

2011

THE LEGISLATIVE ASSEMBLY
FOR THE AUSTRALIAN CAPITAL TERRITORY

(As presented)

(Attorney-General)

Statute Law Amendment Bill 2011

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(As presented)

(Attorney-General)

Statute Law Amendment Bill 2011

A Bill for

An Act to amend 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 2011*.

3 **2 Commencement**

4 (1) 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 (2) However, a date or time provided by a special commencement
8 provision for an amendment made by this Act has effect as the
9 commencement date or time of the amendment.

10 (3) In this section:

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

14 **Example**

15 An amendment followed by ‘(commencement: the later of the commencement of
16 this Act and the *Road Transport (Alcohol and Drugs) Amendment Act 2011*)’
17 means that the amendment commences on the later of the commencement of this
18 Act and the *Road Transport (Alcohol and Drugs) Amendment Act 2011*.

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

22 **3 Purpose**

23 The purpose of this Act is to improve the quality of the statute law
24 of the Territory by amending legislation for the purpose of statute
25 law revision.

1 **4 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 **5 Legislation amended—schs 1-3**

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

7 **6 Legislation repealed—sch 4**

8 This Act repeals the legislation mentioned in schedule 4.

1 **Schedule 1 Minor amendments**

2 (see s 5)

3 **Part 1.1 Road Transport (Alcohol and**
4 **Drugs) Act 1977**

5 **[1.1] Section 41AA (2) (f) and note**

6 *substitute*

7 (f) that the person—

8 (i) was unable to provide a sufficient sample of the person's
9 oral fluid for analysis; or

10 (ii) failed to provide a sample of the person's oral fluid for
11 analysis.

12 *Note* **Fail** includes refuse (see Legislation Act, dict, pt 1).

13 **Explanatory note**

14 Section 41AA (2) deals with the requirements relating to the evidentiary certificate given by a
15 police officer in relation to a person who has not undergone an oral fluid test when requested to
16 do so by the police officer. Currently, section 41AA (2) (f) refers to a statement by the police
17 officer to the effect that the person failed to provide a sample of oral fluid for analysis. New
18 paragraph (f) (i) relates to the situation in section 15 (1) (c) where a person may be required to
19 allow a sample of blood to be taken because the person has been unable to provide a sufficient
20 sample of the person's oral fluid for analysis.

1 **[1.2] New section 41AA (5)**

2 *insert*

3 (5) A certificate that appears to be signed by a person who is a doctor or
4 nurse (a *sample taker*) and states a matter relevant to any of the
5 following is evidence of the matter:

6 (a) that the person is a doctor or nurse;

7 (b) that the sample taker attended a person mentioned in the
8 certificate (the *relevant person*) on a stated day, at a stated
9 time, in a stated hospital or sampling facility;

10 (c) if the relevant person is a person mentioned in section 15 (1)
11 (Taking blood samples from people in custody)—that a police
12 officer has asked the sample taker to take a sample of the
13 person's blood;

14 (d) that the sample taker took a sample of blood from the relevant
15 person;

16 (e) that the sample taker placed the blood sample into a container;

17 (f) that the sample taker attached a label to the container that
18 contained the following information:

19 (i) the sample taker's name;

20 (ii) the relevant person's name;

21 (iii) the date and time the blood sample was taken;

22 (g) that the sample taker sealed the container with a
23 tamper-evident seal that had a stated unique identifying
24 number marked on it;

25 (h) that the sample taker placed the sealed container into a
26 one-way box;

- 1 (i) if the sample was taken under section 15—that, when the
2 sample was taken, the sample taker was of the opinion that the
3 relevant person was, at that time, because of the person’s
4 medical condition, incapable of giving or refusing permission
5 to take a blood sample.

6 (commencement: the later of the commencement of this Act and the *Road*
7 *Transport (Alcohol and Drugs) Amendment Act 2011*)

8 **Explanatory note**

9 This amendment inserts a new subsection in section 41AA setting out the information that must
10 be included in an evidentiary certificate given by a doctor or nurse in relation to a blood sample
11 taken from a person who has failed, or has been unable, to give a sample of oral fluid. Proposed
12 paragraph (5) (b) refers to a ‘sampling facility’, which is a term inserted in the Act by the *Road*
13 *Transport (Alcohol and Drugs) Amendment Act 2011*. A special commencement provision has
14 been included in case the *Statute Law Amendment Act 2011* commences before the *Road*
15 *Transport (Alcohol and Drugs) Amendment Act 2011*.

1 **Schedule 2 Legislation Act 2001**

2 (see s 5)

3 **[2.1] Section 26 (1) (a)**

4 *omit*

5 or the gazette

6 *substitute*

7 , the gazette or otherwise under section 28 (2) (b)

8 **Explanatory note**

9 This amendment is consequential on changes made to section 28 (2) (b) by another amendment.

10 **[2.2] Section 26 (1) (b)**

11 *omit*

12 or the gazette

13 *substitute*

14 , the gazette or otherwise under section 61 (2) (b)

15 **Explanatory note**

16 This amendment is consequential on changes made to section 61 (2) (b) by another amendment.

1 **[2.3] Section 28 (2) (b)**

2 *substitute*

- 3 (b) if it is not practicable to notify the making of the proposed law
4 in the register—notify the making of the law in another place
5 the parliamentary counsel considers appropriate.

6 **Examples—other places**

- 7 1 another government website
8 2 the gazette
9 3 outside the Legislative Assembly

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

13 **Explanatory note**

14 Under the Legislation Act, notification of a proposed law passed by the Legislative Assembly is
15 necessary for it to become an Act. ‘Notification’ in this context means notification in the
16 legislation register, or if that is not practicable, in the gazette (see s 28 (2)).

17 This amendment proposes to broaden the options available for the notification of the making of
18 a proposed law if the legislation register is temporarily unavailable for technical or other
19 reasons.

20 Under section 28 (2) (b) as revised by this amendment, a proposed law may be notified in
21 another place the parliamentary counsel considers appropriate. The gazette is one example of a
22 place that may be appropriate.

23 The legislation register has been in operation since 12 September 2001. To date, it has always
24 been possible to notify material on the register on the date requested. However, it is a prudent
25 and necessary part of risk management planning to have alternatives in place should the need
26 arise. A similarly flexible approach has been taken in the equivalent NSW provision (see
27 *Interpretation Act 1987* (NSW), s 45C).

[2.4] Section 28 (5) to (9)

- 1
2 *substitute*
- 3 (5) The making of the proposed law is notified under subsection (2) (b)
4 by—
- 5 (a) publishing the text of the law in the place decided by the
6 parliamentary counsel under subsection (2) (b); or
- 7 (b) publishing in that place a statement that—
- 8 (i) the law has been passed by the Legislative Assembly; and
9 (ii) copies of the law can be obtained at a stated place or
10 stated places (whether by purchase or otherwise).
- 11 (6) If the making of the proposed law is notified under
12 subsection (2) (b), the parliamentary counsel must as soon as
13 practicable enter in the register—
- 14 (a) a statement that the law—
- 15 (i) has been passed by the Legislative Assembly; and
16 (ii) was notified in the stated place on a stated date; and
- 17 (b) the text of the law.
- 18 (7) If the making of the proposed law is notified by publishing the
19 statement mentioned in subsection (5) (b), copies of the law must be
20 available on the day of publication, or as soon as practicable after
21 that day, at the stated place or each of the stated places.
- 22 (8) If on that day no copies of the law are available at the stated place or
23 any of the stated places, the parliamentary counsel must give the
24 Minister a statement—
- 25 (a) that copies of the law were not available; and
26 (b) explaining why they were not available.

1 (9) The Minister must present the statement to the Legislative Assembly
2 not later than 6 sitting days after receiving it.

3 **Explanatory note**

4 This amendment remakes section 28 (5) to (9) to make consequential amendments necessary to
5 accommodate the changes made to section 28 (2) by the previous amendment.

6 **[2.5] Sections 29 and 30**

7 *omit*

8 or the gazette

9 *substitute*

10 , the gazette or otherwise under section 28 (2) (b)

11 **Explanatory note**

12 This amendment is consequential on changes made to section 28 (2) (b) by another amendment.

13 **[2.6] Section 61 (2) (b)**

14 *substitute*

15 (b) if it is not practicable to notify the making of the instrument in
16 the register—notify the making of the instrument in another
17 place the parliamentary counsel considers appropriate.

18 **Examples—other places**

19 1 another government website

20 2 the gazette

21 3 outside the Legislative Assembly

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

25 **Explanatory note**

26 Under the Legislation Act, a legislative instrument is not enforceable unless it is notified.
27 ‘Notification’ in this context means notification in the legislation register, or if that is not
28 practicable, in the gazette (see s 61 (2)).

1 This amendment proposes to broaden the options available for the notification of the making of
2 a legislative instrument if the legislation register is temporarily unavailable for technical or
3 other reasons.

4 Under section 61 (2) (b) as revised by this amendment, a legislative instrument may be notified
5 in another place the parliamentary counsel considers appropriate. The gazette is one example of
6 a place that may be appropriate.

7 The legislation register has been in operation since 12 September 2001. To date, it has always
8 been possible to notify material on the register on the date requested. However, it is a prudent
9 and necessary part of risk management planning to have alternatives in place should the need
10 arise. A similarly flexible approach has been taken in the equivalent NSW provision (see
11 *Interpretation Act 1987* (NSW), s 45C).

12 **[2.7] Section 61 (4) to (8)**

13 *substitute*

14 (4) The making of the legislative instrument is notified under
15 subsection (2) (b) by—

16 (a) publishing the text of the instrument in the place decided by
17 the parliamentary counsel under subsection (2) (b); or

18 (b) publishing in that place a statement that—

19 (i) the instrument has been made; and

20 (ii) copies of the instrument can be obtained at a stated place
21 or stated places (whether by purchase or otherwise).

22 (5) If the making of the legislative instrument is notified under
23 subsection (2) (b), the parliamentary counsel must as soon as
24 practicable enter in the register—

25 (a) a statement that the instrument—

26 (i) has been made; and

27 (ii) was notified in the stated place on a stated date; and

28 (b) the text of the instrument.

- 1 (6) If the making of the legislative instrument is notified by publishing
2 the statement mentioned in subsection (4) (b), copies of the
3 instrument must be available on the day of publication, or as soon as
4 practicable after that day, at the stated place or each of the stated
5 places.
- 6 (7) If on that day no copies of the legislative instrument are available at
7 the stated place or any of the stated places, the parliamentary
8 counsel must give the Minister a statement—
- 9 (a) that copies of the instrument were not available; and
10 (b) explaining why they were not available.
- 11 (8) The Minister must present the statement to the Legislative Assembly
12 not later than 6 sitting days after receiving it.

13 **Explanatory note**

14 This amendment remakes section 61 (4) to (8) to make consequential amendments necessary to
15 accommodate the changes made to section 61 (2) by the previous amendment.

16 **[2.8] Section 63**

17 *omit*

18 or gazette

19 *substitute*

20 , the gazette or otherwise under section 61 (2) (b)

21 **Explanatory note**

22 This amendment is consequential on changes made to section 61 (2) (b) by another amendment.

[2.9] Section 65A (2) (b)

substitute

(b) if it is not practicable to notify the disallowance in the register—notify the disallowance in another place the parliamentary counsel considers appropriate.

Examples—other places

- 1 another government website
- 2 the gazette
- 3 outside the Legislative Assembly

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

Explanatory note

Under the Legislation Act, if a subordinate law or disallowable instrument is disallowed by resolution of the Legislative Assembly, the Speaker must ask the parliamentary counsel to notify the disallowance. ‘Notification’ in this context means notification in the legislation register, or if that is not practicable, in the gazette (see s 65A (2)).

This amendment proposes to broaden the options available for the notification of a disallowance if the legislation register is temporarily unavailable for technical or other reasons.

Under section 65A (2) (b) as revised by this amendment, a disallowance may be notified in another place the parliamentary counsel considers appropriate. The gazette is one example of a place that may be appropriate.

The legislation register has been in operation since 12 September 2001. To date, it has always been possible to notify material on the register on the date requested. However, it is a prudent and necessary part of risk management planning to have alternatives in place should the need arise.

1 **[2.10] Section 65A (5)**

2 *omit*

3 in the gazette by publishing in the gazette

4 *substitute*

5 under subsection (2) (b) by publishing in the place decided by the
6 parliamentary counsel under that subsection

7 **Explanatory note**

8 This amendment is consequential on changes made to section 65A (2) (b) by another
9 amendment.

10 **[2.11] Section 65A (6)**

11 *omit*

12 in the gazette,

13 *substitute*

14 under subsection (2) (b),

15 **Explanatory note**

16 This amendment is consequential on changes made to section 65A (2) (b) by another
17 amendment.

18 **[2.12] Section 65A (6) (b)**

19 *omit*

20 in the gazette

21 *substitute*

22 under subsection (2) (b) in a stated place

23 **Explanatory note**

24 This amendment is consequential on changes made to section 65A (2) (b) by another
25 amendment.

[2.13] Section 69 (2) (b)

substitute

- (b) if it is not practicable to notify the amendment in the register—
notify the amendment in another place the parliamentary
counsel considers appropriate.

Examples—other places

- 1 another government website
- 2 the gazette
- 3 outside the Legislative Assembly

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

Explanatory note

Under the Legislation Act, if a subordinate law or disallowable instrument is amended by resolution of the Legislative Assembly, the Speaker must ask the parliamentary counsel to notify the amendment. ‘Notification’ in this context means notification in the legislation register, or if that is not practicable, in the gazette (see s 69 (2)).

This amendment proposes to broaden the options available for the notification of an amendment if the legislation register is temporarily unavailable for technical or other reasons.

Under section 69 (2) (b) as revised by this amendment, an amendment may be notified in another place the parliamentary counsel considers appropriate. The gazette is one example of a place that may be appropriate.

The legislation register has been in operation since 12 September 2001. To date, it has always been possible to notify material on the register on the date requested. However, it is a prudent and necessary part of risk management planning to have alternatives in place should the need arise.

1 **[2.14] Section 69 (5)**
2 *omit*
3 in the gazette by publishing in the gazette
4 *substitute*
5 under subsection (2) (b) by publishing in the place decided by the
6 parliamentary counsel under that subsection

7 **Explanatory note**
8 This amendment is consequential on changes made to section 69 (2) (b) by another amendment.

9 **[2.15] Section 69 (6)**
10 *omit*
11 in the gazette,
12 *substitute*
13 under subsection (2) (b),

14 **Explanatory note**
15 This amendment is consequential on changes made to section 69 (2) (b) by another amendment.

16 **[2.16] Section 69 (6) (b)**
17 *omit*
18 in the gazette
19 *substitute*
20 under subsection (2) (b) in a stated place

21 **Explanatory note**
22 This amendment is consequential on changes made to section 69 (2) (b) by another amendment.

1 **[2.17] Section 100 (2) (b)**

2 *omit*

3 or gazette

4 *substitute*

5 , the gazette or otherwise under section 61 (2) (b)

6 **Explanatory note**

7 This amendment is consequential on changes made to section 61 (2) (b) by another amendment.

8 **[2.18] Section 302 (2) and (3)**

9 *omit*

10 **Explanatory note**

11 This amendment is consequential on changes made to sections 28, 61, 65A and 69 by other
12 amendments.

13 **[2.19] Dictionary, part 1, new definition of *bank holiday***

14 *insert*

15 *bank holiday* means a day that is a bank holiday in the ACT under
16 the *Holidays Act 1958*, section 4.

17 **Explanatory note**

18 This amendment inserts a definition of *bank holiday*, a commonly-used term. The insertion of
19 the definition in the Legislation Act, dictionary, part 1, will help users of legislation to find out
20 which days are bank holidays in the ACT.

21 **[2.20] Dictionary, part 1, definition of *business day*,
22 paragraph (b)**

23 *omit*

24 under the *Holidays Act 1958*

25 **Explanatory note**

26 This amendment omits words that are now redundant as a consequence of the insertion of
27 definitions of *bank holiday* and *public holiday* in the Legislation Act, dictionary, part 1 by
28 other amendments.

[2.21] Dictionary, part 1, definition of *dental technician*

2 *omit*

3 Explanatory note

4 This amendment is consequential on amendments of the *Health Professionals Regulation 2004*
5 by the *Health Professionals Amendment Regulation 2010 (No 2)* which had the effect of
6 deregulating dental technicians. Because the term is no longer commonly used in laws or
7 statutory instruments, a definition of *dental technician* is not needed in the Legislation Act,
8 dictionary, part 1. A new definition of *dental technician* is inserted in the *Health Act 1993*,
9 dictionary by another amendment.

10 [2.22] Dictionary, part 1, new definition of *public holiday*

11 *insert*

12 *public holiday* means a day that is a public holiday in the ACT
13 under the *Holidays Act 1958*, section 3.

14 Explanatory note

15 This amendment inserts a definition of *public holiday*, a commonly-used term. The insertion of
16 the definition in the Legislation Act, dictionary, part 1, will help users of legislation to find out
17 which days are public holidays in the ACT.

**18 [2.23] Dictionary, part 1, definition of *working day*,
19 paragraph (b)**

20 *omit*

21 under the *Holidays Act 1958*

22 Explanatory note

23 This amendment omits words that are now redundant as a consequence of the insertion of
24 definitions of *bank holiday* and *public holiday* in the Legislation Act, dictionary, part 1 by
25 other amendments.

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

2 (see s 5)

3 **Part 3.1** **Aboriginal and Torres Strait**
4 **Islander Elected Body Act 2008**

5 **[3.1] Dictionary, note 2**

6 *insert*

- 7 • public holiday

8 **Explanatory note**

9 Dictionary, note 2 lists examples of terms that are included in the Legislation Act, dictionary,
10 part 1 (where terms commonly used in legislation are defined) and used in this Act. This
11 amendment inserts a new defined term in the list of terms defined in the Legislation Act as a
12 consequence of the insertion of a definition of *public holiday* in the Legislation Act, dictionary,
13 part 1 by another amendment.

14 **Part 3.2** **Annual Leave Act 1973**

15 **[3.2] Section 7 (4)**

16 *omit*

17 , in writing,

18 **Explanatory note**

19 This amendment omits words that are now redundant because of the Legislation Act,
20 section 206 (1), which requires all appointments to be made or evidenced by writing.

1 **[3.3] Section 16 (1)**

2 *omit*

3 , in writing,

4 **Explanatory note**

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

7 **[3.4] New section 18**

8 *insert*

9 **18 Transitional—Fair Work Act (Cwlth)**

10 (1) For the dictionary, definition of ***agreement***, a reference to an
11 enterprise agreement made under the *Fair Work Act 2009* (Cwlth)
12 includes a reference to an agreement-based transitional instrument
13 within the meaning of the *Fair Work (Transitional Provisions and*
14 *Consequential Amendments) Act 2009* (Cwlth), schedule 3, part 2.

15 (2) For the dictionary, definition of ***award***, a reference to a modern
16 award made under the *Fair Work Act 2009* (Cwlth) includes a
17 reference to an award-based transitional instrument within the
18 meaning of the *Fair Work (Transitional Provisions and*
19 *Consequential Amendments) Act 2009* (Cwlth), schedule 3, part 2.

20 (3) This section expires 1 year after the day it commences.

21 **Explanatory note**

22 This amendment inserts transitional arrangements to ensure that transitional instruments under
23 the *Fair Work (Transitional Provisions and Consequential Amendments) Act 2009* (Cwlth),
24 schedule 3, part 2 are included in the definitions of ***agreement*** and ***award***. Those definitions are
25 updated by other amendments to take account of changes to the workplace relations system by
26 the *Fair Work Act 2009* (Cwlth). The *Fair Work Act 2009* (Cwlth) replaced significant parts of
27 the *Workplace Relations Act 1996* (Cwlth).

1 **[3.5] Dictionary, note 2**

2 *insert*

- 3 • public holiday

4 **Explanatory note**

5 Dictionary, note 2 lists examples of terms that are included in the Legislation Act, dictionary,
6 part 1 (where terms commonly used in legislation are defined) and used in this Act. This
7 amendment inserts a new defined term in the list of terms defined in the Legislation Act as a
8 consequence of the insertion of a definition of *public holiday* in the Legislation Act, dictionary,
9 part 1 by another amendment.

10 **[3.6] Dictionary, definition of *agreement***

11 *substitute*

12 *agreement* means an enterprise agreement made under the *Fair*
13 *Work Act 2009* (Cwlth).

14 **Explanatory note**

15 This amendment updates the definition as a consequence of changes made to the workplace
16 relations system by the *Fair Work Act 2009* (Cwlth), which replaced significant parts of the
17 *Workplace Relations Act 1996*.

18 **[3.7] Dictionary, definition of *award***

19 *substitute*

20 *award* means a modern award made under the *Fair Work Act 2009*
21 (Cwlth).

22 **Explanatory note**

23 This amendment updates the definition as a consequence of changes made to the workplace
24 relations system by the *Fair Work Act 2009* (Cwlth), which replaced significant parts of the
25 *Workplace Relations Act 1996*.

1 **[3.8] Dictionary, definition of *shiftworker***

2 *substitute*

3 *shiftworker* means—

4 (a) a person who is a shiftworker within the meaning of an award;
5 or

6 (b) a person who is a shiftworker within the meaning of an
7 agreement; or

8 (c) a person (other than a person to whom an award or an
9 agreement applies) who—

10 (i) is rostered or required to start work after 8 pm and before
11 6.30 am; or

12 (ii) having started work before 8 pm, is required, for the
13 purpose of completing the person's ordinary hours of
14 work, to continue work until after that time.

15 **Explanatory note**

16 This amendment updates the definition as a consequence of changes made to the definition of
17 *agreement* by another amendment.

1 **Part 3.3** **Associations Incorporation**
2 **Act 1991**

3 **[3.9] Section 14 (2) (e)**

4 *substitute*

- 5 (e) is capable of applying for registration as an organisation under
6 the *Fair Work (Registered Organisations) Act 2009* (Cwlth),
7 chapter 2, part 2.

8 **Explanatory note**

9 This amendment updates a cross-reference as a consequence of amendments of the *Workplace*
10 *Relations Act 1996* (Cwlth). The *Fair Work (Transitional Provisions and Consequential*
11 *Amendments) Act 2009* (Cwlth) changed the name of the *Workplace Relations Act 1996* (Cwlth)
12 to the *Fair Work (Registered Organisations) Act 2009* (Cwlth) and made other amendments.

13 **[3.10] Section 83 (8)**

14 *omit*

15 in writing

16 **Explanatory note**

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

19 **[3.11] New section 99 (2)**

20 *insert*

- 21 (2) In this section:

22 *bankers' books* means—

- 23 (a) books of a banking corporation, including any documents used
24 in the ordinary business of a banking corporation; and
25 (b) cheques, orders for the payment of money, bills of exchange
26 and promissory notes in the possession or under the control of
27 a banking corporation; and

- 1 (c) securities or documents of title to securities in the possession
2 or under the control of a banking corporation whether by way
3 of pledge or otherwise.

4 **Explanatory note**

5 This amendment relocates from the dictionary a definition of a term that is used only in
6 section 99. This is in line with current legislative drafting practice. The definition is omitted
7 from the dictionary by another amendment.

8 **[3.12] Section 121 (1)**

9 *omit 2nd mention of*
10 in the ACT

11 **Explanatory note**

12 This amendment omits words that are unnecessary as a consequence of the inclusion of a
13 definition of *public holiday* in the Legislation Act, dictionary, part 1. The definition makes it
14 clear that a reference to ‘public holiday’ in an Act or statutory instrument is a reference to a
15 public holiday in the ACT.

16 **[3.13] Dictionary, note 2**

17 *insert*
18 • public holiday

19 **Explanatory note**

20 Dictionary, note 2 lists examples of terms that are included in the Legislation Act, dictionary,
21 part 1 (where terms commonly used in legislation are defined) and used in this Act. This
22 amendment inserts a new defined term in the list of terms defined in the Legislation Act as a
23 consequence of the insertion of a definition of *public holiday* in the Legislation Act, dictionary,
24 part 1 by another amendment.

25 **[3.14] Dictionary, definition of *banker’s books***

26 *omit*

27 **Explanatory note**

28 This amendment is consequential on the inclusion of a definition of *bankers’ books* in
29 section 99 by another amendment.

1 **[3.15] Dictionary, definitions of *books***

2 *substitute*

3 *books*—

4 (a) for this Act generally—includes any register or other record of
5 information and any accounts or accounting records, however
6 compiled, recorded or stored and any other document; and

7 (b) for part 8 (Investigation of association's affairs)—see
8 section 99 (1).

9 **Explanatory note**

10 This amendment combines 2 existing definitions of *books* in the dictionary in line with current
11 legislative drafting practice.

12 **[3.16] Dictionary, definition of *commencement date***

13 *omit*

14 **Explanatory note**

15 This amendment is consequential on the amendment of the definition of *repealed Act* by
16 another amendment.

17 **[3.17] Dictionary, definition of *repealed Act***

18 *omit*

19 the commencement date

20 *substitute*

21 1 January 1992

22 **Explanatory note**

23 This amendment replaces the term 'commencement date' with the date that is defined in the
24 dictionary as being the commencement date. The term 'commencement date' is used only in the
25 definition of *repealed Act*.

1 **Part 3.4 Casino Control Act 2006**

2 **[3.18] Section 143 (1)**

3 *omit*

4 , in writing,

5 **Explanatory note**

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

8 **[3.19] Dictionary, note 2**

9 *insert*

- 10 • public holiday

11 **Explanatory note**

12 Dictionary, note 2 lists examples of terms that are included in the Legislation Act, dictionary,
13 part 1 (where terms commonly used in legislation are defined) and used in this Act. This
14 amendment inserts a new defined term in the list of terms defined in the Legislation Act as a
15 consequence of the insertion of a definition of *public holiday* in the Legislation Act, dictionary,
16 part 1 by another amendment.

1 **Part 3.5** **Children and Young People**
2 **Act 2008**

3 **[3.20] Section 3, note 1**

4 *substitute*

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

8 For example, the signpost definition '*drug of dependence*—see the
9 *Drugs of Dependence Act 1989*, dictionary.' means that the term 'drug
10 of dependence' is defined in the dictionary to that Act and the definition
11 applies to this Act.

12 **Explanatory note**

13 This amendment updates the note to include a different example of a signpost definition. The
14 current example, 'mental health disorder', is omitted from the dictionary by another
15 amendment.

16 **[3.21] Section 19 (6), new definition of *health care assessment***

17 *insert*

18 *health care assessment*, of a child or young person, means an
19 assessment of the child's or young person's physical or mental
20 wellbeing (including admission to hospital).

21 **Explanatory note**

22 This amendment relocates from the dictionary a definition of a term that is used only in
23 section 19. This is in line with current legislative drafting practice. The definition is omitted
24 from the dictionary by another amendment.

1 **[3.22] New section 898 (3)**

2 *insert*

3 (3) In this section:

4 *body* includes an agency or organisation.

5 **Explanatory note**

6 This amendment relocates the definition of *body* from the dictionary. *Body* is only used in the
7 context of the definition in section 898 (2) (b). All other references to ‘body’ in the Act are in
8 the context of the human body.

9 **[3.23] Dictionary, note 2**

10 *insert*

- 11 • public holiday

12 **Explanatory note**

13 Dictionary, note 2 lists examples of terms that are included in the Legislation Act, dictionary,
14 part 1 (where terms commonly used in legislation are defined) and used in this Act. This
15 amendment inserts a new defined term in the list of terms defined in the Legislation Act as a
16 consequence of the insertion of a definition of *public holiday* in the Legislation Act, dictionary,
17 part 1 by another amendment.

18 **[3.24] Dictionary, note 2**

19 *omit*

- 20 • children and young people commissioner
21 • director of corrective services

22 **Explanatory note**

23 Dictionary, note 2 lists examples of terms that are included in the Legislation Act, dictionary,
24 part 1 (where terms commonly used in legislation are defined) and used in this Act. This
25 amendment omits terms that have been included in the list but are not used in this Act and, in
26 the case of the term ‘director of corrective services’, is not defined in the Legislation Act,
27 dictionary, part 1.

1 **[3.25] Dictionary, definition of *accredited person*, paragraph (b)**

2 *substitute*

3 (b) for a child or young person in therapeutic protection, for
4 division 16.3.3 (Visits by accredited people)—see section 576.

5 **Explanatory note**

6 This amendment updates the language of paragraph (b) to be consistent with current legislative
7 drafting style.

8 **[3.26] Dictionary, definition of *behaviour management*
9 *consequence*, paragraph (b)**

10 *omit*

11 charged

12 *substitute*

13 charge

14 **Explanatory note**

15 This amendment corrects a cross-reference.

16 **[3.27] Dictionary, definition of *body***

17 *omit*

18 **Explanatory note**

19 This amendment is consequential on the inclusion of a definition of *body* in section 898 by
20 another amendment.

1 **[3.28] Dictionary, definitions of *body search* and *care and*
2 *protection appraisal***

3 *substitute*

4 *body search*—

5 (a) of a young detainee, for chapter 7 (Criminal matters—search
6 and seizure at detention places)—see section 246; and

7 (b) of a child or young person, for part 16.3 (Children and young
8 people in therapeutic protection)—see section 588.

9 *care and protection appraisal*, for the care and protection
10 chapters—see section 366.

11 **Explanatory note**

12 This amendment updates the language of the definitions in line with current legislative drafting
13 practice.

14 **[3.29] Dictionary, definition of *childcare service licence*,
15 *childcare worker*, *child concern report* and *child welfare*
16 *law***

17 *substitute*

18 *childcare service licence*, for chapter 20 (Childcare services)—see
19 section 728 (2).

20 *childcare worker*, for chapter 20 (Childcare services)—see
21 section 728 (1).

22 *child concern report*—see section 353.

23 *child welfare law*—see section 640 (1).

24 **Explanatory note**

25 This amendment revises definitions to correct cross-references.

1 **[3.30] Dictionary, definition of *court cell***

2 *omit*

3 **Explanatory note**

4 This amendment omits a redundant definition. The term ‘court cell’ is mentioned in a note to
5 section 100 as part of a cross-reference to the *Corrections Management Act 2007*, section 33
6 and section 33A. As the term appears only in the heading to each of those provisions, it does
7 not need to be defined for the Act.

8 **[3.31] Dictionary, definition of *criminal matters chapters***

9 *omit*

10 *chapters*

11 *substitute*

12 *chapter*

13 **Explanatory note**

14 This amendment corrects a typographical error.

15 **[3.32] Dictionary, definitions of *divulge* and *family member***

16 *substitute*

17 *divulge*, for chapter 25 (Information secrecy and sharing)—see
18 section 842 (2).

19 *family member*, of a child or young person—see section 13.

20 **Explanatory note**

21 This amendment revises definitions to correct cross-references.

22 **[3.33] Dictionary, definition of *health care assessment***

23 *omit*

24 **Explanatory note**

25 This amendment is consequential on the inclusion of a definition of *health care assessment* in
26 section 19 (6) by another amendment.

- 1 **[3.34] Dictionary, definition of *information and information***
2 ***sharing entity***
- 3 *substitute*
- 4 *information*, for chapter 25 (Information secrecy and sharing)—see
5 section 842 (2).
- 6 *information sharing entity*, for part 25.3 (Sharing protected
7 information)—see section 859 (1).
- 8 **Explanatory note**
- 9 This amendment revises definitions to correct cross-references.
- 10 **[3.35] Dictionary, definitions of *in need of care and protection***
11 ***and in need of emergency therapeutic protection***
- 12 *substitute*
- 13 *in need of care and protection*, for the care and protection
14 chapters—see section 345 (1).
- 15 *in need of emergency therapeutic protection*, for the care and
16 protection chapters—see section 404.
- 17 **Explanatory note**
- 18 This amendment revises the definitions to clarify that the terms are defined for the care and
19 protection chapters only.

1 **[3.36] Dictionary, definitions of *intention to cancel notice*,
2 *interstate child welfare order*, *interstate law*, *interstate*
3 *leave permit*, *interstate officer*, *interstate proceedings*
4 *transfer order*, *licensed childcare service*, *licensed*
5 *proprietor*, *long-term care responsibility provision*,
6 *mental dysfunction***

7 *substitute*

8 *intention to cancel notice*, for chapter 20 (Childcare services)—see
9 section 764 (2).

10 *interstate child welfare order*—see section 666 (1).

11 *interstate law*, for chapter 17 (Care and protection—interstate
12 transfer of orders and proceedings)—see section 641 (1).

13 *interstate leave permit*—see section 242 (1).

14 *interstate officer*, for chapter 17 (Care and protection—interstate
15 transfer of orders and proceedings)—see section 642 (1).

16 *interstate proceedings transfer order*—see section 672 (1).

17 *licensed childcare service*, for chapter 20 (Childcare services)—see
18 section 728 (2).

19 *licensed proprietor*, of a childcare service, for chapter 20 (Childcare
20 services)—see section 728 (2).

21 *long-term care responsibility*, for a child or young person—see
22 section 20.

23 *mental dysfunction*—see section 530 (1).

24 **Explanatory note**

25 This amendment revises the definitions to correct cross-references.

1 **[3.37] Dictionary, definition of *mental health order***

2 *omit*

3 **Explanatory note**

4 This amendment omits a redundant definition. The term ‘mental health order’ is mentioned only
5 in an example for section 863 (2) (c) by reference to the *Mental Health (Treatment and Care)*
6 *Act 1994*. The term, therefore, does not need to be defined for the Act.

7 **[3.38] Dictionary, definitions of *mental illness* and *neglect***

8 *substitute*

9 *mental illness*—see section 530 (1).

10 *neglect*, of a child or young person—see section 343.

11 **Explanatory note**

12 This amendment revises the definitions to correct cross-references and to update the language
13 of the definitions in line with current legislative drafting practice.

14 **[3.39] Dictionary, definition of *paediatrician***

15 *omit*

16 **Explanatory note**

17 This amendment omits a redundant definition.

18 **[3.40] Dictionary, definition of *parental responsibility***

19 *substitute*

20 *parental responsibility*—see section 15.

21 **Explanatory note**

22 This amendment revises the definition to correct a cross-reference.

1 **[3.41] Dictionary, definitions of *parties* and *party***

2 *substitute*

3 *parties*—

4 (a) for a family group conference, for this Act generally—see
5 section 73; and

6 (b) for an application, for the care and protection chapters—see
7 section 700 (1).

8 *party*, for chapter 12 (Care and protection—voluntary agreements to
9 transfer or share parental responsibility)—see section 396 (1).

10 **Explanatory note**

11 This amendment revises the definitions to correct cross-references and to update the language
12 of the definitions in line with current legislative drafting practice.

13 **[3.42] Dictionary, definition of *police cell***

14 *omit*

15 **Explanatory note**

16 This amendment omits a redundant definition.

17 **[3.43] Dictionary, definition of *protected information***

18 *substitute*

19 *protected information*—see section 844 (1).

20 This amendment revises the definition to correct a cross-reference.

21 **[3.44] Dictionary, definition of *protection order***

22 *omit*

23 **Explanatory note**

24 This amendment omits a redundant definition.

- 1 **[3.45] Dictionary, definitions of *registered, research project,***
2 ***reviewable decision, significant harm, suitable entity,***
3 ***therapeutic protection person and youth justice***
4 ***principles***
- 5 *substitute*
- 6 *registered*, for a family group conference agreement, for Chapter 12
7 (Care and protection—voluntary agreements to transfer or share
8 parental responsibility)—see section 389 (2).
- 9 *research project*, for chapter 22 (Research involving children and
10 young people)—see section 806.
- 11 *reviewable decision*, for division 24.1.3 (Notification and review of
12 decisions)—see section 839.
- 13 *significant harm*, for the care and protection chapters—see
14 section 341 (2).
- 15 *suitable entity*, for a stated purpose—see section 61.
- 16 *therapeutic protection person*, for chapter 16 (Care and
17 protection—therapeutic protection of children and young people)—
18 see section 530 (2).
- 19 *youth justice principles*, for the criminal matters chapters—see
20 section 94.
- 21 **Explanatory note**
- 22 This amendment revises the definitions to correct cross-references.

1 **[3.46] Further amendments, mentions of *in writing***

2 *omit*

3 , in writing,

4 *in*

- 5 • section 115 (3)
6 • section 640 to 642

7 **Explanatory note**

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

10 **Part 3.6 Crimes (Forensic Procedures)**
11 **Act 2000**

12 **[3.47] Dictionary, note 2**

13 *omit*

- 14 • dental technician

15 **Explanatory note**

16 Dictionary, note 2 lists examples of terms that are included in the Legislation Act, dictionary,
17 part 1 (where terms commonly used in legislation are defined) and used in this Act. This
18 amendment is consequential on the omission of the definition of *dental technician* from the
19 Legislation Act, dictionary, part 1 by another amendment.

20 **[3.48] Dictionary, new definition of *dental technician***

21 *insert*

22 *dental technician*—see the *Health Act 1993*, dictionary.

23 **Explanatory note**

24 This amendment is consequential on insertion of a new definition of *dental technician* in the
25 *Health Act 1993*, dictionary by another amendment.

1 **Part 3.8** **Discrimination Act 1991**

2 **[3.52] Sections 30 (2) and 52 (2)**

3 *omit*

4 , in writing,

5 **Explanatory note**

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

8 **[3.53] Section 57B (3), definition of *award***

9 *substitute*

10 *award* means a modern award made under the *Fair Work Act 2009*
11 (Cwlth).

12 **Explanatory note**

13 This amendment updates the definition as a consequence of changes made to the workplace
14 relations system by the *Fair Work Act 2009* (Cwlth), which replaced significant parts of the
15 *Workplace Relations Act 1996*.

16 **[3.54] New section 57B (4) and (5)**

17 *insert*

- 18 (4) For the definition of *award*, a reference to a modern award made
19 under the *Fair Work Act 2009* (Cwlth) includes a reference to an
20 award-based transitional instrument within the meaning of the *Fair*
21 *Work (Transitional Provisions and Consequential Amendments)*
22 *Act 2009* (Cwlth), schedule 3, part 2.

1 (5) Subsection (4) and this subsection expire 1 year after the day this
2 subsection commences.

3 **Explanatory note**

4 This amendment inserts transitional arrangements in section 57B to ensure that transitional
5 instruments under the *Fair Work (Transitional Provisions and Consequential Amendments)*
6 *Act 2009* (Cwlth), schedule 3, part 2 are included in the definition of **award**. That definition is
7 updated by another amendment to take account of changes to the workplace relations system by
8 the *Fair Work Act 2009* (Cwlth). The *Fair Work Act 2009* (Cwlth) replaced significant parts of
9 the *Workplace Relations Act 1996* (Cwlth).

10 **[3.55] Dictionary, note 2**

11 *omit*

- 12 • external Territory
13 • individual

14 **Explanatory note**

15 Dictionary, note 2 lists examples of terms that are included in the Legislation Act, dictionary,
16 part 1 (where terms commonly used in legislation are defined) and used in this Act. This
17 amendment omits redundant terms.

18 **Part 3.9 Districts Act 2002**

19 **[3.56] Section 5 (3)**

20 *omit*

21 , in writing,

22 **Explanatory note**

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

1 **[3.57] Sections 12 (2) and 13 (3), new note**

2 *insert*

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

6 **Explanatory note**

7 This amendment inserts a standard note about examples.

8 **[3.58] Section 14 (1)**

9 *omit*

10 written

11 **Explanatory note**

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

14 **Part 3.10 Drugs In Sport Act 1999**

15 **[3.59] Long title**

16 *omit*

17 Australian Sports Drug Agency

18 *substitute*

19 Australian Sports Anti-Doping Authority

20 **Explanatory note**

21 This amendment corrects a cross-reference. The Act was amended in 2007 to replace references
22 to the Australian Sports Drug Agency (*ASDA*) with references to the Australian Sports
23 Anti-Doping Authority as a consequence of the repeal of the *Australian Sports Drug Agency*
24 *Act 1990* (Cwlth) and the enactment of the *Australian Sports Anti-Doping Authority Act 2006*
25 (Cwlth). The reference to the Australian Sports Drug Agency in the long title was overlooked
26 when the earlier amendments were made.

1 **[3.63] Section 125 (1)**

2 *omit*

3 in writing

4 **Explanatory note**

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

7 **[3.64] Section 136B (1), definition of *relevant period*,**
8 **paragraph (a)**

9 *omit*

10 in the ACT

11 **Explanatory note**

12 This amendment omits words that are unnecessary as a consequence of the inclusion of a
13 definition of *public holiday* in the Legislation Act, dictionary, part 1. The definition makes it
14 clear that a reference to ‘public holiday’ in an Act or statutory instrument is a reference to a
15 public holiday in the ACT.

16 **[3.65] Section 136C (1), definition of *relevant period*,**
17 **paragraph (a)**

18 *omit*

19 in the ACT

20 **Explanatory note**

21 This amendment omits words that are unnecessary as a consequence of the inclusion of a
22 definition of *public holiday* in the Legislation Act, dictionary, part 1. The definition makes it
23 clear that a reference to ‘public holiday’ in an Act or statutory instrument is a reference to a
24 public holiday in the ACT.

- 1 **[3.66] Section 160 (2)**
- 2 *substitute*
- 3 (2) Subsection (2A) applies if—
- 4 (a) the polling is suspended; and
- 5 (b) the commissioner believes on reasonable grounds that it is not
- 6 reasonably practicable for an elector affected by the suspension
- 7 to cast a vote at another polling place.
- 8 (2A) The commissioner must determine a day (that is as soon as
- 9 practicable, but within 21 days, after the suspension) as the day
- 10 when polling is to resume.

11 **Explanatory note**

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

13 amendment also omits words that are now redundant because of the Legislation Act,

14 section 42 (2), which requires notifiable instruments to be in writing.

15 **[3.67] Section 198, definition of *registered industrial***

16 ***organisation***

- 17 *omit*
- 18 *Workplace Relations Act 1996*
- 19 *substitute*
- 20 *Fair Work (Registered Organisations) Act 2009*

21 **Explanatory note**

22 This amendment updates a cross-reference as a consequence of amendments of the *Workplace*

23 *Relations Act 1996* (Cwlth). The *Fair Work (Transitional Provisions and Consequential*

24 *Amendments) Act 2009* (Cwlth) changed the name of the *Workplace Relations Act 1996* (Cwlth)

25 to the *Fair Work (Registered Organisations) Act 2009* (Cwlth) and made other amendments.

1 **[3.68] Section 244 heading**

2 *substitute*

3 **244 Meaning of *internal review notice*—Act**

4 **Explanatory note**

5 This amendment updates the heading to section 244 in line with current legislative drafting
6 style.

7 **[3.69] Section 291, new definition of *polling place***

8 *insert*

9 *polling place* includes—

- 10 (a) a place where a vote may be made before an officer under
11 section 136B (Ordinary or declaration voting in ACT before
12 polling day) or section 136C (Declaration voting outside ACT
13 on or before polling day); and
- 14 (b) a place where mobile polling is taking place under
15 division 10.5 (Mobile polling).

16 **Explanatory note**

17 This amendment relocates a definition of *polling place* for division 17.3 from the dictionary, in
18 line with current legislative drafting practice.

19 **[3.70] Dictionary, note 2**

20 *omit*

- 21 • judge

22 **Explanatory note**

23 Dictionary, note 2 lists examples of terms that are included in the Legislation Act, dictionary,
24 part 1 (where terms commonly used in legislation are defined) and used in this Act. This
25 amendment omits a redundant term. A definition of the term is included in section 12B, and
26 omitted from the dictionary, by other amendments.

1 **[3.71] Dictionary, note 2**

2 *insert*

- 3 • home address
4 • public holiday

5 **Explanatory note**

6 This amendment inserts new defined terms in the list of terms defined in the Legislation Act.

7 **[3.72] Dictionary, note 2**

8 *omit*

- 9 • Speaker

10 *substitute*

- 11 • Speaker (except for parts 13 and 16)

12 **Explanatory note**

13 This amendment alerts users of the legislation to the different meanings the term is given in the
14 Act.

15 **[3.73] Dictionary, definition of *Court of Disputed Elections***

16 *substitute*

17 *Court of Disputed Elections*, for part 16 (Disputed elections,
18 eligibility and vacancies)—see section 252 (2).

19 **Explanatory note**

20 This amendment updates the definition of *Court of Disputed Elections* in line with current
21 legislative drafting practice.

22 **[3.74] Dictionary, definition of *judge***

23 *omit*

24 **Explanatory note**

25 This amendment is consequential on the insertion of a definition of *judge* in section 12B by
26 another amendment.

1 **[3.75] Dictionary, definition of *polling place***

2 *substitute*

3 *polling place*—

4 (a) for the Act—means a place appointed as a polling place under
5 section 119 (Polling places and scrutiny centres); and

6 (b) for division 17.3 (Campaigning offences)—see section 291.

7 **Explanatory note**

8 This amendment updates the definition of *polling place* in line with current legislative drafting
9 practice.

10 **[3.76] Dictionary, definition of *roll*, new note**

11 *insert*

12 *Note* Part 5 contains provisions about the keeping of electoral rolls.

13 **Explanatory note**

14 This amendment inserts a new note to assist users.

15 **[3.77] Further amendments, mentions of *in writing***

16 *omit*

17 , in writing,

18 *in*

- 19 • section 8
20 • section 39
21 • section 101
22 • section 108
23 • sections 136B to 136C
24 • section 149A
25 • section 167B
26 • section 221
27 • section 230

- 1 • section 340A

2 **Explanatory note**

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

5 **Part 3.12 Emergencies Act 2004**

6 **[3.78] Section 149 heading**

7 *substitute*

8 **149 Community communication and information plan**

9 **Explanatory note**

10 This amendment substitutes a new heading that more accurately reflects the substance of the
11 provision.

12 **[3.79] Dictionary, note 2**

13 *insert*

- 14 • adult
15 • chief executive
16 • Criminal Code
17 • disallowable instrument
18 • Executive
19 • fail
20 • may
21 • must
22 • notifiable instrument
23 • penalty unit
24 • police officer.

25 **Explanatory note**

26 Dictionary, note 2 lists examples of terms that are included in the Legislation Act, dictionary,
27 part 1 (where terms commonly used in legislation are defined) and used in this Act. This
28 amendment includes new defined terms in the list.

1 **[3.80] Dictionary, definition of *contributor***

2 *after*

3 health

4 *insert*

5 benefits

6 **Explanatory note**

7 This amendment corrects a cross-reference.

8 **[3.81] Dictionary, definition of *cooperative arrangement***

9 *substitute*

10 *cooperative arrangement*—see section 176.

11 **Explanatory note**

12 This amendment updates language in line with current legislative drafting style.

13 **[3.82] Further amendments, mentions of *in writing***

14 *omit*

15 , in writing,

16 *in*

- 17 • section 11 (1st mention)
- 18 • section 62
- 19 • section 65
- 20 • section 72
- 21 • section 117
- 22 • section 119
- 23 • section 182

- 1 • section 195
2 • sections 200 to 201

3 **Explanatory note**

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

6 **Part 3.13 Environment Protection Act 1997**

7 **[3.83] New section 2 (3)**

8 *insert*

9 (3) In this section:

10 *national scheme laws* means—

11 (a) the *National Environment Protection Council Act 1994*
12 (Cwlth); and

13 (b) the *National Environment Protection Council Act 1994*.

14 **Explanatory note**

15 This amendment relocates from the dictionary a definition of a term that is used only in
16 section 2. This is in line with current legislative drafting practice. The definition is omitted from
17 the dictionary by another amendment.

18 **[3.84] Section 3, note 1**

19 *omit*

20 Land Act, section 222

21 *substitute*

22 *Planning and Development Act 2007*, section 7

23 **Explanatory note**

24 This amendment corrects a cross-reference.

1 **[3.85] New section 46 (2)**

2 *insert*

3 (2) In this section:

4 *environment improvement initiative* means—

5 (a) an environmental protection agreement that has as one of its
6 terms a requirement that a party comply with a code of practice
7 accredited under section 31; or

8 (b) an environmental improvement plan accredited under
9 section 72; or

10 (c) a prescribed standard of the International Organization for
11 Standardization; or

12 (d) a prescribed initiative.

13 **Explanatory note**

14 This amendment relocates from the dictionary a definition of a term that is used only in
15 section 46. This is in line with current legislative drafting practice. The definition is omitted
16 from the dictionary by another amendment.

17 **[3.86] Section 76A (1)**

18 *after*

19 statement

20 *insert*

21 (a *site audit statement*)

22 **Explanatory note**

23 This amendment inserts a tag term after ‘statement’ to make it clear that the reference in
24 section 76A (2) to a site audit statement is a reference to the statement under section 76A (1).

1 **[3.87] New section 91I (4)**

2 *insert*

3 (4) In this section:

4 ***financial controller*** means a receiver, manager or other person who
5 has possession or control of land for the purpose of realising part or
6 all of the value of the land to discharge an obligation secured over
7 the land.

8 ***notional lessee***, in relation to land—

9 (a) means a person who has vested rights in relation to the land
10 that—

11 (i) carry an entitlement to have the lease transferred to the
12 person; or

13 (ii) enable the person to dispose of or otherwise deal with the
14 land;

15 so that the person is able to benefit from the value of the lease,
16 or a substantial part of it, by the transfer, disposal or dealing;
17 and

18 (b) includes a mortgagee in possession of the land the subject of
19 the lease; but

20 (c) does not include—

21 (i) a person having security over the lease; or

22 (ii) a person who is a legal personal representative of a
23 person who was the lessee of the land immediately before
24 the appointment of the representative took effect or who
25 was a lessee of the land immediately before his or her
26 death; or

27 (iii) the public trustee because of the operation of the *Public*
28 *Trustee Act 1985*, section 19; or

- 1 (iv) a person who would otherwise be a notional lessee if—
- 2 (A) the person has some security of the lease; and
- 3 (B) the person, or a financial controller appointed by the
- 4 person, has entered into a contract to sell the land
- 5 for the purpose of realising all or part of the value of
- 6 the land to discharge an obligation so secured.

7 **Explanatory note**

8 This amendment relocates from the dictionary definition of terms that are used only in
9 section 91I. This is in line with current legislative drafting practice. The definitions are omitted
10 from the dictionary by another amendment and updated in line with current legislative drafting
11 practice.

12 **[3.88] Section 93 (3)**

13 *omit*

14 **Explanatory note**

15 This amendment omits a provision that is now redundant because of the Legislation Act, section
16 42 (2), which requires disallowable instruments to be in writing.

17 **[3.89] Schedule 1, section 1.1, definition of *blank fire firearm***
18 **and example**

19 *substitute*

20 *blank fire firearm*—see the *Firearms Act 1996*, dictionary.

21 **Explanatory note**

22 This amendment substitutes the definition and example with a signpost definition to the
23 *Firearms Act 1996*, dictionary. The definition is the same as the definition of the term in the
24 *Firearms Act 1996*. Changing the definition to a signpost definition will ensure that any
25 changes to the definition in the *Firearms Act 1996* will consequentially apply in relation to the
26 Act.

1 **[3.90] Schedule 1, table 1.2, item 47, note**

2 *substitute*

3 *Note* A person commits an offence if the person operates a shooting range
4 other than an approved shooting range. Also, a person commits an
5 offence if the person operates an approved shooting range and is not
6 licensed to operate the shooting range (see *Firearms Act 1996*, s 224).

7 **Explanatory note**

8 This amendment is consequential on amendments of the *Firearms Act 1996* made by the
9 *Firearms Amendment Act 2008*, section 40. Those amendments commenced on
10 15 January 2009.

11 **[3.91] Dictionary, note 2**

12 *insert*

- 13 • chief executive (see s 163)
- 14 • disallowable instrument (see s 9)
- 15 • indictable offence (see s 190)
- 16 • national capital plan
- 17 • notifiable instrument (see s 10)
- 18 • penalty unit (see s 133)
- 19 • public holiday

20 **Explanatory note**

21 Dictionary, note 2 lists examples of terms that are included in the Legislation Act, dictionary,
22 part 1 (where terms commonly used in legislation are defined) and used in this Act. This
23 amendment inserts a number of new defined terms. The term *public holiday*, is included as a
24 consequence of a new definition of *public holiday* being inserted in the Legislation Act,
25 dictionary, part 1 by another amendment.

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

2 *insert*

3 *airgun*, for schedule 1 (Activities requiring environmental
4 authorisation)—see schedule 1, section 1.1.

5 *aquifer*, for schedule 1 (Activities requiring environmental
6 authorisation)—see schedule 1, section 1.1.

7 **Explanatory note**

8 This amendment updates the dictionary by including signpost definitions for terms defined in
9 schedule 1, section 1.1.

10 **[3.93] Dictionary, definition of AS 4013**

11 *before*

12 section 2.1

13 *insert*

14 schedule 2,

15 **Explanatory note**

16 This amendment corrects a cross-reference.

17 **[3.94] Dictionary, new definitions**

18 *insert*

19 *authorised concert venue*, for schedule 1 (Activities requiring
20 environmental authorisation)—see schedule 1, section 1.1.

21 *authorised motor racing venue*, for schedule 1 (Activities requiring
22 environmental authorisation)—see schedule 1, section 1.1.

23 *blank fire firearm*, for schedule 1 (Activities requiring
24 environmental authorisation)—see schedule 1, section 1.1.

25 *bore*, for schedule 1 (Activities requiring environmental
26 authorisation)—see schedule 1, section 1.1.

1 *clinical waste*, for schedule 1 (Activities requiring environmental
2 authorisation)—see schedule 1, section 1.1.

3 *concert*, for schedule 1 (Activities requiring environmental
4 authorisation)—see schedule 1, section 1.1.

5 *concert venue*, for schedule 1 (Activities requiring environmental
6 authorisation)—see schedule 1, section 1.1.

7 *environmental standards*, for schedule 1 (Activities requiring
8 environmental authorisation)—see schedule 1, section 1.1.

9 **Explanatory note**

10 This amendment updates the dictionary by including signpost definitions for terms defined in
11 schedule 1, section 1.1.

12 **[3.95] Dictionary, definition of *environment improvement***
13 ***initiative***

14 *omit*

15 **Explanatory note**

16 This amendment is consequential on the inclusion of a definition of *environment improvement*
17 *initiative* in section 46 by another amendment.

18 **[3.96] Dictionary, definition of *financial controller***

19 *omit*

20 **Explanatory note**

21 This amendment is consequential on the inclusion of a definition of *financial controller* in
22 section 91I by another amendment.

1 **[3.97] Dictionary, new definition of *firearm***

2 *insert*

3 *firearm*, for schedule 1 (Activities requiring environmental
4 authorisation)—see schedule 1, section 1.1.

5 **Explanatory note**

6 This amendment updates the dictionary by including a signpost definition for a term defined in
7 schedule 1, section 1.1.

8 **[3.98] Dictionary, definition of *fuel-burning equipment***

9 *before*

10 section 2.1

11 *insert*

12 schedule 2,

13 **Explanatory note**

14 This amendment corrects a cross-reference.

15 **[3.99] Dictionary, new definition of *ground water***

16 *insert*

17 *ground water*, for schedule 1 (Activities requiring environmental
18 authorisation)—see schedule 1, section 1.1.

19 **Explanatory note**

20 This amendment updates the dictionary by including a signpost definition for a term defined in
21 schedule 1, section 1.1.

22 **[3.100] Dictionary, definition of *inquiry***

23 *substitute*

24 *inquiry*, for part 10 (Functions of the Minister)—see the *Planning*
25 *and Development Act 2007*, section 206 (Definitions—ch 8).

26 **Explanatory note**

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

1 **[3.101] Dictionary, new definitions**

2 *insert*

3 *live animal weight*, for schedule 1 (Activities requiring
4 environmental authorisation)—see schedule 1, section 1.1.

5 *logging*, for schedule 1 (Activities requiring environmental
6 authorisation)—see schedule 1, section 1.1.

7 *mobile plant*, for schedule 1 (Activities requiring environmental
8 authorisation)—see schedule 1, section 1.1.

9 *motor racing event*, for schedule 1 (Activities requiring
10 environmental authorisation)—see schedule 1, section 1.1.

11 **Explanatory note**

12 This amendment updates the dictionary by including signpost definitions for terms defined in
13 schedule 1, section 1.1.

14 **[3.102] Dictionary, definition of *national capital plan***

15 *omit*

16 **Explanatory note**

17 This amendment omits a redundant definition. The term is defined in the Legislation Act,
18 dictionary, part 1 and included in the dictionary, note 2 by another amendment.

19 **[3.103] Dictionary, new definition of *National Electricity (ACT)*
20 *Law***

21 *insert*

22 *National Electricity (ACT) Law*, for schedule 1 (Activities requiring
23 environmental authorisation)—see schedule 1, section 1.1.

24 **Explanatory note**

25 This amendment updates the dictionary by including a signpost definition for a term defined in
26 schedule 1, section 1.1.

1 **[3.104] Dictionary, definition of *national scheme laws***

2 *omit*

3 **Explanatory note**

4 This amendment is consequential on the inclusion of a definition of *national scheme laws* in
5 section 2 by another amendment.

6 **[3.105] Dictionary, definition of *notional lessee***

7 *omit*

8 **Explanatory note**

9 This amendment is consequential on the inclusion of a definition of *notional lessee* in
10 section 91I by another amendment.

11 **[3.106] Dictionary, new definitions**

12 *insert*

13 *paintball marker*, for schedule 1 (Activities requiring environmental
14 authorisation)—see schedule 1, section 1.1.

15 *receiving waters*, for schedule 1 (Activities requiring environmental
16 authorisation)—see schedule 1, section 1.1.

17 *regulated waste*, for schedule 1 (Activities requiring environmental
18 authorisation)—see schedule 1, section 1.1.

19 *residential premises*, for schedule 2 (Specific offences)—see
20 schedule 2, section 2.1.

21 *road transport legislation*, for schedule 1 (Activities requiring
22 environmental authorisation)—see schedule 1, section 1.1.

23 **Explanatory note**

24 This amendment updates the dictionary by including signpost definitions for terms defined in
25 schedule 1, section 1.1 and schedule 2, section 2.1.

1 **[3.107] Dictionary, definition of *sell***

2 *before*
3 section 2.1
4 *insert*
5 schedule 2,

6 **Explanatory note**

7 This amendment corrects a cross-reference.

8 **[3.108] Dictionary, definition of *site audit statement***

9 *omit*

10 **Explanatory note**

11 This amendment is consequential on the inclusion of *site audit statement* as a tag term in
12 section 76A (1) by another amendment.

13 **[3.109] Dictionary, definition of *solid fuel-burning equipment***

14 *before*
15 section 2.1
16 *insert*
17 schedule 2,

18 **Explanatory note**

19 This amendment corrects a cross-reference.

20 **[3.110] Dictionary, new definitions**

21 *insert*

22 *stock*, for schedule 1 (Activities requiring environmental
23 authorisation)—see schedule 1, section 1.1.

24 *stormwater*, for schedule 1 (Activities requiring environmental
25 authorisation)—see schedule 1, section 1.1.

1 *stormwater system*, for schedule 1 (Activities requiring
2 environmental authorisation)—see schedule 1, section 1.1.

3 *waste*, for schedule 1 (Activities requiring environmental
4 authorisation)—see schedule 1, section 1.1.

5 *wastewater*, for schedule 1 (Activities requiring environmental
6 authorisation)—see schedule 1, section 1.1.

7 *water*, for schedule 1 (Activities requiring environmental
8 authorisation)—see schedule 1, section 1.1.

9 *waterway*, for schedule 1 (Activities requiring environmental
10 authorisation)—see schedule 1, section 1.1.

11 *year*, for schedule 1 (Activities requiring environmental
12 authorisation)—see schedule 1, section 1.1.

13 **Explanatory note**

14 This amendment updates the dictionary by including signpost definitions for terms defined in
15 schedule 1, section 1.1.

16 **[3.111] Further amendments, mentions of *in writing***

17 *omit*

18 , in writing,

19 *in*

20 • section 31 (1)

21 • section 41 (5)

22 • section 48 (6)

23 • section 50 (7)

24 • section 67A

25 **Explanatory note**

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

1 **[3.114] Dictionary, new definitions**

2 *insert*

3 *building intruder alarm*, for schedule 2, part 2.3 (Noise
4 conditions)—see schedule 2, part 2.3, section 2.2.

5 *community facility zone*, for schedule 2, part 2.1 (Noise zones)—
6 see schedule 2, part 2.1, section 2.1.

7 **Explanatory note**

8 This amendment updates the dictionary by inserting signpost definitions for terms defined for
9 schedule 2, part 2.1 and part 2.3.

10 **[3.115] Dictionary, definition of *domestic article***

11 *omit*

12 **Explanatory note**

13 This amendment omits a redundant definition.

14 **[3.116] Dictionary, new definitions**

15 *insert*

16 *habitable room*, for schedule 2, part 2.3 (Noise conditions)—see
17 schedule 2, part 2.3, section 2.2.

18 *motor vehicle intruder alarm*, for schedule 2, part 2.3 (Noise
19 conditions)—see schedule 2, part 2.3, section 2.2.

20 *national capital plan*, for schedule 2, part 2.1 (Noise zones)—see
21 schedule 2, part 2.1, section 2.1.

22 **Explanatory note**

23 This amendment updates the dictionary by inserting signpost definitions for terms defined for
24 schedule 2, part 2.1 and part 2.3.

1 **[3.117] Dictionary, definition of *public holiday***

2 *omit*

3 **Explanatory note**

4 This amendment is consequential on the insertion of a definition of *public holiday* in the
5 Legislation Act, dictionary, part 1 by another amendment.

6 **[3.118] Dictionary, new definition of *reserved area***

7 *insert*

8 *reserved area*, for schedule 2, part 2.3 (Noise conditions)—see the
9 *Nature Conservation Act 1980*, dictionary.

10 **Explanatory note**

11 This amendment updates the dictionary by inserting a signpost definition for a term defined for
12 schedule 2, part 2.3.

13 **[3.119] Dictionary, definition of *territory lease***

14 *omit*

15 **Explanatory note**

16 This amendment omits a signpost definition for a term that is not defined in the regulation. The
17 term is defined in the Legislation Act, dictionary, part 1, and is already included in dictionary,
18 note 2.

19 **[3.120] Dictionary, new definitions**

20 *insert*

21 *territory service*, for schedule 2, part 2.3 (Noise conditions)—see
22 the *Utilities Act 2000*, section 226.

23 *utility service*, for schedule 2, part 2.3 (Noise conditions)—see the
24 *Utilities Act 2000*, dictionary.

25 **Explanatory note**

26 This amendment updates the dictionary by inserting signpost definitions for terms defined for
27 schedule 2, part 2.3.

1 **Part 3.15** **Firearms Act 1996**

2 **[3.121] Section 224 (2), new note**

3 *insert*

4 *Note* A person must not operate a firearm shooting range unless the person
5 holds an environmental authorisation to operate the firearm shooting
6 range (see *Environment Protection Act 1997*, s 41 and sch 1).

7 **Explanatory note**

8 This amendment is consequential on amendments of the *Environment Protection Act 1997*,
9 schedule 1, table 1.2 made by the *Environment Protection Amendment Regulation 2008 (No 1)*.

10 **Part 3.16** **Gene Technology**
11 **Regulation 2004**

12 **[3.122] Section 8 (2) (a)**

13 *omit*

14 in the ACT

15 **Explanatory note**

16 This amendment omits words that are unnecessary as a consequence of the inclusion of a
17 definition of *public holiday* in the Legislation Act, dictionary, part 1. The definition makes it
18 clear that a reference to ‘public holiday’ in an Act or statutory instrument is a reference to a
19 public holiday in the ACT.

20 **[3.123] Dictionary, note 2**

21 *insert*

- 22
 - public holiday

23 **Explanatory note**

24 Dictionary, note 2 lists examples of terms that are included in the Legislation Act, dictionary,
25 part 1 (where terms commonly used in legislation are defined) and used in this Act. This
26 amendment inserts a new defined term in the list of terms defined in the Legislation Act as a
27 consequence of the insertion of a definition of *public holiday* in the Legislation Act, dictionary,
28 part 1 by another amendment.

1 **Part 3.17** **Guardianship and Management**
2 **of Property Act 1991**

3 **[3.124] Section 8B (1), note**

4 *substitute*

5 *Note* The ACAT may revoke the enduring power of attorney, or part of it,
6 under s 62 (2) (c).

7 **Explanatory note**

8 This amendment corrects a cross-reference.

9 **[3.125] New section 74 (4)**

10 *insert*

11 (4) In this section:

12 *executive officer*, of a corporation, means a person, however called
13 and whether or not the person is a director of the corporation, who is
14 concerned with, or takes part in, the corporation's management.

15 **Explanatory note**

16 This amendment relocates from the dictionary a definition of a term that is used only in
17 section 74. This is in line with current legislative drafting practice. The definition is omitted
18 from the dictionary by another amendment.

19 **[3.126] Dictionary, definition of *executive officer***

20 *omit*

21 **Explanatory note**

22 This amendment is consequential on the inclusion of a definition of *executive officer* in
23 section 74 by another amendment.

24 **[3.127] Dictionary, definition of *neurosurgery***

25 *omit*

26 **Explanatory note**

27 This amendment omits a redundant definition.

1 Part 3.18 Health Act 1993

2 [3.128] Dictionary, note 2

3 *omit*

- 4 • dental technician

5 Explanatory note

6 Dictionary, note 2 lists examples of terms that are included in the Legislation Act, dictionary,
7 part 1 (where terms commonly used in legislation are defined) and used in this Act. This
8 amendment is consequential on the omission of the definition of *dental technician* from the
9 Legislation Act, dictionary, part 1 by another amendment.

10 [3.129] Dictionary, new definitions

11 *insert*

12 *dental technical work* means work involving the making, altering,
13 repairing or maintaining of dental prosthetic appliances.

14 Example—dental technical work

15 shade-taking for dental prosthetic appliances

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

19 *dental technician* means a person who does dental technical work
20 and either—

21 (a) is a graduate of a course of education in dental technical work
22 accredited by the Council of Regulating Authorities for Dental
23 Technicians and Dental Prosthetists (*CORA*); or

24 (b) has—

25 (i) completed a course of education or training in dental
26 prosthetic work outside Australia that is accredited by
27 *CORA*; and

- 1 (ii) passed an exam in dental prosthetic work accredited by
2 CORA.

3 **Explanatory note**

4 This amendment is consequential on the repeal of schedule 8 (which dealt with the regulation
5 and registration of dental technicians) to the *Health Professionals Regulation 2004*. Because the
6 Act includes dental technicians as an example of a ‘health service provider’, a definition of the
7 term is still needed for the Act. The proposed definitions are based on the definitions of *dental*
8 *technician* and *dental technical work*, and section 8.4 (which dealt with the qualifications an
9 individual required to practise as a dental technician in the ACT) in the *Health Professionals*
10 *Regulation 2004*, schedule 8 (Dental technicians) as in force on 1 November 2010, immediately
11 before it was repealed by the *Health Professionals Amendment Regulation 2010 (No 2)*.

12 **[3.130] Dictionary, definition of *protected information***

13 *substitute*

14 *protected information*, for part 8 (Secrecy)—see section 123.

15 **Explanatory note**

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

17 **Part 3.19 Health Professionals (Special**
18 **Events Exemptions) Act 2000**

19 **[3.131] Dictionary, note 2**

20 *omit*

- 21 • dental technician

22 **Explanatory note**

23 Dictionary, note 2 lists examples of terms that are included in the Legislation Act, dictionary,
24 part 1 (where terms commonly used in legislation are defined) and used in this Act. This
25 amendment is consequential on the omission of the definition of *dental technician* from the
26 Legislation Act, dictionary, part 1 by another amendment.

1 **[3.132] Dictionary, definition of *health care services*,**
2 **paragraph (a)**

3 *omit*

4 dental technicians,

5 **Explanatory note**

6 This amendment omits a reference to a group that is no longer regulated by the *Health*
7 *Professionals Act 2004* as a consequence of the repeal, on 2 November 2010, of the *Health*
8 *Professionals Regulation 2004*, schedule 8 (which dealt with the regulation and registration of
9 dental technicians). The group is not regulated by the *Health Practitioner National Law (ACT)*
10 either so is no longer a group to which the Act applies.

11 **Part 3.20 Lands Acquisition Act 1994**

12 **[3.133] Sections 19, 21 and 24**

13 *omit*

14 in writing

15 **Explanatory note**

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

18 **[3.134] Section 25 (3)**

19 *omit*

20 written

21 **Explanatory note**

22 This amendment omits a word that is now redundant because of the Legislation Act,
23 section 42 (2), which requires notifiable instruments to be in writing.

1 **[3.135] Section 30 (3)**

2 *omit*

3 **Explanatory note**

4 This amendment omits a redundant provision. The term *working day* is defined in the
5 Legislation Act, dictionary, part 1. A standard note referring users to that definition is included
6 in section 30 by the previous amendment.

7 **[3.136] New section 32 (5)**

8 *insert*

9 (5) In this section:

10 *public park* means land that, under a Territory law, is dedicated or
11 reserved, or is vested in trustees, as a public park or national park or
12 otherwise is for the purposes of public recreation.

13 **Explanatory note**

14 This amendment relocates from the dictionary a definition of a term that is used only in
15 section 32. This is in line with current legislative drafting practice. The definition is omitted
16 from the dictionary by another amendment.

17 **[3.137] Section 33 etc**

18 *omit*

19 , in writing,

20 *in*

- 21 • section 33
22 • section 40 (1)
23 • sections 117 and 118

24 **Explanatory note**

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

1 **[3.138] Dictionary, note 2**

2 *insert*

- 3 • working day

4 **Explanatory note**

5 Dictionary, note 2 lists examples of terms that are included in the Legislation Act, dictionary,
6 part 1 (where terms commonly used in legislation are defined) and used in this Act. This
7 amendment inserts a new defined term in the list of terms defined in the Legislation Act,
8 dictionary, part 1.

9 **[3.139] Dictionary, definition of *public park***

10 *omit*

11 **Explanatory note**

12 This amendment is consequential on the inclusion of the definition in section 32 by another
13 amendment.

14 **Part 3.21 Legal Aid Act 1977**

15 **[3.140] Section 32AA (4)**

16 *omit*

17 section 32

18 *substitute*

19 section 31C (Fees for services of private legal practitioners)

20 **Explanatory note**

21 This amendment corrects a cross-reference.

- 1 **[3.141] Section 68A (9), definition of *relevant staff organisation*,**
2 **paragraph (a)**
- 3 *substitute*
- 4 (a) within the meaning of the *Fair Work (Registered*
5 *Organisations) Act 2009* (Cwlth); and
- 6 **Explanatory note**
- 7 This amendment updates a cross-reference as a consequence of amendments of the *Workplace*
8 *Relations Act 1996* (Cwlth). The *Fair Work (Transitional Provisions and Consequential*
9 *Amendments) Act 2009* (Cwlth) changed the name of the *Workplace Relations Act 1996* (Cwlth)
10 to the *Fair Work (Registered Organisations) Act 2009* (Cwlth) and made other amendments.
- 11 **[3.142] Section 84B**
- 12 *omit*
- 13 , in writing,
- 14 **Explanatory note**
- 15 This amendment omits words that are now redundant because of the Legislation Act,
16 section 206 (1), which requires appointments to be made or evidenced in writing.
- 17 **[3.143] Section 84B (2), new notes**
- 18 *insert*
- 19 *Note 1* For the making of appointments (including acting appointments), see
20 the Legislation Act, pt 19.3.
- 21 *Note 2* In particular, an appointment may be made by naming a person or
22 nominating the occupant of a position (see Legislation Act, s 207).
- 23 *Note 3* Certain Ministerial appointments require consultation with an Assembly
24 committee and are disallowable (see Legislation Act, div 19.3.3).
- 25 **Explanatory note**
- 26 This amendment inserts standard notes about appointments in line with current legislative
27 drafting practice.

1 **[3.144] Section 99 (1)**

2 *omit*

3 , in writing,

4 **Explanatory note**

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

7 **[3.145] New section 102**

8 *insert*

9 **102 Expiry—pt 14**

10 This part expires 3 years after the day it commences.

11 **Explanatory note**

12 This amendment inserts a standard expiry provision for part 14. Part 14 was inserted by the
13 *Justice and Community Safety Amendment Act 2009 (No 2)* (the **Amendment Act**) and contains
14 only section 101. Section 101 provides for the continuation of appointments made under the
15 Act, section 7 (3) before it was repealed by the Amendment Act. The effect of section 101 is
16 that a person appointed under section 7 (3) continues to hold office for the remainder of the
17 person's period of appointment as if appointed under the Act, section 16. The period of
18 appointment for commissioners who were appointed under section 7 (3), before the
19 commencement of the Amendment Act, was not changed by the Amendment Act.

20 The last of the appointments under the current instruments of appointment to which section 101
21 applies will end in April 2012. Part 14 will then expire in September 2012.

22 **[3.146] Dictionary, new definitions**

23 *insert*

24 *approved negotiation*, for part 5A (Dispute resolution)—see
25 section 35A.

26 *convener*, for part 5A (Dispute resolution)—see section 35A.

1 **Part 3.23** **Legislative Assembly (Members'**
2 **Staff) Act 1989**

3 **[3.149] Section 8 (6)**

4 *omit*

5 by writing

6 **Explanatory note**

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

9 **[3.150] Section 13 (5)**

10 *omit*

11 , by writing

12 **Explanatory note**

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

15 **[3.151] Section 14 (4)**

16 *omit*

17 *Workplace Relations Act 1996*

18 *substitute*

19 *Fair Work (Registered Organisations) Act 2009*

20 **Explanatory note**

21 This amendment updates a cross-reference as a consequence of amendments of the *Workplace*
22 *Relations Act 1996* (Cwlth). The *Fair Work (Transitional Provisions and Consequential*
23 *Amendments) Act 2009* (Cwlth) changed the name of the *Workplace Relations Act 1996* (Cwlth)
24 to the *Fair Work (Registered Organisations) Act 2009* (Cwlth) and made other amendments.

1 **[3.152] Sections 16 (1), 18 (7) and 21 (6)**

2 *omit*

3 , by writing,

4 **Explanatory note**

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

7 **[3.153] Dictionary, note 2**

8 *omit*

- 9 • Executive instrument
10 • sitting day

11 **Explanatory note**

12 Dictionary, note 2 lists examples of terms that are included in the Legislation Act, dictionary,
13 part 1 (where terms commonly used in legislation are defined) and used in this Act. This
14 amendment omits redundant terms.

15 **[3.154] Dictionary, note 2**

16 *insert*

- 17 • chief executive (see s 163)
18 • individual
19 • Minister
20 • Speaker

21 **Explanatory note**

22 This amendment inserts terms used in the Act and defined in the Legislation Act, dictionary,
23 part 1.

1 **[3.155] Dictionary, definitions of *classification, commissioner,***
2 ***officer and relevant chief executive***

3 *after*

4 PSM Act

5 *insert*

6 , dictionary

7 **Explanatory note**

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

9 **[3.156] Further amendments, mentions of *in writing***

10 *omit*

11 , in writing,

12 *in*

- 13 • sections 4 to 6
14 • sections 10 and 11
15 • section 14
16 • section 17
17 • section 20

18 **Explanatory note**

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

1 (5) Subsection (4) and this subsection expire 1 year after the day this
2 subsection commences.

3 **Explanatory note**

4 This amendment inserts transitional arrangements in schedule 3, section 3.19 to ensure that
5 transitional instruments under the *Fair Work (Transitional Provisions and Consequential*
6 *Amendments) Act 2009* (Cwlth), schedule 3, part 2 are included in the reference to *fair work*
7 *instrument* in the definition of *industry holiday*. That definition is updated by another
8 amendment to take account of changes to the workplace relations system by the *Fair Work*
9 *Act 2009* (Cwlth). The *Fair Work Act 2009* (Cwlth) replaced significant parts of the *Workplace*
10 *Relations Act 1996* (Cwlth).

11 **[3.160] Dictionary, note 2**

12 *insert*

- 13 • public holiday

14 **Explanatory note**

15 Dictionary, note 2 lists examples of terms that are included in the Legislation Act, dictionary,
16 part 1 (where terms commonly used in legislation are defined) and used in this Act. This
17 amendment inserts *public holiday* as a consequence of a definition of that term being inserted in
18 the Legislation Act, dictionary, part 1 by another amendment.

19 **[3.161] Dictionary, definition of *at premises***

20 *substitute*

21 *at premises*, for part 8 (Enforcement)—see section 70.

22 **Explanatory note**

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

1 **[3.162] Dictionary, definition of *governing board***

2 *after*

3 the authority

4 *insert*

5 established under section 20

6 **Explanatory note**

7 This amendment makes it clear under which provision of the Act the governing board of the
8 authority is established.

9 **[3.163] Dictionary, new definition of *occupier***

10 *insert*

11 *occupier*, for part 8 (Enforcement)—see section 70.

12 **Explanatory note**

13 This amendment updates the dictionary by including a signpost definition for a term defined in
14 section 70.

15 **[3.164] Dictionary, definition of *working director***

16 *omit*

17 a employee

18 *substitute*

19 an employee

20 **Explanatory note**

21 This amendment corrects a grammatical error.

1 **Part 3.25** **Long Service Leave Act 1976**

2 **[3.165] New section 9 (3)**

3 *insert*

4 (3) In this section:

5 *award holiday* means a day that is, under an award or agreement, a
6 holiday for people employed in an industry.

7 **Explanatory note**

8 This amendment relocates from the dictionary a definition of a term that is mentioned only in
9 section 9. This is in line with current legislative drafting practice. The definition is omitted from
10 the dictionary by another amendment.

11 **[3.166] New section 11C (3)**

12 *insert*

13 (3) In this section:

14 *minimum retiring age*, in relation to a person, means—

15 (a) if a minimum retiring age applies to the person under an award
16 or agreement—the age fixed by the award or agreement; and

17 (b) in any other case—the age of 65 years.

18 **Explanatory note**

19 This amendment relocates from the dictionary a definition of a term that is used only in
20 section 11C. This is in line with current legislative drafting practice. The definition is omitted
21 from the dictionary by another amendment.

22 **[3.167] Section 17 (1)**

23 *omit*

24 , in writing,

25 **Explanatory note**

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

1 **[3.168] New section 19**

2 *insert*

3 **19 Transitional—Fair Work Act (Cwlth)**

- 4 (1) For the dictionary, definition of ***agreement***, a reference to an
5 enterprise agreement made under the *Fair Work Act 2009* (Cwlth)
6 includes a reference to an agreement-based transitional instrument
7 within the meaning of the *Fair Work (Transitional Provisions and*
8 *Consequential Amendments) Act 2009* (Cwlth), schedule 3, part 2.
- 9 (2) For the dictionary, definition of ***award***—
- 10 (a) a reference to a modern award made under the *Fair Work*
11 *Act 2009* (Cwlth) includes a reference to an award-based
12 transitional instrument within the meaning of the *Fair Work*
13 *(Transitional Provisions and Consequential Amendments)*
14 *Act 2009* (Cwlth), schedule 3, part 2; and
- 15 (b) a reference to a workplace determination made under the *Fair*
16 *Work Act 2009* (Cwlth) includes a reference to a collective
17 agreement-based transitional instrument within the meaning of
18 the *Fair Work (Transitional Provisions and Consequential*
19 *Amendments) Act 2009* (Cwlth), schedule 3, part 2.
- 20 (3) This section expires 1 year after the day it commences.

21 **Explanatory note**

22 This amendment provides for transitional instruments under the *Fair Work (Transitional*
23 *Provisions and Consequential Amendments) Act 2009* (Cwlth), schedule 3, part 2 to be included
24 in the definitions of ***agreement*** and ***award***, both of which are updated by other amendments to
25 take account of changes to the workplace relations system by the *Fair Work Act 2009* (Cwlth),
26 which replaced significant parts of the *Workplace Relations Act 1996* (Cwlth).

1 **[3.169] Dictionary, note 2**

2 *insert*

- 3 • public holiday

4 **Explanatory note**

5 Dictionary, note 2 lists examples of terms that are included in the Legislation Act, dictionary,
6 part 1 (where terms commonly used in legislation are defined) and used in this Act. This
7 amendment inserts a new defined term in the list of terms defined in the Legislation Act as a
8 consequence of the insertion of a definition of *public holiday* in the Legislation Act, dictionary,
9 part 1 by another amendment.

10 **[3.170] Dictionary, definition of *agreement***

11 *substitute*

12 *agreement* means an enterprise agreement made under the *Fair*
13 *Work Act 2009* (Cwlth).

14 **Explanatory note**

15 This amendment updates the definition as a consequence of changes made to the workplace
16 relations system by the *Fair Work Act 2009* (Cwlth), which replaced significant parts of the
17 *Workplace Relations Act 1996* (Cwlth).

18 **[3.171] Dictionary, definition of *award***

19 *substitute*

20 *award* means a modern award or workplace determination made
21 under the *Fair Work Act 2009* (Cwlth).

22 **Explanatory note**

23 This amendment updates the definition as a consequence of changes made to the workplace
24 relations system by the *Fair Work Act 2009* (Cwlth), which replaced significant parts of the
25 *Workplace Relations Act 1996* (Cwlth).

26 **[3.172] Dictionary, definition of *award holiday***

27 *omit*

28 **Explanatory note**

29 This amendment is consequential on the inclusion of a definition of *award holiday* in section 9
30 by another amendment.

1 **[3.177] Section 116E (2)**

2 *substitute*

3 (2) The court, in deciding a proceeding under subsection (1), must have
4 regard to any matter drawn to its attention in the plea of guilty and
5 give the matter the weight it considers appropriate.

6 **Explanatory note**

7 This amendment corrects a minor typographical error and brings language into line with current
8 legislative drafting practice.

9 **[3.178] Sections 128 (1), 166B (1) and 291A (4)**

10 *omit*

11 , in writing,

12 **Explanatory note**

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

15 **[3.179] Dictionary, note 2**

16 *substitute*

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

- 18 • ACAT
- 19 • ACT
- 20 • adult
- 21 • Attorney-General
- 22 • child
- 23 • chief executive (see s 163)
- 24 • correctional centre
- 25 • Commonwealth
- 26 • Criminal Code
- 27 • director of public prosecutions
- 28 • disallowable instrument (see s 9)
- 29 • document

Schedule 3
Part 3.26

Technical amendments
Magistrates Court Act 1930

Amendment [3.179]

- 1 • Executive
- 2 • exercise, a function
- 3 • external territory
- 4 • fail
- 5 • file
- 6 • function
- 7 • home address
- 8 • individual
- 9 • in relation to
- 10 • instrument (see s 14)
- 11 • judge
- 12 • lawyer
- 13 • may (see s 146)
- 14 • month
- 15 • must
- 16 • notifiable instrument (see s 10)
- 17 • NSW correctional centre
- 18 • oath
- 19 • parent
- 20 • penalty unit (see s 133)
- 21 • police officer
- 22 • prescribed
- 23 • proceeding
- 24 • sign
- 25 • summary offence (see s 190)
- 26 • statutory declaration
- 27 • territory law
- 28 • under.

29 **Explanatory note**

30 This amendment replaces dictionary, note 2, which lists examples of terms that are included in
31 the Legislation Act, dictionary, part 1 (where terms commonly used in legislation are defined)
32 and used in this Act.

1 **[3.180] Dictionary, new definition of *ACT court***

2 *insert*

3 *ACT court*, for division 2.2.3A (Judicial officers exchange)—see
4 section 9C.

5 **Explanatory note**

6 This amendment updates the dictionary by including a signpost definition for a term defined in
7 section 9C.

8 **[3.181] Dictionary, definition of *certified copies***

9 *omit*

10 *certified copies*

11 *substitute*

12 *certified copy*

13 **Explanatory note**

14 This amendment corrects a correct reference. The definition of ‘certified copies’ is a signpost
15 definition to a term defined in section 105A. However, the term defined in that section is
16 ‘certified copy’.

17 **[3.182] Dictionary, new definitions**

18 *insert*

19 *corresponding court*, for division 2.2.3A (Judicial officers
20 exchange)—see section 9C.

21 *court*, for division 2.2.3A (Judicial officers exchange)—see
22 section 9C.

23 **Explanatory note**

24 This amendment updates the dictionary by including signpost definitions for terms defined in
25 section 9C.

- 1 **[3.183] Dictionary, definition of *infringement notice***
- 2 *substitute*
- 3 ***infringement notice***—
- 4 (a) for part 3.8 (Infringement notices for certain offences)—see
- 5 section 117; and
- 6 (b) for division 3.8.3 (Additional provisions for vehicle-related
- 7 offences)—see section 131A.

8 **Explanatory note**

9 This amendment adds the new signpost definition at paragraph (b).

- 10 **[3.184] Dictionary, new definitions**
- 11 *insert*
- 12 ***judicial exchange arrangement***, for division 2.2.3A (Judicial
- 13 officers exchange)—see section 9C.
- 14 ***judicial officer***, for division 2.2.3A (Judicial officers exchange)—
- 15 see section 9C.

16 **Explanatory note**

17 This amendment updates the dictionary by including signpost definitions for terms defined in

18 section 9C.

- 19 **[3.185] Dictionary, definition of *jury***
- 20 *omit*

21 **Explanatory note**

22 This amendment is consequential on the omission of division 3.5.1 by another amendment.

1 **[3.186] Dictionary, new definition of *participating jurisdiction***

2 *insert*

3 *participating jurisdiction*, for division 2.2.3A (Judicial officers
4 exchange)—see section 9C.

5 **Explanatory note**

6 This amendment updates the dictionary by including a signpost definition for a term defined in
7 section 9C.

8 **[3.187] Dictionary, new definitions**

9 *insert*

10 *prescribed period*, for division 3.4.2 (Warrants for witnesses)—see
11 section 62.

12 *reporting officer*, for division 3.4.2 (Warrants for witnesses)—see
13 section 62.

14 **Explanatory note**

15 This amendment updates the dictionary by including signpost definitions for terms defined in
16 section 62.

17 **[3.188] Dictionary, definition of *review appeal***

18 *omit*

19 division 1.10.3

20 *substitute*

21 division 3.10.3

22 **Explanatory note**

23 This amendment corrects a cross-reference.

1 **[3.189] Dictionary, new definition of *this jurisdiction***

2 *insert*

3 *this jurisdiction*, for division 2.2.3A (Judicial officers exchange)—
4 see section 9C.

5 **Explanatory note**

6 This amendment updates the dictionary by including a signpost definition for a term defined in
7 section 9C.

8 **[3.190] Dictionary, new definition of *warrant***

9 *insert*

10 *warrant*, for division 3.4.2 (Warrants for witnesses)—see
11 section 62.

12 **Explanatory note**

13 This amendment updates the dictionary by including a signpost definition for a term defined in
14 section 62.

15 **Part 3.27 Nature Conservation Act 1980**

16 **[3.191] New section 38 (6)**

17 *insert*

18 (6) In this section:

19 *vulnerable*, in relation to a species, means a species that within the
20 next 25 years is likely to become endangered unless the
21 circumstances and factors threatening its abundance, survival or
22 evolution cease.

23 **Explanatory note**

24 This amendment relocates from the dictionary a definition of a term that is used only in
25 section 38. This is in line with current legislative drafting practice. The definition is omitted
26 from the dictionary by another amendment.

1 **[3.192] Section 39 (2) (a)**

2 *omit*

3 **Explanatory note**

4 This amendment omits a paragraph that is now redundant because of the Legislation Act,
5 section 42 (2), which requires notifiable instruments to be in writing.

6 **[3.193] New section 59 (4)**

7 *insert*

8 (4) In this section:

9 *statutory authority* means an authority established by or under a law
10 of the Commonwealth or the Territory.

11 **Explanatory note**

12 This amendment relocates from the dictionary a definition of a term that is used only in
13 section 59. This is in line with current legislative drafting practice. The definition is omitted
14 from the dictionary by another amendment.

15 **[3.194] Dictionary, note 2**

16 *insert*

- 17
- 18 • chief executive (see s 163)
 - 19 • disallowable instrument (see s 9)
 - 20 • Executive
 - 21 • notifiable instrument (see s 10)
 - 22 • penalty unit (see s 133)
 - 23 • working day

23 **Explanatory note**

24 Dictionary, note 2 lists examples of terms that are included in the Legislation Act, dictionary,
25 part 1 (where terms commonly used in legislation are defined) and used in this Act. This
26 amendment inserts new examples of terms defined in the Legislation Act, dictionary, schedule 1
27 and used in this Act.

- 1 • section 29 (3rd mention)
2 • section 31
3 • section 41 (1st mention)

4 **Explanatory note**

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

7 **Part 3.28 Planning and Development**
8 **Act 2007**

9 **[3.198] New section 63 (3A)**

10 *insert*

11 (3A) If the notifiable instrument does not state when the instrument
12 expires, the instrument expires 6 months after the day it is notified.

13 **Explanatory note**

14 This amendment relocates an existing provision to assist users to understand how consultation
15 notices and extension notices operate.

16 **[3.199] New section 68 (3A)**

17 *insert*

18 (3A) If the notifiable instrument does not state when the instrument
19 expires, the instrument expires 6 months after the day it is notified.

20 **Explanatory note**

21 This amendment relocates an existing provision to assist users to understand how a withdrawal
22 of a draft plan variation operates.

1 **[3.200] New section 70 (2A)**

2 *insert*

3 (2A) If the notifiable instrument does not state when the instrument
4 expires, the instrument expires 6 months after the day it is notified.

5 **Explanatory note**

6 This amendment relocates an existing provision to assist users to understand how a public
7 availability notice operates.

8 **[3.201] New section 76 (6A)**

9 *insert*

10 (6A) If the notifiable instrument does not state when the instrument
11 expires, the instrument expires 6 months after the day it is notified.

12 **Explanatory note**

13 This amendment relocates an existing provision to assist users to understand how an approval
14 direction or notice under section 76 operates.

15 **[3.202] New section 82 (4A)**

16 *insert*

17 (4A) If the notifiable instrument does not state when the instrument
18 expires, the instrument expires 6 months after the day it is notified.

19 **Explanatory note**

20 This amendment relocates an existing provision to assist users to understand how a notice under
21 section 82 operates.

22 **[3.203] New section 84 (4A)**

23 *insert*

24 (4A) If the notifiable instrument does not state when the instrument
25 expires, the instrument expires 6 months after the day it is notified.

26 **Explanatory note**

27 This amendment relocates an existing provision to assist users to understand how a withdrawal
28 under section 84 operates.

1 **[3.204] New section 102 (4A)**

2 *insert*

3 (4A) If the notifiable instrument does not state when the instrument
4 expires, the instrument expires 6 months after the day it is notified.

5 **Explanatory note**

6 This amendment relocates an existing provision to assist users to understand how a notice under
7 section 102 operates.

8 **[3.205] Section 421**

9 *omit*

10 **Explanatory note**

11 This amendment is consequential on the relocation of subsection (2) into the sections mentioned
12 in subsection (1) to assist users to understand how particular notifiable instruments operate.

13 **[3.206] Dictionary, note 2**

14 *insert*

- 15
 - working day

16 **Explanatory note**

17 Dictionary, note 2 lists examples of terms that are included in the Legislation Act, dictionary,
18 part 1 (where terms commonly used in legislation are defined) and used in this Act. This
19 amendment inserts a new defined term in the list of terms defined in the Legislation Act.

20 **[3.207] Dictionary, definition of *business hours*, paragraph (a),
21 note**

22 *omit*

23 **Explanatory note**

24 This amendment omits the note as a consequence of the insertion of *working day* in the
25 dictionary, note 2 (which lists examples of terms that are included in the Legislation Act,
26 dictionary, part 1) by another amendment.

1 **[3.208] Dictionary, definition of *community organisation*,**
2 **paragraph (c)**

3 *omit*

4 *Liquor Act 1975*

5 *substitute*

6 *Liquor Act 2010*

7 **Explanatory note**

8 This amendment updates a cross-reference as a consequence of the repeal of the *Liquor*
9 *Act 1975* and the enactment of the *Liquor Act 2010*.

10 **Part 3.29 Residential Tenancies Act 1997**

11 **[3.209] Section 12 (4)**

12 *insert*

13 *asbestos advice*—see the *Dangerous Substances Act 2004*,
14 section 47J.

15 *asbestos assessment report*, for premises—see the *Dangerous*
16 *Substances Act 2004*, section 47K.

17 **Explanatory note**

18 This amendment relocates definitions from the dictionary to section 12 because the defined
19 terms are mentioned only in section 12.

20 **[3.210] Section 42 (1), note**

21 *omit*

22 section 49 (3)

23 *substitute*

24 section 49 (4)

25 **Explanatory note**

26 This amendment corrects a cross-reference.

1 **[3.211] Sections 126 (1) and 133 (1)**

2 *omit*

3 , in writing,

4 **Explanatory note**

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

7 **[3.212] Dictionary, note 2**

8 *substitute*

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

- 10 • ACAT
- 11 • administrative unit
- 12 • adult
- 13 • calendar month
- 14 • child
- 15 • chief executive (see s 163)
- 16 • commissioner for fair trading
- 17 • corporation
- 18 • Criminal Code
- 19 • disallowable instrument (see s 9)
- 20 • document
- 21 • domestic partner (see s 169 (1))
- 22 • entity
- 23 • Executive
- 24 • expire
- 25 • fail
- 26 • housing commissioner
- 27 • individual
- 28 • in relation to
- 29 • instrument (see s 14)
- 30 • may (see s 146)

- 1 • Minister
- 2 • month
- 3 • must
- 4 • notifiable instrument (see s 10)
- 5 • oath
- 6 • penalty unit (see s 133)
- 7 • police officer
- 8 • prescribed
- 9 • public holiday
- 10 • sign
- 11 • statutory instrument
- 12 • under.

13 **Explanatory note**

14 This amendment replaces dictionary, note 2, which lists examples of terms that are included in
15 the Legislation Act, dictionary, part 1 (where terms commonly used in legislation are defined)
16 and used in this Act. In particular, *public holiday* is included as a consequence of a new
17 definition of *public holiday* being inserted in the Legislation Act, dictionary, part 1 by another
18 amendment.

19 **[3.213] Dictionary, definition of *asbestos advice* and *asbestos***
20 ***assessment report***

21 *omit*

22 **Explanatory note**

23 This amendment is consequential on the insertion of the definitions in section 12 (4) by another
24 amendment.

1 **[3.214] Dictionary, definition of *conditional termination and***
2 ***possession order***

3 *omit*

4 section 49 (3)

5 *substitute*

6 section 49 (4)

7 **Explanatory note**

8 This amendment corrects a cross-reference.

9 **[3.215] Dictionary, definition of *occupancy dispute***

10 *omit*

11 , for part 6 (Resolution of residential tenancy and occupancy
12 disputes)

13 **Explanatory note**

14 This amendment omits redundant words. Section 73 makes it clear that the term ‘occupancy
15 dispute’ is defined for the Act.

16 **[3.216] Dictionary, definition of *tenancy database***

17 *substitute*

18 *tenancy database*, for part 6A (Tenancy databases)—see
19 section 107B.

20 **Explanatory note**

21 This amendment brings the definition into line with current legislative drafting practice.

1 **[3.219] Section 55B (4), definition of *industrial arrangement*,**
2 **paragraphs (a) and (b)**

3 *substitute*

- 4 (a) a fair work instrument made under the *Fair Work Act 2009*
5 (Cwlth); or

6 **Explanatory note**

7 This amendment updates the definition as a consequence of changes made to the workplace
8 relations system by the *Fair Work Act 2009* (Cwlth), which replace significant parts of the
9 *Workplace Relations Act 1996* (Cwlth).

10 **[3.220] New section 55B (5) and (6)**

11 *insert*

- 12 (4) For the definition of *industrial arrangement*, a reference to a fair
13 work instrument made under the *Fair Work Act 2009* (Cwlth)
14 includes a reference to an agreement-based instrument and an
15 award-based instrument within the meaning of the *Fair Work*
16 *(Transitional Provisions and Consequential Amendments) Act 2009*
17 (Cwlth), schedule 3, part 2.

- 18 (5) Subsection (4) and this subsection expire 1 year after the day this
19 subsection commences.

20 **Explanatory note**

21 This amendment provides for transitional arrangements under the *Fair Work (Transitional*
22 *Provisions and Consequential Amendments) Act 2009* (Cwlth), schedule 3, part 2 to be included
23 in the definition of *industrial arrangement*. That definition is updated by another amendment
24 to take account of changes to the workplace relations system by the *Fair Work Act 2009*
25 (Cwlth). That Act replaced significant parts of the *Workplace Relations Act 1996* (Cwlth).

1 **[3.221] Section 88 (1)**

2 *omit*

3 , in writing,

4 **Explanatory note**

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

7 **[3.222] Sections 93 (2) and 98 (2)**

8 *omit*

9 , in writing

10 **Explanatory note**

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

13 **[3.223] Section 111 (1)**

14 *omit*

15 , in writing,

16 **Explanatory note**

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

1 **Part 3.32** **Work Safety Act 2008**

2 **[3.224] Section 61, definition of *office***

3 *substitute*

4 *office*, in relation to an organisation or a branch of an
5 organisation—see the *Fair Work (Registered Organisations)*
6 *Act 2009* (Cwlth), section 9.

7 **Explanatory note**

8 This amendment updates a cross-reference as a consequence of amendments of the *Workplace*
9 *Relations Act 1996* (Cwlth). The *Fair Work (Transitional Provisions and Consequential*
10 *Amendments) Act 2009* (Cwlth) changed the name of the *Workplace Relations Act 1996* (Cwlth)
11 to the *Fair Work (Registered Organisations) Act 2009* (Cwlth) and made other amendments.

12 **[3.225] Section 192 (2) (a)**

13 *omit*

14 has

15 *substitute*

16 the member has

17 **Explanatory note**

18 This amendment corrects a minor drafting error.

19 **[3.226] Dictionary, definition of *registered organisation***

20 *substitute*

21 *registered organisation* means an organisation registered under the
22 *Fair Work (Registered Organisations) Act 2009* (Cwlth).

23 **Explanatory note**

24 This amendment updates a cross-reference as a consequence of amendments of the *Workplace*
25 *Relations Act 1996* (Cwlth). The *Fair Work (Transitional Provisions and Consequential*
26 *Amendments) Act 2009* (Cwlth) changed the name of the *Workplace Relations Act 1996* (Cwlth)
27 to the *Fair Work (Registered Organisations) Act 2009* (Cwlth) and made other amendments.

1 **[3.230] Dictionary, definition of *statutory floor***

2 *substitute*

3 *statutory floor*, for part 4.3 (Weekly compensation)—see
4 section 36G (1).

5 **Explanatory note**

6 This amendment is consequential on the insertion of a definition of *statutory floor* in
7 section 36G by another amendment.

1 **Schedule 4 Repeals**

2 (see s 6)

3 **Explanatory note**

4 This schedule repeals notifiable and disallowable instruments made under the *Health*
5 *Professionals Regulation 2004* in relation to standards for dental technicians and appointments
6 to the ACT Dental Technicians and Dental Prosthetists Board. The instruments are obsolete as
7 a consequence of amendments of the *Health Professionals Regulation 2004* in 2010 which
8 repealed provisions relating to the regulation and registration of dental technicians.

9 *Health Professionals (ACT Dental Technicians and Dental*
10 *Prosthetists Board Standards Statements) Approval 2008 (No 1)*
11 *(NI2008-577)*

12 *Health Professionals (Dental Technicians and Dental Prosthetists*
13 *Board) Appointment 2008 (No 1) (DI2008-49)*

14 *Health Professionals (Dental Technicians and Dental Prosthetists*
15 *Board) Appointment 2010 (No 1) (DI2010-70)*

Endnotes

1 Presentation speech

Presentation speech made in the Legislative Assembly on 2011.

2 Notification

Notified under the Legislation Act on 2011.

3 Republications of amended laws

For the latest republication of amended laws, see www.legislation.act.gov.au.

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