[1.18] Section 735 (2)**

*substitute*

- (2) The dangerous poison must be kept in accordance with the [medicines and poisons standard](#), section 3.1 (1) and (2).

**Explanatory note**

This amendment remakes subsection (2) to apply the [Poisons Standard](#) June 2015, part 2, section 3.1 (1) and (2) to the storage of dangerous poisons.

**[1.19]    Section 751 (1)**

*omit*

first schedule

*substitute*

first group

**Explanatory note**

This amendment is consequential on the making of the [new Poisons Standard](#) June 2015 (Cwlth), which renames first schedule paints as first group paints.

**[1.20]    Section 751 (2)**

*substitute*

- (2) A paint or tinter mentioned in the [medicines and poisons standard](#), section 7.1 (2) is prescribed.

**Explanatory note**

This amendment updates section 751 (2) as a consequence of the making of the [new Poisons Standard](#) June 2015 (Cwlth), part 2, section 7.1.

**[1.21]    Section 752 and note**

*substitute*

**752        Manufacture, supply and use of paints for toys—Act,  
              s 72 (b)**

A paint that complies with the specification requirements for coating materials prescribed by the [medicines and poisons standard](#), section 7.1 (3) may be manufactured, supplied or used for application to toys.

**Explanatory note**

This amendment updates section 752 as a consequence of the making of the [new Poisons Standard](#) June 2015 (Cwlth), part 2, section 7.1.



**[1.22] Section 753 (1) and note**

*substitute*

- (1) A pesticide mentioned in the [medicines and poisons standard](#), section 7.1 (4) is prescribed.

**Explanatory note**

This amendment updates section 753 (1) as a consequence of the making of the [new Poisons Standard](#) June 2015 (Cwlth), part 2, section 7.1.

**[1.23] Chapter 21 heading**

*omit*

**appendix C**

*substitute*

**schedule 10**

**Explanatory note**

This amendment is consequential on the making of the [new Poisons Standard](#) June 2015 (Cwlth) which renames appendix C substances as schedule 10 substances.

**[1.24] Section 760**

*omit*

an appendix C

*substitute*

a schedule 10

**Explanatory note**

This amendment is consequential on the making of the [new Poisons Standard](#) June 2015 (Cwlth) which renames appendix C substances as schedule 10 substances.

**[1.25] Section 760, note**

*omit*

Appendix C

*substitute*

Schedule 10

**Explanatory note**

This amendment is consequential on the making of the [new Poisons Standard](#) June 2015 (Cwlth) which renames appendix C substances as schedule 10 substances.

**[1.26] Section 863 (a)**

*omit*

**Explanatory note**

This amendment is consequential on the remaking of section 752 by another amendment.

**[1.27] Section 863, note 3**

*omit*

**Explanatory note**

This amendment is consequential on the remaking of section 752 by another amendment.

**[1.28] Dictionary, definition of *complying purchase order*, paragraph (c)**

*omit*

an appendix C

*substitute*

a schedule 10

**Explanatory note**

This amendment is consequential on the making of the [new Poisons Standard](#) June 2015 (Cwlth) which renames appendix C substances as schedule 10 substances.

**[1.29] Dictionary, definition of *prohibited substance***

*omit*

appendix C

*substitute*

schedule 10

**Explanatory note**

This amendment is consequential on the making of the [new Poisons Standard](#) June 2015 (Cwlth) which renames appendix C substances as schedule 10 substances.

## **Part 1.4 Road Transport (Third-Party Insurance) Act 2008**

**[1.30] Section 102, definition of *required document*, paragraphs (b) and (c)**

*after*

a report

*insert*

, or surveillance film,

**Explanatory note**

The definition of *required document* lists 3 categories that are required documents for a motor accident claim under part 4.3 (which is about obligations to give documents and information). Under paragraph (a) of the definition, a report or other document about the motor accident for the claim is a required document. Paragraphs (b) and (c) of the definition, however, prescribe that only reports about certain things are required documents. This amendment revises those paragraphs to make it clear that surveillance film in relation to the things mentioned in those paragraphs is a required document.

**[1.31]      Section 150 (1) and (3)**

*omit*

part

*substitute*

chapter

**Explanatory note**

Chapter 4 sets out a number of pre-litigation steps to be undertaken by each party to a third-party insurance claim, including mandatory conferences and final offers of settlement before instituting court proceedings. Under section 150, the court may grant a claimant leave to start court proceedings even if the claimant has not complied with part 4.9 (which is about court proceedings) if the proceeding is urgent. On the face of it, section 150 does not give the court power to give leave to begin a proceeding in circumstances where there has been non-compliance with the pre-litigation steps in chapter 4 and the court has not dispensed with those requirements. This amendment revises section 150 (1) and (3) to make it clear that if a court has allowed a proceeding to begin, the court may stay the proceeding and order the claimant to comply with chapter 4.

**[1.32]      Section 150 (5)**

*substitute*

- (5) If, under subsection (4), the proceeding is not stayed, the following parts do not apply to the personal injury:
- (a) part 4.7 (Compulsory conferences before court proceedings);
  - (b) part 4.8 (Mandatory final offers);

(c) this part (other than this section).

**Explanatory note**

Currently, under section 150 (5), if a proceeding in relation to a motor accident claim is not stayed under section 150 (4) (and the court makes an order under that section in relation to expediting the proceeding), chapter 4 (other than part 4.9 but including section 150) applies to the personal injury that is the subject of the claim, including provisions about compulsory conferences and mandatory final offers of settlement before instituting court proceedings. This amendment clarifies that if a proceeding is not stayed in the circumstances mentioned in section 150 (4), parts 4.7, 4.8 and 4.9 (other than section 150) do not apply to the personal injury.

**[1.33] New chapter 11**

*insert*

## **Chapter 11 Transitional—Statute Law Amendment Act 2015 (No 2)**

### **293 Meaning of *commencement day*—ch 11**

In this chapter:

*commencement day* means the day the *Statute Law Amendment Act 2015 (No 2)*, section 5 commences.

### **294 Application of amendment—surveillance film**

The amendment of section 102, definition of *required document*, made by the *Statute Law Amendment Act 2015 (No 2)* does not apply to a motor accident claim if the notice of claim was given under section 84, or a proceeding on the claim was started, before the commencement day.

## **295 Expiry—ch 11**

This chapter expires 12 months after the commencement day.

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

### **Explanatory note**

This amendment inserts a new transitional chapter in the Act to make it clear that the amendment of section 102, definition of *required document* applies only to motor accident claims made after the commencement of the amendment.

## Schedule 2      Legislation Act 2001

(see s 5)

### [2.1]      Section 104 (4)

*omit*

#### **Explanatory note**

This amendment omits the definition of ‘*statutory instrument*, of another jurisdiction’ because the term is no longer used in this section.

### [2.2]      New section 257

*in part 19.7, insert*

#### **257      Out-of-session presentation of documents to Legislative Assembly**

- (1) This section applies if a provision of a law requires a person to present a document to the Legislative Assembly within a stated period that is not expressed as a stated number of sitting days.
- (2) If it is not reasonably practicable to present the document within the stated period—
  - (a) the person may give the document, and a copy for each member of the Legislative Assembly, to the Speaker before the end of the stated period; and
  - (b) the document is taken for all purposes to have been presented to the Legislative Assembly on the day the person gives it to the Speaker; and
  - (c) the Speaker must arrange for a copy of the document to be given to each member of the Legislative Assembly; and
  - (d) the Speaker must present the document to the Legislative Assembly—
    - (i) on the next sitting day; or

- (ii) if the next sitting day is the first meeting of the Legislative Assembly after a general election of members of the Assembly—on the second sitting day after the election.

**Example**

A report is given to the Minister under the XYZ Act on 1 November. The Act requires the Minister to present a response to the report to the Legislative Assembly within 3 months after receiving it. The latest sitting day in that period is 10 December. It is not reasonably practicable for the Minister to prepare the response by 10 December. Under this section, the Minister may give the response to the Speaker on 1 February.

*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 s 126 and s 132).

- (3) In this section:

*Speaker* includes—

- (a) if the Speaker is unavailable—the Deputy Speaker; and
- (b) if both the Speaker and the Deputy Speaker are unavailable—the clerk of the Legislative Assembly.

*unavailable*—the Speaker or Deputy Speaker is *unavailable* if—

- (a) he or she is absent from duty; or
- (b) there is a vacancy in the office of Speaker or Deputy Speaker.

**Explanatory note**

A number of ACT laws require a document to be presented in the Legislative Assembly within a stated time. However, there are occasions when it is not practicable to present the document within the stated time and many of those laws do not provide for the presenting of the document out-of-session.

This amendment inserts a new section in the [Legislation Act](#) allowing reports, and responses to reports, that are required to be presented in the Legislative Assembly to be presented out-of-session. The new section is consistent with similar provisions in, for example, the [Annual Reports \(Government Agencies\) Act 2004](#), the [Climate Change and Greenhouse Gas Reduction Act 2010](#), the [Coroners Act 1997](#) and the [Government Agencies \(Campaign Advertising\) Act 2009](#).



## **Schedule 3      Technical amendments**

(see s 5)

### **Part 3.1                      ACT Civil and Administrative Tribunal Act 2008**

#### **[3.1]      Section 22B (2), note**

*substitute*

*Note*      For what must be included in a statement of reasons, see the [Legislation Act](#), s 179.

#### **Explanatory note**

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

#### **[3.2]      Section 60 (3), note**

*substitute*

*Note*      For what must be included in a statement of reasons, see the [Legislation Act](#), s 179.

#### **Explanatory note**

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

#### **[3.3]      Dictionary, definition of *trust amount***

*omit*

section 115B (1)

*substitute*

section 115A

#### **Explanatory note**

This amendment corrects a cross-reference.

## Part 3.2                    Auditor-General Act 1996

### [3.4]            Section 9B (3), note

*substitute*

*Note*        For what must be included in a statement of reasons, see the [Legislation Act](#), s 179.

#### Explanatory note

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

### [3.5]            Section 9BB (5), note

*substitute*

*Note*        For what must be included in a statement of reasons, see the [Legislation Act](#), s 179.

#### Explanatory note

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

### [3.6]            Section 9BC (2), new note

*insert*

*Note*        For what must be included in a statement of reasons, see the [Legislation Act](#), s 179.

#### Explanatory note

This amendment inserts a standard note about a statement of reasons.

### [3.7]            Dictionary, note 2

*omit*

- officer of the Assembly

#### Explanatory note

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

**[3.8] Dictionary, definition of *appropriation***

*omit*

**Explanatory note**

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

## **Part 3.3 Building Act 2004**

**[3.9] Section 36A (1) (b)**

*substitute*

(b) the entity—

- (i) has given advice on the application; or
- (ii) has not given advice within the time prescribed for giving the advice; and

**Explanatory note**

This amendment corrects a grammatical error.

**[3.10] Section 112 (4), new note**

*insert*

*Note* For what must be included in a statement of reasons, see the [Legislation Act](#), s 179.

**Explanatory note**

This amendment inserts a standard note about a statement of reasons.

## Part 3.4                            Building (General) Regulation 2008

### [3.11]    Section 7 (1), example 3

*omit*

the fire brigade

*substitute*

fire and rescue

#### **Explanatory note**

This amendment updates the reference. The name of the ACT Fire Brigade was changed to ACT Fire and Rescue by the [Justice and Community Safety Legislation Amendment Act 2012](#). The term ‘fire and rescue’ is defined in the [Legislation Act](#), dictionary, part 1 to mean ACT Fire and Rescue established under the [Emergencies Act 2004](#).

### [3.12]    Section 35 (b)

*omit*

chief officer (fire brigade)

*substitute*

chief officer (fire and rescue)

#### **Explanatory note**

This amendment updates the reference. The name of the ACT Fire Brigade was changed to ACT Fire and Rescue by the [Justice and Community Safety Legislation Amendment Act 2012](#). The term ‘chief officer (fire and rescue)’ is defined in the [Legislation Act](#), dictionary, part 1 to mean the chief officer (fire and rescue) under the [Emergencies Act 2004](#).

**[3.13] Schedule 2, part 2.2, items 6 and 7, column 3**

*omit*

chief officer (fire brigade)

*substitute*

chief officer (fire and rescue)

**Explanatory note**

This amendment updates the reference. The name of the ACT Fire Brigade was changed to ACT Fire and Rescue by the [Justice and Community Safety Legislation Amendment Act 2012](#). The term ‘chief officer (fire and rescue)’ is defined in the [Legislation Act](#), dictionary, part 1 to mean the chief officer (fire and rescue) under the [Emergencies Act 2004](#).

## **Part 3.5 Children and Young People Act 2008**

**[3.14] Section 70 (4) (b) (ii), example**

*omit*

**Explanatory note**

This amendment omits the example because it is inaccurate. The discrimination commissioner does not substantiate a discrimination complaint as this is a matter for the ACT Civil and Administrative Tribunal.

**[3.15] Section 73, definition of *family group conference facilitator***

*substitute*

*family group conference facilitator*—see section 78.

**Explanatory note**

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

**[3.16]      Section 307 (5), note 2**

*substitute*

*Note 2*    For what must be included in a statement of reasons, see the [Legislation Act](#), s 179.

**Explanatory note**

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

**[3.17]      Section 313 (2), note 2**

*substitute*

*Note 2*    For what must be included in a statement of reasons, see the [Legislation Act](#), s 179.

**Explanatory note**

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

**[3.18]      Section 314 (3), note 2**

*substitute*

*Note 2*    For what must be included in a statement of reasons, see the [Legislation Act](#), s 179.

**Explanatory note**

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

**[3.19]      Section 353, definition of *prenatal report***

*omit*

section 362

*substitute*

section 362 (2)

**Explanatory note**

This amendment corrects a cross-reference.

**[3.20] Section 353, definition of *voluntary report***

*omit*

section 354

*substitute*

section 354 (2)

**Explanatory note**

This amendment corrects a cross-reference.

**[3.21] Section 357 (1) (a)**

*omit*

neglect

*substitute*

non-accidental physical injury

**Explanatory note**

This amendment revises section 357 (1) (a) to be consistent with section 356 (1) (c) (ii).

**[3.22] New section 492A**

*in part 14.13, insert*

**492A Definitions—pt 14.13**

In this part:

*annual review report order*—see section 500 (2).

*waiver order*—see section 498 (1).

**Explanatory note**

This amendment inserts a section in order to inset a signpost definition for a term defined elsewhere in the Act.

**[3.23]      Section 530 (2), new definition of *therapeutic protection register***

*insert*

*therapeutic protection register*—see section 633 (1).

**Explanatory note**

This amendment inserts a signpost definition for a term used only in chapter 16.

**[3.24]      Section 551, new note**

*insert*

*Note 2*    For what must be included in a statement of reasons, see the [Legislation Act](#), s 179.

**Explanatory note**

This amendment inserts a standard note about a statement of reasons.

**[3.25]      New section 552A**

*in division 16.2.5, insert*

**552A      Definitions—div 16.2.5**

In this division:

*initial review*—see section 553 (2).

*ongoing review*—see section 554 (2).

**Explanatory note**

This amendment inserts a definitions section in division 16.2.5 for the definitions of terms used only in division 16.2.5.



**[3.26] Section 563, new note**

*insert*

*Note 2* For what must be included in a statement of reasons, see the [Legislation Act](#), s 179.

**Explanatory note**

This amendment inserts a standard note about a statement of reasons.

**[3.27] Section 571, new note**

*insert*

*Note 2* For what must be included in a statement of reasons, see the [Legislation Act](#), s 179.

**Explanatory note**

This amendment inserts a standard note about a statement of reasons.

**[3.28] Section 687 (1) (f)**

*omit*

(the *safe custody period*)

**Explanatory note**

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

**[3.29] Section 722 (3), new note**

*insert*

*Note* For what must be included in a statement of reasons, see the [Legislation Act](#), s 179.

**Explanatory note**

This amendment inserts a standard note about a statement of reasons.

**[3.30]        Dictionary, definition of *Aboriginal and Torres Strait Islander organisation***

*omit*

**Explanatory note**

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

**[3.31]        Dictionary, new definition of *annual review report order***

*insert*

*annual review report order*, for part 14.13 (Annual review reports—parental responsibility provisions and supervision provisions)—see section 500 (2).

**Explanatory note**

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

**[3.32]        Dictionary, definition of *cancellation notice***

*omit*

section 766

*substitute*

section 766 (2)

**Explanatory note**

This amendment corrects a cross-reference.

**[3.33] Dictionary, definition of *childcare worker***

*omit*

section 728 (1)

*substitute*

section 728 (2)

**Explanatory note**

This amendment corrects a cross-reference.

**[3.34] Dictionary, definition of *children and young people deaths register***

*omit*

section 727N

*substitute*

section 727N (1)

**Explanatory note**

This amendment corrects a cross-reference.

**[3.35] Dictionary, new definition of *court-ordered meeting***

*insert*

*court-ordered meeting*—see section 431 (2) (a).

**Explanatory note**

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

**[3.36]      Dictionary, new definition of *initial review***

*insert*

*initial review*, for division 16.2.5 (Review of therapeutic protection orders)—see section 553 (2).

**Explanatory note**

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

**[3.37]      Dictionary, definition of *interim care and protection order***

*omit*

section 433

*substitute*

section 433 (1)

**Explanatory note**

This amendment corrects a cross-reference.

**[3.38]      Dictionary, definition of *interim child welfare order***

*omit*

section 661

*substitute*

section 661 (1)

**Explanatory note**

This amendment corrects a cross-reference.

**[3.39] Dictionary, definition of *mandatory report***

*omit*

section 356

*substitute*

section 356 (1) (e)

**Explanatory note**

This amendment corrects a cross-reference.

**[3.40] Dictionary, definition of *non-treating doctor etc***

*omit*

section 530

*substitute*

section 530 (2)

*in*

- definition of *non-treating doctor*, paragraph (c)
- definition of *non-treating health practitioner*, paragraph (b)
- definition of *non-treating health professional*, paragraph (b)
- definition of *non-treating nurse*, paragraph (c)

**Explanatory note**

This amendment corrects cross-references.

**[3.41]      Dictionary, definition of *official visitor***

*omit*

section 10

*substitute*

section 10 (1) (a)

**Explanatory note**

This amendment corrects a cross-reference.

**[3.42]      Dictionary, new definition of *ongoing review***

*insert*

*ongoing review*, for division 16.2.5 (Review of therapeutic protection orders)—see section 554 (2).

**Explanatory note**

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

**[3.43]      Dictionary, definition of *prenatal report***

*omit*

section 362

*substitute*

section 362 (2)

**Explanatory note**

This amendment corrects a cross-reference.

**[3.44] Dictionary, definition of *prohibited area***

*substitute*

*prohibited area*, for a criminal matters chapter, means a place declared by the director-general as a prohibited area under section 147.

**Explanatory note**

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

**[3.45] Dictionary, new definition of *therapeutic protection register***

*insert*

*therapeutic protection register*, for chapter 16 (care and protection—therapeutic protection of children and young people)—see section 633 (1).

**Explanatory note**

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

**[3.46] Dictionary, definition of *voluntary report***

*omit*

section 354

*substitute*

section 354 (2)

**Explanatory note**

This amendment corrects a cross-reference.

**[3.47]      Dictionary, new definition of *waiver order***

*insert*

*waiver order*, for part 14.13 (Annual review reports—parental responsibility provisions and supervision provisions)—see section 498 (1).

**Explanatory note**

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

## **Part 3.6                      Civil Unions Act 2012**

**[3.48]      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 in this Act.

For example, the signpost definition ‘*reviewable decision*, for part 4 (Notification and review of decisions)—see section 18.’ means that the term ‘reviewable decision’ is defined in that section for part 4.

**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.

**[3.49]      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.



**[3.50] Dictionary, definition of *reviewable decision***

*omit*

Notice

*substitute*

Notification

**Explanatory note**

This amendment corrects a minor typographical error.

## **Part 3.7 Confiscation of Criminal Assets Act 2003**

**[3.51] New section 105 (4)**

*insert*

(4) In this section:

*proposed action*—see section 102 (1).

**Explanatory note**

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

**[3.52] Section 259 (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.

**[3.53]      Dictionary, definition of *artistic profits***

*omit*

section 81

*substitute*

section 81 (1)

**Explanatory note**

This amendment corrects a cross-reference.

**[3.54]      Dictionary, definition of *transaction suspension order***

*omit*

section 152

*substitute*

section 152 (1)

**Explanatory note**

This amendment corrects a cross-reference.

**[3.55]      Further amendments, mentions of *all or any***

*omit*

all or any

*substitute*

1 or more

*in*

- section 35 (1)
- section 69 (1) (b)
- section 129 (1), definition of *equitable sharing program*
- section 179 (2)
- section 211 (7), definition of *strip search*

- section 220 (1)
- dictionary, definition of *in relation to*, example

**Explanatory note**

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

## **Part 3.8**                      **Corrections Management Act 2007**

### **[3.56]      Sections 97 (5) and 165 (5), new note**

*insert*

*Note 2*    For what must be included in a statement of reasons, see the [Legislation Act](#), s 179.

**Explanatory note**

This amendment inserts a standard note about a statement of reasons.

### **[3.57]      Section 171 (5) etc, note 2**

*substitute*

*Note 2*    For what must be included in a statement of reasons, see the [Legislation Act](#), s 179.

*in*

- section 171 (5)
- section 176 (2)
- section 179 (2)
- section 180 (2)

**Explanatory note**

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

## Part 3.9                            Court Procedures Regulation 2004

### [3.58]            Section 5

*omit*

#### Explanatory note

This amendment omits a provision that is redundant as a consequence of the repeal of the enabling provision in the *Court Procedures Act 2004*. Section 5 of the regulation is made under that Act, section 57, which was omitted by the *Justice and Community Legislation Amendment Act 2006*, amendment 2.91.

## Part 3.10                            Crimes Act 1900

### [3.59]            Section 114A

*before the definition of deal, insert*

In this division:

#### Explanatory note

This amendment inserts introductory words for a section that defines terms for the division.

### [3.60]            Section 396 (2), definition of *member of the emergency services*, paragraph (b)

*substitute*

(b) fire and rescue; or

#### Explanatory note

Section 396 (2), definition of *member of the emergency services*, paragraph (b) refers to the fire brigade. This amendment updates the reference. The name of the ACT Fire Brigade was changed to ACT Fire and Rescue by the *Justice and Community Safety Legislation Amendment Act 2012*. The term ‘fire and rescue’ is defined in the *Legislation Act*, dictionary, part 1 to mean ACT Fire and Rescue established under the *Emergencies Act 2004*.

**[3.61] Dictionary, note 2**

*omit*

- fire brigade

*substitute*

- fire and rescue

**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 corrects a cross-reference. The name of the ACT Fire Brigade was changed to ACT Fire and Rescue by the [Justice and Community Safety Legislation Amendment Act 2012](#). The term ‘fire and rescue’ is defined in the [Legislation Act](#), dictionary, part 1 to mean ACT Fire and Rescue established under the [Emergencies Act 2004](#).

**[3.62] Dictionary, definition of ACAT**

*omit*

section 300

*substitute*

section 300 (1)

**Explanatory note**

This amendment corrects a cross-reference.

**[3.63] Dictionary, new definition of *accused***

*insert*

***accused***, for a person before the Magistrates Court, for part 13 (Unfitness to plead and mental impairment)—see section 300 (1).

**Explanatory note**

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

**[3.64]      Dictionary, definition of *aggravated offence***

*substitute*

*aggravated offence*—

- (a) for part 2 (Offences against the person)—see section 48A; and
- (b) for part 5 (Sexual servitude)—see section 81.

**Explanatory note**

This amendment revises the definition to include a signpost to the definition of the term in section 48A.

**[3.65]      Dictionary, new definitions**

*insert*

*alternative offence*, for an offence—

- (a) for part 2 (Offences against the person)—see section 48B (1);  
and
- (b) for part 13 (Unfitness to plead and mental impairment)—see  
section 300 (1).

*anabolic steroid*, for part 8 (Anabolic steroids)—see section 170.

*appropriate authority*, in relation to a State or another Territory, for  
part 11 (Investigation of extraterritorial offences)—see  
section 253 (1).

*assisting officer*, in relation to a warrant, for part 10 (Criminal  
investigation)—see section 185.

**Explanatory note**

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

**[3.66] Dictionary, definitions of *child***

*substitute*

*child*—

- (a) for the Act generally—
  - (i) means a person who has not attained the age of 18 years;  
and
  - (ii) in relation to a person, includes a child—
    - (A) who normally or regularly resides with the person;  
or
    - (B) of whom the person is a guardian; and
- (b) for subdivision 10.7.2 (Preliminary procedures in relation to children and young people)—see section 252D.

**Explanatory note**

This amendment combines 2 definitions for the same term.

**[3.67] Dictionary, new definition of *Commonwealth Crimes Act***

*insert*

*Commonwealth Crimes Act*, for part 10 (Criminal investigation)—  
see section 185.

**Explanatory note**

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

**[3.68]    Dictionary, definition of *conduct***

*substitute*

***conduct***, for part 2A (Industrial manslaughter) and part 13 (Unfitness to plead and mental impairment)—see the [Criminal Code](#), section 13.

**Explanatory note**

This amendment updates the definition to include a reference to part 13 because ‘conduct’ is defined in the same way for that part.

**[3.69]    Dictionary, new definitions**

*insert*

***contaminate***, for goods, for division 6.6 (Contamination of goods and related offences)—see section 135.

***conveyance***, for part 10 (Criminal investigation)—see section 185.

***corresponding law***, for part 11 (Investigation of extraterritorial offences)—see section 253 (1).

***deal***, with money or other property, for division 6.2A (Money laundering and organised fraud)—see section 114A.

***defendant***, for part 13 (Unfitness to plead and mental impairment)—see the [Magistrates Court Act 1930](#), section 18A.

***detention during pleasure***, for part 7 (Escape provisions)—see section 158.

***economic loss***, caused through public awareness of the contamination of goods, or the possibility of contamination, for part 6 (Offences relating to property)—see section 136.

***engage in conduct***, for part 13 (Unfitness to plead and mental impairment)—see the [Criminal Code](#), section 13.

***evidential material***, for part 10 (Criminal investigation)—see section 185.



*executing officer*, in relation to a warrant, for part 10 (Criminal investigation)—see section 185.

*female genital mutilation*, for part 4 (Female genital mutilation)—see section 73.

*frisk search*, for part 10 (Criminal investigation)—see section 185.

*Full Court*, for part 20 (Inquiries into convictions)—see section 421.

*goods*, for division 6.6 (Contamination of goods and related offences)—see section 135.

**Explanatory note**

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

**[3.70] Dictionary, definition of *harm***

*omit*

**Explanatory note**

This amendment omits a redundant definition. The term is defined only for section 48A.

**[3.71] Dictionary, new definitions of *inquiry* and *issuing officer***

*insert*

*inquiry*, for part 20 (Inquiries into convictions)—see section 421.

*issuing officer*, in relation to a warrant to search premises or a person or a warrant for arrest, for part 10 (Criminal investigation)—see section 185.

**Explanatory note**

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

**[3.72]      Dictionary, definition of *knife***

*substitute*

*knife* includes—

- (a) a knife blade; and
- (b) a razor blade; and
- (c) any other blade; but
- (d) does not include a knife of a class or description excluded from this definition by regulation.

**Explanatory note**

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

**[3.73]      Dictionary, new definition of *lawful custody***

*insert*

*lawful custody*, for part 7 (Escape provisions)—see section 157.

**Explanatory note**

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

**[3.74]      Dictionary, definition of *Magistrates Court***

*omit*

section 300

*substitute*

section 300 (2)

**Explanatory note**

This amendment corrects a cross-reference.

**[3.75] Dictionary, new definition of *mental health order***

*insert*

*mental health order*, for part 13 (Unfitness to plead and mental impairment)—see the [Mental Health Act 2015](#), dictionary.

**Explanatory note**

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

**[3.76] Dictionary, definition of *motor vehicle***

*substitute*

*motor vehicle*—see the [Road Transport \(General\) Act 1999](#), dictionary.

**Explanatory note**

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

**[3.77] Dictionary, new definitions**

*insert*

*night*, for part 11 (Investigation of extraterritorial offences)—see section 253 (1).

*offence*, for part 10 (Criminal investigation)—see section 185.

*offence to which this Act applies*, for part 11 (Investigation of extraterritorial offences)—see section 253 (1).

*ordinary search*, for part 10 (Criminal investigation)—see section 185.

*owner*, in relation to an object, for part 11 (Investigation of extraterritorial offences)—see section 253 (1).

*police station*, for part 10 (Criminal investigation)—see section 185.

*premises*—

- (a) for part 10 (Criminal investigation)—see section 185; and
- (b) for part 11 (Investigation of extraterritorial offences)—see section 253 (1).

*proceeds of crime*, for division 6.2A (Money laundering and organised fraud)—see section 114A.

*property*—

- (a) for division 6.2A (Money laundering and organised fraud)—see section 114A; and
- (b) for division 6.3 (Criminal damage to property)—see section 115.

*recently used conveyance*, in relation to a search of a person, for part 10 (Criminal investigation)—see section 185.

*reciprocating State*, for part 11 (Investigation of extraterritorial offences)—see section 253 (1).

*registrar*, for part 20 (Inquiries into convictions)—see section 421.

*relevant proceeding*, in relation to an offence, for part 20 (Inquiries into convictions)—see section 421.

**Explanatory note**

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

**[3.78] Dictionary, definition of *school***

*substitute*

*school*—

- (a) means—
  - (i) a government or non-government school under the [Education Act 2004](#); or

- (ii) an educational institution conducted by the Canberra Institute of Technology; and
- (b) includes any land or premises that belong to, are occupied by, or are used in relation to, a school.

**Explanatory note**

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

**[3.79] Dictionary, new definitions of *search warrant* and *seizable item***

*insert*

*search warrant*, for part 11 (Investigation of extraterritorial offences)—see section 253 (1).

*seizable item*, for part 10 (Criminal investigation)—see section 185.

**Explanatory note**

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

**[3.80] Dictionary, definition of *serious harm***

*substitute*

*serious harm*, for part 2A (Industrial manslaughter)—see the [Criminal Code](#), dictionary.

**Explanatory note**

This amendment updates the definition to omit a redundant signpost definition.

**[3.81] Dictionary, new definitions**

*insert*

*serious offence*—

- (a) for part 10 (Criminal investigation)—see section 185; and
- (b) for part 13 (Unfitness to plead and mental health impairment)—see section 300 (1); and

(c) for division 13.4 (Magistrates Court—finding of not guilty because of mental impairment)—see section 325.

*sexual intercourse*, for part 3 (Sexual offences)—see section 50 (1).

*special hearing*, for part 13 (Unfitness to plead and mental health impairment)—see section 300 (1).

*strip search*, for part 10 (Criminal investigation)—see section 185.

*telephone*, for part 11 (Investigation of extraterritorial offences)—see section 253 (1).

*thing relevant to* an offence, for part 10 (Criminal investigation)—see section 185.

*unlawful activity*, for division 6.2A (Money laundering and organised fraud)—see section 114A.

*warrant*, for part 10 (Criminal investigation)—see section 185.

*warrant premises*, for part 10 (Criminal investigation)—see section 185.

**Explanatory note**

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

## **Part 3.11 Crimes (Child Sex Offenders) Regulation 2005**

### **[3.82] Section 16A (1) (e)**

*substitute*

(e) the comptroller-general of Customs;

**Explanatory note**

This amendment updates the paragraph as a consequence of amendments to the *Customs Act 1901* (Cwlth) by the *Customs and Other Legislation Amendment (Australian Border Force) Act 2015* (Cwlth) that replaces ‘CEO’ with ‘Comptroller-General of Customs’.

**[3.83] Section 16A (1) (m)**

*omit*

Citizenship

*substitute*

Border Protection

**Explanatory note**

This amendment updates the paragraph to reflect the change of the name of the Department to the Department of Immigration and Border Protection (Cwlth).

## **Part 3.12 Crimes (Sentence Administration) Act 2005**

**[3.84] Section 71 (6) etc, note**

*substitute*

*Note* For what must be included in a statement of reasons, see the [Legislation Act](#), s 179.

*in*

- section 71 (6)
- section 77 (1)
- section 122 (4)
- section 157 (3)
- section 222 (6)
- section 223 (7)
- section 226 (5)
- section 228 (5)

- section 236 (3)
- section 311 (3)

**Explanatory note**

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

## **Part 3.13                      Criminal Code 2002**

### **[3.85]            Section 366 (11), 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.

### **[3.86]            Section 604 (1), note**

*omit*

bears

*substitute*

has

**Explanatory note**

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



**[3.87] Section 700, definition of *law enforcement officer*, paragraph (c)**

*omit*

Australian Customs Service

*substitute*

Department of Immigration and Border Protection (Cwlth)

**Explanatory note**

This amendment updates the definition as a consequence of the repeal of the *Customs Administration Act 1985* (Cwlth) by the *Customs and Other Legislation Amendment (Australian Border Force) Act 2015* (Cwlth) (which had the effect of abolishing the customs service) and the integration of the customs service with the Department of Immigration and Border Protection (Cwlth).

**[3.88] Dictionary, definition of *fault element of basic intent***

*omit*

section 30

*substitute*

section 30 (1)

**Explanatory note**

This amendment corrects a cross-reference.

**[3.89] Dictionary, definition of *harm*, 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.

**[3.90]      Dictionary, definition of *intoxication***

*omit*

section 30

*substitute*

section 30 (1)

**Explanatory note**

This amendment corrects a cross-reference.

**[3.91]      Dictionary, definition of *legal burden***

*omit*

section 56

*substitute*

section 56 (3)

**Explanatory note**

This amendment corrects a cross-reference.

**[3.92]      Dictionary, definition of *self-induced***

*omit*

section 30

*substitute*

section 30 (2)

**Explanatory note**

This amendment corrects a cross-reference.

## Part 3.14 Dangerous Substances Act 2004

### [3.93] Section 85, definition of *authorised person*, paragraph (d)

*omit*

the fire brigade

*substitute*

fire and rescue

#### Explanatory note

This amendment updates the reference. The name of the ACT Fire Brigade was changed to ACT Fire and Rescue by the [Justice and Community Safety Legislation Amendment Act 2012](#). The term ‘fire and rescue’ is defined in the [Legislation Act](#), dictionary, part 1 to mean ACT Fire and Rescue established under the [Emergencies Act 2004](#).

### [3.94] Dictionary, note 2

*omit*

- fire brigade

*substitute*

- fire and rescue

#### 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 an incorrect reference and replaces it with the correct reference. The name of the ACT Fire Brigade was changed to ACT Fire and Rescue by the [Justice and Community Safety Legislation Amendment Act 2012](#). The term ‘fire and rescue’ is defined in the [Legislation Act](#), dictionary, part 1 to mean ACT Fire and Rescue established under the [Emergencies Act 2004](#).

## Part 3.15                            Dangerous Substances (General) Regulation 2004

### [3.95]            Section 244 (1) (d)

*substitute*

- (d) fire hydrants and fire hose coupling points at the premises that may be used by fire and rescue or the rural fire service are suitable for use by fire and rescue or the service.

#### Explanatory note

Existing section 244 (1) (d) refers to the fire brigade. This amendment updates the reference. The name of the ACT Fire Brigade was changed to ACT Fire and Rescue by the [Justice and Community Safety Legislation Amendment Act 2012](#). The term ‘fire and rescue’ is defined in the [Legislation Act](#), dictionary, part 1 to mean ACT Fire and Rescue established under the [Emergencies Act 2004](#).

### [3.96]            Dictionary, note 2

*omit*

- fire brigade

*substitute*

- fire and rescue

#### Explanatory note

Dictionary, note 2 lists examples of terms used in the regulation that are defined in the [Legislation Act](#), dictionary, part 1. This amendment omits an incorrect reference and replaces it with the correct reference. The name of the ACT Fire Brigade was changed to ACT Fire and Rescue by the [Justice and Community Safety Legislation Amendment Act 2012](#). The term ‘fire and rescue’ is defined in the [Legislation Act](#), dictionary, part 1 to mean ACT Fire and Rescue established under the [Emergencies Act 2004](#).

## Part 3.16 Electoral Act 1992

### [3.97] Sections 18A (3), note and 18C (5), note

*substitute*

*Note* For what must be included in a statement of reasons, see the [Legislation Act](#), s 179.

#### Explanatory note

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

### [3.98] Section 55 (1) (a)

*omit*

and conclusive

#### Explanatory note

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

### [3.99] Section 101 (3)

*omit*

Returns

*substitute*

Elections

#### Explanatory note

This amendment corrects a reference to the Court of Disputed Elections. Section 101 was originally inserted in the Act as section 95 by the [Electoral \(Amendment\) Act 1994](#). The original section 95 (3) referred to the Court of Disputed Elections (established under section 252 (2)). The [Electoral \(Amendment\) Act 1994](#), section 24 then renumbered section 95 as section 101. When section 101 (2) to (4) was remade by the [Legislation \(Consequential Amendments\) Act 2001](#), an incorrect reference to the Court of Disputed Returns was included.

**[3.100]    Sections 110 (4) and 192 (4), new note**

*insert*

*Note*     For what must be included in a statement of reasons, see the [Legislation Act](#), s 179.

**Explanatory note**

This amendment inserts a standard note about a statement of reasons.

**[3.101]    Section 255**

*omit*

and conclusive

**Explanatory note**

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

**[3.102]    Section 263 (8), new note**

*insert*

*Note*     For what must be included in a statement of reasons, see the [Legislation Act](#), s 179.

**Explanatory note**

This amendment inserts a standard note about a statement of reasons.

**[3.103] Schedule 5, item 10, column 3**

*omit*

refuse to

**Explanatory note**

Schedule 5 lists the decisions under the [Act](#) that are reviewable. Column 3 of schedule 5 describes the reviewable decision. Item 10 incorrectly described the decision for review under section 98 (5).

Section 98 deals with the circumstances in which the registration of a political party must be cancelled. Under section 98 (5), the commissioner must cancel the registration of a registered party if the commissioner believes on reasonable grounds that the party no longer exists, has fewer than 100 members who are electors or does not have a constitution, or the party was registered because of fraud or misrepresentation. Before schedule 5 was inserted by the *ACT Civil and Administrative Tribunal Act 2008*, the Act, section 245 (k) correctly provided that a decision under section 98 (5) to cancel the registration of a political party was a reviewable decision. This amendment corrects the reference to the reviewable decision under the [Act](#), section 98 (5).

## **Part 3.17 Firearms Act 1996**

**[3.104] Section 18 (1) (b) (iv), new note**

*insert*

*Note 2* **Found guilty**, of an offence—see the [Legislation Act](#), dictionary, pt 1.

**Explanatory note**

This amendment inserts a standard note about the defined term ‘found guilty’.

**[3.105]    Section 18 (2), definition of *law enforcement officer*,  
paragraph (c)**

*substitute*

(c) the Department of Immigration and Border Protection (Cwlth);

**Explanatory note**

This amendment updates the definition as a consequence of the repeal of the *Customs Administration Act 1985* (Cwlth) by the *Customs and Other Legislation Amendment (Australian Border Force) Act 2015* (Cwlth) (which had the effect of abolishing the customs service) and the integration of the customs service with the Department of Immigration and Border Protection (Cwlth).

**[3.106]    Section 19 (1) (b) (iii), new note**

*insert*

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

**Explanatory note**

This amendment inserts a standard note about the defined term ‘found guilty’.

**[3.107]    Section 23 (5), note 1**

*omit*

s 28

*substitute*

s 27

**Explanatory note**

This amendment corrects a cross-reference.



**[3.108] Section 128 (6), definition of *internationally protected person***

*after*

Convention on the Prevention and Punishment of Crimes against Internationally Protected Persons

*insert*

, including Diplomatic Agents

**Explanatory note**

This amendment corrects a cross-reference.

## **Part 3.18                      Gambling and Racing Control Act 1999**

**[3.109] Section 37 (d) (xii)**

*substitute*

(xii) the Department of Immigration and Border Protection (Cwlth);

**Explanatory note**

This amendment updates the definition as a consequence of the repeal of the *Customs Administration Act 1985* (Cwlth) by the *Customs and Other Legislation Amendment (Australian Border Force) Act 2015* (Cwlth) (which had the effect of abolishing the customs service) and the integration of the customs service with the Department of Immigration and Border Protection (Cwlth).

## Part 3.19                            Gaming Machine Act 2004

### [3.110]    Section 127S (2)

*after*

authorisation number

*insert*

(if any)

#### **Explanatory note**

Section 127S sets out what must be included in a permit for the storage of gaming machines. Section 127S (2) currently provides that a schedule to the permit must include the serial number and authorisation number of each gaming machine to be stored under the permit. This amendment revises section 127S (2) to clarify that a schedule to a storage permit does not need to include an authorisation number for a gaming machine stored for an interim purpose (pending the gaming machine's disposal or destruction). The amendment aligns section 127S (2) with similar wording in section 127S (1) (b) (iv) and (v), section 127O (1) and section 127P (2) (a).

### [3.111]    Section 159 (3), definition of *prescribed percentage*, paragraph (a) (iii)

*omit*

more than \$50 000

*substitute*

\$50 000 or more

#### **Explanatory note**

Section 159 (3), definition of *prescribed percentage*, paragraph (a) sets out the prescribed percentage of gaming machine tax payable for a month in relation to a licensee that is a club. Paragraph (a) currently provides as follows:

*prescribed percentage*, for a month, means—

- (a) in relation to a licensee that is a club—
  - (i) for the part of the gross revenue of the club for the month that is \$25 000 or less—nil; and

- (ii) for the part of the gross revenue of the club for the month that is more than \$25 000 but less than \$50 000—17%; and
- (iii) for the part of the gross revenue of the club for the month that is more than \$50 000 but less than \$625 000—21%; and
- (iv) for the part of the gross revenue of the club for the month that is \$625 000 or more—23%; or

It is clear from paragraphs (a) (i), (ii) and (iv) that paragraph (a) (iii) is intended to apply to amounts of \$50 000 or more but less than \$625 000. This amendment corrects that typographical error.

## **Part 3.20**                      **Heavy Vehicle National Law** **(ACT)**

### **[3.112] Section 193 (5)**

*substitute*

- (5) In this section:

***Container Convention***—see the *Navigation Act 2012* (Cwlth), section 14.

***safety approval plate***, for a freight container, means the safety approval plate required to be attached to the container under the Container Convention.

#### **Explanatory note**

This amendment revises the section to update the definition of ***safety approval plate*** to omit an obsolete reference to repealed legislation and to insert a signpost definition for a term defined in Commonwealth legislation.

## Part 3.21                      Juries Act 1967

### [3.113]      Schedule 2, part 2.1, item 1

*omit*

- the [Navigation Act 2012](#) (Cwlth), section 147; or

*substitute*

- the [Navigation Act 2012](#) (Cwlth), section 89; or

#### Explanatory note

This amendment updates an obsolete reference to a repealed Commonwealth Act.

### [3.114]      Schedule 2, part 2.1, item 22

*omit*

#### Explanatory note

This amendment omits an item that is duplicated under item 19.

## Part 3.22                      Liquor Act 2010

### [3.115]      Sections 44 (2) and 45 (2), new note

*insert*

- Note 3*      It is an offence to make a false or misleading statement, give false or misleading information or produce a false or misleading document (see [Criminal Code](#), pt 3.4).

#### Explanatory note

This amendment inserts a standard note relating to the making of statutory declarations.

**[3.116] Section 54 (1)**

*omit everything before paragraph (b), substitute*

- (1) A permit must—
- (a) be in writing; and

**Explanatory note**

This amendment corrects a typographical error.

**[3.117] Section 63 (2), new note**

*insert*

*Note 3* It is an offence to make a false or misleading statement, give false or misleading information or produce a false or misleading document (see [Criminal Code](#), pt 3.4).

**Explanatory note**

This amendment inserts a standard note relating to the making of statutory declarations.

**[3.118] Sections 64 (2) and 179 (1), new note**

*insert*

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

**Explanatory note**

This amendment inserts a standard note relating to the making of statutory declarations.

**[3.119] Further amendments, mentions of *bears***

*omit*

bears

*substitute*

has

*in*

- section 105 (6), note
- section 106 (4), note
- section 110 (7), note
- section 111 (6), note
- section 199 (4) (b), note 1
- section 200 (3) (b), note 1

**Explanatory note**

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

## **Part 3.23                            Long Service Leave (Portable Schemes) Act 2009**

**[3.120] New section 10 (3)**

*insert*

(3) In this section:

***working director*** means a person who is both a director and an employee of a company.

**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.

**[3.121] Schedule 3, section 3.1, definition of *community sector industry*, paragraph (a) (ii) (B)**

*omit*

juvenile

*substitute*

young

**Explanatory note**

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

**[3.122] Dictionary, definition of *recognised service***

*substitute*

*recognised service*, for a registered worker—

- (a) in the building and construction industry—see schedule 1, section 1.3 (1); and
- (b) in the contract cleaning industry—see schedule 2, section 2.3 (1); and
- (c) in the community sector industry—see schedule 3, section 3.3 (1); and
- (d) in the security industry—see schedule 4, section 4.3 (1).

**Explanatory note**

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

**[3.123] Dictionary, definition of *service period***

*substitute*

*service period*, for a registered worker—

- (a) in the building and construction industry—see schedule 1, section 1.4A (1); and

- (b) in the contract cleaning industry—see schedule 2, section 2.4A (1); and
- (c) in the community sector industry—see schedule 3, section 3.5A (1); and
- (d) in the security industry—see schedule 4, section 4.5A (1).

**Explanatory note**

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

**[3.124] Dictionary, new definition of *work***

*insert*

***work***, in a covered industry—see section 11.

**Explanatory note**

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

**[3.125] Dictionary, definition of *working director* and note**

*omit*

**Explanatory note**

This amendment is consequential on the relocation of the definition to section 10 by another amendment.



## **Part 3.24 Medicines, Poisons and Therapeutic Goods Regulation 2008**

### **[3.126] Section 121 (3), definition of *authorised prescriber*, example 3**

*omit*

A Victorian registered doctor who is

*substitute*

A doctor who is

#### **Explanatory note**

Example 3 describes a circumstance in which a visiting health professional within the meaning of the *Health Professionals (Special Events Exemptions) Act 2000* is authorised to prescribe a medicine, including a controlled medicine. This amendment removes the reference to a Victorian doctor because the *Health Professionals (Special Events Exemptions) Act 2000*, section 7 defines *visiting health professional* as a person who is a resident of another country.

## **Part 3.25 Ombudsman Act 1989**

### **[3.127] Section 5 (5)**

*omit*

shall be deemed to have been taken by a delegate of a Minister notwithstanding that

*substitute*

is taken to have been taken by a delegate of the Minister even if

#### **Explanatory note**

This amendment updates language in line with current drafting practice.

**[3.128]    Section 15 (2) (i), new note**

*insert*

*Note*    For what must be included in a statement of reasons, see the [Legislation Act](#), s 179.

**Explanatory note**

This amendment inserts a standard note about a statement of reasons.

**[3.129]    Section 17 (3)**

*omit*

shall not be taken to

*substitute*

does not

**Explanatory note**

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

**[3.130]    Section 18 (2), new note**

*insert*

*Note*    For what must be included in a statement of reasons, see the [Legislation Act](#), s 179.

**Explanatory note**

This amendment inserts a standard note about a statement of reasons.

**[3.131] Section 25 (2)**

*omit*

shall be

*substitute*

is

**Explanatory note**

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

**[3.132] Sections 28A (3), note and 28C (5), note**

*substitute*

*Note* For what must be included in a statement of reasons, see the [Legislation Act](#), s 179.

**Explanatory note**

This amendment updates a standard note about a statement of reasons.

**[3.133] Section 28D (2), new note**

*insert*

*Note* For what must be included in a statement of reasons, see the [Legislation Act](#), s 179.

**Explanatory note**

This amendment inserts a standard note about a statement of reasons.



**[3.136] Section 155 (7)**

*omit*

Subsection (2)

*substitute*

Subsection (5)

**Explanatory note**

This amendment corrects a cross-reference.

**[3.137] Section 213 (3), note**

*omit*

**Explanatory note**

This amendment omits a redundant note. The note refers to section 426 (2) (c), which was omitted by the *Planning and Development (Bilateral Agreement) Amendment Act 2014*, section 59.

**[3.138] Dictionary, definition of *public consultation period***

*substitute*

***public consultation period***—

- (a) for a draft EIS—see section 218; and
- (b) for a draft land management plan, for division 10.4.2 (Land management plans)—see section 323.

**Explanatory note**

This amendment updates the definition to combine 2 current signpost definitions in line with current legislative drafting practice.

## Part 3.27            Public Sector Management Act 1994

### [3.139]    Section 5 (g)

*substitute*

(g) 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.

## Part 3.28            Road Transport (Driver Licensing) Regulation 2000

### [3.140]    Section 12 (9), definition of *judicial officer*

*omit*

master

*substitute*

associate judge

#### Explanatory note

This amendment updates the reference. The title of the master of the Supreme Court was changed to associate judge by the [Courts Legislation Amendment Act 2015](#).

### [3.141]    Dictionary, note 2

*insert*

- associate judge

#### Explanatory note

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

**[3.142] Dictionary, note 2**

*omit*

- master

**Explanatory note**

Dictionary, note 2 lists examples of terms used in the regulation that are defined in the [Legislation Act](#), dictionary, part 1. This amendment omits a term that is no longer used in the regulation.

## **Part 3.29 Road Transport (Safety and Traffic Management) Act 1999**

**[3.143] Section 10G (3) (b) (ii)**

*omit*

expected that

*substitute*

expected to

**Explanatory note**

This amendment corrects a typographical error.

## Part 3.30            Road Transport (Safety and Traffic Management) Regulation 2000

### [3.144]    Section 33 (1), definition of *emergency worker*, paragraph (b)

*omit*

the fire brigade

*substitute*

fire and rescue

#### Explanatory note

This amendment updates the reference. The name of the ACT Fire Brigade was changed to ACT Fire and Rescue by the [Justice and Community Safety Legislation Amendment Act 2012](#). The term ‘fire and rescue’ is defined in the [Legislation Act](#), dictionary, part 1 to mean ACT Fire and Rescue established under the [Emergencies Act 2004](#).

### [3.145]    Dictionary, note 2

*omit*

- fire brigade

*substitute*

- fire and rescue

#### Explanatory note

Dictionary, note 2 lists examples of terms used in the regulation that are defined in the [Legislation Act](#), dictionary, part 1. This amendment corrects a cross-reference. The name of the ACT Fire Brigade was changed to ACT Fire and Rescue by the [Justice and Community Safety Legislation Amendment Act 2012](#). The term ‘fire and rescue’ is defined in the [Legislation Act](#), dictionary, part 1 to mean ACT Fire and Rescue established under the [Emergencies Act 2004](#).



## **Part 3.31**                      **Road Transport (Vehicle Registration) Regulation 2000**

### **[3.146] Section 17 (1) (c) (ii)**

*omit*

the fire brigade

*substitute*

fire and rescue

#### **Explanatory note**

This amendment updates the reference. The name of the ACT Fire Brigade was changed to ACT Fire and Rescue by the [Justice and Community Safety Legislation Amendment Act 2012](#). The term ‘fire and rescue’ is defined in the [Legislation Act](#), dictionary, part 1 to mean ACT Fire and Rescue established under the [Emergencies Act 2004](#).

### **[3.147] Schedule 1, section 1.34 (3) (e) and section 1.120 (1), definition of exempt vehicle, paragraph (e)**

*substitute*

- (e) a Department of Immigration and Border Protection (Cwlth) vehicle; or

#### **Explanatory note**

This amendment updates the definition as a consequence of the repeal of the [Customs Administration Act 1985](#) (Cwlth) by the [Customs and Other Legislation Amendment \(Australian Border Force\) Act 2015](#) (Cwlth) (which had the effect of abolishing the customs service) and the integration of the customs service with the Department of Immigration and Border Protection (Cwlth).

**[3.148] Dictionary, note 2**

*omit*

- fire brigade

*substitute*

- fire and rescue

**Explanatory note**

Dictionary, note 2 lists examples of terms used in the regulation that are defined in the [Legislation Act](#), dictionary, part 1. This amendment omits an incorrect reference and replaces it with the correct reference. The name of the ACT Fire Brigade was changed to ACT Fire and Rescue by the [Justice and Community Safety Legislation Amendment Act 2012](#). The term ‘fire and rescue’ is defined in the [Legislation Act](#), dictionary, part 1 to mean ACT Fire and Rescue established under the [Emergencies Act 2004](#).

**[3.149] Dictionary, note 4**

*insert*

- responsible person

Dictionary, note 4 lists examples of terms used in the regulation that are defined in the [Road Transport \(General\) Act 1999](#), dictionary. This amendment inserts a term used in the regulation and defined in the [Road Transport \(General\) Act 1999](#), dictionary and is consequential on the omission of the definition of the term from the dictionary by another amendment.

**[3.150] Dictionary**

*omit the definitions of*  
*historic vehicle*  
*responsible person*  
*veteran vehicle*  
*vintage vehicle*

**Explanatory note**

This amendment omits the following:

- a definition of a term that is included in the [Legislation Act](#), dictionary, part 1;
- a definition of a term that is defined in the [Road Transport \(General\) Act 1999](#), dictionary (a reference to the term is included in the dictionary, note 4 by another amendment);
- definitions of terms no longer used in the Act.

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

*insert*

*Note 2* **Found guilty**, of an offence—see the [Legislation Act](#), dictionary, pt 1.

*in*

- section 116 (1) (b)
- section 124
- section 127 (1) (b)
- section 135

**Explanatory note**

This amendment inserts a standard note about the defined term ‘found guilty’.

## Part 3.32                            Spent Convictions Act 2000

### **[3.152]    Dictionary, definition of *law enforcement agency*, paragraph (c)**

*substitute*

(c) the Department of Immigration and Border Protection (Cwlth);

#### **Explanatory note**

This amendment updates the definition as a consequence of the repeal of the *Customs Administration Act 1985* (Cwlth) by the *Customs and Other Legislation Amendment (Australian Border Force) Act 2015* (Cwlth) (which had the effect of abolishing the customs service) and the integration of the customs service with the Department of Immigration and Border Protection (Cwlth).

### **[3.153]    Dictionary, definition of *sexual offence*, paragraph (a)**

*omit*

part 3B

*substitute*

part 4

#### **Explanatory note**

This amendment corrects a cross-reference.

### **[3.154]    Dictionary, definition of *sexual offence*, paragraph (b)**

*omit*

such as

*substitute*

for example,

#### **Explanatory note**

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

**[3.155] Dictionary, definition of *sexual offence*, paragraph (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 3.33 Unit Titles (Management) Act 2011**

**[3.156] Section 30 (1) (b)**

*omit*

section 29

*substitute*

section 24

**Explanatory note**

This amendment corrects a cross-reference.

**[3.157] Dictionary, definition of *administration order***

*omit*

(Who may apply for an administration order?)

**Explanatory note**

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

**[3.158]    Dictionary, definition of *developer***

*omit*

section 17

*substitute*

dictionary

**Explanatory note**

This amendment corrects a cross-reference.

**[3.159]    Dictionary, definitions of *manager* etc**

*substitute*

*manager*, for division 4.2 (Managers)—see section 49.

*member*, of an owners corporation, is a member under section 10.

*service contract*, for division 4.3 (Service contractors)—see section 59.

*service contractor*, for division 4.3 (Service contractors)—see section 59.

**Explanatory note**

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

**[3.160]    Dictionary, definition of *voting value***

*omit*

(Value of votes)

**Explanatory note**

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

## **Part 3.34**                      **Utilities Act 2000**

### **[3.161] Section 176 (1) (h), note**

*substitute*

*Note*     The ACAT may dismiss an application if it is frivolous or vexatious, lacking in substance or otherwise an abuse of process (see [ACT Civil and Administrative Tribunal Act 2008](#), s 32).

#### **Explanatory note**

This amendment updates the note as a consequence of amendments made to the [ACT Civil and Administrative Tribunal Act 2008](#), section 32 by another Act.

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## Endnotes

**1 Presentation speech**

Presentation speech made in the Legislative Assembly on 29 October 2015.

**2 Notification**

Notified under the [Legislation Act](#) on 25 November 2015.

**3 Republications of amended laws**

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

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I certify that the above is a true copy of the Statute Law Amendment Bill 2015 (No 2), which was passed by the Legislative Assembly on 17 November 2015.

Acting Clerk of the Legislative Assembly

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