

2017

THE LEGISLATIVE ASSEMBLY  
FOR THE AUSTRALIAN CAPITAL TERRITORY

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(As presented)

(Attorney-General)

## Statute Law Amendment Bill 2017

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## **Statute Law Amendment Bill 2017**

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### **A Bill for**

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

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

1 **1 Name of Act**

2 This Act is the *Statute Law Amendment Act 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] New section 9A**

6 *in part 3, insert*

7 **9A Responsible Minister for state of the service report**

8 The responsible Minister for a state of the service report is the Chief  
9 Minister.

10 **Explanatory note**

11 Under section 5 of the Act, the head of service must prepare a state of the service report about  
12 the operation of the public service during the reporting year. This amendment inserts a new  
13 section to provide that the Chief Minister is the responsible Minister for a state of the service  
14 report. The section is consistent with other sections in part 3 of the Act, which state who the  
15 responsible Minister is for a director-general annual report, a public sector body annual report  
16 and a territory entity annual report.

1 **Part 1.2** **City Renewal Authority and**  
2 **Suburban Land Agency Act 2017**

3 **[1.2] Section 63**

4 *omit*

5 Minister

6 *substitute*

7 Treasurer

8 **Explanatory note**

9 This amendment revises section 63 to give the Treasurer the function of making directions  
10 relating to land acquisition by the city renewal authority or the suburban land agency. This is  
11 consistent with the Treasurer's responsibilities under the Act in relation to financial matters of  
12 the authority and agency and under the *Financial Management Act 1996* in relation to  
13 statements of intent.

14 **[1.3] Section 63 (as amended)**

15 *relocate to part 4*

16 **Explanatory note**

17 This amendment relocates section 63 from part 3 (Suburban land agency) to part 4  
18 (Miscellaneous). Part 4 is a more appropriate location for the section because it deals with land  
19 acquisition by the city renewal authority or the suburban land agency, whereas the provisions in  
20 part 3 (apart from section 63) relate only to the suburban land agency.

## Part 1.3 Residential Tenancies Act 1997

### [1.4] Smoke alarms Section 11B (b)

*substitute*

(b) the smoke alarms, and the installation of the smoke alarms, comply with the requirements prescribed by regulation.

*Note* Other requirements may apply in relation to the installation of smoke alarms, for example, requirements under the *Building Act 2004*.

(2) A regulation made for subsection (1) may apply, adopt or incorporate a law or instrument as in force from time to time.

#### Explanatory note

Section 11B provides that a lessor must not enter into a residential tenancy agreement with a tenant in relation to premises unless the premises have smoke alarms installed.

This amendment substitutes a new section 11B (b) so that requirements in relation to smoke alarms can be prescribed by regulation rather than by reference to the building code, volume 2, part 3.7.2.

The intention of section 11B when it was included in the Act was to allow lessors to install a hard-wired or a battery-operated smoke alarm that meets the relevant Australian Standard for smoke alarms (AS 3786).

However, calling up the requirements of the building code, volume 2, part 3.7.2 has created some uncertainty for two reasons:

- the building code, volume 2 is expressed to apply to class 1 and class 10a buildings only; and
- part 3.7.2 requires a smoke alarm to be connected to the consumer mains power where consumer mains power is supplied to the building.

Referring to the building code, volume 2, part 3.7.2 in section 11B has had the unintended consequence of requiring lessors of existing buildings (to which the building code would not otherwise apply) to install a hard-wired alarm rather than having the choice of installing a hard-wired or a battery-operated alarm.

There is also some uncertainty that the requirements apply to all classes of building that are subject to a residential tenancy agreement.

1 This amendment revises section 11B to provide for requirements in relation to smoke alarms to  
2 be specified by regulation. In addition, the amendment inserts a new subsection (2) so that the  
3 regulation may incorporate requirements from AS 3786 as in force from time to time.

4 The *Residential Tenancies Regulation 1998* is revised by another amendment as a consequence  
5 of this amendment. The new regulation will apply to all classes of building that are subject to a  
6 residential tenancy agreement.

7 **[1.5] Sections 145 and 146**

8 *omit*

9 building code, volume 2, part 3.7.2

10 *substitute*

11 requirements prescribed by regulation for section 11B

12 **Explanatory note**

13 This amendment modifies the application of part 13, which contains the transitional provisions  
14 for section 11B. Section 145 provides a transitional period of up to 12 months for smoke  
15 alarms to be installed for premises that were under an existing residential tenancy agreement at  
16 the time section 11B commenced. Section 146 places an obligation on a tenant of an existing  
17 residential tenancy agreement to replace a battery in a smoke alarm as necessary so that a tenant  
18 will be under the same obligation as a tenant under a new residential agreement entered after  
19 section 11B commenced. This amendment revises sections 145 and 146 to be consistent with  
20 the changes to section 11B made by another amendment.



1 **[1.6] New part 14**

2 *insert*

3 **Part 14 Transitional—Statute Law**  
4 **Amendment Act 2017**

5 **148 Meaning of *commencement day*—pt 14**

6 In this part:

7 *commencement day* means the day the *Statute Law Amendment*  
8 *Act 2017* commences.

9 **149 Residential tenancy agreement entered contrary to s 11B**

- 10 (1) This section applies to a lessor who entered into a residential  
11 tenancy agreement with a tenant in contravention of section 11B (b)  
12 (the *relevant requirement*) as in force immediately before the  
13 commencement day.
- 14 (2) The lessor is taken to have complied with the relevant requirement if  
15 the smoke alarm was installed in compliance with the requirements  
16 prescribed by regulation for section 11B.

17 **150 Expiry—pt 14**

18 This part expires 12 months after the commencement day.

19 *Note* Transitional provisions are kept in the Act for a limited time. A  
20 transitional provision is repealed on its expiry but continues to have  
21 effect after its repeal (see [Legislation Act](#), s 88).

22 **Explanatory note**

23 This amendment inserts a new transitional part which will have the effect of deeming a smoke  
24 alarm that meets the new requirements in section 11B (as amended by amendment 1.4) to have  
25 met the requirements of that section as in force immediately before this amendment  
26 commences.



1 (b) may be—

2 (i) battery-operated; or

3 (ii) hard-wired.

4 *Note* AS 3786 requires a hard-wired smoke alarm to also have a  
5 secondary power source.

6 (2) A smoke alarm must be installed in premises subject to a residential  
7 tenancy agreement—

8 (a) in each storey of the premises containing a bedroom—

9 (i) in every corridor or hallway associated with a bedroom;  
10 and

11 (ii) if there is no corridor or hallway—between each part of  
12 the premises containing a bedroom and the remainder of  
13 the premises; and

14 (b) in each storey of the premises not containing a bedroom.

15 *Note* Other requirements may apply in relation to the installation of smoke  
16 alarms, for example, requirements under the *Building Act 2004*.

17 (3) In this section:

18 *AS 3786* means Australian Standard 3786 *Smoke alarms using*  
19 *scattered light, transmitted light or ionization* as in force from time  
20 to time.

## 21 **1C Disapplication of Legislation Act, s 47 (6)**

22 (1) The [Legislation Act](#), section 47 (6) does not apply to AS 3786 under  
23 section 1B.

24 *Note* AS 3786 does not need to be notified under the [Legislation Act](#) because  
25 s 47 (6) does not apply (see [Legislation Act](#), s 47 (7)). The standard  
26 may be purchased at [www.standards.org.au](http://www.standards.org.au).

1           (2) However, the director-general must make a copy of AS 3786  
2           available for inspection by members of the public during ordinary  
3           business hours at a place decided by the director-general.

4           **Explanatory note**

5           This amendment inserts 2 new sections as a consequence of changes made to the *Residential*  
6           *Tenancies Act 1997*, section 11B by another amendment.

7           Proposed section 1B sets out the types of smoke alarms that may be installed at residential  
8           premises that are subject to a residential tenancy agreement and where the smoke alarms must  
9           be installed.

10          Proposed section 1C incorporates AS 3786 into the regulation. The *Legislation Act*,  
11          section 47 (6) provides that an incorporated document, and any amendment or replacement of  
12          such a document, are taken to be notifiable instruments. A notifiable instrument must be  
13          notified on the legislation register under the *Legislation Act*. However, the *Legislation Act*,  
14          section 47 (6) may be displaced by the authorising law (the Act) or the incorporating instrument  
15          (this regulation) (see section 47 (7)). Proposed section 1C displaces the *Legislation Act*,  
16          section 47 (6) because the incorporated standards are subject to copyright and may be  
17          purchased over the internet. Proposed section 1C (2) provides that a copy of the standard must  
18          be available for inspection by members of the public.

1 **Schedule 2**                      **Structural amendments**

2 (see s 5)

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

4 **[2.1] Section 8 (1)**

5 *omit*

6 regulation, rule or by-law

7 *substitute*

8 regulation or rule

9 **Explanatory note**

10 Section 8 defines a *subordinate law* as follows:

- 11 (1) A *subordinate law* is a regulation, rule or by-law (whether or not legislative in  
12 nature) made under—
- 13 (a) an Act; or
  - 14 (b) another subordinate law; or
  - 15 (c) power given by an Act or subordinate law and also power given otherwise  
16 by law.

17 The substance of the definition of *subordinate law* in section 8 was adapted from the definition  
18 used in the dictionary to the *Interpretation Act 1967* and paragraph (a) of the definition of  
19 *subordinate law* in section 6 (19) of the *Subordinate Laws Act 1989*. The general meaning of  
20 ‘subordinate law’ is a rule of law made by an authority such as the Executive under power  
21 given by Parliament.

22 Regulations are the most common type of subordinate law in the ACT, and generally refer to  
23 laws made by the Executive that set out the detail of a legislative scheme. Rules are primarily  
24 concerned with matters of procedure, for example, rules of court. By-laws typically operate in a  
25 particular geographical area, most often in relation to laws of local government. In the ACT, no  
26 by-laws have been made since self-government.

27 These are matters of usage only. It is often the case, for example, that regulations will deal with  
28 matters of procedure.

1     This amendment omits the reference to ‘by-law’ because the term has no ongoing relevance in  
2     the ACT. The last by-laws known to have operated in the ACT as subordinate laws, the  
3     Canberra Community Hospital By-laws, lapsed on the repeal of the *Canberra Hospitals*  
4     *Ordinance 1938* on 1 July 1975. Matters that might once have been dealt with in by-laws are  
5     now more likely to be dealt with by way of regulation or disallowable instrument.

6     **[2.2]                      Section 163 (1)**

7                                 *omit*

8                                 the *Public Sector Management Act*, section 28 (Directors-general—  
9                                 engagement) or section 30 (Directors-general—temporary contracts)

10                                *substitute*

11                                the *Public Sector Management Act*, section 31 (Engagement of SES  
12                                member)

13     **Explanatory note**

14     This amendment corrects cross-references. The *Public Sector Management Act 1994*,  
15     sections 28 and 30 were replaced by section 31 when that Act was extensively amended by the  
16     *Public Sector Management Amendment Act 2016*.

17     **[2.3]                      Section 163 (4), definition of *director-general***

18                                 *omit*

19                                 the *Public Sector Management Act*, section 28 or section 30

20                                *substitute*

21                                the *Public Sector Management Act*, section 31 (Engagement of SES  
22                                member)

23     **Explanatory note**

24     This amendment corrects cross-references. The *Public Sector Management Act 1994*,  
25     sections 28 and 30 were replaced by section 31 when that Act was extensively amended by the  
26     *Public Sector Management Amendment Act 2016*.

1 **[2.4] Dictionary, part 1, definition of *by-law***

2 *omit*

3 **Explanatory note**

4 This amendment is consequential on the omission of a reference to ‘by-law’ in the definition of  
5 *subordinate law* in section 8 by another amendment.

6 **[2.5] Dictionary, part 1, definition of *work safety commissioner***

7 *substitute*

8 *work safety commissioner* means the Work Safety Commissioner  
9 under the [Work Health and Safety Act 2011](#), schedule 2, part 2.2.

10 **Explanatory note**

11 This amendment revises the definition to be consistent with the definition of *work safety*  
12 *commissioner* in the [Work Health and Safety Act 2011](#), dictionary.

13 **Part 2.2 Legislation Regulation 2003**

14 **[2.6] Section 8 (4) (e) (iii)**

15 *omit*

16 **Explanatory note**

17 This amendment is consequential on the omission of a reference to ‘by-law’ in the definition of  
18 *subordinate law* in the [Legislation Act](#), section 8 by another amendment.

1        **Schedule 3            Technical amendments**

2        (see s 5)

3        **Part 3.1                    ACT Civil and Administrative**  
4        **Tribunal Act 2008**

5        **[3.1]            Dictionary, definitions of *mediation* and *mediation***  
6        ***material***

7        *omit*

8        **Explanatory note**

9        This amendment omits signpost definitions of terms defined in section 30A. Section 30A was  
10       omitted by the [Courts Legislation Amendment Act 2015 \(No 2\)](#).

11       **Part 3.2                    Annual Reports (Government**  
12       **Agencies) Act 2004**

13       **[3.2]            Section 15 (3)**

14       *omit*

15       subsection (1) (a)

16       *substitute*

17       subsection (2) (a)

18       **Explanatory note**

19       This amendment corrects a cross-reference. The context of the provision makes it clear that  
20       section 15 (3) is intended to apply to a report that is to be presented to the Legislative Assembly  
21       within 15 weeks after the end of the reporting year.



1 **[3.3] Dictionary, definition of *annual report direction***

2 *omit*

3 section 9

4 *substitute*

5 section 8

6 **Explanatory note**

7 This amendment corrects a cross-reference. Section 8 deals with annual report directions, while  
8 section 9 deals with consultation about annual report directions.

9 **[3.4] Dictionary, definition of *reporting year*, paragraph (b)**

10 *substitute*

11 (b) if the entity the subject of the report did not operate for all of  
12 the period mentioned in paragraph (a)—does not include the  
13 period during which the entity did not operate.

14 **Explanatory note**

15 Paragraph (b) currently refers to the reporting year for an administrative unit or public  
16 authority. However, amendments under the [Public Sector Management Amendment Act 2016](#)  
17 replaced the term ‘public authority’ with ‘public sector body’. This amendment revises the  
18 language of paragraph (b) to clarify that it applies to any entity required to prepare a report  
19 under the Act.

1 **[3.5] Dictionary, definition of *responsible Minister*,**  
2 **paragraph (c)**

3 *omit*  
4 section 5  
5 *substitute*  
6 section 9A

7 **Explanatory note**

8 This amendment corrects a cross-reference and is consequential on the insertion of new  
9 section 9A by another amendment. The definition of *responsible Minister* for a state of the  
10 service report refers users of the legislation to section 5. However, section 5 contains no  
11 reference to the responsible Minister for a state of the service report. New section 9A provides  
12 that the responsible Minister for a state of the service report is the Chief Minister.

13 **Part 3.3 City Renewal Authority and**  
14 **Suburban Land Agency Act 2017**

15 **[3.6] Section 22 (1)**

16 *after*  
17 authority  
18 *insert*  
19 board

20 **Explanatory note**

21 Section 22 was amended during debate of the *City Renewal Authority and Suburban Land*  
22 *Agency Bill 2017* to include subsection (1), which requires the authority to establish an audit  
23 and risk committee. However, the rest of section 22 makes it clear that it is the authority board  
24 that establishes authority committees. Under section 23, the authority board has the power to  
25 decide how a committee is to exercise its functions and procedures for committee meetings.

26 This amendment revises subsection (1) to make the provision consistent with the remainder of  
27 sections 22 and 23 and clarifies that it is the authority board that must establish an audit and risk  
28 committee.

1 **[3.7] Section 22 (2)**

2 *after*  
3 *establish*  
4 *insert*  
5 *other*

6 **Explanatory note**

7 This amendment revises subsection (2) to make it clear that the authority board may establish  
8 other committees in addition to the committee that must be established under subsection (1).  
9 The amendment also makes section 22 (2) consistent with section 50 (2), which deals with the  
10 establishment of committees by the Suburban Land Agency board.

11 **[3.8] Section 22 (3) (b)**

12 *omit*

13 **Explanatory note**

14 Section 22 was amended during the debate of the *City Renewal Authority and Suburban Land*  
15 *Agency Bill 2017* to include a requirement in section 22 (1) that the City Renewal Authority  
16 establish an audit and risk committee. As a consequence of that amendment, section 22 (3) (b),  
17 which gives the authority board a discretion to establish a committee in relation to audit and  
18 risk, is no longer needed. This amendment omits the redundant paragraph.

19 **[3.9] Section 26 (2)**

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 **[3.10] Section 50 (1)**

2 *after*  
3 agency  
4 *insert*  
5 board

6 **Explanatory note**

7 Section 50 was amended during debate of the *City Renewal Authority and Suburban Land*  
8 *Agency Bill 2017* to include subsection (1), which requires the agency to establish an audit and  
9 risk committee. However, the rest of section 50 makes it clear that it is the agency board that  
10 establishes agency committees. Under section 51, the agency board has the power to decide  
11 how a committee is to exercise its functions and the procedures for committee meetings.

12 This amendment revises subsection (1) to make the provision consistent with the remainder of  
13 sections 50 and 51 and to clarify that the agency board must establish an audit and risk  
14 committee.

15 **[3.11] Section 54 (2)**

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 notifiable instruments to be in writing.

1 **Part 3.4** **Electoral Act 1992**

2 **[3.12] Section 340 heading**

3 *substitute*

4 **340 Head of service to provide assistance etc**

5 **Explanatory note**

6 Section 340 provides that the head of service must comply with any request by the electoral  
7 commission, the commissioner or an augmented commission for information or assistance  
8 reasonably required for the Act. This amendment revises the section heading to be consistent  
9 with the substance of the section.

10 **Part 3.5** **Evidence (Miscellaneous**  
11 **Provisions) Act 1991**

12 **[3.13] Section 32 (1), note**

13 *substitute*

14 *Note* The *Trans-Tasman Proceedings Act 2010* (Cwlth), pt 6, div 2 (Remote  
15 appearances from New Zealand in Australian proceedings) and the  
16 *Court Procedures Rules 2006*, div 6.10A.4 (Trans-Tasman  
17 proceedings—remote appearances) apply to remote appearances from  
18 New Zealand in a proceeding in an Australian court or a prescribed  
19 Australian tribunal.

20 **Explanatory note**

21 This amendment updates the note as a consequence of the replacement of the *Evidence and*  
22 *Procedure (New Zealand) Act 1994* (Cwlth) by the *Trans-Tasman Proceedings Act 2010*  
23 (Cwlth) and consequential amendments of the *Court Procedures Rules 2006*.

1      **Part 3.6                      Family Violence Act 2016**

2      **[3.14]      Section 144 (2)**

3                      *omit*

4                      section 123

5                      *substitute*

6                      section 124

7      **Explanatory note**

8      This amendment corrects a cross-reference.

9      **[3.15]      Dictionary, note 2**

10                      *insert*

- 11                              • found guilty

12      **Explanatory note**

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

16      **[3.16]      Dictionary, definition of *court***

17                      *omit*

18                      section 122

19                      *substitute*

20                      section 131

21      **Explanatory note**

22      This amendment corrects a cross-reference.

1 **[3.17] Dictionary, new definition of *family violence proceeding***  
2 *insert*  
3 *family violence proceeding*, for part 8 (Court-initiated actions)—see  
4 section 111.

5 **Explanatory note**

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

7 **Part 3.7 Food Regulation 2002**

8 **[3.18] New section 3A**

9 *in part 1, insert*

10 **3A Offences against regulation—application of Criminal**  
11 **Code etc**

12 Other legislation applies in relation to offences against this  
13 regulation.

14 *Note 1 Criminal Code*

15 The [Criminal Code](#), ch 2 applies to all offences against this regulation  
16 (see Code, pt 2.1).

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

21 *Note 2 Penalty units*

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

24 **Explanatory note**

25 This amendment inserts a standard provision about offences against the regulation.

1    **[3.19]    Section 4A heading**

2                    *substitute*

3    **4A            Circumstances of payment to volunteers—Act, s 7A (4),**  
4                    **def *volunteer*, par (b)**

5    **Explanatory note**

6                    This amendment corrects a cross-reference.

7    **[3.20]    Section 6 heading**

8                    *substitute*

9    **6              Food businesses exempt from registration—Act, s 90**

10   **Explanatory note**

11                   This amendment corrects a cross-reference.

12   **[3.21]    Section 19 heading**

13                   *substitute*

14   **19            Food safety supervisor must hold valid statement of**  
15                    **attainment for food safety training courses—Act,**  
16                    **s 152 (2) (d)**

17   **Explanatory note**

18                   This amendment corrects a cross-reference.

19   **[3.22]    Section 20 heading**

20                   *substitute*

21   **20            Notice of commencement of food safety supervisor—Act,**  
22                    **s 152 (2) (d)**

23   **Explanatory note**

24                   This amendment corrects a cross-reference.



1 **[3.23] Section 21 heading**

2 *substitute*

3 **21 Notice of change to contact details of food safety**  
4 **supervisor—Act, s 152 (2) (d)**

5 **Explanatory note**

6 This amendment corrects a cross-reference.

7 **Part 3.8 Lifetime Care and Support**  
8 **(Catastrophic Injuries) Act 2014**

9 **[3.24] Dictionary, note 3**

10 *omit*

- 11 • insured motor vehicle (see s 15)

12 **Explanatory note**

13 Dictionary, note 3 lists terms defined in the *Road Transport (Third-Party Insurance) Act 2008*  
14 that are used in the Act. This amendment omits a term that is not used in the Act.

15 **[3.25] Dictionary, note 3**

16 *insert*

- 17 • uninsured motor vehicle (see s 60).

18 **Explanatory note**

19 Dictionary, note 3 lists terms defined in the *Road Transport (Third-Party Insurance) Act 2008*  
20 that are used in the Act. This amendment inserts a term that is used in the Act.

1 **Part 3.9 Mental Health Act 2015**

2 **[3.26] New section 37 (2)**

3 *insert*

4 (2) In this section:

5 *ACAT mental health provision*, in a care and protection order or  
6 interim care and protection order—see the *Children and Young*  
7 *People Act 2008*, section 491.

8 **Explanatory note**

9 This amendment relocates from the dictionary a definition of a term that is used only in  
10 section 37. The definition is omitted from the dictionary by another amendment.

11 **[3.27] Section 271 (4) (a)**

12 *omit*

13 section 85 (5)

14 *substitute*

15 section 85 (3)

16 **Explanatory note**

17 This amendment corrects a cross-reference.

18 **[3.28] Dictionary, definition of *ACAT mental health provision***

19 *omit*

20 **Explanatory note**

21 This amendment is consequential on the relocation of the definition to section 37 by another  
22 amendment.

1 **[3.29] Dictionary, definition of *affected person register***

2 *substitute*

3 *affected person register*, for part 7.2 (Affected people)—see  
4 section 130.

5 **Explanatory note**

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

7 **Part 3.10 Official Visitor Act 2012**

8 **[3.30] New section 17 (5)**

9 *insert*

10 (5) In this section:

11 *investigative entity* means an entity with power to require the  
12 production of documents or the answering of questions including,  
13 for example, the chief police officer, the human rights commission  
14 and the ombudsman.

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

18 **Explanatory note**

19 This amendment relocates from the dictionary a definition of a term that is used only in  
20 section 17. The definition is omitted from the dictionary by another amendment.

1    **[3.31]    Section 23B (3)**

2                    *omit*

3                    subsection (1) (d)

4                    *substitute*

5                    subsection (1) (c)

6    **Explanatory note**

7    This amendment corrects a cross-reference. Section 23B (1) was amended in 2016 by the  
8    *Protection of Rights (Services) Legislation Amendment Act 2016 (No 2)* to omit  
9    section 23B (1) (b). The paragraphs in section 23B (1) were renumbered on republication of the  
10    Act, however, the reference to subsection (1) (d) in section 23B (3) was not consequentially  
11    amended.

12   **[3.32]    Section 26 (1)**

13                    *omit*

14                    , in writing,

15   **Explanatory note**

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

18   **[3.33]    Dictionary, definition of *investigative entity***

19                    *omit*

20   **Explanatory note**

21   This amendment is consequential on the relocation of the definition to section 17 by another  
22   amendment.

1 **Part 3.11** **Planning and Development**  
2 **Act 2007**

3 **[3.34] Part 5.3 heading, note**

4 *omit*

5 **Explanatory note**

6 This amendment omits a redundant note. The note refers to obligations of the planning and land  
7 authority under the *Australian Capital Territory (Planning and Land Management) Act 1988*  
8 (Cwlth), sections 74 and 75. Those sections deal with varying a National Capital Development  
9 Commission policy during the transition period for that Act and public consultation in relation  
10 to a variation. The transition period ended on 12 March 1991 so the note is no longer required.

11 **[3.35] Section 276B (3)**

12 *omit*

13 section 277D (Lease variation charge under s 277—requirements for  
14 reconsideration application)

15 *substitute*

16 section 277C (Lease variation charge under s 277—application for  
17 reconsideration)

18 **Explanatory note**

19 Section 276B (3) refers to a person's right to apply, under section 277D, for reconsideration of  
20 a decision made under section 277. However, an application for reconsideration of a decision  
21 under section 277 is made under section 277C. This amendment corrects the cross-reference.



1 **[3.39] Section 59 (1) (b)**

2 *omit*

3 person

4 *substitute*

5 principal

6 **Explanatory note**

7 This amendment corrects a minor error made when the provision was amended by the  
8 *Civil Partnerships Act 2008*. The word ‘principal’ was inadvertently replaced with ‘person’,  
9 making the provision illogical. This amendment restores the provision to its original intent.

10 **[3.40] Section 64 (1) (b), note**

11 *omit*

12 **Explanatory note**

13 This amendment is consequential on the relocation of a definition of a term to this section by  
14 another amendment.

15 **[3.41] New section 64 (3)**

16 *insert*

17 (3) In this section:

18 *liquidator*, of an attorney, includes—

19 (a) the official manager of the attorney; or

20 (b) the receiver of the attorney’s property; or

21 (c) the receiver and manager of the attorney’s property; or

22 (d) the managing controller of the attorney’s property.

23 **Explanatory note**

24 This amendment relocates from the dictionary a definition of a term that is used only in  
25 section 64. The definition is omitted from the dictionary by another amendment.

1    **[3.42]    Section 83 heading**

2            *substitute*

3    **83            Assistance by public trustee and guardian**

4    **Explanatory note**

5    This amendment updates the heading to reflect the change of name of the Public Trustee to the  
6    Public Trustee and Guardian by the *Protection of Rights (Services) Legislation Amendment*  
7    *Act 2016*.

8    **[3.43]    Dictionary, definitions of *decision-making principles*,  
9            *liquidator* and *will***

10           *omit*

11   **Explanatory note**

12   This amendment omits from the dictionary definitions of terms that are used only in 1 section.  
13   The definition of *decision-making principles* is a tag-term in section 41B. The definition of  
14   *liquidator* has been relocated to section 64 and the definition of *will* has been relocated to  
15   section 36 by other amendments.

16   **Part 3.13                    Road Transport (Driver  
17                                    Licensing) Regulation 2000**

18   **[3.44]    Table 10, item 4, column 2**

19            *omit*

20            interlock ignition

21            *substitute*

22            ignition interlock

23   **Explanatory note**

24   This amendment corrects a reference to ‘alcohol ignition interlock device’.



1 **[3.45] Section 12 (9), definition of *judicial officer***

2 *omit*

3 principal registrar of the ACT Law Courts and Tribunal

4 *substitute*

5 principal registrar appointed under the *Court Procedures Act 2004*,  
6 section 11A

7 **Explanatory note**

8 This amendment corrects a reference to the principal registrar. The principal registrar is  
9 appointed under the *Court Procedures Act 2004*, section 11A (1), which provides that the  
10 Executive must appoint a person as the ‘Principal Registrar and Chief Executive Officer of the  
11 ACT Courts and Tribunals’.

12 **[3.46] Dictionary, definition of *alcohol ignition interlock device***

13 *omit*

14 section 73ZL

15 *substitute*

16 section 73S

17 **Explanatory note**

18 This amendment corrects a cross-reference.

19 **[3.47] Dictionary, definition of *articulated bus***

20 *substitute*

21 *articulated bus*—see the *Heavy Vehicle National Law (ACT)*,  
22 section 5.

23 **Explanatory note**

24 This amendment corrects a cross-reference.

1 **[3.48] Dictionary, definition of *automatic disqualifying***  
2 ***circumstance***

3 *omit*

4 exemptions

5 *substitute*

6 drivers

7 **Explanatory note**

8 This amendment corrects a cross-reference.

9 **[3.49] Dictionary, definition of *breath alcohol interlock device***

10 *omit*

11 **Explanatory note**

12 This amendment omits a definition of a term that is not used in the regulation.

13 **[3.50] Dictionary, definition of *drug awareness course***

14 *omit*

15 section 73K

16 *substitute*

17 section 73R

18 **Explanatory note**

19 This amendment corrects a cross-reference.

1 **Part 3.14** **Road Transport (Public**  
2 **Passenger Services) Act 2001**

3 **[3.51] Section 128 (1)**

4 *substitute*

5 (1) A regulation may—

6 (a) exempt a vehicle or person from this Act; or

7 (b) authorise the road transport authority to exempt a vehicle or  
8 person from this Act.

9 *Note 1* Power to make a statutory instrument (including a regulation) includes  
10 power to make different provision in relation to different matters or  
11 different classes of matters (see [Legislation Act](#), s 48).

12 *Note 2* A reference to an Act includes a reference to a provision of an Act (see  
13 [Legislation Act](#), s 7 (3)).

14 **Explanatory note**

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

16 **Part 3.15** **Road Transport (Third-Party**  
17 **Insurance) Act 2008**

18 **[3.52] Section 72 (3) (a) (ii), note 1**

19 *omit*

20 **Explanatory note**

21 This amendment omits a note that refers to a website that no longer exists. The Canberra  
22 Connect website has been replaced by the Access Canberra website. To avoid having to update  
23 the Act in the event of future changes to the website, the note is omitted. The reference in the  
24 example for section 72 (3) (a) (ii) is sufficient to alert users of the legislation to the existence of  
25 a website for reporting motor accidents.



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## Endnotes

**1 Presentation speech**

Presentation speech made in the Legislative Assembly on 24 August 2017.

**2 Notification**

Notified under the [Legislation Act](#) on 2017.

**3 Republications of amended laws**

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

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