

2004

THE LEGISLATIVE ASSEMBLY
FOR THE AUSTRALIAN CAPITAL TERRITORY

(As presented)

(Attorney-General)

Statute Law Amendment Bill 2004

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Statute Law Amendment Bill 2004

A Bill for

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

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

1 **1 Name of Act**

2 This Act is the *Statute Law Amendment Act 2004*.

3 **2 Commencement**

4 (1) This Act commences 14 days after its notification day.

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

7 (2) However, a date or time provided by a special commencement
8 provision for an amendment made by this Act has effect, or is taken
9 to have had effect, as the commencement date or time of the
10 amendment.

11 (3) In this section:

12 *special commencement provision*, for an amendment made by this
13 Act, is a provision, in brackets beginning with the text
14 ‘commencement:’, at the end of the amendment.

15 **Example**

16 An amendment followed by ‘(commencement: 12 July 2003)’ means that the
17 amendment is taken to have commenced on 12 July 2003.

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

21 **3 Purpose**

22 The purpose of this Act is to improve the quality of the statute law
23 of the Territory by amending Acts and regulations for the purpose of
24 statute law revision.

25 **4 Notes**

26 A note included in this Act is explanatory and is not part of this Act.

27 *Note* See Legislation Act, s 127 (1), (4) and (5) for the legal status of notes.

1 **5** **Legislation amended—schs 1-3**

2 This Act amends the legislation mentioned in schedules 1 to 3.

1 **Schedule 1 Minor amendments**

2 (see s 5)

3 **Part 1.1 Drugs of Dependence Act 1989**

4 **[1.1] Section 78 (2) (d)**

5 omit

6 cocaine, pentazocine or pethidine

7 *substitute*

8 cocaine, fentanyl, pentazocine or pethidine

9 **Explanatory note**

10 This amendment allows the supply of fentanyl (in addition to cocaine, pentazocine and
11 pethidine) to dentists. Fentanyl is used for providing short-term pain relief in dental treatment.

12 **[1.2] Section 160 (1), definition of *exempt person*, paragraph (d)**

13 *omit*

14 cocaine, pethidine or pentazocine

15 *substitute*

16 cocaine, fentanyl, pentazocine or pethidine

17 **Explanatory note**

18 This amendment allows dentists to possess fentanyl (in addition to cocaine, pentazocine and
19 pethidine) for the treatment of patients. Fentanyl is used for providing short-term pain relief.

1 **[1.3] Section 164 (4) (e)**

2 *omit*

3 cocaine, pethidine or pentazocine

4 *substitute*

5 cocaine, fentanyl, pentazocine or pethidine

6 **Explanatory note**

7 This amendment allows dentists to sell fentanyl (in addition to cocaine, pentazocine and
8 pethidine) as part of their treatment of patients. Fentanyl is used for providing short-term pain
9 relief.

10 **[1.4] Section 170 (3) (b) (i)**

11 *omit*

12 cocaine, pethidine, or pentazocine

13 *substitute*

14 cocaine, fentanyl, pentazocine or pethidine

15 **Explanatory note**

16 This amendment allows dentists to administer fentanyl (in addition to cocaine, pentazocine and
17 pethidine) as part of their treatment of patients. Fentanyl is used for providing short-term pain
18 relief.

19 **Part 1.2 Interactive Gambling Act 1998**

20 **[1.5] Section 14 (1), penalty**

21 *substitute*

22 Maximum penalty: 200 penalty units, imprisonment for 2 years or
23 both.

24 **Explanatory note**

25 This amendment corrects a typographical error. Section 14 (1) imposes a penalty of
26 200 penalty units and imprisonment for 2 months instead of 2 years. The amendment brings the

1 section 186C (2) (b) (i) and restores the previous position by requiring the conservator rather
2 than the planning and land authority to give notice to the other party to a land management
3 agreement.

4 **Part 1.4** **Magistrates Court Act 1930**

5 **[1.8] Section 120**

6 *omit*

7 If an authorised person

8 *substitute*

9 (1) If an authorised person

10 **Explanatory note**

11 This amendment is consequential on the insertion of a new subsection by the next amendment.

12 **[1.9] New section 120 (2)**

13 *insert*

14 (2) To remove any doubt, an authorised person may not serve an
15 infringement notice on a person under this section for an offence
16 after the end of the time within which a prosecution may be brought
17 for the offence.

18 *Note* For the time within which a prosecution must be begun, see Legislation
19 Act, s 192.

20 **Explanatory note**

21 Section 120 deals with the service of infringement notices for offences generally. The
22 amendment makes it clear that an infringement notice cannot be served under the section for an
23 offence that cannot be prosecuted. This is implicit in the nature of an infringement notice
24 scheme and in the provisions of the *Magistrates Court Act 1930*, part 8. For example, section
25 118 (1) provides ‘the purpose of this part is to create a system of infringement notices ... *as an*
26 *alternative to prosecution*’ (emphasis added). However, the point is not expressly dealt with in
27 the part. The amendment will put the matter beyond doubt by expressly providing that
28 infringement notices may not be served for ‘stale’ offences.

1 **[1.10] New section 131B (7A)**

2 *insert*

3 (7A) To remove any doubt, an authorised person may not serve an
4 infringement notice on a person under this section for an offence
5 after—

6 (a) if regulations under subsection (7) prescribe a period for the
7 offence—the end of the prescribed period; or

8 (b) in any other case—the end of the time within which a
9 prosecution may be brought against the person for the offence.

(commencement: the later of the commencement of the *Litter Act 2004*, section 29 or 14 days after the day this Act is notified)

10 **Explanatory note**

11 Section 131B (which is proposed to be inserted by the *Litter Bill 2003*) deals with the service of
12 infringement notices for offences involving a vehicle on a responsible person for the vehicle.
13 The amendment makes it clear that an infringement notice cannot be served under the section
14 for an offence that cannot be prosecuted.

15 Under section 131B (7) the regulations may provide that an infringement notice for an offence
16 may only be served under section 131B within the prescribed period after the day the offence
17 was committed. The effect of section 131B (7) is reflected in the subsection inserted by the
18 amendment.

19 **[1.11] Section 131B**

20 *renumber subsections when Act next republished under Legislation*
21 *Act*

(commencement: the later of the commencement of the *Litter Act 2004*, section 29 or 14 days after the day this Act is notified)

22 **Explanatory note**

23 This amendment provides for the consequential renumbering of subsections.

1 **[1.12] New section 134 (6)**

2 *insert*

3 (6) To remove any doubt, subsection (2) does not permit the
4 administering authority to lay an information against a person for an
5 offence after the end of the time within which, apart from this
6 section, a prosecution may be brought against the person for the
7 offence.

8 *Note* For the time within which a prosecution must be begun, see Legislation
9 Act, s 192.

10 **Explanatory note**

11 This amendment makes it clear that this section does not provide for an extended period within
12 which a prosecution for an offence may be brought. The Legislation Act, section 192 limits the
13 time for bringing prosecutions for minor summary offences to 1 year after the day of the
14 commission of the offence unless ‘a Territory law provides for another period’.

15 The *Magistrates Court Act 1930*, section 134 (2) provides that an administering authority ‘may’
16 lay an information against a person for an offence for which an infringement notice has been
17 served within 60 days after being given a notice disputing liability is received.

18 The better view is that the word ‘may’ in this context indicates that the laying of an information
19 is discretionary rather than mandatory (see Legislation Act, section 146 (1)) and does not
20 empower the laying of an information within the 60-day period after the
21 1-year period for bringing a prosecution has ended. This view is supported by section 134 (5)
22 which has the effect that a prosecution for an offence must be begun within 60 days after the
23 receipt of a notice disputing liability for the offence.

24 The amendment will put the matter beyond doubt by expressly providing that the section does
25 not permit the laying of an information after the end of the 1-year period.

26 **Part 1.5 Poisons Act 1933**

27 **[1.13] New section 16 (2A)**

28 *insert*

29 (2A) Subsections (1) and (2) do not apply in relation to the sale or supply
30 of a restricted substance to, or the dispensing of a restricted

- 1 substance for, a person (or someone else for whom the person is
2 acting) if—
- 3 (a) the substance is a designated restricted substance under section
4 16A (Supply of certain restricted substances by pharmacists in
5 emergencies); and
- 6 (b) the person is a person to whom section 16A applies; and
- 7 (c) the sale, supply or dispensing is in accordance with that
8 section.

(commencement: the later of the commencement of the *Nurse Practitioners Legislation Amendment Act 2004*, part 6 or 14 days after the day this Act is notified)

9 **Explanatory note**

10 This amendment inserts a new section 16 (2A) consequent on the insertion of a new section
11 16A by another amendment. The amendments in this part amend section 16 as it is proposed to
12 be amended by the *Nurse Practitioners Legislation Amendment Bill 2003*.

13 **[1.14] Section 16**

14 *renumber subsections when Act next republished under Legislation*
15 *Act*

(commencement: the later of the commencement of the *Nurse Practitioners Legislation Amendment Act 2004*, part 6 or 14 days after the day this Act is notified)

16 **Explanatory note**

17 This amendment provides for the consequential renumbering of subsections.

1 **[1.15] New section 16A**

2 *insert*

3 **16A Supply of certain restricted substances by pharmacists in**
4 **emergencies**

- 5 (1) This section applies if a pharmacist is satisfied that—
- 6 (a) a person is undergoing treatment essential to the person's
7 health or well being; and
- 8 (b) a designated restricted substance has previously been
9 prescribed for the treatment by a doctor or dentist; and
- 10 (c) the person is in immediate need of the substance for
11 continuation of the treatment; and
- 12 (d) because of an emergency affecting the person, it is not
13 practicable for the person to obtain a prescription for the
14 substance from a doctor or dentist.
- 15 (2) The pharmacist may supply the designated restricted substance to
16 the person if—
- 17 (a) the quantity supplied is not more than that required for 3 days
18 treatment; or
- 19 (b) if the kind of substance supplied is a liquid, aerosol, cream,
20 ointment or anovulant tablet that is contained in a standard
21 pack—the standard pack is the smallest standard pack in which
22 that kind of liquid, aerosol, cream, ointment or anovulant tablet
23 is generally available.
- 24 (3) In this section:
- 25 *designated restricted substance* means a restricted substance that is
26 not—
- 27 (a) an anabolic steroid; or
- 28 (b) a benzodiazepine; or

1 (c) a restricted substance prescribed under the regulations for this
2 definition.

3 *supply* includes sell and dispense.

(commencement: the later of the commencement of the *Nurse Practitioners
Legislation Amendment Act 2004*, part 6 or 14 days after the day this Act is
notified)

4 **Explanatory note**

5 This amendment allows a pharmacist to supply a small quantity of certain prescription
6 medicines to a person without a doctor's or dentist's prescription if an emergency makes it
7 impractical for the person to obtain a prescription for the medicine. The need for a provision of
8 this kind was highlighted by the January 2003 bushfires. The amendment does not authorise
9 the supply of drugs of dependence that are controlled under the *Drugs of Dependence Act 1989*.

1 **Schedule 2** **Structural Amendments**

2 (see s 5)

3 **Part 2.1** **Legislation Act 2001**

4 **[2.1] Section 19 (13), new definition of *repealed***

5 *insert*

6 *repealed* includes lapsed and expired.

7 **Explanatory note**

8 This amendment includes a new definition of *repealed* based on the definition of that term in
9 section 82. The amendment makes it clear that lapsed and expired Acts and statutory
10 instruments may be included on the ACT legislation register.

11 **[2.2] Section 60 (2)**

12 *omit*

13 The parliamentary counsel is authorised

14 *substitute*

15 The parliamentary counsel may

16 **Explanatory note**

17 This amendment simplifies language.

1 **[2.3] New section 60 (4)**

2 *insert*

- 3 (4) If the name of a registrable instrument is added or amended under
4 this section, the parliamentary counsel may make a corresponding
5 change to any explanatory statement or regulatory impact statement
6 for the instrument.

7 **Explanatory note**

8 This amendment makes it clear that, if the parliamentary counsel adds a name to, or amends the
9 name of, a registrable instrument, the parliamentary counsel may also make consequential
10 changes to the instrument's explanatory statement or regulatory impact statement. As noted by
11 the Standing Committee on Legal Affairs (performing the duties of a Scrutiny of Bills and
12 Subordinate Legislation Committee), discrepancies between instruments and their explanatory
13 documentation may cause confusion to people when tracking legislation on the register. The
14 consistent naming of instruments and their explanatory documentation assists access to the law.

15 **[2.4] New section 60A**

16 *insert*

17 **60A Correction of name of explanatory statement etc**

- 18 (1) This section applies if an explanatory statement or regulatory impact
19 statement for a registrable instrument—
20 (a) does not include the instrument's number or name in an
21 appropriate place; or
22 (b) includes a reference to the instrument's number or name that is
23 incorrect.
24 (2) The parliamentary counsel may, before entering the statement in the
25 register—
26 (a) include the instrument's number or name in an appropriate
27 place in the statement; or

1 (b) correct the reference to the instrument's number or name.

2 **Explanatory note**

3 This amendment makes it clear that the parliamentary counsel may add or correct instrument
4 numbers and names in explanatory statements and regulatory impact statements. As noted by
5 the Standing Committee on Legal Affairs (performing the duties of a Scrutiny of Bills and
6 Subordinate Legislation Committee), discrepancies between instruments and their explanatory
7 documentation may cause confusion to people when tracking legislation on the register. The
8 consistent naming of instruments and their explanatory documentation assists access to the law.

9 **[2.5] Section 65 (1)**

10 *omit*

11 after it is presented

12 *insert*

13 after the day it is presented

14 **Explanatory note**

15 This amendment expressly provides that, in working out the period within which notice of a
16 disallowance motion must be given for a subordinate law or disallowable instrument, the day on
17 which the law or instrument is presented to the Legislative Assembly is not counted. The
18 amendment is in accordance with current drafting practice and reflects the present position
19 under the Legislation Act, section 151 (2) and (3) (b).

20 **[2.6] Section 65 (3)**

21 *omit*

22 after the notice

23 *substitute*

24 after the day the notice

25 **Explanatory note**

26 This amendment expressly provides that, in working out the period within which a disallowance
27 notice for a subordinate law or disallowable instrument must be dealt with, the day on which the
28 law or instrument is presented to the Legislative Assembly is not counted. The amendment is in
29 accordance with current drafting practice and reflects the present position under the Legislation
30 Act, section 151 (2) and (3) (b).

1 **[2.7] Section 68 (2)**

2 *omit*

3 after it is presented

4 *substitute*

5 after the day it is presented

6 **Explanatory note**

7 This amendment expressly provides that, in working out the period within which notice of an
8 amendment motion must be given for a subordinate law or disallowable instrument, the day on
9 which the law or instrument is presented to the Legislative Assembly is not counted. The
10 amendment is in accordance with current drafting practice and reflects the present position
11 under the Legislation Act, section 151 (2) and (3) (b).

12 **[2.8] Section 68 (4)**

13 *omit*

14 after the notice

15 *substitute*

16 after the day the notice

17 **Explanatory note**

18 This amendment expressly provides that, in working out the period within which an amendment
19 motion for a subordinate law or disallowable instrument must be dealt with, the day on which
20 the law or instrument is presented to the Legislative Assembly is not counted. The amendment
21 is in accordance with current drafting practice and reflects the present position under the
22 Legislation Act, section 151 (2) and (3) (b).

23 **[2.9] Section 72, definition of *law***

24 *substitute*

25 *law* means an Act or statutory instrument, and includes a provision
26 of a law.

27 **Explanatory note**

28 This amendment includes all statutory instruments in the definition of *law* for chapter 8
29 (Commencement and exercise of powers before commencement). At present a number of

1 provisions of the chapter apply to statutory instruments that are not subordinate laws or
2 disallowable instruments, but the following sections do not apply:

- 3 • section 75 (Commencement of naming and commencement provisions on notification day)
- 4 • section 78 (Separate commencement of amendment)
- 5 • section 79 (Automatic commencement of postponed law)
- 6 • section 79A (Commencement of amendment of uncommenced law)
- 7 • section 80 (References to *commencement* of law)
- 8 • section 81 (Exercise of powers between notification and commencement).

9 There is no reason in principle why these sections should not apply (with any necessary
10 changes) to statutory instruments such as notifiable instruments. There is considerable
11 advantage to users of ACT legislation in having the provisions of the chapter apply as
12 consistently as possible to all statutory instruments.

13 **[2.10] Section 73 (5) (a)**

14 *omit*

15 on notification day

16 **Explanatory note**

17 This amendment is consequential on the change to the heading to section 75 made by the next
18 amendment.

19 **[2.11] Section 75 heading**

20 *substitute*

21 **75 Commencement of naming and commencement**
22 **provisions**

23 **Explanatory note**

24 This amendment is consequential on the changed scope of the section because of the insertion
25 of new section 75 (2A) by the next amendment.

1 **[2.16] Section 77 (1), (2) and (3)**

2 *omit*

3 or notifiable instrument

4 **Explanatory note**

5 This amendment is consequential on the revised definition of *law* inserted into section 72 by
6 another amendment.

7 **[2.17] Section 77 (3)**

8 *omit*

9 or instrument

10 **Explanatory note**

11 This amendment is consequential on the revised definition of *law* inserted into section 72 by
12 another amendment.

13 **[2.18] Section 77 (4) (a)**

14 *omit*

15 or statutory instrument

16 **Explanatory note**

17 This amendment is consequential on the revised definition of *law* inserted into section 72 by
18 another amendment.

19 **[2.19] Section 79 (4), new definition of law**

20 *insert*

21 *law* means an Act, subordinate law, disallowable instrument or
22 notifiable instrument, and includes a provision of a law.

23 **Explanatory note**

24 This amendment is consequential on the revised definition of *law* inserted into section 72 by
25 another amendment.

26 Section 79 provides for the automatic commencement of a ‘law’ that does not commence on its
27 notification day because a law postpones its commencement until a day or time fixed or
28 determined by a commencement notice. Section 11 defines a *commencement notice* as a

1 statutory instrument that fixes or otherwise determines the commencement of ‘an Act,
2 subordinate law, disallowable instrument or notifiable instrument’. The definition of *law*
3 inserted by this amendment reflects the definition of *commencement notice* in section 11.

4 **[2.20] Section 81 (4) (b)**

5 *substitute*

6 (b) for any other appointment or statutory instrument—the day
7 after the day it is made or, if it is required under an Act or
8 statutory instrument to be approved (however described) by the
9 Executive, a Minister or any other entity, the day after the day
10 it is approved.

11 **Explanatory note**

12 This amendment makes 2 changes to the paragraph.

13 First, the amendment brings the commencement of non-registrable instruments (that is,
14 instruments not required to be notified on the ACT legislation register) under section 81 (4) into
15 line with the commencement of registrable instruments. Under the amendment the
16 commencement for a non-registrable instrument will be the day after the instrument is made (or,
17 if it is required to be approved by an entity after making, the day after it is approved).

18 The law generally does not recognise parts of days. In theory, it is therefore presently possible
19 for a non-registrable instrument to operate retrospectively by default from the time of making
20 (or approval) back to the first moment of the day it is made (or approved). The amendment will
21 prevent this result.

22 However, a non-prejudicial provision of a non-registrable instrument may commence on or
23 before the day it is made (or approved) if the instrument clearly indicates that it is to commence
24 retrospectively (see Legislation Act, s 75B and s 76 (1)). By contrast, a prejudicial provision of
25 a non-registrable instrument may commence on or before the day it is made (or approved) only
26 if the Legislation Act, section 76 (2) is displaced by, or under authority given by, an Act.

27 A similar amendment of the Legislation Act, section 73 (General rules about commencement)
28 was made by the *Statute Law Amendment Act 2003 (No 2)*.

29 Second, the amendment deals expressly with instruments that are required to be approved after
30 making. The commencement of such instruments operates from the day after the day of
31 approval rather than the day after the day of making. In this respect the amendment brings the
32 paragraph into line with the Legislation Act, section 73 (4) (a) and section 75A (2) (see also
33 proposed sections 75 (2A) and 89 (8A) inserted by other amendments in this schedule).

1 **[2.21] New section 81 (5A)**

2 *insert*

3 (5A) In the application of this section to a statutory instrument that is not
4 a registrable instrument, a reference to the instrument being *notified*
5 is a reference to the instrument being made or, if it is required under
6 an Act or statutory instrument to be approved (however described)
7 by the Executive, a Minister or any other entity, to the instrument
8 being approved.

9 **Explanatory note**

10 This amendment provides for the modified operation of the section for instruments that are not
11 notified. The amendment is consequential on the revised definition of *law* inserted into
12 section 72 by another amendment.

13 **[2.22] Section 81**

14 *renumber subsections when Act next republished under Legislation*
15 *Act*

16 **Explanatory note**

17 This amendment provides for the consequential renumbering of subsections.

18 **[2.23] Section 82, definition of law**

19 *substitute*

20 *law* means an Act or statutory instrument, and includes a provision
21 of a law.

22 **Explanatory note**

23 This amendment includes all statutory instruments in the definition of *law* for chapter 9 (Repeal
24 and amendment of laws). At present a number of provisions of the chapter do not generally
25 apply to statutory instruments that are not subordinate laws or disallowable instruments. With
26 one exception (for which an amendment is provided below), there is no reason why the chapter
27 should not apply generally to statutory instruments such as notifiable instruments. There is
28 considerable advantage to users of ACT legislation in having a consistent set of provisions
29 about repeal and amendment applying to all statutory instruments. In addition, application of
30 provisions such as section 89 (Automatic repeal of certain laws and provisions) will assist in
31 avoiding unnecessary clutter of redundant instruments on the ACT legislation register.

1 **[2.24] Section 82, definition of *repeal***

2 *omit*

3 expiry

4 *substitute*

5 expire

6 **Explanatory note**

7 This amendment corrects the syntax of the definition.

8 **[2.25] New section 84A (3A)**

9 *insert*

10 (3A) In this section:

11 *law* means an Act or subordinate law, and includes a provision of a
12 law.

13 **Explanatory note**

14 This amendment is consequential on the revised definition of *law* inserted into section 82 by
15 another amendment. The amendment inserts a definition of *law* for the section to avoid any
16 possible implication that a law other than an Act or subordinate law may create an offence.

17 **[2.26] Section 84A**

18 *renumber subsections when Act next republished under Legislation*
19 *Act*

20 **Explanatory note**

21 This amendment provides for the consequential renumbering of subsections.

22 **[2.27] Section 89 (8)**

23 *omit*

24 or instrument

25 **Explanatory note**

26 This amendment is consequential on the revised definition of *law* inserted into section 82 by
27 another amendment.

1 **[2.28] New section 89 (8A)**

2 *insert*

3 (8A) In the application of subsection (8) to a statutory instrument that is
4 not a registrable instrument, a reference to the instrument's
5 ***notification day*** is a reference to the day after the day it is made or,
6 if it is required under an Act or statutory instrument to be approved
7 (however described) by the Executive, a Minister or any other
8 entity, the day after the day it is approved.

9 **Explanatory note**

10 This amendment provides for the modified operation of section 89 (8) for instruments that do
11 not have a notification day because they are not required to be notified. Proposed
12 section 89 (8A) is modelled on section 73 (4) (a) and section 75A (2) and is consequential on
13 the revised definition of *law* inserted into section 82 by another amendment.

14 **[2.29] Section 89**

15 *renumber subsections when Act next republished under Legislation*
16 *Act*

17 **Explanatory note**

18 This amendment provides for the consequential renumbering of subsections.

19 **[2.30] Section 89 (11), definition of *amending law*, paragraph (g)**

20 *omit*

21 or statutory instrument

22 **Explanatory note**

23 This amendment is consequential on the revised definition of *law* inserted into section 82 by
24 another amendment.

1 **[2.31] Section 89 (11), definition of *amending provision***

2 *omit*

3 or statutory instrument

4 **Explanatory note**

5 This amendment is consequential on the revised definition of *law* inserted into section 82 by
6 another amendment.

7 **[2.32] Section 89 (11), definition of *amending provision*,**
8 **paragraph (a)**

9 *omit*

10 or instrument

11 **Explanatory note**

12 This amendment is consequential on the revised definition of *law* inserted into section 82 by
13 another amendment.

14 **[2.33] Section 91 (8)**

15 *omit*

16 subordinate law or disallowable instrument

17 *substitute*

18 statutory instrument

19 **Explanatory note**

20 This amendment is consequential on the revised definition of *law* inserted into section 82 by
21 another amendment.

22 **[2.34] Section 91 (8)**

23 *omit*

24 , instrument

25 **Explanatory note**

26 This amendment is consequential on the revised definition of *law* inserted into section 82 by
27 another amendment.

1 **[2.35] Section 93 (10)**

2 *omit*

3 subordinate or disallowable instrument

4 *substitute*

5 statutory instrument

6 **Explanatory note**

7 This amendment is consequential on the revised definition of *law* inserted into section 82 by
8 another amendment.

9 **[2.36] Section 93 (10)**

10 *omit*

11 , instrument

12 **Explanatory note**

13 This amendment is consequential on the revised definition of *law* inserted into section 82 by
14 another amendment.

15 **[2.37] Section 107 heading**

16 *substitute*

17 **107 Definitions for ch 11**

18 **Explanatory note**

19 This amendment is consequential on the insertion of a new definition into the section by the
20 next amendment.

21 **[2.38] Section 107, new definition of *republication***

22 *insert*

23 *republication* means a republication of a law.

24 **Explanatory note**

25 This amendment inserts a definition of *republication* that was inadvertently omitted by earlier
26 amendments.

- 1 **[2.39] Dictionary, part 1, new definitions**
- 2 *insert*
- 3 *chief solicitor* means the chief solicitor under the *Government*
4 *Solicitor Act 1989*.
- 5 *Court of Appeal* means the Court of Appeal constituted under the
6 *Supreme Court Act 1933*.
- 7 *independent competition and regulatory commission* means the
8 Independent Competition and Regulatory Commission for the
9 Australian Capital Territory established under the *Independent*
10 *Competition and Regulatory Commission Act 1997*.
- 11 *infringement notice* includes an infringement notice under the
12 *Magistrates Court Act 1930* or the *Road Transport (General) Act*
13 *1999*.
- 14 *national capital plan* means the National Capital Plan under the
15 *Australian Capital Territory (Planning and Land Management) Act*
16 *1988* (Cwlth).

17 **Explanatory note**

18 This amendment inserts definitions that will apply across the ACT statute book. In particular,
19 the new definition of *infringement notice* is inclusive and will assist readers by drawing
20 attention to the most important Acts under which infringement notices are issued.

21 **[2.40] Dictionary, part 1, definition of *notification*, paragraph (b)**

- 22 *omit*
- 23 statutory
- 24 *substitute*
- 25 registrable

26 **Explanatory note**

27 This amendment corrects a minor error.

1 **[2.41] Dictionary, part 1, definition of *repeal*, paragraph (b)**

2 *omit*

3 application,

4 *substitute*

5 application

6 **Explanatory note**

7 This amendment omits an unnecessary comma.

8 **[2.42] Dictionary, part 1, definition of *repeal*, paragraph (b) (as amended)**

9 *relocate and renumber as paragraph (ca)*

10 **Explanatory note**

11 This amendment places the paragraph in a more appropriate sequence in the definition.

12 **[2.43] Dictionary, part 1, definition of *repeal*, new paragraph (cb)**

13 *insert*

14 (cb) for an Act or statutory instrument (or a provision of it)—any
15 other implied repeal; and
16

17 **Explanatory note**

18 This amendment extends the meaning of *repeal* by including any form of implied repeal of an
19 Act or statutory instrument that is not covered by paragraph (b) (which is relocated and
20 renumbered as paragraph (ca) by another amendment). That paragraph provides that repeal
21 includes abrogate or limit in effect. An implied repeal also happens when a law provides
22 inconsistently with an existing law in a way that indicates that the earlier law is no longer to
23 have effect.

24 **[2.44] Dictionary, part 1, definition of *repeal***

25 *renumber paragraphs when Act next republished under Legislation*
26 *Act*

27 **Explanatory note**

28 This amendment provides for the consequential renumbering of paragraphs.

1 **[2.45] Dictionary, part 1, new definition of *resident judge***

2 *insert*

3 *resident judge* means a resident judge under the *Supreme Court*
4 *Act 1933*.

5 **Explanatory note**

6 This amendment inserts a new definition that will apply across the ACT statute book.

1 **Schedule 3** **Technical amendments**

2 (see s 5)

3 **Part 3.1** **Administration (Interstate**
4 **Agreements) Act 1997**

5 **[3.1]** **Section 7**

6 *substitute*

7 **7** **Consultation about agreements**

- 8 (1) A Minister proposing to participate in a negotiation for an interstate
9 agreement must, if practicable, comply with subsection (3).
- 10 (2) A Minister participating in a negotiation for an interstate agreement
11 must, if subsection (3) has not been complied with, comply with the
12 subsection as soon as practicable in relation to the negotiation.
- 13 (3) The Minister must consult with the following committees about the
14 issues to be considered in the negotiation:
- 15 (a) a standing committee of the Legislative Assembly nominated
16 by the Speaker for the purpose;
- 17 (b) the legal affairs committee.
- 18 (4) If a standing committee of the Legislative Assembly has been
19 nominated under subsection (3) (a) for a negotiation, it is sufficient
20 for subsection (3) (b) if the Minister consults with the legal affairs
21 committee when it is performing the duties of a scrutiny of bills and
22 subordinate legislation committee so far as its terms of reference as
23 such a committee are relevant.
- 24 (5) In participating in the negotiation, the Minister must have regard to
25 any recommendation made by a relevant committee following the
26 consultation.

1 For example, the signpost definition ‘*business plan*, in relation to a
2 financial year, for part 4 (Management)—see section 20.’ means that
3 the term ‘business plan’ is defined in that section and the definition
4 applies to the part.

5 *Note 2* A definition in the dictionary (including a signpost definition) applies to
6 the entire Act unless the definition, or another provision of the Act,
7 provides otherwise or the contrary intention otherwise appears (see
8 Legislation Act, s 155 and s 156 (1)).

9 **3 Notes**

10 A note included in this Act is explanatory and is not part of this Act.

11 *Note* See Legislation Act, s 127 (1), (4) and (5) for the legal status of notes.

12 **Explanatory note**

13 This amendment adds standard dictionary and notes provisions. The definitions in existing
14 section 3 are included in the new dictionary that is inserted by another amendment.

15 **[3.4] Section 6**

16 *substitute*

17 **6 Powers of corporation**

18 The corporation has the same capacity as an individual.

19 *Note* A provision of a law that gives an entity (including a person) a function
20 also gives the entity powers necessary and convenient to exercise the
21 function (see Legislation Act, s 196 and dict, pt 1, def *entity*).

22 **Explanatory note**

23 This amendment omits section 6 (1). It states that the corporation has power to do all things
24 necessary and convenient to be done in connection with the performance of its functions. This
25 is unnecessary because the Legislation Act, s 196 states that a provision of a law that gives an
26 entity (including a person) a function also gives the entity powers necessary and convenient to
27 exercise the function.

- 1 **[3.5] Section 8**
- 2 *substitute*
- 3 **8 Constitution**
- 4 The corporation consists of the following members:
- 5 (a) 7 members appointed under section 9 (1);
- 6 (b) the chief executive officer;
- 7 (c) a public servant appointed under section 9 (5).
- 8 **Explanatory note**
- 9 This amendment remakes existing section 8 (1) consequent on the omission of schedule 1 by
- 10 another amendment. The schedule provides for the appointment of the members mentioned in
- 11 section 8 (a).
- 12 This amendment also omits section 8 (2). It provides that the functions of the corporation are
- 13 not affected by a vacancy in the corporation. This is unnecessary because the Legislation Act,
- 14 section 199 (5) provides that the exercise of a function is not affected only because of vacancies
- 15 in the body's membership.
- 16 **[3.6] Sections 9 and 10**
- 17 *substitute*
- 18 **9 Appointment of members**
- 19 (1) The Minister must appoint 7 people as members (the *appointed*
- 20 *members*) of the corporation.
- 21 *Note 1* For the making of appointments (including acting appointments), see
- 22 Legislation Act, pt 19.3.
- 23 *Note 2* Certain Ministerial appointments require consultation with an Assembly
- 24 committee and are disallowable (see Legislation Act, div 19.3.3).
- 25 (2) Before appointing an appointed member, the Minister must consider
- 26 the suitability of the person for appointment having regard to the
- 27 person's expertise and knowledge.

1 (3) An appointed member must not be appointed for a term of longer
2 than 3 years.

3 *Note* A person may be reappointed to a position if the person is eligible to be
4 appointed to the position (see Legislation Act, s 208 and dict, pt 1, def
5 *appoint*).

6 (4) An appointed member holds the position on the conditions not
7 provided by this Act or another Territory law that are stated in the
8 instrument of appointment.

9 (5) The Minister must also appoint a public servant as a member of the
10 corporation.

11 **10 Chairperson and deputy chairperson**

12 (1) The Minister must appoint a member to be the chairperson of the
13 corporation.

14 (2) The members must elect another member to be the deputy
15 chairperson of the corporation.

16 **Explanatory note**

17 Existing section 10 applies the provisions of schedule 1 to the appointment of the members
18 mentioned in section 8 (a). The section is made redundant by the omission of the schedule by
19 another amendment. New section 9 remakes schedule 1, clause 1 and clause 2 (1), (2), (3) (b)
20 and (4) in accordance with current drafting practice.

21 Existing section 9 is remade as new section 10. A reference to the appointment of the
22 chairperson being 'in writing' is removed because the Legislation Act, section 206 provides that
23 an appointment must be made, or evidenced, by writing signed by the appointer.

24 Existing section 11, which is omitted by the next amendment, is remade in accordance with
25 current drafting practice as new section 9 (5)

26 The amendment also inserts standard appointment notes.

1 **[3.7] Section 11**

2 *substitute*

3 **11 Ending of appointments**

4 (1) The Minister may end the appointment of an appointed member
5 for—

6 (a) misbehaviour; or

7 (b) physical or mental incapacity.

8 (2) The Minister must end the appointment of an appointed member if
9 the member—

10 (a) becomes bankrupt, applies to take the benefit of any law for the
11 relief of bankrupt or insolvent debtors, compounds with
12 creditors or makes an assignment of remuneration for their
13 benefit; or

14 (b) is absent, except on leave, for 3 consecutive meetings; or

15 (c) contravenes section 15 (Disclosure of interest) without
16 reasonable excuse; or

17 (d) is convicted in Australia or elsewhere of an offence punishable
18 by imprisonment for 1 year or longer.

19 *Note* A person's appointment also ends if the person resigns (see Legislation
20 Act, s 210).

21 **Explanatory note**

22 This amendment omits existing section 11 consequent on new section 9 (5) which is inserted by
23 the previous amendment. New section 11 remakes schedule 1, clause 5 in accordance with
24 current drafting practice. The schedule is omitted by another amendment.

1 **[3.8] Section 15 (1)**

2 *omit*

3 pecuniary

4 *substitute*

5 financial

6 **Explanatory note**

7 This amendment updates language.

8 **[3.9] Sections 16 and 17**

9 *substitute*

10 **16 Appointment of chief executive officer**

- 11 (1) The chief executive must appoint a public servant as the chief
12 executive officer of the corporation.

13 *Note* For the making of appointments (including acting appointments), see
14 Legislation Act, pt 19.3.

- 15 (2) If, immediately before the commencement of this section, the duties
16 of an office in the public service included exercising the functions of
17 the chief executive officer, then, until the chief executive makes an
18 appointment under subsection (1) in relation to the office, a public
19 servant for the time being exercising the duties of the office is the
20 chief executive officer.

- 21 (3) Subsection (2) is a law to which the Legislation Act, section 88
22 (Repeal does not end effect of transitional laws etc) applies.

- 23 (4) Subsections (2) and (3) and this subsection expire 1 year after the
24 day this section commences.

1 **17 Functions of chief executive**

2 The functions of the chief executive are to manage the corporation's
3 affairs in accordance with the general directions of the corporation.

4 **Explanatory note**

5 This amendment removes the requirement that the chief executive must create and maintain an
6 office for the registrar etc in the public service. The Legislation Act, section 207 provides that
7 an appointment may be made by naming the person appointed or by nominating the occupant of
8 a position (however described), at a particular time or from time to time.

9 The amendment includes transitional arrangements that operate until a new appointment is
10 made.

11 This amendment also brings these provisions more closely into line with current drafting
12 practice, including inserting a standard note about appointments.

13 **[3.10] Section 18**

14 *substitute*

15 **18 Staff**

16 The corporation's staff are to be employed under the *Public Sector*
17 *Management Act 1994*.

18 **Explanatory note**

19 This amendment brings this section into line with current drafting practice and is consequential
20 on the omission of the definition of *Public Sector Management Act* by another amendment.

21 **[3.11] Section 20 heading**

22 *substitute*

23 **20 Meaning of *business plan* for pt 4**

24 **Explanatory note**

25 This amendment is consequent on the next amendment. Definition provisions with only a
26 single defined term refer to the term in the heading under current drafting practice.

1 **[3.12] Section 20, definition of *Financial Management Act***

2 *omit*

3 **Explanatory note**

4 This amendment omits a definition of *Financial Management Act* consequent on other
5 amendments made below.

6 **[3.13] Section 22 (1) (a)**

7 *omit*

8 Financial Management Act

9 *substitute*

10 *Financial Management Act 1996*

11 **Explanatory note**

12 This amendment is consequent on the omission of the definition of *Financial Management Act*
13 from section 20.

14 **[3.14] Section 25**

15 *substitute*

16 **25 Application of Financial Management Act, pt 8**

17 (1) Funds must not be invested, or money borrowed, for the purposes of
18 the corporation except in accordance with the *Financial*
19 *Management Act 1996*, part 8 (Financial provisions relating to
20 Territory authorities).

21 (2) Subsection (1) does not limit the application of the *Financial*
22 *Management Act 1996*, part 8 in relation to the corporation.

23 **Explanatory note**

24 This amendment is consequent on the omission of the definition of *Financial Management Act*
25 from section 20 and updates the section in line with current drafting practice.

1 **[3.15] Section 28 (2)**

2 *substitute*

3 *Note* For the meaning of *quarter*, see the Legislation Act, dict, pt 1.

4 **Explanatory note**

5 This amendment omits a definition of *quarter* and consequentially adds an explanatory note.
6 The term is defined in the Legislation Act, dictionary, part 1.

7 **[3.16] Section 28**

8 *renumber subsections when Act next republished under Legislation*
9 *Act*

10 **Explanatory note**

11 This amendment provides for the consequential renumbering of subsections.

12 **[3.17] Section 30**

13 *relocate and renumber as section 31*

14 **Explanatory note**

15 This amendment places the section in its preferable sequence.

16 **[3.18] Section 31**

17 *relocate and renumber as section 30*

18 **Explanatory note**

19 This amendment places the section in its preferable sequence.

20 **[3.19] Schedule 1**

21 *omit*

22 **Explanatory note**

23 Existing section 10, which is omitted by another amendment, applies the provisions of schedule
24 1 to the appointment of the members mentioned in section 8 (a). Amendments above
25 incorporate the substance of schedule 1, clause 1, clause 2 (1), (2), (3) (b) and (4) and clause 5.
26 The remaining provisions of the schedule are redundant for the reasons mentioned below.

- 27 • Clause 2 (3) (a) provides that the instrument of appointment must state the period of
28 appointment. The Legislation Act, section 206 (2) provides that, if a law provides for a

- 1 maximum period of appointment, the period of appointment must be stated in the
2 instrument of appointment.
- 3 • Clause 2 (5) provides that a former appointed member is eligible for reappointment. The
4 Legislation Act, section 208 provides that a person may be reappointed to a position if the
5 person is eligible to be appointed to the position. A note to this effect is included after new
6 section 9 (3) which is inserted by another amendment above.
- 7 • Clause 3 provides for appointed members' remuneration. This is unnecessary because new
8 section 9 (4) provides for conditions of appointment to be made under another Act which
9 includes the *Remuneration Tribunal Act 1995*.
- 10 • Clause 4 provides for the resignation of appointed members. This is unnecessary, because
11 the Legislation Act, section 210 provides that a person's appointment also ends if the
12 person resigns. A note to this effect is inserted in new section 11.
- 13 • Clause 6 provides for acting appointments. It is no longer necessary because—
- the Legislation Act, section 209 (1) provides that a power to make an appointment includes the power to make an acting appointment during vacancies and when the holder of the position is not available; and
 - the Legislation Act, section 209 (2) provides that a power to appoint a person to act is exercisable in the same way, and is subject to the same conditions, as the power to make the appointment; and
 - the bar on acting for longer than 1 year is contained in the Legislation Act, section 221 (1); and
 - the Legislation Act, section 225 states that an acting appointment is not affected by a defect etc.

14 **[3.20] New dictionary**

15 *insert*

16 **Dictionary**

17 (see s 2)

18 *Note 1* The Legislation Act contains definitions and other provisions relevant to
19 this Act.

20 *Note 2* In particular, the Legislation Act, dict, pt 1, defines the following terms:

- 21 • appoint
22 • financial year

1 **Part 3.5** **Confiscation of Criminal Assets**
2 **Act 2003**

3 **[3.22] Section 222 (1)**

4 *omit everything before paragraph (a), substitute*

- 5 (1) If the occupier of the premises, or someone else who apparently
6 represents the occupier, is present at the premises while a search
7 warrant is executed, the occupier or other person may ask a police
8 officer who seizes—

9 **Explanatory note**

10 This amendment corrects an error of syntax.

11 **Part 3.6** **Crime Prevention Powers Act**
12 **1998**

13 **[3.23] Section 1**

14 *substitute*

15 **1 Name of Act**

16 This Act is the *Crime Prevention Powers Act 1998*.

17 **Explanatory note**

18 This amendment brings the naming provision of the Act into line with current drafting practice.

19 **[3.24] Section 3**

20 *substitute*

21 **2 Dictionary**

22 The dictionary at the end of this Act is part of this Act.

23 *Note 1* The dictionary at the end of this Act defines terms used in this Act.

1 (b) damage to property.

2 **Explanatory note**

3 This amendment adds a dictionary consequential on the omission of the definition section
4 (section 3) by another amendment.

5 **Part 3.7 Custodial Escorts Act 1998**

6 **[3.26] Section 1**

7 *substitute*

8 **1 Name of Act**

9 This Act is the *Custodial Escorts Act 1998*.

10 **Explanatory note**

11 This amendment brings the naming provision of the Act into line with current drafting practice.

12 **[3.27] Section 3**

13 *substitute*

14 **2 Dictionary**

15 The dictionary at the end of this Act is part of this Act.

16 *Note 1* The dictionary at the end of this Act defines certain terms used in this
17 Act.

18 *Note 2* A definition in the dictionary (including a signpost definition) applies to
19 the entire Act unless the definition, or another provision of the Act,
20 provides otherwise or the contrary intention otherwise appears (see
21 Legislation Act, s 155 and s 156 (1)).

1 **3 Notes**

2 A note included in this Act is explanatory and is not part of this Act.

3 *Note* See Legislation Act, s 127 (1), (4) and (5) for the legal status of notes.

4 **Explanatory note**

5 This amendment adds standard dictionary and notes provisions. The definitions in the
6 definitions section omitted by this amendment (other than the definition of *chief police officer*)
7 are inserted into a new dictionary by another amendment. ‘Chief police officer’ is defined in
8 the Legislation Act, dictionary, part 1.

9 **[3.28] Section 4**

10 *substitute*

11 **4 Escorts—appointment**

12 (1) The administrator may appoint a person to be an escort.

13 *Note 1* For the making of appointments (including acting appointments), see
14 Legislation Act, pt 19.3.

15 *Note 2* In particular, a person may be appointed for a particular provision of a law
16 (see Legislation Act, s 7 (3)) and an appointment may be made by naming a
17 person or nominating the occupant of a position (see s 207).

18 (2) The administrator must not appoint a police officer to be an escort
19 without the chief police officer’s approval.

20 **Explanatory note**

21 This amendment updates the appointment section by removing the words ‘in writing’ because
22 the Legislation Act, section 206 provides that an appointment must be made, or evidenced, by
23 writing signed by the appointer.

24 The amendment also inserts standard appointment notes.

1 **[3.29] Section 8**

2 *substitute*

3 **8 Functions under other laws**

4 (1) The functions of an escort under this Act are additional to those
5 provided under any other Territory law.

6 (2) This Act does not limit the powers of a police officer, or custodial
7 officer, who is also an escort.

8 **Explanatory note**

9 This amendment brings the section more closely into line with current drafting practice. The
10 Legislation Act, dictionary, part 1 defines *function* to include ‘power’ and *under* to include
11 ‘by’.

12 **[3.30] New dictionary**

13 *insert*

14 **Dictionary**

15 (see s 2)

16 *Note 1* The Legislation Act contains definitions and other provisions relevant to
17 this Act.

18 *Note 2* In particular, the Legislation Act, dict, pt 1, defines the following terms:

- 19 • chief police officer
20 • entity
21 • function
22 • judge
23 • law, of the Territory
24 • magistrate
25 • police officer
26 • sentence administration board
27 • under.

- 1 **administrator** means the administrator under the *Remand Centres*
2 *Act 1976*.
- 3 **arrested person** means—
- 4 (a) a person who has been arrested by a police officer, whether
5 under a warrant or otherwise; or
- 6 (b) a person who is in the custody of a police officer after being
7 arrested by someone else for an offence; or
- 8 (c) a person who has been arrested or apprehended under a
9 warrant, direction or order to secure the person’s attendance at
10 a court.
- 11 **court** includes—
- 12 (a) a judge, magistrate or coroner (including a deputy coroner);
13 and
- 14 (b) the sentence administration board; and
- 15 (c) any other entity having power to compel the attendance of
16 witnesses.
- 17 **custodial officer** means a custodial officer under the *Remand*
18 *Centres Act 1976*.
- 19 **escort** means a person appointed under section 4.

20 **Explanatory note**

21 This amendment adds a dictionary consequential on the omission of the definition section
22 (section 3) by another amendment. The definitions have been updated in accordance with
23 current drafting practice. Coroners have been dealt with expressly in the definition of **court**.
24 They previously came under paragraph (c) of that definition.

1 Part 3.8 Drugs of Dependence Act 1989

2 [3.31] Section 6 (1) (e) (iii)

3 *substitute*

- 4 (iii) of an offence in Australia or a foreign country punishable
5 on conviction by a fine of at least 100 penalty units (or an
6 equivalent amount) or by imprisonment for a period of at
7 least 1 year;

8 Explanatory note

9 This amendment updates language and converts an amount to penalty units.

10 [3.32] Section 11 (1) (a) (iii)

11 *substitute*

- 12 (iii) of an offence in Australia or a foreign country punishable
13 on conviction by a fine of at least 100 penalty units (or an
14 equivalent amount) or by imprisonment for a period of at
15 least 1 year; or

16 Explanatory note

17 This amendment updates language and converts an amount to penalty units.

18 [3.33] Section 20 (1) (e) (iii)

19 *substitute*

- 20 (iii) of an offence in Australia or a foreign country punishable
21 on conviction by a fine of at least 100 penalty units (or an
22 equivalent amount) or by imprisonment for a period of at
23 least 1 year;

24 Explanatory note

25 This amendment updates language, omits a redundant reference to ‘or’ at the end of the
26 provision and converts an amount to penalty units.

1 **[3.34] Section 25 (1) (a) (iii)**

2 *substitute*

3 (iii) of an offence in Australia or a foreign country punishable
4 on conviction by a fine of at least 100 penalty units (or an
5 equivalent amount) or by imprisonment for a period of at
6 least 1 year; or

7 **Explanatory note**

8 This amendment updates language and converts an amount to penalty units.

9 **[3.35] Section 52 heading**

10 *substitute*

11 **52 Application of pt 5**

12 **Explanatory note**

13 This amendment corrects a minor error in the heading.

14 **[3.36] Section 56 heading**

15 *substitute*

16 **56 Definitions for pt 6**

17 **Explanatory note**

18 This amendment corrects a misdescription in the section's heading.

19 **[3.37] Section 66 (7)**

20 *omit*

21 appointment

22 *substitute*

23 appoint

24 **Explanatory note**

25 This amendment corrects a grammatical error.

1 **[3.38] Section 75**

2 *omit*

3 **Explanatory note**

4 This amendment removes a transitional provision which has fulfilled its function.

5 **[3.39] Sections 96 and 97 (3)**

6 *omit*

7 they control

8 *substitute*

9 the person controls

10 **Explanatory note**

11 This amendment corrects a grammatical error.

12 **[3.40] Section 120 (4) (c)**

13 *after*

14 disposed

15 *insert*

16 of

17 **Explanatory note**

18 This amendment corrects a grammatical error.

19 **[3.41] Section 123 (6) (a) and (b)**

20 *omit*

21 ; and

22 *substitute*

23 ; or

24 **Explanatory note**

25 This amendment brings language into line with current drafting practice.

1 **[3.42] Section 127 (1) (a)**

2 *omit*

3 officer

4 *substitute*

5 offender

6 **Explanatory note**

7 This amendment corrects a misdescription of a person.

8 **[3.43] Section 152 (1)**

9 *omit*

10 it believes

11 *substitute*

12 the Minister believes

13 **Explanatory note**

14 This amendment corrects an error.

15 **[3.44] References to *medical practitioner***

16 *omit*

17 medical practitioner

18 *substitute*

19 doctor

20 *in*

- 21 • section 3 (1), definition of *intern*
- 22 • section 3 (1), definition of *treatment centre*, paragraph (c)
- 23 • section 56, definition of *medical practitioner*
- 24 • section 57 (1)
- 25 • section 59
- 26 • section 59A

- 1 • section 60 (2)
- 2 • section 61
- 3 • section 62 (1) (b)
- 4 • section 63 (1) (f)
- 5 • section 64
- 6 • section 65, definition of *medical practitioner*
- 7 • section 66 (3)
- 8 • section 67 (a)
- 9 • section 78 (2) (c)
- 10 • section 79 (2) (a) (iii) and (b)
- 11 • section 80
- 12 • section 84 (1), definition of *medical practitioner*
- 13 • section 84 (2)
- 14 • section 86 (1)
- 15 • section 95, definition of *prescribed person*, paragraph (d)
- 16 • section 100 (2) (e)
- 17 • section 102 (2) (d)
- 18 • section 102A (1) (b) (vi)
- 19 • section 102B (1) (b) (vi)
- 20 • section 113
- 21 • section 115 (1)
- 22 • section 117 (1) (e)
- 23 • section 118 (b)
- 24 • section 120 (4) (a) (i)
- 25 • section 160 (1), definition of *exempt person*, paragraph (c) (i)
- 26 • section 164 (4) (b) and (f)
- 27 • section 166 (2)
- 28 • section 167 (1), definition of *authorised person*
- 29 • section 167 (5)
- 30 • section 169 (3)
- 31 • section 170 (1) (b) and (3) (a) and (c) (i)

1 **[3.47] Section 52 (7)**

2 *omit*

3 subsection (5)

4 *substitute*

5 subsection (6)

6 **Explanatory note**

7 This amendment corrects a cross-reference.

8 **[3.48] Section 84 (2) (b)**

9 *omit*

10 food be kept

11 *substitute*

12 food must be kept

13 **Explanatory note**

14 This amendment inserts a missing word.

15 **[3.49] Section 131**

16 *omit*

17 this section

18 *substitute*

19 section 101 (Procedure for taking action in relation to registration)

20 **Explanatory note**

21 This amendment corrects a minor error. Section 131 provides that the renewal or amendment
22 of the registration of a food business under section 93 or section 97 does not affect action in
23 relation to the registration of the food business under 'this section'. Action in relation to the
24 registration of food business is, in fact, taken under section 101.

1 **[3.50] Section 145 (1), definition of *person to whom this section***
2 ***applies***

3 *substitute*

4 ***person to whom this section applies*** means—

5 (a) a person who is or has been an authorised officer; or

6 (b) anyone else who has exercised a function under this Act.

7 **Explanatory note**

8 This amendment corrects an error in the structure of the definition.

9 **[3.51] Section 146 (5) (b)**

10 *before*

11 ends

12 *insert*

13 or finding of guilt

14 **Explanatory note**

15 This amendment insets missing words into a provision about the publication of a notice after an
16 appeal from a conviction or finding of guilty has ended.

17 **Part 3.10 Gas Pipelines Access Act 1998**

18 **[3.52] Sections 3 and 4**

19 *substitute*

20 **3 Notes**

21 A note included in this Act is explanatory and is not part of this Act.

22 *Note* See Legislation Act, s 127 (1), (4) and (5) for the legal status of notes.

1 **4 Terms used in Gas Pipelines Access (A.C.T.) Law**

2 A term used in the Gas Pipelines Access (A.C.T.) Law has the same
3 meaning in this Act.

4 **Explanatory note**

5 This amendment adds a standard notes provision. It also brings section 4 (currently section 3)
6 into line with current drafting practice by using ‘term’ instead of ‘word or expression’. This
7 amendment also omits a section (current section 4) made redundant by the Legislation Act,
8 section 121 (Binding effect of Acts).

9 **[3.53] Section 8 (1), definition of *local regulator*, paragraph (b)**

10 *substitute*

11 (b) in relation to a distribution pipeline—the independent
12 competition and regulatory commission.

13 **Explanatory note**

14 This amendment simplifies the paragraph relying on the definition of the commission inserted
15 into the Legislation Act, dictionary, part 1 by another amendment.

16 **[3.54] Section 12 (2)**

17 *substitute*

18 (2) The code registrar may delegate those functions to any person.

19 *Note* For the making of delegations and the exercise of delegated functions,
20 see Legislation Act, pt 19.4.

21 **Explanatory note**

22 This amendment updates the delegation provision and adds a standard note about delegations.
23 The Legislation Act, section 232 requires a delegation to be made by signed writing. The
24 Legislation Act, section 234 allows the delegation of any part of functions that may be
25 delegated.

26 **[3.55] Dictionary, new notes**

27 *insert*

28 *Note 1* The Legislation Act contains definitions and other provisions relevant to
29 this Act.

1 (6) This subsection and subsection (5) expire on the day this subsection
2 commences.

3 **Explanatory note**

4 This amendment inserts a provision to remove any doubt that the *Independent Competition and*
5 *Regulatory Commission Amendment Act 2000* was effective to change the name of the
6 commission, even though section 5 (1) was not amended by that Act.

7 **Part 3.12 Interactive Gambling Act 1998**

8 **[3.58] Section 3, definitions of *agent, authorised game,***
9 ***business associate and executive associate***

10 *omit*

11 **Explanatory note**

12 This amendment omits definitions that are replaced by signpost definitions in a dictionary in
13 accordance with current drafting practice. The dictionary is inserted by another enactment.

14 **[3.59] Section 3, definitions (as amended)**

15 *relocate to dictionary*

16 **Explanatory note**

17 This amendment relocates the definitions to a new dictionary that is inserted by another
18 amendment.

19 **[3.60] Section 3, remainder**

20 *substitute*

21 **2 Dictionary**

22 The dictionary at the end of this Act is part of this Act.

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

26 For example, the signpost definition '*disqualified person*—see
27 section 18B.' means that the term 'disqualified person' is defined in that
28 section.

1 *Note 2* A definition in the dictionary (including a signpost definition) applies to
2 the entire Act unless the definition, or another provision of the Act,
3 provides otherwise or the contrary intention otherwise appears (see
4 Legislation Act, s 155 and s 156 (1)).

5 **3 Notes**

6 A note included in this Act is explanatory and is not part of this Act.

7 *Note* See Legislation Act, s 127 (1), (4) and (5) for the legal status of notes.

8 **Explanatory note**

9 This amendment adds standard dictionary and notes provisions.

10 **[3.61] Section 9 (1) (b)**

11 *omit*

12 (including the law as amended or substituted from time to time)

13 **Explanatory note**

14 This amendment omits unnecessary words. The Legislation Act, section 102 provides that a
15 reference to a law (including the law of a State or another Territory) includes the law as
16 amended or remade.

17 **[3.62] Section 9 (3)**

18 *substitute*

19 (3) A declaration under subsection (1) is a disallowable instrument.

20 *Note* A disallowable instrument must be notified, and presented to the
21 Legislative Assembly, under the Legislation Act.

22 **Explanatory note**

23 This amendment omits the words ‘and any instrument amending or revoking such a declaration’
24 because the Legislation Act, section 46 provides that if a declaration is a disallowable
25 instrument then any amendment or repeal of the declaration is also a disallowable instrument.

1 **[3.63] Section 11 (1)**

2 *omit*

3 instrument of approval

4 *substitute*

5 authorisation

6 **Explanatory note**

7 This amendment updates language.

8 **[3.64] Section 29 (2), definition of *entity***

9 *omit*

10 **Explanatory note**

11 This amendment omits a definition that is now redundant. The Legislation Act, dictionary,
12 part 1 defines *entity* to include an unincorporated body and a person (including a person
13 occupying a position).

14 **[3.65] Section 30 (1)**

15 *omit*

16 (1) In deciding

17 *substitute*

18 In deciding

19 **Explanatory note**

20 This amendment is consequential on the omission of section 30 (2).

21 **[3.66] Section 30 (2)**

22 *omit*

23 **Explanatory note**

24 This amendment omits a subsection that defines ‘entity’. The definition is now redundant. The
25 Legislation Act, dictionary, part 1 defines *entity* to include an unincorporated body and a person
26 (including a person occupying a position).

1 **[3.67] Section 44 (1), new notes**

2 *insert*

3 *Note 1* For the making of appointments (including acting appointments), see
4 Legislation Act, pt 19.3.

5 *Note 2* In particular, an appointment may be made by naming a person or nominating
6 the occupant of a position (see s 207).

7 *Note 3* Certain Ministerial appointments require consultation with an Assembly
8 committee and are disallowable (see Legislation Act, div 19.3.3).

9 **Explanatory note**

10 This amendment adds standard notes about appointments.

11 **[3.68] Section 82 (2)**

12 *omit*

13 and due

14 **Explanatory note**

15 This amendment omits unnecessary words.

16 **[3.69] Section 82 (3)**

17 *omit*

18 that is due

19 *substitute*

20 that is payable

21 **Explanatory note**

22 This amendment updates language.

1 **[3.70] Section 121 (3)**

2 *substitute*

3 (3) If the claimant receives a claim result notice, the claimant must
4 make any request to the commission under subsection (2) within
5 10 days after the day the claimant receives the notice.

6 *Note* If a form is approved under the Control Act, s 53D for an application
7 under this subsection, the form must be used.

8 **Explanatory note**

9 This amendment removes the reference to a request having to be in the approved form. The
10 *Gambling and Racing Control Act 1999*, section 53D permits a form to be approved for a
11 request. If a form is approved, that section requires the form to be used.

12 **[3.71] Section 146 (2)**

13 *omit*

14 peruse

15 *substitute*

16 inspect

17 **Explanatory note**

18 This amendment updates language.

19 **[3.72] New dictionary**

20 *insert*

21 **Dictionary**

22 (see s 2)

23 *Note 1* The Legislation Act contains definitions and other provisions relevant to
24 this Act.

25 *Note 2* In particular, the Legislation Act, dict, pt 1, defines the following terms:

- 26 • ACT
27 • administrative appeals tribunal

1 **3 Notes**

2 A note included in these regulations is explanatory and is not part of
3 these regulations.

4 *Note* See Legislation Act, s 127 (1), (4) and (5) for the legal status of notes.

5 **Explanatory note**

6 This amendment adds standard dictionary and notes provisions.

7 **[3.75] Regulation 4**

8 *omit*

9 section 3

10 *substitute*

11 dictionary

12 **Explanatory note**

13 This amendment is consequential on the insertion of a dictionary in the Act by another
14 amendment and the relocation of the definitions in section 3 to the dictionary.

15 **[3.76] Regulation 12 (2)**

16 *omit*

17 subsection

18 *substitute*

19 subregulation

20 **Explanatory note**

21 This amendment corrects a reference to a provision name.

1 **[3.77] Regulations 12 (3) and 12A (1) and (4)**

2 *omit*

3 section

4 *substitute*

5 regulation

6 **Explanatory note**

7 This amendment corrects references to provision names.

8 **[3.78] Regulation 18 (3)**

9 *omit*

10 commissioner

11 *substitute*

12 commission

13 **Explanatory note**

14 This amendment omits a reference to ‘commissioner’ and substitutes a reference to
15 ‘commission’. Under the *Gambling and Racing Control Act 1999*, section 6 the functions of
16 the gaming and racing commission include administering the gaming laws (including the
17 *Interactive Gambling Act 1998* and the *Interactive Gambling Regulations 1998*).

18 **[3.79] New dictionary**

19 *insert*

20 **Dictionary**

21 (see reg 2)

22 *Note 1* The Legislation Act contains definitions and other provisions relevant to
23 these regulations.

24 *Note 2* In particular, the Legislation Act, dict, pt 1, defines the following terms:

- 25 • ACT
26 • Commonwealth

1 **Part 3.16** **Occupational Health and Safety**
2 **(Manual Handling) Regulations**
3 **1997**

4 **[3.82] Regulation 1**

5 *substitute*

6 **1 Name of regulations**

7 These regulations are the *Occupational Health and Safety (Manual*
8 *Handling) Regulations 1997*.

9 **Explanatory note**

10 This amendment brings the naming provision of the regulations into line with current drafting
11 practice.

12 **[3.83] Regulation 3**

13 *substitute*

14 **2 Dictionary**

15 The dictionary at the end of these regulations is part of these
16 regulations.

17 *Note 1* The dictionary at the end of these regulations defines certain terms used
18 in these regulations.

19 *Note 2* A definition in the dictionary applies to the entire regulations unless the
20 definition, or another provision of the regulations, provides otherwise or
21 the contrary intention otherwise appears (see Legislation Act, s 155 and
22 s 156 (1)).

1 **3 Notes**

2 A note included in these regulations is explanatory and is not part of
3 these regulations.

4 *Note* See Legislation Act, s 127 (1), (4) and (5) for the legal status of notes.

5 **Explanatory note**

6 This amendment replaces regulation 3 with standard dictionary and notes provisions. The
7 definitions (other than *the Act*) are inserted into a new dictionary that is inserted by another
8 amendment. The definition *the Act* is redundant because of the Legislation Act, section 105
9 (References in statutory instruments to *the Act*).

10 **[3.84] New dictionary**

11 *insert*

12 **Dictionary**

13 (see reg 2)

14 *Note 1* The Legislation Act contains definitions and other provisions relevant to
15 these regulations.

16 *Note 2* In particular, the Legislation Act, dict, pt 1, defines the following term:

- 17 • penalty unit (see s 133).

Note 3 Terms used in these regulations have the same meaning that they have
 in the *Occupational Health and Safety Act 1989* (see Legislation Act,
 s 148). In particular, the following terms are defined in the
 Occupational Health and Safety Act 1989, dict:

- 18 • employee
19 • employer
20 • health and safety representative
21 • involved union.

22 ***manual handling*** means any activity requiring the use of force
23 exerted by a person to lift, lower, push, pull, carry or otherwise
24 move, hold or restrain any animate or inanimate object.

25 ***person in control*** means a person mentioned in the Act,
26 section 29 (1).

1 **Part 3.18** **Tertiary Accreditation and**
2 **Registration Act 2003**

3 **[3.86] Section 103 (2)**

4 *omit*

5 authority

6 *substitute*

7 council

8 **Explanatory note**

9 This amendment corrects a misdescription of the relevant body.

10 **Part 3.19** **Utilities Act 2000**

11 **[3.87] Dictionary, definition of *owner*, paragraph (c)**

12 *substitute*

13 (c) for a unit under the *Unit Titles Act 2000*—the unit owner;

14 **Explanatory note**

15 This amendment updates the Act reference and terminology.

1 **Part 3.20** **Victims of Crime (Financial**
2 **Assistance) Regulations 1998**

3 **[3.88] Regulation 1**

4 *substitute*

5 **1 Name of regulations**

6 These regulations are the *Victims of Crime (Financial Assistance)*
7 *Regulations 1998*.

8 **Explanatory note**

9 This amendment brings the naming provision of the regulations into line with current drafting
10 practice.

11 **[3.89] Regulation 3**

12 *substitute*

13 **2 Dictionary**

14 The dictionary at the end of these regulations is part of these
15 regulations.

16 *Note 1* The dictionary at the end of these regulations defines certain terms used
17 in these regulations.

18 *Note 2* A definition in the dictionary applies to the entire regulations unless the
19 definition, or another provision of the regulations, provides otherwise or
20 the contrary intention otherwise appears (see Legislation Act, s 155 and
21 s 156 (1)).

1 **3 Notes**

2 A note included in these regulations is explanatory and is not part of
3 these regulations.

4 *Note* See Legislation Act, s 127 (1), (4) and (5) for the legal status of notes.

5 **Explanatory note**

6 This amendment replaces regulation 3 with standard dictionary and notes provisions. The
7 definitions (other than *director*) are inserted into a new dictionary that is inserted by another
8 amendment. The definition of *director* is no longer needed because of another amendment.

9 **[3.90] Regulation 3A**

10 *omit*

11 legal practitioner

12 *substitute*

13 lawyer

14 **Explanatory note**

15 This amendment replaces a reference to ‘legal practitioner’ with a reference to ‘lawyer’ in line
16 with current drafting practice. *Lawyer* is defined in the Legislation Act, dictionary, part 1.

17 **[3.91] Regulation 4 (1) (a) and (2)**

18 *omit*

19 director

20 *substitute*

21 director of corrective services

22 **Explanatory note**

23 This amendment replaces references to ‘director’ with references to ‘director of corrective
24 services’. *Director of corrective services* is defined in the Legislation Act, dictionary, part 1.

1 **[3.92] Regulation 4 (3) (h)**

2 *substitute*

3 (h) contain a statement to the effect that, under regulation 5, the
4 appropriate court officer may, on application by the person, fix
5 a later date for payment of the levy; and

6 **Explanatory note**

7 This amendment omits an unnecessary word ('due') and corrects a reference to a defined term
8 ('appropriate court officer').

9 **[3.93] Regulation 4 (3) (j)**

10 *omit*

11 due date

12 *substitute*

13 date for payment

14 **Explanatory note**

15 This amendment is consequential on amendments of regulations 4 (3) (h) and 5.

16 **[3.94] Regulation 5**

17 *omit*

18 due

19 **Explanatory note**

20 This amendment omits an unnecessary word.

21 **[3.95] New dictionary**

22 *insert*

23 **Dictionary**

24 (see reg 2)

25 *Note 1* The Legislation Act contains definitions and other provisions relevant to
26 these regulations.

- 1 *Note 2* In particular, the Legislation Act, dict, pt 1, defines the following terms:
- 2 • lawyer
- 3 • Magistrates Court
- 4 • registrar
- 5 • Supreme Court
- 6 • the Territory.
- 7 ***appropriate court officer*** means—
- 8 (a) for levy imposed in relation to an offence dealt with by the
- 9 Supreme Court—the registrar of the Supreme Court; or
- 10 (b) for levy imposed in relation to an offence dealt with by the
- 11 Magistrates Court—the registrar of the Magistrates Court.
- 12 ***levy*** means a levy imposed under the Act, section 68 (1).

13 **Explanatory note**

14 This amendment inserts a dictionary and standard dictionary notes.

15 **Part 3.21 Water Resources Act 1998**

16 **[3.96] Section 1**

17 *substitute*

18 **1 Name of Act**

19 This Act is the *Water Resources Act 1998*.

20 **Explanatory note**

21 This amendment brings the naming provision of the Act into line with current drafting practice.

1 **[3.97] Section 4, definition of *authority***

2 *substitute*

3 *authority* means the environment protection authority.

4 **Explanatory note**

5 This amendment omits words made redundant by the definition of *environment protection*
6 *authority* in the Legislation Act, dictionary, part 1 and updates the authority's name.

7 **[3.98] Section 4, definition of *waterway*, paragraph (b)**

8 *substitute*

9 (b) the stormwater system or any other channel formed (whether in
10 whole or part) by altering or relocating a waterway mentioned
11 in paragraph (a); or

12 **Explanatory note**

13 This amendment brings the structure and language of the paragraph more closely into line with
14 current drafting practice.

15 **[3.99] Section 4, definitions (as amended)**

16 *relocate to dictionary*

17 **Explanatory note**

18 This amendment relocates the remaining definitions to a new dictionary that is inserted by
19 another amendment.

20 **[3.100] Section 4, remainder**

21 *substitute*

22 **4 Dictionary**

23 The dictionary at the end of this Act is part of this Act.

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

1 For example, the signpost definition ‘*connected*, for part 8
2 (Enforcement)—see section 54.’ means that the term ‘connected’ is
3 defined in that section and the definition applies to that part.

4 *Note 2* A definition in the dictionary (including a signpost definition) applies to
5 the entire Act unless the definition, or another provision of the Act,
6 provides otherwise or the contrary intention otherwise appears (see
7 Legislation Act, s 155 and s 156 (1)).

8 **4A Notes**

9 A note included in this Act is explanatory and is not part of this Act.

10 *Note* See Legislation Act, s 127 (1), (4) and (5) for the legal status of notes.

11 **Explanatory note**

12 This amendment adds standard dictionary and notes provisions.

13 **[3.101] Section 13, new note**

14 *insert*

15 *Note* This section commenced on 11 December 1998.

16 **Explanatory note**

17 The section refers to the grant of rights before the commencement of the section. This
18 amendment inserts a note to assist uses to identify the relevant date.

19 **[3.102] Section 15**

20 *substitute*

21 **15 Delegation**

22 The authority may delegate the authority’s functions under this Act
23 to a public employee.

24 *Note* For the making of delegations and the exercise of delegated functions,
25 see Legislation Act, pt 19.4.

26 **Explanatory note**

27 This amendment updates the delegation provision as follows:

- 28 • the words ‘by instrument’ have been omitted because the Legislation Act, section 232
29 provides that a delegation must be made, or evidenced, in writing;

- 1 • the word ‘functions’ has been substituted for the word ‘powers’ because the Legislation
2 Act, dictionary, part 1, defines function to include powers and function is the term now
3 used in legislation;
4 • the words ‘other than this power of delegation’ have been omitted because the Legislation
5 Act, section 236 provides that the appointer must not delegate the appointer’s power to
6 delegate.

7 This amendment also adds a standard note about delegations.

8 **[3.103] Section 27, new note**

9 *insert*

10 *Note* Section 13 commenced on 11 December 1998.

11 **Explanatory note**

12 The section refers to the grant of rights after the commencement of section 13. This
13 amendment inserts a note to assist users to identify the relevant date.

14 **[3.104] Section 28 (4)**

15 *substitute*

- 16 (4) The power of the authority to allocate water must be exercised by
17 public auction or public tender or, if either method is unsuccessful,
18 by private contract.

19 **Explanatory note**

20 This amendment omits a reference to a repealed section (section 81) and brings the language of
21 the subsection more closely into line with current drafting practice.

22 **[3.105] Section 28 (7)**

23 *substitute*

- 24 (7) The Minister or the authority may grant an allocation under this
25 section only if provision is made for the allocation in the
26 management plan.

27 **Explanatory note**

28 This amendment brings the language of the subsection more closely into line with current
29 drafting practice.

1 **[3.106] Section 29**

2 *omit*

3 , as the case requires,

4 **Explanatory note**

5 This amendment omits unnecessary words.

6 **[3.107] Section 33 (4)**

7 *omit*

8 Nothing in subsection (3) shall be construed as authorising

9 *substitute*

10 Subsection (3) does not authorise

11 **Explanatory note**

12 This amendment updates language.

13 **[3.108] Section 33 (5) (a)**

14 *omit*

15 power or authority

16 *substitute*

17 function

18 **Explanatory note**

19 This amendment changes a reference to ‘power or authority’ to ‘function’. **Function** is defined
20 in the Legislation Act, dictionary, part 1 to include authority, duty and power.

21 **[3.109] Section 33 (5) (b)**

22 *omit*

23 power or

24 **Explanatory note**

25 This amendment omits an unnecessary reference to the word ‘power’. **Function** is defined in
26 the Legislation Act, dictionary, part 1 to include authority, duty and power.

1 **[3.110] Section 35 (9), new note**

2 *insert*

3 *Note* Section 13 commenced on 11 December 1998.

4 **Explanatory note**

5 The subsection refers to the grant of rights after the commencement of section 13. This
6 amendment inserts a note to assist uses to identify the relevant date.

7 **[3.111] Section 54**

8 *substitute*

9 **54 Definitions for pt 8**

10 In this part:

11 ***connected***—a thing is ***connected*** with a particular offence if—

- 12 (a) the offence has been committed in relation to it; or
13 (b) it will provide evidence of the commission of the offence; or
14 (c) it was used, is being used, or is intended to be used, to commit
15 the offence.

16 ***offence*** includes an offence that there are reasonable grounds for
17 believing has been, is being, or will be committed.

18 ***premises*** includes vacant land.

19 **Explanatory note**

20 This amendment brings the form of 2 definitions presently in section 54 into line with current
21 drafting practice and updates language.

1 **[3.112] Section 69 (7)**

2 *substitute*

3 (7) This section does not affect the operation of the *Land (Planning and*
4 *Environment) Act 1991*.

5 **Explanatory note**

6 This amendment brings the language of the subsection more closely into line with current
7 drafting practice.

8 **[3.113] Section 70 (4)**

9 *omit*

10 due

11 *substitute*

12 payable

13 **Explanatory note**

14 This amendment updates language.

15 **[3.114] Section 72**

16 *omit*

17 date on which it is due and payable

18 *substitute*

19 day it is payable

20 **Explanatory note**

21 This amendment updates language.

1 **[3.115] Section 76 (3)**

2 *omit*

3 powers

4 *substitute*

5 functions

6 **Explanatory note**

7 This amendment changes a reference to ‘powers’ to ‘functions’. **Function** is defined in the
8 Legislation Act, dictionary, part 1 to include authority, duty and power.

9 **[3.116] Section 77 (2)**

10 *substitute*

11 (2) If the authority makes a decision mentioned in subsection (1) in
12 relation to an application, licence or permit, the authority must give
13 written notice of the decision to the applicant or the holder of the
14 licence or permit.

15 **Explanatory note**

16 This amendment brings the language of the subsection more closely into line with current
17 drafting practice.

18 **[3.117] Section 78 (3)**

19 *omit*

20 **Explanatory note**

21 This amendment omits a redundant subsection. The subsection relates to section 71 which was
22 omitted by the *Legislation (Consequential Amendments) Act 2001*.

23 **[3.118] Section 78**

24 *renumber subsections when Act next republished under Legislation*
25 *Act*

26 **Explanatory note**

27 This amendment is consequential of the omission of a subsection by the preceding amendment.

1 **[3.119] Section 78A (2), new note**

2 *insert*

3 *Note* For other provisions about forms, see the Legislation Act, s 255.

4 **Explanatory note**

5 This amendment brings the section into line with current drafting practice.

6 **[3.120] Section 80**

7 *omit*

8 **Explanatory note**

9 This amendment omits a redundant section about review of the Act.

10 **[3.121] New dictionary**

11 *insert*

12 **Dictionary**

13 *Note 1* The Legislation Act contains definitions and other provisions relevant to
14 this Act.

15 *Note 2* In particular, the Legislation Act, dict, pt 1, defines the following terms:

- 16 • ACT
17 • administrative appeals tribunal
18 • chief fire control officer
19 • Commonwealth
20 • environment protection authority
21 • fire commissioner
22 • fire brigade
23 • function
24 • notifiable instrument (see s 10)
25 • police officer
26 • public employee
27 • State

