

2007

THE LEGISLATIVE ASSEMBLY  
FOR THE AUSTRALIAN CAPITAL TERRITORY

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(As presented)

(Attorney-General)

## Statute Law Amendment Bill 2007 (No 2)

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## **Statute Law Amendment Bill 2007 (No 2)**

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### **A Bill for**

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

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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 2007 (No 2)*.

3    **2            Commencement**

4                    This Act commences on the 21st day 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    **3            Purpose**

8                    The purpose of this Act is to improve the quality of the statute law  
9                    of the Territory by amending legislation for the purpose of statute  
10                    law revision.

11   **4            Notes**

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

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

15   **5            Legislation amended—schs 1 and 3**

16                    This Act amends the legislation mentioned in schedules 1 and 3.

1 **Schedule 1** **Minor amendments**

2 (see s 5)

3 **Part 1.1** **Environment Protection Act 1997**

4 **[1.1] Schedule 1, section 1.1, definition of *ozone-depleting***  
5 ***substance***

6 *omit*

7 **Explanatory note**

8 This amendment is consequential on the omission of schedule 1, table 1.2, item 1 by another  
9 amendment.

10 **[1.2] Schedule 1, table 1.2, item 1**

11 *omit*

12 **Explanatory note**

13 This amendment omits a redundant provision that regulated certain dealings with  
14 ozone-depleting substances or things containing those substances if the dealing had been a  
15 prescribed activity. No relevant dealings are prescribed and ozone-depleting substances are  
16 now regulated under the *Ozone Protection and Synthetic Greenhouse Gas Management*  
17 *Act 1989* (Cwlth).

18 **[1.3] Schedule 2, section 2.1, definitions of *high-octane***  
19 ***unleaded petrol, leaded petrol, low-octane unleaded***  
20 ***petrol, maximum lead concentration and unleaded petrol***

21 *omit*

22 **Explanatory note**

23 This amendment is consequential on the omission of schedule 2, part 2.4 by another  
24 amendment.

1    **[1.4]        Schedule 2, part 2.4**

2                    *omit*

3    **Explanatory note**

4    This amendment omits redundant provisions that regulated petrol quality. Schedule 2, part 2.4  
5    was enacted in the context of the introduction of unleaded petrol. Fuel quality is now regulated  
6    under the *Fuel Quality Standards Act 2000* (Cwlth).

7    **[1.5]        Dictionary, definitions of *high-octane unleaded petrol,***  
8                    ***leaded petrol, low-octane unleaded petrol, maximum lead***  
9                    ***concentration and unleaded petrol***

10                   *omit*

11   **Explanatory note**

12   This amendment is consequential on the omission of schedule 2, part 2.4 by another  
13   amendment.

14   **Part 1.2                            Environment Protection**  
15    **Regulation 2005**

16   **[1.6]        Section 67 (2) (h)**

17                    *omit*

18   **Explanatory note**

19   This amendment is consequential on the omission of the definition of *ozone-depleting*  
20   *substance* from the *Environment Protection Act 1997*, schedule 1, section 1.1 by another  
21   amendment. The definition refers to the *Ozone Protection and Synthetic Greenhouse Gas*  
22   *Management Act 1989* (Cwlth).



## Schedule 2      Legislation Act 2001

*Note to sch 2*

Statute law amendment bills may include a second schedule for amendments of the Legislation Act. This bill does not provide for such amendments but the schedule heading is retained to preserve the usual numbering of schedule 3, which provides for minor and technical amendments proposed by the parliamentary counsel.

1    **Schedule 3            Technical amendments**

2    (see s 5)

3    **Part 3.1                Anglican Church of Australia**  
4                            **Trust Property Act 1917**

5    **[3.1]            New part 2 heading**

6                            *before section 5, insert*

7    **Part 2                    Trustees—constitution and**  
8                            **succession**

9    **Explanatory note**

10    This amendment inserts a new part heading to bring the Act more closely into line with current  
11    legislative drafting practice.

12   **[3.2]            New part 3 heading**

13                            *before section 24, insert*

14   **Part 3                    Trust property—management,**  
15                            **investment and dealings**

16   **Explanatory note**

17    This amendment inserts a new part heading to bring the Act more closely into line with current  
18    legislative drafting practice.

1 **[3.3] New part 4 heading**

2 *before section 32, insert*

3 **Part 4 Variation of trusts**

4 **Explanatory note**

5 This amendment inserts a new part heading to bring the Act more closely into line with current  
6 legislative drafting practice.

7 **[3.4] New part 5 heading**

8 *before section 37, insert*

9 **Part 5 Miscellaneous**

10 **Explanatory note**

11 This amendment inserts a new part heading to bring the Act more closely into line with current  
12 legislative drafting practice.

13 **Part 3.2 Animal Diseases Act 2005**

14 **[3.5] Section 85, table 85, item 3**

15 *substitute*

3 refusing to give consent under section 23 (4) (Public notices for  
quarantine areas)

16 **Explanatory note**

17 This amendment revises the item to refer correctly to the relevant provision number and text.

## 1 Part 3.3 Animal Diseases Regulation 2006

### 2 [3.6] Section 15 (1) (a) (iii) (B)

3 *substitute*

4 (B) an authorised person decides it is impractical or too  
5 dangerous to tag the animal;

#### 6 Explanatory note

7 This amendment changes a reference to *authorised officer* to *authorised person*, a defined term.  
8 The term *authorised officer* is not used in the Act.

## 9 Part 3.4 Animal Welfare Act 1992

### 10 [3.7] Section 6A

11 *omit*

#### 12 Explanatory note

13 This section and section 78 deal with issuing identity cards to certain people. The people  
14 covered by this section are to be included in section 78 by another amendment, making this  
15 section redundant.

### 16 [3.8] Section 78 (5), definition of *authorised person*, new 17 paragraphs (c) and (d)

18 *insert*

19 (c) the authority;

20 (d) delegate of the authority with any delegated powers of an  
21 inspector.

#### 22 Explanatory note

23 This amendment amends the definition to extend the class of people to whom identity cards  
24 may be issued under this section. The effect of this amendment is that this section will now  
25 cover people who could be issued cards under section 6A, which is being omitted by another  
26 amendment.

1 **[3.9] Section 98 (1) and (2)**

2 *omit*

3 purporting to be

4 **Explanatory note**

5 This amendment omits unnecessary words that might give the impression that a forgery is  
6 admissible evidence. The fact that a document is taken to be genuine unless proven otherwise,  
7 is made clear by another amendment.

8 **[3.10] Section 98 (1), new note**

9 *insert*

10 *Note* A document that purports to be signed by an office holder such as the  
11 authority is presumed to have been signed by the office holder unless  
12 the contrary is proved (see *Evidence Act 1995* (Cwlth), s 150).

13 **Explanatory note**

14 This amendment inserts a note that makes clear that if a document is forged, it will not have  
15 evidentiary value. The amendment clarifies the effect of words omitted by another amendment.

16 **[3.11] Dictionary, definition of *identity card***

17 *substitute*

18 ***identity card*** means—

19 (a) in relation to an inspector (other than a police officer), an  
20 authorised officer or a delegate of the authority—an identity  
21 card issued to the person under section 78; or

22 *Note* The authority is an inspector (see s 76 (2) (a)).

23 (b) in relation to a police officer—proof of identification of a type  
24 approved for general purposes by the chief police officer.

25 **Explanatory note**

26 This amendment is consequent on the omission of section 6A, and combining the effect of  
27 section 6A and section 78 into a single provision, by other amendments.



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## 1 **Part 3.7** **Community Title Act 2001**

### 2 **[3.14] Section 18**

3 *omit*

4 parts of the land

5 *substitute*

6 lots

#### 7 **Explanatory note**

8 This amendment brings the terminology of the section into line with the rest of the Act.

### 9 **[3.15] Section 56 (1)**

10 *omit*

11 or common property

#### 12 **Explanatory note**

13 This amendment omits a reference to common property, in the context of ‘a lot or common  
14 property’, which is redundant because common property must comprise a lot. The mention of  
15 lot is sufficient.

### 16 **[3.16] Section 56 (1) and (2)**

17 *omit*

18 or the common property

#### 19 **Explanatory note**

20 This amendment omits a reference to common property, in the context of ‘the lot or the  
21 common property’, which is redundant because common property must comprise a lot. The  
22 mention of lot is sufficient.

1    **[3.17]    Schedule 1, section 1.5 heading**

2                    *substitute*

3    **1.5        Use of lots**

4    **Explanatory note**

5    This amendment substitutes the heading to the section to omit a reference to common property  
6    and substitute 'lot'. The section provides for the use of lots, including lots that do not comprise  
7    common property. Common property must comprise a lot, therefore, the mention of lot is  
8    sufficient.

9    **[3.18]    Schedule 1, section 1.5**

10                   *omit*

11                   or the common property

12    **Explanatory note**

13    This amendment omits references to common property, in the context of 'another lot or the  
14    common property', which are redundant because common property must comprise a lot. The  
15    mention of lot is sufficient.

16    **[3.19]    Dictionary, note 2, 4th dot point**

17                   *omit*

- 18                   • Territory owned corporation

19    **Explanatory note**

20    This amendment omits a redundant reference to a term that is no longer used in the Act.

21    **[3.20]    Dictionary, definition of *eligible person***

22                   *omit*

23                   or common property

24    **Explanatory note**

25    This amendment omits a reference to common property, in the context of 'a lot or common  
26    property', which are redundant because common property must comprise a lot. The mention of  
27    lot is sufficient.



- 1 **[3.21] Dictionary, definition of *eligible person*, paragraph (a)**  
2 *omit*  
3 the common property  
4 *substitute*  
5 the lot  
6 **Explanatory note**  
7 This amendment omits a reference to common property, in the context of ‘an easement over the  
8 common property’, and substitutes ‘lot’. Common property must comprise a lot and, for the  
9 purpose of the definition of *eligible person*, there is no difference between lots that are common  
10 property and lots that are not common property.

## 11 **Part 3.8 Contractors Debts Act 1897**

- 12 **[3.22] Dictionary, new notes**  
13 *insert*  
14 *Note 1* The Legislation Act contains definitions and other provisions relevant to  
15 this Act.  
16 *Note 2* For example, the Legislation Act, dict, pt 1 defines the following terms:  
17 • Magistrates Court  
18 • notifiable instrument (see s 10)  
19 • penalty unit (see s 133)  
20 • Supreme Court.  
21 **Explanatory note**  
22 This amendment inserts dictionary notes in accordance with current legislative drafting  
23 practice.



1 **[3.26] Section 11**

2 *substitute*

3 **11 Appointment**

4 The Minister must appoint a Domestic Violence Project  
5 Coordinator.

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

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

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

12 **Explanatory note**

13 This amendment brings the section into line with current legislative drafting practice. In  
14 particular, it omits a reference to the appointment being in writing because the Legislation Act,  
15 section 206 requires appointments to be made or evidenced in writing. Standard notes about  
16 appointments are also added.

17 **[3.27] Section 12, new note**

18 *insert*

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 of *entity*).

22 **Explanatory note**

23 This amendment adds a standard note about the powers of an entity.

24 **[3.28] Section 13**

25 *substitute*

26 **13 Term and conditions of office**

27 The coordinator must be appointed—

28 (a) for a term not longer than 3 years; and

1 (b) on terms and conditions stated in the instrument of  
2 appointment unless otherwise provided for in this Act or  
3 another territory law.

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

7 **Explanatory note**

8 This amendment brings the section into line with current legislative drafting practice. The  
9 amendment omits the note on resignation. That note is inserted with the termination provision  
10 by another amendment.

11 **[3.29] Section 14, new note**

12 *insert*

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

15 **Explanatory note**

16 This amendment inserts a note on resignation with the relevant termination provision.

17 **[3.30] Section 15**

18 *omit*

19 **Explanatory note**

20 This amendment omits an unnecessary provision. The Legislation Act, section 209 provides for  
21 the making of acting appointments. A standard note about acting appointments has been is  
22 included in section 11 by another amendment.

23 **[3.31] Section 16**

24 *substitute*

25 **16 Protection of coordinators etc from liability**

26 (1) The coordinator, or a person acting under the direction of the  
27 coordinator, is not personally liable for anything done, or omitted to  
28 be done honestly and without recklessness—

29 (a) in the exercise of a function under this Act or another law; or

1 (b) in the reasonable belief that the act was in the exercise of a  
2 function under this Act or another law.

3 (2) Any liability that would, apart from this section attach to the  
4 coordinator, or a person acting under the direction of the  
5 coordinator, attaches instead to the Territory.

6 **Explanatory note**

7 This amendment simplifies the language of the provision to bring it more closely into line with  
8 current legislative drafting practice.

9 **[3.32] Section 17**

10 *omit*

11 , in writing,

12 **Explanatory note**

13 Section 17 provides for the Minister to approve crisis support organisations and provides that an  
14 approval is a disallowable instrument. This amendment omits words that are now redundant  
15 because of the effect of the Legislation Act, section 42 (2), which requires disallowable  
16 instruments to be in writing.

17 **[3.33] Dictionary, new notes**

18 *insert*

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

21 *Note 2* For example, the Legislation Act, dict, pt 1 defines the following terms:

- 22 • police officer  
23 • public servant  
24 • statutory office-holder  
25 • territory law.

26 **Explanatory note**

27 This amendment inserts 2 standard notes in the dictionary.



1 **[3.36] Section 36 (2) and (3)**

2 *substitute*

3 (2) A person is not personally liable for anything done, or omitted to be  
4 done, honestly and without recklessness—

5 (a) in the exercise of a function under this section; or

6 (b) in the reasonable belief that the act was in the exercise of a  
7 function under this section.

8 (3) Any liability that would, apart from this section, attach to a person  
9 attaches instead to the Territory.

10 **Explanatory note**

11 This amendment brings the language and structure of the subsections more closely into line  
12 with current legislative drafting practice.

13 **[3.37] Section 41 (1)**

14 *substitute*

15 (1) The construction occupations registrar may appoint a person to be  
16 an inspector for this Act.

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

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

21 **Explanatory note**

22 This amendment brings the language of existing section 41 (1) into line with current legislative  
23 drafting practice and adds standard notes about appointments. It also omits the requirement for  
24 appointments to be in writing. This requirement is now in the Legislation Act, section 206 (1).

1    **[3.38]    Sections 64 (1) and 65 (1)**

2                    *omit*

3                    , in writing,

4    **Explanatory note**

5    This amendment omits words that are now redundant because of the effect of the Legislation  
6    Act, section 42 (2), which requires disallowable and notifiable instruments to be in writing.

7    **[3.39]    Section 65 (2), new note**

8                    *insert*

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

10   **Explanatory note**

11   This amendment inserts a standard note to help users of the legislation.

12   **[3.40]    Dictionary, note 2, new dot point**

13                    *insert*

- 14                    •    planning and land authority

15   **Explanatory note**

16   This amendment inserts a reference to a term used in the Act.

17   **[3.41]    Dictionary, new definition of *approved first seller***

18                    *insert*

19                    *approved first seller*, for part 3 (Prescribed articles of electrical  
20                    equipment)—see section 9.

21   **Explanatory note**

22   This amendment updates the dictionary by including a signpost definition for a term defined for  
23   part 3.



1 **[3.42] Dictionary, definition of *article of electrical equipment*,**  
2 **paragraph (a)**

3 *omit*

4 ; and

5 *substitute*

6 ; or

7 **Explanatory note**

8 This amendment substitutes the correct conjunction for the definition to bring the definition into  
9 line with current legislative drafting practice.

10 **[3.43] Dictionary, new definitions**

11 *insert*

12 *business premises*, for part 7 (Enforcement)—see section 37.

13 *connected with*, for part 7 (Enforcement)—see section 38 (1).

14 *corresponding law*, for part 3 (Prescribed articles of electrical  
15 equipment)—see section 9.

16 *declaration of compliance*, for part 3 (Prescribed articles of  
17 electrical equipment)—see section 9.

18 **Explanatory note**

19 This amendment updates the dictionary by including signpost definitions for terms defined for  
20 part 3 and part 7.

21 **[3.44] Dictionary, definition of *inspector***

22 *substitute*

23 *inspector* means a person appointed as an inspector under  
24 section 41.

25 **Explanatory note**

26 This amendment is consequent on the remaking of section 41 (1) by another amendment.

1    **[3.45]    Dictionary, new definition of *offence***

2                    *insert*

3                    *offence*, for part 7 (Enforcement)—see section 38 (2).

4    **Explanatory note**

5    This amendment updates the dictionary by including a signpost definition for a term defined for  
6    part 7.

7    **[3.46]    Dictionary, definition of *prohibited***

8                    *substitute*

9                    *prohibited*, in relation to an article of electrical equipment, means an  
10    article that is prohibited under section 28 (1).

11   **Explanatory note**

12   This amendment brings the definition into line with current legislative drafting practice,  
13   replacing a signpost definition with a more accurate definition of the term.

14   **[3.47]    Dictionary, new definitions**

15                    *insert*

16                    *relevant distributor*, for part 6 (Serious electrical accidents)—see  
17    section 32.

18                    *relevant safety standard*, for part 3 (Prescribed articles of electrical  
19    equipment)—see section 9.

20                    *serious electrical accident*, for part 6 (Serious electrical  
21    accidents)—see section 32.

22   **Explanatory note**

23   This amendment updates the dictionary by including signpost definitions for terms defined for  
24   part 3 and part 6.

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## 1 Part 3.13 Environment Protection Act 1997

### 2 [3.48] Section 167

3 *omit*

#### 4 Explanatory note

5 This amendment omits a redundant provision. The section requires the Minister to review the  
6 operation of the Act and to table a report on the outcome of the review in the Legislative  
7 Assembly. The report was tabled in the Legislative Assembly on 22 June 2004.

### 8 [3.49] Schedule 1, section 1.1, definition of *primary production*

9 *omit*

#### 10 Explanatory note

11 This amendment omits a redundant provision. The term is defined by reference to the *Income*  
12 *Tax Assessment Act 1936* (Cwlth) which no longer defines the term. Also, the term is not  
13 otherwise used in the Environment Protection Act. The term is used in the *Environment*  
14 *Protection Regulation 2005* and a separate amending regulation will define the term for the  
15 regulation.

## 16 Part 3.14 Environment Protection 17 Regulation 2005

### 18 [3.50] Section 67 (1) (d) and (2) (c)

19 *omit*

#### 20 Explanatory note

21 This amendment omits redundant provisions. Section 67 displaces the operation of the  
22 Legislation Act, section 47 which provides that laws or instruments applied, adopted or  
23 incorporated by an Act, regulation or disallowable instrument must be notified on the  
24 legislation register. If the operation of section 47 is displaced, the laws or instruments need not  
25 be published on the register. Subsection (1) (d) refers to the *Ozone Protection Act 1989* (NSW)  
26 and subsection (2) (c) to the *Civil Aviation Regulations 1988* (Cwlth). Neither piece of  
27 legislation is otherwise referred to in the *Environment Protection Act 1997* or the regulation.

1    **[3.51]        Dictionary, definitions of CFC, halon and HCFC**

2                    *omit*

3    **Explanatory note**

4    This amendment omits redundant definitions. The terms are not otherwise used in the  
5    regulation.

6    **Part 3.15                    Evidence Act 1971**

7    **[3.52]        Section 18 (1) (b)**

8                    *omit*

9                    and to have been attested by a person other than a person referred to  
10                    in section 17

11   **Explanatory note**

12   This amendment omits a redundant cross-reference to section 17. That provision was omitted  
13   by the *Justice and Community Safety Legislation Act 2005 (No 2)*.

14   **Part 3.16                    Executive Documents Release**  
15   **Act 2001**

16   **[3.53]        Section 10**

17                    *substitute*

18   **10            Review by AAT**

19            (1) Application may be made to the administrative appeals tribunal for  
20            review of a release restraint determination.

21            (2) The chief executive must give notice of a release restraint  
22            determination to each person affected by the determination.

- 1 (3) The notice must be in accordance with the requirements of the code  
2 of practice in force under the *Administrative Appeals Tribunal*  
3 *Act 1989*, section 25B (1).

4 **Explanatory note**

5 This amendment remakes existing section 10 as new subsection 10 (1) and adds standard  
6 provisions about giving notice of reviewable decisions.

7 **Part 3.17 Fair Trading Act 1992**

8 **[3.54] Section 7**

9 *substitute*

10 **7 Meaning of *acquisition*, *supply* and *resupply***

- 11 (1) In this Act—
- 12 (a) a reference to the *acquisition* of goods includes a reference to  
13 the acquisition of property in, or rights in relation to, goods  
14 under a supply of the goods; and
- 15 (b) a reference to the *supply* or *acquisition* of goods or services  
16 includes a reference to agreeing to supply or acquire goods or  
17 services; and
- 18 (c) a reference to the *supply* or *acquisition* of goods includes a  
19 reference to the supply or acquisition of goods together with  
20 other property or services (or both); and
- 21 (d) a reference to the *supply* or *acquisition* of services includes a  
22 reference to the supply or acquisition of services together with  
23 property or other services (or both); and
- 24 (e) a reference to the *resupply* of goods acquired from a person  
25 includes a reference to—
- 26 (i) a supply of the goods (the *first goods*) to another person  
27 in an altered form or condition; and

- 1                            (ii) a supply to another person of goods in which the first  
2    goods have been incorporated; and
- 3                            (f) a reference to the *disposal* or *acquisition* of an interest in land  
4    includes a reference to—
- 5    (i) an agreement to dispose of or acquire the interest; and
- 6    (ii) the disposal or acquisition of the interest together with  
7    goods.
- 8                            (2) For this Act:
- 9    (a) the obtaining of credit by a person for the acquisition of goods  
10    or services by the person is an *acquisition* by the person of  
11    services; and
- 12    (b) any amount by which the price of the goods or services is  
13    increased because credit was obtained is the price of the  
14    services represented by the obtaining of credit.

15                            **Explanatory note**

16                            This amendment brings the form of the definitions more closely into line with current  
17                            legislative drafting practice.

18                            **[3.55]    Section 25C (1)**

19    *omit*

20    In this Act:

21    *insert*

22    In this division:

23                            **Explanatory note**

24                            This amendment revises the opening words of section 25C (1) because the term *pyramid selling*  
25                            *scheme* is used only in division 2.2.

---

1 **[3.56] Section 26 (2) (g)**

2 *omit*

3 legal practitioner

4 *substitute*

5 lawyer

6 **Explanatory note**

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

8 **[3.57] Section 28 (1)**

9 *omit*

10 in pursuance of

11 *substitute*

12 following

13 **Explanatory note**

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

15 **[3.58] Section 29 (9), definition of *directory***

16 *omit*

17 in good faith

18 *substitute*

19 honestly

20 **Explanatory note**

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

1    **[3.59]    Section 30 (2)**

2                    *omit*

3                    , on or after the commencing date,

4    **Explanatory note**

5    This amendment omits words that are now redundant. The commencement date was  
6    1 January 1993.

7    **[3.60]    Section 31 (1) (a) (vi)**

8                    *omit*

9                    , being

10                   *substitute*

11                   that are

12   **Explanatory note**

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

14   **[3.61]    Section 31 (3), definition of *prescribed information***  
15   ***provider***

16                    *omit*

17                    , without limiting the generality of the foregoing,

18   **Explanatory note**

19   This amendment omits redundant words in line with current legislative drafting practice.



---

1 **[3.62] Section 31 (3), definition of *relevant interests in land***

2 *omit*

3 , being interests

4 *substitute*

5 that are interests

6 **Explanatory note**

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

8 **[3.63] Section 45 (a)**

9 *omit*

10 or information of a kind, so specified, being information that is in  
11 the possession of the person to whom the order is directed or to  
12 which that lastmentioned person has access

13 *substitute*

14 or information of a stated kind that is in the possession of, or  
15 available to, the person to whom the order is directed

16 **Explanatory note**

17 This amendment brings the language more closely into line with current legislative drafting  
18 practice.

19 **[3.64] Section 51 (4)**

20 *substitute*

21 (4) An order under this section must not be expressed to operate for a  
22 period longer than 30 days if the order is made on an application  
23 that was made in the absence of a party to the proceeding.

24 **Explanatory note**

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

1    **[3.65]    Dictionary, definition of *acquire*, new note**

2                    *insert*

3                    *Note*    See s 7 for a more detailed definition of *acquisition*.

4    **Explanatory note**

5    This amendment inserts a note to help users of the legislation.

6    **[3.66]    Dictionary, definition of *covenant***

7                    *omit*

8                    , and *proposed covenant* has a corresponding meaning

9    **Explanatory note**

10   This amendment omits words that are redundant. The term *proposed covenant* is not used in the  
11   Act.

12   **[3.67]    Dictionary, new definitions of *disposal* and *resupply***

13                    *insert*

14                    *disposal*—see section 7.

15                    *resupply*—see section 7.

16   **Explanatory note**

17   This amendment inserts definitions of terms defined in section 7 for the Act.

18   **[3.68]    Dictionary, definition of *services***

19                    *omit*

20                    and without limiting the generality of the foregoing, includes

21                    *substitute*

22                    including

23   **Explanatory note**

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

1 **[3.69] Dictionary, definition of *services***

2 *omit*

3 benefits being the supply

4 *substitute*

5 benefits comprising the supply

6 **Explanatory note**

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

8 **[3.70] Dictionary, definition of *supply*, new note**

9 *insert*

10 *Note* See s 7 for a more detailed definition of *supply*.

11 **Explanatory note**

12 This amendment inserts a note to help users of the legislation.

13 **Part 3.18 First Home Owner Grant Act 2000**

14 **[3.71] Section 50**

15 *omit*

16 (2) This section does not apply

17 *substitute*

18 (3) This section does not apply

19 **Explanatory note**

20 This amendment corrects the numbering of the subsection.

1    **[3.72]    Sections 54 (1) and 55 (1)**

2                    *omit*

3                    , in writing,

4    **Explanatory note**

5    This amendment omits words that are now redundant because of the effect of the Legislation  
6    Act, section 42 (2), which requires disallowable and notifiable instruments to be in writing.

7    **[3.73]    Section 56 (2)**

8                    *substitute*

9                    (2) A regulation may create offences and fix maximum penalties of not  
10                    more than 10 penalty units for the offences.

11    **Explanatory note**

12    This amendment brings language into line with current legislative drafting practice.

13    **Part 3.19                    Health Professionals Act 2004**

14    **[3.74]    Section 14 (2)**

15                    *substitute*

16                    (2) To remove any doubt, each of the following is a **health**  
17                    **professional**:

18                    (a) a chiropractor;

19                    (b) a dental hygienist;

20                    (c) a dental prosthetist;

21                    (d) a dental technician;

22                    (e) a dental therapist;

23                    (f) a dentist;

24                    (g) an enrolled nurse;

25                    (h) a medical practitioner;

- 1 (i) a medical radiation scientist;  
2 (j) a midwife;  
3 (k) a nurse;  
4 (l) an optometrist;  
5 (m) an osteopath;  
6 (n) a pharmacist;  
7 (o) a physiotherapist;  
8 (p) a podiatrist;  
9 (q) a psychologist;  
10 (r) a veterinary surgeon.

11 **Explanatory note**

12 This amendment updates the section to add references to a chiropractor, a medical radiation  
13 scientist and an osteopath so that the list includes every health profession regulated under the  
14 Act.

1 **Part 3.20** **Independent Competition and**  
2 **Regulatory Commission Act 1997**

3 **[3.75] Section 5 (4)**

4 *omit*

5 **Explanatory note**

6 This amendment omits a provision that requires judicial notice to be taken of the commission's  
7 seal on a document. It is unnecessary because the *Evidence Act 1995* (Cwlth), section 150  
8 provides that if the imprint of a seal appears on a document and purports to be the imprint of the  
9 seal of a stated kind of body, including a body created under a Territory law, it is presumed that  
10 the imprint is the imprint of that seal and that the document was duly sealed. The *Evidence*  
11 *Act 1995* (Cwlth) applies to proceedings under Territory laws.

12 **[3.76] Section 8 (1) (h)**

13 *omit*

14 **Explanatory note**

15 This amendment omits a provision that gives the commission powers that are necessary and  
16 convenient for the exercise of its functions. It is redundant because the Legislation Act,  
17 section 196 provides that a provision of a law that gives an entity (including a person) a  
18 function also gives the entity powers necessary and convenient to exercise the function. A note  
19 to that effect is included for the section by another amendment.

20 **[3.77] Section 8 (2) (c)**

21 *substitute*

22 *Note* A provision of a law that gives an entity (including a person) a function  
23 also gives the entity the powers necessary and convenient to exercise  
24 the function (see Legislation Act, s 196 (1) and dict, pt 1, defs of *entity*  
25 and *function*).

26 **Explanatory note**

27 This amendment brings the section into line with current legislative drafting practice. In  
28 particular, existing subsection (2) (c), which gives the commission the powers that are  
29 necessary and convenient for the exercise of its functions, is omitted because the Legislation  
30 Act, section 196 provides that a provision of a law that gives an entity (including a person) a  
31 function also gives the entity powers necessary and convenient to exercise the function. A note  
32 to that effect is inserted by the amendment.

1 **[3.78] Section 13 (1), new note**

2 *insert*

3 *Note 2* For the making of delegations and the exercise of delegated functions,  
4 see the Legislation Act, pt 19.4.

5 **Explanatory note**

6 This amendment adds a standard note about delegations. The Legislation Act, section 232  
7 requires a delegation to be made by signed writing. The Legislation Act, section 234 allows the  
8 delegation of any part of functions that may be delegated.

9 **[3.79] Section 13 (2) and (3)**

10 *substitute*

11 (2) However, the commission must not delegate—

12 (a) its function of making price directions, reports or providing  
13 advice about proposed access agreements; and

14 (b) if the commission is conducting an arbitration—its function of  
15 making a determination in relation to the arbitration

16 **Explanatory note**

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

18 **[3.80] Section 14**

19 *substitute*

20 **14 Protection from liability**

21 (1) A person is not personally liable for anything done, or omitted to be  
22 done, honestly and without recklessness—

23 (a) in the exercise of a function under this Act; or

24 (b) in the reasonable belief that the act was in the exercise of a  
25 function under this Act.

- 1           (2) Any liability that would, apart from this section, attach to a person  
2           attaches instead to the Territory.

3           **Explanatory note**

4           This amendment brings the language and structure of the section more closely into line with  
5           current legislative drafting practice.

6           **[3.81] Section 24W**

7           *substitute*

8           **24W Protection from liability of panel members, parties and**  
9           **representatives**

- 10          (1) A person who is or has been a member of an industry panel is not  
11          personally liable for anything done, or omitted to be done, honestly  
12          and without recklessness—

13               (a) in the exercise of a function under this Act; or

14               (b) in the reasonable belief that the act was in the exercise of a  
15               function under this Act.

- 16          (2) Any liability that would, apart from this section, attach to a person  
17          who is or has been a member of an industry panel attaches instead to  
18          the Territory.

- 19          (3) A person who is or has been a party to an application or a  
20          representative of a party is not personally liable for anything done,  
21          or omitted to be done, honestly and without recklessness, as a party  
22          to an application or a representative of a party.

23          **Explanatory note**

24          This amendment brings the language and structure of the section more closely into line with  
25          current legislative drafting practice.



1 **[3.82] Section 38 (c)**

2 *omit*

3 in good faith

4 *substitute*

5 honestly

6 **Explanatory note**

7 This amendment brings the language into line with current legislative drafting practice.

8 **[3.83] Section 44 (3) (a)**

9 *omit*

10 performance

11 *substitute*

12 exercise

13 **Explanatory note**

14 This amendment brings the language into line with current legislative drafting practice.

15 *Exercise* a function is defined in the Legislation Act, dictionary, part 1 to include perform the  
16 function.

17 **[3.84] Section 44 (4)**

18 *omit*

19 For the avoidance of doubt,

20 *substitute*

21 To remove any doubt,

22 **Explanatory note**

23 This amendment brings the language into line with current legislative drafting practice.

1 **[3.85] Schedule 2, section 2.1 (1) and (2)**

2 *substitute*

3 (1) The Executive must appoint the following commissioners (*standing*  
4 *commissioners*):

5 (a) 1 senior commissioner;

6 (b) 2 assistant commissioners.

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

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

13 (1A) The instrument making or evidencing the appointment must state  
14 whether a standing commissioner is appointed as a senior  
15 commissioner or assistant commissioner.

16 (2) A standing commissioner holds office (subject to this Act) for a  
17 term not longer than 5 years.

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

21 **Explanatory note**

22 This amendment remakes the provisions in accordance with current legislative drafting practice.  
23 It omits the requirement for appointments to be in writing. This requirement is now in the  
24 Legislation Act, section 206 (1). The amendment also adds standard notes about appointments.

25 The existing reference to holding office for the period specified in the instrument of  
26 appointment is omitted. It is unnecessary because the Legislation Act, section 206 (2) provides  
27 that if a law provides for a maximum period of appointment, the instrument of appointment  
28 must state the period for which the appointment is made.

29 The existing reference to eligibility for reappointment is unnecessary because the Legislation  
30 Act, section 208 (1) (c) provides that if a person is eligible for appointment the person may be  
31 reappointed. A standard note about reappointment is added.

1 **[3.86] Schedule 2, section 2.1D**

2 *omit*

3 **Explanatory note**

4 This provision is redundant. The Legislation Act, section 212 provides that an appointment, or  
5 anything done under an appointment, is not invalid only because of a defect or irregularity in  
6 the appointment.

7 **[3.87] Schedule 2, section 2.5 (6)**

8 *substitute*

9 (6) A commissioner ceases to hold office if the commissioner becomes  
10 bankrupt or executes a personal insolvency agreement.

11 **Explanatory note**

12 This amendment brings the provision into line with the concept of personal insolvency  
13 agreement under the *Bankruptcy Act 1966* (Cwlth). Under that Act, personal insolvency  
14 agreements have replaced the concepts of deed of assignment, deed of arrangement and  
15 composition.

16 **[3.88] Schedule 2, section 2.6**

17 *omit*

18 **Explanatory note**

19 This provision is redundant. The Legislation Act, section 209 provides that a power of  
20 appointment includes power to make an acting appointment during any period when an  
21 appointee cannot for any reason exercise functions of the position. The Legislation Act,  
22 section 225 provides that an acting appointment, or anything done under an acting appointment,  
23 is not invalid only because of a defect or irregularity in the appointment.

1 **[3.89] Schedule 3, section 3.1 (1), new notes**

2 *insert*

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

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

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

12 **Explanatory note**

13 The amendment adds standard notes about appointments.

14 **[3.90] Schedule 3, section 3.3**

15 *omit*

16 **Explanatory note**

17 This provision is redundant. The Legislation Act, section 212 provides that an appointment, or  
18 anything done under an appointment, is not invalid only because of a defect or irregularity in  
19 the appointment. The Legislation Act, section 199 (5) provides that the function of a body may  
20 still be exercised if there is a vacancy in the body's membership.

21 **[3.91] Schedule 3, section 3.9 (6)**

22 *substitute*

23 (6) A member of a panel ceases to hold office if the member becomes  
24 bankrupt or executes a personal insolvency agreement.

25 **Explanatory note**

26 This amendment brings the provision into line with the concept of personal insolvency  
27 agreement under the *Bankruptcy Act 1966* (Cwlth). Under that Act, personal insolvency  
28 agreements have replaced the concepts of deed of assignment, deed of arrangement and  
29 composition.

1 **[3.92] Dictionary, new definitions**

2 *insert*

3 *access provider*, for part 6 (Arbitration of access regime disputes)—  
4 see section 30.

5 *eligible person*, for part 4C (Review of price directions)—see  
6 section 24J.

7 **Explanatory note**

8 This amendment adds signpost definitions for terms defined in the Act.

9 **[3.93] Dictionary, definition of *price direction***

10 *substitute*

11 *price direction*—

12 (a) for this Act generally, means a direction under section 20 about  
13 prices for the provision of regulated services, as varied (if at  
14 all) under part 4B (Variation of price directions); and

15 (b) for part 4C (Review of price directions)—see section 24J.

16 **Explanatory note**

17 This amendment adds a signpost definition for the term in part 4C.

18 **[3.94] Dictionary, new definition of *third party***

19 *insert*

20 *third party*, for part 6 (Arbitration of access regime disputes)—see  
21 section 30.

22 **Explanatory note**

23 This amendment adds a signpost definition for the term.

1 **Part 3.21** **Jurisdiction of Courts**  
2 **(Cross-vesting) Act 1993**

3 **[3.95] Dictionary, new notes**

4 *insert*

5 *Note 1* The Legislation Act contains definitions and other provisions relevant to  
6 this Act.

7 *Note 2* For example, the Legislation Act, dict, pt 1 defines the following terms:

- 8 • Commonwealth  
9 • Executive  
10 • Federal Court  
11 • notifiable instrument (see s 10)  
12 • Supreme Court.

13 **Explanatory note**

14 This amendment inserts dictionary notes in accordance with current legislative drafting  
15 practice.

16 **[3.96] Dictionary, definition of *Federal Court***

17 *omit*

18 **Explanatory note**

19 This amendment omits a redundant definition. *Federal Court* is defined in the Legislation Act,  
20 dict, pt 1.

---

## 1 Part 3.22 Legal Profession Act 2006

### 2 [3.97] Section 21 (5), new note

3 *insert*

4 *Note* **Another jurisdiction** is a State or another Territory (see dict, def  
5 of *jurisdiction*).

#### 6 Explanatory note

7 This amendment inserts a note to make it clear that, in accordance with the definition of  
8 *jurisdiction* in the dictionary, another jurisdiction is a State or another Territory.

## 9 Part 3.23 Lotteries Act 1964

### 10 [3.98] Dictionary, definition of *unlawful game*

11 *substitute*

12 **unlawful game**—see the *Unlawful Games Act 1984*, dictionary.

#### 13 Explanatory note

14 This amendment is consequential on the insertion of a new dictionary into the *Unlawful Games*  
15 *Act 1984* by another amendment.

## 16 Part 3.24 Mental Health (Treatment and 17 Care) Act 1994

### 18 [3.99] Section 11, new note

19 *insert*

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

#### 23 Explanatory note

24 This amendment adds a standard note about the powers of an entity and is consequential on the  
25 omission of section 12 by another amendment.

1    **[3.100]    Section 12**

2                    *omit*

3    **Explanatory note**

4    This amendment omits an unnecessary section. The Legislation Act, section 196 provides that  
5    a provision of law that gives an entity (including a person) a function also gives the entity  
6    powers necessary and convenient to exercise the function. A standard note about necessary and  
7    convenient powers is added to section 11 by another amendment.

8    **[3.101]    Section 48 (1)**

9                    *omit*

10                    , in writing,

11    **Explanatory note**

12    This amendment omits words that are redundant because of the effect of the Legislation Act,  
13    section 42 (2) which requires notifiable instruments to be in writing.

14    **[3.102]    Sections 67 (1) and 76 (2), new notes**

15                    *insert*

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

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

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

24    **Explanatory note**

25    This amendment adds standard notes about appointments.



1 **[3.103] Section 81 (2) (b)**

2 *substitute*

3 (b) if the member becomes bankrupt or executes a personal  
4 insolvency agreement.

5 **Explanatory note**

6 This amendment brings the paragraph into line with the concept of personal insolvency  
7 agreement under the *Bankruptcy Act 1966* (Cwlth). Under that Act, personal insolvency  
8 agreements have replaced the concepts of deed of assignment, deed of arrangement and  
9 composition.

10 **[3.104] Section 82 (4)**

11 *substitute*

12 (4) The registrar may delegate the registrar's functions under this Act to  
13 a public servant.

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

16 **Explanatory note**

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

21 **[3.105] Section 100, new note**

22 *insert*

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

25 **Explanatory note**

26 This amendment adds a standard note about appointments.

- 1 **[3.106] Section 121 (1), new notes**
- 2 *insert*
- 3 *Note 1* For the making of appointments (including acting appointments), see  
4 the Legislation Act, pt 19.3.
- 5 *Note 2* In particular, a person may be appointed for a particular provision of a  
6 law (see Legislation Act, s 7 (3)) and an appointment may be made by  
7 naming a person or nominating the occupant of a position (see  
8 Legislation Act, s 207).
- 9 *Note 3* Certain Ministerial appointments require consultation with an Assembly  
10 committee and are disallowable (see Legislation Act, div 19.3.3).

11 **Explanatory note**

12 This amendment adds standard notes about appointments.

- 13 **[3.107] Section 121 (4)**
- 14 *omit*
- 15 perform the duties
- 16 *substitute*
- 17 exercise the functions

18 **Explanatory note**

19 This amendment brings language into line with current legislative drafting practice by  
20 substituting the current drafting terms. *Exercise* a function is defined in the Legislation Act  
21 dictionary, part 1 to include perform the function. *Function* is defined to include authority,  
22 duty and power.

- 23 **[3.108] Section 122 heading**
- 24 *substitute*

25 **122 Official visitor—functions**

26 **Explanatory note**

27 This amendment brings language into line with current legislative drafting practice by omitting  
28 a reference to ‘duties’. *Function* is defined in the Legislation Act, dictionary, part 1, to include  
29 duty.

1 **[3.109] Section 123, new definition of *inspector***

2 *insert*

3 *inspector* means an inspector appointed under section 132.

4 **Explanatory note**

5 This amendment defines the term for part 12 (Private psychiatric institutions).

6 **[3.110] Section 132**

7 *substitute*

8 **132 Appointment of inspectors**

- 9 (1) The Minister may appoint a person as an inspector for this part.
- 10 (2) An inspector must exercise functions for this part that the chief  
11 psychiatrist directs.

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

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

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

20 **Explanatory note**

21 This amendment brings the section into line with current legislative drafting practice. In  
22 particular, it omits a reference to the appointment being ‘by instrument’ because the Legislation  
23 Act, section 206 requires appointments to be made or evidenced in writing. Standard notes  
24 about appointments are also added.

1    **[3.111]    Sections 146 (1) and 146A (1)**

2                    *omit*

3                    , in writing,

4    **Explanatory note**

5    This amendment omits words that are redundant because of the effect of the Legislation Act,  
6    section 42 (2), which requires disallowable and notifiable instruments to be in writing.

7    **[3.112]    Section 146A (2), new note**

8                    *insert*

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

10   **Explanatory note**

11   This amendment adds a standard note about approved forms.

12   **[3.113]    Dictionary, definition of *inspector***

13                    *insert*

14                    *inspector*, for part 12 (Private psychiatric institutions)—see  
15                    section 123.

16   **Explanatory note**

17   This amendment inserts a signpost definition, consequent on the insertion of a new definition by  
18   another amendment.

19   **Part 3.25                    Payroll Tax Act 1987**

20   **[3.114]    Section 2D (3) (a)**

21                    *omit*

22                    , as the case may be

23   **Explanatory note**

24   This amendment omits redundant language and brings the provision more closely into line with  
25   current legislative drafting practice.

1 **[3.115] Section 9 (1) (h) (i)**

2 *omit*

3 in writing

4 **Explanatory note**

5 This amendment omits words that are redundant because of the effect of the Legislation Act,  
6 section 42 (2), which requires notifiable instruments to be in writing.

7 **[3.116] Section 9A (6)**

8 *omit*

9 , in writing,

10 **Explanatory note**

11 This amendment omits words that are redundant because of the effect of the Legislation Act,  
12 section 42 (2), which requires notifiable instruments to be in writing.

13 **[3.117] Section 11 (3), definitions of *DFY***

14 *omit each definition*

15 **Explanatory note**

16 This amendment omits the definitions, consequent on the insertion of a new definition into  
17 section 11 (4) by another amendment.

18 **[3.118] Section 11 (4), new definition of *DFY***

19 *insert*

20 *DFY* means the number of days in the financial year in which the  
21 group period falls or in the group year.

22 **Explanatory note**

23 This amendment inserts a new definition of the term, consequent on the omission of the  
24 definition of this term from section 11 (3) by another amendment. It also omits a reference to  
25 ‘as the case requires’ to bring the definition into line with current legislative drafting practice.

1    **[3.119]    Section 11 (4), definition of *group tax period***

2                    *omit*

3                    , as the case requires,

4    **Explanatory note**

5    This amendment omits redundant language and brings the provision more closely into line with  
6    current legislative drafting practice.

7    **[3.120]    Section 17 (4) (b)**

8                    *omit*

9                    , as the case requires

10   **Explanatory note**

11   This amendment omits redundant language and brings the language more closely into line with  
12   current legislative drafting practice.

13   **[3.121]    Schedule 1, section 1.3 (1) (b)**

14                    *omit*

15                    in writing

16   **Explanatory note**

17   This amendment omits redundant language and brings the language more closely into line with  
18   current legislative drafting practice.

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## 1 **Part 3.26**                      **Taxation Administration Act 1999**

### 2 **[3.122] Section 139 (1) (f)**

3                      *omit*

4                      section 16 (1)

5                      *substitute*

6                      section 7

#### 7 **Explanatory note**

8 This amendment updates a cross-reference to a provision in the *Payroll Tax 1987* that was  
9 inserted by the *Revenue Legislation Amendment Act 2006*, section 23.

## 10 **Part 3.27**                      **Unlawful Games Act 1984**

### 11 **[3.123] Section 3, definitions**

12                      *relocate to dictionary*

#### 13 **Explanatory note**

14 This amendment relocates the definitions to a new dictionary that is inserted by another  
15 amendment.

### 16 **[3.124] Section 3, remainder**

17                      *substitute*

## 18 **2 Dictionary**

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

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

22                      *Note 2*    A definition in the dictionary applies to the entire Act unless the  
23                      definition, or another provision of the Act, provides otherwise or the  
24                      contrary intention otherwise appears (see Legislation Act, s 155 and  
25                      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 the Legislation Act s 127 (1), (4) and (5) for the legal status of  
4                    notes.

5    **Explanatory note**

6    This amendment inserts standard dictionary and notes provisions consequent on the insertion of  
7    a new dictionary by another amendment.

8    **[3.125]    New dictionary**

9                    *insert*

10   **Dictionary**

11   (see s 2)

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

14                    *Note 2*    For example, the Legislation Act, dict, pt 1, defines the following terms:

- 15                    •    ACT  
16                    •    Executive  
17                    •    penalty unit (see s 133)  
18                    •    prescribed.

19   **Explanatory note**

20   This amendment inserts a new dictionary in accordance with current legislative drafting  
21   practice.



1 **Part 3.28** **Victims of Crime (Financial**  
2 **Assistance) Act 1983**

3 **[3.126] Section 2, definition of *dependant*, paragraph (b)**

4 *substitute*

- 5 (b) a person who would have been wholly or partly dependent for  
6 economic support on the victim's income at the time of the victim's  
7 death but for the incapacity of the victim because of the criminal  
8 injury that resulted in the victim's death; or

9 **Explanatory note**

10 This amendment brings the language and structure of the definition more closely into line with  
11 current legislative drafting practice.

12 **[3.127] Section 2, definitions (as amended)**

13 *relocate to dictionary*

14 **Explanatory note**

15 This amendment relocates the definitions to a new dictionary that is inserted by another  
16 amendment.

17 **[3.128] Section 2, remainder**

18 *substitute*

19 **2 Dictionary**

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

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

24 For example, the signpost definition '*criminal injury*—see section 4.'  
25 means that the term '*criminal injury*' is defined in that section.

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

1 **2A Notes**

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

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

5 **Explanatory note**

6 This amendment inserts standard dictionary and notes provisions consequent on the insertion of  
7 a new dictionary by another amendment.

8 **[3.129] Section 3**

9 *substitute*

10 **3 What is a violent crime?**

11 Each of the following is a violent crime:

- 12 (a) an offence against a section of the *Crimes Act 1900* mentioned  
13 in table 3, column 2;
- 14 (b) an offence against the Criminal Code, section 309 (Robbery) or  
15 section 310 (Aggravated robbery);
- 16 (c) an offence against any other law prescribed by regulation.

17 *Note* A reference to an offence against an ACT law includes a  
18 reference to an offence against the Criminal Code, part 2.4  
19 (Extensions of criminal responsibility) or section 717 (Accessory  
20 after the fact) that relates to the ACT law (see Legislation Act,  
21 s 189).

22 **Table 3 Violent crimes—Crimes Act**

<b>column 1 item</b>	<b>column 2 section</b>	<b>column 3 description</b>
1	12	murder
2	15	manslaughter
3	19, 20, 25, 31	grievous bodily harm offences
4	21	wounding

<b>column 1 item</b>	<b>column 2 section</b>	<b>column 3 description</b>
5	22, 26	assault offences
6	23, 24	actual bodily harm offences
7	27	endangering life
8	28	endangering health
9	30	threat to kill
10	32	demands with threats
11	34	forcible confinement
12	35	stalking
13	36	torture
14	37	abduction of young person
15	38	kidnapping
16	40	unlawfully taking child
17	41	exposing or abandoning child
18	42	child destruction
19	43	childbirth—grievous bodily harm
20	51, 52, 53	sexual assault offences
21	54	sexual intercourse without consent
22	55	sexual intercourse with young person
23	56	sexual relationship with young person
24	57 to 61	indecent offences
25	62	incest
26	63	abduction
27	74, 75	female genital mutilation offences

1 **Explanatory note**

2 This amendment updates the section by omitting references to sections 45 and 182 of the  
3 *Crimes Act 1900* that are no longer in force and bringing the language and structure of the  
4 section into line with current legislative drafting practice.

1 **[3.130] Section 72**

2 *omit*

3 **Explanatory note**

4 This amendment omits a redundant provision. The section required the Minister to commission  
5 an independent review of the operation of the Act and to table a report on the outcome of the  
6 review in the Legislative Assembly. The report was tabled to the Legislative Assembly on  
7 7 March 2002.

8 **[3.131] Section 73 (1)**

9 *omit*

10 , in writing,

11 **Explanatory note**

12 This amendment omits words that are now redundant because of the effect of the Legislation  
13 Act, section 42 (2), which requires notifiable instruments to be in writing.

14 **[3.132] Section 73 (2), new note**

15 *insert*

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

17 **Explanatory note**

18 This amendment adds a standard note about approved forms.

19 **[3.133] 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* For example, the Legislation Act, dict, pt 1, defines the following terms:

- 26 • ACT  
27 • chief officer (fire brigade)

- 1 • chief officer (rural fire service)
  - 2 • Criminal Code
  - 3 • fire brigade
  - 4 • individual
  - 5 • Magistrates Court
  - 6 • person
  - 7 • Supreme Court
  - 8 • the Territory.
- 9 *amount of financial assistance*—see section 5 (2) (c).
- 10 *applicant*—see section 5 (2) (a).
- 11 *application*—see section 5 (2) (b).
- 12 *assisted person*—see section 52.
- 13 *convicted*—see section 6 (2) (a).
- 14 *conviction*—
- 15 (a) for this Act generally—see section 6 (2) (b); and
- 16 (b) for part 5 (Compensation levy)—see section 67.
- 17 *defendant*—see section 52.
- 18 *levy*—for part 5 (Compensation levy)—see section 65.
- 19 *notice of objection*—see section 52.
- 20 *order for restriction*—see section 52.
- 21 *provisional order for restriction*—see section 52.
- 22 *recovery proceedings*—see section 52.
- 23 *related crime*—see section 52.

24 **Explanatory note**

25 This amendment inserts a new dictionary in accordance with current legislative drafting  
26 practice. It includes signpost definitions for defined terms that are not included in the existing  
27 interpretation section.

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## Endnotes

**1 Presentation speech**

Presentation speech made in the Legislative Assembly on 2007.

**2 Notification**

Notified under the Legislation Act on 2007.

**3 Republications of amended laws**

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

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