

2013

THE LEGISLATIVE ASSEMBLY
FOR THE AUSTRALIAN CAPITAL TERRITORY

(As presented)

(Attorney-General)

Statute Law Amendment Bill 2013 (No 2)

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Statute Law Amendment Bill 2013 (No 2)

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 2013 (No 2)*.

3 **2 Commencement**

4 This Act commences on the 14th day after its notification day.

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

7 **3 Notes**

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

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

11 **4 Purpose of Act**

12 The purpose of this Act is to improve the quality of the statute law
13 of the Territory by amending legislation for the purpose of statute
14 law revision.

15 **5 Legislation amended—schs 1-3**

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

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

2 (see s 5)

3 **Part 1.1** **Education and Care Services**
4 **National Law (ACT) Act 2011**

5 **[1.1] New section 6 (6) and (7)**

6 *insert*

7 (6) Despite subsection (4), the *Education and Care Services National*
8 *Law (ACT)* is taken to be amended by the *Children's Services*
9 *Amendment Act 2011* (Vic) as if that Act—

10 (a) had been presented to the Legislative Assembly in accordance
11 with subsection (2); and

12 (b) had not been disallowed under subsection (3).

13 *Note* That *Act*, ss 62 to 78 made amendments of the Education and Care
14 Services National Law set out in the schedule to the Victorian Act.

15 (7) Subsection (6) and this subsection expire on the day they
16 commence.

17 **Explanatory note**

18 The Education and Care Services National Law is set out in the schedule to a Victorian Act (the
19 *Education and Care Services National Law Act 2010* (Vic)). The National Law has been
20 applied in the ACT by the *Education and Care Services National Law (ACT) Act 2011* (the
21 ACT Act).

22 Under the ACT Act, section 6 any amendments of the National Law that are passed by the
23 Victorian Parliament after the ACT Act's notification day must be presented to the Legislative
24 Assembly within 6 sitting days. The Assembly may disallow any amendment.

25 In late 2011, a series of amendments of the National Law was passed by the Victorian
26 Parliament (in the *Children's Services Amendment Act 2011* (Vic), ss 62 to 78). The
27 amendments were largely technical in nature.

1 **[1.4] Section 52 heading**

2 *substitute*

3 **52 Who is a *doctor, dentist or eligible midwife* for a health**
4 **facility?**

5 **Explanatory note**

6 This amendment is consequential on the inclusion in section 59 of eligible midwives as a class
7 of health practitioner in relation to which a scope of clinical practice committee may exercise its
8 functions.

9 **[1.5] Section 52, new definition of *eligible midwife***

10 *insert*

11 *eligible midwife*, for a health facility, means a midwife who—

12 (a) is an eligible midwife within the meaning of the *Health*
13 *Insurance Act 1973* (Cwlth), section 21 (Meaning of *eligible*
14 *midwife*); and

15 (b) either—

16 (i) provides health services at the health facility; or

17 (ii) uses the equipment or other facilities of the health facility
18 to provide health services elsewhere.

19 **Explanatory note**

20 This amendment inserts a new definition that is consequential on other amendments.

1 **[1.6] Section 54, definition of *scope of clinical practice***

2 *omit*

3 or dentist

4 *substitute*

5 , dentist or eligible midwife

6 **Explanatory note**

7 This amendment is consequential on the inclusion in section 59 of eligible midwives as a class
8 of health practitioner in relation to which a scope of clinical practice committee may exercise its
9 functions.

10 **[1.7] Section 59**

11 *omit*

12 or dentist

13 *substitute*

14 , dentist or eligible midwife

15 **Explanatory note**

16 Section 59 sets out the functions of a scope of clinical practice committee, which include
17 deciding whether to credential health practitioners for a health facility and the terms on which
18 the health practitioner is credentialled. This amendment includes eligible midwives as a class
19 of health practitioner in relation to which a scope of clinical practice committee may exercise its
20 functions.

1 **[1.8] Section 59 (1) (c)**

2 *omit*

3 doctor or dentist's

4 *substitute*

5 doctor's, dentist's or eligible midwife's

6 **Explanatory note**

7 Section 59 sets out the functions of a scope of clinical practice committee, which include
8 deciding whether to credential health practitioners for a health facility and the terms on which
9 the health practitioner is credentialled. This amendment includes eligible midwives as a class
10 of health practitioner in relation to which a scope of clinical practice committee may exercise its
11 functions.

12 **[1.9] Sections 65 and 66**

13 *omit*

14 or dentist

15 *substitute*

16 , dentist or eligible midwife

17 **Explanatory note**

18 This amendment is consequential on the inclusion in section 59 of eligible midwives as a class
19 of health practitioner in relation to which a scope of clinical practice committee may exercise its
20 functions.

1 **[1.10] Section 66 (2)**

2 *omit*

3 doctor or dentist's

4 *substitute*

5 doctor's, dentist's or eligible midwife's

6 **Explanatory note**

7 This amendment is consequential on the inclusion in section 59 of eligible midwives as a class
8 of health practitioner in relation to which a scope of clinical practice committee may exercise its
9 functions.

10 **[1.11] Sections 67 to 70**

11 *omit*

12 or dentist

13 *substitute*

14 , dentist or eligible midwife

15 **Explanatory note**

16 This amendment is consequential on the inclusion in section 59 of eligible midwives as a class
17 of health practitioner in relation to which a scope of clinical practice committee may exercise its
18 functions.

19 **[1.12] Section 70 (4) (a) to (c)**

20 *omit*

21 doctor or dentist's

22 *substitute*

23 doctor's, dentist's or eligible midwife's

24 **Explanatory note**

25 This amendment is consequential on the inclusion in section 59 of eligible midwives as a class
26 of health practitioner in relation to which a scope of clinical practice committee may exercise its
27 functions.

1 **[1.13] Sections 71 to 73**

2 *omit*

3 or dentist

4 *substitute*

5 , dentist or eligible midwife

6 **Explanatory note**

7 This amendment is consequential on the inclusion in section 59 of eligible midwives as a class
8 of health practitioner in relation to which a scope of clinical practice committee may exercise its
9 functions.

10 **[1.14] Section 73 (2) (a) and (3) (b)**

11 *omit*

12 doctor or dentist's

13 *substitute*

14 doctor's, dentist's or eligible midwife's

15 **Explanatory note**

16 This amendment is consequential on the inclusion in section 59 of eligible midwives as a class
17 of health practitioner in relation to which a scope of clinical practice committee may exercise its
18 functions.

19 **[1.15] Sections 74 (3), 77 and 78**

20 *omit*

21 or dentist

22 *substitute*

23 , dentist or eligible midwife

24 **Explanatory note**

25 This amendment is consequential on the inclusion in section 59 of eligible midwives as a class
26 of health practitioner in relation to which a scope of clinical practice committee may exercise its
27 functions.

1 **[1.16] Section 78 (a)**

2 *after*

3 dentist

4 *insert*

5 , eligible midwife

6 **Explanatory note**

7 This amendment is consequential on the inclusion in section 59 of eligible midwives as a class
8 of health practitioner in relation to which a scope of clinical practice committee may exercise its
9 functions.

10 **[1.17] Part 9 heading**

11 *omit*

12 **Explanatory note**

13 This amendment is consequential on other amendments omitting or relocating all provisions in
14 part 9 to a new part in the *Public Health Act 1997*, to which other provisions relating to
15 pharmacy ownership and premises are being relocated.

16 **[1.18] Section 128**

17 *relocate to Public Health Act 1997, new part 3B as section 66U*

18 **Explanatory note**

19 This amendment relocates the definition of *community pharmacy* to a new part in the *Public*
20 *Health Act 1997*, to which other provisions relating to pharmacy ownership and premises are
21 being relocated.

1 **[1.19] Section 128A**

2 *omit*

3 **Explanatory note**

4 This amendment omits a provision that defines *complying pharmacy corporation* because most
5 provisions relating to pharmacies are now being relocated to a new part in the *Public Health*
6 *Act 1997*. The definition is remade in the *Public Health Regulation 2000*, section 62 (2)
7 (because the term is currently used only in that section) and then relocated to the new part in the
8 *Public Health Act 1997* by another amendment.

9 **[1.20] Section 128B (1) (c)**

10 *omit*

11 **Explanatory note**

12 This amendment omits a paragraph that is made redundant as a consequence of the making of
13 the *Public Health (Community Pharmacy) Code of Practice 2012 (No 1)* DI2012-211 (the *code*
14 *of practice*). Section 128B (1) (c) refers to standards approved by the Minister under
15 section 128B (2). The *Health (Community Pharmacy Premises) Approved Standard 2010*
16 *(No 1)* NI2010-349, made under section 128B (2), was repealed when the code of practice was
17 determined. The standard was no longer needed because the code replicates many of the
18 requirements that were in the standard. The reference to the approval of standards under
19 section 128B (1) is omitted to remove unnecessary duplication between the Act and the *Public*
20 *Health Act 1997* regarding the regulation of community pharmacy premises.

21 **[1.21] Section 128B (2) to (4)**

22 *omit*

23 **Explanatory note**

24 This amendment omits provisions that are made redundant as a consequence of the making of
25 the *Public Health (Community Pharmacy) Code of Practice 2012 (No 1)* DI2012-211 (the *code*
26 *of practice*). Section 128B (2) to (4) refer to standards approved by the Minister about premises
27 for community pharmacies. The *Health (Community Pharmacy Premises) Approved Standard*
28 *2010 (No 1)* NI2010-349, made under section 128B (2), was repealed when the code of practice
29 was determined. The standard was no longer needed because the code replicates many of the
30 requirements that were in the standard. The provisions are omitted to remove unnecessary
31 duplication between the Act and the *Public Health Act 1997* regarding the regulation of
32 community pharmacy premises.

1 **[1.22] Section 128B (as amended) and section 129**

2 *relocate to Public Health Act 1997, new part 3B as sections 66W*
3 *and 66X*

4 **Explanatory note**

5 This amendment relocates sections which deal with pharmacies and pharmacy premises to a
6 new part in the *Public Health Act 1997*, to which other provisions relating to pharmacy
7 ownership and premises are being relocated.

8 **[1.23] Section 130**

9 *omit*
10 *or dentist,*
11 *substitute*
12 *dentist or eligible midwife*

13 **Explanatory note**

14 This amendment is consequential on the inclusion in section 59 of eligible midwives as a class
15 of health practitioner in relation to which a scope of clinical practice committee may exercise its
16 functions.

17 **[1.24] Section 130 (a) to (c)**

18 *omit*
19 *or dentist*
20 *substitute*
21 *, dentist or eligible midwife*

22 **Explanatory note**

23 This amendment is consequential on the inclusion in section 59 of eligible midwives as a class
24 of health practitioner in relation to which a scope of clinical practice committee may exercise its
25 functions.

1 **[1.25] Section 131**

2 *substitute*

3 **131 Pt 10 obligations—no contracting out**

4 To remove any doubt, this part applies in relation to a doctor, dentist
5 or eligible midwife for a health facility despite anything to the
6 contrary in a term of the doctor's, dentist's or eligible midwife's
7 engagement.

8 **Explanatory note**

9 This amendment is consequential on the inclusion in section 59 of eligible midwives as a class
10 of health practitioner in relation to which a scope of clinical practice committee may exercise its
11 functions. This amendment also corrects a cross-reference in the heading.

12 **[1.26] Section 189 heading**

13 *substitute*

14 **189 Protection of doctor, dentist or eligible midwife from**
15 **liability in emergency**

16 **Explanatory note**

17 This amendment is consequential on the inclusion in section 59 of eligible midwives as a class
18 of health practitioner in relation to which a scope of clinical practice committee may exercise its
19 functions.

1 **[1.27] Section 189**

2 *omit*

3 doctor or dentist's

4 *substitute*

5 doctor's, dentist's or eligible midwife's

6 **Explanatory note**

7 This amendment is consequential on the inclusion in section 59 of eligible midwives as a class
8 of health practitioner in relation to which a scope of clinical practice committee may exercise its
9 functions.

10 **[1.28] Section 189 (1)**

11 *omit*

12 or dentist

13 *substitute*

14 , dentist or eligible midwife

15 **Explanatory note**

16 This amendment is consequential on the inclusion in section 59 of eligible midwives as a class
17 of health practitioner in relation to which a scope of clinical practice committee may exercise its
18 functions.

19 **[1.29] Dictionary, definition of *community pharmacy***

20 *omit*

21 **Explanatory note**

22 This amendment omits a definition that is made redundant as a result of the relocation of
23 section 128 to the *Public Health Act 1997*, new part 3B by another amendment.

1 **[1.30] Dictionary, new definition of *eligible midwife***

2 *insert*

3 *eligible midwife*, for part 5 (Reviewing scope of clinical practice)—
4 see section 52.

5 **Explanatory note**

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

7 **Part 1.3 Medicines, Poisons and**
8 **Therapeutic Goods**
9 **Regulation 2008**

10 **[1.31] Section 110 (2) (b) (ii)**

11 *omit*

12 *Health Act 1993*, part 9 (Pharmacists and pharmacy premises)

13 *substitute*

14 *Public Health Act 1997*, part 3B (Pharmacies)

15 **Explanatory note**

16 This amendment is consequential on provisions relating to pharmacists and pharmacies being
17 relocated to a new part in the *Public Health Act 1997* by other amendments.

1 Part 1.5 Public Health Regulation 2000

2 [1.34] Section 62 (2), definition of *close relative*

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

4 *close relative*, of a pharmacist or company pharmacist, means the
5 pharmacist's—

6 Explanatory note

7 This amendment revises the definition to make it clear that it applies to close relatives of
8 pharmacists who are directors of a complying pharmacy corporation as well as to other
9 pharmacists.

10 [1.35] Section 62 (2), definition of *community pharmacy*

11 *omit*

12 Explanatory note

13 This amendment omits a signpost definition for a term defined in the *Health Act 1993*,
14 section 128. That definition is relocated to the *Public Health Act 1997*, new part 3B (which
15 deals with pharmacy ownership and premises) by another amendment. Section 62, as amended
16 by this part, is also relocated to new part 3B by another amendment.

17 [1.36] Section 62 (2), definition of *complying pharmacy* 18 *corporation*

19 *substitute*

20 *complying pharmacy corporation* means a corporation that—

21 (a) has a constitution that provides that—

22 (i) the object of the corporation is to own and control a
23 pharmacy business; and

24 (ii) only an individual who is a pharmacist may be a director;
25 and

26 (iii) a director cannot be a director of another pharmacy
27 corporation without the written consent of the board; and

- 1 (iv) all voting rights exercisable at a general meeting of the
2 corporation are exercisable only by or on behalf of
3 pharmacists who are directors or employees of the
4 corporation; and
- 5 (v) a shareholder in the corporation must be either a
6 pharmacist or a close relative of a pharmacist
7 shareholder; and
- 8 (b) has a constitution that ensures that each share in the
9 corporation is beneficially owned by a pharmacist who is a
10 director or employee of the corporation or a close relative of
11 the pharmacist; and
- 12 (c) for a corporation that is to own and control a pharmacy
13 business as a trustee—is only a party to a trust deed that relates
14 to the corporation’s ownership and control of a pharmacy
15 business if the deed provides that all beneficiaries are to be
16 pharmacists who are directors or employees of the corporation
17 or close relatives of the pharmacists; and
- 18 (d) has a constitution that is appropriate to a corporation formed to
19 own and control a pharmacy business.

20 **Explanatory note**

21 This amendment replaces a signpost definition to the *Health Act 1993*, section 128A, which is
22 omitted by another amendment. The definition of *complying pharmacy corporation* is amended
23 to provide that the object of the corporation is not to practise as a pharmacist but to own and
24 control a pharmacy business. This makes the definition consistent with the *Health Practitioner
25 Regulation National Law (ACT)* which provides that only an individual can be a health
26 practitioner. The requirement for a trust deed to have written approval by the National
27 Pharmacy Board is also omitted as the Board no longer undertakes that function.

1 **[1.37] Section 62 (as amended)**

2 *relocate to Public Health Act 1997, new part 3B as section 66V*

3 **Explanatory note**

4 This amendment relocates a section which deals with pharmacies and pharmacy premises to a
5 new part in the *Public Health Act 1997*, to which other provisions relating to pharmacy
6 ownership and premises are being relocated.

7 Community pharmacies are now regulated under the *Public Health Act 1997* as a consequence
8 of the relocation of provisions about pharmacy ownership from the *Health Act 1993* to the
9 *Public Health Regulation 2000* in 2012 and the declaration of the operation of a pharmacy
10 business at a community pharmacy as a licensable public health risk activity under the *Public*
11 *Health (Community Pharmacy) Risk Activity Declaration 2012 (No 1)* DI2012-210.

1 **Schedule 2 Legislation Act 2001**

2 (see s 5)

3 **[2.1] Dictionary, part 1, definition of *Standards Australia***

4 *omit*

5 International

6 **Explanatory note**

7 This amendment updates the definition to reflect the change of name of Standards Australia
8 International Limited to Standards Australia Limited.

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

2 (see s 5)

3 **Part 3.1** **Agents Act 2003**

4 **[3.1] Section 37 heading**

5 *substitute*

6 **37 Continuation of existing licences until renewal**
7 **applications decided**

8 **Explanatory note**

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

10 **[3.2] Sections 37 (4) and 61 (4), new note**

11 *insert*

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

13 **Explanatory note**

14 This amendment inserts a standard note in line with current legislative drafting practice.

15 **[3.3] Section 78 (e)**

16 *omit*

17 disseminated

18 *substitute*

19 distributed

20 **Explanatory note**

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

1 **[3.4] Section 107 (4) (b) (ii)**

2 *omit*

3 bears

4 *substitute*

5 has

6 **Explanatory note**

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

8 **[3.5] Section 114 (1)**

9 *omit*

10 , in writing,

11 **Explanatory note**

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

14 **[3.6] Section 116 (1), new notes**

15 *insert*

16 *Note 1* The [Statutory Declarations Act 1959](#) (Cwlth) applies to the making of
17 statutory declarations under ACT laws.

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

21 **Explanatory note**

22 This amendment inserts standard notes about statutory declarations.

1 **[3.7] Division 10.2 heading**

2 *substitute*

3 **Division 10.2 Claims against compensation fund**

4 **Explanatory note**

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

6 **[3.8] Section 151 (1), new notes**

7 *insert*

8 *Note 1* The *Statutory Declarations Act 1959* (Cwlth) applies to the making of
9 statutory declarations under ACT laws.

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

13 **Explanatory note**

14 This amendment inserts standard notes about statutory declarations.

15 **[3.9] Section 152 (2), new note 1A**

16 *insert*

17 *Note 1A* It is an offence to make a false or misleading statement, give false or
18 misleading information or produce a false or misleading document (see
19 [Criminal Code](#), pt 3.4).

20 **Explanatory note**

21 This amendment inserts a standard note in relation to statutory declarations which are
22 mentioned in another note.

1 **[3.10] Sections 176 (1) and 177 (1)**

2 *omit*

3 , in writing,

4 **Explanatory note**

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

7 **[3.11] Dictionary, definition of *claimant***

8 *omit*

9 the

10 **Explanatory note**

11 This amendment amends a heading description in the definition and is consequential on another
12 amendment.

13 **Part 3.2 Children and Young People**
14 **Act 2008**

15 **[3.12] Section 10 (c)**

16 *omit*

17 Aboriginal and Torres Strait Islander traditions and cultural values
18 (including kinship rules)

19 *substitute*

20 the traditions and cultural values (including kinship rules) of
21 Aboriginal and Torres Strait Islander people

22 **Explanatory note**

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

1 **[3.13] Section 24 (1)**

2 *omit*

3 written

4 **Explanatory note**

5 This amendment omits a word that is redundant because of the [Legislation Act](#), section 42 (2),
6 which requires notifiable instruments to be in writing.

7 **[3.14] Section 30 (3) (b)**

8 *after 1st mention of*

9 Islander

10 *insert*

11 person

12 **Explanatory note**

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

14 **[3.15] Section 68 (2)**

15 *omit*

16 any or all

17 *substitute*

18 1 or both

19 **Explanatory note**

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

1 **[3.16] Section 141 (1) (k), example**

2 *substitute*

3 **Example—par (k)**

4 observances and practices relating to religious or spiritual beliefs, including
5 the spiritual beliefs of Aboriginal or Torres Strait Islander people

6 **Explanatory note**

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

8 **[3.17] Section 158 (1)**

9 *omit*

10 all or any

11 *substitute*

12 1 or more

13 **Explanatory note**

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

15 **[3.18] Section 183 (1), example 1**

16 *substitute*

17 1 observances and practices relating to religious or spiritual beliefs, including
18 the spiritual beliefs of Aboriginal or Torres Strait Islander people

19 **Explanatory note**

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

1 **[3.19] Section 368 (5)**

2 *omit*

3 *avoid*

4 *substitute*

5 *remove*

6 **Explanatory note**

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

8 **[3.20] Section 523 (1) (d) (ii), new example**

9 *insert*

10 **Example**

11 the foster carer has moved and reasonable efforts to locate the foster
12 carer have been unsuccessful

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

16 **Explanatory note**

17 This amendment inserts a new example to illustrate the provision.

18 **[3.21] Section 727N (2) (c)**

19 *omit*

20 Aboriginal or a Torres Strait Islander

21 *substitute*

22 an Aboriginal or Torres Strait Islander person

23 **Explanatory note**

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

1 **[3.22] Dictionary, note 2**

2 *insert*

- 3 • found guilty

4 **Explanatory note**

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

8 **[3.23] Dictionary, definition of *Aboriginal***

9 *omit*

10 **Explanatory note**

11 This amendment is consequential on the insertion of a definition of *Aboriginal or Torres Strait Islander person* by another amendment.

13 **[3.24] Dictionary, new definition of *Aboriginal or Torres Strait Islander person***

14 *insert*

15 *Aboriginal or Torres Strait Islander person* means a person who—

- 16 (a) is a descendant of an Aboriginal person or a Torres Strait Islander person; and
- 17 (b) identifies as an Aboriginal person or a Torres Strait Islander person; and
- 18 (c) is accepted as an Aboriginal person or a Torres Strait Islander person by an Aboriginal community or Torres Strait Islander community.

19 **Explanatory note**

20 This amendment inserts a new definition of *Aboriginal or Torres Strait Islander person* that is in line with current legislative drafting practice.

1 **[3.25] Dictionary, new definition of *Children and Youth Services***
2 ***Council***

3 *insert*

4 *Children and Youth Services Council* means the Children and
5 Youth Services Council established under section 27.

6 **Explanatory note**

7 This amendment inserts a new definition of *Children and Youth Services Council* in line with
8 current legislative drafting practice.

9 **[3.26] Dictionary, definition of *Torres Strait Islander***

10 *omit*

11 **Explanatory note**

12 This amendment is consequential on the insertion of a definition of *Aboriginal or Torres Strait*
13 *Islander person* by another amendment.

14 **Part 3.3 Civil Law (Wrongs) Act 2002**

15 **[3.27] Section 58 (4) etc, new notes**

16 *insert*

17 *Note 1* The *Statutory Declarations Act 1959* (Cwlth) applies to the making of
18 statutory declarations under ACT laws.

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

22 *in*

- 23 • section 58 (4)
24 • section 64 (4)
25 • section 68 (4)

26 **Explanatory note**

27 This amendment inserts standard notes about statutory declarations.

1 **[3.28] Section 98 (3), definition of *average weekly earnings*,**
2 **paragraph (a)**

3 *substitute*

4 (a) the average weekly earnings seasonally adjusted for the ACT
5 (all employees average weekly total earnings) in *Average*
6 *Weekly Earnings, Australia* (State and Territory Earnings)
7 issued by the Australian statistician; or

8 *Note* *Average Weekly Earnings, Australia* is issued in May and
9 November and is available at www.abs.gov.au.

10 **Explanatory note**

11 This amendment updates the definition of *average weekly earnings* because the ABS
12 publication is now issued every 6 months (in May and November) instead of quarterly.

13 **[3.29] Section 107G (2)**

14 *omit*

15 any

16 *substitute*

17 part

18 **Explanatory note**

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

20 **[3.30] Section 139F (3)**

21 *omit*

22 , in writing,

23 **Explanatory note**

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

1 **[3.31] Section 139N (2)**

2 *omit*

3 a natural person

4 *substitute*

5 an individual

6 **Explanatory note**

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

8 **[3.32] Section 139N (2)**

9 *omit*

10 the person

11 *substitute*

12 the individual

13 **Explanatory note**

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

15 **[3.33] Section 180 heading**

16 *substitute*

17 **180 Definitions—pt 14.1**

18 **Explanatory note**

19 This amendment updates the heading in line with current legislative drafting practice and
20 corrects a cross-reference.

1 **[3.34] Section 222 (1) etc**

2 *omit*

3 , in writing,

4 *in*

- 5 • section 222 (1)
6 • section 222A (1)
7 • schedule 4, section 4.28 (4)

8 **Explanatory note**

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

11 **[3.35] Dictionary, note 2**

12 *insert*

- 13 • Australian statistician

14 **Explanatory note**

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

18 **[3.36] Dictionary, new definition of *act of terrorism***

19 *insert*

20 *act of terrorism*, for part 3.3 (Temporary exclusion of liability for
21 terrorism-associated risks)—see section 37.

22 **Explanatory note**

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

1 **[3.37] Dictionary, definitions of *accommodation unit*, *agent*,**
2 ***common carrier*, *community organisation* and**
3 ***community work***

4 *substitute*

5 *accommodation unit*, for part 11.1 (Traveller accommodation
6 providers liability)—see section 144.

7 *agent*, of an accommodation provider, for part 11.1 (Traveller
8 accommodation providers liability)—see section 144.

9 *common carrier*, for part 11.2 (Common carriers)—see section 156.

10 *community organisation*, for part 2.2 (Volunteers)—see section 6.

11 *community work*, for part 2.2 (Volunteers)—see section 7.

12 **Explanatory note**

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

14 **[3.38] Dictionary, definition of *costs*, paragraph (a)**

15 *omit*

16 chapter 14 (Limitations on legal costs)

17 *substitute*

18 part 14.1 (Maximum costs for certain personal injury damages
19 claims)

20 **Explanatory note**

21 This amendment corrects a cross-reference.

1 **[3.41] Dictionary, definition of *personal injury damages***

2 *omit*

3 chapter 14 (Limitations on legal costs)

4 *substitute*

5 part 14.1 (Maximum costs for certain personal injury damages
6 claims)—

7 **Explanatory note**

8 This amendment corrects a cross-reference and updates the definition in line with current
9 legislative drafting practice.

10 **[3.42] Dictionary, definition of *provide***

11 *substitute*

12 *provide* traveller accommodation, for part 11.1 (Traveller
13 accommodation providers liability)—see section 144.

14 **Explanatory note**

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

16 **[3.43] Dictionary, new definitions**

17 *insert*

18 *unsafe*, in relation to food, for part 2.2A (Food donors)—
19 see section 11A.

20 *unsuitable*, in relation to food, for part 2.2A (Food donors)—
21 see section 11A.

22 **Explanatory note**

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

1 **[3.46] Section 163 (1) etc**

2 *omit*

3 , in writing,

4 *in*

- 5 • section 163 (1)
- 6 • section 221 (1)
- 7 • section 323 (1)
- 8 • section 324 (1)

9 **Explanatory note**

10 This amendment omits words that are redundant because of the [Legislation Act](#), section 42 (2),
11 which requires disallowable and notifiable instruments to be in writing.

12 **[3.47] Section 325 (2), new note 3**

13 *insert*

14 *Note 3* A reference to an instrument includes a reference to a provision of an
15 instrument (see [Legislation Act](#), s 14 (2)).

16 **Explanatory note**

17 This amendment inserts a note about the [Legislation Act](#), section 14 (2) to assist legislation
18 users.

19 **[3.48] Dictionary, new definitions**

20 *insert*

21 *administrative fee*, for chapter 6A (Court imposed fines)—see
22 section 116A.

23 *default*, for chapter 6A (Court imposed fines)—see section 116A.

24 *default notice*, for chapter 6A (Court imposed fines)—see
25 section 116A.

26 *earnings redirection order*, for chapter 6A (Court imposed fines)—
27 see section 116Y (2).

- 1 *enforcement officer*, for chapter 6A (Court imposed fines)—see
2 section 116A.
- 3 *examination hearing*, for chapter 6A (Court imposed fines)—see
4 section 116A.
- 5 *examination notice*, for chapter 6A (Court imposed fines)—see
6 section 116P.
- 7 *examination warrant*, for chapter 6A (Court imposed fines)—see
8 section 116R.
- 9 *fine*, for chapter 6A (Court imposed fines)—see section 116A.
- 10 *fine defaulter*, for chapter 6A (Court imposed fines)—see
11 section 116A.
- 12 *fine enforcement order*, for chapter 6A (Court imposed fines)—see
13 section 116A.

14 **Explanatory note**

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

16 **[3.49] Dictionary, definition of *full-time detainee***

17 *substitute*

18 *full-time detainee*, for chapter 4 (Full-time detention)—see
19 section 22 (1).

20 **Explanatory note**

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

22 **[3.50] Dictionary, new definitions**

23 *insert*

24 *outstanding fine*, in relation to a person, for chapter 6A (Court
25 imposed fines)—see section 116A.

26 *penalty notice*, for chapter 6A (Court imposed fines)—see
27 section 116A.

1 **[3.52] Section 8 (1)**

2 *omit*

3 all or

4 **Explanatory note**

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

6 **[3.53] Section 23 (3) (a)**

7 *omit*

8 Australian Statistician

9 *substitute*

10 Australian statistician

11 **Explanatory note**

12 This amendment revises the term to be consistent with the definition of that term in the
13 [Legislation Act](#), dictionary, part 1.

14 **[3.54] Section 32 (2)**

15 *omit*

16 shall be taken to affect

17 *substitute*

18 affects

19 **Explanatory note**

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

1 **[3.55] Section 34**

2 *omit*

3 all or

4 **Explanatory note**

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

6 **[3.56] Section 34**

7 *omit*

8 notwithstanding that the matters referred to

9 *substitute*

10 even though the matters mentioned

11 **Explanatory note**

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

13 **[3.57] Section 36 (3)**

14 *omit*

15 shall not be taken to

16 *substitute*

17 do not

18 **Explanatory note**

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

1 **[3.58] Section 38 (4)**

2 *omit*

3 shall be taken

4 *substitute*

5 is taken

6 **Explanatory note**

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

8 **[3.59] Dictionary, note 2**

9 *insert*

- 10 • Australian statistician

11 **Explanatory note**

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

15 **[3.60] Further amendments, mentions of *shall***

16 *omit*

17 shall

18 *substitute*

19 must

20 *in*

- 21 • section 6 (1)
- 22 • section 11 (1)
- 23 • section 13 (1)
- 24 • section 14
- 25 • section 19 (2) and (3)
- 26 • section 22

1 **[3.63] Dictionary, note 2**

2 *insert*

- 3 • Australian statistician

4 **Explanatory note**

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

8 **Part 3.7 Evidence Act 2011**

9 **[3.64] Section 159**

10 *omit*

11 Australian Statistician

12 *substitute*

13 Australian statistician

14 **Explanatory note**

15 This amendment revises the term to be consistent with the definition of that term in the [Legislation Act](#), dictionary, part 1.

17 **[3.65] Dictionary, part 1, definition of *previous representation***

18 *substitute*

19 *previous representation*—

- 20 (a) for this Act generally—means a representation made otherwise
21 than in the course of giving evidence in the proceeding in
22 which evidence of the representation is sought to be presented;
23 and

1 (b) for division 3.2.2 (First-hand hearsay) (other than
2 section 62 (2))—see section 62.

3 **Explanatory note**

4 This amendment remakes the definition to include a signpost definition for division 3.2.2.

5 **[3.66] Dictionary, part 1, new definition of *request***

6 *insert*

7 *request*, for division 4.6.1 (Requests to produce documents or call
8 witnesses)—see section 166.

9 **Explanatory note**

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

11 **Part 3.8 Firearms Act 1996**

12 **[3.67] Section 40 (1)**

13 *omit*

14 , in writing,

15 **Explanatory note**

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

18 **[3.68] Section 76 (f)**

19 *omit*

20 shall be

21 *substitute*

22 is

23 **Explanatory note**

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

1 **[3.69] Section 140A (5), definition of *authorised period*,**
2 **paragraph (a)**

3 *omit*

4 or

5 *substitute*

6 and

7 **Explanatory note**

8 This amendment corrects a minor typographical error.

9 **[3.70] Section 239 (3)**

10 *omit*

11 shall be

12 *substitute*

13 is

14 **Explanatory note**

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

16 **[3.71] Section 240 (2)**

17 *omit*

18 shall be

19 *substitute*

20 are

21 **Explanatory note**

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

1 **[3.72] Section 250 (3)**

2 *omit*

3 shall be

4 *substitute*

5 is

6 **Explanatory note**

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

8 **[3.73] Dictionary, note 2**

9 *omit*

- 10
 - CrimTrac

11 **Explanatory note**

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

15 **[3.74] Dictionary, note 2**

16 *insert*

- 17
 - found guilty

18 **Explanatory note**

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

22 **[3.75] Dictionary, definition of *inoperable firearm***

23 *omit*

24 **Explanatory note**

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

1 **[3.76] Dictionary, definition of *security organisation***

2 *omit*

3 (2)

4 *substitute*

5 (4)

6 **Explanatory note**

7 This amendment corrects a cross-reference.

8 **[3.77] Further amendments, mentions of *shall***

9 *omit*

10 shall

11 *substitute*

12 must

13 *in*

- 14 • section 76 (b) to (e)
- 15 • sections 181 to 183
- 16 • sections 199 and 200 (1)
- 17 • sections 221 to 223
- 18 • sections 229 to 236
- 19 • sections 239 (1) and 240 (1)
- 20 • sections 241 and 242
- 21 • sections 250 and 251
- 22 • sections 253 to 256
- 23 • section 264
- 24 • sections 266 (2) and 267 (1) (b)

25 **Explanatory note**

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

1 **Part 3.9** **Food Act 2001**

2 **[3.78] New section 13A**

3 *in part 2, insert*

4 **13A Meaning of *food standards code***

5 (1) In this Act:

6 *food standards code* means the Australia New Zealand Food
7 Standards Code as defined in the [Commonwealth Act](#), section 4 (1),
8 as in force from time to time.

9 (2) The [Legislation Act](#), section 47 (6) does not apply to the food
10 standards code.

11 *Note* The food standards code does not need to be notified under the
12 [Legislation Act](#) because s 47 (6) does not apply (see [Legislation Act](#),
13 s 47 (7)).

14 **Explanatory note**

15 This amendment relocates the definition of *food standards code* from the
16 [Food Regulation 2002](#), section 7 to the Act to assist legislation users.

17 **[3.79] Section 15 (1) etc**

18 *omit*

19 any 1 or more

20 *substitute*

21 1 or more

22 *in*

- 23 • section 15 (1)
24 • section 39

- 1 • section 40 (1)
2 • section 51 (1)

3 **Explanatory note**

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

5 **[3.80] Section 51 (4)**

6 *omit*

7 all or

8 **Explanatory note**

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

10 **[3.81] Section 53 (3) etc**

11 *omit*

12 any 1 or more

13 *substitute*

14 1 or more

15 *in*

- 16 • section 53 (3)
17 • section 59 (4)
18 • section 80 (1)
19 • section 83 (1)
20 • section 84 (1) and (2)

21 **Explanatory note**

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

1 **[3.82] Section 84 (1)**

2 *omit*

3 or all

4 **Explanatory note**

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

6 **[3.83] Section 114 (1)**

7 *omit*

8 all or any

9 *substitute*

10 1 or more

11 **Explanatory note**

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

13 **[3.84] Section 149 (1) etc**

14 *omit*

15 , in writing,

16 *in*

17 • section 149 (1)

18 • section 150 (1)

19 • section 151 (1)

20 **Explanatory note**

21 This amendment omits words that are redundant because of the [Legislation Act](#), section 42 (2),
22 which requires disallowable and notifiable instruments to be in writing.

1 **[3.85] Section 152 (3)**

2 *substitute*

3 (3) A regulation may apply, adopt or incorporate a law or instrument, or
4 a provision of a law or instrument, as in force from time to time.

5 **Explanatory note**

6 This amendment remakes subsection (3) to omit a paragraph made redundant as a consequence
7 of the definition of *food standards code* being relocated from the *Food Regulation 2002* to the
8 Act by another amendment.

9 **[3.86] Section 153 (1)**

10 *omit*

11 Despite section 152 (3) (a), a regulation

12 *substitute*

13 A regulation

14 **Explanatory note**

15 This amendment is consequential on the omission of section 152 (3) (a) by the previous
16 amendment.

17 **[3.87] Dictionary, note 2**

18 *insert*

- 19 • found guilty

20 **Explanatory note**

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

1 **[3.88] Dictionary, definition of *equipment***

2 *after*

3 all or

4 *omit*

5 any

6 **Explanatory note**

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

8 **[3.89] Dictionary, definition of *food authority***

9 *omit*

10 section 3 (1)

11 *substitute*

12 section 4 (1)

13 **Explanatory note**

14 This amendment corrects a cross-reference.

15 **[3.90] Dictionary, definition of *food safety standard***

16 *omit*

17 section 3 (1)

18 *substitute*

19 section 4 (1)

20 **Explanatory note**

21 This amendment corrects a cross-reference.

1 **[3.91] Dictionary, definition of *food standards code***

2 *substitute*

3 *food standards code*—see section 13A.

4 **Explanatory note**

5 This amendment is consequential on the insertion of new section 13A by another amendment
6 and updates the signpost definition of *food standards code* with the new section reference.

7 **[3.92] Dictionary, definition of *premises***

8 *substitute*

9 *premises* includes—

- 10 (a) land (whether or not vacant); or
11 (b) any part of a building, tent, stall or other structure (whether of
12 a permanent or temporary nature); or
13 (c) a pontoon; or
14 (d) a food transport vehicle or any other vehicle.

15 **Explanatory note**

16 This amendment corrects numbering and updates language in line with current legislative
17 drafting practice.

18 **[3.93] Further amendments, new note**

19 *insert*

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

23 *in*

- 24 • section 8 (1) (c)
25 • section 11 (1) (b)
26 • section 30 (4) (b)

- 1 • section 92 (2)
2 • section 108 (3)

3 **Explanatory note**

4 This amendment inserts a standard note about examples.

5 **Part 3.10 Food Regulation 2002**

6 **[3.94] Section 7**

7 *omit*

8 **Explanatory note**

9 This amendment omits the definition of *food standards code* as a consequence of the definition
10 being relocated to the *Food Act 2001* by another amendment.

11 **Part 3.11 Health Act 1993**

12 **[3.95] Section 70 (2), note 2**

13 *omit*

14 pt 9

15 *substitute*

16 pt 10

17 **Explanatory note**

18 This amendment corrects a cross-reference.

19 **[3.96] Section 103 (3)**

20 *omit*

21 determined after 31 December 2003

22 **Explanatory note**

23 This amendment omits a transitional arrangement that no longer has any practical application.

1 **[3.97] Dictionary, note 2**

2 *insert*

- 3 • found guilty

4 **Explanatory note**

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

8 **[3.98] Dictionary, note 2**

9 *omit*

- 10 • sitting day
11 • territory authority

12 **Explanatory note**

13 Dictionary, note 2 lists examples of terms used in the Act that are defined in the
14 [Legislation Act](#), dictionary, part 1. This amendment removes terms that are no longer used in
15 the Act.

16 **Part 3.12 Interactive Gambling Act 1998**

17 **[3.99] Section 101 (3)**

18 *omit*

19 shall

20 *substitute*

21 must

22 **Explanatory note**

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

1 **[3.100] Dictionary, new note 3**

2 *insert*

3 *Note 3* The Control Act contains definitions relevant to this Act. For example,
4 the following terms are defined in the Control Act, dictionary:

- 5 • authorised officer
6 • code of practice
7 • commission
8 • gaming officer.

9 **Explanatory note**

10 The Act, section 7 provides that the *Gambling and Racing Control Act 1999* is incorporated and
11 must be read as one with the Act. This amendment inserts a new note in the Act, dictionary to
12 assist users in interpreting the Act. Dictionary, new note 3 lists examples of terms used in the
13 Act and defined in the *Gambling and Racing Control Act 1999*.

14 **Part 3.13 Lands Acquisition Act 1994**

15 **[3.101] Section 99**

16 *omit*

17 Notwithstanding

18 *substitute*

19 Despite

20 **Explanatory note**

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

1 **[3.102] Section 104 (1)**

2 *omit*

3 all or any

4 *substitute*

5 1 or more

6 **Explanatory note**

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

8 **[3.103] Section 114 (2) (a)**

9 *omit*

10 a natural person

11 *substitute*

12 an individual

13 **Explanatory note**

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

15 **[3.104] Dictionary, note 2**

16 *insert*

- 17 • Australian statistician

18 **Explanatory note**

19 Dictionary, note 2 lists examples of terms used in the Act that are defined in the [Legislation Act](#), dictionary, part 1. This amendment inserts a term mentioned in the Act and defined in the [Legislation Act](#), dictionary, part 1.
20
21

1 **Part 3.14** **Medicines, Poisons and**
2 **Therapeutic Goods Act 2008**

3 **[3.105] Section 83 (2), new note 1A**

4 *insert*

5 *Note 1A* It is an offence to make a false or misleading statement, give false or
6 misleading information or produce a false or misleading document (see
7 [Criminal Code](#), pt 3.4).

8 **Explanatory note**

9 This amendment inserts a standard note about making a false or misleading statement in a
10 statutory declaration.

11 **[3.106] Section 95 (2), new note 3**

12 *insert*

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

16 **Explanatory note**

17 This amendment inserts a standard note about making a false or misleading statement in a
18 statutory declaration.

19 **[3.107] Section 97 (2), new note 2**

20 *insert*

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

24 **Explanatory note**

25 This amendment inserts a standard note about making a false or misleading statement in a
26 statutory declaration.

1 **[3.108] Section 190 (3) (b) and (4)**

2 *omit*

3 subsection (1) (a)

4 *substitute*

5 subsection (1) (b)

6 **Explanatory note**

7 This amendment corrects cross-references.

8 **[3.109] Dictionary, note 2**

9 *insert*

- 10 • chief health officer
11 • found guilty

12 **Explanatory note**

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

16 **[3.110] Dictionary, definition of *chief pharmacist***

17 *relocate to Medicines, Poisons and Therapeutic Goods*
18 *Regulation 2008, dictionary*

19 **Explanatory note**

20 This amendment relocates to the [Medicines, Poisons and Therapeutic Goods Regulation 2008](#),
21 dictionary a term that is used only in that regulation.

1 **[3.111] Dictionary, definition of *declared substance***

2 *omit*

3 Supply of certain

4 *substitute*

5 Dealings with

6 **Explanatory note**

7 This amendment corrects the reference to the heading to the Act, part 4.1.

8 **[3.112] Dictionary, definition of *drug-dependent person***

9 *relocate to Medicines, Poisons and Therapeutic Goods*
10 *Regulation 2008, dictionary*

11 **Explanatory note**

12 This amendment relocates to the *Medicines, Poisons and Therapeutic Goods Regulation 2008*,
13 dictionary a term that is used only in that regulation.

14 **[3.113] Dictionary, definition of *medicines advisory committee***

15 *omit*

16 by

17 *substitute*

18 under

19 **Explanatory note**

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

1 **[3.114] Dictionary, definition of *prescribe***

2 *substitute*

3 *prescribe* a medicine means issue a prescription for the medicine.

4 **Explanatory note**

5 This amendment revises the definition to make it clear that the reference to *prescribe* means
6 prescribe a medicine. Other references to *prescribe* in the Act relate to prescribe something in a
7 regulation under the Act.

8 **[3.115] Dictionary, definition of *vending machine***

9 *omit*

10 (Other offences—vending machines)

11 *substitute*

12 (Vending machines—offences)

13 **Explanatory note**

14 This amendment corrects the reference to the heading to division 4.3.5.

15 **Part 3.15 Prohibited Weapons Act 1996**

16 **[3.116] Section 3 (1) (c)**

17 *omit*

18 firearm

19 *substitute*

20 weapon or article

21 **Explanatory note**

22 Section 3 is about possession of a prohibited weapon or prohibited article. This amendment
23 revises the language of section 3 (1) (c) to be consistent with the remainder of the provision.

1 **[3.117] Section 7 (1)**

2 *omit*

3 shall

4 *substitute*

5 must

6 **Explanatory note**

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

8 **[3.118] Sections 11 to 13 and 15**

9 *omit*

10 shall

11 *substitute*

12 must

13 **Explanatory note**

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

15 **[3.119] Section 16 (2), new note**

16 *insert*

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

18 **Explanatory note**

19 This amendment inserts a standard note to assist users of the legislation.

1 **[3.120] Section 18 (1)**

2 *omit*

3 , in writing,

4 **Explanatory note**

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

7 **[3.121] Dictionary, note 2**

8 *insert*

- 9 • found guilty

10 **Explanatory note**

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

14 **Part 3.16 Public Health Act 1997**

15 **[3.122] Section 7 (4)**

16 *omit*

17 , in writing,

18 **Explanatory note**

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

1 **[3.123] Sections 12 and 13, notes**

2 *substitute*

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

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

9 **Explanatory note**

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

11 **[3.124] Section 15, note 1**

12 *substitute*

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

15 **Explanatory note**

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

17 **[3.125] Section 18 (1)**

18 *omit*

19 , in writing,

20 **Explanatory note**

21 This amendment omits words that are redundant because of the [Legislation Act](#), section 42 (2),
22 which requires disallowable instruments to be in writing.

1 **[3.126] Section 22 (3)**

2 *omit*

3 or provision of an instrument

4 **Explanatory note**

5 This amendment omits words that are redundant because of the [Legislation Act](#), section 14 (2),
6 which provides that a reference to an instrument includes a reference to a provision of an
7 instrument.

8 **[3.127] Section 22 (3), new note 3**

9 *insert*

10 *Note 3* A reference to an instrument includes a reference to a provision of an
11 instrument (see [Legislation Act](#), s 14 (2)).

12 **Explanatory note**

13 This amendment inserts a note to assist legislation users and is consequential on another
14 amendment.

15 **[3.128] Section 42D (3)**

16 *omit*

17 or provision of an instrument

18 **Explanatory note**

19 This amendment omits words that are redundant because of the [Legislation Act](#), section 14 (2),
20 which provides that a reference to an instrument includes a reference to a provision of an
21 instrument.

22 **[3.129] Section 42D (3), new note 3**

23 *insert*

24 *Note 3* A reference to an instrument includes a reference to a provision of an
25 instrument (see [Legislation Act](#), s 14 (2)).

26 **Explanatory note**

27 This amendment inserts a note to assist legislation users and is consequential on another
28 amendment.

1 **[3.130] Section 61 (4) and (5)**

2 *omit*

3 any or all

4 *substitute*

5 1 or more

6 **Explanatory note**

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

8 **[3.131] Section 64 (3)**

9 *omit*

10 pursuant to

11 *substitute*

12 under

13 **Explanatory note**

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

15 **[3.132] Section 66 (3) (d)**

16 *omit*

17 all or any of

18 **Explanatory note**

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

1 **[3.133] Section 66F**

2 *omit*

3 shall remain

4 *substitute*

5 remains

6 **Explanatory note**

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

8 **[3.134] Section 66J (1)**

9 *omit*

10 shall not, only because of that supply, be taken

11 *substitute*

12 is not, only because of that supply, taken

13 **Explanatory note**

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

15 **[3.135] Section 66J (2)**

16 *omit*

17 shall not, only because of that printing or publishing, be taken

18 *substitute*

19 is not, only because of that printing or publishing, taken

20 **Explanatory note**

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

1 **[3.136] Section 73 (3) (d)**

2 *omit*

3 all or any of

4 **Explanatory note**

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

6 **[3.137] Section 89 (6)**

7 *omit*

8 any or all

9 *substitute*

10 1 or more

11 **Explanatory note**

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

13 **[3.138] Section 89 (6) (d)**

14 *omit*

15 all or any of

16 **Explanatory note**

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

18 **[3.139] Section 92**

19 *omit*

20 notwithstanding

21 *substitute*

22 despite

23 **Explanatory note**

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

1 **[3.140] Section 100 (1)**

2 *omit*

3 , in writing,

4 **Explanatory note**

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

7 **[3.141] Section 100 (3)**

8 *omit*

9 or provision of an instrument

10 **Explanatory note**

11 This amendment omits words that are redundant because of the [Legislation Act](#), section 14 (2),
12 which provides that a reference to an instrument includes a reference to a provision of an
13 instrument.

14 **[3.142] Section 100 (3), new note 3**

15 *insert*

16 *Note 3* A reference to an instrument includes a reference to a provision of an
17 instrument (see [Legislation Act](#), s 14 (2)).

18 **Explanatory note**

19 This amendment inserts a note to assist legislation users and is consequential on another
20 amendment.

21 **[3.143] Section 101 (1)**

22 *omit*

23 , in writing

24 **Explanatory note**

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

1 **[3.144] Section 102 (1) (a) (ii)**

2 *omit*

3 in writing

4 **Explanatory note**

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

7 **[3.145] Section 106 (1)**

8 *omit*

9 where

10 *substitute*

11 if

12 **Explanatory note**

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

14 **[3.146] Section 106 (2)**

15 *omit*

16 Where this section applies, an

17 *substitute*

18 The

19 **Explanatory note**

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

1 **[3.147] Section 106 (2)**

2 *omit*
3 or all

4 **Explanatory note**

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

6 **[3.148] Section 108 (1)**

7 *omit*
8 where
9 *substitute*
10 if

11 **Explanatory note**

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

14 **[3.149] Section 108 (2)**

15 *omit*
16 Where this section applies, the
17 *substitute*
18 The

19 **Explanatory note**

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

1 **[3.150] Section 108 (5)**

2 *omit*

3 notwithstanding

4 *substitute*

5 despite

6 **Explanatory note**

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

8 **[3.151] Section 113 (1)**

9 *omit*

10 Where

11 *substitute*

12 If

13 **Explanatory note**

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

15 **[3.152] Section 113 (1)**

16 *omit*

17 any or all

18 *substitute*

19 1 or more

20 **Explanatory note**

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

1 **[3.153] Section 119 (1) and (4)**

2 *omit*

3 , in writing,

4 **Explanatory note**

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

7 **[3.154] Section 120 (2)**

8 *omit*

9 any or all of

10 **Explanatory note**

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

12 **[3.155] Section 133 (1)**

13 *omit*

14 , in writing,

15 **Explanatory note**

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

18 **[3.156] Section 133 (2)**

19 *omit*

20 or provision of an instrument

21 **Explanatory note**

22 This amendment omits words that are redundant because of the [Legislation Act](#), section 14 (2),
23 which provides that a reference to an instrument includes a reference to a provision of an
24 instrument.

1 **[3.157] Section 133 (2), new note 3**

2 *insert*

3 *Note 3* A reference to an instrument includes a reference to a provision of an
4 instrument (see [Legislation Act](#), s 14 (2)).

5 **Explanatory note**

6 This amendment inserts a note to assist legislation users and is consequential on another
7 amendment.

8 **[3.158] Sections 137 (1) and 137A (1)**

9 *omit*

10 , in writing,

11 **Explanatory note**

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

14 **[3.159] Further amendments, mentions of *shall***

15 *omit*

16 shall

17 *substitute*

18 must

19 *in*

- 20 • section 4
21 • section 10 (1)
22 • section 16
23 • section 20
24 • sections 29 and 30
25 • sections 33 to 35
26 • section 37
27 • sections 39 and 40

- 1 • section 42
- 2 • section 45
- 3 • sections 47 to 50
- 4 • sections 53 and 54
- 5 • section 56
- 6 • sections 57 to 61 (3)
- 7 • sections 62 and 63
- 8 • sections 65 and 66 (4)
- 9 • section 66C
- 10 • sections 66G to 66I
- 11 • section 66K
- 12 • sections 67 to 73 (4)
- 13 • section 77
- 14 • sections 79 to 89 (2)
- 15 • sections 93 (2) and 94
- 16 • section 98
- 17 • section 99 (a) and (c)
- 18 • sections 103 to 107
- 19 • sections 109 and 110
- 20 • sections 112 and 113
- 21 • section 115
- 22 • sections 116 to 118
- 23 • sections 119 and 120
- 24 • sections 123 to 125
- 25 • section 127 (1)
- 26 • section 129

27 **Explanatory note**

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

1 **Part 3.17** **Public Health Regulation 2000**

2 **[3.160] Section 4 (2)**

3 *omit*

4 in writing

5 **Explanatory note**

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

8 **[3.161] Section 5 (2)**

9 *omit*

10 , in writing

11 **Explanatory note**

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

14 **[3.162] Section 8 (1), new notes**

15 *insert*

16 *Note 1* The [Statutory Declarations Act 1959](#) (Cwlth) applies to the making of
17 statutory declarations under ACT laws.

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

21 **Explanatory note**

22 This amendment inserts standard notes about statutory declarations.

1 **[3.163] Section 13 (2)**

2 *omit*

3 any or all

4 *substitute*

5 1 or more

6 **Explanatory note**

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

8 **[3.164] Section 26 (4)**

9 *omit*

10 , in writing,

11 **Explanatory note**

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

14 **[3.165] Section 32, notes**

15 *substitute*

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

18 **Explanatory note**

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

20 **[3.166] Sections 51 (2), 52 (1) and 53 (1)**

21 *omit*

22 , in writing,

23 **Explanatory note**

24 This amendment omits words that are redundant because of the [Legislation Act](#), section 42 (2),
25 which requires disallowable instruments to be in writing.

1 **[3.167] Dictionary, note 3**

2 *omit*

- 3 • authorised nurse practitioner

4 **Explanatory note**

5 This amendment omits a term that is no longer used in the regulation.

6 **[3.168] Dictionary, definition of *building***

7 *omit*

8 **Explanatory note**

9 This amendment omits a term that is no longer used in the regulation.

10 **Part 3.18 Residential Tenancies Act 1997**

11 **[3.169] Section 6F (1), note**

12 *omit*

13 retirement villages,

14 **Explanatory note**

15 This amendment omits words that are now redundant because of the *Justice and Community*
16 *Safety Legislation Amendment Act 2013*, which omitted section 4 (a) of the *Residential*
17 *Tenancies Act 1997*. Section 4 (a) provided that the Act did not apply to a retirement village.

18 **[3.170] Section 11A (7), definition of *publish***

19 *omit*

20 disseminate

21 *substitute*

22 distribute

23 **Explanatory note**

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

1 **[3.171] Section 71C (4), note**

2 *omit*
3 retirement villages,

4 **Explanatory note**

5 This amendment omits words that are now redundant because of the *Justice and Community*
6 *Safety Legislation Amendment Act 2013*, which omitted section 4 (a) of the *Residential*
7 *Tenancies Act 1997*. Section 4 (a) provided that the Act did not apply to a retirement village.

8 **[3.172] Dictionary, note 2**

9 *after*
10 *Legislation Act,*
11 *insert*
12 dict,

13 **Explanatory note**

14 This amendment corrects a cross-reference.

15 **Part 3.19 Road Transport (Alcohol and**
16 **Drugs) Act 1977**

17 **[3.173] Section 41 (1) (f)**

18 *omit*
19 *Road Transport (Safety and Traffic Management) Act 1999* (NSW),
20 section 33 (4), (5) or (6)

21 *substitute*
22 *Road Transport Act 2013* (NSW), schedule 3, clause 36

23 **Explanatory note**

24 This amendment updates the name of an Act and cross-references because the *Road Transport*
25 *(Safety and Traffic Management) Act 1999* (NSW) has been repealed and replaced with the
26 *Road Transport Act 2013* (NSW).

1 **[3.174] Section 41AE**

2 *omit*

3 *Road Transport (Safety and Traffic Management) Act 1999* (NSW),
4 section 33B, section 33D or section 35

5 *substitute*

6 *Road Transport Act 2013* (NSW), schedule 3, clause 36

7 **Explanatory note**

8 This amendment updates the name of an Act and cross-references because the *Road Transport*
9 *(Safety and Traffic Management) Act 1999* (NSW) has been repealed and replaced with the
10 *Road Transport Act 2013* (NSW).

11 **[3.175] Section 51 (2)**

12 *omit*

13 **Explanatory note**

14 This amendment omits the provision as a consequence of the insertion of a definition of *road*
15 *related area* in the dictionary by another amendment. The inserted definition includes the
16 substance of section 51 (2).

17 **[3.176] Dictionary, new definition of *road related area***

18 *insert*

19 *road related area*—

20 (a) means an area that is a road related area under the *Road*
21 *Transport (General) Act 1999*; and

22 (b) includes an area prescribed by regulation as a road related area
23 for this Act.

24 **Explanatory note**

25 This amendment inserts a new definition of *road related area* to assist users of the legislation.
26 The substance of paragraph (b) is relocated from section 51 (2), which is omitted by another
27 amendment.

1 **[3.180] Section 156 (4), new note 3**

2 *insert*

3 *Note 3* A reference to an instrument includes a reference to a provision of an
4 instrument (see [Legislation Act](#), s 14 (2)).

5 **Explanatory note**

6 This amendment inserts a note to assist legislation users and is consequential on another
7 amendment.

8 **[3.181] Section 219 (4)**

9 *omit*

10 , or a provision of an instrument,

11 **Explanatory note**

12 This amendment omits words that are redundant because of the [Legislation Act](#), section 14 (2),
13 which provides that a reference to an instrument includes a reference to a provision of an
14 instrument.

15 **[3.182] Section 219 (4), new note 3**

16 *insert*

17 *Note 3* A reference to an instrument includes a reference to a provision of an
18 instrument (see [Legislation Act](#), s 14 (2)).

19 **Explanatory note**

20 This amendment inserts a note to assist legislation users and is consequential on another
21 amendment.

22 **[3.183] Section 303 (4)**

23 *omit*

24 , or a provision of an instrument,

25 **Explanatory note**

26 This amendment omits words that are redundant because of the [Legislation Act](#), section 14 (2),
27 which provides that a reference to an instrument includes a reference to a provision of an
28 instrument.

1 **[3.187] Section 25 (3) (c), new note**

2 *insert*

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

6 **Explanatory note**

7 This amendment inserts a standard note about examples.

8 **[3.188] Section 33 (3)**

9 *omit*

10 bears

11 *substitute*

12 has

13 **Explanatory note**

14 This amendment updates language to make the wording of the provision consistent with the
15 [Criminal Code](#), section 58 (which deals with evidential burden of proof).

16 **[3.189] Dictionary, note 3**

17 *omit*

- 18
 - another jurisdiction

19 **Explanatory note**

20 Dictionary, note 3 lists examples of terms used in the Act that are defined in the [Road](#)
21 [Transport \(General\) Act 1999](#), dictionary. This amendment omits a term that is no longer used
22 in the Act.

1 **[3.190] Dictionary, note 3**

2 *insert*

- 3 • Australian driver
4 • driver licence
5 • external driver licence
6 • infringement notice

7 **Explanatory note**

8 Dictionary, note 3 lists examples of terms used in the Act that are defined in the *Road*
9 *Transport (General) Act 1999*, dictionary. This amendment inserts terms that are used in the
10 Act and defined in the *Road Transport (General) Act 1999*, dictionary.

11 **[3.191] Dictionary, note 3**

12 *omit*

- 13 • jurisdiction

14 **Explanatory note**

15 Dictionary, note 3 lists examples of terms used in the Act that are defined in the *Road*
16 *Transport (General) Act 1999*, dictionary. This amendment omits a term that is no longer used
17 in the Act.

18 **[3.192] Dictionary, note 3**

19 *insert*

- 20 • registered operator
21 • responsible person
22 • rider
23 • traffic

24 **Explanatory note**

25 Dictionary, note 3 lists examples of terms used in the Act that are defined in the *Road*
26 *Transport (General) Act 1999*, dictionary. This amendment inserts terms that are used in the
27 Act and defined in the *Road Transport (General) Act 1999*, dictionary.

- 1 **[3.193] Dictionary**
- 2 *omit the definitions of*
- 3 *Australian driver licence*
- 4 *driver licence*
- 5 *external driver licence*
- 6 *infringement notice*
- 7 *registered interest*
- 8 *registered operator*
- 9 *responsible person*
- 10 *rider*
- 11 *traffic*

12 **Explanatory note**

13 This amendment omits commonly-used terms (other than *registered interest*) which are defined
14 in the *Road Transport (General) Act 1999*, dictionary. It is consequential on the insertion, by
15 another amendment, of the omitted terms in dictionary, note 3. Dictionary, note 3, refers users
16 to the *Road Transport (General) Act 1999*, dictionary for the definitions of words and
17 expressions commonly used in road transport legislation. The definition of *registered interest* is
18 omitted as a consequence of its relocation to section 10D by another amendment.

1 **[3.196] Dictionary, note 2**

2 *insert*

- 3 • Australian statistician
4 • found guilty

5 **Explanatory note**

6 Dictionary, note 2 lists examples of terms used in the Act that are defined in the [Legislation](#)
7 [Act](#), dictionary, part 1. This amendment inserts terms mentioned in the Act and defined in the
8 [Legislation Act](#), dictionary, part 1.

9 **Part 3.23 Tree Protection Act 2005**

10 **[3.197] Section 112**

11 *omit*

12 or provision of an instrument

13 **Explanatory note**

14 This amendment omits words that are redundant because of the [Legislation Act](#), section 14 (2),
15 which provides that a reference to an instrument includes a reference to a provision of an
16 instrument.

17 **[3.198] Section 112, new note**

18 *insert*

19 *Note* A reference to an instrument includes a reference to a provision of an
20 instrument (see [Legislation Act](#), s 14 (2)).

21 **Explanatory note**

22 This amendment inserts a note to assist legislation users and is consequential on another
23 amendment.

1 **[3.199] Section 114 (2)**

2 *omit*

3 written

4 **Explanatory note**

5 This amendment omits a word that is redundant because of the [Legislation Act](#), section 42 (2),
6 which requires notifiable instruments to be in writing.

7 **[3.200] Dictionary, definition of *incorporated document***

8 *omit*

9 (or provision of an instrument)

10 **Explanatory note**

11 This amendment omits words that are redundant because of the [Legislation Act](#), section 14 (2),
12 which provides that a reference to an instrument includes a reference to a provision of an
13 instrument.

14 **[3.201] Dictionary, definition of *incorporated document*, new note**

15 *insert*

16 *Note* A reference to an instrument includes a reference to a provision of an
17 instrument (see [Legislation Act](#), s 14 (2)).

18 **Explanatory note**

19 This amendment inserts a note to assist legislation users and is consequential on another
20 amendment.

1 **Part 3.24** **Work Health and Safety Act 2011**

2 **[3.202] Section 229 (2) (c)**

3 *omit*

4 external review body

5 *substitute*

6 ACAT

7 **Explanatory note**

8 In the equivalent provision in the model bill for the Act, the term ‘external review body’ was
9 used, with a jurisdictional note to the effect that each jurisdiction should specify the external
10 review body for the jurisdiction. Section 229 (1) provides that a person may apply to the ACAT
11 for review of certain decisions, making it clear that the external review body is intended to be
12 the ACAT. This amendment corrects the reference.

13 **[3.203] Section 274 (1), note**

14 *substitute*

15 *Note* The power to approve a code of practice includes the power to amend or
16 repeal the approval of the code of practice. The power to amend or
17 repeal the approval is exercisable in the same way, and subject to the
18 same conditions, as the power to make it (see [Legislation Act](#), s 46).

19 **Explanatory note**

20 Under section 274 (1), the Minister may approve a code of practice. This amendment revises
21 the note to clarify that the power to approve a code of practice includes the power to amend or
22 repeal the approval.

1 **[3.204] Section 274 (4), note 2**

2 *substitute*

3 *Note 2* An amendment or repeal of an approval of a code of practice is also a
4 notifiable instrument (see [Legislation Act](#), s 46 (2)).

5 **Explanatory note**

6 This amendment revises a note about the effect of an amendment or repeal of an approval. The
7 revised note makes it clear that the amendment or repeal of the approval of a code of practice is
8 a notifiable instrument.

9 **Part 3.25 Work Health and Safety**
10 **Regulation 2011**

11 **[3.205] Section 7 (4), definition of *strata title body corporate***

12 *omit*

13 [Unit Titles Act 2001](#), section 38 (Establishment of owners
14 corporations)

15 *substitute*

16 [Unit Titles \(Management\) Act 2011](#), section 8 (Owners
17 corporation—establishment)

18 **Explanatory note**

19 This amendment updates a cross-reference. The [Unit Titles Act 2001](#) was amended by the [Unit](#)
20 [Titles \(Management\) Act 2011](#) to omit section 38 and remake it as section 8 in the [Unit Titles](#)
21 [\(Management\) Act 2011](#).

1 **Part 3.26** **Workers Compensation Act 1951**

2 **[3.206] Section 16 (1) (a), new note**

3 *insert*

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

7 **Explanatory note**

8 This amendment inserts a standard note about examples.

9 **[3.207] Section 20 (1), definition of *CPI***

10 *omit*

11 Australian Statistician

12 *substitute*

13 Australian statistician

14 **Explanatory note**

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

16 **[3.208] Section 129 (5), new note 2**

17 *insert*

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

21 **Explanatory note**

22 This amendment inserts a standard note about statutory declarations.

1 **[3.209] Section 164 (5)**

2 *omit*
3 shall not be
4 *substitute*
5 is not

6 **Explanatory note**

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

8 **[3.210] Section 179A etc**

9 *omit*
10 chapter
11 *substitute*
12 part
13 *in*
14 • section 179A (1) and (2)
15 • section 179B
16 • section 179C (1)
17 • section 179D (1) and (2)
18 • section 179E (1)
19 • section 179F (a)

20 **Explanatory note**

21 The Act, chapter 15 was amended by the *Workers Compensation (Terrorism) Amendment*
22 *Act 2012* and the chapter, as amended, was relocated as part 8.3. This amendment corrects
23 references to ‘chapter’ in part 8.3 that are necessary as a consequence of that relocation.

1 **[3.211] Dictionary, note 2**

2 *insert*

- 3 • Australian statistician
4 • found guilty

5 **Explanatory note**

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

9 **[3.212] Dictionary, definition of AWE, paragraph (a)**

10 *substitute*

- 11 (a) the average weekly earnings seasonally adjusted for the ACT
12 (all employees average weekly total earnings) in *Average*
13 *Weekly Earnings, Australia* (State and Territory Earnings)
14 issued by the Australian statistician; or

15 *Note* *Average Weekly Earnings, Australia* is issued in May and
16 November and is available at www.abs.gov.au.

17 **Explanatory note**

18 This amendment updates the definition of *AWE* because the ABS publication is now issued
19 every 6 months (in May and November) instead of quarterly.

20 **[3.213] Dictionary, definition of *awe indexed***

21 *substitute*

22 *awe indexed*, for an amount, for chapter 4 (Entitlement to
23 compensation)—see section 20.

24 **Explanatory note**

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

1 **[3.214] Dictionary, definition of *cpi indexed***

2 *substitute*

3 *cpi indexed*, for an amount, for chapter 4 (Entitlement to
4 compensation)—see section 20.

5 **Explanatory note**

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

7 **[3.215] Dictionary, definition of *workplace injury***

8 *substitute*

9 *workplace injury*, for chapter 5 (Injury management process)—
10 see section 86.

11 **Explanatory note**

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

Endnotes

1 Presentation speech

Presentation speech made in the Legislative Assembly on 19 September 2013.

2 Notification

Notified under the [Legislation Act](#) on 2013.

3 Republications of amended laws

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

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