

2016

THE LEGISLATIVE ASSEMBLY
FOR THE AUSTRALIAN CAPITAL TERRITORY

(As presented)

(Attorney-General)

Statute Law Amendment Bill 2016

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Statute Law Amendment Bill 2016

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 2017*.

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** **Annual Reports (Government**
4 **Agencies) Act 2004**

5 **[1.1] Section 7C**

6 *substitute*

7 **7C** **Meaning of *territory entity***

8 (1) In this Act:

9 *territory entity* means—

- 10 (a) a territory-owned corporation; or
11 (b) a territory instrumentality; or
12 (c) a body established under an Act declared by the Minister.

13 (2) A declaration is a notifiable instrument.

14 *Note* A notifiable instrument must be notified under the [Legislation Act](#).

15 **7D** **Territory entity annual report**

16 A territory entity must, for a reporting year, prepare a report about
17 the operation of the entity during the reporting year (a *territory*
18 *entity annual report*).

19 **Explanatory note**

20 Amendments under the [Public Sector Management Amendment Act 2016](#) inadvertently
21 removed annual reporting requirements on territory instrumentalities and certain declared
22 bodies. This amendment reinstates the reporting requirement.

1 **[1.2] New section 8 (3) (h)**

2 *insert*

3 (h) for a territory entity annual report—the report to include a
4 statement describing the measures taken by the entity during
5 the reporting year to respect, protect and promote human
6 rights.

7 **Explanatory note**

8 This amendment is consequential on the reinstatement of annual reporting requirements on
9 territory instrumentalities and certain declared bodies by another amendment.

10 **[1.3] Section 11**

11 *substitute*

12 **11 Responsible Minister for public sector body annual report**

13 The responsible Minister for a public sector body annual report is
14 the Minister allocated responsibility for the Act under which the
15 body is established under the administrative arrangements under the
16 *Public Sector Management Act 1994*.

17 **Explanatory note**

18 This amendment removes a superfluous distinction between public sector bodies established or
19 not established under an Act. A public sector body, as defined under the [Legislation Act](#) and
20 *Public Sector Management Act 1994*, can only be a body established under an Act.

21 **[1.4] Section 12 heading**

22 *substitute*

23 **12 Responsible Minister for territory entity annual report**

24 **Explanatory note**

25 This amendment is consequential on the reinstatement of annual reporting requirements on
26 territory instrumentalities and certain declared bodies by another amendment.

1 **[1.5] Section 12 (1)**

2 *substitute*

3 (1) The Chief Minister must declare that a Minister is the responsible
4 Minister for a territory entity annual report.

5 **Explanatory note**

6 This amendment is consequential on the reinstatement of annual reporting requirements on
7 territory instrumentalities and certain declared bodies by another amendment.

8 **[1.6] New section 18 (3)**

9 *insert*

10 (3) If a territory entity is required under any other territory law to
11 prepare a report on the operation of the entity, the entity may
12 prepare a report that complies with both this Act and the other law.

13 **Explanatory note**

14 This amendment is consequential on the reinstatement of annual reporting requirements on
15 territory instrumentalities and certain declared bodies by another amendment.

16 **[1.7] Dictionary, note 2**

17 *omit*

- 18
 - Territory owned corporation

19 **Explanatory note**

20 Dictionary, note 2 lists examples of terms used in the Act that are defined in the [Legislation](#)
21 [Act](#), dictionary, part 1. This amendment omits a term that is not defined in the [Legislation Act](#),
22 dictionary, part 1.

1 **[1.8] Dictionary, note 2**

2 *insert*

- 3 • territory instrumentality
4 • territory-owned corporation

5 **Explanatory note**

6 This amendment is consequential on the reinstatement of annual reporting requirements on
7 territory instrumentalities and certain declared bodies by another amendment.

8 **[1.9] Dictionary, definition of *annual report*, paragraph (f)**

9 *omit*

10 territory-owned corporation

11 *substitute*

12 territory entity

13 **Explanatory note**

14 This amendment is consequential on the reinstatement of annual reporting requirements on
15 territory instrumentalities and certain declared bodies by another amendment.

16 **[1.10] Dictionary, definition of *responsible Minister*,
17 paragraph (d)**

18 *omit*

19 territory-owned corporation

20 *substitute*

21 territory entity

22 **Explanatory note**

23 This amendment is consequential on the reinstatement of annual reporting requirements on
24 territory instrumentalities and certain declared bodies by another amendment.

1 **[1.11] Dictionary, new definitions**

2 *insert*

3 *territory entity*—see section 7C.

4 *territory entity annual report*—see section 7D.

5 **Explanatory note**

6 This amendment is consequential on the reinstatement of annual reporting requirements on
7 territory instrumentalities and certain declared bodies by another amendment.

8 **[1.12] Dictionary, definition of *territory-owned corporation***
9 ***annual report***

10 *omit*

11 **Explanatory note**

12 This amendment is consequential on the reinstatement of annual reporting requirements on
13 territory instrumentalities and certain declared bodies by another amendment.

14 **Part 1.2 Financial Management Act 1996**

15 **[1.13] Sections 22 (2) and 23 (2) (b) (ii) etc**

16 *omit*

17 generally accepted accounting principles

18 *substitute*

19 accounting standards

20 *in*

- 21 • sections 22 (2) and 23 (2) (b) (ii)
22 • section 27 (2)
23 • section 31 (4) (d)

- 1 • sections 55 (4) (f) and 56 (4) (f)
2 • section 63 (2)

3 **Explanatory note**

4 This amendment replaces references to ‘generally accepted accounting principles’ with
5 ‘accounting standards’. A definition of *accounting standards* is included in the dictionary by
6 another amendment. The term ‘generally accepted accounting principles’ is potentially unclear
7 whereas ‘accounting standards’ is used in equivalent legislation in the Commonwealth and
8 other jurisdictions and is consistent with the original intentions of the language in the Act.

9 **[1.14] Dictionary, new definition of *accounting standards***

10 *insert*

11 *accounting standards* means the accounting standards issued by the
12 Australian Accounting Standards Board, as in force or applicable
13 from time to time.

14 *Note* Accounting standards are accessible at www.aasb.gov.au.

15 **Explanatory note**

16 This amendment inserts a definition of *accounting standards* as a consequence of another
17 amendment that replaces references to ‘generally accepted accounting principles’ with
18 ‘accounting standards’. The definition is based on the definition of that term in the *Public*
19 *Governance, Performance and Accountability Act 2013* (Cwlth), section 8 and is generally
20 consistent with the definition of that term in equivalent legislation in other jurisdictions.

21 **[1.15] Dictionary, definition of *generally accepted accounting***
22 ***principles***

23 *omit*

24 **Explanatory note**

25 This amendment omits a definition that is no longer needed as a consequence of the
26 replacement of ‘generally accepted accounting principles’ with ‘accounting standards’ by
27 another amendment.

1 **Part 1.3** **Lifetime Care and Support**
2 **(Catastrophic Injuries) Act 2014**

3 **[1.16] New section 94 (1) (fa)**

4 *insert*

5 (fa) the nominal defendant;

6 **Explanatory note**

7 Section 94 (1) lists the entities with whom the LTCS commissioner may exchange information
8 about the treatment and care needs of a participant in the LTCS scheme. This amendment
9 includes the nominal defendant in the list. The nominal defendant deals with CTP claims in
10 which the person at fault in a motor accident is uninsured or not identified, or if an unregistered
11 vehicle permit is in force for the motor vehicle involved in the motor accident. Under the
12 [LTCS Act](#), section 16, both the nominal defendant and a licensed insurer may lodge an LTCS
13 application for an injured person. If the nominal defendant lodges an LTCS application for an
14 injured person and that person is accepted as a participant in the LTCS scheme, the LTCS
15 commissioner will need to exchange information about the participant's treatment and care
16 needs with the nominal defendant in the same way that the LTCS commissioner currently
17 exchanges information with a licensed insurer who lodged an LTCS application for a
18 participant.

19 Although the LTCS commissioner may, under section 94 (1) (g), approve the nominal
20 defendant as a person with whom information may be exchanged, including the nominal
21 defendant in the list in section 94 (1) will provide clarity and transparency for all parties who
22 may be involved in an application under the LTCS Act.

23 **[1.17] Dictionary, note 3**

24 *insert*

- 25 • nominal defendant

26 **Explanatory note**

27 This amendment is consequential on the inclusion of a reference to the nominal defendant in
28 section 94 (1) by another amendment.

1 **[1.18] Dictionary, definition of *LTCS scheme***

2 *substitute*

3 *LTCS scheme* means the scheme provided for by this Act for the
4 lifetime care and support of people who have suffered a catastrophic
5 injury—

6 (a) in a motor accident; or

7 (b) arising out of, or in the course of, their employment.

8 **Explanatory note**

9 This amendment is consequential on an amendment of section 7 (Purpose of Act) by the
10 *Lifetime Care and Support (Catastrophic Injuries) Amendment Act 2016* to extend the
11 indemnity scheme provided by the Act to people who have suffered a catastrophic injury arising
12 out of, or in the course of, their employment.

13 **Part 1.4 Public Sector Management**
14 **Act 1994**

15 **[1.19] New section 65A**

16 *insert*

17 **65A Reclassification of office—returning LAMS officer**

18 (1) A returning LAMS officer may apply, in writing, to the head of
19 service for a review of the officer's original classification and
20 salary.

21 (2) An application may be made not later than 30 days, or any longer
22 period approved by the head of service, after the returning LAMS
23 officer returns to work in the service.

24 (3) On receiving an application, the head of service must establish a
25 committee made up of—

26 (a) 1 person nominated by the head of service; and

- 1 (b) 1 person nominated by the commissioner; and
2 (c) an independent officer.
- 3 (4) The committee must consider the returning LAMS officer's
4 application and make a recommendation about the officer's
5 classification and salary.
- 6 (5) The head of service may prescribe procedures that a committee must
7 follow in considering an application.
- 8 (6) The head of service must decide a classification and salary for the
9 officer that is not less than the officer's original classification and
10 salary, having regard to—
- 11 (a) the committee's recommendation; and
12 (b) the officer's employment immediately before being employed
13 under the *Legislative Assembly (Members' Staff) Act 1989*; and
14 (c) the length of the employment; and
15 (d) the functions exercised by the officer in the employment; and
16 (e) any other matter that the head of service considers relevant.
- 17 (7) The head of service must give the returning LAMS officer a copy of
18 the decision.
- 19 (8) The head of service's decision has effect, or is taken to have had
20 effect, when the officer returns to work in the service.
- 21 (9) In this section:
- 22 *independent officer*, in relation to an application by a returning
23 LAMS officer, means—
- 24 (a) if requested by the returning LAMS officer—a person
25 nominated by a relevant union; or
26 (b) a person chosen in accordance with prescribed procedures.

1 **original classification**, of a returning LAMS officer, means the
2 classification of the office that the officer occupied immediately
3 before being employed under the *Legislative Assembly (Members’*
4 *Staff) Act 1989*.

5 **original salary**, of a returning LAMS officer, means the salary to
6 which the officer was entitled immediately before being employed
7 under the *Legislative Assembly (Members’ Staff) Act 1989*.

8 **returning LAMS officer** means an officer who—

9 (a) while an officer, was employed under the *Legislative Assembly*
10 *(Members’ Staff) Act 1989*; and

11 (b) has returned, or will return, to work in the service.

12 **Explanatory note**

13 Under the *Legislative Assembly (Members’ Staff) Act 1989*, as in force immediately before the
14 commencement of the *Public Sector Management Amendment Act 2016*, a returning LAMS
15 officer could ask for a determination of the officer’s classification and salary on returning to the
16 public service. This amendment allows a returning LAMS officer to ask for a determination of
17 the officer’s classification and salary on returning to the public service.

18 **[1.20] Section 152 (4), definition of *management provision***

19 *before paragraph (a), insert*

20 (aa) part 4 (Engagement of senior executive service) to the extent
21 that it applies to the engagement of an executive;

22 **Explanatory note**

23 Section 152 gives statutory office-holders and chief executive officers who employ staff under
24 the Act certain management powers of the head of service under the Act. These employers were
25 able to exercise the head of service’s power to employ executives under the Act before
26 amendments by the *Public Sector Management Amendment Act 2016*. This amendment gives
27 these employers the head of service’s power to employ executives under the Act.

1 **[1.21] New division 8.3**

2 *insert*

3 **Division 8.3 Calvary public hospital staff**

4 **157 Calvary public hospital staff**

5 (1) This section applies if an agreement (a *services agreement*) is in
6 force between the Territory and Calvary Health Care ACT Limited
7 ACN 105 304 989 (*Calvary*) for a person (a *public hospital*
8 *employee*) to be employed by Calvary under this Act to provide
9 public health services to the Territory.

10 (2) A management provision under this Act applies to an employer of a
11 public hospital employee as if—

12 (a) a reference to the head of service is taken to be a reference to
13 the employer, to the extent that the application of the
14 management provision is consistent with the exercise of the
15 employer's functions; and

16 (b) a reference to an officer is taken to be a reference to a public
17 hospital employee who is employed on a permanent basis; and

18 (c) a reference to an employee is taken to be a reference to a
19 public hospital employee who is employed on a temporary
20 basis; and

21 (d) a reference to an office is a reference to the public hospital
22 employee's terms of employment; and

23 (e) for division 3.2 (Management of the service)—a reference to a
24 function the head of service must exercise is a reference to a
25 function that an employer of a public hospital employee may
26 exercise; and

27 (f) any other necessary change is made.

- 1 (3) An employer of a public hospital employee—
2 (a) must give the head of service any information about the
3 employee that is requested by the head of service because the
4 information is relevant to the exercise of the head of service’s
5 functions; and
6 (b) may exercise a function under an industrial instrument in
7 relation to the employee, as if the employer were the head of
8 service; and
9 (c) unless otherwise stated in a territory law—may delegate a
10 function given to the employer under this section to the
11 following:
12 (i) a public hospital employee;
13 (ii) an officer or employee;
14 (iii) the head of service.
15 (4) To avoid any doubt, this section applies only to the management of
16 a public hospital employee and does not affect any other matter
17 dealt with by a services agreement.
18 (5) In this section:
19 *management provision*—see section 152 (4).

20 **Explanatory note**

21 Under the Act, as in force immediately before the commencement of the *Public Sector*
22 *Management Amendment Act 2016*, Calvary Health Care ACT Limited was able to exercise
23 certain powers of the head of service in relation to staff employed under the Act to work in the
24 Calvary public hospital. This amendment gives Calvary Health Care ACT Limited certain
25 management powers of the head of service under the Act in relation to public hospital staff.

Schedule 2 Legislation Act 2001

(see s 5)

[2.1] Section 38 (2)

omit

and conclusive

Explanatory note

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

[2.2] Dictionary, part 1, new definition of *Australian Criminal Intelligence Commission*

insert

Australian Criminal Intelligence Commission means the Australian Crime Commission established by the *Australian Crime Commission Act 2002* (Cwlth), section 7, and also known as the Australian Criminal Intelligence Commission.

Note The *Australian Crime Commission Act 2002* (Cwlth), s 7 (1A) provides that the Australian Crime Commission may also be known by a name specified in the regulations. The *Australian Crime Commission Regulations 2002* (Cwlth), s 3A specifies the Australian Criminal Intelligence Commission for that Act, s 7 (1A).

Explanatory note

This amendment and the omission of the definition of *CrimTrac* by another amendment are consequential on changes made to the *Australian Crime Commission Act 2002* (Cwlth) (the ACC Act) by the *Australian Crime Commission Amendment (National Policing Information Charges) Act 2016* (Cwlth) (the amending Act) to merge the CrimTrac agency with the Australian Crime Commission (the ACC). The ACC is established under the ACC Act, section 7. The amending Act inserted new section 7 (1A), which provides that the ACC may also be known by a name specified in the regulations. The *Australian Crime Commission Regulations 2002* (Cwlth), section 3A specified the Australia Criminal Intelligence Commission for the ACC Act, section 7 (1A).

1 **[2.3] Dictionary, part 1, definition of *CrimTrac***

2 *omit*

3 **Explanatory note**

4 This amendment omits a definition that is no longer needed as a consequence of the merger of
5 CrimTrac with the Australian Crime Commission (see explanatory note for amendment 2.2 for
6 additional information).

7 **[2.4] Dictionary, part 1, definition of *Lake Ginninderra***

8 *omit*

9 **Explanatory note**

10 This amendment omits a redundant definition. The definition of *Lake Ginninderra* refers to the
11 term as defined in the *Lakes Act 1976*. However, the definition and related amendments were
12 omitted from that Act by the *Planning, Building and Environment Legislation Amendment*
13 *Act 2013 (No 2)*. This enabled Lake Ginninderra to be declared as a lake by notifiable
14 instrument under the *Lakes Act 1976*, section 5, consistent with the practice of declaring an area
15 as a lake in the Territory, instead of describing its location using geographical bearings.

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] Schedule 1, modification 1.27, section 118**

6 *omit*

7 after 12 noon on the last Wednesday before polling start day for the
8 election.

9 *substitute*

10 after the nominations for the candidates are declared.

11 **Explanatory note**

12 This amendment revises the modification of the *Electoral Act 1992*, section 118 so that it is
13 consistent with table 29 (ATSEIB election timetable) of the Act and is consequential on the
14 replacement of that table by the *Aboriginal and Torres Strait Islander Elected Body Amendment*
15 *Act 2014*, section 5.

16 **Part 3.2** **ACT Teacher Quality Institute**
17 **Act 2010**

18 **[3.2] Dictionary, note 2**

19 *omit*

- 20 • adult
21 • CrimTrac
22 • police officer

23 **Explanatory note**

24 This amendment omits definitions of terms that are no longer used in the Act.

1 **[3.6] Dictionary, note 2**

2 *insert*

- 3 • Australian Criminal Intelligence Commission

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 new term that is used in the Act and defined in
6 the [Legislation Act](#), dictionary, part 1. The definition of *Australian Criminal Intelligence*
7 *Commission* is inserted in the [Legislation Act](#), dictionary, part 1 by another amendment.
8

9 **[3.7] Dictionary, note 2**

10 *omit*

- 11 • CrimTrac

12 **Explanatory note**

13 This amendment omits a definition of a term that is no longer used in the Act as a consequence
14 of changes to the definition of *police certificate* by another amendment.

15 **[3.8] Dictionary, definition of *agent*, new paragraph (c)**

16 *insert*

17 (c) for division 8.2 (Freezing accounts)—see section 131.

18 **Explanatory note**

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

20 **[3.9] Dictionary, definition of *investigator***

21 *omit*

22 **Explanatory note**

23 This amendment is consequential on the relocation of the definition to section 165 by another
24 amendment.

1 **[3.10] Dictionary, definition of *police certificate***

2 *omit*

3 CrimTrac

4 *substitute*

5 the Australian Criminal Intelligence Commission

6 **Explanatory note**

7 This amendment updates the definition to reflect the change of the name of CrimTrac to the
8 Australian Criminal Intelligence Commission (see explanatory note for amendment 2.2 for
9 additional information).

10 **Part 3.4 Building and Construction**
11 **Industry (Security of Payment)**
12 **Act 2009**

13 **[3.11] Section 24 (5)**

14 *omit*

15 his or her

16 *substitute*

17 the adjudicator's

18 **Explanatory note**

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

1 **[3.12] Section 36 (4)**

2 *omit*

3 he or she

4 *substitute*

5 the adjudicator

6 **Explanatory note**

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

8 **[3.13] Section 45**

9 *omit*

10 **Explanatory note**

11 This amendment omits a section that is now redundant because the review period mentioned in
12 the section has passed.

13 **Part 3.5 Civil Law (Wrongs) Act 2002**

14 **[3.14] Section 4, note 1**

15 *insert*

- 16
- sch 4, s 4.29 (Notification of limitation of liability)
 - sch 4, s 4.50 (Requirement to provide information).
- 17

18 **Explanatory note**

19 Section 4 is a standard information provision included in the preliminary part of all principal
20 ACT legislation containing offences that are subject to the [Criminal Code](#). Because the Act
21 commenced before the commencement of the [Criminal Code](#), not all offences in the Act are
22 subject to the [Criminal Code](#). Note 1 lists the offences to which the [Criminal Code](#), chapter 2
23 does apply. This amendment updates the note to include references to offences in schedule 4,
24 sections 4.29 and 4.50.

1 **[3.15] Section 11 (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 disallowable instruments to be in writing.

7 **[3.16] Section 107C heading**

8 *substitute*

9 **107C Meaning of *consumer claim*—ch 7A**

10 **Explanatory note**

11 This amendment corrects a cross-reference.

12 **[3.17] Section 144, new definition of *innkeeper's liability***

13 *insert*

14 *innkeeper's liability*—see section 147.

15 **Explanatory note**

16 This amendment inserts a signpost definition for a term defined in section 147 for part 11.1.

17 **[3.18] Section 156, definition of *schedule 2 packaged goods***

18 *omit*

19 (Liability of carriers for certain goods worth more than \$20)

20 **Explanatory note**

21 This amendment omits unnecessary words to update the definition in line with current
22 legislative drafting practice.

1 **[3.19] Schedule 5, section 5.8 (2), new note**

2 *insert*

3 *Note* The [Legislation Act](#), s 179 deals with the information that must be
4 included in a statement of reasons.

5 **Explanatory note**

6 This amendment inserts a standard note about statements of reasons.

7 **[3.20] Dictionary, note 2**

8 *omit*

- 9 • home address

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 omits a term that is not used in the Act.

13 **[3.21] Dictionary, definition of *contribution notice***

14 *omit*

15 (Respondent may add someone else as contributor)

16 **Explanatory note**

17 This amendment omits unnecessary words to update the definition in line with current
18 legislative drafting practice.

19 **[3.22] Dictionary, definition of *motor vehicle***

20 *substitute*

21 ***motor vehicle***—

22 (a) means—

23 (i) a motor vehicle under the [Road Transport \(General\)](#)
24 [Act 1999](#); or

25 (ii) a vehicle operated on a railway or other fixed track; and

1 (b) for part 11.1 (Traveller accommodation providers liability),
2 includes a boat, caravan or trailer attached to a motor vehicle.

3 **Explanatory note**

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

5 **[3.23] Dictionary, definition of *schedule 2 packaged goods***

6 *omit*

7 (Liability of carriers for certain goods worth more than \$20)

8 **Explanatory note**

9 This amendment omits unnecessary words to update the definition in line with current
10 legislative drafting practice.

11 **[3.24] Further amendments, mentions of *any 1 or more***

12 *omit*

13 any 1 or more

14 *substitute*

15 1 or more

16 *in*

- 17 • section 7 (1), definition of *community work*, paragraph (a)
18 • section 45 (2)
19 • section 127 (2)
20 • schedule 5, sections 5.6 (2) and 5.7 (1).

21 **Explanatory note**

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

1 **Part 3.6** **Construction Occupations**
2 **(Licensing) Act 2004**

3 **[3.25] Section 15**

4 *omit*

5 The regulations

6 *substitute*

7 A regulation

8 **Explanatory note**

9 This amendment recasts the provision in singular form in line with current legislative drafting
10 practice. The [Legislation Act](#), section 145 (b) provides that words in the singular include the
11 plural.

12 **[3.26] Section 26 (c) (i)**

13 *omit*

14 his or her

15 *substitute*

16 the licensee's

17 **Explanatory note**

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

1 **[3.27] Sections 29 and 30 (2) (a)**

2 *omit*

3 his or her

4 *substitute*

5 the nominee's

6 **Explanatory note**

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

8 **[3.28] Section 55A (1)**

9 *omit*

10 his or her

11 *substitute*

12 the registrar's

13 **Explanatory note**

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

15 **[3.29] Section 78**

16 *omit*

17 his or her

18 *substitute*

19 the compliance auditor's

20 **Explanatory note**

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

1 **[3.30] Section 80CC (3)**

2 *omit*

3 his or her

4 *substitute*

5 the inspector's

6 **Explanatory note**

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

8 **[3.31] Section 80CJ (1) (a)**

9 *omit*

10 his or her

11 *substitute*

12 the officer's

13 **Explanatory note**

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

15 **[3.32] Section 103 (1), note**

16 *substitute*

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

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

23 **Explanatory note**

24 This amendment substitutes standard notes about appointments.

1 **[3.33] Section 106 (1), new notes**

2 *insert*

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

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

9 **Explanatory note**

10 This amendment inserts standard notes about appointments.

11 **[3.34] Section 127 (1)**

12 *omit*

13 , in writing,

14 **Explanatory note**

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

17 **[3.35] Section 131**

18 *omit*

19 **Explanatory note**

20 This amendment omits a section that is now redundant because the review period mentioned in
21 the section has passed.

22 **[3.36] Dictionary, note 2**

23 *insert*

- 24 • found guilty

25 **Explanatory note**

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

1 **[3.37] Dictionary, definition of AS 3500, new note**

2 *insert*

3 *Note* AS 3500 may be purchased at www.standards.org.au.

4 **Explanatory note**

5 This amendment inserts a standard note about Australian standards.

6 **[3.38] Dictionary, definition of *demerit disciplinary ground***

7 *omit*

8 **Explanatory note**

9 This amendment omits a signpost definition of a term that is no longer used in the Act.

10 **[3.39] Dictionary, new definitions**

11 *insert*

12 *demerit ground for occupational discipline*, for part 8 (Demerit
13 points system)—see section 89.

14 *exemption assessment service*—see section 9 (2).

15 *gas appliance service*—see section 12A (2).

16 *gas appliance worker*—see section 12A (1).

17 **Explanatory note**

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

19 **[3.40] Dictionary, definition of *mandatory requirements***

20 *omit*

21 **Explanatory note**

22 This amendment omits an incorrect signpost definition.

1 **[3.41] Dictionary, new definition of *mandatory requirement***

2 *insert*

3 *mandatory requirement*, for division 3.2 (Nominees)—see
4 section 27.

5 **Explanatory note**

6 This amendment inserts a new signpost definition in line with current legislative drafting
7 practice that is consistent with the definition of the term in section 27.

8 **[3.42] Dictionary, definition of *nominee***

9 *omit*

10 (Nominees of corporations and partnerships)

11 **Explanatory note**

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

13 **[3.43] Dictionary, definition of *occupation class***

14 *omit*

15 section 15

16 *substitute*

17 a regulation

18 *Note* Section 15 provides that a regulation may divide a construction
19 occupation into classes.

20 **Explanatory note**

21 This amendment is consequential to the amendment of section 15 by another amendment and
22 clarifies that a regulation may divide a construction occupation into classes.

23 **[3.44] Dictionary, definition of *storey***

24 *omit*

25 **Explanatory note**

26 This amendment omits a definition of a term that is no longer used in the Act.

1 **Part 3.7** **Construction Occupations**
2 **(Licensing) Regulation 2004**

3 **[3.45] Dictionary, note 2**

4 *insert*

- 5 • found guilty

6 **Explanatory note**

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

10 **[3.46] Dictionary, new definition of *storey***

11 *insert*

12 *storey*—see the [Building Act 2004](#), dictionary.

13 **Explanatory note**

14 This amendment inserts a new definition of *storey* in the regulation. This amendment is
15 consequential on another amendment removing the definition from the dictionary of the Act.

1 **Part 3.8** **Crimes (Child Sex Offenders)**
2 **Regulation 2005**

3 **[3.47] Section 16A (2), definition of *law enforcement agency*,**
4 **paragraph (c)**

5 *omit*

6 **Explanatory note**

7 This amendment updates the definition by omitting a reference to CrimTrac to reflect the merge
8 of the CrimTrac agency with the Australian Crime Commission (see explanatory note for
9 amendment 2.2 for additional information).

10 **[3.48] Dictionary, note 2**

11 *omit*

- 12
 - CrimTrac

13 **Explanatory note**

14 This amendment omits a definition of a term that is no longer used in the Act as a consequence
15 of changes to the definition of *law enforcement agency* in section 16A (2) by another
16 amendment.

17 **Part 3.9** **Director of Public Prosecutions**
18 **Act 1990**

19 **[3.49] Section 20 (1)**

20 *omit*

21 , in writing,

22 **Explanatory note**

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

1 **[3.50] Section 30 heading**

2 *substitute*

3 **30 Staff of the office**

4 **Explanatory note**

5 This amendment updates references to staff in this provision to be consistent with references
6 elsewhere in the Act.

7 **[3.51] Section 30 (2)**

8 *omit*

9 director's staff

10 *substitute*

11 staff of the office

12 **Explanatory note**

13 This amendment updates references to staff in this provision to be consistent with references
14 elsewhere in the Act.

15 **[3.52] Dictionary, definition of *Commonwealth Act***

16 *omit*

17 **Explanatory note**

18 This amendment omits a definition that is made redundant as a result of another amendment.

1 **[3.53] Dictionary, definition of *Commonwealth director***

2 *omit*

3 Commonwealth Act

4 *substitute*

5 *Director of Public Prosecutions Act 1983* (Cwlth)

6 **Explanatory note**

7 This amendment replaces a defined term with the defined meaning as the term is only used in
8 this definition. The defined term is omitted by another amendment.

9 **[3.54] Dictionary, definition of *member of the staff,***
10 **paragraph (a)**

11 *omit*

12 (Director's staff)

13 *substitute*

14 (Staff of the office)

15 **Explanatory note**

16 This amendment updates references to staff in this provision to be consistent with references
17 elsewhere in the Act.

1 **Part 3.10** **Energy Efficiency (Cost of**
2 **Living) Improvement Act 2012**

3 **[3.55] Sections 33 and 34 (1) (a)**

4 *omit*

5 his or her

6 *substitute*

7 the authorised person's

8 **Explanatory note**

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

10 **[3.56] Section 55**

11 *omit*

12 **Explanatory note**

13 This amendment omits a section that is now redundant because the review period mentioned in
14 the section has passed.

15 **Part 3.11** **Fair Trading (Motor Vehicle**
16 **Repair Industry) Act 2010**

17 **[3.57] Dictionary, note 2**

18 *insert*

- 19
 - Australian Criminal Intelligence Commission

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 new term that is used in the Act and defined in
23 the [Legislation Act](#), dictionary, part 1. The definition of *Australian Criminal Intelligence*
24 *Commission* is inserted in the [Legislation Act](#), dictionary, part 1 by another amendment.

1 **[3.58] Dictionary, note 2**

2 *omit*

- 3 • CrimTrac

4 **Explanatory note**

5 This amendment omits a definition of a term that is no longer used in the Act as a consequence
6 of changes to the definition of *police certificate* by another amendment.

7 **[3.59] 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 that is used in the Act and defined in the
13 [Legislation Act](#), dictionary, part 1.

14 **[3.60] Dictionary, definition of *police certificate***

15 *omit*

16 CrimTrac

17 *substitute*

18 the Australian Criminal Intelligence Commission

19 **Explanatory note**

20 This amendment updates the definition to reflect the change of the name of CrimTrac to the
21 Australian Criminal Intelligence Commission (see explanatory note for amendment 2.2 for
22 additional information).

1 **Part 3.12** **Firearms Act 1996**

2 **[3.61] Section 18 (2), definition of *law enforcement agency*,**
3 **paragraph (e)**

4 *omit*

5 **Explanatory note**

6 This amendment updates the definition by omitting a reference to CrimTrac to reflect the merge
7 of the CrimTrac agency with the Australian Crime Commission (see explanatory note for
8 amendment 2.2 for additional information).

9 **[3.62] Section 19 (1) (b) (i), note**

10 *omit*

11 **Explanatory note**

12 This amendment omits a note that is made redundant by the relocation of the definition of
13 *successfully appealed against* from the dictionary to section 19 (2) by another amendment.

14 **[3.63] Dictionary, note 2**

15 *omit*

- 16
 - corrections officer

17 **Explanatory note**

18 This amendment omits a definition of a term that is used only in schedule 2 and is already
19 defined for schedule 2.

20 **[3.64] Dictionary, definition of *successfully appealed against***

21 *relocate to section 19 (2)*

22 **Explanatory note**

23 This amendment relocates from the dictionary a definition of a term used only in section 19.

1 **Part 3.14** **Lakes Act 1976**

2 **[3.68] Section 9 (2)**

3 *substitute*

- 4 (2) If a declaration has been signed by the Minister under section 21 (1)
5 but has not yet been notified under section 21 (2), an inspector may,
6 on production of a copy of the signed declaration, direct a person
7 who is in the lake area of the lake mentioned in the declaration to
8 leave that area.

9 **Explanatory note**

10 This amendment is consequential on changes made to section 21 by the *Red Tape Reduction*
11 *Legislation Amendment Act 2015*. That Act recast the provision by removing the requirement
12 for the Minister to, by notice in a daily newspaper, prohibit entry to, or declare to be prohibited,
13 a lake area. Section 21 currently provides that the Minister's declaration is a notifiable
14 instrument and must be notified on the legislation register. Additional public notice must also
15 be given of the declaration on an ACT government website or in a daily local newspaper. This
16 amendment aligns section 9 (2) with section 21.

17 **[3.69] Section 22 (4)**

18 *omit*

19 notice

20 *substitute*

21 declaration

22 **Explanatory note**

23 This amendment is consequential on changes made to section 22 by the *Red Tape Reduction*
24 *Legislation Amendment Act 2015*. That Act recast the provision by removing the requirement
25 for the Minister to make a declaration by notice in a daily newspaper closing a lake area.
26 Section 22 currently provides that the Minister's declaration is a notifiable instrument and must
27 be notified on the legislation register. Additional public notice must also be given of the
28 declaration on an ACT government website or in a daily local newspaper. This amendment
29 aligns subsection (4) with the revised provision.

1 **[3.70] Section 23**

2 *omit*
3 notice
4 *substitute*
5 declaration

6 **Explanatory note**

7 This amendment is consequential on changes made to sections 21 and 22 by the *Red Tape*
8 *Reduction Legislation Amendment Act 2015* (see explanatory note for amendment 3.68 for
9 additional information).

10 **[3.71] Dictionary, note 2**

11 *omit*
12 • function

13 **Explanatory note**

14 Dictionary, note 2 lists examples of terms used in the Act that are defined in the
15 *Legislation Act*, dictionary, part 1. This amendment omits a term that is no longer used in the
16 Act.

17 **Part 3.15 Leases (Commercial and Retail)**
18 **Act 2001**

19 **[3.72] Section 66 (2) (a)**

20 *omit*
21 (for example, accrual accounting)

22 **Explanatory note**

23 This amendment omits the example in line with current legislative drafting practice.

1 **[3.73] Section 66 (2) (a), new example and note**

2 *insert*

3 **Example—accounting method**

4 accrual accounting

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

8 **Explanatory note**

9 This amendment updates the paragraph to recast the example and insert a standard note about
10 examples in line with current legislative drafting practice and is consequential on another
11 amendment.

12 **[3.74] Section 66 (2), note**

13 *omit*

14 **Explanatory note**

15 This amendment omits a standard note about examples because it has been relocated by another
16 amendment in line with current legislative drafting practice.

17 **[3.75] Section 73 (2) (a)**

18 *omit*

19 (for example, contractors)

20 **Explanatory note**

21 This amendment omits the example in line with current legislative drafting practice.

1 **[3.80] Section 78 (d)**

2 *omit*

3 (for example, reduced rent)

4 **Explanatory note**

5 This amendment omits the example in line with current legislative drafting practice.

6 **[3.81] Section 78 (d), new example**

7 *before the note, insert*

8 **Example—concession**

9 reduced rent

10 **Explanatory note**

11 This amendment updates the paragraph to recast the example in line with current legislative
12 drafting practice and is consequential on another amendment.

13 **[3.82] Section 82**

14 *omit*

15 (for example, reduced rent)

16 **Explanatory note**

17 This amendment omits the example in line with current legislative drafting practice.

18 **[3.83] Section 82, new example**

19 *before the note, insert*

20 **Example—concession**

21 reduced rent

22 **Explanatory note**

23 This amendment updates the provision to recast the example in line with current legislative
24 drafting practice and is consequential on another amendment.

1 **[3.84] Section 99 (2), new note**

2 *insert*

3 *Note 2* For how documents may be given, see the [Legislation Act](#), pt 19.5.

4 **Explanatory note**

5 This amendment inserts a standard note about service of documents.

6 **[3.85] Section 129 (2) (g)**

7 *omit*

8 (for example, legal or financial advisers)

9 **Explanatory note**

10 This amendment omits the example in line with current legislative drafting practice.

11 **[3.86] Section 129 (2) (g), new example and note**

12 *insert*

13 **Example—professional advisers**

14 legal or financial advisers

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

18 **Explanatory note**

19 This amendment updates the paragraph to recast the example and insert a standard note about
20 examples in line with current legislative drafting practice and is consequential on another
21 amendment.

22 **[3.87] Section 129 (2), note**

23 *omit*

24 **Explanatory note**

25 This amendment omits a standard note about examples because it has been relocated by another
26 amendment in line with current legislative drafting practice.

1 **[3.88] Section 136 (1) (e)**

2 *substitute*

3 (e) in working out what is reasonable compensation consideration
4 must be given to any concession given to the tenant because
5 the lease contains a relocation provision.

6 **Example—concession**

7 reduced rent

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

11 **Explanatory note**

12 This amendment corrects a typographical error and updates the paragraph to recast the example
13 in the provision in line with current legislative drafting practice.

14 **[3.89] Further amendments, new note**

15 *insert*

16 *Note* For how documents may be given, see the [Legislation Act](#), pt 19.5.

17 *in*

- 18 • section 24 (1)
19 • section 34
20 • section 79 (2)
21 • section 90 (1)
22 • section 93 (1)
23 • section 97 (6)
24 • section 104 (3)
25 • section 107 (3)

- 1 • section 109 (3)
2 • section 110 (2)
3 • section 118

4 **Explanatory note**

5 This amendment inserts a standard note about service of documents.

6 **Part 3.16** **Legislative Assembly (Office of**
7 **the Legislative Assembly)**
8 **Act 2012**

9 **[3.90] Section 7 heading**

10 *substitute*

11 **7 Staff of the office**

12 **Explanatory note**

13 This amendment updates references to staff in this provision to be consistent with references
14 elsewhere in the Act.

15 **[3.91] Section 7 (2)**

16 *omit*

17 clerk's

18 *substitute*

19 office's

20 **Explanatory note**

21 This amendment updates references to staff in this provision to be consistent with references
22 elsewhere in the Act.

1 **Part 3.17** **Liquor Act 2010**

2 **[3.92] Section 170 (2), new note**

3 *insert*

4 *Note* For how documents may be served, see the [Legislation Act](#), pt 19.5.

5 **Explanatory note**

6 This amendment inserts a standard note about the service of documents.

7 **[3.93] Section 193, definition of *RSA certificate***

8 *omit*

9 approved RSA training course provider

10 *substitute*

11 approved RSA training provider

12 **Explanatory note**

13 This amendment updates an incorrect reference to a defined term.

14 **[3.94] Section 194 heading**

15 *substitute*

16 **194 RSA training providers must give RSA certificates**

17 **Explanatory note**

18 This amendment updates an incorrect reference to a defined term.

1 **[3.95] Section 194 (1)**

2 *omit*

3 approved RSA training course provider

4 *substitute*

5 approved RSA training provider

6 **Explanatory note**

7 This amendment updates an incorrect reference to a defined term.

8 **[3.96] Dictionary, note 2**

9 *insert*

- 10 • Australian Criminal Intelligence Commission

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 new term that is used in the Act and defined in the [Legislation Act](#), dictionary, part 1. The definition of *Australian Criminal Intelligence Commission* is inserted in the [Legislation Act](#), dictionary, part 1 by another amendment.

16 **[3.97] Dictionary, note 2**

17 *omit*

- 18 • business day
19 • CrimTrac

20 **Explanatory note**

21 This amendment omits definitions of terms that are no longer used in the Act.

1 **[3.98] Dictionary, new definition of *liquor advisory board***

2 *insert*

3 *liquor advisory board* means the liquor advisory board established
4 under section 215.

5 **Explanatory note**

6 This amendment inserts a standard definition in line with current legislative drafting practice.

7 **[3.99] Dictionary, definition of *permit-holder***

8 *substitute*

9 *permit-holder* means a person who holds a permit mentioned in
10 part 3 (Liquor permits).

11 **Explanatory note**

12 This amendment revises the definition to omit an incorrect signpost definition and to reflect the
13 language used in the Act.

14 **[3.100] Dictionary, definition of *police certificate***

15 *omit*

16 CrimTrac

17 *substitute*

18 the Australian Criminal Intelligence Commission

19 **Explanatory note**

20 This amendment updates the definition to reflect the change of the name of CrimTrac to the
21 Australian Criminal Intelligence Commission (see explanatory note for amendment 2.2 for
22 additional information).

1 **[3.101] Dictionary, definition of *reviewable decision***

2 *omit*

3 part 14

4 *substitute*

5 part 16

6 **Explanatory note**

7 This amendment corrects a cross-reference.

8 **Part 3.18 Nature Conservation Act 2014**

9 **[3.102] Section 94 (2) (b)**

10 *substitute*

11 (b) need not comply with the requirements in—

12 (i) section 84 (Nominations—public consultation) to
13 section 90A (Minister may include or transfer nationally
14 threatened items without nomination); or

15 (ii) section 90C (Conservation advice) to section 90E
16 (Conservation advice—adopting advice for nationally
17 threatened item); and

18 **Explanatory note**

19 This amendment updates the paragraph so that it refers only to those provisions that include
20 requirements in relation to the preparation of a list under the Act, part 4.4. Neither section 90B
21 nor section 91 contains a requirement with which the Minister could comply.

1 **Part 3.19** **Prostitution Act 1992**

2 **[3.103] Section 5, definition of *police report***

3 *omit*

4 CrimTrac

5 *substitute*

6 the Australian Criminal Intelligence Commission

7 **Explanatory note**

8 This amendment updates the definition to reflect the change of the name of CrimTrac to the
9 Australian Criminal Intelligence Commission (see explanatory note for amendment 2.2 for
10 additional information).

11 **[3.104] Section 17 etc**

12 *omit*

13 shall

14 *substitute*

15 must

16 *in*

- 17 • section 17
18 • section 19
19 • section 21 (1)
20 • sections 23 to 25
21 • section 27

22 **Explanatory note**

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

1 **[3.105] Sections 29 (1) and 30 (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 and notifiable instruments to be in writing.

7 **[3.106] Dictionary, note 2**

8 *insert*

- 9 • Australian Criminal Intelligence Commission

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 new term that is used in the Act and defined in
13 the [Legislation Act](#), dictionary, part 1. The definition of *Australian Criminal Intelligence*
14 *Commission* is inserted in the [Legislation Act](#), dictionary, part 1 by another amendment.

15 **[3.107] Dictionary, note 2**

16 *omit*

- 17 • chief health officer
18 • CrimTrac
19 • director-general (see s 163)

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 omits terms that are no longer used in the Act.

1 **[3.108] 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](#)
6 [Act](#), dictionary, part 1. This amendment inserts a term that is used in the Act and defined in the
7 [Legislation Act](#), dictionary, part 1.

8 **Part 3.20 Public Health Regulation 2000**

9 **[3.109] New section 7A**

10 *in division 2.2, insert*

11 **7A Meaning of *pre-secondary school*—div 2.2**

12 In this division:

13 *pre-secondary school* means a childcare centre, preschool,
14 kindergarten or primary school.

15 **Explanatory note**

16 This amendment inserts a new definition section and relocates from the dictionary a definition
17 of a term used only in division 2.2. The dictionary definition of the term is replaced with a
18 signpost definition by another amendment.

19 **[3.110] New section 13 (9)**

20 *insert*

21 (9) In this section:

22 *non-immunised child*, for a vaccine preventable disease, means—

- 23 (a) a child who does not have an immunisation record for the
24 disease; or

- 1 (b) a child whose immunisation record for the disease indicates
2 that the child is not immunised against the disease.

3 **Explanatory note**

4 This amendment relocates from the dictionary a definition of a term used only in section 13.
5 The definition is omitted from the dictionary by another amendment.

6 **[3.111] New section 14 (3)**

7 *insert*

8 (3) In this section:

9 *return to school notice*—see section 13 (5).

10 *school health direction*—see section 13 (2).

11 **Explanatory note**

12 This amendment inserts a new definition subsection and relocates from the dictionary
13 definitions of terms used only in sections 13 and 14. The definitions are omitted from the
14 dictionary by another amendment.

15 **[3.112] Section 22 heading**

16 *substitute*

17 **22 Definitions—pt 3**

18 **Explanatory note**

19 This amendment is consequential on the relocation of a number of definitions from the
20 dictionary to section 22 by other amendments.

1 **[3.113] Section 22**

2 *omit*

3 In this division:

4 *substitute*

5 In this part:

6 **Explanatory note**

7 This amendment is consequential on the revision of the heading to section 22 by another
8 amendment.

9 **[3.114] Section 22, new definitions**

10 *insert*

11 ***abnormal***, in relation to test results for a cervical smear, means test
12 results that indicate abnormal cell development and appearances in
13 the cervix of the uterus.

14 ***management committee*** means the committee maintained by the
15 chief health officer under section 31.

16 ***pathology request form*** means a pathology request form requesting
17 a pathological (cytology) examination of a cervical smear or a
18 pathological (histology) examination of cervical material.

19 ***refusal of consent marker***, on a pathology request form in relation
20 to a cervical smear or cervical tissue taken from a woman, means a
21 clearly visible marker that may be placed on the form to indicate
22 that the cervical cancer information about the woman is not to be
23 registered on the cervical cancer register.

24 ***test results***, for a woman, means the results of—

25 (a) a pathological (cytology) examination of a cervical smear
26 taken from her; or

1 (b) a histological examination of cervical tissue taken from her.

2 **Explanatory note**

3 This amendment relocates from the dictionary definitions of terms used only in part 3. The
4 dictionary definitions are replaced with signpost definitions by another amendment.

5 **[3.115] Section 32, new note**

6 *insert*

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

9 **Explanatory note**

10 This amendment inserts a standard note about appointments.

11 **[3.116] Division 5.1 heading**

12 *substitute*

13 **Division 5.1 General**

14 **Explanatory note**

15 This amendment revises the heading as a consequence of the insertion of new section 49A by
16 another amendment.

1 **[3.117] New section 49A**

2 *in division 5.1, insert*

3 **49A Meaning of *prepare*—pt 5**

4 In this part:

5 *prepare* a drug means to prepare the drug for supply, and includes
6 manufacture, manipulate, handle (including with implements), pack
7 and dispense.

8 **Explanatory note**

9 This amendment inserts a new definition section and relocates from the dictionary a definition
10 of a term used only in part 5. The dictionary definition of the term is replaced with a signpost
11 definition by another amendment.

12 **[3.118] New section 53 (4)**

13 *insert*

14 (4) In this section:

15 *label* means a label, tag, brand, mark or written statement, including
16 pictorial or other descriptive matter.

17 *package* includes any means by which goods are encased, covered,
18 enclosed, contained or packed.

19 **Explanatory note**

20 This amendment relocates from the dictionary definitions of terms used only in section 53. The
21 definitions are omitted from the dictionary by another amendment.

1 **[3.119] New section 66 (6)**

2 *insert*

3 (6) In this section:

4 *domestic bird* includes fowl, duck, goose, turkey, guinea fowl and
5 pigeon.

6 **Explanatory note**

7 This amendment relocates from the dictionary a definition of a term that is used only in
8 section 66. The definition is omitted from the dictionary by another amendment.

9 **[3.120] New section 68A**

10 *before section 69, insert*

11 **68A Definitions—div 6.3**

12 In this division:

13 *septic tank* means a tank or series of tanks for the sedimentation,
14 disintegration or digestion of sewage.

15 *septic tank system* means a septic tank and associated plumbing
16 work, including—

17 (a) upstream drainage (including each toilet) that reticulates waste
18 into the tank; and

19 (b) the effluent disposal system downstream from the tank.

20 *toilet* means a structure for receiving human urine or faeces, and
21 includes a flushing toilet, chemical toilet and composting toilet.

22 **Explanatory note**

23 This amendment inserts a new definition section and relocates from the dictionary definitions of
24 terms used only in division 6.3. The dictionary definition of the terms are replaced with
25 signpost definitions by other amendments.

1 **[3.121] Section 69**

2 *omit*

3 sewerage system,

4 *substitute*

5 sewerage system in the ACT,

6 **Explanatory note**

7 This amendment is consequential on the omission of the definition of *sewerage system* from the
8 dictionary by another amendment.

9 **[3.122] Dictionary, note 3**

10 *insert*

- 11 • contact
12 • occupier
13 • place
14 • premises
15 • public health
16 • public health officer

17 **Explanatory note**

18 Dictionary, note 3 lists examples of terms used in the regulation that are defined in the Act,
19 dictionary. This amendment inserts terms used in the regulation and defined in the Act.

20 **[3.123] Dictionary, definition of *abnormal***

21 *substitute*

22 ***abnormal***, in relation to test results for a cervical smear, for
23 division 3.1 (Cervical cytology register)—see section 22.

24 **Explanatory note**

25 This amendment is consequential on the insertion of a definition of the term in section 22 by
26 another amendment.

1 **[3.124] Dictionary**

2 *omit the definitions of*
3 *domestic bird*
4 *equipment*
5 *immunisation record*
6 *label*

7 **Explanatory note**

8 The definitions of *domestic bird* and *label* are omitted because they are relocated to other
9 sections by other amendments.

10 The definitions of *equipment* and *immunisation record* are omitted because they are no longer
11 needed.

12 **[3.125] Dictionary, definition of *management committee***

13 *substitute*
14 *management committee*, for division 3.2 (The management
15 committee)—see section 22.

16 **Explanatory note**

17 This amendment is consequential on the insertion of a definition of the term in section 22 by
18 another amendment.

1 **[3.126] Dictionary**

2 *omit the definitions of*
3 *non-immunised child*
4 *occupier*
5 *package*

6 **Explanatory note**

7 The definitions of *non-immunised child* and *package* are omitted because they are relocated to
8 other sections by other amendments.

9 The definition of *occupier* is omitted because it is a term defined in the Act. Dictionary, note 3
10 is updated by another amendment to include a reference to the term.

11 **[3.127] Dictionary, definition of *pathology request form***

12 *substitute*
13 *pathology request form*, for division 3.1 (Cervical cytology
14 register)—see section 22.

15 **Explanatory note**

16 This amendment is consequential on the insertion of a definition of the term in section 22 by
17 another amendment.

18 **[3.128] Dictionary, definition of *place***

19 *omit*

20 **Explanatory note**

21 This amendment omits a definition of a term that is defined in the Act. Dictionary, note 3 is
22 updated by another amendment to include a reference to the term.

1 **[3.129] Dictionary, definition of *pre-secondary school***

2 *substitute*

3 *pre-secondary school*, for division 2.2 (Immunisation)—see
4 section 7A.

5 **Explanatory note**

6 This amendment is consequential on the insertion of a definition of the term in new section 7A
7 by another amendment.

8 **[3.130] Dictionary, definition of *premises***

9 *omit*

10 **Explanatory note**

11 This amendment omits a definition of a term that is defined in the Act. Dictionary, note 3 is
12 updated by another amendment to include a reference to the term.

13 **[3.131] Dictionary, definition of *prepare***

14 *substitute*

15 *prepare* a drug, for part 5 (Drug preparation and supply)—see
16 section 49A.

17 **Explanatory note**

18 This amendment is consequential on the insertion of a definition of the term in new section 49A
19 by another amendment.

20 **[3.132] Dictionary, definition of *refusal of consent marker***

21 *substitute*

22 *refusal of consent marker*, for division 3.1 (Cervical cytology
23 register)—see section 22.

24 **Explanatory note**

25 This amendment is consequential on the insertion of a definition of the term in section 22 by
26 another amendment.

1 **[3.133] Dictionary, definitions of *return to school notice* and**
2 ***school health direction***

3 *omit*

4 **Explanatory note**

5 This amendment is consequential on the relocation of the definitions to section 14 by another
6 amendment.

7 **[3.134] Dictionary, definitions of *septic tank* and *septic tank***
8 ***system***

9 *substitute*

10 *septic tank*, for division 6.3 (Toilets)—see section 68A.

11 *septic tank system*, for division 6.3 (Toilets)—see section 68A.

12 **Explanatory note**

13 This amendment is consequential on the insertion of definitions of the terms in new section 68A
14 by another amendment.

15 **[3.135] Dictionary, definition of *sewerage system***

16 *omit*

17 **Explanatory note**

18 This amendment omits a definition of a term that appears only in section 69.

19 **[3.136] Dictionary, definition of *test results***

20 *substitute*

21 *test results*, for a woman, for division 3.1 (Cervical cytology
22 register)—see section 22.

23 **Explanatory note**

24 This amendment is consequential on the insertion of a definition of the term in section 22 by
25 another amendment.

1 **[3.137] Dictionary, definition of *toilet***

2 *substitute*

3 *toilet*, for division 6.3 (Toilets)—see section 68A.

4 **Explanatory note**

5 This amendment is consequential on the insertion of a definition of the term in new section 68A
6 by another amendment.

7 **Part 3.21 Public Sector Management**
8 **Act 1994**

9 **[3.138] Section 21 (1)**

10 *omit*

11 Chief Minister

12 *substitute*

13 responsible Minister

14 **Explanatory note**

15 This amendment reflects changes to the Ministerial responsibility for Access Canberra.

16 **[3.139] Section 21 (8), definition of *Access Canberra***

17 *substitute*

18 *Access Canberra* means the business unit known as Access
19 Canberra.

20 **Explanatory note**

21 This amendment is consequential on the insertion of a new definition of *responsible Minister*
22 by another amendment.

1 **[3.140] Section 21 (8), definition of *relevant matter*, paragraph (a)**

2 *omit*

3 Chief Minister

4 *substitute*

5 responsible Minister

6 **Explanatory note**

7 This amendment reflects changes to the Ministerial responsibility for Access Canberra.

8 **[3.141] Section 21 (8), new definition of *responsible Minister***

9 *insert*

10 *responsible Minister* means the Minister responsible for Access
11 Canberra.

12 **Explanatory note**

13 This amendment reflects changes to the Ministerial responsibility for Access Canberra.

14 **[3.142] Section 152 (3) (c)**

15 *omit*

16 under this part

17 *substitute*

18 given to the public sector employer under this section

19 **Explanatory note**

20 This amendment corrects a cross-reference.

1 **Part 3.22 Public Trustee and Guardian**
2 **Act 1985**

3 **[3.143] New section 3A**

4 *insert*

5 **3A Offences against Act—application of Criminal Code etc**

6 Other legislation applies in relation to offences against this Act.

7 *Note 1 Criminal Code*

8 The [Criminal Code](#), ch 2 applies to the following offences against this
9 Act (see Code, pt 2.1):

- 10 • s 65A (Use and disclosure of protected information).

11 The chapter sets out the general principles of criminal responsibility
12 (including burdens of proof and general defences), and defines terms
13 used for offences to which the Code applies (eg *conduct*, *intention*,
14 *recklessness* and *strict liability*).

15 *Note 2 Penalty units*

16 The [Legislation Act](#), s 133 deals with the meaning of offence penalties
17 that are expressed in penalty units.

18 **Explanatory note**

19 This amendment inserts a standard provision about offences against the Act and the application
20 of the [Criminal Code](#).

21 **[3.144] Sections 6 (1) and 9 (1), new notes**

22 *insert*

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

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

27 **Explanatory note**

28 This amendment inserts standard notes about appointments.

1 **[3.145] Section 11 (b) (iii)**

2 *omit*

3 his or her

4 *substitute*

5 the person's

6 **Explanatory note**

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

8 **[3.146] Section 12**

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 **[3.147] Section 12 (b)**

16 *omit*

17 shall

18 *substitute*

19 must

20 **Explanatory note**

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

1 **[3.148] Section 14 (2) (a)**

2 *substitute*

3 (a) the public trustee and guardian and that other person jointly
4 have and may exercise any function that the public trustee and
5 guardian, if acting alone, would have or be entitled to exercise;
6 and

7 **Explanatory note**

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

9 **[3.149] Section 14 (2) (b)**

10 *omit*

11 shall

12 *substitute*

13 must

14 **Explanatory note**

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

16 **[3.150] Sections 16 and 17 (1)**

17 *omit*

18 a natural person

19 *substitute*

20 an individual

21 **Explanatory note**

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

1 **[3.151] Section 17 (2)**

2 *omit*

3 Notwithstanding subsection (1), the public trustee and guardian shall
4 *substitute*

5 However, the public trustee and guardian must

6 **Explanatory note**

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

8 **[3.152] Section 18 (1)**

9 *omit*

10 Notwithstanding that

11 *substitute*

12 Even though

13 **Explanatory note**

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

15 **[3.153] Section 24 (1)**

16 *omit*

17 on its own motion

18 *substitute*

19 on its own initiative

20 **Explanatory note**

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

1 **[3.154] Section 24 (2) (b)**

2 *omit*

3 shall

4 *substitute*

5 must

6 **Explanatory note**

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

8 **[3.155] Section 29 (2)**

9 *omit*

10 him or her

11 *substitute*

12 the consular officer or official

13 **Explanatory note**

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

15 **[3.156] Section 46**

16 *substitute*

17 **46 Establishment of board**

18 The Public Trustee and Guardian Investment Board is established.

19 **Explanatory note**

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

1 **[3.157] Section 74 (2)**

2 *omit*

3 all or any

4 *substitute*

5 any

6 **Explanatory note**

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

8 **[3.158] Section 74 (3) (b)**

9 *omit*

10 any or all

11 *substitute*

12 any

13 **Explanatory note**

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

15 **[3.159] Section 75 (1)**

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 **[3.160] 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 new term used in the Act and defined in the [Legislation Act](#), dictionary, part 1.

8 **[3.161] Dictionary, definition of *board***

9 *substitute*

10 *board* means the Public Trustee and Guardian Investment Board
11 established under section 46.

12 **Explanatory note**

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

14 **Part 3.23 Public Unleased Land Act 2013**

15 **[3.162] Section 9A heading**

16 *substitute*

17 **9A Meaning of *carries on business as a hawker***

18 **Explanatory note**

19 This amendment revises the heading to align it with the term being defined in section 9A.

20 **[3.163] Section 45 (3), except notes**

21 *omit*

22 **Explanatory note**

23 This amendment omits a section definition that is no longer used in the section or elsewhere in
24 the Act.

1 **[3.164] Sections 53 (2) and 68 (1), new note**

2 *insert*

3 *Note 2* For how documents may be given, see the [Legislation Act](#), pt 19.5.

4 **Explanatory note**

5 This amendment inserts a standard note about service of documents.

6 **[3.165] Dictionary, new definitions**

7 *insert*

8 *carries on business as a hawker*—see section 9A.

9 *proposed new permit holder*—see section 71 (1) (Public unleased
10 land permit—application to transfer permit).

11 **Explanatory note**

12 This amendment inserts signpost definitions for terms defined elsewhere in the Act. The
13 definition of *carries on business as a hawker* is consequential on another amendment.

14 **[3.166] Further amendments, new note**

15 *insert*

16 *Note* For how documents may be given, see the [Legislation Act](#), pt 19.5.

17 *in*

- 18 • section 12 (2)
- 19 • section 19 (2)
- 20 • section 25 (2)
- 21 • section 38 (5)
- 22 • section 48 (2)
- 23 • section 51 (2)
- 24 • section 52 (2)
- 25 • section 54 (2)
- 26 • section 55 (2)
- 27 • section 56 (2)

- 1 • section 62 (1)
- 2 • section 65 (1)
- 3 • section 66 (2)
- 4 • section 81 (1)
- 5 • section 82 (2)
- 6 • section 103 (1)
- 7 • section 106 (2)

8 **Explanatory note**

9 This amendment inserts a standard note about service of documents.

10 **Part 3.24 Residential Tenancies Act 1997**

11 **[3.167] Section 31 (c)**

12 *omit*

13 (such as gas, oil or wood)

14 **Explanatory note**

15 This amendment omits the example in line with current legislative drafting practice.

1 **[3.168] Section 31 (c), new example and note**

2 *insert*

3 **Examples—fuel**

- 4 • gas
5 • oil
6 • wood

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

10 **Explanatory note**

11 This amendment updates the paragraph to recast the example and add a standard note about
12 examples in line with current legislative drafting practice and is consequential on another
13 amendment.

14 **[3.169] Sections 58 (1) (b) and 59 (1) (b)**

15 *substitute*

16 (b) the notice is not—

- 17 (i) in the form approved under section 133 (Approved
18 forms—Minister) for a termination notice; or
19 (ii) served as prescribed by regulation; and

20 **Explanatory note**

21 This amendment corrects a minor typographical error by replacing the word ‘form’
22 (first-mentioned) with ‘notice’ consistent with the context of the provision and recasts the
23 provision in line with current legislative drafting practice.

1 **[3.170] New section 63 (2)**

2 *insert*

3 (2) In this section:

4 *periodic agreement* means a residential tenancy agreement that is
5 not a fixed term agreement.

6 **Explanatory note**

7 This amendment inserts a new definition subsection and relocates from the dictionary a
8 definition of a term that is used only in section 63. The definition is omitted from the dictionary
9 by another amendment.

10 **[3.171] Dictionary, note 2**

11 *omit*

- 12 • oath

13 **Explanatory note**

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

17 **[3.172] Dictionary, definition of *periodic agreement***

18 *omit*

19 **Explanatory note**

20 This amendment is consequential on the relocation of the definition to section 63 by another
21 amendment.

1 **Part 3.25 Retirement Villages Act 2012**

2 **[3.173] Section 7 (2), new note**

3 *insert*

4 *Note 2* For how documents may be given, see the [Legislation Act](#), pt 19.5.

5 **Explanatory note**

6 This amendment inserts a standard note about giving documents.

7 **[3.174] Section 23 (1), new note**

8 *insert*

9 *Note* For how documents may be given, see the [Legislation Act](#), pt 19.5.

10 **Explanatory note**

11 This amendment inserts a standard note about giving documents.

12 **[3.175] Section 24 (3), new note**

13 *insert*

14 *Note 3* For how documents may be given, see the [Legislation Act](#), pt 19.5.

15 **Explanatory note**

16 This amendment inserts a standard note about giving documents.

17 **[3.176] Section 265**

18 *omit*

19 **Explanatory note**

20 This amendment omits a section that is now redundant because the review period mentioned in
21 the section has passed.

1 **Part 3.26 Road Transport (Driver**
2 **Licensing) Act 1999**

3 **[3.177] Section 5A**

4 *substitute*

5 **5A Offences against Act—application of Criminal Code etc**

6 Other legislation applies in relation to offences against this Act.

7 *Note 1 Criminal Code*

8 The [Criminal Code](#), sch 2 applies to the following offences against this
9 Act (see Code, pt 2.1):

- 10 • s 31A (Offence—driving while right to drive suspended)
- 11 • s 33A (Contravening interlock condition).

12 The chapter sets out the general principles of criminal responsibility
13 (including burdens of proof and general defences), and defines terms
14 used for an offence to which the Code applies (eg *conduct*, *intention*,
15 *recklessness* and *strict liability*).

16 *Note 2 Penalty units*

17 The [Legislation Act](#), s 133 deals with the meaning of offence penalties
18 that are expressed in penalty units.

19 **Explanatory note**

20 This amendment updates the section as a consequence of an amendment to note 1 made by the
21 [Road Transport Legislation Amendment Act 2013 \(No 2\)](#) to add another offence. Note 1 lists the
22 offences to which the [Criminal Code](#) applies.

1 **Part 3.27** **Road Transport (Public**
2 **Passenger Services) Act 2001**

3 **[3.178] Section 4A, note 1**

4 *insert*

- 5 • s 111 (Public passenger vehicle insurance compulsory)
- 6 • s 112 (Police officer or authorised person may require evidence of
7 public passenger vehicle insurance)

8 **Explanatory note**

9 Section 4A, note 1 lists the offences in the Act to which the [Criminal Code](#), chapter 2 applies.
10 The [Criminal Code](#), chapter 2 sets out the general principles of criminal responsibility
11 (including burdens of proof and general defences) and defines terms used for offences to which
12 the Code applies. This amendment updates the list by adding 2 offences that have been included
13 in the Act.

14 **[3.179] Section 39 (1)**

15 *omit*

16 , in writing,

17 **Explanatory note**

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

20 **[3.180] New section 60J (2)**

21 *insert*

22 (2) In this section:

23 *registered operator*, for a vehicle—see the [Road Transport \(Vehicle](#)
24 [Registration\) Act 1999](#), dictionary.

25 **Explanatory note**

26 This amendment inserts a signpost definition for a term used in this section and defined in
27 another Act.

1 **[3.181] Sections 117 (4) and 118 (2)**

2 *omit*

3 any 1 or more

4 *substitute*

5 1 or more

6 **Explanatory note**

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

8 **Part 3.28 Road Transport (Public**
9 **Passenger Services)**
10 **Regulation 2002**

11 **[3.182] Section 221I (2) (b) (ii)**

12 *omit*

13 hiring; or

14 *substitute*

15 hiring; and

16 **Explanatory note**

17 This amendment corrects a minor typographical error.

18 **[3.183] Dictionary, note 4**

19 *omit*

- 20 • Australian Design Rule

21 **Explanatory note**

22 Dictionary, note 4 lists examples of terms used in the regulation that are defined in the [Road](#)
23 [Transport \(General\) Act 1999](#), dictionary. This amendment omits a term that is no longer used
24 in the regulation.

1 **[3.184] Dictionary, note 4**

2 *insert*

- 3 • authorised person
4 • driver licence

5 **Explanatory note**

6 Dictionary, note 4 lists examples of terms used in the regulation that are defined in the *Road*
7 *Transport (General) Act 1999*, dictionary. This amendment inserts terms that are used in the
8 regulation and defined in the *Road Transport (General) Act 1999*, dictionary.

9 **[3.185] Dictionary, definitions of *authorised person* and *driver***
10 ***licence***

11 *omit*

12 **Explanatory note**

13 This amendment omits commonly-used terms that are defined in the *Road Transport (General)*
14 *Act 1999*, dictionary. It is consequential on the insertion, by another amendment, of new terms
15 in note 4 in the regulation, dictionary, which refers users to the *Road Transport (General)*
16 *Act 1999*, dictionary for the definitions of words and expressions commonly used in road
17 transport legislation.

18 **[3.186] Dictionary, definitions of *pre-approval*, *stand-by hire car***
19 ***and usual hire car***

20 *substitute*

21 *pre-approval*, for a standard taxi licence or a wheelchair-accessible
22 taxi licence—see section 83.

23 *stand-by hire car*, for subdivision 3A.4.1.3 (Stand-by hire cars)—
24 see section 177B.

25 *usual hire car*, for subdivision 3A.4.1.3 (Stand-by hire cars)—
26 see section 177B.

27 **Explanatory note**

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

1 **[3.190] Dictionary, note 2**

2 *insert*

- 3 • Australian Criminal Intelligence Commission

4 **Explanatory note**

5 Dictionary, note 2 lists examples of terms used in the Act that are defined in the [Legislation](#)
6 [Act](#), dictionary, part 1. This amendment inserts a new term that is used in the Act and defined in
7 the [Legislation Act](#), dictionary, part 1. The definition of *Australian Criminal Intelligence*
8 *Commission* is inserted in the [Legislation Act](#), dictionary, part 1 by another amendment.

9 **[3.191] Dictionary, note 2**

10 *omit*

- 11 • CrimTrac

12 **Explanatory note**

13 This amendment omits a definition of a term that is no longer used in the Act as a consequence
14 of changes to the definition of *police certificate* by another amendment.

15 **[3.192] Dictionary, definition of *police certificate*, paragraph (a)**

16 *omit*

17 CrimTrac

18 *substitute*

19 the Australian Criminal Intelligence Commission

20 **Explanatory note**

21 This amendment updates the definition to reflect the change of the name of CrimTrac to the
22 Australian Criminal Intelligence Commission (see explanatory note for amendment 2.2 for
23 additional information).

1 **Part 3.31 Spent Convictions Act 2000**

2 **[3.193] Dictionary, note 2**

3 *omit*

- 4 • CrimTrac

5 **Explanatory note**

6 This amendment omits a definition of term that is no longer used in the Act as a consequence of
7 changes to the definition of *law enforcement agency* by another amendment.

8 **[3.194] Dictionary, definition of *law enforcement agency*,
9 paragraph (e)**

10 *omit*

11 **Explanatory note**

12 This amendment updates the definition by omitting a reference to CrimTrac to reflect the merge
13 of the CrimTrac agency with the Australian Crime Commission (see explanatory note for
14 amendment 2.2 for additional information).

15 **Part 3.32 Trustee Act 1925**

16 **[3.195] Section 5, note 1**

17 *substitute*

18 *Note 1 Criminal Code*

19 The [Criminal Code](#), ch 2 applies to all offences against this Act (see
20 Code, pt 2.1).

21 The chapter sets out the general principles of criminal responsibility
22 (including burdens of proof and general defences), and defines terms
23 used for offences to which the Code applies (eg *conduct*, *intention*,
24 *recklessness* and *strict liability*).

25 **Explanatory note**

26 This amendment substitutes a standard note about the application of the [Criminal Code](#).

1 **[3.196] New section 9 (11)**

2 *insert*

3 (11) In this section:

4 *joint tenant* includes joint owner.

5 **Explanatory note**

6 This amendment relocates from the dictionary a definition of a term that is used only in
7 section 9. The definition is omitted from the dictionary by another amendment.

8 **[3.197] Dictionary, definition of *joint tenant***

9 *omit*

10 **Explanatory note**

11 This amendment is consequential on the relocation of the definition to section 9 by another
12 amendment.

13 **Part 3.33 University of Canberra Act 1989**

14 **[3.198] Schedule 1, modification 1.1, section 56 (3) (d) and**
15 **modification 1.6, section 63 (3)**

16 *omit*

17 generally accepted accounting principles

18 *substitute*

19 accounting standards

20 **Explanatory note**

21 The Act, schedule 1 modifies the *Financial Management Act 1996*, part 8 in its application to
22 the University of Canberra. This amendment is consequential on changes to the *Financial*
23 *Management Act 1996* by another amendment.

1 **Part 3.34 Utilities (Technical Regulation)**
2 **Act 2014**

3 **[3.199] Sections 18 (5) and 20 (3), new note**

4 *insert*

5 *Note* For what must be included in a statement of reasons, see the
6 [Legislation Act](#), s 179.

7 **Explanatory note**

8 This amendment inserts a standard note about statements of reasons.

9 **[3.200] Section 32 (2), new note**

10 *insert*

11 *Note 2* For how documents may be given, see the [Legislation Act](#), pt 19.5.

12 **Explanatory note**

13 This amendment inserts a standard note about service of documents.

14 **[3.201] Section 46 (4)**

15 *omit*

16 *avoid*

17 *substitute*

18 *remove*

19 **Explanatory note**

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

1 **[3.202] Section 48 (1), new note**

2 *insert*

3 *Note 2* For how documents may be given, see the [Legislation Act](#), pt 19.5.

4 **Explanatory note**

5 This amendment inserts a standard note about service of documents.

6 **[3.203] Section 55 (6), new note**

7 *insert*

8 *Note* For what must be included in a statement of reasons, see the
9 [Legislation Act](#), s 179.

10 **Explanatory note**

11 This amendment inserts a standard note about statements of reasons.

12 **[3.204] Section 84 (3), definition of *part of the premises used***
13 ***only for residential or private business purposes***

14 *substitute*

15 ***part of the premises used only for residential or private business***
16 ***purposes—***

17 (a) includes—

18 (i) the inside of a residential building; and

19 (ii) the inside of a building used to conduct a private
20 business; but

21 (b) does not include the front yard, back yard or side yards of
22 premises on which a residential building or a building used to
23 conduct a private business are located.

24 **Explanatory note**

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

1 **[3.205] Section 95, definition of *utility infrastructure work*,**
2 **paragraphs (c) and (d)**

3 *substitute*

4 (c) a gas distribution network;

5 (d) a gas transmission network;

6 **Explanatory note**

7 This amendment changes the order of the paragraphs in line with current legislative drafting
8 practice.

9 **[3.206] New section 95 (2)**

10 *insert*

11 (2) In this section:

12 *electricity distribution network*—see the *Utilities Act 2000*,
13 section 7.

14 *electricity transmission network*—see the *Utilities Act 2000*,
15 section 7.

16 *gas distribution network*—see the *Utilities Act 2000*, section 10.

17 *gas transmission network*—see the *Utilities Act 2000*, section 10.

18 **Explanatory note**

19 This amendment inserts a new definition subsection and relocates from the dictionary
20 definitions of terms that are used only in section 95. The definitions are omitted from the
21 dictionary by another amendment.

22 **[3.207] Dictionary**

23 *omit the definitions of*

24 *electricity distribution network*

25 *electricity transmission network*

26 *gas distribution network*

1 *gas transmission network*

2 *network protection notice*

3 **Explanatory note**

4 This amendment omits the first four definitions because they have been relocated to section 95
5 by another amendment. The term *network protection notice* is omitted because it is no longer
6 used in the Act.

7 **[3.208] Dictionary, definition of *technical code for listed dam***

8 *substitute*

9 *technical code for listed dam*, for part 8 (Dams safety)—see
10 section 57.

11 **Explanatory note**

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

13 **[3.209] Further amendments, new note**

14 *insert*

15 *Note* For how documents may be given, see the [Legislation Act](#), pt 19.5.

16 *in*

- 17 • section 17 (2)
18 • section 18 (2)
19 • section 22 (1)
20 • section 49 (2)
21 • section 54 (2)
22 • section 55 (2)
23 • section 96 (2)

24 **Explanatory note**

25 This amendment inserts a standard note about how documents may be given.

1 **[3.212] New section 134 (5)**

2 *insert*

3 (5) In this section:

4 *compensation for costs*, for a worker, means compensation to which
5 the worker is entitled under part 4.5 (Compensation for medical
6 treatment, damage and other costs).

7 **Explanatory note**

8 This amendment inserts a new definition subsection and relocates from the dictionary a
9 definition of a term that is used only in section 134. The definition is omitted from the
10 dictionary by another amendment.

11 **[3.213] New section 167C (3)**

12 *insert*

13 (3) In this section:

14 *recognised auditor*, for the DI fund, means an auditor who is not
15 employed or engaged by the DI fund.

16 **Explanatory note**

17 This amendment inserts a new definition subsection and relocates from the dictionary a
18 definition of a term that is used only in section 167C. The definition is omitted from the
19 dictionary by another amendment.

20 **[3.214] New section 168 (3)**

21 *insert*

22 (3) In this section:

23 *earned premium*, for a period, means the total billed underwritten
24 premium for compulsory insurance policies for the period.

25 **Explanatory note**

26 This amendment inserts a new definition subsection and relocates from the dictionary a
27 definition of a term that is used only in section 168. The definition is omitted from the
28 dictionary by another amendment.

1 **[3.215] Dictionary, note 2**

2 *omit*

- 3 • law, of the Territory

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 omits a term that is no longer used in the
7 Act.

8 **[3.216] Dictionary**

9 *omit the definitions of*

10 *compensation for costs*

11 *earned premium*

12 *recognised auditor*

13 *work injury*

14 **Explanatory note**

15 This amendment omits the first three definitions because they have been relocated to other
16 sections by other amendments. The term *work injury* is omitted because it is no longer used in
17 the Act.

1 **Part 3.36** **Work Health and Safety**
2 **Regulation 2011**

3 **[3.217] Section 48 (3), definition of *assistance***

4 *omit*

5 emergency service workers

6 *substitute*

7 emergency services workers

8 **Explanatory note**

9 This amendment is consequential to the insertion of a definition of *emergency services worker*
10 in the dictionary made by another amendment.

11 **[3.218] Section 63 heading**

12 *substitute*

13 **63 Application to emergency services workers**

14 **Explanatory note**

15 This amendment is consequential to the insertion of a definition of *emergency services worker*
16 in the dictionary made by another amendment.

17 **[3.219] Section 63**

18 *omit*

19 emergency service worker

20 *substitute*

21 emergency services worker

22 **Explanatory note**

23 This amendment is consequential to the insertion of a definition of *emergency services worker*
24 in the dictionary made by another amendment.

1 **[3.220] Section 142 (2)**

2 *omit*

3 emergency service worker

4 *substitute*

5 emergency services worker

6 **Explanatory note**

7 This amendment is consequential to the insertion of a definition of *emergency services worker*
8 in the dictionary made by another amendment.

9 **[3.221] Dictionary, definition of *emergency service worker***

10 *omit*

11 **Explanatory note**

12 This amendment is consequential to the insertion of a definition of *emergency services worker*
13 in the dictionary made by another amendment.

14 **[3.222] Dictionary, new definition of *emergency services worker***

15 *insert*

16 *emergency services worker* means—

17 (a) a police officer; or

18 (b) a member of an emergency service.

19 *Note* An *emergency service* means the ambulance service, the fire and rescue
20 service, the rural fire service or the SES (see [Legislation Act](#), dict, pt 1).

21 **Explanatory note**

22 The [Work Health and Safety Act 2011](#), section 108 (4) includes a definition of *emergency*
23 *services worker* the substance of which is identical to the definition of *emergency service*
24 *worker* which is omitted by another amendment. This amendment inserts a new definition of
25 *emergency services worker* that is consistent with the definition in the [Work Health and Safety](#)
26 [Act 2011](#).

Endnotes

1 Presentation speech

Presentation speech made in the Legislative Assembly on 15 December 2016.

2 Notification

Notified under the [Legislation Act](#) on 2016.

3 Republications of amended laws

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