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**LEGISLATIVE ASSEMBLY FOR THE AUSTRALIAN CAPITAL  
TERRITORY**

**JUSTICE AND COMMUNITY SAFETY LEGISLATION AMENDMENT  
BILL 2005 (NO 3)**

**EXPLANATORY STATEMENT**

Circulated with the authority of  
Mr Jon Stanhope MLA  
Attorney General

## JUSTICE AND COMMUNITY SAFETY LEGISLATION AMENDMENT BILL 2005 (NO 3)

### Overview of Bill

The Justice and Community Safety Legislation Amendment Bill 2005 (No 3) (the Bill) amends a number of laws administered by the ACT Department of Justice and Community Safety. The laws amended include the:

- *Administration and Probate Act 1929*
- *Business Names Act 1963*
- *Children and Young People Act 1999*
- *Civil Law (Wrongs) Act 2002*
- *Classification (Publications, Films and Computer Games) (Enforcement) Act 1995*
- *Confiscation of Criminal Assets Act 2003*
- *Consumer Credit Act 1995*
- Consumer Credit Regulation 1996
- *Coroners Act 1997*
- *Court Procedures Act 2004*
- *Crimes (Child Sex Offenders) Act 2005*
- *Crimes (Restorative Justice) Act 2004*
- *Evidence Act 1971*
- Evidence Regulation 1992
- *Fair Trading Act 1992*
- *Guardianship and Management of Property Act 1991*
- Magistrates Court (Civil Jurisdiction) Rules 2004
- *Magistrates Court Act 1930*
- *Notaries Public Act 1984*
- *Public Trustee Act 1985*
- *Remuneration Tribunal Act 1995*
- *Residential Tenancies Act 1997*
- Residential Tenancies Regulation 1998
- *Supreme Court Act 1933*
- Supreme Court Rules 1937
- *Unclaimed Moneys Act 1950*

The proposed amendments are detailed below.

#### *Administration and Probate Act 1929*

The amendments to the *Administration and Probate Act 1929* make technical amendments that are consequential upon, or arise from, the implementation of the *Court Procedures Act 2004*.

*Business Names Act 1963*

The amendments to the *Business Names Act 1963* make technical amendments that are consequential upon, or arise from, the implementation of the *Court Procedures Act 2004*.

*Children and Young People Act 1999*

The amendments to the *Children and Young People Act 1999* make technical amendments that are consequential upon, or arise from, the implementation of the *Court Procedures Act 2004*.

*Civil Law (Wrongs) Act 2002*

The *Civil Law (Wrongs) Act 2002* requires insurers to provide, in relation to the ACT insurance market, annual returns indicating the quantum of premiums taken, claims made, claims paid and claims refused. Section 205 of the Act requires the Attorney General to present to the ACT Legislative Assembly, a report about key findings arising from the annual returns given to the Minister by insurers before 31 October of each year. The amendment changes this formulation to require tabling of the report within five Legislative Assembly sitting days from 1 October.

The Bill amends subsection 50(4) of the *Civil Law (Wrongs) Act 2002* to apply to a claim for damages against a respondent, other than the employer or third party insurer as defined under the *Workers Compensation Act 1951*. This could occur in a situation where the potential respondent to a common law claim was, for example, the occupier of premises and the claim was a public liability type claim. In these circumstances, it is appropriate for notice to be given to such a respondent in accordance with claims' procedures.

The Bill amends the *Civil Law (Wrongs) Act 2002* to also exclude the application of Parts 5.3 and 5.4 from workers' compensation claims to avoid unnecessary costs on claimants.

*Classification (Publications, Films and Computer Games) (Enforcement) Act 1995*

The amendment to the *Classification (Publications, Films and Computer Games) (Enforcement) Act 1995* updates a list of offences that are exempt from the operation of section 64 of the Act.

*Confiscation of Criminal Assets Act 2003*

The amendments to the *Confiscation of Criminal Assets Act 2003* make technical amendments that are consequential upon, or arise from, the implementation of the *Court Procedures Act 2004*.

*Consumer Credit Act 1995 and Consumer Credit Regulation 1996*

The Act has been amended to state that in working out a maximum annual percentage rate in a credit contract (regardless of whether the contract is for short-term or

long-term credit), all interest charges, and credit fees and charges, must be included in the calculation. The Act has also been amended to remove references to short-term credit contracts, as the section now applies to both short and long term credit. This is to ensure that credit providers do not evade the operation of the section by purposefully providing credit outside of the short-term timelines.

#### *Coroners Act 1997*

The amendments to the *Coroners Act 1997* make technical amendments that are consequential upon, or arise from, the implementation of the *Court Procedures Act 2004*.

#### *Court Procedures Act 2004*

The amendments to the *Court Procedures Act 2004* reflect the relocation of other amendments in various legislation into this Act.

#### *Crimes (Child Sex Offenders) Act 2005*

The Bill amends the *Crimes (Child Sex Offenders) Act 2005* to include a range of new federal child pornography offences in its current list of Class 2 offences.

#### *Crimes (Restorative Justice) Act 2004*

The Bill amends Table 22, item 5 in section 22 of the Act. The *Crimes (Restorative Justice) Act 2004* provides for a centralised restorative justice unit that can be accessed by agencies involved in criminal justice. The focus of the Act is primarily victims of crime, but also aims to have a constructive impact upon offenders. The key vehicle to restorative justice in the ACT's scheme is a facilitative conference between the victim and offender to discuss the offence, the impact of the offence and what can be done to repair the harm.

Section 22 of the Act and its corresponding Table 22 contemplate which agencies can refer matters to the restorative justice unit. Section 22 refers to chief executive(s) when performing particular statutory roles as in some cases the actual chief executive may be the same person. The table in section 22 sets out when an entity has the authority to refer an offence to restorative justice by referencing the stage in the criminal justice process. For example, the police can refer an offence after a person is cautioned about an offence, but not after a prosecution referral is made.

At the time the Act was drafted it was unclear whether the chief executive responsible for the *Children and Young People Act 1999* would need, or have the occasion, to refer offences to restorative justice after the imposition of a sentence. Now that the Act is in effect, it is clear that there is occasion for the chief executive for the *Children and Young People Act 1999* to refer matters to restorative justice after a sentence is imposed.

*Evidence Act 1971 and Evidence Regulation 1992*

The amendments to the *Evidence Act 1971* and the Evidence Regulation 1992 make technical amendments that are consequential upon, or arise from, the implementation of the *Court Procedures Act 2004*.

*Fair Trading Act 1992*

The amendment to the *Fair Trading Act 1992* addresses unnecessary complications in the fair trading scheme for codes of practice. The current scheme, dating back to 1992, duplicates the work of giving effect to approved codes of practice by providing for approved codes (and amendments) to be prescribed by regulations, as well as requiring approved/prescribed codes to be notified by notifiable instrument. The Bill amends the *Fair Trading Act 1992* to provide simply for the Minister to make codes of practice by disallowable instrument.

*Guardianship and Management of Property Act 1991*

Section 26 of the *Guardianship and Management of Property Act 1991* requires a financial manager to file certain accounts and documents with the Public Trustee, who in turn is required to examine these accounts and apply to the Tribunal for disallowance of any item in the accounts. The fee for this service is determined by the Attorney General under the Act.

The Bill amends the *Guardianship and Management of Property Act 1991* to enable the Public Trustee to waive fees under section 26, where the Trustee feels it is appropriate. This power of waiver is similar to the power in the *Public Trustee Act 1985*.

*Magistrates Court (Civil Jurisdiction) Rules 2004*

The amendments to the Magistrates Court (Civil Jurisdiction) Rules 2004 make technical amendments that are consequential upon, or arise from, the implementation of the *Court Procedures Act 2004*.

*Magistrates Court Act 1930*

The amendments to the *Magistrates Court Act 1930* make technical amendments that are consequential upon, or arise from, the implementation of the *Court Procedures Act 2004*.

*Notaries Public Act 1984*

Subsection 4(1) of the *Notaries Public Act 1984* sets out the general qualification for becoming a notary public. One of those qualifications is holding a current unrestricted practising certificate issued under the *Legal Practitioners Act 1970*. Subsection 4(2) of the Notaries Public Act appears to be intended to exclude those people who are deemed by a court order to have a practising certificate from being eligible to apply for appointment as a notary public. The provision refers to

section 30 of the *Legal Practitioners Act 1970*, but the context makes it clear that the provisions in section 30 are not relevant, making the intended meaning of the provision unclear. This amendment clarifies the procedure for dealing with applications for appointment as a notary public, where a person has been refused an unrestricted practising certificate by the Law Society of the ACT. Removing subsection 4(2) will now leave the decision to approve a person's application to be appointed as a notary public to the discretion of the ACT Supreme Court.

#### *Public Trustee Act 1985*

The Act is amended to include a provision similar to section 34A of the NSW *Public Trustee Act 1913*, which provides for the payment of monies in the case of small estates (i.e., estates not exceeding \$15,000), without the need for a Grant of Administration. In the case where an estate is small, the cost of applying for and obtaining a Grant of Representation in terms of time and money is inappropriate and may, in some cases, significantly diminish the value of such an estate.

#### *Remuneration Tribunal Act 1995*

The Human Rights Commission (Children and Young People Commissioner) Bill 2005 was passed in the Legislative Assembly on 25 August 2005. The Bill establishes the statutory position of Children and Young People Commissioner. On the same day, the Assembly passed the Human Rights Commission Legislation Amendment Bill 2005, a Bill containing consequential amendments to a range of legislation which would give effect to the establishment of the Human Rights Commission. This amendment makes a consequential amendment to the *Remuneration Tribunal Act 1995* to include the Children and Young People Commissioner in a list of Commissioners to whom that Act will apply.

#### *Residential Tenancies Act 1997 and Residential Tenancies Regulation 1998*

The Bill amends section 28 of the *Residential Tenancies Act 1997* to place interest revenue collected from rental bonds into a trust account held by the department that administers the Act (in which case, the laws governing departmental trust banking accounts under the *Financial Management Act 1996* would apply). This amendment will ensure that the interest generated from rental bonds would be held in trust (i.e., can only be applied to statutory purposes set out in the Act) and not be mistakenly considered as part of the department's budget. The amendment includes a transitional provision that ensures that the relevant interest currently held by the department is transferred into the trust account upon enactment of this amendment. In addition, a consequential amendment to the Residential Tenancies Regulation 1998 omits a provision dealing with interest, which will become redundant upon the amendment of section 28 of the *Residential Tenancies Act 1997*.

In addition, the Bill amends Note 2 under section 4 of the Act which indicates where readers can access the *Aged or Disabled Persons Care Act 1954* [Cwlth] which is updated to refer to the web address "[www.comlaw.gov.au](http://www.comlaw.gov.au)".

The Bill also amends the Act to give the Tribunal the power to restore an occupancy agreement equivalent to subparagraph 104(f)(i) of the Act (order to restore a tenancy agreement).

*Supreme Court Act 1933 and Supreme Court Rules 1937*

The amendments to the *Supreme Court Act 1933* and *Supreme Court Rules 1937* make technical amendments that are consequential upon, or arise from, the implementation of the *Court Procedures Act 2004*.

*Unclaimed Monies Act 1950*

Currently where a company holds a sum of unclaimed money, the company uses a portion of unclaimed money to fund public advertising of the sum for collection. The *Unclaimed Monies Act 1950* states that all unclaimed money must be paid to the Public Trustee. The amendment to section 8 of the Act deals with the publication of the register of unclaimed amounts. The section is amended to provide that companies holding unclaimed money must put a notice in an ACT newspaper as to the existence of the unclaimed amounts and the availability of further details about the money and the claim process.

## Clause Notes

**Clause 1 Name of Act** – states the title of the Act as the *Justice and Community Safety Legislation Amendment Act 2005 (No 3)*.

**Clause 2 Commencement** – notes the commencement dates for Schedule 1, Parts 1.9 and 1.2, noting that the remaining provisions commence 21 days after the Act is notified.

**Clause 3 Legislation amended – schedule 1** – notes that the legislation listed in schedule 1 is amended.

**Clause 4 Regulations repealed** – notes that the Evidence Regulation 1992 and Fair Trading Regulation 1995 are repealed. The Evidence Regulation 1992 is being amended in this Act and provisions relocated to the Court Procedures Regulation 2004. The repeal of the Fair Trading Regulation 1995 is consequential upon amendments to the *Fair Trading Act 1992* in this Act, which deal with the approval of codes of practice. The process of approving codes of practice, by prescribing by regulation as well as being notified by notifiable instrument, is being replaced by a single process of approval by disallowable instrument.

**Schedule 1 – Legislation amended** – sets out the legislation amended by this Act.

### PART 1.1 – *Administration and Probate Act 1929*

**Amendment 1.1 – Section 5(1), definition of *seal of the court*** – omits the definition of *seal of the court* from the *Administration and Probate Act 1929*. This section is no longer required due to the omission of subsections 7B (1) and (2) (Registrar’s seal and stamps) by Amendment 1.3. The omission of the definition means that the term will now take on its ordinary meaning, that is, the Seal of the Supreme Court.

**Amendment 1.2 – Section 7B heading** – substitutes a new heading for section 7B. This amendment is consequential upon Amendment 1.3.

**Amendment 1.3 – Section 7B (1) and (2)** – omits the provisions about the registrar’s seal and stamp from the *Administration and Probate Act 1929*. As there is no reason for a special seal or stamp for the probate jurisdiction of the Supreme Court, these provisions are unnecessary.

**Amendment 1.4 – Section 7B (3) and (4)** – renumbers subsections (3) and (4) as a consequence of Amendment 1.3.

### PART 1.2 – *Business Names Act 1963*

**Amendment 1.5 – Section 27 heading** – substitutes a new heading for section 27 of the *Business Names Act 1963*. This amendment is consequential upon the relocation of section 27 of the Act to the *Court Procedures Act 2004*, to facilitate the proposed uniform Court Procedures Rules 2006.



**Amendment 1.6 – Section 27(1)** – this amendment is consequential upon the relocation of section 27 of the Act to the *Court Procedures Act 2004*, to facilitate the proposed uniform Court Procedures Rules 2006.

**Amendment 1.7 – Section 27(1)(c)** - this amendment is consequential upon the relocation of section 27 of the Act to the *Court Procedures Act 2004*, to facilitate the proposed uniform Court Procedures Rules 2006.

**Amendment 1.8 – New section 27(4)** - this amendment is consequential upon the relocation of section 27 of the Act to the *Court Procedures Act 2004*, to facilitate the proposed uniform Court Procedures Rules 2006.

**Amendment 1.9 – Section 27 (as amended)** – relocates section 27 of the *Business Names Act 1963* to the *Court Procedures Act 2004*, division 7.8 as section 99.

### **PART 1.3 – *Children and Young People Act 1999***

**Amendment 1.10 – New section 53(4)** – inserts a new section in the *Children and Young People Act 1999* stating that the Childrens Court must have a seal. The amendment arises from the implementation of the *Court Procedures Act 2004*.

### **PART 1.4 – *Civil Law (Wrongs) Act 2002***

**Amendment 1.11 – Section 50 (3) and (4)** – amends the Act to exempt particular parties from the operation of Part 5.2 of the *Civil Law (Wrongs) Act 2002*. The amendment ensures that claims for damages against employers and third party insurers (as defined under the *Workers Compensation Act 1951*) do not need to comply with the claims procedures required in Part 5.2 of the *Civil Law (Wrongs) Act 2002*. The amendment also excludes the application of Parts 5.3 and 5.4 of the Act from workers compensation claims.

**Amendment 1.12 – Section 205** – amends section 205 of the *Civil Law (Wrongs) Act 2002* dealing with the tabling of a report about the key findings arising from insurance reports given to the Minister under section 203. The amendment changes the due date for the tabling of this report from ‘on or before 31 October’ to ‘within five sitting days after 1 October’, to allow sufficient time to prepare the report.

### **PART 1.5 – *Classification (Publications, Films and Computer Games) (Enforcement) Act 1995***

**Amendment 1.13 – Section 64** – amends section 64 of the *Classification (Publications, Films and Computer Games) (Enforcement) Act 1995* to update the language in the section and a list of offences which are exempt from the operation of the section.

### **PART 1.6 – *Confiscation of Criminal Assets Act 2003***

**Amendment 1.14 – Section 244 (1) note 3** – amends note 3 of section 244 to replace references to ‘motion on notice or motion’. The concept of motions and motions on notice are not part of the proposed uniform Court Procedures Rules 2006. It is

sufficient to refer to the procedure of the relevant court (in this case, interlocutory applications). The amendment arises from the implementation of the *Court Procedures Act 2004*.

**Amendment 1.15 – Section 245(b)** - amends section 245(b) to replace references to ‘motion on notice or motion’. The concept of motions and motions on notice are not part of the proposed uniform Court Procedures Rules 2006. It is sufficient to refer to the procedure of the relevant court. The amendment arises from the implementation of the *Court Procedures Act 2004*.

### **PART 1.7 – Consumer Credit Act 1995**

**Amendment 1.16 – Section 1** – updates the language of the section by stating that the name of the Act is the *Consumer Credit Act 1995*.

**Amendment 1.17 – Section 3, definition of short-term credit contract** – omits the definition of short-term credit contract. This section defines ‘short-term credit contract’ for the purposes of Part 3A, section 8B of the *Consumer Credit Act 1995*. Section 8B is being amended by this Act to apply to both short-term and long-term credit contracts thus making the definition unnecessary.

**Amendment 1.18 – Section 3, definitions (as amended)** – relocates the definitions to the dictionary at the end of the Act.

**Amendment 1.19 – Section 3, remainder** – states that the dictionary at the end of the Act is part of the Act and that notes in the Act are explanatory and not part of the Act.

**Amendment 1.20 – Section 8A, definition of short-term credit contract** - omits the definition of short-term credit contract. This section defines ‘short-term credit contract’ for the purposes of Part 3A of the *Consumer Credit Act 1995*. Part 3A, section 8B is being amended by this Act to apply to both short-term and long-term credit contracts, thus making the definition unnecessary.

**Amendment 1.21 – Section 8B** – substitutes a new section 8B in the Act dealing with the maximum annual percentage rate for credit contracts, prescribed by regulation. A regulation may now prescribe interest charges and all credit fees and charges under a credit contract for both short-term or long-term credit to be included in working out the maximum annual percentage rate under the contract. This is to ensure that credit providers do not evade the operation of the section by purposefully providing credit outside of the short-term timelines.

**Amendment 1.22 – Section 8C (1)** – omits section 8C (1) of the Act which refers to short-term credit contracts. This section now applies to both short and long term credit. This is to ensure that credit providers do not evade the operation of the section by purposefully providing credit outside of the short-term timelines.

**Amendment 1.23 – Section 8C(2) to (4)** – renumbers the sections as a consequence of Amendment 1.22.

**Amendment 1.24 – New section 8C(4)** – inserts a new paragraph clarifying that the requirements of section 8C are additional to any other requirements of the code, section 14 or section 15.

**Amendment 1.25 – Sections 9 and 11** – omits these sections dealing with unnecessary references to the Crown and proceedings for offences.

**Amendment 1.26 – New dictionary** – inserts a new dictionary for the Act at the end of the Act.

### **PART 1.8 – Consumer Credit Regulation 1996**

**Amendment 1.27 – Section 5** – substitutes a new section 5 into the Regulation. The section states that the maximum annual percentage rate for all credit contracts (whether short or long term) is 48 per cent per annum. The section has been amended to state that interest charges, and all credit fees and charges, must be included when working out the maximum annual percentage rate.

### **PART 1.9 – Coroners Act 1997**

**Amendment 1.28 – Section 1** – updates the language of the section by stating that the name of the Act is the *Coroners Act 1997*.

**Amendment 1.29 – Section 3(1), definitions** – relocates definitions in section 3(1) to the dictionary.

**Amendment 1.30 – Section 3(1), remainder** – substitutes the remainder of section 3(1) with a new section 2 that states that the dictionary at the end of the Act is part of the Act. The amendment also renumbers the remainder of section 3, which is now entitled ‘References to *death in custody*’.

**Amendment 1.31 – Section 3(2)** – renumbers the provision as a consequence of the relocation of the dictionary in the Act.

**Amendment 1.32 – New section 101** – inserts a new section 101 into the *Coroners Act 1997* that states that the Coroner’s Court must have a seal. The proposed uniform Court Procedures Rules 2006 will deal in more detail with court seals.

**Amendment 1.33 – New dictionary** – inserts a new dictionary into the Act.

## **PART 1.10 – Court Procedures Act 2004**

**Amendment 1.34 – New part headings** – inserts new part headings after section 52. As part of the creation of uniform court procedures, provisions relating to court procedures in various legislation are being relocated temporarily to the *Court Procedures Act 2004* until the uniform Court Procedures Rules 2006 commences. This amendment is consequential to this relocation of provisions.

**Amendment 1.35 – Part 6** – renumbers as Part 9. This amendment is consequential upon this relocation of provisions to the *Court Procedures Act 2004*.

**Amendment 1.36 – Sections 53 to 54** – renumbers as section 80 to 82. This amendment is consequential upon this relocation of provisions to the *Court Procedures Act 2004*.

**Amendment 1.37 – Part 7** – renumbers as part 10. This amendment is consequential upon this relocation of provisions to the *Court Procedures Act 2004*.

**Amendment 1.38 – Divisions 7.1 to 7.6** – renumbers as divisions 10.1 to 10.6. This amendment is consequential upon this relocation of provisions to the *Court Procedures Act 2004*.

**Amendment 1.39 – Section 60 to 94** – renumbers as sections 100 to 132. This amendment is consequential upon this relocation of provisions to the *Court Procedures Act 2004*.

**Amendment 1.40 – New division 10.7 heading** – inserts a new division 10.7 heading, entitled ‘Supreme Court’ because sections 10(2) and (3) (Exercise of jurisdiction by registrar) of the *Supreme Court Act 1933* are being remade as section 133 by another amendment to the *Supreme Court Act 1933*; and, section 23 (Costs) and section 66 (Date of process) are being relocated to the *Courts Procedures Act 2004*. The amendment arises from the implementation of the *Court Procedures Act 2004*.

**Amendment 1.41 – New section 133** – inserts a new section 133 into the Act dealing with the exercise of jurisdiction by the registrar. The amendment remakes sections 10 (2) and (3) of the *Supreme Court Act 1933*. The matters dealt with in those provisions can be dealt with in rules of court, and they will be dealt with in the proposed uniform Court Procedures Rules 2006 in provisions that apply to both the Supreme Court and Magistrates Court. This section will expire when the Court Procedures Rules 2006 commences. The amendment arises from the implementation of the *Court Procedures Act 2004*.

**Amendment 1.42 – New section 139** – inserts a new section 139 into the Act. This provision provides that division 10.7 will expire upon commencement of the Court Procedures Rules 2006, because the matters dealt with in the division will be dealt with in the proposed uniform rules. The amendment arises from the implementation of the *Court Procedures Act 2004*.

**Amendment 1.43 - New division 10.8 heading** – inserts a new division 10.8 heading, entitled ‘Business names – starting legal proceedings’ because section 27 of the *Business Names Act 1963* is being relocated as section 140 in this Act by another amendment. The amendment arises from the implementation of the *Court Procedures Act 2004*.

**Amendment 1.44 – New section 141** - inserts a new section 141 into the Act. This provision provides that division 10.8 will expire upon commencement of the Court Procedures Rules 2006, because the matters dealt with in the division will be dealt with in the proposed uniform rules. The amendment arises from the implementation of the *Court Procedures Act 2004*.

**Amendment 1.45 – Part 8** - renumbers as part 11. This amendment is consequential upon this relocation of provisions to the *Court Procedures Act 2004*.

**Amendment 1.46 – Section 104 heading** – substitutes a new heading for section 104, entitled ‘Modification of pt 11’s operation’. The amendment also recognises the changed numbering of the section to 150. This amendment is consequential upon this relocation of provisions to the *Court Procedures Act 2004*.

**Amendment 1.47 – Section 105 heading** - substitutes a new heading for section 105, entitled ‘Expiry of pt 11’. The amendment also recognises the changed numbering of the section to 151. This amendment is consequential upon this relocation of provisions to the *Court Procedures Act 2004*.

**Amendment 1.48 – Sections 104 and 105 (as amended)** - renumbers as sections 150 and 151. This amendment is consequential upon this relocation of provisions to the *Court Procedures Act 2004*.

**Amendment 1.49 – Dictionary, note 2** – amends note 2 of the dictionary to insert ‘property’ as a dot point. This amendment is consequential upon this relocation of provisions to the *Court Procedures Act 2004*.

**Amendment 1.50 – Dictionary, new definitions** – inserts new definitions of *examination*, *inferior court*, *judicial authority*, *request*, and *requesting court* into the dictionary in the Act.

### **PART 1.11 – Crimes (Child Sex Offenders) Act 2005**

**Amendment 1.51 – Schedule 2, part 2.2** – inserts six new offences into the table in Schedule 2, part 2.2 of the Act. Schedule 2 corresponds with Part 2.2 of the Act, which deals with Child Sex Offender Registration orders. Under part 2.2 of the Act, a court may make an order declaring that the person is a registrable offender for the purposes of the *Crimes (Child Sex Offenders) Act 2005*.

Schedule 2, part 2.2 deals with offences against non-ACT legislation that qualify as Class 2 offences (a Class 2 offence is a registrable offence. The registration of offences are either mandatory or at the court’s discretion, depending on the nature of the offence and the age of the young person).

The offences added to the table are offences under the *Criminal Code Act 1995* (Cwlth) that will result in a person being registrable on the Child Sex Offenders Register under ACT law. The offences are:

- Trafficking in children;
- Domestic trafficking in children;
- Using carriage service for child pornography material;
- Possessing, producing etc., child pornography material for use through carriage service;
- Using carriage service to procure child under 16; and
- Using carriage service to ‘groom’ child under 16.

**Amendment 1.52 – Schedule 2, part 2.2** – renumbers the items in the Schedule when the Act is next republished under the *Legislation Act 2001*.

### **PART 1.12 – Crimes (Restorative Justice) Act 2004**

**Amendment 1.53 – Table 22, Item 5** – substitutes a new item 5 into table 22 in the *Crimes (Restorative Justice) Act 2004*. Table 22 (which corresponds with section 22 of the Act) contemplates which agencies can refer matters to the restorative justice unit, at different stages of the criminal justice process. The amendment to table 22 includes the chief executive responsible for the *Children and Young People Act 1999* in a list of those people who can refer matters to the restorative justice unit after a court has imposed a sentence.

### **PART 1.13 – Evidence Act 1971**

**Amendment 1.54 – Section 6, definition of *banker’s book*** – omits section 6 from the *Evidence Act 1971*. The provisions about bankers’ book are no longer operative, rendering the definition redundant.

**Amendment 1.55 – Part 5** – omits part 5 from the *Evidence Act 1971*. This amendment is consequential to the relocation of provisions to the *Court Procedures Act 2004*.

**Amendment 1.56 – Section 82 heading** – substitutes a new section 82 heading entitled ‘Application of pt 6’. The amendment also recognises the changed numbering of the section to number 53. This amendment is consequential upon the relocation of provisions to the *Court Procedures Act 2004*.

**Amendment 1.57 – Section 84 heading** – substitutes a new section 84 heading entitled ‘Noncompliance with s 54 order’. The amendment also recognises the changed numbering of the section to number 55. This amendment is consequential upon the relocation of provisions to the *Court Procedures Act 2004*.

**Amendment 1.58 – Section 84** – omits a reference to ‘section 83’ and replaces with ‘section 54’ to recognise the changed numbering of provisions. This amendment is consequential to the relocation of provisions to the *Court Procedures Act 2004*.

**Amendment 1.59 – Sections 82 to 84** – relocates the sections to the *Court Procedures Act 2004*, part 6 as sections 53 to 55. The relocation of provisions is to facilitate the proposed uniform Court Procedures Rules 2006.

**Amendment 1.60 – Part 12, remainder** – omits the remainder of Part 12 of the *Evidence Act 1971* from the Act. This amendment is consequential upon the relocation of provisions to the *Court Procedures Act 2004*.

**Amendment 1.61 – Section 85A heading** – substitutes a new section 85A heading entitled ‘Application of pt 7’. The amendment also recognises the changed numbering of the section to number 56. This amendment is consequential upon the relocation of provisions to the *Court Procedures Act 2004*.

**Amendment 1.62 – Section 85B heading** – substitutes a new section 85B heading entitled ‘Definitions for pt 7’. The amendment also recognises the changed numbering of the section to number 57. This amendment is consequential upon the relocation of provisions to the *Court Procedures Act 2004*.

**Amendment 1.63 – Section 85D(1)** – omits a reference to ‘section 85C(1)’ and replaces it with ‘section 58(1)’ to acknowledge the changed numbering of provisions. This amendment is consequential upon the relocation of provisions to the *Court Procedures Act 2004*.

**Amendment 1.64 – Section 85D (2)** – omits a reference to ‘section 85C(5),(6) and (7)’ and replaces with ‘section 58(5),(6) and (7)’ to acknowledge the changed numbering of provisions. This amendment is consequential upon the relocation of provisions to the *Court Procedures Act 2004*.

**Amendment 1.65 – Section 85D(2)(b)** - omits a reference to ‘section 85C(5) and (7)’ and replaces it with ‘section 58(5) and (7)’ to acknowledge the changed numbering of provisions. This amendment is consequential upon the relocation of provisions to the *Court Procedures Act 2004*.

**Amendment 1.66 – Sections 85E and 85F** - omits a reference to ‘section 85D(1)’ and replaces it with ‘section 59(1)’ to acknowledge the changed numbering of provisions. This amendment is consequential upon the relocation of provisions to the *Court Procedures Act 2004*.

**Amendment 1.67 – Sections 85E and 85F** - omits a reference to ‘section 85C(1)’ and replaces it with ‘section 58(1)’ to acknowledge the changed numbering of provisions. This amendment is consequential upon the relocation of provisions to the *Court Procedures Act 2004*.

**Amendment 1.68 – Sections 85F** - omits a reference to ‘section 85G’ and replaces it with ‘section 60’ to acknowledge the changed numbering of provisions. This amendment is consequential upon the relocation of provisions to the *Court Procedures Act 2004*.

**Amendment 1.69 – Sections 85A to 85H** – relocates the sections to the *Court Procedures Act 2004*, part 7 as sections 56 to 63. The relocation of provisions is to facilitate the proposed uniform Court Procedures Rules 2006.

**Amendment 1.70 – Part 12A, remainder** – omits the remainder of part 12A from the Act. This amendment is consequential upon the relocation of provisions to the *Court Procedures Act 2004*.

**Amendment 1.71 – Section 85J heading** - substitutes a new section 85J heading entitled ‘Definitions for pt 8’. The amendment also acknowledges the changed numbering of the section to number 64. This amendment is consequential upon the relocation of provisions to the *Court Procedures Act 2004*.

**Amendment 1.72 – Section 85J, definition of *property*** – omits the definition of *property* from the section. This amendment is consequential upon the relocation of provisions to the *Court Procedures Act 2004*.

**Amendment 1.73 – Section 85J, definition of *request* and 85L (1)** – omits the reference to ‘85K(1)’ and replaces it with ‘65(1)’ to acknowledge the changed numbering of provisions. This amendment is consequential upon the relocation of provisions to the *Court Procedures Act 2004*.

**Amendment 1.74 – Section 85N** – substitutes section 85N with a new section entitled Rules for pt 8. The amendment also recognises the changed number of the section to number 68. This amendment is consequential upon the relocation of provisions to the *Court Procedures Act 2004*.

**Amendment 1.75 – Sections 85J to 85N** - relocates the sections to the *Court Procedures Act 2004*, part 9 as sections 64 to 68. The relocation of provisions is to facilitate the proposed uniform Court Procedures Rules 2006.

**Amendment 1.76 – Part 12B, remainder** – omits the remainder of Part 12B from the Act. This amendment is consequential upon the relocation of provisions to the *Court Procedures Act 2004*.

#### **PART 1.14 – Evidence Regulation 1992**

**Amendment 1.77 – Section 2** – omits everything before paragraph (a) and substitutes with a new section on judicial authority. The amendment also recognises the changed number of the section to number 5. This amendment is consequential upon the relocation of provisions to the *Court Procedures Act 2004*.

**Amendment 1.78 – Section 2 (as amended)** – relocates the section to the *Court Procedures Act 2004* as section 5. The relocation of provisions is to facilitate the proposed uniform Court Procedures Rules 2006. The amendment arises from the implementation of the *Court Procedures Act 2004*.



### **PART 1.15 – *Fair Trading Act 1992***

**Amendment 1.79 – New sections 2 and 3** – inserts new sections 2 and 3 into the *Fair Trading Act 1992*. New section 2 notes that the dictionary at the end of the Act is part of the Act. New section 3 states that the notes in the Act are not part of the Act.

**Amendment 1.80 – Section 5(1), definitions of *court*, *document* and *interest*** – omits the definitions of *court*, *document* and *interest* from the Act as these definitions are redundant.

**Amendment 1.81 – Section 5(1), definition of *send*** – substitutes a new definition of *send* in the Act to include deliver.

**Amendment 1.82 – Section 5(1), definition of *supply*** – omits everything after paragraph (a) and substitutes a new paragraph (b) that states that the term *supply* includes, in relation to services, to provide, grant, give or donate for promotional purposes.

**Amendment 1.83 – Section 5(1), remaining definitions (as amended)** – relocates all definitions, including amendments, to the dictionary at the end of the Act.

**Amendment 1.84 – Section 5(1), remainder** – omits the remainder of section 5(1) from the Act.

**Amendment 1.85 – Section 5(2)** – renumbers the paragraphs to reflect the changes made by amendment 1.85.

**Amendment 1.86 – Section 32, definition of *code*** – substitutes the definition of *code* with a new definition that states that an ***approved code*** means a code of practice approved under section 34. Section 34 of the Act is being amended to provide that an approved code of practice is approved by disallowable instrument.

**Amendment 1.87 – Section 32A** – omits section 32A from the *Fair Trading Act 1992* that states that the regulations may prescribe provisions that are taken to be part of each code. As the codes of practice are no longer to be prescribed by regulation, this section is now redundant.

**Amendment 1.88 – Sections 34 and 35** – substitutes sections 34 and 35 with a new section 34 in the *Fair Trading Act 1992*. Section 34 sets out the procedure for approval of codes of practice under the Act. It states that the Minister may approve a code of practice under section 33 of the Act. The code may be approved with or without amendments, and is approved by disallowable instrument. The new section also deals with amendments to approved codes, and provides a transitional provision to ensure the continued effect of codes approved before the commencement of this section. This process for approval of codes of practices replaces the previous process which required codes to be both prescribed by regulation, and notified by notifiable instrument. The process of approval by disallowable instrument provides a more efficient process while maintaining an appropriate level of scrutiny to the process of approving codes of practice under the Act.

**Amendment 1.89 – Section 35A heading** – omits the term *code* in the heading of section 35A and replaces it with *approved code*. This is a consequential amendment to Amendment 1.88.

**Amendment 1.90 – Section 35A** – omits the reference to ‘a code’ in section 35A and substitutes with it ‘an approved code’. This is a consequential amendment to Amendment 1.88.

**Amendment 1.91 – Section 35A (as amended)** – renumbers section 35A as section 35 to reflect the deletion of old section 35. This is a consequential amendment to Amendment 1.88.

**Amendment 1.92 – Section 36 heading** – provides a new section 36 heading entitled ‘Undertakings following contravention of approved code’. This amendment reflects the change in terminology, from ‘prescribed codes’ to ‘approved codes’. This is a consequential amendment to Amendment 1.88.

**Amendment 1.93 – Section 36(1)** – amends subsection 36(1) to reflect the change in terminology, from ‘a prescribed code’ to ‘an approved code’. This is a consequential amendment to Amendment 1.88.

**Amendment 1.94 – Section 36(1)(b)** – substitutes a new paragraph 36(1)(b) in the Act. This amendment updates the wording in the Act.

**Amendment 1.95 – Section 36(2)** - amends subsection 36(2) to replace a reference to ‘relevant code’ with ‘approved code’. This is a consequential amendment to Amendment 1.88.

**Amendment 1.96 – Section 37(2)(b)** - amends paragraph 37(2)(b) to replace a reference to ‘a code’ with ‘an approved code’. This is a consequential amendment to Amendment 1.88.

**Amendment 1.97 – New dictionary** – inserts a new dictionary into the Act.

#### **PART 1.16 – *Guardianship and Management of Property Act 1991***

**Amendment 1.98 – Section 27(5)** – inserts a new subsection 27(5) which states that the public trustee may waive payment of fees to the Territory under subsections (3)(b) or (4) for reasons of financial hardship, or any other justifiable circumstances. This amendment will provide the public trustee with a similar discretion to that under the *Public Trustee Act 1985*.

#### **PART 1.17 – Magistrates Court (Civil Jurisdiction) Rules 2004**

**Amendment 1.99 – Section 393** – omits section 393 from the Magistrates Court (Civil Jurisdiction) Rules 2004. This amendment is to facilitate the proposed uniform Court Procedures Rules 2006.

**Amendment 1.100 – Section 478(1)** - omits section 478(1) from the Magistrates Court (Civil Jurisdiction) Rules 2004. This amendment is to facilitate the proposed uniform Court Procedures Rules 2006. The amendment arises from the implementation of the *Court Procedures Act 2004*.

**Amendment 1.101 – Section 478(2) to (4)** – renumbers section consequentially to Amendment 1.100.

**Amendment 1.102 – Section 478 (4)** – corrects references to subsections consequentially to Amendment 1.100.

**Amendment 1.103 – Section 478 (as amended)** – relocates section 478 to the Magistrates Court Rules 1932 as section 101.

### **PART 1.18 – *Magistrates Court Act 1930***

**Amendment 1.104 – New section 286** – inserts a new section 286 in part 4.6 of the *Magistrates Court Act 1930*. The new section states that the Small Claims Court must have a seal. It is desirable that the requirement for a court seal be contained in an Act. The proposed uniform Court Procedures Rules 2006 will deal in more detail with court seals.

**Amendment 1.105 – New section 308** – inserts a new section 308 in part 5.2 of the *Magistrates Court Act 1930*. The new section states that the Magistrates Court must have a seal. The amendment arises from the implementation of the *Court Procedures Act 2004*.

### **PART 1.19 – *Notaries Public Act 1984***

**Amendment 1.106 – Section 2(1), definitions** – relocates the definitions in section 2(1) to the dictionary in the Act.

**Amendment 1.107 – Section 2, remainder** – amends section 2 to state that the dictionary at the end of the Act is part of the Act.

**Amendment 1.108 – Section 3** – replaces section 3 with new sections 3 and 3A. Section 3 states that notes included in the Act are not part of the Act. Section 3A states that a term used in the Legal Practitioners Act has the same meaning in the *Notaries Public Act 1984*.

**Amendment 1.109 – Section 4(1)** – amends numbering of section 4 of the Act to reflect the removal of subsection 4(2) (below).

**Amendment 1.110 – Section 4(2)** – omits subsection 4(2) from the Act. Section 4(1) of the *Notaries Public Act 1984* sets out the general qualification for becoming a notary public. One of those qualifications is holding a current unrestricted practising certificate issued under the *Legal Practitioners Act 1970*. Section 4(2) of the *Notaries Public Act* appears to be intended to exclude those people who are deemed by a court order to have a practising certificate from being eligible to apply for appointment as a notary public. The omission of 4(2) from the Act clarifies the procedure for dealing

with applications for appointment as a notary public, where a person has been refused an unrestricted practising certificate by the Law Society of the ACT. Removing subsection 4(2) will now leave the decision to approve a person's application to be appointed as a notary public to the discretion of the ACT Supreme Court.

**Amendment 1.111 – Section 5(6)** – omits subsection 5(6) from the Act to omit an unnecessary definition from the Act.

**Amendment 1.112 – Section 14(1)** – amends numbering of section 14 to reflect the removal of subsection 14(2) (below).

**Amendment 1.113 – Section 14(2)** – omits subsection 14(2) to remove a redundant transitional clause from the Act. The clause exempted notary publics who were appointed before the commencement of the Act; as there are no longer any notary publics who fall under this category, the clause is unnecessary.

**Amendment 1.114 – Section 16** – omits section 16 from the Act. Section 16 states that the Supreme Court has jurisdiction to hear and determine applications under this Act; however, as the Supreme Court's jurisdiction is already inherent, this provision is redundant.

**Amendment 1.115 – New dictionary** – inserts a new dictionary in the *Notaries Public Act 1984*.

#### **PART 1.20 – *Public Trustee Act 1985***

**Amendment 1.116 – New section 29A** – inserts a new section 29A in the *Public Trustee Act 1985*. The new section amends the Act to provide for the payment of monies in the case of small estates (i.e., estates not exceeding \$15,000), without the need for a Grant of Administration. In the case where an estate is small, the cost of applying for and obtaining a Grant of Representation in terms of time and money can be great, and may, in some cases, significantly diminish the value of such an estate.

#### **PART 1.21 – *Remuneration Tribunal Act 1995***

**Amendment 1.117 – New section 2** – inserts a new section 2 into the *Remuneration Tribunal Act 1995* that states that the dictionary at the end of the Act is part of the Act.

**Amendment 1.118 – Section 3(1), definitions** – relocates the definitions in section 3(1) of the Act to the dictionary at the end of the Act.

**Amendment 1.119 – Section 3, remainder** – replaces the remainder of section 3 with a statement that the notes included in the Act do not form part of the Act.

**Amendment 1.120 – Schedule 1, part 1.2** – inserts the 'children and young people commissioner' into a list of commissioners to whom the Act applies. This ensures that the children and young people commission will have their remuneration determined by the Remuneration Tribunal.

**Amendment 1.121 – New Dictionary** – inserts a new dictionary into the Act.

### **PART 1.22 – Residential Tenancies Act 1997**

**Amendment 1.122 – Section 4, note 2** – amends note 2 in section 4 of the *Residential Tenancies Act 1997* to update the web address referenced therein. The note states that the *Aged or Disabled Persons Care Act 1954* (Cwlth) is available at [www.comlaw.gov.au](http://www.comlaw.gov.au).

**Amendment 1.123 – Section 9 heading** – replaces the current section 9 heading of ‘Inconsistent terms void’ with the new heading of ‘Inconsistent tenancy terms void’. This amendment recognises the creation of occupancy agreements under the Act, and has the effect of only applying section 9 to inconsistent terms in tenancy agreements, but not to inconsistent terms in occupancy agreements.

**Amendment 1.124 – Section 10 heading** - replaces the current section 10 heading of ‘Endorsement of inconsistent terms by tribunal’ with the new heading of ‘Endorsement of inconsistent tenancy terms by tribunal’. This amendment recognises the creation of occupancy agreements under the Act, and has the effect of only applying section 10 to inconsistent terms in tenancy agreements, but not to inconsistent terms in occupancy agreements.

**Amendment 1.125 – Section 28** – replaces section 28 dealing with ‘Interest’ with a new section entitled ‘Interest on amounts in trust account’. The section is amended to specify that interest generated by rental bonds (held by the Office of Rental Bonds) be held in a trust account by the department that administers the Act (rather than being paid directly into the departmental bank account). The amendment ensures that the interest is clearly characterised as being held on trust, and is not mistakenly included in the Department’s financial accounts.

**Amendment 1.126 – Section 104(f)** – amends section 104(f) of the *Residential Tenancies Act 1997* to allow the Residential Tenancies Tribunal to make orders to restore an occupancy agreement as well as a tenancy agreement.

### **PART 1.23 – Residential Tenancies Regulation**

**Amendment 1.127 – Section 4** – omits section 4 from the Regulation dealing with interest. This amendment is consequential upon the amendment to section 28 of the *Residential Tenancies Act 1997*.

### **PART 1.24 – Supreme Court Act 1933**

**Amendment 1.128 – Section 10(1)**- renumbers the section to reflect the deletion of subsections 10(2) and (3) from the *Supreme Court Act 1933*.

**Amendment 1.129 – Section 10(2) and (3)** – deletes subsections (2) and (3) from section 10 of the Act. This is a consequential amendment to facilitate the proposed uniform Court Procedures Rules 2006.

**Amendment 1.130 – Section 23(1)** – amends the reference to ‘the court’ to replace it with ‘the Supreme Court’. This is a consequential amendment to facilitate the proposed uniform Court Procedures Rules 2006.

**Amendment 1.131 – Section 23(2)** – amends the reference to ‘the court’ to replace it with ‘the Supreme Court’; and amends a reference to ‘the rules’ to replace it with ‘the *Supreme Court Rules 1937*’. This is a consequential amendment to facilitate the proposed uniform Court Procedures Rules 2006.

**Amendment 1.132 – New section 23(4)** – inserts a new section 23(4) into the Act to state that the definition of *matter* should be sourced from the *Supreme Court Act 1933*. This is a consequential amendment to facilitate the proposed uniform Court Procedures Rules 2006.

**Amendment 1.133 – Section 23 (as amended)** – relocates the contents of section 23 to the *Court Procedures Act 2004*, division 10.7 as section 134. This is a consequential amendment to facilitate the proposed uniform Court Procedures Rules 2006.

**Amendment 1.134 – Section 64** – amends section 64 of the Act to state that the Court of Appeal and the Supreme Court must have seals. It is desirable that the requirement for a court seal be contained in an Act. The proposed uniform Court Procedures Rules 2006 will deal in more detail with court seals.

**Amendment 1.135 – Section 66** – amends the section to update a reference to ‘writs and process’ with a reference to ‘process of the court’. The amendment also amends the reference to the Court to specify ‘Supreme Court’.

**Amendment 1.136 – New section 66(2)** – inserts a new section 66(2) into the Act to state that the definition of *process of the court* should be sourced from the *Supreme Court Act 1933*. This is a consequential amendment to facilitate the proposed uniform Court Procedures Rules 2006.

**Amendment 1.137 – Section 66 (as amended)** – relocates the contents of section 66 to the *Court Procedures Act 2004*, division 10.7 as section 135. This is a consequential amendment to facilitate the proposed uniform Court Procedures Rules 2006.

## **PART 1.25 – Supreme Court Rules 1937**

**Amendment 1.138 – Order 61 rule 5(1) and (2)** – amends the rule to update the reference to the Act and section number. This is a consequential amendment to facilitate the proposed uniform Court Procedures Rules 2006.

**Amendment 1.139 – Order 66 rule 10B(2) note** - amends the rule to update the reference to the Act and section number. This is a consequential amendment to facilitate the proposed uniform Court Procedures Rules 2006.

## **PART 1.26 – *Unclaimed Moneys Act 1950***

**Amendment 1.140 – Title** – substitutes a reference to ‘moneys’ with the term ‘amounts’. This amendment updates the language in the Act.

**Amendment 1.141 – Section 1** – replaces section 1 of the *Unclaimed Moneys Act 1950* with new sections 1, 2 and 2A. Section 1 states the name of the Act as the *Unclaimed Money Act 1950*. Section 2 states that the dictionary at the end of the Act is part of the Act. Section 2A states that notes included in the Act are not part of the Act.

**Amendment 1.142 – Section 2, definition of *company*** – updates the definition of *company* to account for the varying differences in the meaning of the term between Part 2 and the rest of the Act.

**Amendment 1.143 – Section 2, definition of *registered office*** – states that the definition of *registered office* can be found in the Corporations Act, section 9.

**Amendment 1.144 – Section 2, definitions (as amended)** – relocates the definition in the Act to the dictionary at the end of the Act.

**Amendment 1.145 – Section 2, remainder** – omits the remainder of section 2 from the Act.

**Amendment 1.146 – Section 4(2) and (3)(c)** – substitutes references to ‘moneys or dividends’ with the term ‘amounts’. This amendment updates the language in the Act.

**Amendment 1.147 – Section 4(4)(c)** - substitutes a reference to ‘moneys’ with the term ‘amount’. This amendment updates the language in the Act.

**Amendment 1.148 – Section 5(1)** - substitutes a reference to ‘money’ with the term ‘amount’. This amendment updates the language in the Act.

**Amendment 1.149 – Section 5(1)** - substitutes a reference to ‘sum due’ with the term ‘amount owing’. This amendment updates the language in the Act.

**Amendment 1.150 – Section 5(2)** - substitutes a reference to ‘any money’ with the term ‘an amount’. This amendment updates the language in the Act.

**Amendment 1.151 – Section 5(2)** - substitutes the phrase ‘shall pay an amount equal to that money to that person’ with the phrase ‘must pay the amount to the person’. This amendment updates the language in the Act.

**Amendment 1.152 – Section 5A** – omits section 5A from the Act which deals with the meaning of *company*. The definition of this term is dealt with in the dictionary at the end of the Act.

**Amendment 1.153 – Part 3 heading** - substitutes the heading ‘Unclaimed Moneys’ with the new heading ‘Unclaimed amounts payable by companies’. This amendment updates the language in the Act.

**Amendment 1.154 – Section 6(1)** - substitutes the phrase ‘in relation to moneys’ with the phrase ‘to an amount’. This amendment updates the language in the Act.

**Amendment 1.155 – Section 6(2)** - substitutes references to ‘unclaimed money’ with ‘unclaimed amount’. This amendment updates the language in the Act.

**Amendment 1.156 – Section 7 heading** - substitutes the heading ‘Register of unclaimed moneys to be kept’ with the new heading ‘Register of unclaimed amounts to be kept’. This amendment updates the language in the Act.

**Amendment 1.157 – Section 7(1)** - substitutes references to ‘moneys’ with ‘amounts’. This amendment updates the language in the Act.

**Amendment 1.158 – Section 7(3)** - substitutes references to ‘moneys’ with ‘amounts’. This amendment updates the language in the Act.

**Amendment 1.159 – Section 8** – amends section 8 of the Act dealing with the publication of the register of unclaimed amounts. The section is amended to provide that companies holding unclaimed money must put a notice in an ACT newspaper as to the existence of the unclaimed amounts and the availability of further details about the money and the claim process.

**Amendment 1.160 – Section 9(2)** – substitutes a reference to ‘moneys’ with ‘amount’. This amendment updates the language in the Act.

**Amendment 1.161 – Section 10** - substitutes references to ‘moneys’ with ‘amounts’. This amendment updates the language in the Act. This section also sets out the timelines for a company to pay unclaimed amounts to the Territory.

**Amendment 1.162 – Section 11 heading** - substitutes the heading ‘Failure to pay unclaimed moneys’ with the new heading ‘Failure to pay unclaimed amounts’. This amendment updates the language in the Act.

**Amendment 1.163 – Section 11(1)** - substitutes a reference to ‘moneys’ with ‘amount’. This amendment updates the language in the Act.

**Amendment 1.164 – Section 11(2)** - substitutes a reference to ‘the moneys’ with ‘the amount’. This amendment updates the language in the Act.

**Amendment 1.165 – Section 11(2)** - substitutes a reference to ‘those moneys’ with ‘the amount’. This amendment updates the language in the Act.

**Amendment 1.166 – Section 12** – omits the section from the Act.

**Amendment 1.167 – Section 13 heading** - substitutes the heading ‘Payment of unclaimed moneys to claimants’ with the new heading ‘Payment of unclaimed amounts to claimants’. This amendment updates the language in the Act.



**Amendment 1.168 – Section 13(1)** - substitutes a reference to ‘any moneys’ with ‘an amount’. This amendment updates the language in the Act.

**Amendment 1.169 – Section 13(2)** - substitutes a reference to ‘to moneys’ with ‘to an amount’. This amendment updates the language in the Act.

**Amendment 1.170 – Section 13(2)** - substitutes a reference to ‘those moneys’ with ‘the amount’. This amendment updates the language in the Act.

**Amendment 1.171 – Section 13(3)** - substitutes references to ‘moneys’ with ‘amount’. This amendment updates the language in the Act.

**Amendment 1.172 – Section 14** – omits section 14 from the Act. Penalty provisions are no longer required to be dealt with in this Act.

**Amendment 1.173 – Section 15** – substitutes references to ‘moneys’ with ‘amounts’. This amendment updates the language in the Act.

**Amendment 1.174 – Section 16, definitions (other than definition of *eligibility age*)** – updates the language in the definitions for the Act.

**Amendment 1.175 – Section 17(2)** – amends section 17(2) to specify relevant provisions in Commonwealth legislation for reference.

**Amendment 1.176 – Section 18 heading** - substitutes the heading ‘Unclaimed moneys for pt 4’ with the new heading ‘Unclaimed amounts for pt 4’. This amendment updates the language in the Act.

**Amendment 1.177 – Section 18(1)** - substitutes references to ‘moneys’ with ‘amount’. This amendment updates the language in the Act.

**Amendment 1.178 – Section 18(2)** - substitutes references to ‘moneys’ with ‘amount’. This amendment updates the language in the Act.

**Amendment 1.179 – Section 20 heading** - substitutes the heading ‘Statement of unclaimed money’ with the new heading ‘Statement of unclaimed amounts’. This amendment updates the language in the Act.

**Amendment 1.180 – Section 20(1)(a)** - substitutes references to ‘money’ with ‘amounts’. This amendment updates the language in the Act.

**Amendment 1.181 – Section 21 heading** - substitutes the heading ‘Payment of unclaimed money to Minister’ with the new heading ‘Payment of unclaimed amounts to Minister’. This amendment updates the language in the Act.

**Amendment 1.182 – Section 24 heading** - substitutes the heading ‘Repayment of excess moneys’ with the new heading ‘Repayment of excess amounts’. This amendment updates the language in the Act.

**Amendment 1.183 – Section 25 heading** - substitutes the heading ‘Register of moneys received by Minister’ with the new heading ‘Register of amounts received by Minister’. This amendment updates the language in the Act.

**Amendment 1.184 – Section 26, definitions (other than definition of *unclaimed RSA money*)** - updates section 26 definitions to specify relevant provisions in Commonwealth legislation for reference.

**Amendment 1.185 – New dictionary** – inserts a new dictionary into the Act.

**Amendment 1.186 – Further amendments, mentions of money** - substitutes references to ‘money’ with ‘amount’ in sections 20(1)(b), 23 and 25(a) and (b) of the Act. This amendment updates the language in the Act.