



AUSTRALIAN CAPITAL TERRITORY

# Statute Law Amendment Act 2001

No 11 of 2001

## CONTENTS

| Section |   | Page |
|---------|---|------|
| 1       | Name of Act .....                             | 1    |
| 2       | Commencement.....                             | 1    |
| 3       | Purpose .....                                 | 1    |
| 4       | Amended Acts and regulations—schs 1 to 3..... | 1    |
| 5       | Repealed Acts—sch 4 .....                     | 2    |
| 6       | Repealed regulations—sch 5 .....              | 2    |

### SCHEDULE 1

|                        |   |
|------------------------|---|
| MINOR AMENDMENTS ..... | 3 |
|------------------------|---|

*Drugs of Dependence Act 1989*

*Instruments Act 1933*

*Litter Act 1977*

*National Crime Authority (Territory Provisions) Act 1991*

*Nature Conservation Act 1980*

*Parole Act 1976*

### SCHEDULE 2

Statute Law Amendment No 11, 2001

CONTENTS—continued

| Section   | Page |
|---|------|
| STRUCTURAL AMENDMENTS .....   | 7    |
| <i>Interpretation Act 1967</i>  |      |
| SCHEDULE 3  |      |
| TECHNICAL AMENDMENTS.....   | 21   |
| <i>Building Act 1972</i>  |      |
| <i>Building Regulations</i>   |      |
| <i>Dangerous Goods Act 1975</i>   |      |
| <i>Dangerous Goods Regulations 1978</i>   |      |
| <i>Financial Management Act 1996</i>  |      |
| <i>Firearms Regulations</i>   |      |
| <i>Nature Conservation Act 1980</i>   |      |
| <i>flora and fauna”.</i>  |      |
| <i>Occupational Health and Safety Act 1989</i>  |      |
| <i>Occupational Health and Safety Regulations 1991</i>  |      |
| <i>Scaffolding and Lifts Act 1912</i>   |      |
| <i>Scaffolding and Lifts Regulations 1950</i>   |      |
| <i>Victims of Crime (Financial Assistance) Act 1983</i>   |      |
| SCHEDULE 4  |      |
| REPEAL OF REDUNDANT OR OBSOLETE ACTS.....   | 97   |
| PART 4.1—ACTS THAT FORMERLY APPLIED NSW LAWS AS LAWS OF THE TERRITORY   |      |
| PART 4.2—ACTS THAT ARE NO LONGER NEEDED   |      |
| PART 4.3—AMENDING AND REPEALING ACTS WITHOUT SUBSTANTIVE PROVISIONS   |      |
| PART 4.4—AMENDING AND REPEALING ACTS WITH SUBSTANTIVE PROVISIONS THAT ARE NO LONGER NEEDED OR ARE BEING RELOCATED |      |
| PART 4.5—REPEAL OF SPENT APPROPRIATION AND SUPPLY ACTS  |      |
| SCHEDULE 5  |      |
| REPEAL OF REDUNDANT OR OBSOLETE SUBORDINATE LAWS.....   | 105  |
| PART 5.1—AMENDING AND REPEALING SUBORDINATE LAWS  |      |
| PART 5.2—OTHER OBSOLETE OR REDUNDANT SUBORDINATE LAWS   |      |



AUSTRALIAN CAPITAL TERRITORY

# Statute Law Amendment Act 2001

No 11 of 2001

---

---

## **An Act to amend or repeal certain Acts and regulations for the purpose of statute law revision**

*[Notified in ACT Gazette No. 13: 29 March 2001]*

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

**1 Name of Act**

This Act is the *Statute Law Amendment Act 2001*.

**2 Commencement**

This Act commences on the day it is notified in the Gazette.

**3 Purpose**

The purpose of this Act is to improve the quality of the statute law of the Territory by amending and repealing Acts and regulations for the purpose of statute law revision.

**4 Amended Acts and regulations—schs 1 to 3**

Schedules 1 to 3 amend the Acts and regulations mentioned in them.

**5 Repealed Acts—sch 4**

(1) The Acts mentioned in Schedule 4 are repealed.

(2) The Acts mentioned in Part 4.5 (Repeal of spent appropriation and supply Acts) of Schedule 4 are laws to which the *Interpretation Act 1967*, section 42 (Repeal does not end transitional or validating effect etc) applies.

(3) The following provisions of the following Acts and regulations are laws to which the *Interpretation Act 1967*, section 42 applies:

- (a) *Acts Citation Act 1976* No 30, subsection 6 (2);
- (b) *Anglican Church of Australia Act 1980* No 42, subsection 16 (2) and section 22;
- (c) *Australian Capital Territory Gaming and Liquor Authority (Repeal) Act 1990* No 54, sections 4 to 9;
- (d) *Betting (Corporatisation) (Consequential Provisions) Act 1996* No 32, sections 3 to 8 and 10 to 12;
- (e) *Magistrates and Coroner's Courts (Registrar) Act 1991* No 44, sections 3 to 6;
- (f) *Victims of Crime (Financial Assistance) (Amendment) Act 1999* No 91, sections 14 to 18;
- (g) *Canberra Public Cemeteries Regulations (Amendment) 1981* No 17, regulation 4;
- (h) *Self-Government (Transitional Provisions) Regulations 1990* No 1, regulation 2;
- (i) *Land (Planning and Environment) Regulations (Amendment) 1997* No 7, subregulations 5 (2) and (3).

## **6 Repealed regulations—sch 5**

The regulations mentioned in Schedule 5 are repealed.

*Note for Act* Subsection 12 (1) of the *Interpretation Act 1967* provides that notes in or to an Act are not part of the Act.

**SCHEDULE 1**

(See s 4)

**MINOR AMENDMENTS**

***Drugs of Dependence Act 1989***

**[1.1] Subsection 3 (1) (definition of *intern*)—**

Omit the definition, substitute the following definition:

“*intern* means a person who is registered as a medical practitioner subject to conditions imposed under section 10 of the *Medical Practitioners Act 1930*.”.

**Explanatory note**

This amendment updates a definition to reflect amendments made to the *Medical Practitioners Act 1930*. Interns are now entitled to conditional registration as medical practitioners under section 10 of that Act.

***Instruments Act 1933***

**[1.2] Section 2—**

Repeal the section.

**Explanatory note**

This amendment omits a commencement provision that has fully commenced. The effect of the commencement provision is expressly saved by the *Interpretation Act 1967*, section 40 (Commencement not undone if omitted).

***Litter Act 1977***

**[1.3] Section 2 (definition of *public place*)—**

Omit the definition, substitute the following definition:

“*public place* means a road, road related area or any other unleased Territory land.”.

**Explanatory note**

This amendment is consequential on the repeal of the *Protection of Lands Act 1937* in Schedule 4. Section 7 of that Act makes it an offence to deposit anything (without authority) on unleased lands. The amendment will enable the *Litter Act 1977* to deal with the deposit of litter on all unleased Territory land. The *Litter Act 1977* presently applies only to road and road related areas (and, for some purposes, tips).

**[1.4] Section 2—**

Insert the following definitions:

**SCHEDULE 1—continued**

“**road** means road within the meaning of section 42 (Regulations about parking) of the *Road Transport (Safety and Traffic Management) Act 1999*.

**road related area** means a road related area within the meaning of section 42 of the *Road Transport (Safety and Traffic Management) Act 1999*.”.

**Explanatory note**

This amendment brings the definitions of **road** and **road related area** into line with the definitions in the *Trespass on Territory Land Act 1932*.

**[1.5] Section 7A (1)—**

Omit “or public tip”, substitute “(including a public tip)”.

**Explanatory note**

This amendment is consequential on the revised definition of public place.

*National Crime Authority (Territory Provisions) Act 1991*

**[1.6] Section 2—**

Repeal the section.

**Explanatory note**

This amendment omits a commencement provision that has fully commenced. The effect of repealed commencement provisions is expressly saved by the *Interpretation Act 1967*, section 40 (Commencement not undone if omitted).

**[1.7] Further amendments—**

The following provisions are amended by omitting “Attorney-General” and substituting “Minister”:

Subsections 5 (1), (4) and (6) and 6 (4), sections 8 (first mention) and 11, subsection 21 (8) (definition of *special investigation*) and sections 23, 27 and 30.

**Explanatory note**

These amendments change certain references in the Act from Attorney-General to Minister. References in the Act to functions that relate to the traditional functions of the Attorney-General (eg the bringing of prosecutions) have not been changed (see ss 6 (1) (a) and (2) (c), 8 (2<sup>nd</sup> mention), 12 (8) (b) and (9) and 18 (5), (6), and (10)).

*Nature Conservation Act 1980*

**[1.8] Section 5 (definition of *sell*)—**

**SCHEDULE 1**—continued

Omit the definition, substitute the following definition:

“*sell* includes—

- (a) offer for sale; and
- (b) expose for sale; and
- (c) barter (or offer or expose for barter); and
- (d) exchange (or offer or expose for exchange); and
- (e) supply for value (or offer or expose for supply for value);  
and
- (f) supply for free (or offer or expose for supply for free), to  
gain or maintain custom, or otherwise for commercial  
gain.”.

**Explanatory note**

This amendment aligns the definition of *sell* with the more recent definition in section 3C of the *Tobacco Act 1927*.

**[1.9] Section 25—**

Omit the heading, substitute the following heading:

**“25 Killing native animals”.**

**Explanatory note**

This amendment makes the section heading more consistent with the content of the section.

**[1.10] Section 26—**

Omit the heading, substitute the following heading:

**“26 Taking native animals”.**

**Explanatory note**

This amendment makes the section heading more consistent with the content of the section.

**[1.11] Section 40—**

Omit the heading, substitute the following heading:

**“40 Escape of native animals”.**

**Explanatory note**

This amendment makes the section heading more consistent with the content of the section.

**SCHEDULE 1—continued**

***Parole Act 1976***

**[1.12] Subsection 7 (4)—**

Omit “of the Commonwealth”.

**Explanatory note**

This amendment corrects a reference to the Attorney-General of the Commonwealth. Since self-government, the Act has been administered by the Territory rather than the Commonwealth.

---



**SCHEDULE 2**

(See s 4)

**STRUCTURAL AMENDMENTS**

***Interpretation Act 1967***

**[2.1] Insertion—**

After section 27G insert the following sections:

**“27GA Instrument may make provision in relation to land by reference to map etc**

“(1) This section applies if an Act authorises or requires provision to be made by instrument in relation to land or waters.

“(2) Provision may be made by reference to—

- (a) a particular map or plan held by an entity; or
- (b) a particular entry in a register kept by an entity;

if the map, plan or register is available for inspection by members of the public, whether or not on payment of a fee.

**“27GB Instrument may authorise determination of matter etc**

“(1) This section applies if an Act (the *authorising law*) authorises or requires provision to be made about a matter by statutory instrument.

“(2) An instrument made under the authorising law may make provision about the matter by authorising or requiring the matter, or any aspect of the matter, to be determined, applied or regulated by a stated entity, whether or not from time to time.

*Example*

If an Act provides that an application is to be in a prescribed form, regulations made under the Act may provide that the form is to be that approved by the Minister.

**“27GC Instrument may prohibit**

If an Act authorises or requires a matter to be regulated (however described) by statutory instrument, the power may be exercised by prohibiting, by statutory instrument, the matter or any aspect of the matter.

**“27GD Instrument may provide for reconsideration etc**

“(1) A statutory instrument may provide for the reconsideration or review of, or a right of appeal against, a decision made under—

- (a) the statutory instrument; or

**SCHEDULE 2**—continued

(b) the Act under which the statutory instrument is made or in force.

“(2) For subsection (1), a statutory instrument that is a subordinate law may give jurisdiction to any court, tribunal or other entity.

“(3) In this section:

*decision* includes a failure to make a decision, whether or not within a particular time.”.

**Explanatory note**

This amendment inserts sections that clarify the power to make statutory instruments. The sections complement the sections proposed to be inserted into the *Interpretation Act 1967* by the *Statute Law Amendment Act 2000*.

Proposed section 27GA makes it clear that a statutory instrument may make provision about something by calling up a map or plan, or an entry in a register, that is available for public inspection. Calling up a map or plan to define an area would usually be more helpful to users of legislation than a technical surveyor’s description of the area.

Proposed section 27GB clarifies the power of an instrument to make provision about a matter by requiring or authorising an entity to determine, apply or regulate the matter or an aspect of the matter. It is sometimes not practical for an instrument to make provision in the instrument itself about all aspects of a matter and it is necessary for the instrument to require or authorise an entity to deal with the matter or some aspect of the matter.

Proposed section 27GC makes it clear that a power to regulate a matter by statutory instrument includes power to prohibit the matter or any aspect of the matter.

Proposed section 27GD clarifies the power to provide for rights of reconsideration, review or appeal against a decision by statutory instrument. In more complex legislative schemes, important aspects of the scheme may be provided in the statutory instruments made under the Act. The need to provide for rights of reconsideration, review or appeal may not appear from the provisions of the Act, particularly if the Act is prepared before the statutory instruments made under it or if the parts of the legislative scheme are changed significantly after the Act has been enacted.

**[2.2] Section 33—**

Repeal the section, substitute the following sections:

**“32A Penalties at end of sections and subsections**

“(1) This section applies if a penalty (however expressed) is stated in an Act—

- (a) at the end of a section (whether or not the section is divided into subsections) and not expressed in a way that indicates that it applies only to a provision of the section; or

**SCHEDULE 2**—continued

- (b) at the end of a subsection (but not at the end of a section) and not expressed in a way that indicates that it applies only to a provision of the subsection; or
- (c) at the end of a section or subsection and expressed in a way that indicates that it applies only to a provision of the section or subsection (the *relevant provision*).

*Examples*

1 Paragraph (a)—

The following penalty at the end of a section:

‘Maximum penalty: 20 penalty units.’

2 Paragraph (b)—

The following penalty at the end of a subsection, but not at the end of a section:

‘Maximum penalty: 20 penalty units.’

3 Paragraph (c)—

The following penalty at the end of a section divided into subsections:

‘Maximum penalty (subsection (3)): 20 penalty units.’

3 Paragraph (c)—

The following penalty at the end of a subsection, but not at the end of a section:

‘Maximum penalty:

(a) for paragraph (b)—20 penalty units; or

(b) for another paragraph—50 penalty units, imprisonment for 6 months or both.’

“(2) If an offence is not expressly mentioned in the section, subsection or relevant provision, the penalty indicates that contravention of the section, subsection or relevant provision is an offence punishable on conviction as provided by subsection (4).

*Example*

A person must not contravene a notice.

Maximum penalty: 20 penalty units.

“(3) If an offence is expressly mentioned in the section, subsection or relevant provision, the penalty indicates that the offence is punishable on conviction as provided by subsection (4).

*Example*

A person who contravenes a notice commits an offence.

Maximum penalty: 20 penalty units.

**SCHEDULE 2**—continued

“(4) The penalty that may be imposed for the offence is—

- (a) if only a single penalty is stated (whether as a maximum penalty or a penalty)—not more than the stated penalty; or
- (b) if a minimum as well as a maximum penalty is stated—not less than the minimum and not more than the maximum.

“(5) In working out for this section whether a penalty is at the end of a section or subsection, any example or note is to be disregarded.

“(6) In applying this section to a subordinate law or disallowable instrument or to a provision of a schedule to an Act, a reference to a section or subsection is a reference to an equivalent provision of the law, instrument or schedule.

**“33 Penalties not at end of sections and subsections**

“(1) This section applies if a penalty (however expressed) is stated in a provision of an Act other than at the end of a section or subsection.

*Example*

A person who contravenes subsection (3) commits an offence punishable, on conviction, by a fine not exceeding 20 penalty units.

“(2) If an offence is expressly mentioned in the provision, the penalty indicates that the offence is punishable on conviction as provided by subsection (4).

“(3) If an offence is not expressly mentioned in the provision, the penalty indicates that contravention of the provision (or a stated part of the provision) is an offence punishable on conviction as provided by subsection (4).

“(4) The penalty that may be imposed for the offence is—

- (a) if only a single penalty is stated (whether as a maximum penalty or a penalty)—not more than the stated penalty; or
- (b) if a minimum as well as a maximum penalty is stated—not less than the minimum and not more than the maximum.

“(5) In working out for this section whether a penalty is at the end of a section or subsection, any example or note is to be disregarded.

**SCHEDULE 2**—continued

“(6) In applying this section to a subordinate law or disallowable instrument or to a provision of a schedule to an Act, a reference to a section or subsection is a reference to an equivalent provision of the law, instrument or schedule.”.

**Explanatory note**

Proposed section 32A is a rewrite in clearer English of existing section 33. The proposed section deals with a number of cases that are not clearly covered by existing section 33. For example, the existing section does not deal with cases where contravention of a provision is expressly stated to be an offence and cases where a minimum as well as a maximum penalty are stated. The proposed section also deals expressly with the application of the section to subordinate laws, disallowable instruments and provisions of schedules to Acts.

Proposed section 32A deals with penalties at the end of sections and subsections. Proposed section 33 makes equivalent provision for cases where the penalties are stated elsewhere in an Act eg within the body of a section.

**[2.3] Section 39—**

After subsection (3) insert the following subsection:

“(4) In this section:

*amend* does not include modify.”.

**Explanatory note**

Under section 48 of the *Interpretation Act 1967* a modifying law affects the operation of a law that it modifies, but does not amend the text of the law. On the repeal of a modifying law the effect of the modifying law ends and the previous operation of the modified law is revived. Subsection 39 (2) of the *Interpretation Act 1967*, therefore, does not apply to modifying laws. The amendment makes this clear.

**[2.4] Section 43 (heading)—**

Omit the heading, substitute the following heading:

“**43 Automatic repeal of certain Acts and provisions**”.

**Explanatory note**

This amendment is consequential on other amendments of the section that change the scope of the section.

**[2.5] Subsection 43 (2)—**

Re-number as subsection 43 (3).

**Explanatory note**

This amendment provides for the consequential renumbering of a subsection.

**SCHEDULE 2**—continued

**[2.6] Section 43—**

Insert the following subsection:

“(2) An appropriation Act is automatically repealed on the last day of the financial year for which it makes appropriations.”.

**Explanatory note**

Appropriation Acts (see definition below) operate for the financial year for which they are made and have no continuing operation after the end of the financial year for which they are made. The subsection inserted by this amendment provides for the automatic repeal of appropriation Acts on the last day of the financial year for which they make appropriations. This amendment complements the repeal of earlier appropriation and supply Acts made by Schedule 4.

**[2.7] Subsection 43 (3)—**

- (a) Omit “subsection (1) or (2)”, substitute “this section”.
- (b) Renumber as subsection 43 (5).

**Explanatory note**

This amendment is consequential on the other amendments of the section. It makes it clear that a repeal mentioned in new subsections (2) and (4) has the same effect as a repeal mentioned in existing subsections (1) and (2) (renumbered as subsection (3)). The amendment also provides for the consequential renumbering of the subsection.

**[2.8] Section 43—**

Insert the following subsection:

“(4) A commencement provision of an Act is automatically repealed on the day after all of the provisions of the Act have commenced.”.

**Explanatory note**

This amendment provides for the automatic repeal of a commencement provision on the day after all of the provisions of the relevant Act have commenced. The purpose of the commencement provision ends when the last provision of the Act has commenced. The effect of repealed commencement provisions is saved by the *Interpretation Act 1967*, section 40. Full commencement details of the original Act and each amending Act are given in the endnotes to republications.

**[2.9] Subsection 43 (4)—**

Renumber as subsection 43 (6).

**Explanatory note**

This amendment provides for the consequential renumbering of the subsection.

**SCHEDULE 2**—continued

**[2.10] Subsection 43 (5)—**

(a) Insert the following definitions:

“*appropriation Act*—see the Financial Management Act 1996, section 3.

*commencement provision*, of an Act, means a provision of the Act that only provides for the commencement of the Act.”.

(b) Renumber as subsection 43 (7).

**Explanatory note**

This amendment inserts definitions of *appropriation Act* and *commencement provision* that are needed for the new subsections inserted into the section. The amendment also provides for the consequential renumbering of the subsection.

**[2.11] Section 45—**

Repeal the section, substitute the following section:

**“45 Insertion of provisions by amending Act**

“(1) This section applies if an Act (the *amending Act*) amends another Act or a subordinate law (the *amended law*) by inserting any of the following provisions, and does not exactly specify the position in the Act where it is to be inserted:

- (a) a chapter, part, division, subdivision, section or subsection (an *inserted chapter, part, division, subdivision, section or subsection*);
- (b) a paragraph (an *inserted paragraph*);
- (c) a subparagraph (an *inserted subparagraph*);
- (d) a sub-subparagraph (an *inserted sub-subparagraph*);
- (e) a definition (an *inserted definition*);
- (f) any other provision (a *miscellaneous inserted provision*).

“(2) An inserted chapter, part, division, subdivision, section or subsection is inserted in the appropriate numerical or alphanumerical position in the amended law.

“(3) An inserted paragraph is inserted in the appropriate alphabetical position in the amended law.

**SCHEDULE 2**—continued

“(4) An inserted subparagraph is inserted in the appropriate numerical or alphanumerical position in the amended law.

“(5) An inserted sub-subparagraph is inserted in the appropriate alphabetical position in the amended law.

“(6) An inserted definition is inserted in the appropriate alphabetical position (worked out on a letter-by-letter basis) in a series of definitions in the amended law.

“(7) A miscellaneous inserted provision is inserted in the appropriate position in the amended law.

“(8) In working out the appropriate position where a provision is to be inserted in the amended law, regard may be had to the following:

- (a) the provision number or letter;
- (b) the heading of the relevant amending provision of the amending Act;
- (c) any other amendments in the amending Act including the order of amendments;
- (d) current ACT legislative drafting practice.

*Examples*

1 If a part numbered ‘3’ is to be inserted into an amended law with an existing sequence of parts ‘Part 1—Part 2—Part 4’, inserted Part 3 is inserted between Parts 2 and 4.

2 If a division numbered ‘2.2A’ is to be inserted into an amended law with an existing sequence of divisions in Part 2 ‘Division 2.1—Division 2.2—Division 2.3’, inserted Division 2.2A is inserted between Divisions 2.2 and 2.3.

3 If a section numbered ‘6AA’ is to be inserted into an amended law with an existing sequence of sections ‘section 6—section 6A—section 6B’, inserted section 6AA is inserted between sections 6A and 6B.

4 If a section numbered ‘7A’ is to be inserted, by an amending section headed ‘new section 7A, Division 2.2’, into an amended law with an existing sequence ‘section 7 [in Division 2.2]—Division 2.3 [heading]—section 8’, inserted section 7A is inserted between section 7 and the heading to Division 2.3 (that is, at the end of Division 2.2).

5 If a section numbered ‘7A’ is to be inserted, by an amending section headed ‘new section 7A, Division 2.3’, into an amended law with an existing sequence ‘section 7 [in Division 2.2]—Division 2.3 [heading]—section 8’, inserted section 7A is inserted between the heading to Division 2.3 and section 8 (that is, at the beginning of Division 2.3).”.

**Explanatory note**



**SCHEDULE 2—continued**

This amendment replaces existing section 45 (which deals with the insertion of definitions by an amending Act) with a new section setting out comprehensive default rules for working out the position of inserted provisions if the amended law does not specify, or does not exactly specify, that position. An amending Act may override this section by clearly indicating that an inserted provision is to be inserted in a position different from the position where it would otherwise be inserted under this section.

**[2.12] New section 46A—**

After section 46 insert the following section:

**“46A Provisions included in another provision for amendment purposes**

- “(1) This section applies for the purpose of amending an Act.
- “(2) The heading to a chapter, part, division, subdivision, schedule, dictionary, section or any other provision of the Act forms part of the provision to which it is a heading.
- “(3) An example at the end of a provision of the Act is part of the provision unless the example is expressed in a way that indicates that it applies only to a different provision.
- “(4) A note at the end of a provision of the Act is taken, for this section, to be part of the provision unless the note is expressed in a way that indicates that it applies only to another provision.
- “(5) However, a note in an Act is not, for any other purpose, part of the Act.
- Note* Section 12 (Material that is not part of an Act) deals with the status of notes.
- “(6) A penalty at the end of a subsection of the Act—
- (a) is part of the subsection unless the penalty is expressed in a way that indicates that it applies only to other subsections of the section; or
  - (b) if the penalty is expressed in a way that indicates that it applies only to other subsections—is part of the section.
- “(7) A penalty at the end of a section of the Act that is not divided into subsections is part of the section.
- “(8) The word ‘and’, ‘or’ or ‘but’, or a similar word, at the end of a paragraph, subparagraph, sub-subparagraph or another provision of the Act is part of the provision.

**SCHEDULE 2**—continued

“(9) In working out whether an example or note is at the end of a provision of the Act, any penalty is to be disregarded, and, for an example, any note is to be disregarded.

*Note* According to current ACT legislative drafting practice, penalties, examples and notes to a provision are arranged in the following order at the end of provisions:

- 1 penalty (first)
- 2 examples
- 3 notes (last).”.

**Explanatory note**

This amendment inserts a new section that sets out the rules about the provisions that are included in other provisions for amendment purposes. The proposed new section articulates the practices that are currently followed in amendment Acts and subordinate laws.

**[2.13] Heading to Division 7 of Part 3—**

Omit the heading, substitute the following heading:

*“Division 3.11—Referring to other laws”.*

**Explanatory note**

This amendment revises the Division heading to more accurately reflect the scope of the Division and updates the Division number to bring it into line with the other Divisions of the Part.

**[2.14] New section 55A—**

After section 55, insert the following sections:

**“55A References to laws include references to instruments under laws**

“(1) In an Act or statutory instrument a reference (either generally or specifically) to an Act or statutory instrument, or to a provision of an Act or statutory instrument, includes a reference to the statutory instruments made or in force under the Act, statutory instrument or provision.

“(2) In an Act or statutory instrument a reference (either generally or specifically) to an Act, ordinance or statutory instrument of another jurisdiction, or to a provision of an Act, ordinance or statutory instrument of another jurisdiction, includes a reference to the statutory instruments made or in force under the Act, ordinance, instrument or provision.

“(3) In subsection (2):

**SCHEDULE 2**—continued

***another jurisdiction*** means the Commonwealth, a State or another Territory.

***statutory instrument*** means an instrument (whether of a legislative or administrative nature) made or in force under the Act, ordinance or statutory instrument concerned.

**“55B References in statutory instruments to *the Act***

In a statutory instrument, a reference to ***Act*** or ***the Act***, without mentioning a particular Act, is a reference to the Act under which the instrument is made or in force.

**“55C References to repealed laws**

**“(1)** If an Act or statutory instrument refers to a law as repealed, the reference is a reference to the law as in force immediately before it was repealed.

*Example*

A reference to the ‘repealed *XYZ Act 2000*’ is a reference to the *XYZ Act 2000* immediately before it was repealed.

**“(2)** In this section:

***law*** means—

- (a) an Act, subordinate law or statutory instrument; or
- (b) a law of the Commonwealth, a State or another Territory.”.

**Explanatory note**

This amendment inserts 3 new sections.

Proposed section 55A (1) provides that a reference to an Act or statutory instrument, or to a provision of an Act or statutory instrument, includes a reference to the statutory instruments made or in force under the Act, instrument or provision. Proposed subsection 55A (2) makes similar provision for references to the laws of other jurisdictions. Often different parts of a legislative scheme are found in an Act and the statutory instrument (including regulations and disallowable instruments) made or in force under the Act. The proposed section will facilitate treating the different parts of a legislative scheme as a whole and simplify references to provisions.

Proposed section 55B will remove the need to include a standard definition of ***the Act*** in all regulations and disallowable instruments.

Proposed section 55C provides a way of referring to repealed laws.

**SCHEDULE 2**—continued

**[2.15] Dictionary (definition of *Act*, paragraph (b))—**

Omit “continued”, substitute “former”.

**Explanatory note**

This amendment corrects a reference to a defined term.

**[2.16] Dictionary (definition of *body*)—**

Insert the following example:

“6 A corporation sole.”.

**Explanatory note**

This amendment adds corporation sole as an example of a body.

**[2.17] Dictionary (definition of *function*)—**

Omit the definition, substitute the following definition:

“*function* includes authority, duty and power.”.

**Explanatory note**

This amendment adds ‘power’ to the definition of function (power is already defined to include authority and function is already defined to include duty).

The revised definition will remove the need to distinguish unnecessarily between functions and powers. A number of recent Acts already include a similar definition. If it is necessary in a particular context to distinguish between functions and powers, this can continue to be done expressly or by otherwise displacing the definition with a contrary intention.

**[2.18] Dictionary—**

Insert the following definitions:

“*public health officer*—see the *Public Health Act 1997*, dictionary.

*see*, followed by a reference to, or to a provision of, an Act, statutory instrument or document, when used to define a word, entity or anything else, means the word, entity or thing has the same meaning as it has in the provision, Act, instrument or document, as in force from time to time.

*Territory owned corporation* means a Territory owned corporation under the *Territory Owned Corporations Act 1990*.”.

**Explanatory note**

The dictionary contains definitions of officials, things and concepts that are used from time to time in Territory laws. Once a term is defined in the dictionary it applies to all Territory laws and does not need to be repeated in individual laws.

**SCHEDULE 3**  
**TECHNICAL AMENDMENTS**

(See s 4)

***Building Act 1972***

**[3.1] Subsection 6 (6)—**

Omit “*Scaffolding and Lifts Act 1957*”, substitute “*Scaffolding and Lifts Act 1912*”.

**Explanatory note**

This amendment is consequential on the repeal of the *Scaffolding and Lifts Act 1957* in Schedule 5 and the continuation of substantive provisions from that Act in the *Scaffolding and Lifts Act 1912*.

***Building Regulations***

**[3.2] Regulation 1—**

Repeal the regulation, substitute the following regulation:

**“1 Name of regulations**

These regulations are the *Building Regulations 1972*.”.

**Explanatory note**

This amendment revises the name of the regulations to bring it into line with current drafting practice.

**[3.3] Paragraph 15 (1) (e)—**

Omit “regulations under the *Scaffolding and Lifts Act 1912* of the State of New South Wales in their application in the Territory”, substitute “*Scaffolding and Lifts Regulations 1950*”.

**Explanatory note**

This amendment is consequential on the inclusion of a naming provision in the regulations under the *Scaffolding and Lifts Act 1912* by Subordinate Law 1999 No 19.

**[3.4] Subsection 15 (3) (definitions of *chief health officer, fire commissioner and registrar of liquor licences*)—**

Omit the definitions.

**Explanatory note**

This amendment omits definitions that are not necessary because the terms are defined in the dictionary to the *Interpretation Act 1967*.

**SCHEDULE 3**—continued

**[3.5] Subsection 15 (3) (definition of *chief inspector*)—**

Omit the definition, substitute the following definition:

“*chief inspector*—see the *Scaffolding and Lifts Act 1912*, dictionary.”.

**Explanatory note**

This amendment is consequential on amendments of the *Scaffolding and Lifts Act 1912* in this Schedule.

**[3.6] Paragraph 17 (c)—**

Omit “regulations under the *Scaffolding and Lifts Act 1912* of the State of New South Wales in their application in the Territory”, substitute “*Scaffolding and Lifts Regulations 1950*”.

**Explanatory note**

This amendment is consequential on the inclusion of a naming provision in the regulations under the *Scaffolding and Lifts Act 1912* by Subordinate Law 1999 No 19.

***Dangerous Goods Act 1975***

**[3.7] Title—**

Repeal the title, substitute the following title:

“An Act relating to explosives and other dangerous substances and articles, and for related purposes”.

**Explanatory note**

This amendment revises the Act’s long title to take account of the current scope of the Act. The amendment is consequential on the repeal of the *Dangerous Goods Act 1984* by this Act. That Act previously applied the *Dangerous Goods Act 1975* (NSW) and the *Dangerous Goods Regulation 1978* (NSW) as laws of the Territory. The NSW Act became an ACT Act under amendments of the *Interpretation Act 1967* made by the *Law Reform (Miscellaneous Provisions) Act 1999*.

**[3.8] Section 1—**

Repeal the section, substitute the following section:

**“1 Name of Act**

This Act is the *Dangerous Goods Act 1975*.”.

**Explanatory note**

This amendment brings the Act’s naming provision (short title) into line with current drafting practice.

**SCHEDULE 3**—continued

**[3.9] New section 2—**

After section 1 insert the following section:

**“2 Dictionary**

The dictionary at the end of this Act is part of this Act.

*Note 1* The dictionary at the end of this Act defines certain words and expressions used in this Act, and includes references (*signpost definitions*) to other words and expressions defined elsewhere in this Act.

For example, the signpost definition ‘*director*—see the Corporations Law (Cwlth), section 9.’ means that the expression ‘director’ is defined in section 9 of the Corporations Law and the definition applies to this Act.

*Note 2* A definition in the dictionary (including a signpost definition) applies to the entire Act unless the definition, or another provision of the Act, provides otherwise or the contrary intention otherwise appears (see *Interpretation Act 1967*, s 11F and s 11G).”.

**Explanatory note**

This amendment inserts a dictionary provision.

**[3.10] Section 4 (definitions of *container, convey, dangerous goods, explosive, flash point, licence, manufacture, pipeline, premises, safety cartridges, substance, vehicle and vessel*)—**

Relocate the definitions to the dictionary.

**Explanatory note**

This amendment relocates to the dictionary all relevant definitions from the Act that do not need amendment.

The definition of *commissioner, court* and *member of the police force* are no longer needed because of other amendments of the Act.

The definition of *determined fee* is not needed because the term is not used in the Act.

The definition of *regulations* is not needed because the term is defined in the dictionary to the *Interpretation Act 1967*.

The definitions of *analyst, chief inspector, identity card, inspector* and *sell* have replacement definitions in the dictionary inserted by this Act.

**[3.11] Remainder of section 4—**

Repeal the remainder of the section.

**Explanatory note**

This amendment is consequential on the previous amendment.

**SCHEDULE 3**—continued

**[3.12] Section 5—**

Repeal the section, substitute the following section:

**“3 Application and relationship of Act to other laws**

**“(1)** This Act is additional to any other law about dangerous goods in force in the Territory.

**“(2)** If a provision of any other Territory law is inconsistent with a provision of this Act, the provision of this Act prevails to the extent of the inconsistency.

**“(3)** However, if a provision of an overriding law is inconsistent with a provision of this Act, the provision of the overriding law prevails to the extent of the inconsistency.

**“(4)** This Act does not apply to a member of the Defence Force acting in the course of his or her duties as a member.

**“(5)** This Act does not apply to the transport of dangerous goods by road.

**“(6)** In subsection (5):

*dangerous goods* does not include a substance or article declared by the regulations to be a dangerous good to which this definition applies.

*transport*, in relation to dangerous goods, includes—

- (a) the packing, loading and unloading of the goods, and the transfer of the goods to or from a vehicle, for the purpose of their transport; and
- (b) the marking of packages and unit loads containing dangerous goods, and the placarding of containers and vehicles in which dangerous goods are transported; and
- (c) other matters incidental to their transport.

**“(7)** In this section:

*overriding law* means—

- (a) the *Occupational Health and Safety Act 1989*; or
- (b) the *Occupational Health and Safety Regulations 1991*; or
- (c) the *Scaffolding and Lifts Act 1912*; or
- (d) the *Scaffolding and Lifts Regulations 1950*.”.

**Explanatory note**



**SCHEDULE 3—continued**

This amendment remakes the section to remove redundant and NSW specific provisions and to include provisions to continue the effect of section 4 of the *Dangerous Goods Act 1984*. That Act is repealed by this Act.

In remaking the section, the section has been revised to make it clear that the *Occupational Health and Safety Act 1989* and the *Occupational Health and Safety Regulations 1991* prevail over the *Dangerous Goods Act 1975* and the *Dangerous Goods Regulations 1978* to the extent of any inconsistency.

**[3.13] New Part 2—**

After Part 1 insert the following Part:

**“PART 2—ADMINISTRATION**

**“4 Chief inspector**

“(1) There is a Chief Inspector of Dangerous Goods.

“(2) The chief executive must establish an office in the public service the duties of which include exercising the functions of chief inspector.

“(3) The public servant for the time being performing the duties of the public service office mentioned in subsection (2) is the chief inspector.

**“5 Inspectors**

“(1) The chief executive must establish 1 or more offices in the public service the duties of which include exercising the functions of an inspector.

“(2) A public servant for the time being performing the duties of a public service office mentioned in subsection (1) is an inspector.

“(3) The chief inspector is also an inspector.

**“6 Analysts**

“(1) The chief executive may establish 1 or more offices in the public service the duties of which include exercising the functions of an analyst.

“(2) A public servant for the time being performing the duties of a public service office mentioned in subsection (1) is an analyst.

**“7 Delegation by chief inspector**

The chief inspector may, in writing, delegate all or any of the functions of the chief inspector to an inspector.

**SCHEDULE 3**—continued

**“7A Identity cards**

**“(1)** The chief executive must issue an inspector with an identity card that shows—

- (a) a recent photograph of the person; and
- (b) the name of the person.

**“(2)** A person who ceases to be an inspector must return his or her identity card to the chief executive as soon as practicable, but within 7 days, after ceasing to be an inspector.

Maximum penalty (subsection (2)): 1 penalty unit.”.

**Explanatory note**

This amendment inserts a provision for the appointment of analysts and continues the effect of sections 6 to 8A of the *Dangerous Goods Act 1984*. That Act is repealed by this Act.

**[3.14] Subsection 8 (1A)—**

Omit “he”, substitute “the chief inspector”.

**Explanatory note**

This amendment removes gender-specific language.

**[3.15] Subsection 9 (1)—**

Insert the following penalty at the foot of the subsection:

“Maximum penalty: 50 penalty units, imprisonment for 6 months or both.”.

**Explanatory note**

This amendment inserts a penalty into a subsection that contains an offence in accordance with current drafting practice.

**[3.16] Subsections 9 (2) and (3)—**

Omit the subsections, substitute the following subsections:

**“(2)** The owner of dangerous goods kept in contravention of subsection (1) also commits an offence unless the owner satisfies the court that the goods were kept in contravention of subsection (1) without the owner’s knowledge.

Maximum penalty: 50 penalty units, imprisonment for 6 months or both.

**“(3)** The occupier of the place where dangerous goods are kept in contravention of subsection (1) also commits an offence unless the occupier

**SCHEDULE 3**—continued

satisfies the court that the goods were kept in contravention of subsection (1) without the occupier’s knowledge.

Maximum penalty: 50 penalty units, imprisonment for 6 months or both.”.

**Explanatory note**

This amendment brings offence provisions more into line with current drafting practice.

**[3.17] Subsection 9 (4)**—

Omit “under this section if he”, substitute “against this section if the person”.

**Explanatory note**

This amendment removes gender-specific language and brings other language into line with current drafting practice.

**[3.18] Subsection 10 (1A)**—

Omit “he”, substitute “the chief inspector”.

**Explanatory note**

This amendment removes gender-specific language.

**[3.19] Paragraph 10 (2) (b) and (c)**—

Omit “he” substitute “the person”.

**Explanatory note**

This amendment remove gender-specific language.

**[3.20] Paragraph 10 (3) (b) and (c)**—

After “his” insert “or her”.

**Explanatory note**

This amendment remove gender-specific language.

**[3.21] Section 11**—

Omit “he”, substitute “the person”.

**Explanatory note**

This amendment removes gender-specific language.

**[3.22] Section 11 (penalty)**—

Omit the penalty, substitute the following penalty:

“Maximum penalty: 50 penalty units.”.

**SCHEDULE 3**—continued

**Explanatory note**

This amendment revises a penalty to bring it into line with current drafting practice.

**[3.23] Subsection 12 (1) (penalty)**—

Omit the penalty, substitute the following penalty:

“Maximum penalty: 50 penalty units.”.

**Explanatory note**

This amendment revises a penalty to bring it into line with current drafting practice.

**[3.24] Subsection 12 (2) (penalty)**—

Omit the penalty, substitute the following penalty:

“Maximum penalty: 100 penalty units.”.

**Explanatory note**

This amendment revises a penalty to bring it into line with current drafting practice.

**[3.25] Section 14 (penalty)**—

Omit the penalty, substitute the following penalty:

“Maximum penalty: 100 penalty units, imprisonment for 1 year or both.”.

**Explanatory note**

This amendment revises a penalty to bring it into line with current drafting practice.

**[3.26] Subsection 17 (2A)**—

Omit “he”, substitute “the chief inspector”.

**Explanatory note**

This amendment removes gender-specific language.

**[3.27] Paragraph 17 (3) (b)**—

Omit “he”, substitute “the person”.

**Explanatory note**

This amendment removes gender-specific language.

**[3.28] Paragraph 17 (4) (b) and (c)**—

After “his” insert “or her”.

**Explanatory note**

This amendment remove gender-specific language.

**SCHEDULE 3**—continued

**[3.29] Section 18—**

Omit “he”, substitute “the person”.

**Explanatory note**

This amendment removes gender-specific language.

**[3.30] Section 18 (penalty)—**

Omit the penalty, substitute the following penalty:

“Maximum penalty: 100 penalty units, imprisonment for 1 year or both.”.

**Explanatory note**

This amendment revises a penalty to bring it into line with current drafting practice.

**[3.31] Subsection 19 (1A)—**

Omit “he”, substitute “the chief inspector”.

**Explanatory note**

This amendment removes gender-specific language.

**[3.32] Paragraph 19 (2) (b) and (c)—**

Omit “he”, substitute “the person”.

**Explanatory note**

This amendment remove gender-specific language.

**[3.33] Paragraph 19 (3) (b) and (c)—**

After “his” insert “or her”.

**Explanatory note**

This amendment remove gender-specific language.

**[3.34] Subsection 20 (1)—**

Omit “he”, substitute “the person”.

**Explanatory note**

This amendment removes gender-specific language.

**[3.35] Subsection 20 (1) (penalty)—**

Omit the penalty, substitute the following penalty:

“Maximum penalty: 100 penalty units, imprisonment for 1 year or both.”.

**Explanatory note**

This amendment revises a penalty to bring it into line with current drafting practice.

**SCHEDULE 3**—continued

**[3.36] Subsection 20 (2)**—

Omit “he adduces”, substitute “the person presents”.

**Explanatory note**

This amendment removes gender-specific language and brings other language into line with current drafting practice.

**[3.37] Subsection 21 (1A)**—

Omit “he”, substitute “the chief inspector”.

**Explanatory note**

This amendment removes gender-specific language.

**[3.38] Paragraph 21 (2) (b)**—

Omit “he”, substitute “the person”.

**Explanatory note**

This amendment removes gender-specific language.

**[3.39] Paragraph 22 (b) and (c)**—

After “his” insert “or her”.

**Explanatory note**

This amendment remove gender-specific language.

**[3.40] Section 23**—

Omit “he”, substitute “the person”.

**Explanatory note**

This amendment removes gender-specific language.

**[3.41] Section 23 (penalty)**—

Omit the penalty, substitute the following penalty:

“Maximum penalty: 100 penalty units, imprisonment for 1 year or both.”.

**Explanatory note**

This amendment revises a penalty to bring it into line with current drafting practice.

**[3.42] Subsection 24 (1) (penalty)**—

Omit the penalty, substitute the following penalty:

“Maximum penalty: 100 penalty units, imprisonment for 1 year or both.”.

**Explanatory note**

**SCHEDULE 3**—continued

This amendment revises a penalty to bring it into line with current drafting practice.

**[3.43] Subsection 24 (2)**—

Omit “he adduces evidence that he”, substitute “the person presents evidence that the person”.

**Explanatory note**

This amendment removes gender-specific language and brings other language into line with current drafting practice.

**[3.44] Paragraph 25 (1) (b)**—

Omit “he,”, substitute “the person;”.

**Explanatory note**

This amendment removes gender-specific language.

**[3.45] Subsection 25 (1) (penalty)**—

Omit the penalty, substitute the following penalty:

“Maximum penalty: 100 penalty units, imprisonment for 1 year or both.”.

**Explanatory note**

This amendment revises a penalty to bring it into line with current drafting practice.

**[3.46] Subsection 25 (2)**—

Omit “he satisfies the court that he believed on reasonable grounds that the person to whom he supplied the explosive”, substitute “the person satisfies the court that the person believed on reasonable grounds that the person to whom the explosive was supplied”.

**Explanatory note**

This amendment removes gender-specific language.

**[3.47] Subsection 25 (3)**—

After “his” insert “or her”.

**Explanatory note**

This amendment removes gender-specific language.

**[3.48] Subsection 26 (1)**—

Omit the subsection, substitute the following subsection:

**SCHEDULE 3—continued**

**“(1)** A person must not possess explosives.

Maximum penalty: 100 penalty units, imprisonment for 1 year or both.

*Note* Subsection 25 (3) provides that a person must not be found guilty of an offence relating to the unauthorised receipt of an explosive under subsection 25 (1) and of an offence of having the same explosive in his or her possession, control or custody under this subsection.”.

**Explanatory note**

This amendment substitutes a penalty in current drafting form.

**[3.49] Subsection 26 (2)—**

Omit “he adduces evidence, which is not rebutted by the prosecution, that”, substitute “the person presents evidence, which is not rebutted by the prosecution, that the person”.

**Explanatory note**

This amendment removes gender-specific language and brings other language into line with current drafting practice.

**[3.50] Paragraph 26 (2) (a)—**

Omit “he”.

**Explanatory note**

This amendment removes gender-specific language.

**[3.51] Paragraphs 26 (2) (b) and (c)—**

Renumber as paragraphs 26 (2) (c) and (d).

**Explanatory note**

This amendment renumbers paragraphs.

**[3.52] Paragraph 26 (2) (aa)—**

Omit the paragraph, substitute the following paragraph:

“(b) did not know that the explosives were in his or her possession; or”.

**Explanatory note**

This amendment remakes the paragraph to remove gender-specific language.

**[3.53] Paragraphs 26 (2) (b) and (c)—**

Omit “he”.

**Explanatory note**



**SCHEDULE 3—continued**

This amendment removes gender-specific language.

**[3.54] Part V—**

Omit the heading.

**Explanatory note**

This amendment removes an unnecessary part heading.

**[3.55] Part V, Division 1—**

Omit the heading, substitute the following heading:

**“PART 5—LICENCES AND PERMITS”.**

**Explanatory note**

This amendment converts a division heading into a part heading.

**[3.56] Subsection 27 (2)—**

Omit “he is”.

**Explanatory note**

This amendment removes gender-specific language.

**[3.57] Subsection 28 (1)—**

Omit “or the regulations”.

**Explanatory note**

This amendment removes redundant words (see *Interpretation Act 1967*, s 55A (as inserted by this Act)).

**[3.58] Subsection 28 (3)—**

Omit “he is”.

**Explanatory note**

This amendment removes gender-specific language.

**[3.59] Paragraph 28 (3) (a)—**

Omit the paragraph, substitute the following paragraph:

“(a) the holder of the licence or permit has been convicted or found guilty of an offence against this Act or any other Commonwealth, State or Territory law (including a law of another Territory) about dangerous goods; or”.

**SCHEDULE 3—continued**

**Explanatory note**

This amendment remakes a paragraph to remove a redundant reference to ‘the regulations’ (see *Interpretation Act 1967*, s 55A (as inserted by this Act)) and to make clear that findings of guilty without conviction and that other ACT laws are covered by the paragraph.

**[3.60] Section 30—**

Repeal the section, substitute the following section:

**“30 Offence to lend or allow other person to use licence or permit**

A person to whom a licence or permit is issued must not—

- (a) lend the licence or permit to anyone else; or
- (b) allow the licence or permit to be used by anyone else for a purpose for which it was issued.

Maximum penalty: 50 penalty units.”.

**Explanatory note**

This amendment remakes a section to bring it more closely into line with current drafting practice.

**[3.61] Part V, Division 2—**

Omit the heading, substitute the following heading:

**“PART 6—ENFORCEMENT”.**

**Explanatory note**

This amendment converts a division heading into a part heading.

**[3.62] Subsection 31 (1)—**

Omit “, or a member of the police force authorized by the Commissioner for the purpose of this section,”, substitute “or a police officer”.

**Explanatory note**

This amendment substitutes the term ‘police officer’ (which is defined in the *Interpretation Act 1967*) and leaves the authorisation of police officers to be dealt with administratively.

**[3.63] Subsection 31 (1)—**

Omit “time—”, insert “time do any of the following:”.

**Explanatory note**

**SCHEDULE 3—continued**

This amendment changes the introductory words to make it clear that the inspectors powers include the powers mentioned in all or any of the paragraphs of the subsection.

**[3.64] Paragraph 31 (1) (a)—**

Omit “he”, substitute “the inspector or police officer”.

**Explanatory note**

This amendment removes gender-specific language.

**[3.65] Paragraph 31 (1) (b)—**

Omit “he suspects on reasonable grounds to be dangerous goods or an ingredient thereof or that is dangerous goods and in exercising his”, substitute “is a dangerous good or that the inspector or police officer suspects on reasonable grounds is a dangerous good or an ingredient of a dangerous good, and, in exercising his or her”.

**Explanatory note**

This amendment removes gender-specific language and brings other language into line with drafting practice.

**[3.66] Paragraph 31 (1) (c)—**

Omit “he”, substitute “the inspector or police officer”.

**Explanatory note**

This amendment removes gender-specific language.

**[3.67] Paragraph 31 (1) (c)—**

Omit “or the regulations”.

**Explanatory note**

This amendment removes redundant words (see *Interpretation Act 1967*, s 55A (as inserted by this Act)).

**[3.68] Paragraph 31 (1) (d)—**

Omit “member of the police force”, substitute “police officer”.

**Explanatory note**

This amendment substitutes the term ‘police officer’ (which is defined in the *Interpretation Act 1967*).

**[3.69] Subparagraph 31 (1) (g) (i)—**

Omit “he”, substitute “the inspector or police officer”.

**SCHEDULE 3**—continued

**Explanatory note**

This amendment removes gender-specific language.

**[3.70] Subparagraph 31 (1) (g) (ii)**—

Omit “him”, substitute “the inspector or police officer”.

**Explanatory note**

This amendment removes gender-specific language.

**[3.71] Subparagraph 31 (1) (h)**—

Omit “him”, substitute “the inspector or police officer”.

**Explanatory note**

This amendment removes gender-specific language.

**[3.72] Paragraph 31 (1) (i)**—

Omit “and the regulations”.

**Explanatory note**

This amendment removes redundant words (see *Interpretation Act 1967*, s 55A (as inserted by this Act)).

**[3.73] Paragraph 31 (1) (j)**—

Omit “he”, substitute “the inspector or police officer”.

**Explanatory note**

This amendment removes gender-specific language.

**[3.74] Subsection 31 (2)**—

Omit “member of the police force believes on reasonable grounds that imminent danger to the public or to any person exists, he shall not enter a dwelling house pursuant to the power granted him”, substitute “police officer believes on reasonable grounds there is imminent danger to the public or to anyone, the inspector or police officer must not enter a house under the power given”.

**Explanatory note**

This amendment substitutes the term ‘police officer’ (which is defined in the *Interpretation Act 1967*), removes gender-specific language and brings other language into line with current drafting practice.

**SCHEDULE 3**—continued

**[3.75] Subsection 31 (3)**—

Omit the subsection, substitute the following subsection:

“(3) An inspector or a police officer may take samples of substances or articles under paragraph (1) (b), or remove substances, articles, containers, vehicles or vessels under paragraph (1) (c), that appear to be in someone’s custody only if the inspector or police officer gives (or offers to give) the person a receipt.”.

**Explanatory note**

This amendment revises a subsection to substitute the term ‘police officer’, removes gender-specific language, removes an unnecessary reference to approved form and bring other language into line with current drafting practice.

**[3.76] Subsection 31 (6)**—

Omit “he”, substitute “the person”.

**Explanatory note**

This amendment removes gender-specific language.

**[3.77] Paragraph 32 (1) (a)**—

Omit “refuse or fail to admit an inspector in the exercise of his”, substitute “fail to admit an inspector or police officer in the exercise of his or her”.

**Explanatory note**

This amendment removes the redundant reference to ‘refuse’ (see *Interpretation Act 1967*, dict, def of *fail*), removes gender-specific language and extends the coverage of the paragraph to police officers. This brings the coverage of the subsection into line with sections 31 and 42.

**[3.78] Paragraphs 32 (1) (b) to (e)**—

After “inspector” insert “or a police officer”.

**Explanatory note**

This amendment extends the coverage of the paragraph to police officers (compare s 31 and s 42).

**[3.79] Subsection 32 (1) (penalty)**—

Omit the penalty, substitute the following penalty:

“Maximum penalty:

- (a) for paragraph (a), (c) or (e)—50 penalty units; or

**SCHEDULE 3**—continued

- (b) for paragraph (b) or (d)—50 penalty units, imprisonment for 6 months or both.”.

**Explanatory note**

This amendment revises a penalty to bring it into line with current drafting practice.

**[3.80] Paragraph 32 (2)**—

Omit “member of the police force”, substitute “police officer”.

**Explanatory note**

This amendment substitutes the term ‘police officer’ (which is defined in the *Interpretation Act 1967*).

**[3.81] Part V, Division 3**—

Omit the heading.

**Explanatory note**

This amendment removes an unnecessary division heading.

**[3.82] Section 36**—

Repeal the section, substitute the following section:

**“36 Acts and omissions of representatives**

**“(1)** In this section:

*executive officer*, of a corporation, means a person, by whatever name called and whether or not the person is a director of the corporation, who is concerned with, or takes part in, the corporation’s management.

*representative* means—

- (a) for a corporation—an executive officer, employee or agent of the corporation; or
- (b) for an individual—an employee or agent of the individual.

*state of mind*, of a person, includes—

- (a) the person’s knowledge, intention, opinion, belief or purpose; and
- (b) the person’s reasons for the intention, opinion, belief or purpose.

**SCHEDULE 3**—continued

“(2) This section applies to a prosecution for any offence against this Act.

“(3) If it is relevant to prove a person’s state of mind about an act or omission, it is enough to show—

- (a) the act was done or omission made by a representative of the person within the scope of the representative’s actual or apparent authority; and
- (b) the representative had the state of mind.

“(4) An act done or omitted to be done on behalf of a person by a representative of the person within the scope of the representative’s actual or apparent authority is taken to have been done or omitted to be done also by the person, unless the person establishes that reasonable precautions were taken and appropriate diligence was exercised to avoid the act or omission.

“(5) An individual who is convicted of an offence cannot be punished by imprisonment for the offence if the individual would not have been convicted of the offence without subsection (3) or (4).”.

**Explanatory note**

This amendment replaces a dated NSW provision about liability of employers for acts and omissions of employees with a current provision about acts and omissions of representatives.

**[3.83] Subsection 37 (1)—**

After “inspector” insert “or a police officer”.

**Explanatory note**

This amendment extends the coverage of the subsection to police officers (compare s 31 and s 42).

**[3.84] Subsection 37 (1)—**

Omit “or the regulations”.

**Explanatory note**

This amendment removes redundant words (see *Interpretation Act 1967*, s 55A (as inserted by this Act)).

**[3.85] Subsection 38 (1)—**

Omit the subsection, substitute the following subsection:

**SCHEDULE 3—continued**

**“(1)** If a court convicts a person, or finds a person guilty, of an offence against this Act, in relation to dangerous goods, the court may order the forfeiture of the goods to the Territory.”.

**Explanatory note**

This amendment remakes the subsection to omit redundant words, clarify the application of the subsection, extend the application of the subsection to findings of guilty and bring the language of the subsection into line with current drafting practice.

**[3.86] Subsection 40 (1)—**

Omit “he”, substitute “the analyst”.

**Explanatory note**

This amendment removes gender-specific language.

**[3.87] Subsection 40 (1)—**

After “his” insert “or her”.

**Explanatory note**

This amendment removes gender-specific language.

**[3.88] Subsections 40 (1) and (2)—**

Omit “or the regulations”.

**Explanatory note**

This amendment removes redundant words (see *Interpretation Act 1967*, s 55A (as inserted by this Act)).

**[3.89] Part V, Division 4—**

Omit the heading, substitute the following heading:

**“PART 7—MISCELLANEOUS”.**

**Explanatory note**

This amendment converts a division heading into a part heading.

**[3.90] Section 41 (heading)—**

Omit the heading, substitute the following heading:

**“49 Regulation-making power”.**

**Explanatory note**



**SCHEDULE 3—continued**

This amendment revises the section heading to bring it into line with current drafting practice. This section is renumbered by a later amendment as section 49.

**[3.91] Subsection 41 (1)—**

Omit the words before paragraph (a), substitute the following:

“(1) The Executive may make regulations for this Act.

“(2) The regulations may make provision for or with respect to—“.

**Explanatory note**

This amendment continues the effect of subsection 13 (1) of the *Dangerous Goods Act 1984*. That Act is repealed by this Act.

**[3.92] Paragraph 41 (1) (j)—**

Omit “and fees payable in connection therewith”.

**Explanatory note**

This amendment removes redundant words. Fees are determined by the Minister for the Act.

**[3.93] Paragraph 41 (1) (k)—**

Omit “, and the fees payable therefor”.

**Explanatory note**

This amendment removes redundant words. Fees are determined by the Minister for the Act.

**[3.94] Paragraph 41 (1) (m)—**

Omit “thereto”, substitute “to dangerous goods”.

**Explanatory note**

This amendment updates an archaic word in line with current drafting practice.

**[3.95] Paragraphs 41 (1) (d1) to (m)—**

Renumber as paragraphs 41 (1) (e) to (n).

**Explanatory note**

This amendment renumbers paragraphs to bring the numbering into line with current drafting practice.

**[3.96] Section 41—**

After subsection (1) insert the following subsection:

**SCHEDULE 3**—continued

“(3) The regulations may create offences for contraventions of the regulations and may prescribe maximum penalties of not more than 10 penalty units for offences against the regulations.”.

**Explanatory note**

This amendment continues the effect of paragraph 13 (1) (b) of the *Dangerous Goods Act 1984*. That Act is repealed by this Act.

**[3.97] Paragraph 41 (3) (e)**—

Omit “thereto”.

**Explanatory note**

This amendment removes an archaic word in line with current drafting practice.

**[3.98] Paragraph 41 (3) (f1)**—

Omit “Crown”, substitute “Territory”.

**Explanatory note**

This amendment brings language of the paragraph into line with current drafting practice.

**[3.99] Paragraph 41 (3) (f1)**—

Renumber as paragraph 41 (3) (g).

**Explanatory note**

This amendment renumbers a paragraph in accordance with current drafting practice.

**[3.100] Subsections 41 (3) to (6)**—

Renumber as subsections 41 (4) to (7).

**Explanatory note**

This amendment renumbers subsections.

**[3.101] Section 41 as amended**—

Renumber and relocate as section 49.

**Explanatory note**

This amendment renumbers and relocates the section.

**[3.102] Part V, Division 5**—

Omit the heading.

**Explanatory note**

This amendment removes an unnecessary division heading.

**SCHEDULE 3**—continued

**[3.103] Subsection 42 (1)**—

Omit “member of the police force that he”, substitute “police officer that the inspector or police officer”.

**Explanatory note**

This amendment substitutes the term ‘police officer’ (which is defined in the *Interpretation Act 1967*) and removes gender-specific language.

**[3.104] Subsection 42 (1)**—

Omit “or the regulations”.

**Explanatory note**

This amendment omits redundant words (see *Interpretation Act 1967*, s 55A (as inserted by this Act)).

**[3.105] Subsection 42 (1)**—

Omit “members of the police force”, substitute “police officers”.

**Explanatory note**

This amendment substitutes the term ‘police officer’ (which is defined in the *Interpretation Act 1967*).

**[3.106] Subsections 43 (1) and (2) and section 44**—

Omit “or the regulations”.

**Explanatory note**

This amendment omits redundant words (see *Interpretation Act 1967*, s 55A (as inserted by this Act)).

**[3.107] Paragraph 44 (a)**—

Omit “or the regulations”.

**Explanatory note**

This amendment omits redundant words (see *Interpretation Act 1967*, s 55A (as inserted by this Act)).

**[3.108] Section 44 (penalty)**—

Omit the penalty, substitute the following penalty:

“Maximum penalty: 50 penalty units, imprisonment for 6 months or both.”.

**Explanatory note**

This amendment revises a penalty to bring it into line with current drafting practice.

**SCHEDULE 3**—continued

**[3.109] New sections 45 to 48—**

After section 44 insert the following sections:

**“45 Approved forms**

**“(1)** The chief inspector may approve forms for this Act.

**“(2)** If the chief inspector approves a form for a particular purpose, the approved form must be used for the purpose.

**“46 Determination of fees**

**“(1)** The Minister may determine fees for this Act.

**“(2)** Without limiting subsection (1), a fee may be determined—

(a) by specifying the fee; or

(b) by setting a rate, or providing a formula or other method, by which the fee is to be worked out.

**“(3)** A determination under this section—

(a) must provide who is liable to pay a fee; and

(b) may make provision about when the fee is payable and how it is to be paid (for example, as a lump sum or by instalments); and

(c) may make provision about anything else relating to the fee.

**“(4)** A determination under this section is a disallowable instrument.

**“47 Fees payable to Territory in accordance with determinations etc**

**“(1)** A fee determined under section 46 is payable to the Territory, in relation to the relevant matter mentioned in the determination and in accordance with the determination, by the person liable to pay the fee under the determination.

**“(2)** A fee determined under section 46 is payable in advance unless the determination provides otherwise.

**“(3)** If a fee determined under section 46 is payable in advance and the amount has not been paid, the chief inspector or anyone else is not obliged to exercise a function, or provide a service or facility, in relation to which the amount is payable.

**SCHEDULE 3—continued**

**“48 Regulations may make provision about fees**

**“(1)** The regulations may make provision with respect to the payment by cheque or credit card of any fee payable under this Act, including, for example, the consequences of a cheque not being met on presentation or a credit card transaction not being honoured.

**“(2)** Without limiting subsection (1), the regulations may make provision for or with respect to—

- (a) the suspension, cancellation or revocation of any licence, permit, condition, document, or anything else done, given or issued under this Act if any fee payable for or in relation to it—
  - (i) is not paid when it is required to be paid; or
  - (ii) is paid by cheque and the cheque is not met on presentation; or
  - (iii) is paid by credit card and the credit card transaction is not honoured; or
- (b) the restoration (whether prospectively or during any past period of suspension, cancellation or revocation) of any licence, permit, document, or anything else so suspended, cancelled or revoked.”.

**Explanatory note**

New section 45 allows the chief inspector to approve forms for the Act.

New section 46 continues the effect of section 12A of the *Dangerous Goods Act 1984*. That Act is repealed by this Act.

New sections 47 and 48 make provision about the payment and recovery of fees determined by the Minister.

**[3.110] New Part 8—**

Add at the end the following Part:

**“PART 8—TRANSITIONAL**

**“50 Existing chief inspector**

The person who was the chief inspector under section 6 of the *Dangerous Goods Act 1984* immediately before the commencement of this section is taken to be, on and after the commencement, the chief inspector under section 4 of this Act.

**SCHEDULE 3**—continued

**“51 Existing inspectors**

A person who was an inspector under section 8 of the *Dangerous Goods Act 1984* immediately before the commencement of this section is taken to be, on and after the commencement, an inspector under section 5 of this Act.

**“52 Existing delegations**

A delegation made under section 7 of the *Dangerous Goods Act 1984* that is in force immediately before the commencement of this section is taken to be, on and after the commencement, a delegation made under section 7 of this Act.

**“53 Existing identity cards**

An identity card issued under section 8A of the *Dangerous Goods Act 1984* that is in force immediately before the commencement of this section is taken to be, on and after the commencement, an identity card issued under section 7A of this Act.

**“54 Existing fees**

A determination of fees under section 12A of the *Dangerous Goods Act 1984* that is in force immediately before the commencement of this section is taken to be, on and after the commencement, a determination of fees under section 46 of this Act.

**“55 Existing regulations**

**“(1)** Regulations made under section 13 of the *Dangerous Goods Act 1984* that are in force immediately before the commencement of this section are taken to be, on and after that commencement, regulations made under section 49 of this Act.

**“(2)** To remove any doubt, the regulations made under the *Dangerous Goods Act 1984* (NSW), as they are in force in the Territory immediately before the commencement of this section, are taken to be, for all purposes, regulations made under this Act.

**“(3)** Subsection (2) does not affect the operation of the *Interpretation Act 1967*, subsection 65 (1) (Certain NSW and UK Acts taken to be Acts of the Legislative Assembly).

**SCHEDULE 3**—continued

**“56 Expiry of pt 8**

**“(1)** This Part expires 1 year after it commences.

**“(2)** This Part is a provision to which section 42 (Repeal does not end transitional or validity effect etc) of the *Interpretation Act 1967* applies.”.

**Explanatory note**

This amendment provides transitional arrangements for matters in the *Dangerous Goods Act 1984* that are continued in the *Dangerous Goods Act 1975*. The *Dangerous Goods Act 1984* is repealed by this Act.

**[3.111] Dictionary—**

Add at the end the following dictionary:

**“DICTIONARY**

(See s 2)

***analyst*** means a person who is appointed as an analyst under section 6.

***chief inspector*** means a person who is the chief inspector under section 4.

***credit card*** includes debit card.

***director***—see the Corporations Law (Cwlth), section 9.

*Note* Section 9 of the Corporations Law (Cwlth) defines ***director***, of a company or other body, as the following:

(a) a person who—

(i) is appointed to the position of a director; or

(ii) is appointed to the position of an alternate director and is acting in that capacity;

regardless of the name that is given to their position; and

(b) unless the contrary intention appears, a person who is not validly appointed as a director if—

(i) they act in the position of a director; or

(ii) the director of the company or body is accustomed to act in accordance with the person's instructions or wishes.

Under the Corporations Law, subparagraph (b) (ii) does not apply merely because the directors act on advice given by the person in the proper performance of functions attaching to the person's professional capacity, or the person's business relationship with the director or the company or body.

***identity card*** means an identity card issued under section 7A.

**SCHEDULE 3**—continued

*inspector* means a person who is an inspector under section 5.

*permit* means a permit under this Act.

*sell* includes—

- (a) offer for sale; and
- (b) expose for sale; and
- (c) barter (or offer or expose for barter); and
- (d) exchange (or offer or expose for exchange); and
- (e) supply for value (or offer or expose for supply for value); and
- (f) supply for free (or offer or expose for supply for free), to gain or maintain custom, or otherwise for commercial gain.”.

**Explanatory note**

This amendment creates a dictionary in accordance with current drafting practice and includes all relevant definitions in the Act that require technical or consequential amendment. The definition of *credit card* is a new consequential definition.

**[3.112] Renumbering of divisions**

In the next reprint of the *Dangerous Goods Act 1975* under the *Legislation (Republication) Act 1996*, the divisions of the *Dangerous Goods Act 1975* must be renumbered as permitted under section 13 of the *Legislation (Republication) Act 1996*.

**Explanatory note**

This provision provides for the renumbering of the divisions of the *Dangerous Goods Act 1975* in accordance with current drafting practice.

***Dangerous Goods Regulations 1978***

**[3.113] Subregulation 4 (1) (definition of *chief inspector*)—**

Omit the definition, substitute the following definition:

“*chief inspector*—see the Act, dictionary.”.

**Explanatory note**

This amendment is consequential on the repeal of the *Dangerous Goods Act 1984* and the relocation of provisions of that Act to the *Dangerous Goods Act 1975*.



**SCHEDULE 3**—continued

**[3.114] Subregulation 4 (1) (definition of *city*)—**

Omit the definition, substitute the following definition:

“*city* means the city area.”.

*Note* *City area* is defined in the *Interpretation Act 1967*, dictionary.”.

**Explanatory note**

This amendment updates a definition.

**[3.115] Subregulation 4 (1) (definitions of *contravene* and *financial year*)—**

Omit the definitions.

**Explanatory note**

This amendment omits redundant definitions (see *Interpretation Act 1967*, dictionary, defs of *contravene* and *financial year*).

**[3.116] Subregulation 4 (1) (definition of *inspector*)—**

Omit the definition, substitute the following definition:

“*inspector*—see the Act, dictionary.”.

**Explanatory note**

This amendment is consequential on the repeal of the *Dangerous Goods Act 1984* and the relocation of provisions of that Act to the *Dangerous Goods Act 1975*.

**[3.117] Subregulation 4 (1) (definitions of *public hall* and *theatre*)—**

Omit the definitions.

**Explanatory note**

This amendment is consequential on the repeal of the *Theatres and Public Halls Act 1928* by this Act. The terms public hall and theatre will carry their normal dictionary meanings in the regulations.

**[3.118] Regulation 6—**

Insert “the Act and” before “this Division”.

**Explanatory note**

This amendment is consequential on the remaking of existing regulation 7 by this Schedule.

**[3.119] Regulation 7—**

Repeal the regulation, substitute the following regulation:

**SCHEDULE 3**—continued

**“7 Making of application**

An application mentioned in regulation 6 is made by giving it to the chief inspector.”.

**Explanatory note**

This amendment revises the regulation consequentially on the inclusion in the Act of a section (section 45) about approved forms.

**[3.120] Part 2, Division 2—**

Repeal the Division.

**Explanatory note**

This amendment omits provisions about determined fees made redundant by amendments of the Act.

**[3.121] Subregulation 16A (1)—**

Omit “subsection 4 (4) of the *Dangerous Goods Act 1984*”, substitute “subsection 3 (6) of the Act.”.

**Explanatory note**

This amendment is consequential on the repeal of the *Dangerous Goods Act 1984* and the relocation of provisions of that Act to the *Dangerous Goods Act 1975*.

**[3.122] Subregulation 16A (2)—**

Omit the subregulation, substitute the following subregulation:

“(2) In this regulation:

*ADG Code*—see the *Road Transport Reform (Dangerous Goods) Regulations 1997* (Cwlth), dictionary.”.

**Explanatory note**

This amendment updates a definition.

**[3.123] Regulation 65G—**

Repeal the regulation.

**Explanatory note**

This amendment omits a regulation made redundant by the inclusion in the Act of provisions about approved forms and determined fees and the provisions of the *Interpretation Act 1967* about forms (see s 13).

**SCHEDULE 3**—continued

**[3.124] Renumbering of divisions—**

In the next reprint of the *Dangerous Goods Regulations 1978* under the *Legislation (Republication) Act 1996*, the divisions of the *Dangerous Goods Regulations 1978* must be renumbered as permitted under section 13 of the *Legislation (Republication) Act 1996*.

**Explanatory note**

This provision provides for the renumbering of the divisions of the *Dangerous Goods Regulations 1978* in accordance with current drafting practice.

***Financial Management Act 1996***

**[3.125] Subsection 3 (1) (definition of *financial management guidelines*)—**

Omit the definition, substitute the following definition:

“*financial management guidelines* means the financial management guidelines under this Act.”.

**Explanatory note**

This amendment updates a definition to take account of amendments made by the *Financial Management Amendment Act 2000*.

***Firearms Regulations***

**[3.126] Regulation 1—**

Repeal the regulation, substitute the following regulation:

**“1 Name of regulations**

These regulations are the *Firearms Regulations 1997*.”.

**Explanatory note**

This amendment revises the name of the regulations to bring it into line with current drafting practice.

**[3.127] Regulation 2—**

Repeal the regulation.

**Explanatory note**

This amendment repeals a spent commencement provision.

**SCHEDULE 3**—continued

**[3.128] Paragraph 4 (b)**—

Omit “regulations under the *Scaffolding and Lifts Act 1912*”, substitute “*Scaffolding and Lifts Regulations 1950*”.

**Explanatory note**

This amendment is consequential on the inclusion of a naming provision in the regulations under the *Scaffolding and Lifts Act 1912* by Subordinate Law 1999 No 19.

**[3.129] Subregulation 44 (1)**—

Omit “1984”, substitute “1975”.

**Explanatory note**

This amendment is consequential on the repeal of the *Dangerous Goods Act 1984* by this Act and the continuation of substantive provisions from that Act in the *Dangerous Goods Act 1975*.

***Nature Conservation Act 1980***

**[3.130] Sections 1, 2, and 3**—

Repeal the sections, substitute the following sections:

**“1 Name of Act**

This Act is the *Nature Conservation Act 1980*.

**“2 Dictionary**

The dictionary at the end of this Act is part of this Act.

*Note 1* The dictionary at the end of this Act defines certain words and expressions used in this Act, and includes references (*signpost definitions*) to other words and expressions defined elsewhere in this Act or in other legislation.

For example, the signpost definition ‘*motor vehicle*—see the *Road Transport (General) Act 1999*, dictionary.’ means that the expression ‘motor vehicle’ is defined in the dictionary to that Act and the definition applies to this Act.

*Note 2* A definition in the dictionary (including a signpost definition) applies to the entire Act unless the definition, or another provision of the Act, provides otherwise or the contrary intention otherwise appears (see *Interpretation Act 1967*, s 11F and s 11G).

**“3 Notes**

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

*Note* See *Interpretation Act 1967*, ss 12 (1), (4) and (5) for the legal status of notes.”.

**Explanatory notes**

**SCHEDULE 3—continued**

New section 1 revises the Act’s naming provision (short title) in accordance with current drafting practice.

New sections 2 and 3 are standard provisions explaining the status of the dictionary and notes and the operation of definitions. The existing interpretation section is replaced by a dictionary by other amendments.

**[3.131] Section 5 (definitions of *built-up area, motor vehicle, pest animal, pest plant, Plan, reserved area and wilderness area*)—**

Omit the definitions.

**Explanatory note**

This amendment omits definitions that are no longer used, or that have been amended and now form part of the dictionary.

The definition of *Plan* is no longer needed because all references in the Act to ‘Plan’ have been replaced by ‘Territory plan’ by other amendments. A definition of ‘Territory plan’ is being inserted into the *Interpretation Act 1967* by an amendment in the *Statute Law Amendment Act 2000*.

**[3.132] Section 5—**

Relocate all the definitions (except the definitions of *built-up area, motor vehicle, pest animal, pest plant, Plan, reserved area and wilderness area*) to the dictionary.

**Explanatory note**

This amendment relocates to the dictionary all definitions from the existing interpretation section that are still needed and do not need revision. The dictionary is inserted by a later amendment in this Schedule.

Revised definitions of *built-up area, motor vehicle, pest animal, pest plant, reserved area, and wilderness area* are included in the dictionary by the amendment that inserts the dictionary.

**[3.133] Subsections 7 (2) and (3) and 8 (2) and (3)—**

Omit “Government service”, substitute “public service”.

**Explanatory note**

This amendment updates public service references.

**[3.134] Section 9 (penalty)—**

Omit the penalty, substitute the following penalty:

“Maximum penalty (subsection (3)): 1 penalty unit.”.

**SCHEDULE 3**—continued

**Explanatory note**

This amendment revises a penalty to bring it into line with current drafting practice and clarifies that the penalty relates only to subsection (3) of the section.

**[3.135] Subsection 15 (3)—**

Omit the subsection, substitute the following subsection:

“(3) It is the function of the Australian Capital Territory Parks and Conservation Service to assist the conservator in the exercise of his or her functions under this Act.”.

**Explanatory note**

This amendment simplifies the subsection by omitting unnecessary words (see defs of *exercise* and *function* in the dictionary to the *Interpretation Act 1967* (as amended by this Act)).

**[3.136] Section 15E—**

Add at the end the following notes:

“*Note 1* A person may be reappointed to a position if the person is eligible to be appointed to the position (see *Interpretation Act 1967*, par 28 (3) (c) and dict, def of *appoint*).

*Note 2* A power to appoint a person to a position includes power to appoint a person to act in the position (see *Interpretation Act 1967*, ss 38 (4)-(6)).”.

**Explanatory note**

This amendment includes notes drawing attention to the provisions of the *Interpretation Act 1967* about reappointments and acting appointments.

**[3.137] Section 15G—**

Repeal the section, substitute the following section:

**“15G Secretary to committee**

The secretary to the committee must be a public servant nominated by the chief executive.”.

**Explanatory note**

This amendment simplifies and updates the section.

**[3.138] Section 15L—**

Repeal the section.

**Explanatory note**

This amendment repeals a section that deals with resignations. This is now covered by the *Interpretation Act 1967* (see s 28 (8)).

**SCHEDULE 3—continued**

**[3.139] Section 15M—**

Add at the end the following note:

“*Note* The member’s appointment also ends if the member resigns (see the *Interpretation Act 1967*, ss 28 (8) and (9)).”.

**Explanatory note**

This amendment includes a note drawing attention to the provisions of the *Interpretation Act 1967* about resignations.

**[3.140] Section 15N—**

Repeal the section.

**Explanatory note**

This amendment repeals a section that deals with acting appointments. This is now covered by the *Interpretation Act 1967* (see ss 28 (4)–(6)).

**[3.141] Heading to Part 2—**

Omit the heading, substitute the following heading:

**“PART 2—NATURE CONSERVATION AND DECLARATIONS”.**

**Explanatory note**

This amendment revises the Part heading to more accurately reflect the coverage of the Part.

**[3.142] Subsection 15S (1)—**

Omit “, as soon as practicable after the commencement of the *Nature Conservation (Amendment) Act 1994*,”.

**Explanatory note**

This amendment omits transitional words that are no longer needed.

**[3.143] Subsection 15Z (1)—**

Omit “or deemed to be disallowed”.

**Explanatory note**

This amendment omits unnecessary words.

**SCHEDULE 3—continued**

**[3.144] Heading to Division 2 of Part 2—**

Omit the heading, substitute the following heading:

***“Division 2.2—Declarations about special protection status and protected and exempt flora and fauna”.***

**Explanatory note**

This amendment revises the Division heading to more accurately reflect the coverage of the Division.

**[3.145] Subsection 23 (1)—**

Omit “, as soon as practicable after the commencement of the *Nature Conservation (Amendment) Act 1994*,”.

**Explanatory note**

This amendment omits transitional words that are no longer needed.

**[3.146] Section 23E—**

Omit “for the purposes of section 10 of the *Subordinate Laws Act 1989*”.

**Explanatory note**

This amendment omits unnecessary words (see *Interpretation Act 1967*, dict, def of *disallowable instrument*).

**[3.147] Subsection 26 (2)—**

Omit the subsection, substitute the following subsection:

**“(2)** This section does not apply to the taking of an animal that is suffering from a disease, illness or injury for the purpose of treating it or giving it to a conservation officer.”.

**Explanatory note**

This amendment simplifies the section and brings it more closely into line with current drafting practice.

**[3.148] Subsection 27 (3)—**

Renumber as subsection (2).

**Explanatory note**

This amendment renumbers a subsection.

**[3.149] Subsections 39 (1A) and (1B)—**

Renumber as subsections (2) and (3).



**SCHEDULE 3**—continued

**Explanatory note**

This amendment renumbers subsections.

**[3.150] Subsections 39 (1C) to (2)**—

Renumber as subsections (4) to (6).

**Explanatory note**

This amendment renumbers subsections.

**[3.151] Subsection 39 (1D)**—

Omit “(1A)”, substitute “(2)”.

**Explanatory note**

This amendment is consequential on the renumbering of a subsection.

**[3.152] Subsection 39 (2)**—

Omit the words before paragraph (a), substitute:

“(6) This section does not apply to a person who—”.

**Explanatory note**

This amendment is consequential on the renumbering of subsections. The amendment simplifies the subsection and brings it more closely into line with current drafting practice.

**[3.153] Paragraphs 42 (2) (f) and 43 (4A) (a)**—

Omit “performance”, substitute “exercise”.

**Explanatory note**

This amendment will enable the new definition of *function* proposed to be inserted into the *Interpretation Act 1967* by this Act to apply to the paragraphs (see also *Interpretation Act 1967*, dict, def of *exercise*).

**[3.154] Subsections 43 (4A) to (7)**—

Renumber as subsections (5) to (8).

**Explanatory note**

This amendment renumbers subsections.

**[3.155] Subsection 43 (6)**—

Omit “(5)”, substitute “(6)”.

**Explanatory note**

This amendment is consequential on the renumbering of a subsection.

**SCHEDULE 3**—continued

**[3.156] Subsection 45 (1) (penalty)**—

Omit the penalty, substitute the following penalty:

“Maximum penalty:

- (a) if the plant has special protection status—50 penalty units;
- (b) in any other case—25 penalty units.”.

**Explanatory note**

This amendment revises a penalty to bring it into line with current drafting practice.

**[3.157] Subsection 45AA (4)**—

Omit “for the purposes of section 10 of the *Subordinate Laws Act 1989*”.

**Explanatory note**

This amendment omits unnecessary words (see *Interpretation Act 1967*, dict, def of *disallowable instrument*).

**[3.158] Section 45A (heading)**—

Omit the heading, substitute the following heading:

“**45A Meaning of *native animal* in pt 5**”.

**Explanatory note**

This amendment makes the heading specific to the term being defined in accordance with current drafting practice.

**[3.159] Subsections 49 (2) and (2A)**—

Renumber as subsections (1) and (2).

**Explanatory note**

This amendment renumbers subsections.

**[3.160] Subsections 49 (2A) and (3)**—

Omit “(2)”, substitute “(1)”.

**Explanatory note**

This amendment is consequential on the renumbering of a subsection.

**[3.161] Subsection 50 (1)**—

Omit “(2A)”, substitute “(1)”.

**Explanatory note**

This amendment is consequential on the renumbering of a subsection.

**SCHEDULE 3**—continued

**[3.162] Subsection 50 (2)**—

Omit “for the purposes of section 10 of the *Subordinate Laws Act 1989*”.

**Explanatory note**

This amendment omits unnecessary words (see *Interpretation Act 1967*, dict, def of *disallowable instrument*).

**[3.163] Subsections 56 (3A) and (4)**—

Re-number as subsections (4) and (5).

**Explanatory note**

This amendment renumbers subsections.

**[3.164] Subsection 56 (5)**—

Omit the subsection, substitute the following subsection:

“(6) Subsection (2) does not apply to the use or possession of a firearm by a police officer in the course of his or her duties as a police officer.”.

**Explanatory note**

This amendment renumbers and simplifies a subsection.

**[3.165] Section 60AA (heading)**—

Omit the heading, substitute the following heading:

“**60AA Definitions for pt 6**”.

**Explanatory note**

This amendment makes the heading specific to the Part of the Act to which the definitions apply in accordance with current drafting practice.

**[3.166] Section 60AA (definitions of *Territory Land* and *Territory Plan*)**—

Omit the definitions.

**Explanatory note**

This amendment omits definitions that are no longer needed. *Territory land* is defined in the dictionary to the *Interpretation Act 1967*. A definition of *Territory plan* is being inserted into that Act by the *Statute Law Amendment Act 2000*.

**[3.167] Subsection 60AB (4)**—

Omit the subsection, substitute the following subsection:

**SCHEDULE 3**—continued

“(4) A management agreement must not conflict with an approval within the meaning of section 222 of the Land Act.”.

**Explanatory note**

This amendment removes a redundant reference to a repealed Act, simplifies the subsection and brings it more closely into line with current drafting practice.

**[3.168] Subsection 61 (1)**—

Omit the subsection, substitute the following subsection:

“(1) An application for the grant of a licence must be—

- (a) given to the conservator; and
- (b) accompanied by the determined fee.”.

**Explanatory notes**

This amendment simplifies the section by omitting mention of approved form. This is dealt with by a section about approved forms that is inserted by this Schedule.

The amendment also simplifies the section by omitting mention of accompanying documents. This can be dealt with in the approved form itself (see *Interpretation Act 1967*, s 13 (2)).

**[3.169] Subsection 64 (4)**—

Omit “for the purposes of section 10 of the *Subordinate Laws Act 1989*.”.

**Explanatory note**

This amendment omits unnecessary words (see *Interpretation Act 1967*, dict, def of *disallowable instrument*).

**[3.170] Section 74AA (heading)**—

Omit the heading, substitute the following heading:

“**74AA Definitions for pt 8A**”.

**Explanatory note**

This amendment makes the heading specific to the Part of the Act to which the definitions apply in accordance with current drafting practice.

**[3.171] Section 74AA (definitions of *on-the-spot fine and relevant amount*)**—

Omit “Schedule 2”, substitute “Schedule 1”.

**Explanatory note**

This amendment is consequential on the renumbering of a schedule.

**SCHEDULE 3—continued**

**[3.172] Section 74AA (definition of *Schedule 2 offence*)—**

Omit the definition, substitute the following definition:

“*Schedule 1 offence* means an offence against a provision mentioned in column 1 of Schedule 1.”.

**Explanatory note**

This amendment is consequential on the renumbering of a schedule.

**[3.173] Subsection 74AB (1)—**

Omit “Schedule 2”, substitute “Schedule 1”.

**Explanatory note**

This amendment is consequential on the renumbering of a schedule.

**[3.174] Subsections 74AB (2) and 74AC (2)—**

Omit the words before paragraph (a), substitute “An infringement notice must—”.

**Explanatory note**

This amendment simplifies the subsections by omitting mentions of approved form. This is dealt with by a section about approved forms that is inserted by this Schedule.

**[3.175] Sections 74AD and 74AE, subsection 74AG (5), section 74AH and subsection 74AK (2)—**

Omit “Schedule 2”, substitute “Schedule 1”.

**Explanatory note**

This amendment is consequential on the renumbering of a schedule.

**[3.176] Paragraphs 77 (2) (aa) and (b)—**

Renumber as paragraphs (b) and (c).

**Explanatory note**

This amendment renumbers paragraphs.

**[3.177] Subsections 80 (1A) to (6)—**

Renumber as subsections (1) to (8).

**Explanatory note**

This amendment renumbers subsections.

**[3.178] Subsections 80 (2) to (4)—**

Omit “subsection (1)”, substitute “subsection (2)”.

**SCHEDULE 3**—continued

**Explanatory note**

This amendment is consequential on the previous amendment.

**[3.179] Section 80B—**

Repeal the section, substitute the following section:

**“80B Approval of forms**

**“(1)** The conservator may approve forms for this Act.

**“(2)** If the conservator approves a form for a particular purpose, the approved form must be used for that purpose.”.

**Explanatory notes**

This amendment omits a section made redundant by amendments of the *Interpretation Act 1967*. Section 33A of that Act provides that the value of a penalty unit for an individual is \$100 and that the value of a penalty unit for a corporation is \$500.

The amendment also substitutes a section allowing forms to be approved for the Act.

**[3.180] Section 83A—**

Repeal the section, substitute the following section:

**“83A Determination of fees**

**“(1)** The Minister may determine fees for this Act.

**“(2)** A determination under this section is a disallowable instrument.”.

**Explanatory note**

This amendment changes the form of fee determination provision in accordance with current drafting practice.

**[3.181] Section 84 (heading)—**

Omit the heading, substitute the following heading:

**“84 Regulation-making power”.**

**Explanatory note**

This amendment revises a heading in accordance with current drafting practice.

**[3.182] Subsection 84 (1)—**

Omit the subsection, substitute the following subsections:

**“(1)** The Executive may make regulations for this Act.

**SCHEDULE 3**—continued

“(2) The regulations may—

- (a) provide for the imposition of fees to be charged for access to reserved areas; and
- (b) create offences for contraventions of the regulations and prescribe maximum penalties of not more than 10 penalty units for offences against the regulations.”.

**Explanatory note**

This amendment substitutes the current form of regulation making power. Because of section 2A of the *Subordinate Laws Act 1989*, the substituted subsections have the same effect as the former subsections but are more concise.

**[3.183] Subsection 84 (2)**—

Re-number as subsection 84 (3).

**Explanatory note**

This amendment is a consequential renumbering of the subsection.

**[3.184] Schedule 1**—

Repeal the Schedule.

**Explanatory note**

This amendment repeals a Schedule that is no longer needed. The repeal of the Schedule does not affect the repeal of the Acts mentioned in it (see *Interpretation Act 1967*, s 38).

**[3.185] Schedule 2**—

- (a) Omit “Subsection 39 (1A)”, substitute “Subsection 39 (2)”.
- (b) Omit “Subsection 39 (1B)”, substitute “Subsection 39 (3)”.
- (c) Omit “Subsection 39 (1BA).....\$75”.

**Explanatory notes**

Amendments (a) and (b) are consequential on the renumbering of subsections.

Amendment (c) is consequential on the omission of a subsection by the *Fisheries Act 2000*.

**[3.186] Schedule 2**—

Re-number as Schedule 1.

**Explanatory note**

This amendment provides for the consequential renumbering of a Schedule.

**[3.187] Dictionary**

Add at the end the following dictionary:

**SCHEDULE 3**—continued

**“DICTIONARY**

(See s 2)

- activities**, for Part 6A (Management agreements)—see section 60AA.
- agency**, for Part 6A (Management agreements)—see section 60AA.
- built-up area**—see the *Bushfire Act 1936*, section 3.
- controlled land**, for Part 6A (Management agreements)—see section 60AA.
- development**, for Part 6A (Management agreements)—see section 60AA.
- final infringement notice**, for Part 8A (On-the-spot fines)—see section 74AA.
- infringement notice**, for Part 8A (On-the-spot fines)—see section 74AA.
- Land Act**, for Part 6A (Management agreements)—see section 60AA.
- land management objectives**, for Part 6A (Management agreements)—see section 60AA.
- management agreement**, for Part 6A (Management agreements)—see section 60AA.
- motor vehicle**—see the *Road Transport (General) Act 1999*, dictionary.
- natural environment**, for Part 6A (Management agreements)—see section 60AA.
- on-the-spot fine**, for Part 8A (On-the-spot fines)—see section 74AA.
- pest animal**—see *Land (Planning and Environment) Act 1991*, section 4.
- pest plant**—see *Land (Planning and Environment) Act 1991*, section 4.
- public land**, for Part 6A (Management agreements)—see section 60AA.
- relevant amount**, for Part 8A (On-the-spot fines)—see section 74AA.
- relevant period for payment**, for Part 8A (On-the-spot fines)—see section 74AA.
- reserved area** means an area of public land reserved under the Territory plan as a wilderness area, national park or nature reserve.
- Schedule 1 offence**, for Part 8A (On-the-spot fines)—see section 74AA.



**SCHEDULE 3**—continued

*wilderness area* means an area of public land reserved under the Territory plan as a wilderness area.”.

**Explanatory note**

This amendment creates a dictionary in accordance with current drafting practice and includes all relevant definitions in the Act that require technical or consequential amendment.

**[3.188] Renumbering of Parts and Divisions**

In the next reprint of the *Nature Conservation Act 1980* under the *Legislation (Republication) Act 1996*, the Parts and Divisions of the *Nature Conservation Act 1980* must be renumbered as permitted under section 13 of the *Legislation (Republication) Act 1996*.

**Explanatory note**

This provision provides for the renumbering of the Parts and Divisions of the *Nature Conservation Act 1980* in accordance with current drafting practice.

***Occupational Health and Safety Act 1989***

**[3.189] Subsection 5 (1) (definition of *associated law*, paragraph (a))—**

Omit the paragraph, substitute the following paragraph:

“(a) the *Dangerous Goods Act 1975*”.

**Explanatory note**

This amendment is consequential on the repeal of the *Dangerous Goods Act 1984* by this Act and the continuation of substantive provisions from that Act in the *Dangerous Goods Act 1975*.

**[3.190] Subsection 5 (1) (definition of *associated law*, paragraph (e))—**

Omit the paragraph, substitute the following paragraph:

“(e) the *Scaffolding and Lifts Act 1912*”.

**Explanatory note**

This amendment is consequential on the repeal of the *Scaffolding and Lifts Act 1957* by this Act and the continuation of substantive provisions from that Act in the *Scaffolding and Lifts Act 1912*.

**SCHEDULE 3**—continued

***Occupational Health and Safety Regulations 1991***

**[3.191] Regulation 2 (definition of *dangerous goods*)—**

Omit the definition, substitute the following definition:

“*dangerous goods*—see the *Dangerous Goods Act 1975*, dictionary.”.

**Explanatory note**

This amendment is consequential on the *Dangerous Goods Act 1975* becoming an ACT Act under amendments of the *Interpretation Act 1967* made by the *Law Reform (Miscellaneous Provisions) Act 1999*.

**[3.192] Regulation 2 (definition of *Dangerous Goods Regulations*)—**

Omit the definition.

**Explanatory note**

It is no longer necessary to define the regulation because of the revised name given to the regulation by an amendment made by the *Law Reform (Miscellaneous Provisions) Act 1999*.

**[3.193] Regulation 2 (definition of *firework*)—**

Omit the definition, substitute the following definition:

“*firework*—see *Dangerous Goods Regulations 1978*, subregulation 4 (1).”.

**Explanatory note**

This amendment is consequential on amendments made to the *Dangerous Goods Regulation 1978* by the *Law Reform (Miscellaneous Provisions) Act 1999* that had the effect of incorporating the regulation into ACT law.

**[3.194] Paragraph 2AA (1) (a)—**

Omit the paragraph, substitute the following paragraph:

“(a) designated as a class 1 dangerous good in Schedule 1 to the *Dangerous Goods Regulations 1978*; or”.

**Explanatory note**

This amendment is consequential on the omission of the definition of *Dangerous Goods Regulations*. Words made redundant by the *Interpretation Act 1967*, section 54 (References taken to be included in citation of a law or instrument) have also been omitted.

**[3.195] Paragraph 2AA (1) (b)—**

Omit “, as in force from time to time”.

**Explanatory note**

**SCHEDULE 3—continued**

This amendment omits words made redundant by the *Interpretation Act 1967*, section 54.

**[3.196] Paragraph 2AA (2) (c)—**

Omit “regulations under the *Scaffolding and Lifts Act 1912*”, substitute “*Scaffolding and Lifts Regulations 1950*”.

**Explanatory note**

This amendment is consequential on the inclusion of a naming provision in the regulations under the *Scaffolding and Lifts Act 1912* by Subordinate Law 1999 No 19.

**[3.197] Paragraph 15 (a)—**

Omit “Dangerous Goods Regulations”, substitute “*Dangerous Goods Regulations 1978*”.

**Explanatory note**

This amendment is consequential on the omission of the definition of *Dangerous Goods Regulations*.

**[3.198] Subparagraph 21 (1) (a) (iv)—**

Omit “Dangerous Goods Regulations”, substitute “*Dangerous Goods Regulations 1978*”.

**Explanatory note**

This amendment is consequential on the omission of the definition of *Dangerous Goods Regulations*.

***Scaffolding and Lifts Act 1912***

**[3.199] Title—**

Repeal the title, substitute the following title:

“An Act about scaffolding, lifts, cranes, building, excavation and compressed air work”.

**Explanatory note**

This amendment revises the Act’s long title to take account of the current scope of the Act. The amendment is consequential on the repeal of the *Scaffolding and Lifts Act 1957* by this Act. That Act previously applied the *Scaffolding and Lifts Act 1912* (NSW) and the regulations made under it as laws of the Territory. The NSW Act became an ACT Act under amendments of the *Interpretation Act 1967* made by the *Law Reform (Miscellaneous Provisions) Act 1999*.

**[3.200] Section 1—**

Repeal the section, substitute the following section:

**SCHEDULE 3—continued**

**“1 Name of Act**

This Act is the *Scaffolding and Lifts Act 1912*.”.

**Explanatory note**

This amendment brings the Act’s naming provision (short title) into line with current drafting practice.

**[3.201] New section 2—**

After section 1 insert the following sections:

**“2 Dictionary**

The dictionary at the end of this Act is part of this Act.

*Note 1* The dictionary at the end of this Act defines certain words and expressions used in this Act, and includes references (*signpost definitions*) to other words and expressions defined elsewhere in this Act.

*Note 2* A definition in the dictionary (including a signpost definition) applies to the entire Act unless the definition, or another provision of the Act, provides otherwise or the contrary intention otherwise appears (see *Interpretation Act 1967*, s 11F and s 11G).

**“3 Notes**

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

*Note* See *Interpretation Act 1967*, ss 12 (1), (4) and (5) for the legal status of notes.”.

**Explanatory note**

This amendment inserts standard provisions explaining the status of the dictionary and notes and the operation of definitions.

**[3.202] Subsection 3 (1) (definitions of *automatic lift, building work, compressed air work, contractor, crane, crane chaser, gear, hoist, lift, owner, passenger lift, plant, power crane, power hoist, rigger, scaffolding and supporting structure*)—**

Relocate the definitions to the dictionary.

**Explanatory note**

This amendment relocates to the dictionary all relevant definitions from the interpretation section that do not need amendment.

The definition of *approved plans and specifications* is no longer needed because the term is not now used in the Act.

The definition of *authorised attendant* is no longer necessary because the provisions of the Act about lift attendants are now redundant.

The definition of *cost* is moved to section 6 because it is only used in that section.

**SCHEDULE 3—continued**

The definitions of *prescribed* and *the Building Regulations* are no longer necessary because of provisions in the *Interpretation Act 1967* (see dict, def of *prescribed* and s 52).

The definitions of *chief inspector*, *dogman*, *excavation work*, *inspector* and *scaffolder* have replacement definitions in the dictionary inserted by this Act.

**[3.203] Remainder of subsection 3 (1)—**

Omit the remainder of the subsection.

**Explanatory note**

This amendment is consequential on the previous amendment.

**[3.204] Subsection 3 (2)—**

Renumber as section 4.

**Explanatory note**

This amendment renumbers a subsection of an interpretation section as a separate section in accordance with current drafting practice.

**[3.205] Subsection 3 (2)—**

Insert the following heading:

**“4 Semidetached buildings”.**

**Explanatory note**

This amendment inserts a section heading for the subsection renumbered as a section by the previous amendment.

**[3.206] Subsection 3 (3)—**

Omit the subsection.

**Explanatory note**

This amendment omits a definition that has been recast and included in the dictionary (inserted by this Schedule).

**[3.207] New Part 1A—**

After section 3 insert the following Part:

**“PART 1A—ADMINISTRATION**

**“5 Chief inspector**

The Minister may appoint a Chief Inspector of Scaffolding and Lifts (the *chief inspector*) for this Act.

**SCHEDULE 3**—continued

**“5A Inspectors**

**“(1)** The Minister may appoint inspectors for this Act.

**“(2)** The chief inspector is also an inspector.”.

**Explanatory note**

This amendment continues the effect of section 6 of the *Scaffolding and Lifts Act 1957*. That Act is repealed by this Act.

**[3.208] Subsection 6 (1)—**

Omit “a notice in writing, under his hand, of his”, substitute “written notice of the person’s”.

**Explanatory note**

This amendment removes gender-specific language.

**[3.209] Subsection 6 (1) (penalty)—**

Omit the penalty, substitute the following penalty:

“Maximum penalty: 20 penalty units.”

**Explanatory note**

This amendment substitutes a penalty expressed in accordance with current drafting practice.

**[3.210] Subsection 6 (4) (a) (ii)—**

Omit “six feet”, substitute “1.8m”.

**Explanatory note**

This amendment substitutes a metric measurement.

**[3.211] Paragraph 6 (4) (b)—**

Omit the paragraph, substitute the following paragraph:

“(b) the demolition of—

- (i) a 1 storey building if the height of the building measured from the ground level at the lowest point (or, if a floor of the building is below the ground level at the lowest point, the lowest floor) to its highest point is not more than 4.6m; or

**SCHEDULE 3—continued**

- (ii) a structure if the height of the structure measured from its lowest point (the ground level at the lowest point) to its highest point is not more than 4.6m; or”.

**Explanatory note**

This amendment substitutes a paragraph to convert measurements from imperial to metric units.

**[3.212] New subsection 6 (5)—**

Add at the end the following subsection:

“(5) In this section:

*cost*, of building work—see the *Building Act 1972*, section 58AA.”.

**Explanatory note**

This amendment relocates a definition from subsection 3 (1) (Interpretation) to the only section in which it is used and updates it.

**[3.213] Subsection 10 (1)—**

Omit “notice in writing under his hand of his”, substitute “written notice of the person’s”.

**Explanatory note**

This amendment removes gender-specific language.

**[3.214] Sections 11 and 12—**

Repeal the sections.

**Explanatory note**

This amendment removes redundant provisions about lift attendants. Unsafe work practices relating to lifts can continue to be dealt with by directions under section 15 of this Act or by notices under the *Occupational Health and Safety Act 1989*.

**[3.215] Paragraph 13 (b)—**

Omit “he”, substitute “the inspector”.

**Explanatory note**

This amendment removes gender-specific language.

**[3.216] Section 14—**

Repeal the section.

**Explanatory note**

**SCHEDULE 3—continued**

This amendment removes redundant provisions about lift attendants. Unsafe work practices relating to lifts can continue to be dealt with by directions under section 15 of this Act or by notices under the *Occupational Health and Safety Act 1989*.

**[3.217] Subsection 15 (1)—**

Omit “he”, substitute “the inspector”.

**Explanatory note**

This amendment removes gender-specific language.

**[3.218] Subsection 15 (1)—**

Omit “; and such person shall, unless notice of appeal is given as hereinafter provided, forthwith carry out such directions”.

**Explanatory note**

This amendment and the following amendment recast part of subsection 15 (1) to bring it more closely into line with current drafting practice.

**[3.219] New subsection 15 (2)—**

After subsection 15 (1) insert the following subsection:

“(2) The person must comply with the direction unless the person appeals against it in accordance with subsection (6).”.

**Explanatory note**

This amendment and the previous amendment recast part of subsection 15 (1) to bring it more closely into line with current drafting practice. Existing subsection 15 (2) is renumbered by a later amendment.

**[3.220] Subsection 15 (2)—**

Omit “he”, substitute “, the inspector”.

**Explanatory note**

This amendment removes gender-specific language.

**[3.221] Subsection 15 (2), 1<sup>st</sup> sentence—**

Renumber as subsection 15 (3).

**Explanatory note**

This amendment consequentially renumbers a subsection.



**SCHEDULE 3**—continued

**[3.222] Subsection 15 (2), 2<sup>nd</sup> sentence—**

Omit “this subsection”, substitute “subsection (3)”.

**Explanatory note**

This amendment is consequential on the renumbering of the 1<sup>st</sup> sentence of subsection 15 (2).

**[3.223] Subsection 15 (2), 2<sup>nd</sup> sentence—**

Renumber as subsection 15 (4).

**Explanatory note**

This amendment renumbers a sentence as a separate subsection in accordance with current drafting practice.

**[3.224] Subsection 15 (2), 3<sup>rd</sup> sentence—**

Omit “this subsection”, substitute “subsection (3)”.

**Explanatory note**

This amendment is consequential on the renumbering of the 1<sup>st</sup> sentence of subsection 15 (2).

**[3.225] Subsection 15 (2), 3<sup>rd</sup> sentence—**

Renumber as subsection 15 (5).

**Explanatory note**

This amendment renumbers a sentence as a separate subsection in accordance with current drafting practice.

**[3.226] Subsection 15 (3)—**

Omit the subsection.

**Explanatory note**

This subsection is redundant because of section 26A of the *Interpretation Act 1967*.

**[3.227] Subsection 15 (4)—**

Omit “to him”.

**Explanatory note**

This amendment removes gender-specific language.

**[3.228] Subsections 15 (4) to (4B)—**

Renumber as subsections 15 (6) to (8).

**Explanatory note**

**SCHEDULE 3—continued**

This amendment makes a consequential renumbering of a subsection.

**[3.229] Subsection 15 (5)—**

Omit the subsection, substitute the following subsection:

“(9) A person must not fail to comply with—

- (a) a direction or order given to the person by an inspector under this section; or
- (b) an order made by the Minister under this section.

Maximum penalty: 50 penalty units.”.

**Explanatory note**

This amendment recasts a subsection to bring it more closely into line with current drafting practice.

**[3.230] Section 16—**

Repeal the section, substitute the following section:

“**16 Obstruction etc of inspectors**

A person must not, without reasonable excuse, hinder or obstruct an inspector in the exercise of a function under this Act.

Maximum penalty: 50 penalty units, imprisonment for 6 months or both.”.

**Explanatory note**

This amendment recasts section 16 in accordance with current drafting practice.

**[3.231] Part V—**

Repeal the Part.

**Explanatory note**

This amendment removes provisions dealing with certificates of competency because certificates of competency are dealt with by regulations under the *Occupational Health and Safety Act 1989*.

**[3.232] Part VI—**

Omit the heading, substitute the following heading:

“**PART 5—MISCELLANEOUS**”.

**Explanatory note**

This amendment renumbers Part VI with a consecutive Part number.

**SCHEDULE 3**—continued

**[3.233] Paragraph 18 (1) (c)**—

Omit “him from returning to his”, substitute “the person from returning to”.

**Explanatory note**

This amendment removes gender-specific language.

**[3.234] Subsection 18 (1)**—

After subsection 18 (1) insert the following penalty:

“Maximum penalty: 20 penalty units.”

**Explanatory note**

This amendment relocates and recasts a penalty in accordance with current drafting practice.

**[3.235] Subsection 18 (2), 1<sup>st</sup> sentence**—

Omit “he”, substitute “the person”.

**Explanatory note**

This amendment removes gender-specific language.

**[3.236] Subsection 18 (2), 1<sup>st</sup> sentence**—

After the first sentence in subsection 18 (2) insert the following penalty:

“Maximum penalty: 20 penalty units.”

**Explanatory note**

This amendment relocates and recasts a penalty in accordance with current drafting practice.

**[3.237] Subsection 18 (2), 2<sup>nd</sup> sentence**—

Re-number as subsection 18 (3).

**Explanatory note**

This amendment renumbers a sentence as a separate subsection in accordance with current drafting practice.

**[3.238] Subsection 18 (2), 2<sup>nd</sup> sentence**—

Omit “This subsection shall”, substitute “However, subsection (2) does”.

**Explanatory note**

This amendment is consequential on the previous amendment.

**SCHEDULE 3**—continued

**[3.239] Subsection 18 (3)**—

Omit the subsection.

**Explanatory note**

This amendment is consequential on other amendments of section 18 that include penalties in other subsections of the section.

**[3.240] Section 19**—

Omit “or the regulations contained shall operate”, substitute “operates”.

**Explanatory note**

This amendment omits redundant words and updates some language of the section.

**[3.241] Section 19**—

Omit “him whilst”, substitute “the person while”.

**Explanatory note**

This amendment removes gender-specific language and updates some language of the section.

**[3.242] Paragraph 19 (b)**—

Omit “dogman”, substitute “dogger”.

**Explanatory note**

This amendment replaces a gender-specific term with a gender-neutral term.

**[3.243] Paragraph 19 (c)**—

Omit “or the regulations”.

**Explanatory note**

This amendment omits redundant words (see *Interpretation Act 1967*, s55A (as inserted by this Act)).

**[3.244] Section 20**—

Repeal the section.

**Explanatory note**

Section 20 is not needed because sections 17A and 18 of the *Interpretation Act 1967* provide for service of documents in the same way as section 20.

**[3.245] New sections 20 and 21**—

After section 19 insert the following sections:

**SCHEDULE 3**—continued

**“20 Approved forms**

“(1) The chief inspector may approve forms for this Act.

“(2) If the chief inspector approves a form for a particular purpose, the approved form must be used for that purpose.

**“21 Determination of fees**

“(1) The Minister may determine fees payable under this Act.

“(2) Without limiting subsection (1), a fee may be determined for or with respect to—

- (a) applications for permits to erect lifts; and
- (b) applications for learners’ permits; and
- (c) reviewing the designs and descriptions of cranes, hoists, lifts, plant, scaffolding and gear; and
- (d) the inspection and testing of cranes, hoists, lifts, plant, scaffolding and gear; and
- (e) the notification of intention to begin building work, excavation work or compressed air work.

“(3) Without limiting subsection (1), a fee may be determined—

- (a) by specifying the fee; or
- (b) by setting a rate, or providing a formula or other method, by which the fee is to be worked out.

“(4) A determination under this section—

- (a) must provide who is liable to pay a fee; and
- (b) may make provision about when the fee is payable and how it is to be paid (for example, as a lump sum or by instalments); and
- (c) may make provision about anything else relating to the fee.

“(5) A determination under this section is a disallowable instrument.

**“22 Fees payable to Territory in accordance with determinations etc**

“(1) A fee determined under section 21 is payable to the Territory, in relation to the relevant matter mentioned in the determination and in accordance with the determination, by the person liable to pay the fee under the determination.

**SCHEDULE 3**—continued

“(2) A fee determined under section 21 is payable in advance unless the determination provides otherwise.

“(3) If a fee determined under section 21 is payable in advance and the amount has not been paid, the chief inspector or anyone else is not obliged to exercise a function, or provide a service or facility, in relation to which the amount is payable.

**23 Regulations may make provision about fees**

“(1) The regulations may make provision with respect to the payment by cheque or credit card of any fee payable under this Act, including, for example, the consequences of a cheque not being met on presentation or a credit card transaction not being honoured.

“(2) Without limiting subsection (1), the regulations may make provision for or with respect to—

- (a) the suspension, cancellation or revocation of any permit, condition, document, or anything else done, given or issued under this Act if any fee payable for or in relation to it—
  - (i) is not paid when it is required to be paid; or
  - (ii) is paid by cheque and the cheque is not met on presentation; or
  - (iii) is paid by credit card and the credit card transaction is not honoured; or
- (b) the restoration (whether prospectively or during any past period of suspension, cancellation or revocation) of any permit, document, or anything else so suspended, cancelled or revoked.”.

**Explanatory note**

New section 20 allows the chief inspector to approve forms for the Act.

New section 21 continues the effect of sections 6A and 6B of the *Scaffolding and Lifts Act 1957* (apart from paragraph 6A (c) which is a redundant provision dealing with certificates). That Act is repealed by this Act.

New sections 22 and 23 make provision about the payment and recovery of fees determined by the Minister.

**[3.246] Section 22 (heading)—**

Omit the heading, substitute the following heading:

**SCHEDULE 3—continued**

**“22 Regulation-making power”.**

**Explanatory note**

This amendment recasts the heading in accordance with current drafting practice.

**[3.247] New subsection 22 (1)—**

Before subsection 22 (2) insert the following subsection:

**“(1) The Executive may make regulations for this Act.”.**

**Explanatory note**

This amendment continues the effect of section 9 of the *Scaffolding and Lifts Act 1957*. That Act is repealed by this Act.

**[3.248] Subsection 22 (2)—**

Omit “The power of the Executive under the *Scaffolding and Lifts Act 1957* to make regulations shall be deemed to include power to make regulations, not inconsistent with this Act”, substitute “The regulations may make provision”.

**Explanatory note**

This amendment is consequential on the previous amendment.

**[3.249] Paragraph 22 (2) (e)—**

Omit the paragraph, substitute the following paragraph:

**“(e) requiring cranes, hoists and lifts to be registered and prescribing matters in relation to their registration; and”.**

**Explanatory note**

This amendment remakes a paragraph to omit redundant material.

**[3.250] Subparagraph 22 (2) (g) (ii)—**

Omit “certification, qualifications and”.

**Explanatory note**

This amendment removes a regulation-making power about certification and qualifications. This is now dealt with by regulations under the *Occupational Health and Safety Act 1989*.

**[3.251] Subparagraph 22 (2) (g) (ii)—**

Omit “dogmen”, substitute “doggers”.

**Explanatory note**

This amendment removes gender-specific language.

**SCHEDULE 3—continued**

**[3.252] Subparagraph 22 (2) (g) (iii)—**

Omit “qualifications and”.

**Explanatory note**

This amendment removes a regulation-making power about qualifications. This is now dealt with by regulations under the *Occupational Health and Safety Act 1989*.

**[3.253] Subsection 22 (4)—**

Omit the subsection, substitute the following subsection:

“(4) The regulations may create offences for contravention of the regulations and prescribe maximum penalties of not more than 10 penalty units for offences against the regulations.”.

**Explanatory note**

This amendment brings the amended subsection into line with current drafting practice.

**[3.254] Section 22—**

Renumber as section 24.

**Explanatory note**

This amendment provides for the consequential renumbering of existing section 22.

**[3.255] New Part 6—**

After section 22 insert the following Part:

**“PART 6—TRANSITIONAL**

**“25 Existing chief inspector**

The person who was appointed as the chief inspector under section 6 of the *Scaffolding and Lifts Act 1957* immediately before the commencement of this section is taken to be, on and after the commencement, the chief inspector appointed under section 5 of this Act.

**“26 Existing inspectors**

A person who was appointed as an inspector under section 6 of the *Scaffolding and Lifts Act 1957* immediately before the commencement of this section is taken to be, on and after the commencement, an inspector appointed under section 5A of this Act.



**SCHEDULE 3**—continued

**“27 Existing fees**

A determination of fees under section 6B of the *Scaffolding and Lifts Act 1957* that is in force immediately before the commencement of this section is taken to be, on and after the commencement, a determination of fees under section 21 of this Act.

**“28 Existing regulations**

**“(1)** Regulations made under section 9 of the *Scaffolding and Lifts Act 1957* that are in force immediately before the commencement of this section are taken to be, on and after the commencement, regulations made under section 24 of this Act.

**“(2)** To remove any doubt, the regulations made under the *Scaffolding and Lifts Act 1912* (NSW), as they are in force in the Territory immediately before the commencement of this section, are taken to be, for all purposes, regulations made under this Act.

**“(3)** Subsection (2) does not affect the operation of subsection 65 (1) (Certain NSW and UK Acts taken to be Acts of the Legislative Assembly) of the *Interpretation Act 1967*.

**“29 Expiry of pt 6**

**“(1)** This Part expires 1 year after it commences.

**“(2)** This Part is a provision to which section 42 (Repeal does not end transitional or validating effect etc) of the *Interpretation Act 1967* applies.”.

**Explanatory note**

This amendment provides transitional arrangements for matters in the *Scaffolding and Lifts Act 1957* that are continued in the *Scaffolding and Lifts Act 1912*. The *Scaffolding and Lifts Act 1957* is repealed by this Act.

**[3.256] Dictionary—**

Add at the end the following dictionary:

**“DICTIONARY**

(See s 2)

***area*, of a building, means—**

- (a) for a 1 storey building—the area measured between the outer surfaces of the walls at the floor level of the building;
- or

**SCHEDULE 3**—continued

- (b) for a multistorey building—the total of the areas measured between the outer surfaces of the walls, at the floor level of each storey;

and includes the area of a garage, carport, verandah or other structure, whether or not it is attached to or forms part of the building.

**chief inspector** means the person who is appointed as Chief Inspector of Scaffolding and Lifts under section 5.

**credit card** includes debit card.

**dogger** means a person directly responsible for slinging and controlling the movement of loads by a crane where the loads are not usually at all times in full view of the crane driver.

**excavation work** includes any work in relation to—

- (a) excavating for or preparing foundations for a building or structure; or
- (b) tunnelling; or
- (c) the sinking or digging of a shaft or well; or
- (d) excavating for water, sewerage, drainage, gas or electricity supply;

but does not include an excavation less than 1.5m deep (measured from the top of the excavation).

**inspector** means a person who is an inspector under section 5A.

**scaffolder** means a person engaged in the work of erecting, altering or demolishing scaffolding where a person or object falling from the scaffolding could fall a distance of 4m or more.”.

**Explanatory note**

This amendment creates a dictionary in accordance with current drafting practice and includes all relevant definitions already in the Act that require technical or consequential amendment eg to convert measurements from imperial to metric units and change gender-specific terms to gender-neutral terms. The distance mentioned in the definition of scaffolder has been revised to be consistent with the regulations under the *Occupational Health and Safety Act 1989*. The definition of **credit card** is a new consequential definition.

**SCHEDULE 3**—continued

***Scaffolding and Lifts Regulations 1950***

**[3.257] Regulation 3 (definition of *the Act*)—**

Omit the definition, substitute the following definition:

“*the Act* means the *Scaffolding and Lifts Act 1912*.”

**Explanatory note**

This amendment is consequential on the Act becoming an ACT Act under amendments of the *Interpretation Act 1967* made by the *Law Reform (Miscellaneous Provisions) Act 1999*.

**[3.258] Subregulation 35 (2)—**

Omit “the commencement of the *Scaffolding and Lifts Act 1957*”, substitute “19 September 1957”.

**Explanatory note**

This amendment substitutes the actual date of commencement.

**[3.259] Paragraph 82 (7) (d)—**

Omit “the commencement of the *Scaffolding and Lifts Act 1957*”, substitute “19 September 1957”.

**Explanatory note**

This amendment substitutes the actual date of commencement.

**[3.260] Paragraph 127 (108) (a)—**

Omit “dogman”, substitute “dogger”.

**Explanatory note**

This amendment removes gender-specific language.

**[3.261] Regulation 143 (tables)—**

Omit “(Scaffolding and Lifts Act, 1912-1948—Regulation 143.)”.

**Explanatory note**

This amendment removes redundant references.

**[3.262] Regulation 144 (tables)—**

Omit “(Scaffolding and Lifts Act, 1912-1948—Regulation 144.)”.

**Explanatory note**

This amendment removes a redundant reference.

**SCHEDULE 3**—continued

**[3.263] Part XIV (heading)—**

Omit “**DOGMEN**”, substitute “**DOGGERS**”.

**Explanatory note**

This amendment removes gender-specific language.

**[3.264] Subregulation 159 (1)—**

Omit “dogman”, substitute “dogger”.

**Explanatory note**

This amendment removes gender-specific language.

**[3.265] Subregulation 159 (14)—**

Omit “Dogman”, substitute “dogger”.

**Explanatory note**

This amendment removes gender-specific language.

**[3.266] Regulation 161 (heading)—**

Omit from the heading “**Dogmen**”, substitute “**doggers**”.

**Explanatory note**

This amendment removes gender-specific language.

**[3.267] Subregulation 161 (2)—**

Omit “*Dogmen’s*”, substitute “*Dogger’s*”.

**Explanatory note**

This amendment removes gender-specific language.

**[3.268] Subregulation 161 (2)—**

Omit “Dogman’s”, substitute “doggers’ ”.

**Explanatory note**

This amendment removes gender-specific language.

**[3.269] Subregulation 161 (2)—**

Omit “dogman”, substitute “dogger”.

**Explanatory note**

This amendment removes gender-specific language.

**SCHEDULE 3**—continued

***Victims of Crime (Financial Assistance) Act 1983***

**[3.270] New pt 7—**

Add at the end the following Part:

**“PART 7—TRANSITIONAL**

**“74 Definitions for pt 7**

In this Part:

***amended Act*** means this Act as amended by the amending Act.

***amending Act*** means the *Victims of Crime (Financial Assistance) (Amendment) Act 1999*.

***award*** means—

- (a) an interim award or a final award of compensation under the unamended Act; or
- (b) an interim award or a final award of financial assistance under the amended Act;

as the case requires.

***commencement day*** means 24 December 1999.

*Note* This was the commencement of sections 3 to 18 of the amending Act.

***compensation for pain and suffering*** means compensation for pain and suffering as mentioned in paragraph 6 (1) (c) of the unamended Act.

***final award*** means—

- (a) an award of compensation under Part II of the unamended Act; or
- (b) an award of financial assistance under Part 2 of the amended Act;

as the case requires, but does not include an interim award.

***unamended Act*** means this Act as in force before the commencement day.

***undetermined application for compensation*** means an application for compensation under the unamended Act if, immediately before the commencement day—

**SCHEDULE 3—continued**

- (a) no award had been made in relation to the application; or
- (b) an interim award had been made in relation to the application, but no final award had been made; or
- (c) if a final award had been made—
  - (i) an appeal in relation to the final award had been made but not finally disposed of; or
  - (ii) the period for making any such appeal had not expired.

**“75 Proceedings begun on or before 23 June 1998**

The unamended Act continues to apply in relation to an application for compensation made on or before 23 June 1998, and to any award made pursuant to such an application, as if the amendments to that Act made by the amending Act had not been made.

**“76 Undetermined applications—proceedings begun after 23 June 1998**

**“(1)** The unamended Act continues to apply in relation to an undetermined application for compensation made after 23 June 1998 as if the amendments to that Act made by the amending Act had not been made, subject to this section.

**“(2)** If, by an undetermined application for compensation made after 23 June 1998, compensation for pain and suffering is claimed—

- (a) if no award was made before the commencement day pursuant to the application—any award may not include provision for any compensation for pain and suffering; or
- (b) if an interim award was made pursuant to the application before the commencement day, but no final award had yet been made—
  - (i) if the interim award includes provision for compensation for pain or suffering—any final award pursuant to the application may not increase the amount of such provision; or
  - (ii) if the interim award does not include any such provision—any final award pursuant to the application may not include any such provision; or

**SCHEDULE 3—continued**

- (c) if a final award was made before the commencement day pursuant to the application, and, immediately before that day—
  - (i) an appeal in relation to the award had been made but not finally disposed of; or
  - (ii) the period for making any such appeal had not expired;  
the court hearing any such appeal may not make an order with the effect of providing for any compensation for pain and suffering not ordered in previous proceedings, or increasing the amount of any such compensation ordered in previous proceedings.

“(3) This section does not prevent a court from making an order with the effect of decreasing any amount of compensation for pain and suffering included in an award made before the commencement day.

**“77 Variation of orders—proceedings begun after 23 June 1998**

“(1) The unamended Act continues to apply in relation to the variation, under section 18 of that Act, of a final award made under that Act pursuant to an application for compensation made after 23 June 1998, subject to this section.

“(2) A final award made under the unamended Act pursuant to an application made after 23 June 1998 may not be varied (under section 18 of that Act in its application under subsection (1)) to allow a claim for the award of compensation for pain and suffering, or to provide for the increase of the amount of any such award.

“(2) This section does not prevent a court from varying a final award made under section 18 of the unamended Act in its application under subsection (1) with the effect of decreasing any amount of compensation for pain and suffering included in the award.

**“78 Claims for special assistance if compensation for pain and suffering not available**

“(1) If, pursuant to an undetermined application for compensation made after 23 June 1998 in relation to a prescribed injury within the meaning of the unamended Act, no award in the nature of compensation for pain and suffering had been made before the commencement day, the applicant may also apply under the amended Act for financial assistance in the nature of special assistance in relation to that injury.

**SCHEDULE 3**—continued

“(2) An application for financial assistance to which subsection (1) applies must be lodged in the office of the registrar of the Magistrates Court within 12 months after the commencement day.

“(3) The Magistrates Court may, on application made at any time (whether before or after the end of the period mentioned in subsection (2)), extend the time for lodging an application for financial assistance to which subsection (1) applies if the court considers it just to do so.

“(4) The amended Act otherwise applies in relation to an application for financial assistance to which subsection (1) applies.

**“79 Expiry of pt 7**

“(1) This Part expires on 31 December 2003.

“(2) This Part is a law to which the *Interpretation Act 1967*, section 42 (Repeal does not end transitional or validating effect etc) applies.”.

**Explanatory note**

This Part continues the effect of Part VI of the *Victims of Crime (Financial Assistance) (Amendment) Act 1999*. That Act is repealed in Schedule 4.



**SCHEDULE 4**

(See s 5)

**REPEAL OF REDUNDANT OR OBSOLETE ACTS**

**PART 4.1—ACTS THAT FORMERLY APPLIED NSW  
LAWS AS LAWS OF THE TERRITORY**

**Explanatory note for pt 4.1**

The 2 Acts repealed by this Part are Acts that formerly applied New South Wales laws as laws of the Territory.

Because of amendments of the *Interpretation Act 1967* made by the *Law Reform (Miscellaneous Provisions) Act 1999*, former New South Wales Acts in force in the Territory immediately before 10 November 1999 became, for all purposes, laws made by the Legislative Assembly (see *Interpretation Act 1967*, s 65). The provisions of the Acts repealed by this Schedule that formerly applied New South Wales Acts as laws of the Territory are, therefore, redundant.

Any provisions of the Acts repealed by this Schedule that have (or appear to have) ongoing application have been relocated to another appropriate Act by amendments in Schedule 3.

*Scaffolding and Lifts Act 1957* No 8

*Dangerous Goods Act 1984* No 4

**SCHEDULE 4—continued**

**PART 4.2—ACTS THAT ARE NO LONGER NEEDED**

**Explanatory note for pt 4.2**

This Part repeals 5 Acts that are no longer needed.

The *Theatres and Public Halls Act 1928* was reviewed under the National Competition Policy process. The review found that the Act had no current application (because no theatres and halls have ever been specified under the Act), duplicated the provisions of other Acts (eg the *Building Act 1972*, *Fire Brigade Act 1957* and *Occupational Health and Safety Act 1989*) and would fail the public benefit test (because it restricts the holding of entertainment and public meetings to venues under the Territory's control). The review recommended the repeal of the Act.

The *Public Parks Act 1928* was also reviewed under the National Competition Policy process. The review recommended the repeal of the Act and the regulations made under it because they are not being used and their provisions are either obsolete or covered by other legislation (eg the *Nature Conservation Act 1980* and the *Land (Planning and Environment) Act 1991*) and not needed.

The *Protection of Lands Act 1937* was also reviewed under the National Competition Policy process. The review recommended its repeal because its provisions were largely unnecessarily restrictive, obsolete or duplicated the provisions of other Acts. Sections 3 to 6A of the Act deal with the extraction of sand, gravel and similar things. The extraction of minerals is now regulated under the *Land (Planning and Environment) Act 1991* (see s 219) and the *Lands Acquisition Act 1994* (see s 104). Section 7 of the Protection of Lands Act deals with placing substances etc on unleased Territory Land. It is replaced by amendments of the *Litter Act 1977* made by Schedule 1. Section 8 of the Protection of Lands Act deals with the lighting of excavations, obstructions etc. That section is substantially identical to section 10 of the *Roads and Public Places Act 1937*.

The *Betting (Corporatisation) (Consequential Provisions) Act 1996* made provisions consequential on the corporatisation of ACTAB Limited. Action under the Act is complete and the Act is not longer needed. Nevertheless, the effect of the provisions of the Act has been preserved by the application of the *Interpretation Act 1967*, subsection 42 (2) (see subclause 5 (3) of this Bill).

The *Fees and Charges (Validation) Act 1997* deals with the validation of certain fees and charges (and instruments relating to them). The fees and charges relate to fees and charges for various periods in 1997 and earlier years. The Act also amended another Act and changed the commencement of some amendments. The Act has no ongoing operation. The previous operation of the Act is saved on its repeal by the *Interpretation Act 1967*, section 42 (Repeal does not end transitional or validating effect etc).

*Theatres and Public Halls Act 1928* No 15

*Public Parks Act 1928* No 23

*Protection of Lands Act 1937* No 33

*Statute Law Amendment No 11, 2001*

**SCHEDULE 4**—continued

*Betting (Corporatisation) (Consequential Provisions) Act 1996 No 32*

*Fees and Charges (Validation) Act 1997 No 4*

**SCHEDULE 4—continued**

**PART 4.3—AMENDING AND REPEALING ACTS  
WITHOUT SUBSTANTIVE PROVISIONS**

**Explanatory note for pt 4.3**

The Acts repealed by this Part are amending or repealing Acts enacted before 1 January 2000 that do not include substantive provisions, that is, they do no more than amend or repeal other laws. Most amending Acts that have not already been repealed are proposed to be repealed by the *Statute Law Amendment Act 2000*.

The purpose of the Acts in this Part ended when the last of their amending or repealing provisions commenced. The effect of repealed amending and repealing Acts is preserved by the *Interpretation Act 1967*, section 39.

Provisions of the *Occupational Health and Safety (Amendment) Act 1997* repealed by this Part have not commenced. The uncommenced provisions provide for the repeal of the *Machinery Act 1949* and the *Scaffolding and Lifts Act 1957* and make a consequential amendment of the *Occupational Health and Safety Act 1989*. The *Scaffolding and Lifts Act 1957* is repealed by this Schedule. The repeal of the *Scaffolding and Lifts Act 1957* would, in any event, not be effective to repeal the *Scaffolding and Lifts Act 1912*, because that former NSW Act is now an Act of the Territory (see *Interpretation Act 1967*, sch 1). The uncommenced consequential amendment cannot now be commenced because of later amendments that have been made to the *Occupational Health and Safety Act 1989*.

The repeal of the pre-1 January 2000 amending and repealing Acts by this Part complements a provision included in the *Interpretation Act 1967* last year that provides for the automatic repeal of amending and repealing Acts enacted after 1 January 2000 when all their provisions have commenced (see s 43).

When the repeal of the remaining pre-1 January 2000 amending and repealing Acts is completed, it will be easier for users of ACT legislation to be certain they have found all legislation on a particular topic. At the present time, some substantive provisions are located in pre-1 January 2000 amending Acts and are not included in republications of ACT laws.

Amending Acts with substantive provisions are repealed in Part 4.4.

*Unit Titles Act 1971* No 10

*Unit Titles Act 1975* No 31

*Venereal Diseases (Amendment) Act 1977* No 40

*Church of England in Australia Act 1980* No 41

*Unit Titles (Amendment) Act 1983* No 2

*Children's Services (Miscellaneous Amendments) Act 1986* No 14

*Unit Titles (Amendment) Act 1986* No 21

*Children's Services (Miscellaneous Amendments) (Amendment) Act 1987*

**SCHEDULE 4**—continued

No 27

*Unit Titles (Amendment) Act 1987 No 52*

*Liquor (Amendment) Act (No 2) 1987 No 72*

*Acts Revision (Arrest Without Warrant) Act 1989 No 23*

*Self-Government (Consequential Amendments) Act 1990 No 5*

*Sexually Transmitted Diseases (Amendment) Act 1990 No 61*

*Unit Titles (Amendment) Act 1993 No 12*

*Occupational Health and Safety (Amendment) Act 1997 No 44*

*Debits Tax (Amendment) Act 1998 No 59*

*Children and Young People (Consequential Amendments) Act 1999 No 64*

*Territory Owned Corporations Amendment Act (No 2) 1999 No 72*

*Occupational Health and Safety (Amendment) Act (No 2) 1999 No 82*

**SCHEDULE 4—continued**

**PART 4.4—AMENDING AND REPEALING ACTS WITH  
SUBSTANTIVE PROVISIONS THAT ARE NO LONGER NEEDED  
OR ARE BEING RELOCATED**

**Explanatory note for pt 4.4**

The Acts repealed by this Part are amending Acts enacted before 1 January 2000 that contain substantive provisions (that is, non-amending or repealing provisions). The substantive provisions are usually of transitional nature. The substantive provisions are given in brackets at the end of each Act reference (eg '(s 10)').

Substantive provisions are no longer included in amending Acts. Amending Acts enacted after 1 January 2000 are, therefore, automatically repealed under the *Interpretation Act 1967*, section 43 when they have completely commenced.

Subsection 43 (1) of the *Interpretation Act 1967* saves the effect of transitional provisions that are repealed. The effect of repealed amending and repealing Acts is preserved by the *Interpretation Act 1967*, subsection 43 (1).

Nevertheless, if the provisions appear to have ongoing practical operation, they have been relocated to the relevant Principal Act by amendments in Schedule 3. This will assist readers of legislation to find them easily. In other cases, if there is any doubt about the ongoing operation of the provisions, the effect of the provisions has been preserved by the application of the *Interpretation Act 1967*, subsection 42 (2) (see subclause 5 (3) of this Bill).

The repeal of the Acts in this Part will not, therefore, affect any residual legal operation that they may have.

*Acts Citation Act 1976* No 30 (s 6 (2))

*Anglican Church of Australia Act 1980* No 42 (s 16 (2), s 22)

*Acts Revision (Companies Amendments) Act 1982* No 38 (s 10, s 19, s 26)

*Teaching Service (Consequential Modifications) Act 1989* No 32 (s 10)

*Magistrates Court (Appeals Against Sentence) Act 1990* No 9 (s 11)

*Australian Capital Territory Gaming and Liquor Authority (Repeal) Act 1990* No 54 (ss 4-9)

*Magistrates and Coroner's Courts (Registrar) Act 1991* No 44 (ss 3-6)

*Victims of Crime (Financial Assistance) (Amendment) Act 1999* No 91  
(ss 14-18)

**SCHEDULE 4**—continued

**PART 4.5—REPEAL OF SPENT APPROPRIATION AND  
SUPPLY ACTS**

**Explanatory note for pt 4.5**

This Part repeals appropriation and supply Acts that are spent. Annual appropriation Acts operate for the financial year for which they are made and have no operation after the end of that financial year. All supply Acts mentioned in this Schedule relate to financial years between 1989-90 and 1996-97. To remove any doubt, the Acts in this Part have been declared to be laws to which the *Interpretation Act 1967*, section 42 applies (see subclause 5 (2) of this Bill).

*Supply Act 1989-90 Act 1989 No 1*

*Appropriation Act 1989-90 Act 1989 No 25*

*Supply Act 1990-91 Act 1990 No 12*

*Appropriation Act 1990-91 Act 1990 No 45*

*Supply Act 1991-92 Act 1991 No 26*

*Appropriation Act 1991-92 Act 1991 No 80*

*Appropriation (Amendment) Act 1991 Act 1991 No 99*

*Supply Act 1992-93 Act 1992 No 25*

*Appropriation Act 1992-93 Act 1992 No 69*

*Supply Act 1993-94 Act 1993 No 35*

*Appropriation (ACT Forests Trust Account) Act 1993 Act 1993 No 69*

*Appropriation Act 1993-94 Act 1993 No 81*

*Supply Act 1994-95 Act 1994 No 27*

*Appropriation Act 1994-95 Act 1994 No 43*

*Supply Act 1995-96 Act 1995 No 11*

*Appropriation Act 1995-96 Act 1995 No 44*

*Appropriation Act (No 2) 1995-96 Act 1996 No 20*

*Appropriation Act 1996-97 Act 1996 No 55*

*Appropriation Act 1997-98 Act 1997 No 32*

*Appropriation Act 1998-99 Act 1998 No 33*

*Appropriation Act 1999-2000 Act 1999 No 36*

*Statute Law Amendment No 11, 2001*

**SCHEDULE 4**—continued

*Appropriation (Bruce Stadium and CanDeliver Limited) Act 1999 Act 1999  
No 44*

*Appropriation Act 1999-2000 (No 2) Act 1999 No 49*

*Appropriation Act 1999-2000 (No 3) Act 2000 No 29*

---



## SCHEDULE 5

(See s 6)

### REPEAL OF REDUNDANT OR OBSOLETE SUBORDINATE LAWS

#### **PART 5.1—AMENDING AND REPEALING SUBORDINATE LAWS**

##### **Explanatory note for pt 5.1**

The subordinate laws repealed by this Part are amending or repealing subordinate laws made before 1 January 2000.

The purpose of the subordinate laws in this Part ended when the last of their amending or repealing provisions commenced. The effect of repealed amending and repealing subordinate laws is preserved by the *Interpretation Act 1967*, section 39 (as applied by the *Subordinate Laws Act 1989*, s 9).

Some of the subordinate laws repealed by this Part contain substantive provisions (that is, non-amending or repealing provisions). The substantive provisions are usually application or savings provisions. The substantive provisions are given in brackets at the end of each relevant subordinate law reference (eg '(reg 5)').

Subsection 43 (1) of the *Interpretation Act 1967* (as applied by the *Subordinate Laws Act 1989*, s 9) saves the effect of transitional provisions that are repealed. In the few cases in which there is any doubt about the ongoing operation of the provisions, their effect has been saved by the application of the *Interpretation Act 1967*, subsection 42 (2) (see subclause 5 (3) of this Bill).

The repeal of the subordinate laws in this Part will not, therefore, affect any residual operation that they may have.

The repeal of the pre-1 January 2000 subordinate laws by this Part complements a provision included in the *Interpretation Act 1967* last year that provides for the automatic repeal of amending and repealing subordinate laws when all their provisions have commenced (see s 43, as applied by the *Subordinate Laws Act 1989*, s 9).

When the repeal of the remaining pre-1 January 2000 amending and repealing subordinate laws is completed, it will be easier for users of ACT legislation to be certain they have found all legislation on a particular topic.

Amendment of *Meat Regulations 1920*, made 9 December 1920

Amendment of *Meat Regulations*, made 19 August 1931

Amendment of *Meat Regulations*, made 1 March 1932

Amendment of *Court of Petty Sessions Rules*, made 26 November 1932

Amendment of *Meat Regulations*, made 2 January 1934

Amendment of *Meat Regulations*, made 25 March 1936

Amendment of *Registrar of Titles (Office Hours) Regulations*, made

**SCHEDULE 5**—continued

2 December 1937

Amendment of *Court of Petty Sessions Rules*, made 17 December 1937

Amendment of *Plant Diseases Regulations*, made 14 April 1938 (**reg 5**)

Amendment of *Meat Regulations*, made 15 December 1938

Amendment of *Plant Diseases Regulations*, made 16 December 1938  
(**reg 5 (2)**)

Amendment of *Recreation Reserve Regulations*, made 19 December 1938

Amendment of *Pounds Regulations*, made 15 March 1939

Amendment of *Careless Use of Fire Regulations* 1942 No 3

Amendments of *Canberra Public Cemetery Regulations* 1942 No 5

Amendment of *Canberra Public Cemetery Regulations* 1943 No 6

Amendment of *Meat Regulations* 1945 No 1

Amendment of *Court of Petty Sessions Rules* 1950 No 2

Amendments of *Canberra Public Cemetery Regulations* 1950 No 4

Amendment of *Meat Regulations* 1931 1953 No 5

Amendments of *Court of Petty Sessions Rules* 1953 No 15

Amendments of *Canberra Public Cemetery Regulations* 1955 No 4

Amendments of *Plant Diseases Regulations* 1955 No 5

Amendments of *Plant Diseases Regulations* 1957 No 4

Amendments of *Court of Petty Sessions Rules* 1958 No 9

Amendments of *Pounds Regulations* 1959 No 6

Amendments of *Boilers and Pressure Vessels Regulations* 1959 No 17

Amendments of *Canberra Public Cemetery Regulations* 1959 No 18

Amendments of *Plant Diseases Regulations* 1959 No 20

Amendments of *Pounds Regulations* 1959 No 22

Amendments of *Workmen's Compensation Regulations* 1959 No 25

**SCHEDULE 5**—continued

- Amendment of *Fire Brigades Regulations* 1960 No 5
- Amendment of *Court of Petty Sessions Rules* 1960 No 7
- Amendments of *Canberra Public Cemetery Regulations* 1961 No 9
- Amendments of *Poisons Regulations* 1963 No 2
- Amendments of *Court of Petty Sessions Rules* 1965 No 9 (**reg 3**)
- Amendments of *Canberra Public Cemetery Regulations* 1966 No 1
- Amendments of *Pounds Regulations* 1966 No 3
- Amendments of *Court of Petty Sessions Rules* 1967 No 2
- Amendments of *Canberra Public Cemetery Regulations* 1968 No 4
- Amendments of *Court of Petty Sessions Rules* 1968 No 9 (**reg 4**)
- Amendment of *Workmen's Compensation Rules* 1968 No 12
- Amendment of *Inspection of Machinery Regulations* 1969 No 1
- Amendments of *Fire Brigades Regulations* 1969 No 2
- Amendments of *Court of Petty Sessions Rules* 1969 No 4 (**reg 1**)
- Amendment of *Workmen's Compensation Regulations* 1969 No 6
- Amendment of *Public Baths and Public Bathing Regulations* 1969 No 9
- Amendments of *Meat Regulations 1931* 1970 No 3
- Amendment of *Surveyors (Examination and Registration) Regulations* 1970 No 4 (**reg 2**)
- Amendment of *Court of Petty Sessions Rules* 1970 No 7
- Amendment of *Canberra Public Cemetery Regulations* 1970 No 9
- Amendments of *Canberra Public Cemetery Regulations* 1971 No 2
- Amendment of *Public Baths and Public Bathing Regulations* 1971 No 3
- Amendments of *Meat Regulations* 1971 No 14
- Amendments of *Maintenance Regulations* 1972 No 2

**SCHEDULE 5**—continued

- Amendment of *Juries Fees Regulations* 1974 No 4
- Amendments of *Building Regulations* 1974 No 5
- Amendment of *Court of Petty Sessions Rules* 1974 No 12
- Amendments of *Canberra Public Cemetery Regulations* 1974 No 22
- Amendment of *Inspection of Machinery Regulations* 1974 No 23
- Amendments of *Fire Brigades Regulations* 1974 No 31
- Amendments of *Building Regulations* 1975 No 3
- Amendments of *Boilers and Pressure Vessels Regulations* 1975 No 8
- Amendments of *Canberra Public Cemetery Regulations* 1975 No 9
- Amendments of *Surveyors (Examination and Registration) Regulations* 1975 No 10
- Amendments of *Inspection of Machinery Regulations* 1975 No 21
- Amendments of *Recreation Reserve Regulations* 1975 No 26
- Amendments of *Meat Regulations* 1975 No 31
- Amendment of *Business Names Regulations* 1976 No 10
- Amendments of *Canberra Public Cemetery Regulations* 1976 No 13
- Amendments of *Business Names Regulations* 1976 No 19
- Amendments of *Meat Regulations* 1976 No 20
- Amendments of *Poisons Regulations* 1976 No 22
- Amendments of *Poisons Regulations* 1977 No 4
- Amendments of *Court of Petty Sessions Rules* 1977 No 7 (**reg 1**)
- Amendments of *Business Names Regulations* 1977 No 20
- Amendments of *Building Regulations* 1978 No 2
- Amendment of *Remand Centres Regulations* 1978 No 3
- Amendments of *Surveyors (Examination and Registration) Regulations* 1978 No 5

**SCHEDULE 5**—continued

- Amendments of *Plant Diseases Regulations* 1978 No 6
- Amendments of *Meat Regulations* 1978 No 16
- Amendments of *Poisons Regulations* 1979 No 3
- Amendment of *Schools Authority Regulations* 1979 No 7
- Amendments of *Pounds Regulations* 1979 No 13
- Amendments of *Canberra Public Cemetery Regulations* 1979 No 15
- Amendments of *Building Regulations* 1979 No 18
- Amendments of *Meat Regulations* 1979 No 21
- Regulations to revise regulations in force under Ordinances of the ACT* 1979 No 26
- Regulations to repeal certain Regulations and to revise certain Regulations in force under the Ordinances of the ACT* 1980 No 3
- Amendments of *Court of Petty Sessions Rules* 1980 No 5 (**reg 3**)
- Regulations to amend Regulations* 1980 No 3 1980 No 14
- Amendments of *Plant Diseases Regulations* 1981 No 7
- Canberra Public Cemeteries Regulations (Amendment)* 1981 No 17 (**reg 4**)
- Amendments of *Building Regulations* 1981 No 22
- Public Baths and Public Bathing Regulations (Amendment)* 1982 No 14
- Surveyors (Examination and Registration) Regulations (Amendment)* 1982 No 15
- Business Names Regulations (Amendment)* 1982 No 16
- Canberra Public Cemeteries Regulations (Amendment)* 1982 No 29
- Workmen's Compensation Rules (Amendment)* 1982 No 32
- Boilers and Pressure Vessels Regulations (Amendment)* 1982 No 33
- Building Regulations (Amendment)* 1982 No 34

**SCHEDULE 5**—continued

- Sale of Motor Vehicles Regulations (Amendment)* 1982 No 39
- Juries Fees Regulations (Amendment)* 1982 No 46
- Instruments Regulations (Repeal)* 1982 No 47
- Careless Use of Fire Regulations (Amendment)* 1982 No 49
- Building Regulations (Amendment)* 1983 No 7
- Boilers and Pressure Vessels Regulations (Amendment)* 1983 No 11
- Pounds Regulations (Amendment)* 1983 No 17
- Sale of Motor Vehicles Regulations (Amendment)* 1983 No 18
- Nature Conservation Regulations (Amendment)* 1983 No 20
- Remand Centres Regulations (Amendment)* 1983 No 24
- Workmen's Compensation Regulations (Amendment)* 1983 No 26
- Medical Practitioners Registration Regulations (Repeal)* 1984 No 9
- Canberra Public Cemeteries Regulations (Amendment)* 1984 No 10
- Veterinary Surgeons Registration Regulations (Repeal)* 1984 No 13
- Surveyors (Examination and Registration) Regulations (Amendment)* 1984 No 16
- Dental Regulations (Repeal)* 1984 No 17
- Plumbers, Drainers and Gasfitters Regulations (Repeal)* 1984 No 19
- Building Regulations (Amendment)* 1984 No 26
- Agents Regulations (Repeal)* 1985 No 3
- Pharmacy Regulations (Repeal)* 1985 No 4
- Meat Regulations (Amendment)* 1985 No 15
- Electricity Regulations (Amendment)* 1985 No 23
- Canberra Public Cemeteries Regulations (Amendment)* 1985 No 25
- Magistrates Court (Civil Jurisdiction) (Solicitors' Costs) Regulations (Amendment)* 1986 No 3 (**reg 2**)

**SCHEDULE 5**—continued

- Inspection of Machinery Regulations (Amendment)* 1986 No 5
- Inspection of Machinery Regulations (Amendment)* 1986 No 8
- Regulations under the Scaffolding and Lifts Act, 1912 of the State of New South Wales in their application to the Territory (Amendment)* 1986 No 9
- Motor Omnibus Fares Regulations (Repeal)* 1986 No 14
- Optometrists Regulations (Repeal)* 1986 No 16
- Credit Regulations (Amendment)* 1986 No 17
- Credit Regulations (Amendment)* 1986 No 18
- Credit Regulations (Amendment)* 1986 No 19
- Liquor Regulations (Amendment)* 1986 No 20
- Bookmakers Regulations (Amendment)* 1986 No 21
- Long Service Leave (Building and Construction Industry) Regulations (Amendment)* 1986 No 22
- Magistrates Court (Civil Jurisdiction) (Solicitors' Costs) Regulations (Amendment)* 1986 No 26
- Legal Practitioners Regulations (Repeal)* 1986 No 27
- Magistrates Court Rules (Amendment)* 1987 No 1 (**reg 2**)
- Juries Fees Regulations (Amendment)* 1987 No 3
- Credit Regulations (Amendment)* 1987 No 4
- Liquor Regulations (Amendment)* 1987 No 8
- Remand Centres Regulations (Amendment)* 1987 No 9
- Building Regulations (Amendment)* 1987 No 11
- Gaming Machine Regulations (Amendment)* 1987 No 13
- Magistrates Court (Civil Jurisdiction) (Solicitors' Costs) Regulations (Amendment)* 1987 No 14
- Magistrates Court (Civil Jurisdiction) (Solicitors' Costs) Regulations (Amendment)* 1988 No 1

**SCHEDULE 5**—continued

*Magistrates Court (Civil Jurisdiction) Regulations (Amendment) 1988*  
No 2

*Meat Regulations (Amendment) 1988* No 4

*Magistrates Court (Civil Jurisdiction) (Solicitors' Costs) Regulations*  
*(Amendment) 1988* No 5

*Electricity Regulations (Amendment) 1988* No 9

*Meat Regulations (Amendment) 1988* No 11

*Poisons Regulations (Amendment) 1988* No 13 (**reg 3**)

*Magistrates Court Rules (Amendment) 1988* No 15

*Long Service Leave (Building and Construction Industry) Regulations*  
*(Amendment) 1988* No 16

*Magistrates Court (Civil Jurisdiction) (Solicitors' Costs) Regulations*  
*(Amendment) 1988* No 19

*Gaming Machine Regulations (Amendment) 1988* No 20

*Magistrates Court (Civil Jurisdiction) (Solicitors' Costs) Regulations*  
*(Amendment) 1988* No 24 (**reg 5**)

*Building Regulations (Amendment) 1988* No 25

*Magistrates Court (Civil Jurisdiction) Regulations (Amendment) 1989*  
No 3

*Poisons Regulations (Amendment) 1989* No 5

*Magistrates Court (Civil Jurisdiction) (Solicitors' Costs) Regulations*  
*(Amendment) 1989* No 7

*Magistrates Court Rules (Amendment) 1989* No 16

*Magistrates Court (Civil Jurisdiction) Regulations (Amendment) 1989*  
No 19

*Workmen's Compensation Rules (Amendment) 1990* No 5

*Credit Regulations (Amendment) 1990* No 9

*Building Regulations (Amendment) 1990* No 12



**SCHEDULE 5**—continued

- Electricity Regulations (Amendment)* 1990 No 14
- Gaming Machine Regulations (Amendment)* 1990 No 19
- Magistrates Court (Civil Jurisdiction) (Solicitors' Costs) Regulations (Amendment)* 1990 No 20
- Magistrates Court (Civil Jurisdiction) Regulations (Amendment)* 1991 No 1
- Liquor Regulations (Amendment)* 1991 No 2
- Ombudsman Regulations (Amendment)* 1991 No 4
- Financial Institutions Duty Regulations (Amendment)* 1991 No 5
- Public Baths and Public Bathing Regulations (Amendment)* 1991 No 6
- Occupational Health and Safety Regulations (Amendment)* 1991 No 13
- Magistrates Court Rules (Amendment)* 1991 No 14
- Magistrates Court (Civil Jurisdiction) Regulations (Amendment)* 1991 No 17
- Magistrates Court Rules (Amendment)* 1991 No 20
- Financial Institutions Duty Regulations (Amendment)* 1991 No 22
- Building Regulations (Amendment)* 1991 No 23
- Credit Regulations (Amendment)* 1991 No 25
- Magistrates Court (Civil Jurisdiction) Regulations (Amendment)* 1991 No 35
- Workers' Compensation Rules (Amendment)* 1991 No 37
- Workers' Compensation Regulations (Amendment)* 1991 No 38
- Magistrates Court (Civil Jurisdiction) Regulations (Amendment)* 1992 No 11
- Supreme Court Rules (Amendment)* 1992 No 16
- Land (Planning and Environment) Regulations (Amendment)* 1992 No 19
- Financial Institutions Duty Regulations (Amendment)* 1992 No 20

**SCHEDULE 5**—continued

- Supreme Court Rules (Amendment)* 1992 No 21
- Supreme Court Rules (Amendment)* 1992 No 23
- Financial Institutions Duty Regulations (Amendment)* 1992 No 29
- Building Regulations (Amendment)* 1992 No 33
- Supreme Court Rules (Amendment)* 1992 No 34
- Supreme Court Rules (Amendment)* 1992 No 35
- Fire Brigade (Administration) Regulations (Amendment)* 1993 No 1
- Magistrates Court (Civil Jurisdiction) Regulations (Amendment)* 1993  
No 2
- Land (Planning and Environment) Regulations (Amendment)* 1993 No 3
- Supreme Court Rules (Amendment)* 1993 No 4
- Land (Planning and Environment) Regulations (Amendment)* 1993 No 5
- Self-Government (Transitional Provisions) Regulations (Amendment)* 1993  
No 10
- Supreme Court Rules (Amendment)* 1993 No 11
- Supreme Court Rules (Amendment)* 1993 No 20
- Supreme Court Rules (Amendment)* 1993 No 22
- Supreme Court Rules (Amendment)* 1993 No 23
- Supreme Court Rules (Amendment)* 1993 No 28
- Land (Planning and Environment) Regulations (Amendment)* 1993 No 29
- Supreme Court Rules (Amendment)* 1993 No 30
- Supreme Court Rules (Amendment)* 1993 No 35
- Boxing Control Regulations (Amendment)* 1993 No 36
- Medical Practitioners (Advertising) Regulations (Amendment)* 1993 No 38
- Boxing Control Regulations (Amendment)* 1993 No 40
- Gaming Machine Regulations (Amendment)* 1993 No 41

**SCHEDULE 5**—continued

- Liquor Regulations (Amendment)* 1993 No 44
- Electricity and Water Regulations (Amendment)* 1993 No 45
- Supreme Court Rules (Amendment)* 1993 No 46
- Land (Planning and Environment) Regulations (Amendment)* 1993 No 47
- Bushfire Regulations (Amendment)* 1993 No 51
- Land (Planning and Environment) Regulations (Amendment)* 1993 No 53
- Magistrates Court (Civil Jurisdiction) Regulations (Amendment)* 1994 No 1
- Supreme Court Rules (Amendment)* 1994 No 2
- Casino Control Regulations (Amendment)* 1994 No 3
- Land (Planning and Environment) Regulations (Amendment)* 1994 No 5
- Credit Regulations (Amendment)* 1994 No 6
- Regulations Revision Regulations* 1994 No 7
- Door-to-Door Trading Regulation (Amendment)* 1994 No 8
- Long Service Leave (Building and Construction Industry) Regulations (Amendment)* 1994 No 9
- Boxing Control Regulations (Amendment)* 1994 No 10
- Electoral Regulations (Amendment)* 1994 No 16
- Supreme Court Rules (Amendment)* 1994 No 17
- Supreme Court Rules (Amendment)* 1994 No 20
- Supreme Court Rules (Amendment)* 1994 No 21
- Land (Planning and Environment) Regulations (Amendment)* 1994 No 22
- Boxing Control Regulations (Amendment)* 1994 No 23
- Bookmakers Regulations (Amendment)* 1994 No 25
- Crown Proceedings Regulations (Amendment)* 1994 No 26
- Poisons and Drugs Regulations (Amendment)* 1994 No 31

**SCHEDULE 5**—continued

- Physiotherapists Registration Regulations (Repeal)* 1994 No 32
- Credit Regulations (Amendment)* 1994 No 33
- Supreme Court Rules (Amendment)* 1994 No 34
- Electoral Regulations (Amendment)* 1994 No 39
- Liquor Regulations (Amendment)* 1994 No 40
- Land (Planning and Environment) Regulations (Amendment)* 1994 No 41
- Supreme Court Rules (Amendment)* 1994 No 42
- Bail Regulations (Amendment)* 1994 No 43
- Casino Control Regulations (Amendment)* 1994 No 45
- Electoral Regulations (Amendment)* 1995 No 4
- Land (Planning and Environment) Regulations (Amendment)* 1995 No 7
- Juries Fees Regulations (Amendment)* 1995 No 8
- Liquor Regulations (Amendment)* 1995 No 10
- Supreme Court Rules (Amendment)* 1995 No 11
- Supreme Court Rules (Amendment)* 1995 No 12
- Supreme Court Rules (Amendment)* 1995 No 13
- Boxing Control Regulations (Amendment)* 1995 No 17
- Land (Planning and Environment) Regulations (Amendment)* 1995 No 18
- Supreme Court Rules (Amendment)* 1995 No 19
- Land (Planning and Environment) Regulations (Amendment)* 1995 No 20
- Poisons and Drugs Regulations (Amendment)* 1995 No 22
- Rates and Land Tax Regulations (Repeal)* 1995 No 25
- Supreme Court Rules (Amendment)* 1995 No 27
- Magistrates Court (Civil Jurisdiction) Regulations (Amendment)* 1995  
No 28

**SCHEDULE 5**—continued

- Drugs of Dependence Regulations (Amendment)* 1995 No 29
- Motor Omnibus Regulations (Amendment)* 1995 No 30
- Boxing Control Regulations (Amendment)* 1995 No 32
- Land (Planning and Environment) Regulations (Amendment)* 1995 No 36
- Boxing Control Regulations (Amendment)* 1995 No 38
- Liquor Regulations (Amendment)* 1995 No 43
- Supreme Court Rules (Amendment)* 1995 No 44
- Electoral Regulations (Amendment)* 1995 No 45
- Animal Welfare Regulations (Amendment)* 1995 No 48
- Liquor Regulations (Amendment)* 1996 No 1
- Building Regulations (Amendment)* 1996 No 3
- Supreme Court Rules (Amendment)* 1996 No 4
- Boxing Control Regulations (Amendment)* 1996 No 6
- Dangerous Goods (Exemption) Regulations (Amendment)* 1996 No 7
- Regulations Revision (Penalties) Regulations* 1996 No 8
- Supreme Court Rules (Amendment)* 1996 No 10
- Supreme Court Rules (Amendment)* 1996 No 11
- Supreme Court (Remuneration and Allowances) Regulations (Amendment)*  
1996 No 14
- Land (Planning and Environment) Regulations (Amendment)* 1996 No 20
- Land (Planning and Environment) Regulations (Amendment)* 1996 No 21
- Supreme Court Rules (Amendment)* 1996 No 22
- Liquor Regulations (Amendment)* 1996 No 23
- Drugs of Dependence Regulations (Amendment)* 1996 No 26
- Supreme Court Rules (Amendment)* 1996 No 27

**SCHEDULE 5**—continued

- Gaming Machine Regulations (Amendment)* 1996 No 28
- Liquor Regulations (Amendment)* 1996 No 29
- Casino Control Regulations (Amendment)* 1996 No 30
- Supreme Court Rules (Amendment)* 1996 No 31
- Remand Centres Regulations (Amendment)* 1996 No 34
- Bookmakers Regulations (Amendment)* 1997 No 1
- Liquor Regulations (Amendment)* 1997 No 3
- Liquor Regulations (Amendment)* 1997 No 4
- Electoral Regulations (Amendment)* 1997 No 5
- Magistrates Court (Civil Jurisdiction) Regulations (Amendment)* 1997  
No 6
- Land (Planning and Environment) Regulations (Amendment)* 1997 No 7  
**(reg 3, reg 5 (2) and (3))**
- Supreme Court Rules (Amendment)* 1997 No 8
- Supreme Court Rules (Amendment)* 1997 No 9
- Dangerous Goods (Exemption) Regulations (Amendment)* 1997 No 14
- Land (Planning and Environment) Regulations (Amendment)* 1997 No 16  
**(reg 16)**
- Supreme Court Rules (Amendment)* 1997 No 20
- Supreme Court (Remuneration and Allowances) Regulations (Amendment)*  
1997 No 21
- Bushfire Regulations (Amendment)* 1997 No 22
- Liquor Regulations (Amendment)* 1997 No 24
- Liquor Regulations (Amendment)* 1997 No 25
- Electoral Regulations (Amendment)* 1997 No 28
- Building Regulations (Amendment)* 1997 No 29

**SCHEDULE 5**—continued

- Supreme Court Rules (Amendment)* 1997 No 30  
*Supreme Court Rules (Amendment)* 1997 No 31  
*Supreme Court Rules (Amendment)* 1997 No 33  
*Electoral Regulations (Amendment)* 1997 No 34  
*Fair Trading Regulations (Amendment)* 1997 No 37  
*Supreme Court Rules (Amendment)* 1997 No 38  
*Workers' Compensation Regulations (Amendment)* 1997 No 39  
*Workers' Compensation Rules (Amendment)* 1997 No 40  
*Liquor Regulations (Amendment)* 1997 No 41  
*Supreme Court Rules (Amendment)* 1997 No 43  
*Electricity Regulations (Amendment)* 1998 No 1  
*Magistrates Court (Civil Jurisdiction) (Solicitors' Costs) Regulations (Amendment)* 1998 No 2  
*Fair Trading Regulations (Amendment)* 1998 No 3  
*Firearms Regulations (Amendment)* 1998 No 5  
*Liquor Regulations (Amendment)* 1998 No 7  
*Bushfire Regulations (Amendment)* 1998 No 8  
*Magistrates Court (Civil Jurisdiction) Regulations (Amendment)* 1998 No 10  
*Liquor Regulations (Amendment)* 1998 No 11  
*Fair Trading Regulations (Amendment)* 1998 No 12  
*Fair Trading Regulations (Amendment)* 1998 No 13  
*Dangerous Goods (Exemption) Regulations (Amendment)* 1998 No 14  
*Canberra Public Cemeteries Regulations (Amendment)* 1998 No 18  
*Drugs of Dependence Regulations (Amendment)* 1998 No 20  
*Land (Planning and Environment) Regulations (Amendment)* 1998 No 21

**SCHEDULE 5**—continued

- Supreme Court Rules (Amendment)* 1998 No 23
- Rates and Land Rent (Relief) Regulations (Amendment)* 1998 No 25
- Land (Planning and Environment) Regulations (Amendment)* 1998 No 32
- Financial Institutions Duty Regulations (Amendment)* 1998 No 33
- Liquor Regulations (Amendment)* 1998 No 34
- Supreme Court Rules (Amendment)* 1998 No 35
- Liquor Regulations (Amendment)* 1998 No 37
- Litter Regulations (Amendment)* 1998 No 39
- Building Regulations (Amendment)* 1998 No 40
- Liquor Regulations (Amendment)* 1998 No 41
- Public Health (Medical and Dental Inspection of School Children) Regulations (Repeal)* 1998 No 42
- Firearms Regulations (Amendment)* 1999 No 1
- Electricity Regulations (Amendment)* 1999 No 4
- Dangerous Goods (Exemption) Regulations (Amendment)* 1999 No 5
- Dangerous Goods Regulation (Amendment)* 1999 No 7
- Liquor Regulations (Amendment)* 1999 No 8
- Fair Trading Regulations (Amendment)* 1999 No 9
- Fair Trading Regulations (Amendment)* 1999 No 11
- Taxation Administration Transitional Regulations* 1999 No 12
- Firearms Regulations (Amendment)* 1999 No 17
- Food Regulations Amendment* 1999 No 18
- Scaffolding and Lifts Regulations Amendment* 1999 No 19
- Dangerous Goods Regulation (Amendment)* 1999 No 20
- Occupational Health and Safety Regulations Amendment* 1999 No 21



**SCHEDULE 5**—continued

*Maternal Health Information Regulations Amendment 1999 No 23*

*Mediation Regulations Amendment 1999 No 24*

*Liquor Regulations (Amendment) 1999 No 25*

*Supreme Court Rules Amendment 1999 No 26*

*Fair Trading Regulations Amendment 1999 No 27*

*Epidemiological Studies (Confidentiality) Regulations Amendment 1999  
No 28*

*Liquor Regulations (Amendment) 1999 No 29*

*Land (Planning and Environment) Regulations Amendment 1999 No 31*

*Motor Vehicle (Third Party Insurance) Regulations Amendment 1999  
No 32*

*Land (Planning and Environment) Regulations Amendment 1999 No 34*

**SCHEDULE 5**—continued

**PART 5.2—OTHER OBSOLETE OR REDUNDANT  
SUBORDINATE LAWS**

**Explanatory note for pt 5.2**

This Part repeals non-amending or repealing subordinate laws that are obsolete or redundant.

The *Roads and Footpaths Regulations*, which were made on 20 October 1927, were held to be invalid by the High Court in *Federal Capital Commission v Laristan Building and Investment Co Pty Ltd* (1929) 42 CLR 582. The regulations have never formally been repealed.

The repeal of the *Public Parks Regulations* is consequential on the repeal of the *Public Parks Act 1928* in Schedule 4, Part 4.2.

The *Workmen's Compensation Rules* (the **rules**) and *Self-Government (Transitional Provisions) Regulations 1990* (the **regulations**) are modifying subordinate laws. The ordinance modified by the rules was repealed in 1946. The regulations modified the *Legal Aid Act 1977*. To remove any doubt, the effect of the modification made by the regulations has been preserved by the application of the *Interpretation Act 1967*, subsection 42 (2) (see subclause 5 (3) of this Bill).

*Roads and Footpaths Regulations*, made 20 October 1927

*Public Parks Regulations*, made 28 April 1930

*Workmen's Compensation Rules*, made 1 November 1946

*Self-Government (Transitional Provisions) Regulations 1990* No 1

**Endnote**

**Penalty units**

Section 33AA of the *Interpretation Act 1967* deals with the meaning of offence penalties that are expressed in penalty units.

*[Presentation speech made in Assembly on 30 November 2000]*