



Australian Capital Territory

Better Regulation Legislation Amendment Act 2025

A2025-13

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Australian Capital Territory

Better Regulation Legislation Amendment Act 2025

A2025-13

An Act to amend legislation for better regulation, and for other purposes

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

Part 1 Preliminary

1 Name of Act

This Act is the *Better Regulation Legislation Amendment Act 2025*.

2 Commencement

- (1) This Act (other than parts 9, 11 and 12) 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)).

- (2) Parts 9, 11 and 12 commence on a day fixed by the Minister by written notice.

Note 1 A single day or time may be fixed, or different days or times may be fixed, for the commencement of different provisions (see [Legislation Act](#), s 77 (1)).

Note 2 If a provision has not commenced within 6 months beginning on the notification day, it automatically commences on the first day after that period (see [Legislation Act](#), s 79).

3 Legislation amended

This Act amends the following legislation:

- [Agents Act 2003](#)
- [Architects Act 2004](#)
- [Associations Incorporation Act 1991](#)
- [Cemeteries and Crematoria Act 2020](#)
- [Domestic Animals Act 2000](#)
- [Domestic Animals Regulation 2001](#)
- [Electoral Act 1992](#)
- [Fair Trading \(Motor Vehicle Repair Industry\) Act 2010](#)
- [Security Industry Act 2003](#)
- [Waste Management and Resource Recovery Act 2016](#)
- [Waste Management and Resource Recovery Regulation 2017](#).

Part 2 Agents Act 2003

4 Audit of trust accounts Division 7.4 heading, note

omit

5 What records must be kept Section 127 (5), new example

insert

Example—not keep record

an electronic record made by a licensed agent is lost and no backup of the record was made

6 Section 128 heading

substitute

128 How records must be kept

7 Section 128 (1) (b)

substitute

- (b) fails to keep the record in at least 1 of the following ways:
- (i) at the agent's main place of business;
 - (ii) in an electronic form that is immediately accessible by the agent at their main place of business;
 - (iii) if the commissioner for fair trading has agreed in writing that the record may be kept in another way—in that way.

Part 3 Architects Act 2004

8 Further information about complaint etc Section 37 (1)

substitute

- (1) The architects board may, at any time, require a complainant to give the board further information about the complaint.

Note Giving false or misleading information is an offence against the [Criminal Code](#), s 338.

Part 4 Associations Incorporation Act 1991

9 Matters to be provided for in rules other than model rules Schedule 1, item 9, column 3

omit

and, in particular, the mode of drawing and signing cheques on behalf of the association

Part 5 Cemeteries and Crematoria Act 2020

10 Dictionary, definition of *licensee receipt*, paragraph (c)

omit

or disinterment

Part 6 Domestic Animals Act 2000

11 Offences against Act—application of Criminal Code etc Section 4A, note 1

omit

- s 53CA (Carer must be given copy of control order)

substitute

- s 53CB (Control orders—carers)

12 Section 4A, note 1

omit

- s 72L (Offence—surrender of breeding licence)

13 Section 4A, note 1, new dot points

insert

- s 98 (Registration of accredited assistance animals)
- s 103 (Unregistered assistance animal trainers)
- s 106A (Unregistered assistance animal assessor)
- s 106E (Assistance animal allowed in public places and premises)
- s 106F (Falsely claiming animal is assistance animal)
- s 142 (Dishonoured etc credit card transactions)

14 Section 142

substitute

142 Dishonoured etc credit card transactions

(1) This section applies if—

- (a) a fee for the issue of a certificate or licence to a person is paid by credit card; and
- (b) the certificate or licence is issued to the person; and

- (c) the credit card transaction is not honoured, or is reversed or cancelled.
- (2) The registrar may give the person written notice requiring the person to surrender the certificate or licence to the registrar within 7 days after the day the notice is received.
- (3) A person commits an offence if—
 - (a) the person is given a written notice under subsection (2); and
 - (b) the person does not surrender the certificate or licence to the registrar within 7 days after the day the notice is received.

Maximum penalty: 5 penalty units.

- (4) Subsection (3) does not apply if the person has a reasonable excuse.

Note The defendant has an evidential burden in relation to the matter mentioned in s (4) (see [Criminal Code](#), s 58).

- (5) In this section:

credit card includes a debit card.

15	Dictionary, definition of <i>excluded offence</i>, paragraph (b) (iv)
-----------	--

substitute

- (iv) section 142 (Dishonoured etc credit card transactions).

Part 7 Domestic Animals Regulation 2001

16 Section 24 heading

substitute

24 Dishonoured etc credit card transactions

17 Section 24 (1)

substitute

- (1) If a person pays a fee payable under the Act by credit card and the credit card transaction is not honoured, or is reversed or cancelled—
- (a) the person is liable for—
 - (i) any charge imposed on the Territory because the credit card transaction is not honoured, or is reversed or cancelled; and
 - (ii) the amount of the credit card payment; and
 - (b) the registrar may suspend the benefit paid for by the credit card until the amount for which the person is liable is paid.

18 Section 24 (2)

omit

bank charge

substitute

charge imposed on the Territory

19 Section 24 (6), new definition of *credit card*

insert

credit card includes a debit card.

Part 8 Electoral Act 1992

20 Candidates to be nominated Section 105 (3) (b)

omit

in legal tender or a banker's cheque

Part 9

Fair Trading (Motor Vehicle
Repair Industry) Act 2010

21

Dictionary
Section 3, note 1

omit

‘*consumer*’—see the [Australian Consumer Law \(ACT\)](#), section 2 (1).’ means that the term ‘consumer’ is defined in that law

substitute

‘*motor vehicle*’—see the [Sale of Motor Vehicles Act 1977](#), dictionary.’ means that the term ‘motor vehicle’ is defined in that dictionary

22

Advisory committee
Part 6

omit

23

False or misleading representations
Section 49 (1) (f)

omit

he or she does

substitute

they do

24

Approved forms
Section 56

omit

25 Dictionary, notes 1 and 2*substitute*

Note The [Legislation Act](#) contains definitions relevant to this Act.
For example:

- Australian Consumer Law (ACT)
- penalty unit (see s 133)
- person (see s 160).

26 Dictionary, definitions of *advisory committee*, *consumer* and *representative members**omit*

Part 10 Security Industry Act 2003

27 Division 3.7A heading

substitute

Division 3.7A Cancellation, suspension and surrender of licence

28 New section 29C

in division 3.7A, insert

29C Surrender of licence

- (1) A licensee may surrender the licence by giving the commissioner for fair trading—
 - (a) written notice that the licence is being surrendered; and
 - (b) if the licensee has not already given the commissioner the licence—the licence.

Note A licensee may have already given the licence to the commissioner after it was varied or suspended (see s 39).
- (2) The licence is cancelled on the day stated by the commissioner after receiving the written notice and the licence.
- (3) The commissioner must tell the former licensee in writing the day on which the licence is cancelled.
- (4) A licence that is suspended may be surrendered under this section.

Part 11

Waste Management and Resource Recovery Act 2016

29 Register of waste facility licences Section 25 (4) and notes

substitute

- (4) The waste manager must, without charge—
- (a) make the register available to an authorised person; and
 - (b) make the information in the register prescribed by regulation for this paragraph available to the public in 1 or more of the following ways:
 - (i) making the information available for inspection during ordinary office hours at an ACT government office;
 - (ii) making the information accessible on an ACT government website, or by a link on an ACT government website;
 - (iii) if a person requests a copy of the information—giving the person a copy of the information.

Note The Territory privacy principles apply to the waste manager in relation to personal information held in the register (see [Information Privacy Act 2014](#)).

30 Register of waste transporters Section 37 (4) and notes

substitute

- (4) The waste manager must, without charge—
- (a) make the register available to an authorised person; and

- (b) make the information in the register prescribed by regulation for this paragraph available to the public in 1 or more of the following ways:
- (i) making the information available for inspection during ordinary office hours at an ACT government office;
 - (ii) making the information accessible on an ACT government website, or by a link on an ACT government website;
 - (iii) if a person requests a copy of the information—giving the person a copy of the information.

Note The Territory privacy principles apply to the waste manager in relation to personal information held in the register (see [Information Privacy Act 2014](#)).

31 Sections 39 and 40

omit

**32 Making of proposed undertakings
Section 96 (4), example 6**

omit

33 Section 96 (4), examples (as amended)

relocate after subsection (4) (c)

**34 Reviewable decisions
Schedule 1, item 7**

omit

Part 12 Waste Management and Resource Recovery Regulation 2017

35 Information for licence application—Act, s 19 (2) (b) New section 6 (aa)

insert

- (aa) if the applicant operates the business under another name—the applicant’s registered business name and any trading name;

36 New sections 7A and 7B

in part 2, insert

7A Information for register of waste facility licences—Act, s 25 (2) (a)

The following information is prescribed:

- (a) the licensee’s name, business address, email address and telephone number;
- (b) if the licensee operates the business under another name—the licensee’s registered business name and any trading name;
- (c) if the licensee is a partner in a partnership—the partnership’s name;
- (d) if the licensee is not a company registered under the [Corporations Act](#) but has an ABN—
 - (i) the ABN; and
 - (ii) the name, business address, email address and telephone number of each person who has day-to-day control of the waste facility’s business;

- (e) if the licensee is a company registered under the [Corporations Act](#)—
 - (i) the company's ACN; and
 - (ii) the name, business address, email address and telephone number of each director and public officer;
- (f) identifying particulars of the land on which the waste facility is located;
- (g) the waste categories that may be dealt with in the course of waste activity at the facility;
- (h) the licence's unique identifying number;
- (i) the end day stated in the licence.

**7B Register of waste facility licences—public information—
Act, s 25 (4) (b)**

- (1) The following information is prescribed:
 - (a) the licence's unique identifying number;
 - (b) the licensee's name;
 - (c) the street address of the waste facility;
 - (d) the licensee's business telephone number;
 - (e) the licensee's business email address;
 - (f) if the licensee is not a company registered under the [Corporations Act](#) but has an ABN—the ABN;
 - (g) if the licensee is a company registered under the [Corporations Act](#)—the company's ACN;
 - (h) the waste categories that may be dealt with in the course of waste activity at the facility;
 - (i) the end day stated in the licence.

- (2) However, if the licensee operates the business under a name other than their name—
- (a) the information mentioned in subsection (1) (b) is not prescribed; and
 - (b) the licensee's registered business name and any trading name is prescribed.

37 Information for registration application—Act, s 31 (2) (b)
New section 9 (aa)

insert

- (aa) if the applicant operates the business under another name—the applicant's registered business name and any trading name;

38 Information for register of waste transporters—Act, s 37 (2) (a)
New section 10 (aa)

insert

- (aa) if the registered waste transporter operates the business under another name—the transporter's registered business name and any trading name;

39 Section 10 (b)

omit

is a partnership

substitute

is a partner in a partnership

40 Section 10 (c) (ii)

omit

is to have

substitute

has

41 New section 10 (g) and (h) etc

insert

(g) the registered waste transporter's registration number;

(h) the end day stated in the registration.

**10A Register of waste transporters—public information—Act,
s 37 (4) (b)**

- (1) The following information is prescribed:
- (a) the registered waste transporter's registration number;
 - (b) the registered waste transporter's name;
 - (c) the registered waste transporter's business address;
 - (d) the registered waste transporter's business telephone number;
 - (e) the registered waste transporter's business email address;
 - (f) if the registered waste transporter is not a company registered under the [Corporations Act](#) but has an ABN—the ABN;
 - (g) if the registered waste transporter is a company registered under the [Corporations Act](#)—the company's ACN;
 - (h) the waste categories transported by the registered waste transporter;
 - (i) the end day stated in the registration.

- (2) However, if the registered waste transporter operates the business under a name other than their name—
- (a) the information mentioned in subsection (1) (b) is not prescribed; and
 - (b) the transporter's registered business name and any trading name is prescribed.

42 Dictionary, note 3

insert

- licence
- register of waste facility licences
- register of waste transporters
- registration number (see s 34 (4) (b) (ii))

43 Dictionary, new definition of *registered business name*

insert

registered business name means a business name registered under the [*Business Names Registration Act 2011*](#) (Cwlth).

Endnotes

1 Presentation speech

Presentation speech made in the Legislative Assembly on 5 March 2025.

2 Notification

Notified under the [Legislation Act](#) on 26 May 2025.

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 Better Regulation Legislation Amendment Bill 2025, which was passed by the Legislative Assembly on 8 May 2025.

Clerk of the Legislative Assembly

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