2022

THE LEGISLATIVE ASSEMBLY
FOR THE AUSTRALIAN CAPITAL TERRITORY

(As presented)

(Attorney-General)

Statute Law Amendment Bill 2022

Contents

 Page

 [1 Name of Act 2](#_Toc104456351)

 [2 Commencement 2](#_Toc104456352)

 [3 Notes 2](#_Toc104456353)

 [4 Purpose of Act 2](#_Toc104456354)

 [5 Legislation amended—schs 1-3 2](#_Toc104456355)

[Schedule 1 Minor amendments 3](#_Toc104456356)

[Part 1.1 Territory Records Act 2002 3](#_Toc104456357)

[Schedule 2 Legislation Act 2001 4](#_Toc104456359)

[Schedule 3 Technical amendments 5](#_Toc104456360)

[Part 3.1 ACT Teacher Quality Institute Act 2010 5](#_Toc104456361)

[Part 3.2 Architects Act 2004 6](#_Toc104456364)

[Part 3.3 Architects Regulation 2004 7](#_Toc104456369)

[Part 3.4 Building Act 2004 8](#_Toc104456371)

[Part 3.5 Casino Control Act 2006 11](#_Toc104456381)

[Part 3.6 Children and Young People Act 2008 12](#_Toc104456384)

[Part 3.7 Confiscation of Criminal Assets Act 2003 23](#_Toc104456416)

[Part 3.8 Construction Occupations (Licensing) Act 2004 24](#_Toc104456421)

[Part 3.9 Corrections Management Act 2007 25](#_Toc104456425)

[Part 3.10 Domestic Animals Act 2000 26](#_Toc104456429)

[Part 3.11 Education Act 2004 28](#_Toc104456435)

[Part 3.12 Emergencies Act 2004 29](#_Toc104456441)

[Part 3.13 Environment Protection Act 1997 31](#_Toc104456447)

[Part 3.14 Environment Protection Regulation 2005 36](#_Toc104456461)

[Part 3.15 Family Violence Act 2016 37](#_Toc104456467)

[Part 3.16 Fisheries Act 2000 38](#_Toc104456469)

[Part 3.17 Gambling and Racing Control Act 1999 39](#_Toc104456474)

[Part 3.18 Gas Safety Act 2000 40](#_Toc104456479)

[Part 3.19 Gas Safety Regulation 2001 41](#_Toc104456481)

[Part 3.20 Health Act 1993 41](#_Toc104456483)

[Part 3.21 Health Records (Privacy and Access) Act 1997 42](#_Toc104456487)

[Part 3.22 Heritage Act 2004 45](#_Toc104456496)

[Part 3.23 Independent Competition and Regulatory Commission Act 1997 47](#_Toc104456501)

[Part 3.24 Interactive Gambling Act 1998 48](#_Toc104456506)

[Part 3.25 Legal Profession Act 2006 56](#_Toc104456530)

[Part 3.26 Legal Profession Regulation 2007 64](#_Toc104456557)

[Part 3.27 Lotteries Act 1964 65](#_Toc104456560)

[Part 3.28 Motor Sport (Public Safety) Act 2006 66](#_Toc104456565)

[Part 3.29 Mutual Recognition (Australian Capital Territory) Act 1992 67](#_Toc104456569)

[Part 3.30 National Environment Protection Council Act 1994 68](#_Toc104456571)

[Part 3.31 Nature Conservation Act 2014 70](#_Toc104456577)

[Part 3.32 Pest Plants and Animals Act 2005 71](#_Toc104456581)

[Part 3.33 Public Health Act 1997 72](#_Toc104456585)

[Part 3.34 Public Health Regulation 2000 72](#_Toc104456588)

[Part 3.35 Racing Act 1999 73](#_Toc104456590)

[Part 3.36 Racing Regulation 2010 74](#_Toc104456594)

[Part 3.37 Residential Tenancies Act 1997 74](#_Toc104456597)

[Part 3.38 Surveyors Act 2007 77](#_Toc104456607)

[Part 3.39 Unit Titles (Management) Act 2011 78](#_Toc104456610)

[Part 3.40 Utilities (Technical Regulation) Act 2014 79](#_Toc104456613)

[Part 3.41 Veterinary Practice Act 2018 80](#_Toc104456616)

[Part 3.42 Waste Management and Resource Recovery Act 2016 80](#_Toc104456618)

[Part 3.43 Water and Sewerage Act 2000 81](#_Toc104456623)

2022

THE LEGISLATIVE ASSEMBLY
FOR THE AUSTRALIAN CAPITAL TERRITORY

(As presented)

(Attorney-General)

Statute Law Amendment Bill 2022

A Bill for

An Act to amend legislation for the purpose of statute law revision, and for other purposes

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

1 Name of Act

This Act is the *Statute Law Amendment Act 2022*.

2 Commencement

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

Note The naming and commencement provisions automatically commence on the notification day (see [Legislation Act](http://www.legislation.act.gov.au/a/2001-14), s 75 (1)).

3 Notes

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

Note See the [Legislation Act](http://www.legislation.act.gov.au/a/2001-14), s 127 (1), (4) and (5) for the legal status of notes.

4 Purpose of Act

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

5 Legislation amended—schs 1-3

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

Schedule 1 Minor amendments

(see s 5)

Part 1.1 Territory Records Act 2002

[1.1] Section 36 (e), except note

substitute

 (e) if the director is absent from duty, other than on approved leave, for 14 consecutive days or for 28 days in any 12-month period.

Explanatory note

This amendment updates a paragraph that creates an unnecessary obligation on the Special Minister of State. Section 36 (e) provides that the Minister may end the appointment of the director of territory records if the director ‘is absent from duty for 14 consecutive days, or for 28 days in any 12 months, except on leave given by the Minister’.

The words ‘except on leave given by the Minister’ create a requirement for the Minister to approve the director’s leave if the director intends to be on leave for longer than 14 consecutive days or for 28 days in any 12-month period. While the director’s appointment to the position of director of territory records is made under the [Territory Records Act 2002](http://www.legislation.act.gov.au/a/2002-18), part 4 (Director of Territory Records), the director is employed as an SES member under the [Public Sector Management Act 1994](http://www.legislation.act.gov.au/a/1994-37).

Schedule 2 Legislation Act 2001

(see s 5)

Note Statute Law Amendment Acts may include a second schedule for amendments to the [Legislation Act](http://www.legislation.act.gov.au/a/2001-14). This Act does not provide for such amendments but the schedule heading is retained to preserve the usual numbering of schedule 3, which provides for minor and technical amendments proposed by the parliamentary counsel.

Schedule 3 Technical amendments

(see s 5)

Part 3.1 ACT Teacher Quality Institute Act 2010

[3.1] Division 4.3 heading, note

omit

Explanatory note

This amendment omits a note about the [Mutual Recognition Act 1992](https://www.legislation.gov.au/Series/C2004A04489) (Cwlth) and the [Trans‑Tasman Mutual Recognition Act 1997](https://www.legislation.gov.au/Series/C2004A05284) (Cwlth) following the commencement on 1 July 2021 of automatic mutual recognition for occupational registrations under the [Mutual Recognition Amendment Act 2021](https://www.legislation.gov.au/Series/C2021A00050) (Cwlth).

[3.2] Section 32 (1) etc

omit the following notes

 section 32 (1), note

 section 33 (1), note

 section 35 (1), note

 section 58, note

Explanatory note

This amendment omits notes about the [Mutual Recognition Act 1992](https://www.legislation.gov.au/Series/C2004A04489) (Cwlth) and the [Trans‑Tasman Mutual Recognition Act 1997](https://www.legislation.gov.au/Series/C2004A05284) (Cwlth) following the commencement on 1 July 2021 of automatic mutual recognition for occupational registrations under the [Mutual Recognition Amendment Act 2021](https://www.legislation.gov.au/Series/C2021A00050) (Cwlth).

Part 3.2 Architects Act 2004

[3.3] Division 3.1 heading, note

omit

Explanatory note

This amendment omits a note about the [Mutual Recognition Act 1992](https://www.legislation.gov.au/Series/C2004A04489) (Cwlth) and the [Trans‑Tasman Mutual Recognition Act 1997](https://www.legislation.gov.au/Series/C2004A05284) (Cwlth) following the commencement on 1 July 2021 of automatic mutual recognition for occupational registrations under the [Mutual Recognition Amendment Act 2021](https://www.legislation.gov.au/Series/C2021A00050) (Cwlth).

[3.4] Section 18 (3) (c)

omit

he or she

substitute

the person

Explanatory note

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

[3.5] Sections 28 and 29 (2) (a)

omit

his or her

substitute

their

Explanatory note

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

[3.6] Section 60 (1) (b)

omit

his or her

substitute

the individual’s

Explanatory note

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

Part 3.3 Architects Regulation 2004

[3.7] Section 10 (4)

omit

his or her

substitute

their

Explanatory note

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

Part 3.4 Building Act 2004

[3.8] Section 23 (1)

omit

he or she

substitute

the practitioner

Explanatory note

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

[3.9] Section 77 (3)

omit

his or her

Explanatory note

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

[3.10] Section 94 (3)

omit

his or her

substitute

the creditor’s

Explanatory note

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

[3.11] Sections 116 (1) and 126 (1)

omit

his or her

substitute

their

Explanatory note

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

[3.12] Section 129 (2)

omit

his or her

substitute

the person’s

Explanatory note

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

[3.13] Section 134H (1) (c)

omit

himself or herself

substitute

themself

Explanatory note

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

[3.14] Section 138 (1)

omit

his or her

substitute

the registrar’s

Explanatory note

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

[3.15] Section 147

omit

his or her

substitute

the inspector’s

Explanatory note

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

[3.16] Section 149 (1)

omit

by him or her

Explanatory note

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

Part 3.5 Casino Control Act 2006

[3.17] Section 47 (1)

omit

his or her

substitute

their

Explanatory note

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

[3.18] Section 79 (2)

omit

his or her

substitute

the person’s

Explanatory note

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

Part 3.6 Children and Young People Act 2008

[3.19] Section 26 (1), note

omit

s 36C

substitute

s 20

Explanatory note

This amendment corrects a cross-reference.

[3.20] Section 74 (a) and (b)

omit

his or her

substitute

their

Explanatory note

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

[3.21] Section 80 (1), example 2

omit

his or her

substitute

their

Explanatory note

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

[3.22] Section 83 (5), example

omit

his or her

substitute

the participant’s

Explanatory note

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

[3.23] Section 94 (1) (a)

omit

he or she

substitute

they

Explanatory note

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

[3.24] Section 94 (1) (b)

omit

his or her

substitute

their

Explanatory note

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

[3.25] Section 94 (1) (e)

omit

he or she

substitute

they

Explanatory note

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

[3.26] Section 94 (4)

omit

her or she

substitute

the person

Explanatory note

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

[3.27] Section 105 (4), definition of arrested person, paragraph (b)

omit

he or she

substitute

the person

Explanatory note

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

[3.28] Section 193 (1) (a) (ii)

omit

him or her

substitute

them

Explanatory note

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

[3.29] Sections 208 (2) (a) and 209 (1)

omit

himself or herself

substitute

themself

Explanatory note

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

[3.30] Section 294 (3) (c)

omit

he or she

substitute

the detainee

Explanatory note

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

[3.31] Section 294 (3) (e)

omit

he or she has

substitute

they have

Explanatory note

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

[3.32] Section 301 (2) (a)

after

not later

insert

than

Explanatory note

This amendment corrects a minor typographical error by inserting a missing word.

[3.33] Section 324 (4) (b)

omit

he or she

substitute

the detainee

Explanatory note

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

[3.34] Section 342, definition of abuse, paragraph (c)

omit

his or her

substitute

their

Explanatory note

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

[3.35] Section 345 (2)

omit

him or her

substitute

the child or young person

Explanatory note

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

[3.36] Section 350 (1) (c) etc

omit

his or her

substitute

their

in

 section 350 (1) (c)

 section 352 (1)

 section 412 (1)

 section 456 (3)

 section 482 (1) (g)

 section 486 (2)

Explanatory note

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

[3.37] Section 512 (2) (a) (i)

omit

his or her

substitute

the doctor’s

Explanatory note

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

[3.38] Section 678 (2)

omit

his or her

substitute

their

Explanatory note

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

[3.39] Section 689 (1) (c)

omit

himself or herself

substitute

themself

Explanatory note

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

[3.40] Sections 727N (2) (d) and 727S (1) (b)

omit

his or her

substitute

their

Explanatory note

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

[3.41] Section 731 (1) (g) and section 733 (3), definition of young child, paragraph (b)

omit

, or provisionally registered,

Explanatory note

This amendment omits redundant references to a child who is provisionally registered for home education under the [Education Act 2004](http://www.legislation.act.gov.au/a/2004-17). The [Education Amendment Act 2019](https://www.legislation.act.gov.au/a/2019-47/), section 8 omitted the [Education Act 2004](http://www.legislation.act.gov.au/a/2004-17), section 130, which required the director‑general to provisionally register a child for home education if the parents of the child applied for registration.

[3.42] Section 809 (3) (b)

omit

he or she

substitute

the child or young person

Explanatory note

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

[3.43] Section 818 etc

omit

his or her

substitute

their

in

 section 818

 section 819 (1) (a)

 section 822

Explanatory note

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

[3.44] Section 826 (1) (c)

omit

himself or herself

substitute

themself

Explanatory note

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

[3.45] Sections 855 (2) and 858 (2)

omit

his or her family

substitute

the family of the child or young person

Explanatory note

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

[3.46] Section 859 (1), definition of information sharing entity, paragraph (i)

omit

his or her

substitute

their

Explanatory note

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

[3.47] Section 863 (2)

omit

his or her family members

substitute

family members of the child or young person

Explanatory note

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

[3.48] Dictionary, notes 1 and 2, except dot points

substitute

Note The [Legislation Act](http://www.legislation.act.gov.au/a/2001-14) contains definitions relevant to this Act. For example:

Explanatory note

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

[3.49] Dictionary, definition of representative

omit

himself or herself

substitute

themself

Explanatory note

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

Part 3.7 Confiscation of Criminal Assets Act 2003

[3.50] Section 38 (4) (c)

omit

section 32 (5), (6) and (7)

substitute

section 31C

Explanatory note

This amendment corrects a cross‑reference.

[3.51] Section 180 (1)

omit

in the exercise of his or her

substitute

in exercising

Explanatory note

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

[3.52] Section 211 (7), definition of strip search, paragraph (a)

omit

his or her

substitute

the person’s

Explanatory note

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

[3.53] Section 213 (1) (c)

omit

himself or herself

substitute

themself

Explanatory note

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

Part 3.8 Construction Occupations (Licensing) Act 2004

[3.54] Part 3 heading, note

omit

Explanatory note

This amendment omits a note about the [Mutual Recognition Act 1992](https://www.legislation.gov.au/Series/C2004A04489) (Cwlth) and the [Trans‑Tasman Mutual Recognition Act 1997](https://www.legislation.gov.au/Series/C2004A05284) (Cwlth) following the commencement on 1 July 2021 of automatic mutual recognition for occupational registrations under the [Mutual Recognition Amendment Act 2021](https://www.legislation.gov.au/Series/C2021A00050) (Cwlth).

[3.55] Section 80CM (1) (c)

omit

himself or herself

substitute

themself

Explanatory note

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

[3.56] Section 126A (5)

omit

Explanatory note

This amendment omits a definition of a term that is no longer used in this section.

Part 3.9 Corrections Management Act 2007

[3.57] Section 31A (2) (c)

omit

he or she

substitute

the detainee

Explanatory note

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

[3.58] Section 33 (2), note

omit

he or she

substitute

the person

Explanatory note

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

[3.59] Section 33A (2) (c)

omit

he or she

substitute

the detainee

Explanatory note

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

Part 3.10 Domestic Animals Act 2000

[3.60] Section 55 (4) (b)

omit

his or her

substitute

their

Explanatory note

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

[3.61] Section 79 (3)

omit

his or her

substitute

the authorised person’s

Explanatory note

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

[3.62] Section 124 (2)

omit

his or her

substitute

the person’s

Explanatory note

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

[3.63] Sections 125 and 134 (4)

omit

his or her

substitute

the authorised person’s

Explanatory note

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

[3.64] Dictionary, definition of registration certificate

omit

(1) or (4)

Explanatory note

This amendment corrects a cross-reference.

Part 3.11 Education Act 2004

[3.65] New section 7 (5)

insert

 (5) In this section:

corporal punishment means physical force applied to punish or correct, and includes any action designed or likely to cause physical pain or discomfort taken to punish or correct.

Explanatory note

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

[3.66] Section 68 (2)

omit

his or her

substitute

the person’s

Explanatory note

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

[3.67] Section 69

omit

his or her

substitute

the authorised person’s

Explanatory note

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

[3.68] Section 142 (3) (a)

omit

statement

substitute

notice

Explanatory note

This amendment corrects a minor typographical error.

[3.69] Dictionary, definition of corporal punishment

omit

Explanatory note

This amendment is consequential on the relocation of the definition to section 7 by another amendment.

Part 3.12 Emergencies Act 2004

[3.70] Sections 103 (4) and 104 (3)

omit

his or her

substitute

the inspector’s

Explanatory note

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

[3.71] Section 105 (2)

omit

he or she

substitute

the inspector

Explanatory note

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

[3.72] Sections 111 (2) and 113 (4)

omit

his or her

substitute

the investigator’s

Explanatory note

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

[3.73] Section 183 (3)

omit

his or her

substitute

their

Explanatory note

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

[3.74] Section 196 (4)

omit

his or her

substitute

the authorised person’s

Explanatory note

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

Part 3.13 Environment Protection Act 1997

[3.75] Section 8 (1) (c)

omit

his or her

substitute

the person’s

Explanatory note

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

[3.76] Sections 16 (4) and 18 (3)

omit

his or her

substitute

the person’s

Explanatory note

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

[3.77] Section 43 (4)

omit

his or her

substitute

the authority’s

Explanatory note

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

[3.78] Section 62 (2) (a)

omit

his or her

Explanatory note

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

[3.79] Sections 72 (1) and 78 (1)

omit

his or her

substitute

the person’s

Explanatory note

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

[3.80] Section 91I (4), definition of notional lessee, paragraph (c) (ii)

omit

his or her

substitute

the lessee’s (or sublessee’s)

Explanatory note

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

[3.81] Section 93 (1)

omit

his or her functions

substitute

the functions of the authority

Explanatory note

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

[3.82] Section 98 etc

omit

his or her

substitute

the officer’s

in

 section 98

 section 100 (2) (c)

 section 103 (1) (a)

 section 107 (2)

Explanatory note

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

[3.83] Section 110 (3) (a)

omit

his or her

substitute

the authority’s

Explanatory note

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

[3.84] Section 111 (2)

omit

his or her

substitute

the officer’s

Explanatory note

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

[3.85] Section 112

omit

his or her

substitute

the analyst’s

Explanatory note

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

[3.86] Section 113 (a)

omit

he or she has

substitute

they have

Explanatory note

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

[3.87] Section 153 (2) (c) (iii)

omit

his or her

substitute

the defendant’s

Explanatory note

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

Part 3.14 Environment Protection Regulation 2005

[3.88] Division 2.1 heading, note 1, paragraph (c)

omit

his or her

substitute

the person’s

Explanatory note

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

[3.89] Part 3 heading, note 1, paragraph (c)

omit

his or her

substitute

the person’s

Explanatory note

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

[3.90] Section 56, definition of NEPM, note 2

omit

www.ephc.gov.au

substitute

[www.nepc.gov.au](http://www.nepc.gov.au/)

Explanatory note

This amendment corrects a cross‑reference.

[3.91] Section 65 (a), note 3

omit

www.ephc.gov.au

substitute

[www.nepc.gov.au](http://www.nepc.gov.au/)

Explanatory note

This amendment corrects a cross‑reference.

[3.92] Section 66 (1) (k), note

omit

www.ephc.gov.au

substitute

[www.nepc.gov.au](http://www.nepc.gov.au/)

Explanatory note

This amendment corrects a cross‑reference.

Part 3.15 Family Violence Act 2016

[3.93] Section 115, definition of New Zealand FVO

omit

*Domestic Violence Act 1995* (NZ)

substitute

[Family Violence Act 2018](https://www.legislation.govt.nz/act/public/2018/0046/21.0/versions.aspx) (NZ)

Explanatory note

This amendment corrects an outdated cross‑reference. The [Domestic Violence Act 1995](https://www.legislation.govt.nz/act/public/1995/0086/latest/versions.aspx)(NZ) was repealed by the [Family Violence Act 2018](https://www.legislation.govt.nz/act/public/2018/0046/21.0/versions.aspx) (NZ), section 258 and replaced with the [Family Violence Act 2018](https://www.legislation.govt.nz/act/public/2018/0046/21.0/versions.aspx) (NZ).

Part 3.16 Fisheries Act 2000

[3.94] Section 43 (2) (b)

omit

his or her

substitute

the person’s

Explanatory note

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

[3.95] Section 43 (2) (b)

omit

he or she so

substitute

the person

Explanatory note

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

[3.96] Section 111A (1) (b)

omit

nature conservation licence

substitute

fisheries licence

Explanatory note

This amendment corrects a minor typographical error in the name of a licence.

[3.97] Dictionary, definition of fish dealer

omit

he or she knows or suspects

substitute

they know or suspect

Explanatory note

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

Part 3.17 Gambling and Racing Control Act 1999

[3.98] Section 23 (2)

omit

himself or herself

substitute

themself

Explanatory note

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

[3.99] Section 23 (2)

omit

his or her

substitute

the officer’s

Explanatory note

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

[3.100] Section 28 (2) (a)

omit

himself or herself

substitute

themself

Explanatory note

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

[3.101] Section 36 (2) (a)

omit

his or her

substitute

the person’s

Explanatory note

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

Part 3.18 Gas Safety Act 2000

[3.102] Section 43 etc

omit

his or her

substitute

the inspector’s

in

 section 43

 section 44 (1) (a)

 section 49 (3) (a)

 section 53 (3)

Explanatory note

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

Part 3.19 Gas Safety Regulation 2001

[3.103] Section 17B

omit

his or her

substitute

the worker’s

Explanatory note

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

Part 3.20 Health Act 1993

[3.104] Section 11 (1) (a), note 2

omit

he or she

substitute

the person

Explanatory note

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

[3.105] Section 71 (2)

omit

his or her

substitute

the practitioner’s

Explanatory note

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

[3.106] Section 100, definition of practice corporation

omit

his or her

substitute

their

Explanatory note

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

Part 3.21 Health Records (Privacy and Access) Act 1997

[3.107] Sections 25 (b) and 26 (1) (b)

omit

his or her

substitute

the consumer’s

Explanatory note

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

[3.108] Section 26 (2)

omit

he or she

substitute

the person

Explanatory note

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

[3.109] Section 27 (3)

omit

his or her

substitute

the consumer’s

Explanatory note

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

[3.110] Section 29

omit

he or she

substitute

they

Explanatory note

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

[3.111] Schedule 1, principle 1:3

omit

his or her

substitute

their

Explanatory note

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

[3.112] Dictionary, notes 1 and 2, except dot points

substitute

Note The [Legislation Act](http://www.legislation.act.gov.au/a/2001-14) contains definitions relevant to this Act. For example:

Explanatory note

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

[3.113] Dictionary, definitions of collector and deceased consumer

omit

his or her

substitute

their

Explanatory note

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

[3.114] Dictionary, definition of treating team, paragraph (a)

omit

his or her

substitute

the consumer’s

Explanatory note

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

Part 3.22 Heritage Act 2004

[3.115] Section 53B (1), notes 1 to 3

substitute

Note For laws about delegations, see the [Legislation Act](http://www.legislation.act.gov.au/a/2001-14), pt 19.4.

Explanatory note

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

[3.116] Sections 66 (8) and 80 (6), definitions of necessary assistance

omit

the authorised person to carry out his or her function

substitute

in carrying out the authorised person’s functions

Explanatory note

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

[3.117] Section 81 etc

omit

his or her

substitute

the authorised person’s

in

 section 81

 section 82 (1) (a)

 section 85 (4)

Explanatory note

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

[3.118] Section 88 (1) (c)

omit

himself or herself

substitute

themself

Explanatory note

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

Part 3.23 Independent Competition and Regulatory Commission Act 1997

[3.119] Section 44 (2)

omit

himself or herself

substitute

themself

Explanatory note

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

[3.120] Section 46 (1) (c) and (d)

substitute

 (b) it gives a notice to show cause in relation to the information or document under section 45; and

 (c) 28 days have elapsed since the notice was given.

Explanatory note

This amendment renumbers paragraphs.

[3.121] Section 46 (3)

omit

or (b)

Explanatory note

This amendment omits a redundant cross‑reference.

[3.122] Schedule 2, section 2.1AA (4)

omit

he or she also resumes

substitute

they also resume

Explanatory note

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

Part 3.24 Interactive Gambling Act 1998

[3.123] Sections 4 (2) (a) and 6

omit

he or she

substitute

the person

Explanatory note

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

[3.124] Section 9 (1)

omit

he or she

substitute

the Minister

Explanatory note

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

[3.125] Section 10 (3)

omit

he or she

Explanatory note

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

[3.126] Section 10 (4) etc

omit

he or she

substitute

the Minister

in

 section 10 (4)

 section 11 (2)

 section 12 (2)

 section 13 (2)

Explanatory note

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

[3.127] Section 18B

omit

he or she

substitute

the person

Explanatory note

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

[3.128] Section 23 (2)

omit

he or she

substitute

the Minister

Explanatory note

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

[3.129] Section 27 (4)

omit

his or her

substitute

the applicant’s

Explanatory note

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

[3.130] Section 31 etc

omit

he or she

substitute

the Minister

in

 section 31

 section 33 (1)

 section 43 (2)

 section 44 (1)

Explanatory note

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

[3.131] Section 44 (1), notes 1 and 2

substitute

Note 1 For laws about appointments, see the [Legislation Act](http://www.legislation.act.gov.au/a/2001-14), pt 19.3.

Note 2 Certain Ministerial appointments require consultation with an Assembly committee and are disallowable (see [Legislation Act](http://www.legislation.act.gov.au/a/2001-14), div 19.3.3).

Explanatory note

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

[3.132] Section 48 (2)

omit

him or her

substitute

the person

Explanatory note

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

[3.133] Section 51

omit

his or her

substitute

the applicant’s

Explanatory note

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

[3.134] Section 55 (3)

omit

he or she

substitute

the licensee

Explanatory note

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

[3.135] Section 70 (1)

omit

his or her

substitute

the provider’s

Explanatory note

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

[3.136] Section 89 (2)

omit

he or she

substitute

the agent

Explanatory note

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

[3.137] Section 102 (2) (a)

omit

himself or herself

substitute

themself

Explanatory note

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

[3.138] Section 109

omit

his or her

substitute

the provider’s

Explanatory note

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

[3.139] Section 124 (2)

omit

he or she

substitute

the provider

Explanatory note

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

[3.140] Section 128 (1)

omit

he or she

substitute

the commission

Explanatory note

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

[3.141] Section 131 (2) (a)

omit

himself or herself

substitute

themself

Explanatory note

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

[3.142] Sections 133 (2) and 135 (4)

omit

he or she

substitute

the person

Explanatory note

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

[3.143] Sections 138 (1)

omit

his or her

substitute

the person’s

Explanatory note

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

[3.144] Section 138 (4)

omit

himself or herself

substitute

themself

Explanatory note

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

[3.145] Section 143

omit

imprint of his or her finger or palm prints or a photograph of the applicant

substitute

imprint of the finger prints or palm prints or a photograph of the person

Explanatory note

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

Part 3.25 Legal Profession Act 2006

[3.146] Section 16 (4)

omit

his or her

substitute

their

Explanatory note

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

[3.147] Section 33 (2) (a)

omit

his or her

substitute

the lawyer’s

Explanatory note

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

[3.148] Section 41 (10) (b)

omit

his or her

substitute

the person’s

Explanatory note

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

[3.149] Sections 60 and 61 (2) (b)

omit

himself or herself

substitute

themself

Explanatory note

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

[3.150] Sections 82 and 83

omit

his or her

substitute

the lawyer’s

Explanatory note

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

[3.151] Section 94 (5)

omit

his or her

substitute

the former lawyer’s

Explanatory note

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

[3.152] Section 96

omit

his or her

substitute

the lawyer’s

Explanatory note

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

[3.153] Section 97

omit

his or her

substitute

the practitioner’s

Explanatory note

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

[3.154] Section 97A (1)

omit

his or her

substitute

the lawyer’s

Explanatory note

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

[3.155] Section 108 (2)

omit

he or she

substitute

the director

Explanatory note

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

[3.156] Sections 139 (1) (c), 182 and 183 (2) (b)

omit

himself or herself

substitute

themself

Explanatory note

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

[3.157] Section 239 (2) (a)

omit

his or her

substitute

the investigator’s

Explanatory note

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

[3.158] Section 272 (1) (c) (vii)

omit

he or she

substitute

the member

Explanatory note

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

[3.159] Section 367 (1) (a)

omit

his or her

substitute

the lawyer’s

Explanatory note

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

[3.160] Section 478 (b)

omit

his or her

substitute

the deceased practitioner’s

Explanatory note

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

[3.161] Section 485 (1) (a)

omit

his or her

substitute

their

Explanatory note

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

[3.162] Section 485 (1) (b)

omit

he or she is

substitute

they are

Explanatory note

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

[3.163] Section 487 (5) (e)

omit

his or her

substitute

the manager’s

Explanatory note

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

[3.164] Section 491 (1) (a)

omit

his or her

substitute

their

Explanatory note

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

[3.165] Section 491 (1) (b)

omit

he or she is

substitute

they are

Explanatory note

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

[3.166] Sections 498 (1) (a), 509 (5) and 514 (3)

omit

his or her

substitute

their

Explanatory note

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

[3.167] Section 519B (1) (a)

omit

his or her

substitute

the intervener’s

Explanatory note

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

[3.168] Section 537 (1) (c)

omit

himself or herself

substitute

themself

Explanatory note

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

[3.169] Section 555A (1) (a)

omit

his or her

substitute

the investigator’s

Explanatory note

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

[3.170] Dictionary, notes 1 and 2, except dot points

substitute

Note The [Legislation Act](http://www.legislation.act.gov.au/a/2001-14) contains definitions relevant to this Act. For example:

Explanatory note

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

[3.171] Dictionary, definition of sole practitioner

omit

his or her

substitute

the practitioner’s

Explanatory note

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

Part 3.26 Legal Profession Regulation 2007

[3.172] Table 8, item 12, column 4

omit

his or her

substitute

their

Explanatory note

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

[3.173] Section 9 (2)

omit

his or her

substitute

the lawyer’s

Explanatory note

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

Part 3.27 Lotteries Act 1964

[3.174] Section 6 (4), definition of private lottery, paragraph (d)

omit

his or her

substitute

the subscriber’s

Explanatory note

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

[3.175] Section 15

omit

his or her

substitute

the person’s

Explanatory note

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

[3.176] Section 18 (3) (a)

omit

his or her

substitute

the authorised person’s

Explanatory note

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

[3.177] Section 18 (3) (b)

omit

him or her

substitute

the person

Explanatory note

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

Part 3.28 Motor Sport (Public Safety) Act 2006

[3.178] Section 12 (1)

omit

his or her

substitute

their

Explanatory note

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

[3.179] Sections 26 and 27 (1) (a)

omit

his or her

substitute

the person’s

Explanatory note

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

[3.180] Section 38 (5), new definition of National Transport Commission

insert

National Transport Commission—see the [National Transport Commission Act 2003](https://www.legislation.gov.au/Series/C2004A01166) (Cwlth), section 5.

Part 3.29 Mutual Recognition (Australian Capital Territory) Act 1992

[3.181] Section 4, new note

insert

Note Under amendments made to the Commonwealth Act on 1 July 2021, certain individuals who are authorised to carry on an activity covered by an occupation in a State or the Northern Territory are automatically deemed to be authorised to carry on the activity in another State or Territory (see Commonwealth Act, pt 3A).

Explanatory note

This amendment inserts a note about the commencement on 1 July 2021 of automatic mutual recognition for occupational registrations under the [Mutual Recognition Amendment Act 2021](https://www.legislation.gov.au/Series/C2021A00050) (Cwlth).

Part 3.30 National Environment Protection Council Act 1994

[3.182] New section 13 (5)

insert

 (5) In this section:

National Transport Commission—see the [National Transport Commission Act 2003](https://www.legislation.gov.au/Series/C2004A01166) (Cwlth), section 5.

[3.183] Section 25 (1)

omit

he or she

substitute

the chairperson

Explanatory note

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

[3.184] Section 43

substitute

43 Resignation

The NEPC executive officer may resign their office by written notice signed by the officer and given to the chairperson of the council.

Explanatory note

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

[3.185] Section 44 (2)

substitute

 (2) The council must terminate the NEPC executive officer’s appointment if the officer—

 (a) engages in paid employment outside the duties of their office without the approval of the council;

 (b) is absent from duty, except on leave of absence, for 14 consecutive days or 28 days in any 12 months;

 (c) becomes bankrupt or personally insolvent; or

 (d) contravenes section 40 (2) without reasonable excuse.

Explanatory note

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

[3.186] Section 46 (b)

omit

his or her

substitute

their

Explanatory note

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

Part 3.31 Nature Conservation Act 2014

[3.187] Section 60 (1)

omit

plan

insert

strategy

Explanatory note

This amendment corrects a minor typographical error.

[3.188] Sections 339 and 340 (1) (a)

omit

his or her

insert

the officer’s

Explanatory note

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

[3.189] Section 347 (1) (c)

omit

himself or herself

substitute

themself

Explanatory note

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

Part 3.32 Pest Plants and Animals Act 2005

[3.190] Section 20 (d)

before

is reckless

insert

the person

Explanatory note

This amendment corrects a minor typographical error.

[3.191] Sections 33, 34 (1) (a) and 36 (3)

omit

his or her

substitute

the authorised person’s

Explanatory note

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

[3.192] Section 40 (1) (c)

omit

himself or herself

substitute

themself

Explanatory note

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

Part 3.33 Public Health Act 1997

[3.193] Section 121 (3) (a)

omit

his or her

substitute

the chief health officer’s

Explanatory note

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

[3.194] Section 121 (3) (b)

omit

his or her

substitute

the officer’s

Explanatory note

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

Part 3.34 Public Health Regulation 2000

[3.195] Sections 64 and 66 (1)

omit

his or her

substitute

the person’s

Explanatory note

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

Part 3.35 Racing Act 1999

[3.196] Sections 16 (1) (f), 22 (1) (f) and 26 (2)

omit

he or she

substitute

the Minister

Explanatory note

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

[3.197] Section 61W (3), note

omit

www.comlaw.gov.au

substitute

[www.legislation.gov.au](http://www.legislation.gov.au/)

Explanatory note

This amendment corrects a cross-reference.

[3.198] Schedule 1, section 1.7 (1) and schedule 2, section 2.5 (a)

omit

his or her

substitute

their

Explanatory note

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

Part 3.36 Racing Regulation 2010

[3.199] Section 5 (2), definition of key employee, paragraph (b)

omit

his or her

substitute

the person’s

Explanatory note

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

[3.200] Section 6 (2) (a) (i)

omit

his or her

substitute

the individual’s

Explanatory note

This amendment updates language in line with current legislative drafting practice

Part 3.37 Residential Tenancies Act 1997

[3.201] Section 11 (1)

omit

his or her

substitute

their

Explanatory note

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

[3.202] Section 14 (b)

omit

he or she is

substitute

they are

Explanatory note

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

[3.203] Section 48 (1) (b) (i)

omit

section 83 (b)

substitute

section 83 (1) (b)

Explanatory note

This amendment corrects a cross-reference.

[3.204] Section 49A (4)

omit

section 83 (c)

substitute

section 83 (1) (c)

Explanatory note

This amendment corrects a cross-reference.

[3.205] Section 71C (2), note

omit

s 71E (c)

substitute

s 71EA (1) (b)

Explanatory note

This amendment corrects a cross-reference.

[3.206] Section 71EL (1) (a)

omit

section 83 (i)

substitute

section 83 (1) (i)

Explanatory note

This amendment corrects a cross-reference.

[3.207] Section 71EM (3), note 1

omit

s 83 (j)

substitute

s 83 (1) (j)

Explanatory note

This amendment corrects a cross-reference.

[3.208] Section 75, note

substitute

Note The registrar may also help a person make an application to the ACAT as the registrar considers appropriate (see [ACT Civil and Administrative Tribunal Act 2008](http://www.legislation.act.gov.au/a/2008-35), s 112 (1) (b)).

Explanatory note

This amendment updates a note to correct a cross-reference.

[3.209] Schedule 1, clause 54

omit

his or her

substitute

their

Explanatory note

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

Part 3.38 Surveyors Act 2007

[3.210] Division 2.1 heading, note

omit

Explanatory note

This amendment omits a note about the [Mutual Recognition Act 1992](https://www.legislation.gov.au/Series/C2004A04489) (Cwlth) and the [Trans‑Tasman Mutual Recognition Act 1997](https://www.legislation.gov.au/Series/C2004A05284) (Cwlth) following the commencement on 1 July 2021 of automatic mutual recognition for occupational registrations under the [Mutual Recognition Amendment Act 2021](https://www.legislation.gov.au/Series/C2021A00050) (Cwlth)).

[3.211] Section 7 (1), note and section 10, note

omit

Explanatory note

This amendment omits notes about the [Mutual Recognition Act 1992](https://www.legislation.gov.au/Series/C2004A04489) (Cwlth) and the [Trans‑Tasman Mutual Recognition Act 1997](https://www.legislation.gov.au/Series/C2004A05284) (Cwlth) following the commencement on 1 July 2021 of automatic mutual recognition for occupational registrations under the [Mutual Recognition Amendment Act 2021](https://www.legislation.gov.au/Series/C2021A00050) (Cwlth).

Part 3.39 Unit Titles (Management) Act 2011

[3.212] Schedule 2, section 2.1 (1) (g)

omit

must

Explanatory note

This amendment corrects a minor typographical error.

[3.213] Schedule 3, section 3.32 (1) (b)

omit

his or her

substitute

the person’s

Explanatory note

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

Part 3.40 Utilities (Technical Regulation) Act 2014

[3.214] Section 46 (1) (b)

omit

unlicensed regulated utility service

substitute

unlicensed regulated utility

Explanatory note

This amendment corrects a minor typographical error.

[3.215] Section 81 (2) etc

omit

his or her

substitute

the inspector’s

in

 section 81 (2)

 section 85

 section 86 (1) (a)

 section 87 (2) (a) and (3) (b) (i)

Explanatory note

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

Part 3.41 Veterinary Practice Act 2018

[3.216] Division 3.1 heading, note

omit

Explanatory note

This amendment omits a note about the [Mutual Recognition Act 1992](https://www.legislation.gov.au/Series/C2004A04489) (Cwlth) and the [Trans‑Tasman Mutual Recognition Act 1997](https://www.legislation.gov.au/Series/C2004A05284) (Cwlth) following the commencement on 1 July 2021 of automatic mutual recognition for occupational registrations under the [Mutual Recognition Amendment Act 2021](https://www.legislation.gov.au/Series/C2021A00050) (Cwlth).

Part 3.42 Waste Management and Resource Recovery Act 2016

[3.217] Section 77 (6), definition of necessary assistance

omit

the authorised person to carry out his or her function

substitute

in carrying out the authorised person’s functions

Explanatory note

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

[3.218] Sections 78 and 79 (1) (a)

omit

his or her

substitute

the authorised person’s

Explanatory note

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

[3.219] Section 86 (1) (c)

omit

himself or herself

substitute

themself

Explanatory note

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

[3.220] Section 125, note 2

omit

s 36C

substitute

s 20

Explanatory note

This amendment corrects a cross-reference.

Part 3.43 Water and Sewerage Act 2000

[3.221] Sections 8 (3) (b), 9A (1) (b) and 10

omit

his or her

substitute

the certifier’s

Explanatory note

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

[3.222] Sections 15 (4) (b) and 15 (5) (a)

omit

his or her

substitute

the licensed plumber’s

Explanatory note

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

[3.223] Section 23 (2) etc

omit

his or her

substitute

the inspector’s

in

 section 23 (2)

 section 28

 section 29 (1) (a)

 section 33 (3)

 section 38 (3) (a)

Explanatory note

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

[3.224] Section 44F (1)

omit

his or her

substitute

the registrar’s

Explanatory note

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

Endnotes

1 Presentation speech

 Presentation speech made in the Legislative Assembly on 2 June 2022.

2 Notification

 Notified under the [Legislation Act](http://www.legislation.act.gov.au/a/2001-14) on 2022.

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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