



Australian Capital Territory

Statute Law Amendment Act 2007 (No 2)

A2007-16

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Australian Capital Territory

Statute Law Amendment Act 2007 (No 2)

A2007-16

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

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

1 Name of Act

This Act is the *Statute Law Amendment Act 2007 (No 2)*.

2 Commencement

- (1) This Act commences on the 21st day after its notification day.

Note The naming and commencement provisions automatically commence on the notification day (see Legislation Act, s 75 (1)).

- (2) However, a date or time provided by a special commencement provision for an amendment made by this Act has effect, or is taken to have had effect, as the commencement date or time of the amendment.

- (3) In this section:

special commencement provision, for an amendment made by this Act, is a provision, in brackets beginning with the text ‘commencement:’, at the end of the amendment.

Example

An amendment followed by ‘(commencement: 12 April 2007)’ means that the amendment is taken to have commenced on 12 April 2007.

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

3 Purpose

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

4 Notes

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

Note See the Legislation Act, s 127 (1), (4) and (5) for the legal status of notes.

5 Legislation amended—schs 1–3

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

Schedule 1 Minor amendments

(see s 5)

Part 1.1 Cemeteries and Crematoria Act 2003

[1.1] Section 23 (1) (b) and (c)

substitute

- (b) the person is not authorised to exhume the remains.

Explanatory note

This amendment relates to the amendment below.

[1.2] New section 23 (1A)

insert

- (1A) For this section, a person is **authorised** to exhume human or foetal remains if—
- (a) a warrant under the *Coroners Act 1997* authorises the exhumation; or
 - (b) the chief health officer has given written permission under this section for the exhumation.

Explanatory note

This amendment clarifies the type of authority that is necessary to exhume human or foetal remains buried in a cemetery. It is not an offence to exhume remains if there is either—

- a warrant under the *Coroners Act 1997*; or
- written permission from the chief health officer.

[1.3] Section 13 (f)

substitute

- (2) If a place or object is also an Aboriginal place or object, each of the following is also an ***interested person***:

 - (a) a representative Aboriginal organisation;
 - (b) if the discovery of the place or object was reported under section 51—the person who reported the discovery.

Explanatory note

This amendment remakes existing paragraph (f) as a separate subsection to make it clear that if a place or object is also an Aboriginal place or object, each of the entities mentioned in the subsection is, in addition to the entities mentioned in existing section 13 (a) to (e), an *interested person* for the place or object.

[1.4] Section 50

substitute

50 Partial cancellation of registration of place or object

- (1) In this part:

cancellation includes partial cancellation.

partial cancellation means the exclusion of part of a registered place or object.

(2) This part applies to a partial cancellation as if—

(a) a reference to a registered place or object were a reference to the part of the place or object to be excluded; and

- (b) all other necessary changes, including any changes prescribed by regulation, were made.

Explanatory note

This amendment extends the scope of the section to include the partial cancellation of a registered object. For example, if a part of a heritage object cannot be repaired and is replaced, it may be appropriate for the registration not to continue to apply to that part of the object.

Part 1.3 Unlawful Games Act 1984

[1.5] Section 3, definition of *unlawful game*, paragraph (f)

substitute

- (f) any other game of skill or chance, or of mixed skill and chance, in which money or any other valuable thing is staked or risked on an event or contingency, other than backgammon, bridge, chess or Scrabble.

Explanatory note

This amendment adds the words ‘other than backgammon, bridge, chess or Scrabble’ to the end of the paragraph. Unlike most other board or card games of skill or chance, the 4 games are typically played in competitions organised by community bodies and, without the amendment, may offend the Act when played for some form of reward, such as part of a tournament in which prizes are awarded. However, when played for a reward, including as part of a tournament, they are not played for gambling purposes. The tournament prizes or other benefits are a recognition of skill rather than a gambling reward. The purpose of the amendment is to exclude the games from the Act’s operation.

Schedule 2 Legislation Act 2001

(see s 5)

[2.1] Section 192 (1) (b) and (c)

substitute

- (b) an offence by a corporation punishable by a prescribed fine;

Note See s 161 for the fines that may be imposed on a corporation for offences punishable only by imprisonment.

- (c) an aiding and abetting offence by an individual in relation to an offence by a corporation punishable by a prescribed fine.

Explanatory note

This amendment is related to the amendment below. It changes the reference to ‘a fine of 100 penalty units or more’ in each paragraph to ‘a prescribed fine’.

[2.2] Section 192 (4), new definition of *prescribed fine*

insert

prescribed fine, for an offence, means—

- (a) if the penalty for the offence is expressed in penalty units—100 penalty units or more; or
- (b) if the penalty for the offence is expressed as an amount of money—\$50 000 or more.

Explanatory note

This amendment follows on from the amendment above. The value of a penalty unit for an offence is \$100 if the person charged is an individual and \$500 if the person charged is a corporation (see Legislation Act, s 133). The amendment applies section 192 (1) (b) and (c) to an offence in relation to a corporation if the penalty for the offence is expressed, in dollars, as being \$50 000 or more (which is equivalent in value to the 100 penalty units mentioned in the existing paragraphs). The amendment is made to deal with 2 main possibilities. First, that a penalty in a law of another jurisdiction that is applied by an ACT law has a fine expressed as an amount of money. Second, that legislation expresses a fine as an amount of money as part of implementing a uniform law.

Schedule 3 Technical amendments

(see s 5)

Part 3.1 ACTEW/AGL Partnership Facilitation Act 2000

[3.1] Dictionary, definition of *joint venture entity*

substitute

joint venture entity—

- (a) for this Act generally—means any of the following:
 - (i) ACTEW;
 - (ii) AGL;
 - (iii) a company that is—
 - (A) a participant in a partnership; and
 - (B) under the Corporations Act, a related body corporate to ACTEW or AGL; and
- (b) for part 4 (Secondment of ACTEW employees)—see section 22.

Explanatory note

This amendment brings the definition into line with current drafting practice.

Part 3.2 Administrative Appeals Tribunal Act 1989

[3.2] Section 5 (1), new notes

insert

Note 1 For the making of appointments (including acting appointments), see the Legislation Act, pt 19.3.

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

Explanatory note

This amendment inserts standard notes about appointments.

[3.3] Section 7 (5)

substitute

(5) Subject to this part, a member must not be appointed for more than 7 years.

Note A person may be reappointed to a position if the person is eligible to be appointed to the position (see Legislation Act, s 208 and dict, pt 1, def of *appoint*).

Explanatory note

This amendment remakes the subsection in accordance with current drafting practice.

The existing reference to holding office for the period specified in the instrument of appointment is omitted. It is unnecessary because the Legislation Act, section 206 (2) provides that if a law provides for a maximum period of appointment, the instrument of appointment must state the period for which the appointment is made.

The existing reference to eligibility for reappointment is unnecessary because the Legislation Act provides that if a person is eligible for appointment the person may be reappointed. A standard note about reappointment is added.

[3.4] Section 9

substitute

9 Acting appointments—direction to continue acting

- (1) This section applies if a person has been appointed as an acting member of the tribunal because another member (the *absent member*) is or is expected to be absent or unavailable.
- (2) The Executive may, because of a pending proceeding or other special circumstances, direct that the acting member must continue to act under the appointment after the absent member ceases to be absent or unavailable until the acting member resigns or the Executive ends the appointment.
- (3) However—
 - (a) a direction under subsection (2) must be given before the absent member ceased to be absent or unavailable; and
 - (b) an acting member must not continue to act for more than 12 months after the absent member ceases to be absent or unavailable.

Explanatory note

This amendment remakes existing section 9 (4) as new section 9 and brings it more closely into line with current drafting practice. The remainder of the section is omitted because it is unnecessary.

Existing section 9 (1) to (3), which is about when an acting appointment may be made, is unnecessary. The Legislation Act, section 209 provides that a power of appointment (eg the Administrative Appeals Tribunal Act, s 5) includes power to make an acting appointment during any period when an appointee cannot for any reason exercise functions of the position.

Existing section 9 (5) provides that anything done by or in relation to an acting member is not invalid merely because the occasion for the appointment had not arisen, there was a defect or irregularity in relation to the appointment, the appointment had ceased to have effect or the occasion to act had not arisen or had ceased. This provision is unnecessary because the Legislation Act, section 225 is to the same effect.

[3.5] Section 10

substitute

10 Delegation by president

The president may delegate the president's functions under this Act to a member.

Note For the making of delegations and the exercise of delegated functions, see the Legislation Act, pt 19.4.

Explanatory note

This amendment updates the delegation provision and adds a standard note about delegations. The Legislation Act, section 232 requires a delegation to be made by signed writing. The Legislation Act, section 234 allows the delegation of any part of functions that may be delegated.

[3.6] Section 24 (3)

substitute

- (3) If an enactment makes provision in accordance with this section for making applications to the tribunal for the review of decisions by a person made in the exercise of a power given to the person, the provision also applies to decisions made in the exercise of the power by anyone else who is lawfully authorised to exercise the power.

Explanatory note

This amendment remakes the provision omitting existing section (3) (a) and (b) which is about the exercise of powers by delegates and acting appointees.

Existing section (3) (a) is unnecessary because the Legislation Act, section 239 (4) provides that anything done by or in relation to the delegate in the exercise of the delegation is taken to have been done by or in relation to the appointer.

Existing section (3) (b) is unnecessary because the Legislation Act, section 220 (b) provides that all territory laws apply in relation to a person appointed to act as if the person were the occupant of the position.

Schedule 3 Technical amendments
Part 3.2 Administrative Appeals Tribunal Act 1989
Amendment [3.7]

[3.7] Section 26 (7) (b)

omit

the Crown in right of the Territory

substitute

the Territory

Explanatory note

This amendment brings the reference to the Territory into line with current drafting practice.

[3.8] Section 35 (1) (b)

omit

the Crown in right of the Territory

substitute

the Territory

Explanatory note

This amendment brings the reference to the Territory into line with current drafting practice.

[3.9] Section 35 (2) (c)

omit

the Crown in right of the Commonwealth

substitute

the Commonwealth

Explanatory note

This amendment brings the reference to the Commonwealth into line with current drafting practice.

[3.10] Section 35 (3) (a)

omit

the State or Territory

substitute

the State or other Territory

Explanatory note

This amendment brings the reference to the State or Territory into line with current drafting practice.

[3.11] Section 35 (3) (b)

omit

the Crown in right of the State or Territory

substitute

the State or other Territory

Explanatory note

This amendment brings the reference to the State or Territory into line with current drafting practice.

[3.12] Section 57 (4)

substitute

- (4) The registrar may delegate the registrar's functions under this Act to a public servant.

Note For the making of delegations and the exercise of delegated functions, see the Legislation Act, pt 19.4.

Explanatory note

This amendment updates the delegation provision and adds a standard note about delegations. The Legislation Act, section 232 requires a delegation to be made by signed writing. The Legislation Act, section 234 allows the delegation of any part of functions that may be delegated.

Schedule 3

Part 3.3

Amendment [3.13]

[3.13] Dictionary, definition of *authorised officer*

substitute

authorised officer means—

- (a) for this Act generally—a person appointed under section 14B; and
 - (b) for section 7 (Leave to be taken within 6 months)—a person appointed under section 7 (4).

Explanatory note

This amendment omits a redundant definition of the term and brings the remaining definition into line with current drafting practice.

Part 3.4 Associations Incorporation Act 1991

[3.14] Section 15 (1)

substitute

- (1) The Minister may declare an association to be eligible for incorporation under this Act even though the association is formed or carried on with the object of obtaining pecuniary gain, or trading or obtaining pecuniary gain, for the members of the association.

Note Power given under an Act to make a statutory instrument includes power to make different provision for different categories, eg different classes of people (see Legislation Act, s 48).

Explanatory note

This amendment updates language and omits mention of classes of associations. The Legislation Act, section 48 provides that power to make an instrument includes power to make different provisions in relation to different matters or different classes of matters. A note to this effect is added. Also, a reference to the declaration being ‘in writing’ is omitted because of the effect of the Legislation Act, section 42 (2), which requires disallowable instruments to be in writing.

[3.15] Section 83 (10)

substitute

- (10) The provisions of part 7 that relate to the cancellation of the incorporation of an association under the part apply in relation to the cancellation of the incorporation of an association under this section.

Explanatory note

This amendment brings language into line with current drafting practice.

[3.16] Section 121 (1) (b)

substitute

- (b) in a notice given under subsection (2) or, if the association gives a notice under subsection (3), in that notice.

Explanatory note

This amendment brings language into line with current drafting practice.

[3.17] Section 127 (2)

omit

The regulations

substitute

A regulation

Explanatory note

This amendment brings language into line with current drafting practice.

[3.18] Section 127 (3)

substitute

- (3) A regulation may create offences and fix maximum penalties of not more than 10 penalty units for the offences.

Explanatory note

This amendment brings language into line with current drafting practice.

Part 3.5 Boxing Control Act 1993

[3.19] Dictionary, definition of *boxing contest*

substitute

boxing contest means—

- (a) for this Act generally—a contest, display or exhibition of boxing (other than a contest, display or exhibition prescribed by regulation); and
- (b) for part 2 (Control of boxing contests)—see section 4.

Explanatory note

This amendment brings the form of the definition into line with current drafting practice.

**Part 3.6 Consumer Credit
(Administration) Act 1996**

[3.20] Dictionary, definition of *credit provider*

substitute

credit provider—

- (a) for this Act generally—means a credit provider under the consumer credit legislation, and includes a prospective credit provider; and

- (b) for division 2.4 (Disciplinary procedures)—see section 18A.

Explanatory note

This amendment brings the form of the definition into line with current drafting practice.

[3.21] Dictionary, definition of *finance broker*

substitute

***finance broker*—**

- (a) for this Act generally—means a person who (whether or not carrying on any other business) carries on the business of finance broking; and
- (b) for division 3.4 (Disciplinary procedures)—see section 49A.

Explanatory note

This amendment combines 2 existing definitions and brings the definition into line with current drafting practice.

Part 3.7 Coroners Act 1997

[3.22] Section 10

substitute

10 Oath to be taken by coroner or deputy coroner

- (1) A coroner or deputy coroner must not exercise a function of office before taking an oath in accordance with schedule 1, part 1.1 or part 1.2.

Schedule 3
Part 3.7

Technical amendments
Coroners Act 1997

Amendment [3.23]

- (2) A judge of the Supreme Court or a person authorised for the purpose by the Attorney-General may administer the oath to the coroner or deputy coroner.

Note *Oath* includes affirmation and *take* an oath includes make an affirmation (see Legislation Act, dict, pt 1).

Explanatory note

This amendment brings language into line with current drafting practice.

[3.23] Section 39 (1), new note

insert

Note For the making of appointments (including acting appointments), see the Legislation Act, pt 19.3.

Explanatory note

This amendment adds a standard note about appointments.

[3.24] Section 59 (1)

substitute

- (1) A coroner may appoint a person to assist the coroner in the investigation of any matter relating to an inquest or inquiry.

Note For the making of appointments (including acting appointments), see the Legislation Act, pt 19.3.

Explanatory note

This amendment omits the requirement for appointments to be in writing. This requirement is now in the Legislation Act, section 206 (1). The amendment also adds the standard note about appointments.

[3.25] Section 72, new note

insert

Note For the making of appointments (including acting appointments), see the Legislation Act, pt 19.3.

Explanatory note

This amendment adds a standard note about appointments.

Part 3.8 Credit Act 1985

[3.26] New sections 2 and 2A

insert

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 terms used in this Act, and includes references (*signpost definitions*) to other terms defined elsewhere.

For example, the signpost definition ‘*billing cycle*’—see section 50 (1).’ means that the term ‘billing cycle’ is defined in that section.

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 Legislation Act, s 155 and s 156 (1)).

2A Notes

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

Note See the Legislation Act s 127 (1), (4) and (5) for the legal status of notes.

Explanatory note

This amendment inserts standard dictionary and notes provisions consequent on the insertion of a new dictionary by another amendment.

[3.27] Section 5 (1), definition of *commercial vehicle*, paragraph (a)

omit

Motor Traffic Act 1936

substitute

Road Transport (General) Act 1999

Explanatory note

This amendment updates a cross-reference.

[3.28] Section 5 (1), definition of *credit*, paragraph (e)

substitute

- (e) in relation to a loan contract—see section 15; or
- (f) any prescribed transaction.

Explanatory note

This amendment adds the new signpost definitions at new paragraph (e) to bring the definition more closely into line with current drafting practice.

[3.29] Section 5 (1), definition of *credit*, new note

insert

Note Credit, for part 10 (Home finance contracts)—see s 150.

[3.30] Section 5 (1), definition of *credit provider*

substitute

credit provider means—

- (a) in relation to a credit contract—the person who provides credit under the contract in the course of a business carried on by that person; and

- (b) in relation to a proposed credit contract—the person who is to provide credit under the contract in the course of a business carried on by that person; and
- (c) in relation to a home finance contract, for part 10 (Home finance contracts)—see section 150.

Explanatory note

This amendment adds the new signpost definition at new paragraph (c) and brings the definition more closely into line with current drafting practice.

[3.31] Section 5 (1), definition of *credit sale contract*

omit

, subject to sections 13 and 14,

substitute

, subject to sections 13, 14 and 30 (1),

Explanatory note

This amendment adds a cross-reference to section 30 (1) to bring the definition more closely into line with current drafting practice.

[3.32] Section 5 (1), definition of *cross-claim*

substitute

cross-claim means a claim (whether by way of counterclaim, set-off or otherwise) included in a defence or other document filed by a defendant in a proceeding.

Explanatory note

This amendment updates the existing definition by omitting a cross-reference to a repealed law.

[3.33] Section 5 (1), definition of *debtor*

substitute

debtor means—

- (a) in relation to a credit contract—the person to whom credit is provided under the contract; and
- (b) in relation to a proposed credit contract—the person to whom credit is to be provided under the contract; and
- (c) in relation to a home finance contract, for part 10 (Home finance contracts)—see section 150.

Explanatory note

This amendment adds the new signpost definition at new paragraph (c) and brings the definition more closely into line with current drafting practice.

[3.34] Section 5 (1), definition of *loan contract*

omit

, subject to section 15,

substitute

, subject to sections 15 and 30 (2),

Explanatory note

This amendment adds a cross-reference to section 30 (2) to bring the definition more closely into line with current drafting practice.

[3.35] Section 5 (1), definition of *registrar*

omit

Explanatory note

This amendment omits a definition that is now redundant because the term is no longer used in the Act.

[3.36] Section 5 (1), definition of *supply*, paragraph (a)

substitute

- (a) in relation to goods, supply (including resupply) by way of sale or exchange; and

Note **Resupply**—see the dictionary.

Explanatory note

This amendment omits a cross-reference to the definition of **resupply** in existing section 5 (2) consequent on the omission of the subsection by another amendment and adds a note indicating that the term **resupply** is defined in the new dictionary which is inserted by another amendment.

[3.37] Section 5 (1), definitions (as amended)

relocate to dictionary

Explanatory note

This amendment relocates the definitions to a new dictionary that is inserted by another amendment.

[3.38] Section 5, remainder

omit

Explanatory note

This amendment is consequential on the relocation by another amendment of the definitions in section 5 (1) to a new dictionary that is inserted by another amendment. Definitions based on existing section 5 (2) are included in the new dictionary.

[3.39] Section 11 (2)

omit

For the definition of

substitute

For the dictionary, definition of

Explanatory note

This amendment is consequential on the insertion of a new dictionary by another amendment.

[3.40] Section 121 (8)

substitute

- (8) In this section:

advertisement includes a notice, sign, label, circular and matter that is not writing but conveys a message because of the form or context in which it appears.

publish, an advertisement, means publish by any means, including in a newspaper or periodical, by radio or television or in a film.

Explanatory note

This amendment remakes 2 definitions in line with the *Credit Act 1987* (Qld) and omits definitions of ***licensee***, ***commercial broadcasting station*** and ***commercial television station*** that are defined by reference to the *Broadcasting Act 1942* (Cwlth), which has been repealed.

[3.41] Section 243 (a)

omit

section 5 (1)

substitute

the dictionary

Explanatory note

This amendment is consequential on the relocation of definitions to a new dictionary by another amendment.

[3.42] New dictionary

insert

Dictionary

(see s 2)

Note 1 The Legislation Act contains definitions and other provisions relevant to this Act.

Note 2 For example, the Legislation Act, dict, pt 1, defines the following terms:

- ACT
- bank
- Chief Minister
- corporation
- Corporations Act
- credit tribunal
- disallowable instrument
- Executive
- individual
- lawyer
- notifiable instrument
- person
- prescribed
- State.

agreement, in relation to the payment by a debtor for services supplied by another person—see section 9.

annual percentage rate—

- (a) for this Act generally—see section 10; and
- (b) in relation to a continuing credit contract—see section 55 (1).

billing cycle—see section 50 (1).

buyer, for part 2 (Contracts of sale)—see section 20 (2).

contract of guarantee, for part 10 (Home finance contracts)—see section 150.

carrying on business of providing credit—see section 16.

chargeable amount, for division 3.2 (Continuing credit contracts)—see section 52 (1).

continuing credit contract—

- (a) for this Act generally—see section 48 (2); and
- (b) for part 3 (Regulated contracts)—see section 49.

contract, in relation to the payment by a debtor for services supplied by another person—see section 9.

contract of guarantee, for part 10 (Home finance contracts)—see section 150.

contract of sale, for part 2 (Contracts of sale)—see section 20 (1).

court, in relation to a contract or other matter—see section 6 (1).

credit charge—

- (a) for this Act generally—see section 11; and
- (b) in relation to a billing cycle of a continuing credit contract—see section 54 (1).

goods and services includes—

- (a) goods; or
- (b) services.

guarantor, for part 10 (Home finance contracts)—see section 150.

home, for part 10 (Home finance contracts)—see section 150.

home finance contract, for part 10 (Home finance contracts)—see section 150.

mortgage, for part 4 (Regulated mortgages)—see section 89.

net balance, due to a credit provider at a particular time, for part 5 (Termination and enforcement of regulated contracts and regulated mortgages)—see section 103 (1).

outstanding balance, of an amount, charge or expense, for part 5 (Termination and enforcement of regulated contracts and regulated mortgages)—see section 103 (2).

person who buys or proposes to buy goods and services, for part 2 (Contracts of sale)—see section 20 (2).

resupply, in relation to goods bought from a person, includes—

- (a) a supply of the goods to another person in an altered form or condition; and
- (b) a supply to another person of goods in which the firstmentioned goods have been incorporated.

tied continuing credit contract—see section 12 (2).

tied loan contract—see section 12 (1).

unjust, for a contract or mortgage, for part 9 (Reopening of contracts)—see section 145.

Explanatory note

This amendment inserts a new dictionary in accordance with current drafting practice. It includes signpost definitions for defined terms that are not included in the existing interpretation section. The definitions of ***goods and services*** and ***resupply*** follow existing section 5 (2) which is omitted by another amendment.

Part 3.9 Credit Regulation 1985

[3.43] Sections 4, 5 and 6

omit

section 5 (1)

substitute

dictionary

Explanatory note

This amendment is consequential on the relocation of definitions in the *Credit Act 1985* to a new dictionary by another amendment.

Part 3.10 Dangerous Substances Act 2004

[3.44] Section 15 (1) (a)

omit

; and

substitute

; or

Explanatory note

This amendment corrects the conjunction in the definition of ***hazard***. To be a hazard under the existing definition, a thing or situation must meet the criteria stated in both paragraphs (a) and (b) of the definition. That is, it must have the potential to cause the death of or harm to a person (par (a)) and also damage property or the environment (par (b)). This is inconsistent with how these criteria are dealt with in section 15 (2) (definition of ***risk***), section 38 (definition of ***dangerous occurrence***, paragraph (a)) and section 148 (1) where either criterion meets the relevant test.

Part 3.11 Discrimination Act 1991

[3.45] Section 6 (2)

substitute

- (2) In this section:

office-holder—see the *Legislative Assembly (Members' Staff) Act 1989*, dictionary.

Explanatory note

This amendment is consequential on the insertion of a dictionary into the *Legislative Assembly (Members' Staff) Act 1989* by another amendment.

[3.46] Section 97 (3)

substitute

- (3) An interim order remains in force until the commission makes any of the following decisions:
- (a) to refer the complaint under the HRC Act, section 51 (Referring complaints for conciliation);
 - (b) under the HRC Act, section 65 (1) (d) (End of conciliation), that the conciliation of the complaint is unlikely to be successful;
 - (c) to close the complaint under the HRC Act, section 78 (When complaints can be closed).

Explanatory note

This amendment corrects 2 references and brings the structure of the subsection into line with current drafting practice, without changing the effect or operation of the subsection. The corrections are as follows—

- new section (3) (b), which replaces existing section (3) (b), refers correctly to decisions of the human rights commission under the *Human Rights Commission Act 2005*, section 65 (1) (d) (rather than decisions of the president of the commission as in the existing provision);

- new section (3) (c), which replaces existing section (3) (a) (ii), refers correctly to decisions of the human rights commission under the *Human Rights Commission Act 2005*, section 78 (rather than section 77 as in the existing provision).

Part 3.12 Environment Protection Act 1997

[3.47] Section 12

substitute

12 Authority's functions

- (1) The authority's functions are—
 - (a) to administer this Act; and
 - (b) any other function given to the authority by this Act or another territory law.
- (2) In the exercise of the authority's functions, the authority must have regard to the objects stated in section 2.

Note A provision of a law that gives an entity (including a person) a function also gives the entity the powers necessary and convenient to exercise the function (see Legislation Act, s 196 (1) and dict, pt 1, defs of *entity* and *function*).

Explanatory note

This amendment brings the section into line with current drafting practice. In particular, existing subsection (3), which gives the authority the powers that are necessary and convenient for the exercise of its functions, is omitted because the Legislation Act, section 196 provides that a provision of a law that gives an entity (including a person) a function also gives the entity powers necessary and convenient to exercise the function. A note to that effect is included in the substituted section. Also, the section reference in subsection (2) is updated because of the renumbering of section 3 as section 2 by another amendment.

[3.48] Section 13

substitute

13 Delegation by authority

The authority may delegate the authority's functions under this Act to a public employee.

Note For the making of delegations and the exercise of delegated functions, see the Legislation Act, pt 19.4.

Explanatory note

This amendment updates the delegation provision and adds a standard note about delegations. The Legislation Act, section 232 requires a delegation to be made by signed writing. The Legislation Act, section 234 allows the delegation of any part of functions that may be delegated.

[3.49] Section 17 (2) to (6)

substitute

- (2) Unless the chief executive decides that the authority should make a decision in relation to the matter, the chief executive must appoint another public servant (the *acting authority*) to act as the authority for making a decision in relation to the matter.

Note 1 For the making of appointments (including acting appointments), see the Legislation Act, pt 19.3.

Note 2 In particular, an appointment may be made by naming a person or nominating the occupant of a position (see Legislation Act, s 217).

- (3) The instrument of appointment must state the period for which the acting authority is appointed.
- (4) For making a decision in relation to the matter, the acting authority may exercise all the functions of the authority.
- (5) For this Act, a decision made by the acting authority is taken to have been made by the authority.

-
- (6) This section does not prevent the authority from continuing to exercise the functions of the authority in relation to any other matter during the period for which the acting authority is appointed.

Explanatory note

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

Existing subsection (2) is amended by—

- omitting a reference to ‘in writing’ because the Legislation Act, section 216 provides that an acting appointment must be made, or evidenced, by writing signed by the appointer;
- adding the tag-term definition of *acting authority* for the acting appointee;
- adding standard appointment notes.

Existing subsection (3) is brought into line with current drafting practice.

The remaining provisions are consequentially amended to refer to ‘acting authority’.

[3.50] Section 18 (1)

substitute

- (1) No civil or criminal proceedings lie against a person who is, or has been the authority, an authorised officer or an analyst for an act or omission done honestly in the exercise or purported exercise of a function given to the person in that capacity for this Act.

Explanatory note

This amendment brings the language and structure of the subsection more closely into line with current drafting practice. In particular, it omits a reference to ‘good faith’ and substitutes ‘honestly’, which is the current drafting term.

[3.51] Section 95

substitute

95 Definitions—pt 11

In this part:

connected—a thing is ***connected*** with a particular offence if—

- (a) the offence has been committed in relation to it; or
- (b) it will afford evidence of the commission of the offence; or
- (c) it was used, is being used, or is intended to be used, for the purpose of committing the offence.

enter includes board.

offence includes an offence that there are reasonable grounds for believing has been, is being, or will be committed.

premises includes vacant land, vehicles, vessels and aircraft.

residential premises means premises used exclusively or primarily for residential purposes, and includes a private room in, but not any other part of, a motel, hotel, hostel or guesthouse.

Explanatory note

This amendment remakes existing subsection (2) (definition of ***connected***) and subsection (3) (definition of ***an offence***) to bring the section into line with current drafting practice.

[3.52] Dictionary, definition of ***an offence***

omit

Explanatory note

This amendment is consequential on the amendment of section 95 by another amendment which changes the definition of ***an offence*** to ***offence*** in accordance with current drafting practice.

Schedule 3 Technical amendments
Part 3.12 Environment Protection Act 1997

Amendment [3.53]

[3.53] Dictionary, definition of *environment protection policy*

substitute

***environment protection policy*—**

- (a) for this Act generally—means an environment protection policy under part 4 (Environment protection policies); and
- (b) for part 4—see section 23B.

Note A reference to an instrument (including a policy) includes a reference to the instrument as originally made and as amended (see Legislation Act, s 102).

Explanatory note

This amendment omits a redundant definition of the term and brings the remaining definition into line with current drafting practice.

[3.54] Dictionary, new definition of *offence*

insert

***offence*, for part 11 (Powers of authorised officers)—see section 95.**

Explanatory note

This amendment is consequential on the amendment of section 95 by another amendment which changes the definition of *an offence* to *offence* in accordance with current drafting practice.

Part 3.13 Evidence Act 1971

[3.55] New section 2

insert

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 terms used in this Act.

Note 2 A definition in the dictionary applies to the entire Act unless the definition, or another provision of the Act, provides otherwise or the contrary intention otherwise appears (see Legislation Act, s 155 and s 156 (1)).

3 Notes

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

Note See the Legislation Act, s 127 (1), (4) and (5) for the legal status of notes.

Explanatory note

This amendment adds standard dictionary and notes provisions consequent on the insertion of a new dictionary by another amendment.

[3.56] Section 6, definition of *court*

substitute

court includes—

- (a) for this Act generally—any tribunal or person having authority under a law in force in the ACT or by consent of parties to receive evidence; and

Schedule 3 Technical amendments
Part 3.13 Evidence Act 1971

Amendment [3.57]

- (b) for part 11 (Admissibility of convictions in civil proceedings)—see section 81.

Explanatory note

This amendment updates the definition by including a signpost definition to the term for part 11.

[3.57] Section 6, definitions (as amended)

relocate to dictionary

Explanatory note

This amendment relocates the definitions to a new dictionary that is inserted by another amendment.

[3.58] Section 6, remainder

omit

Explanatory note

This amendment is consequent on the amendment above relocating the definitions to the new dictionary.

[3.59] Section 39 (1)

omit

- (1) A reference in this part to a **computer** is a reference to—

substitute

- (1) In this part:

computer means—

Explanatory note

This amendment brings the definition into line with current drafting practice.

[3.60] Section 81

substitute

81 Meaning of **conviction** and **court**—pt 11

In this part:

conviction does not include—

- (a) a conviction that has been set aside or quashed; or
- (b) a conviction of a person for an offence if the person has been given a pardon in relation to the offence.

court—

- (a) means a court in a State or Territory; but
- (b) does not include a court martial.

Explanatory note

This amendment updates language and brings the form of the definitions into line with current drafting practice.

[3.61] New Dictionary

insert

Dictionary

(see s 2)

Note 1 The Legislation Act contains definitions and other provisions relevant to this Act.

Note 2 For example, the Legislation Act, dict, pt 1 defines the following terms:

- ACT
- child
- Commonwealth
- oath
- Territory.

Schedule 3 Technical amendments
Part 3.14 Fisheries Regulation 2001

Amendment [3.62]

computer, for part 7 (Admissibility of documents produced by computers)—see section 39.

conviction, for part 11 (Admissibility of convictions in civil proceedings)—see section 81.

statute, for part 8 (Proof of foreign laws and documents)—see section 46.

Explanatory note

This amendment inserts a new dictionary in accordance with current drafting practice. It includes signpost definitions for defined terms that are not included in the existing interpretation section.

Part 3.14 Fisheries Regulation 2001

[3.62] Section 4A, heading

substitute

4A Commercial quantity—Act, dict, def *commercial quantity*

Explanatory note

This amendment brings the heading into line with current drafting practice.

Part 3.15 Food Act 2001

[3.63] Dictionary, definition of *Commonwealth Act*

substitute

Commonwealth Act means the *Food Standards Australia New Zealand Act 1991* (Cwlth).

Explanatory note

This amendment updates the name of the Act consequent on its renaming.

**[3.64] Dictionary, definition of *food authority*, note
*substitute***

Note *Authority* is defined to mean Food Standards Australia New Zealand.

Explanatory note

This amendment updates the note consequent on the renaming of the authority.

Part 3.16

**Gambling and Racing Control
Act 1999**

[3.65] Section 10

substitute

10 Delegation

The commission may delegate the commission's functions under this Act or another territory law to a public servant.

Note For the making of delegations and the exercise of delegated functions, see the Legislation Act, pt 19.4.

Explanatory note

This amendment updates the delegation provision and adds a standard note about delegations. The Legislation Act, section 232 requires a delegation to be made by signed writing. The Legislation Act, section 234 allows the delegation of any part of functions that may be delegated. The amendment limits the class of potential delegates to public servants which reflects the gambling and racing control commission's practice in relation to delegations.

Schedule 3
Part 3.17

Technical amendments
Gambling and Racing Control (Code of Practice) Regulation 2002

Amendment [3.66]

Part 3.17

**Gambling and Racing Control
(Code of Practice)
Regulation 2002**

[3.66] Section 3, note 1

substitute

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

For example, the signpost definition ‘*exempt lottery*—see the *Lotteries Act 1964*, dictionary.’ means that the term ‘exempt lottery’ is defined in that dictionary and the definition applies to this regulation.

Explanatory note

This amendment is consequential on the insertion of a dictionary into the *Lotteries Act 1964* by another amendment.

[3.67] Dictionary, definition of *exempt lottery*

substitute

exempt lottery—see the *Lotteries Act 1964*, dictionary.

Explanatory note

This amendment is consequential on the insertion of a dictionary into the *Lotteries Act 1964* by another amendment.

Part 3.18 Health Act 1993

[3.68] Section 243

omit

section

substitute

part

Explanatory note

This amendment makes a minor correction in relation to the expiry of the Act, part 21 (Transitional—Health Legislation Amendment Act 2006).

Part 3.19 Heritage Act 2004

[3.69] Section 17 (5), notes

relocate after section 17 (1)

Explanatory note

This amendment relocates the notes about appointments to a more convenient place within the section.

[3.70] Section 18, note

substitute

Note 1 A provision of a law that gives an entity (including a person) a function also gives the entity the powers necessary and convenient to exercise the function (see Legislation Act, s 196 (1) and dict, pt 1, defs of *entity* and *function*).

Note 2 An example is part of the Act, is not exhaustive and may extend, but does not limit, the meaning of the provision in which it appears (see Legislation Act, s 126 and s 132).

Explanatory note

This amendment adds a standard note about necessary and convenient powers to the section about the heritage council's functions.

[3.71] Dictionary, new definition of *cancellation*

insert

cancellation, for part 7 (Cancellation of registration)—see section 50.

Explanatory note

This amendment inserts a signpost definition for a term that is not included in the dictionary.

[3.72] Dictionary, definition of *interested person*

substitute

interested person means—

- (a) for this Act generally—see section 13; and
- (b) for part 17 (AAT review of decisions)—see section 111.

Explanatory note

This amendment brings the definition into line with current drafting practice by adding new paragraph (b) to the definition.

Part 3.20 Lands Acquisition Act 1994

[3.73] Dictionary, definition of *acquiring authority*

substitute

acquiring authority—

- (a) for this Act generally—means any of the following:
 - (i) the Executive;
 - (ii) a territory authority;
 - (iii) a utility; and

- (b) for part 9 (Dealings in land vested in acquiring authorities—
see section 97A.

Explanatory note

This amendment brings the definition into line with current drafting practice.

Part 3.21 Leases (Commercial and Retail) Act 2001

[3.74] Section 110 (1), note

substitute

Note Section 108 (5) and (6) sets out the circumstances in which the tenant does not have a right to a preference.

Explanatory note

This amendment corrects the section reference in the note.

Part 3.22 Legal Aid Act 1977

[3.75] Section 6 (1)

substitute

- (1) The Legal Aid Commission (A.C.T.) is established.

Explanatory note

This amendment brings language into line with current drafting practice.

[3.76] Section 6 (3)

omit

Explanatory note

This amendment omits a provision that requires judicial notice to be taken of the commission's seal on a document. It is unnecessary because the *Evidence Act 1995* (Cwlth), section 150 provides that if the imprint of a seal appears on a document and purports to be the imprint of the seal of a stated kind of body, including a body created under a Territory law, it is presumed that the imprint is the imprint of that seal and that the document was duly sealed. The *Evidence Act 1995* (Cwlth) applies to proceedings under Territory laws.

[3.77] Section 7 (2) to (5)

substitute

- (2) The chief executive officer is a commissioner.
- (3) The Minister must appoint the other commissioners.

Note 1 For the making of appointments (including acting appointments), see the Legislation Act, pt 19.3.

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

Note 3 Certain Ministerial appointments require consultation with a Legislative Assembly committee and are disallowable (see Legislation Act, div 19.3.3).

- (4) A commissioner appointed by the Minister is appointed on a part-time basis.

Explanatory note

This amendment brings the language of existing section 7 (2) and (3) into line with current drafting practice and adds standard notes about appointments.

Existing section 7 (4) is omitted because the Legislation Act, section 199 (5) provides that the exercise of a function by a body is not affected only because of a vacancy in the body's membership.

Existing section 7 (5) is omitted because the Legislation Act, sections 212 and 225 provide that an appointment, or anything done under an appointment, is not invalid only because of a defect or irregularity in the appointment.

[3.78] Section 8 (4)

substitute

- (4) The Minister must present a copy of a direction under subsection (3) (a), together with a copy of the relevant funding agreement, to the Legislative Assembly no later than 15 sitting days after the day on which the direction is issued.

Explanatory note

This amendment updates language.

[3.79] Section 8A (2)

substitute

- (2) The following provisions of this Act apply, in relation to the provision of legal assistance in a matter to which a funding agreement applies, only to the extent to which the provisions are not inconsistent with the funding agreement:
 - (a) section 10 (1) (g) (Duties of commission);
 - (b) section 11 (Guidelines for allocation of work);
 - (c) section 12 (Guidelines for provision of assistance);
 - (d) part 5 (Provision of legal assistance by commission);
 - (e) part 6 (Reconsideration and review of decisions).

Explanatory note

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

[3.80] Section 9 (1)

omit

Explanatory note

This amendment omits an unnecessary subsection. The Legislation Act, section 196 provides that a provision of law that gives an entity (including a person) a function also gives the entity powers necessary and convenient to exercise the function. A standard note about necessary and convenient powers is added to subsection (7) by another amendment.

[3.81] Section 9 (5)

omit

powers and duties

substitute

functions

Explanatory note

This amendment brings language more closely into line with current drafting practice. **Function** is defined in the Legislation Act, dictionary, part 1 to include authority, duty and power.

[3.82] Section 9 (7), new note

insert

Note A provision of a law that gives an entity (including a person) a function also gives the entity powers necessary and convenient to exercise the function (see Legislation Act, s 196 and dict, pt 1, def of **entity**).

Explanatory note

This amendment adds a standard note about the powers of an entity and is consequential on the omission of subsection 9 (1) by another amendment.

[3.83] Section 17 (2)

substitute

(2) The commission must appoint a chief executive officer.

Note 1 For the making of appointments (including acting appointments), see the Legislation Act, pt 19.3.

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

Explanatory note

This amendment brings language into line with current drafting practice and adds standard notes about appointments.

[3.84] Section 19

substitute

19 Duties of assistant executive officers

An assistant executive officer must act in accordance with the chief executive officer's directions in relation to the management of the operations or affairs of the commission.

Explanatory note

This amendment brings language more closely into line with current drafting practice.

[3.85] Sections 19A and 19B

substitute

19A Statutory officers of the commission to give reports

A statutory officer of the commission must, if requested by the commission, give a report in writing to the commission about—

- (a) the exercise of the officer's functions under this Act; or
- (b) the policy the officer is pursuing, or proposes to pursue, in relation to the functions.

19B Statutory officers of the commission to follow directions

- (1) The commission may issue directions to a statutory officer of the commission in relation to—
 - (a) the exercise of the officer's functions under this Act; or
 - (b) the policy the officer is pursuing, or proposes to pursue, in relation to the functions.

-
- (2) A statutory officer of the commission who is given a direction under subsection (1) must comply with the direction.

Explanatory note

This amendment brings the sections more closely into line with current drafting practice. It omits unnecessary references to ‘duties’ and ‘powers’. **Function** is defined in the Legislation Act, dictionary, part 1 to include authority, duty and power. The amendment also omits a reference to ‘furnish’ and substitutes ‘give’, which is the current drafting term.

[3.86] Section 21

substitute

21 Delegation

The chief executive officer may delegate the chief executive officer’s functions to another officer of the commission.

Note For the making of delegations and the exercise of delegated functions, see the Legislation Act, pt 19.4.

Explanatory note

This amendment updates the delegation provision as follows:

- the words ‘in writing’ have been omitted because the Legislation Act, section 232 provides that a delegation must be made, or evidenced, in writing;
- existing subsection (2) is omitted because the Legislation Act, section 239 (4) provides that the exercise of a function by a delegate is taken to have been done by the appointer of the delegate;
- existing subsection (3) is omitted because the Legislation Act, section 240 provides that a function that has been delegated may, despite the delegation, be exercised by the appointer.

The Legislation Act, section 234 allows the delegation of any part of functions that may be delegated.

[3.87] Section 33 (9)

substitute

Note An amount owing under a law may be recovered as a debt in a court of competent jurisdiction (see Legislation Act, s 177).

Explanatory note

The subsection is no longer necessary because the Legislation Act, section 177 deals with recovery amounts owing under laws. This amendment replaces the subsection with a note about the Legislation Act, section 177.

[3.88] Section 48

substitute

48 Term of office

- (1) In this section:
commissioner does not include the chief executive officer.
- (2) Subject to this division, a commissioner holds office for a period of not longer than—
 - (a) for the president of the commission—5 years; or
 - (b) for a commissioner other than the president—3 years.
- (3) The instrument of appointment must state the period for which a commissioner is appointed.

Note A person may be reappointed to a position if the person is eligible to be appointed to the position (see Legislation Act, s 208 and dict, pt 1, def of *appoint*).

Explanatory note

This amendment brings the structure of the section into line with current drafting practice. It also omits an unnecessary reference to eligibility for reappointment and substitutes a standard note about reappointment.

[3.89] Section 52 (2) (a)

substitute

- (a) becomes bankrupt or executes a personal insolvency agreement; or

Explanatory note

This amendment brings the paragraph into line with the concept of personal insolvency agreement under the *Bankruptcy Act 1966* (Cwlth). Under that Act, personal insolvency agreements have replaced the concepts of deed of assignment, deed of arrangement and composition.

[3.90] Section 56

substitute

56 Term of appointment of statutory officers

A statutory officer of the commission must be appointed for a term of not longer than 7 years.

Note A person may be reappointed to a position if the person is eligible to be appointed to the position (see Legislation Act, s 208 and dict, pt 1, def *appoint*).

57 Conditions of appointment

A statutory officer of the commission holds office on the conditions (if any) about matters not provided for under this Act or another territory law that are determined by the commission with the approval of the Minister.

Explanatory note

This amendment updates existing section 56 and brings it into line with current drafting practice.

The existing reference to holding office for the period specified in the instrument of appointment is omitted. It is unnecessary because the Legislation Act, section 206 (2) provides that if a law provides for a maximum period of appointment, the instrument of appointment must state the period for which the appointment is made.

The existing reference to eligibility for reappointment is unnecessary because the Legislation Act provides that if a person is eligible for appointment the person may be reappointed. A standard note about reappointment is added.

[3.91] Section 58 (2), new note

insert

Note For the making of delegations and the exercise of delegated functions see the Legislation Act, pt 19.4.

Explanatory note

This amendment inserts a standard note about delegations.

[3.92] Section 60 (2) (a)

substitute

(a) becomes bankrupt or executes a personal insolvency agreement; or

Explanatory note

This amendment brings the paragraph into line with the concept of personal insolvency agreement under the *Bankruptcy Act 1966* (Cwlth). Under that Act, personal insolvency agreements have replaced the concepts of deed of assignment, deed of arrangement and composition.

[3.93] Section 62 (2), note 2

omit

Explanatory note

This amendment omits a redundant note about the making of appointments.

[3.94] Section 78 (2) (a)

substitute

- (a) becomes bankrupt or executes a personal insolvency agreement; or

Explanatory note

This amendment brings the paragraph into line with the concept of personal insolvency agreement under the *Bankruptcy Act 1966* (Cwlth). Under that Act, personal insolvency agreements have replaced the concepts of deed of assignment, deed of arrangement and composition.

[3.95] Section 83 (3) and (4)

substitute

- (3) The Minister must appoint the members of a consultative committee for a period of 1 year.

Note 1 For the making of appointments (including acting appointments), see the Legislation Act, pt 19.3.

Note 2 Certain Ministerial appointments require consultation with an Assembly committee and are disallowable (see Legislation Act, div 19.3.3).

Note 3 A person may be reappointed to a position if the person is eligible to be appointed to the position (see Legislation Act, s 208 and dict, pt 1, def of *appoint*).

Explanatory note

This amendment updates the appointment section for consultative committees to bring it into line with current drafting practice. In particular, it removes from subsection (3) the words ‘but are eligible for reappointment’ because the Legislation Act, section 208 provides that the appointer’s power to make the appointment includes the power to reappoint the appointee if the appointee is eligible to be appointed to the position.

Subsection (4) is no longer needed because the Legislation Act, section 210 provides that an appointment ends if the appointee resigns by signed notice of resignation given to the appointer.

The amendment also inserts standard notes about appointments.

[3.96] Section 84A, definition of *prescribed matter*

substitute

prescribed matter means any matter relating to—

- (a) the operations or affairs of the commission; or
- (b) the exercise by the commission of its functions under this Act;
or
- (c) the exercise of a function by anyone under this Act.

Explanatory note

This amendment brings the definition more closely into line with current drafting practice. It omits unnecessary references to ‘performance’, ‘duty’ and ‘power’. ***Function*** is defined in the Legislation Act, dictionary, part 1 to include authority, duty and power. ***Exercise*** a function is defined in the Legislation Act, dictionary, part 1 to include perform the function. It is the drafting term that is now used in relation to functions.

Also, the reference to ‘operations and affairs’ of the commission in existing paragraph (a) is changed to ‘operations or affairs’ to make it clear that the matter could relate to operations or affairs, or both.

[3.97] Section 91 (1)

substitute

- (1) The commission must indemnify an officer of the commission against any liability incurred by the officer for a negligent act or omission in the honest exercise or purported exercise of the officer’s functions.

Explanatory note

This amendment brings the subsection more closely into line with current drafting practice. It omits an unnecessary reference to ‘duties’. ***Function*** is defined in the Legislation Act, dictionary, part 1 to include authority, duty and power. The amendment also omits a reference to ‘good faith’ and substitutes ‘honest’, which is the current drafting term.

[3.98] Section 91 (3) and (4)

substitute

- (3) The commission has the same liability for acts or omissions by an officer of the commission in the exercise of the officer's functions as an employer has for any acts or omissions by the employer's employees.
- (4) A member of the commission, a review committee or a consultative committee is not liable for any act or omission of the member, commission, or committee of which he or she is a member, if the act was done, or the omission occurred, in the honest exercise or purported exercise of the member's functions.

Explanatory note

This amendment brings the subsections more closely into line with current drafting practice. The amendment omits references in subsection (3) to 'master' and 'servants' and substitutes references to 'employer' and 'employees'. The amendment also omits a reference in subsection (4) to 'good faith' and substitutes 'honest', which is the current drafting term.

[3.99] Section 99 (2), new note

insert

Note For other provisions about forms, see the Legislation Act, s 255.

Explanatory note

This amendment inserts a standard note about forms.

[3.100] Further amendments, mentions of *duties*

omit

duties

substitute

functions

in

- section 24

- section 61
- section 68A (2) (b) and (9), definition of *unjustified discrimination*
- section 79
- section 84 (2)

Explanatory note

This amendment updates language. *Function* is defined in the Legislation Act, dictionary, part 1 to include authority, duty and power.

[3.101] Further amendments, mentions of *perform*

omit

perform

substitute

exercise

in

- section 20 (1)
- section 22
- section 82 (2)
- section 83 (2)
- section 94 (1)

Explanatory note

This amendment updates language. *Exercise* a function is defined in the Legislation Act, dictionary, part 1 to include perform the function. It is the drafting term that is now used in relation to functions.

[3.102] Further amendments, mentions of *performance*

omit

performance

substitute

exercise

in

- section 7 (1)
- section 10
- section 17 (3)
- section 22 (8)
- section 24
- section 37 (5)
- section 54 (1)
- section 61
- section 79
- section 80 (1)
- section 82 (1)
- section 84 (2)
- section 92 (2) (a) and (3)

Explanatory note

This amendment updates language. ***Exercise*** a function is defined in the Legislation Act, dictionary, part 1 to include perform the function. It is the drafting term that is now used in relation to functions.

[3.103] Further amendments, mentions of *performing*

omit

performing

substitute

exercising

in

- section 13 (1) and (3)
- section 22 (6)

Explanatory note

This amendment updates language. *Exercise* a function is defined in the Legislation Act, dictionary, part 1 to include perform the function. It is the drafting term that is now used in relation to functions.

[3.104] Further amendments, mentions of *performs*

omit

performs

substitute

exercises

in

- section 13 (2)
- section 84E (2)

Explanatory note

This amendment updates language. *Exercise* a function is defined in the Legislation Act, dictionary, part 1 to include perform the function. It is the drafting term that is now used in relation to functions.

[3.105] Further amendments, mentions of persons

omit

persons

substitute

people

in

- section 7 (1)
- section 10 (1)
- section 11
- section 20 (1)
- section 24
- section 25 (6)
- section 32
- section 33 heading
- section 34 heading
- section 37 (5)
- section 55 (1)
- section 81 (1)
- section 82 (2)
- section 83
- section 84C

Explanatory note

This amendment updates language.

Part 3.23

Legislative Assembly (Members' Staff) Act 1989

[3.106] Section 1

substitute

1 Name of Act

This Act is the *Legislative Assembly (Members' Staff) Act 1989*.

Explanatory note

This amendment brings the naming section into line with current drafting practice.

[3.107] Section 3, definitions

relocate to dictionary

Explanatory note

This amendment relocates the definitions to a new dictionary that is inserted by another amendment.

[3.108] Section 3 (remainder)

substitute

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 terms used in this Act, and includes references (*signpost definitions*) to other terms defined elsewhere.

For example, the signpost definition '**relevant chief executive**'—see the PSM Act.' means that the term 'relevant chief executive' is defined in 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 Legislation Act, s 155 and s 156 (1)).

Schedule 3 Technical amendments
Part 3.23 Legislative Assembly (Members' Staff) Act 1989

Amendment [3.109]

3 Notes

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

Note See the Legislation Act, s 127 (1), (4) and (5) for the legal status of notes.

Explanatory note

This amendment adds standard dictionary and notes provisions consequent on the insertion of a new dictionary by the amendment below.

[3.109] New dictionary

insert

Dictionary

(see s 2)

Note 1 The Legislation Act contains definitions and other provisions relevant to this Act.

Note 2 For example, the Legislation Act, dict, pt 1 defines the following terms:

- Chief Minister
- disallowable instrument
- Executive instrument.

Explanatory note

This amendment inserts a new dictionary in accordance with current drafting practice.

Part 3.24 Liquor Act 1975

[3.110] Section 11, new note

insert

Note A provision of a law that gives an entity (including a person) a function also gives the entity powers necessary and convenient to exercise the function (see Legislation Act, s 196 and dict, pt 1, def *entity*).

Explanatory note

This amendment adds a standard note about the powers of an entity.

[3.111] Section 13

substitute

13 Appointment of members

- (1) The Minister must not appoint a person to be the chairperson unless the person has been a lawyer for at least 5 years.

Note 1 For the making of appointments (including acting appointments), see the Legislation Act, pt 19.3.

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

Note 3 Certain Ministerial appointments require consultation with an Assembly committee and are disallowable (see Legislation Act, div 19.3.3).

- (2) A member (other than the registrar) must not be appointed for more than 5 years.

(3) A member holds office on a part-time basis.

Note A person may be reappointed to a position if the person is eligible to be appointed to the position (see Legislation Act, s 208 and dict, pt 1, def of *appoint*).

Explanatory note

This amendment brings the section into line with current drafting practice. In particular, existing subsection (2) is amended as follows:

- omitting a reference to an appointment being in writing because the Legislation Act, section 206 provides that an appointment must be made, or evidenced, by writing signed by the appointer;
- omitting a reference to the period of appointment being specified in the instrument because the Legislation Act, section 206 (2) provides that if a law provides for a maximum period of appointment, the instrument of appointment must state the period for which the appointment is made.

Standard notes about the making of appointments have also been added.

[3.112] Section 18 (2) (a)

substitute

- (a) if the member becomes bankrupt or executes a personal insolvency agreement; or

Explanatory note

This amendment brings the paragraph into line with the concept of personal insolvency agreement under the *Bankruptcy Act 1966* (Cwlth). Under that Act, personal insolvency agreements have replaced the concepts of deed of assignment, deed of arrangement and composition.

[3.113] Section 32

substitute

32 Revocation of cautions

- (1) The chief police officer may revoke a caution if satisfied that—
 - (a) the caution was not issued in accordance with section 31; or
 - (b) the young person to whom the caution was issued was not apprehended in accordance with section 30 (1) or (2) (People under 18—powers of inspectors and police officers).
- (2) If the chief police officer revokes a caution, the chief police officer must—
 - (a) arrange for the caution to be removed from police records and destroyed; and
 - (b) take reasonable steps to notify the person to whom the caution was issued of the revocation; and
 - (c) notify the registrar of the revocation.

Explanatory note

This amendment updates the section to bring it more closely into line with current drafting practice. In particular, the references to the commissioner of police are changed to the chief police officer. The chief police officer is the police officer responsible to the commissioner of police of the Australian Federal Police for the day-to-day administration and control of police services in the ACT.

[3.114] Section 162, definition of *matter*

omit

, being a matter

Explanatory note

This amendment omits unnecessary words.

[3.115] Section 172 (1)

substitute

- (1) No civil or criminal proceedings lie against a member in relation to an act or thing done honestly by the member in his or her capacity as a member.

Explanatory note

This amendment brings the subsection more closely into line with current drafting practice. In particular, it omits a reference to ‘good faith’ and substitutes ‘honestly’, which is the current drafting term.

Part 3.25

Litter Act 2004

[3.116] Dictionary, definition of *public place*, paragraph (a)

omit

; and

substitute

; or

Explanatory note

This amendment brings the conjunction at the end of paragraph (a) of the definition into line with current drafting practice.

Part 3.26

Long Service Leave (Building and Construction Industry) Regulation 1984

[3.117] Section 1

omit

1988

substitute

1984

Explanatory note

This amendment corrects the name of the regulation.

[3.118] Section 2

omit

section 3 (1)

substitute

dictionary

Explanatory note

This amendment updates a reference to a provision of the Act.

Part 3.27

Lotteries Act 1964

[3.119] Section 2 (1), definitions

relocate to dictionary

Explanatory note

This amendment relocates the definitions to a new dictionary that is inserted by another amendment.

Schedule 3 Technical amendments
Part 3.27 Lotteries Act 1964

Amendment [3.120]

[3.120] Section 2 (remainder)

substitute

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 terms used in this Act.

Note 2 A definition in the dictionary applies to the entire Act unless the definition, or another provision of the Act, provides otherwise or the contrary intention otherwise appears (see Legislation Act, s 155 and s 156 (1)).

2A Notes

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

Note See the Legislation Act, s 127 (1), (4) and (5) for the legal status of notes.

3 When lottery taken to be conducted

For this Act, a lottery is being conducted from when the first subscription to the lottery is paid until all the prizes in the lottery are distributed.

Explanatory note

This amendment adds standard dictionary and notes provisions consequent on the insertion of a new dictionary by another amendment. The definition in existing section 2 (2) is remade as new section 3.

[3.121] Section 19

omit

Explanatory note

This amendment omits a redundant provision about delegation. The *Gambling and Racing Control Act 1999*, section 10 gives the gambling and racing commission power to delegate any of its functions, including functions under the *Lotteries Act 1964*.

[3.122] New dictionary

insert

Dictionary

(see s 2)

Note 1 The Legislation Act contains definitions and other provisions relevant to this Act.

Note 2 For example, the Legislation Act, dict, pt 1 defines the following terms:

- disallowable instrument
- Executive
- penalty unit.

exempt lottery—see section 6 (1).

Explanatory note

This amendment inserts a new dictionary in accordance with current drafting practice. It includes a signpost definition for *exempt lottery*, which is not included in the existing interpretation section.

Schedule 3 Technical amendments
Part 3.28 Nature Conservation Act 1980
Amendment [3.123]

Part 3.28

Nature Conservation Act 1980

[3.123] Section 11

substitute

11 Delegation by conservator

The conservator may delegate the conservator's functions under this Act to a conservation officer.

Note For the making of delegations and the exercise of delegated functions, see the Legislation Act, pt 19.4.

Explanatory note

This amendment updates the delegation provision and adds a standard note about delegations. The Legislation Act, section 232 requires a delegation to be made by signed writing. The Legislation Act, section 234 allows the delegation of any part of functions that may be delegated.

[3.124] Section 13

substitute

13 Establishment of Flora and Fauna Committee

The Flora and Fauna Committee is established.

Explanatory note

This amendment brings the section into line with current drafting practice.

[3.125] Section 14, new note

insert

Note A provision of a law that gives an entity (including a person) a function also gives the entity powers necessary and convenient to exercise the function (see Legislation Act, s 196 and dict, pt 1, def *entity*).

Explanatory note

This amendment adds a standard note about the powers of an entity and is consequential on the omission of section 16 by another amendment.

[3.126] Section 16

omit

Explanatory note

This amendment omits section 16. It states that the flora and fauna committee has power to do all things necessary or convenient to be done in connection with the performance of its functions. This is unnecessary because the Legislation Act, section 196 provides that a provision of a law that gives an entity (including a person) a function also gives the entity powers necessary and convenient to exercise the function.

[3.127] Section 17 (1)

substitute

- (1) The committee consists of 7 members appointed by the Minister, at least 2 of whom must not be public servants.

Note 1 For the making of appointments (including acting appointments), see the Legislation Act, pt 19.3.

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

Note 3 Certain Ministerial appointments require consultation with an Assembly committee and are disallowable (see Legislation Act, div 19.3.3).

Explanatory note

This amendment updates the appointment section by omitting the words ‘in writing’ because the Legislation Act, section 206 provides that an appointment must be made, or evidenced, by writing signed by the appointer.

The amendment also inserts standard appointment notes.

[3.128] Section 17 (4) and (5)

substitute

- (4) A member must not be appointed for more than 3 years.

Note A person may be reappointed to a position if the person is eligible to be appointed to the position (see Legislation Act, s 208 and dict, pt 1, def of *appoint*).

Schedule 3 Technical amendments
Part 3.29 Oaths and Affirmations Act 1984

Amendment [3.129]

- (5) A member holds office on the conditions (if any) about matters not provided for by this part that are determined in writing by the Minister.

Explanatory note

This amendment brings the subsections into line with current drafting practice. In particular, existing subsection (4) is remade to omit the reference to holding office for the period specified in the instrument of appointment. It is unnecessary because the Legislation Act, section 206 (2) provides that if a law provides for a maximum period of appointment, the instrument of appointment must state the period for which the appointment is made.

[3.129] Dictionary, new definition of *member*

insert

member, in relation to the committee, means a member of the committee.

Explanatory note

This amendment inserts a definition of ***member*** for the flora and fauna committee.

Part 3.29 Oaths and Affirmations Act 1984

[3.130] Dictionary, definitions of *court* and *proceeding*

substitute

court—see the *Evidence Act 1971*, dictionary.

proceeding—see the *Evidence Act 1971*, dictionary.

Explanatory note

This amendment is consequential on the insertion of a new dictionary into the *Evidence Act 1971* by another amendment.

Part 3.30 Payroll Tax Act 1987

[3.131] Section 4 (8), definition of *regulated contract*

substitute

regulated contract—see the *Credit Act 1985*, dictionary.

Explanatory note

This amendment is consequential on the insertion of a new dictionary into the *Credit Act 1985* by another amendment.

Part 3.31 Pool Betting Act 1964

[3.132] Section 3, definitions

relocate to dictionary

Explanatory note

This amendment relocates the definitions to a new dictionary that is inserted by another amendment.

[3.133] Section 3 (remainder)

substitute

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 terms used in this Act.

Note 2 A definition in the dictionary applies to the entire Act unless the definition, or another provision of the Act, provides otherwise or the contrary intention otherwise appears (see Legislation Act, s 155 and s 156 (1)).

Schedule 3 Technical amendments
Part 3.31 Pool Betting Act 1964

Amendment [3.134]

3 Notes

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

Note See the Legislation Act, s 127 (1), (4) and (5) for the legal status of notes.

Explanatory note

This amendment adds standard dictionary and notes provisions consequent on the insertion of a new dictionary by another amendment. The definitions in existing section 3 are included in the new dictionary which is inserted by another amendment.

[3.134] Section 13A (2) (a)

omit

, in writing,

Explanatory note

This amendment omits words that are now redundant because the Legislation Act, section 42 (2), which requires disallowable instruments to be in writing.

[3.135] Section 14

omit

Explanatory note

This amendment omits a redundant provision about delegation. The *Gambling and Racing Control Act 1999*, section 10 gives the gambling and racing commission power to delegate any of its functions, including functions under the *Pool Betting Act 1964*.

[3.136] New dictionary

insert

Dictionary

(see s 2)

Note 1 The Legislation Act contains definitions and other provisions relevant to this Act.

Note 2 For example, the Legislation Act, dict, pt 1 defines the following terms:

- Executive
- exercise
- disallowable instrument
- gambling and racing commission
- penalty unit
- State
- Territory.

Explanatory note

This amendment inserts a new dictionary in accordance with current drafting practice.

Part 3.32

Public Sector Management Act 1994

[3.137] Dictionary, definition of *chief executive*

substitute

chief executive means—

- (a) for this Act generally—a person employed under section 28 (Chief executives—engagement) or section 30 (Chief executives—temporary contracts) to perform the duties of an office of chief executive; and

- (b) for division 9.6 (Disciplinary appeal committees)—see section 203.

Explanatory note

This amendment brings the form of the definition into line with current drafting practice.

[3.138] Dictionary, definition of *employee*

*omit everything before paragraph (a) (i), substitute
employee means—*

- (a) for this Act generally—

Explanatory note

This amendment brings the form of the definition into line with current drafting practice.

Part 3.33 Registrar-General Act 1993

[3.139] Section 4A (4)

omit

of tobacco

(commencement: 12 April 2007)

Explanatory note

This amendment corrects a minor error in an amendment by the *Statute Law Amendment Act 2007* which commenced on 12 April 2007.

Part 3.34 Wills Act 1968

[3.140] Dictionary, definition of *will*

substitute

***will* includes—**

- (a) for this Act generally—a codicil; and

(b) for part 4 (Miscellaneous)—see section 17.

Explanatory note

This amendment brings the form of the definition into line with current drafting practice.

Part 3.35 Workers Compensation Act 1951

[3.141] Section 6

omit

the injured worker

substitute

an injured worker

Explanatory note

Section 6 defines the term ***totally incapacitated***. This amendment brings the definition into line with current drafting practice.

[3.142] Section 7

omit

the injured worker

substitute

an injured worker

Explanatory note

Section 7 defines the term ***partially incapacitated***. This amendment brings the definition into line with current drafting practice.

[3.143] Section 86

substitute

85A Meaning of *injured worker* and *personal injury plan*—Act

In this Act:

injured worker means a worker who has received a workplace injury.

personal injury plan, for a worker, means a plan for coordinating and managing the aspects of injury management that relate to medical treatment and rehabilitation services for the worker to achieve a timely, safe and durable return to work for the worker.

86 Definitions—ch 5

In this chapter:

employer—see section 87.

injury management means a process that consists of activities and procedures that are carried out or established to achieve a timely, safe and durable return to work for injured workers.

injury management program means a coordinated and managed program that integrates all aspects of injury management (including medical treatment, rehabilitation services, claims management and employment management practices) to achieve the best results for a timely, safe and durable return to work of injured workers.

injury notice—see section 93 (2) (Early notification of workplace injury).

insurer—see section 86A and section 87.

nominated treating doctor, for an injured worker, means the doctor or medical practice nominated under section 102 (Nomination of doctor for personal injury plan).

workplace injury means an injury in relation to which compensation is or may be payable under this Act.

Explanatory note

Existing section 86 (Definitions—ch 5) defines terms for the Act generally and for chapter 5. This amendment splits section 86 into 2 sections: new section 85A which defines terms for the Act and new section 86 which defines terms for chapter 5.

The existing definition of ***personal injury plan*** is defined in existing section 86 (1) for the Act. While the term is used in the Act outside chapter 5, the dictionary definition of the term limits the defined meaning to chapter 5. The definition is included in new section 85A for the Act (and another amendment below revises the dictionary definition to apply it to the Act generally).

The existing definition of ***injured worker*** is defined in existing section 86 (2) for chapter 5. However, the dictionary definition of the term applies the definition to the Act generally (see Legislation Act, s 156 (1), example 3). Accordingly, the definition is included in new section 85A for the Act and the dictionary definition is consequentially amended by another definition.

The existing definitions of ***injury management***, ***injury management program*** and ***nominated treating doctor*** are defined in existing section 86 (2) for chapter 5. The terms are used only in the chapter and the definitions are included in new section 86 for chapter 5.

The existing definition of ***injury notice*** is defined in existing section 86 (2) for chapter 5. (Section 120 defines the term for the purposes of chapter 6.) The definition is included in new section 86 for chapter 5.

The existing definition of ***workplace injury*** is defined in existing section 86 (2) for chapter 5. The term is used only in the chapter and the definition is included in new section 86 for chapter 5.

New section 86 includes new signpost definitions of ***employer*** and ***insurer*** in accordance with current drafting practice.

Schedule 3 Technical amendments
Part 3.35 Workers Compensation Act 1951
Amendment [3.144]

[3.144] Section 165, definition of *claims manager*

omit

appointed

substitute

engaged

Explanatory note

Under section 166F (1) the default insurance fund manager may ‘engage’ consultants. This amendment makes the definition consistent with section 166F (1) and (2).

[3.145] Section 166F (4)

omit

appointment

substitute

engagement

Explanatory note

This amendment is related to the amendment above of the definition of *claims manager* and makes the terminology of subsection (4) consistent with subsections (1) and (2), which refer to the engagement of consultants.

[3.146] Section 166H (3)

omit

appointment

substitute

engagement

Explanatory note

Under section 166H (1) a default insurance fund actuary is engaged by the fund’s manager. This amendment makes the terminology of subsection (3) consistent with subsection (1).

[3.147] Section 186

substitute

186 Discharge of liability out of payments into court

- (1) This section applies if—
 - (a) a worker or a dependant of a deceased worker is liable under section 183 (Remedies both against the employer and a stranger) or section 185 (Dependants recovering damages and not claiming compensation) to pay an amount to the worker's employer; and
 - (b) the Magistrates Court or a person appointed by the Magistrates Court for the purpose holds on behalf of the worker or dependant—
 - (i) an amount (*a relevant amount*) of compensation payable for the benefit of, or of damages awarded to, the worker or dependant; or
 - (ii) investments (*relevant investments*) acquired out of a relevant amount.
- (2) If the Magistrates Court or person holds a relevant amount, the court or person must—
 - (a) deduct from the relevant amount an amount not exceeding the amount that the worker or dependant is liable to pay the employer; and
 - (b) pay the amount deducted to the employer.
- (3) If the Magistrates Court or person holds relevant investments, the court or person must—
 - (a) realise some or all of the investments; and
 - (b) deduct from the proceeds of the realisation an amount not exceeding the amount that the worker or dependant is liable to pay the employer; and

- (c) pay the amount deducted to the employer.
- (4) The payment of an amount under subsection (2) or (3) is a discharge, to the extent of the amount paid, of the liability of—
- (a) the worker or dependant to the employer; and
- (b) the Magistrates Court or other person to the worker or dependant.

Explanatory note

This amendment recasts the section to bring its structure into line with current drafting practice.

[3.148] Section 201 (1)

substitute

- (1) The Minister may appoint 1 or more doctors as medical referees for this Act.

Note For the making of appointments (including acting appointments), see the Legislation Act, pt 19.3.

Explanatory note

This amendment amends the subsection by omitting a reference to ‘in writing’ because the Legislation Act, section 216 provides that an acting appointment must be made, or evidenced, by writing signed by the appointer. The amendment also adds a standard appointment note.

[3.149] Section 201 (2)

omit

to be

substitute

as

Explanatory note

This amendment brings this provision into line with section 201 (1) as remade by the amendment above.

[3.150] Section 201 (4)

omit

appointed to be

substitute

appointed as

Explanatory note

This amendment brings this provision into line with section 201 (1) as remade by another amendment.

[3.151] Section 223 (3)

substitute

- (3) A regulation may create offences and fix maximum penalties of not more than 10 penalty units for the offences.

Explanatory note

This amendment brings language into line with current drafting practice.

[3.152] Schedule 2 heading

substitute

Schedule 2 Adjacent areas for States and Territories

Explanatory note

This amendment provides a more descriptive heading for the schedule.

Schedule 3	Technical amendments
Part 3.35	Workers Compensation Act 1951
Amendment [3.153]	

[3.153] Dictionary, definitions of *committee*

substitute

committee—

- (a) for a matter arising under the Act between an employer and the employer's workers—means a committee that—
 - (i) represents the employer and workers; and
 - (ii) has the power to decide the matter; and
- (b) for schedule 3 (DI fund advisory committee)—see schedule 3, section 3.1.

Explanatory note

This amendment combines 2 separate definitions of the term in accordance with current drafting practice.

[3.154] Dictionary, new definitions of *connected* and *continental shelf*

insert

connected, for chapter 10 (Inspection)—see section 187.

continental shelf, for schedule 2 (Adjacent areas for States and Territories)—see schedule 2, section 2.1.

Explanatory note

This amendment inserts signpost definitions for defined terms not included in the dictionary.

[3.155] Dictionary, definition of *employer*

substitute

employer—

- (a) for this Act generally—see section 5; and
- (b) for part 4.2A (Employment connection with ACT or State)—see section 36A (2); and

- (c) for chapter 5 (Injury management process)—see section 87;
and
- (d) for part 9.2 (Choice of law)—see section 182A (1).

Explanatory note

This amendment brings paragraph (a) into line with current drafting practice.

[3.156] Dictionary, definition of *injured worker*

substitute

injured worker—see section 85A.

Explanatory note

This amendment is consequential on the relocation of the definition from existing section 86 (2) to new section 85A by another amendment.

[3.157] Dictionary, definition of *injury*

substitute

injury—

- (a) for this Act generally—see section 4; and
- (b) for chapter 9 (Common law damages claims)—see section 180.

Explanatory note

This amendment brings the definition into line with current drafting practice by omitting a note referring to section 180 and adding paragraph (b).

[3.158] Dictionary, definition of *insurer*, paragraph (a) (ii)

omit

of the worker

substitute

of a worker

Explanatory note

This amendment makes a minor correction to the definition.

Schedule 3 Technical amendments
Part 3.35 Workers Compensation Act 1951
Amendment [3.159]

[3.159] Dictionary, new definitions of *occupier* and *offence*

insert

occupier, for chapter 10 (Inspection)—see section 187.

offence, for chapter 10 (Inspection)—see section 187.

Explanatory note

This amendment inserts signpost definitions for defined terms not included in the dictionary.

[3.160] Dictionary, definition of *personal injury plan*

substitute

personal injury plan—see section 85A.

Explanatory note

This amendment removes the limited application of the existing dictionary definition to chapter 5. Existing section 86 (1) defines the term for the Act and new section 85A, which is inserted by another amendment above, will define the term for the Act.

[3.161] Dictionary, new definition of *Petroleum (Submerged Lands) Act*

insert

Petroleum (Submerged Lands) Act, for schedule 2 (Adjacent areas for States and Territories)—see schedule 2, section 2.1.

Explanatory note

This amendment inserts a signpost definition for a term not included in the dictionary.

[3.162] Dictionary, new definition of *premises*

insert

premises, for chapter 10 (Inspection)—see section 187.

Explanatory note

This amendment inserts a signpost definition for a term not included in the dictionary.

[3.163] Dictionary, definition of *protocol*

substitute

***protocol*—**

- (a) for this Act generally—means a protocol, approved by regulation, prescribing how certain activities under this Act should be performed; and
- (b) for chapter 7 (Vocational rehabilitation)—see section 141.

Explanatory note

This amendment brings the definition into line with current drafting practice.

[3.164] Dictionary, new definitions of *Seas and Submerged Lands Act* and *territorial sea*

insert

Seas and Submerged Lands Act, for schedule 2 (Adjacent areas for States and Territories)—see schedule 2, section 2.1.

territorial sea, for schedule 2 (Adjacent areas for States and Territories)—see schedule 2, section 2.1.

Explanatory note

This amendment inserts signpost definitions for defined terms not included in the dictionary.

[3.165] Dictionary, definition of *worker*

substitute

***worker*—**

- (a) for this Act generally—see chapter 3; and
- (b) for part 4.2A (Employment connection with ACT or State)—
see section 36A (2); and
- (c) for part 9.2 (Choice of law)—see section 182A (1).

Explanatory note

This amendment revises paragraph (a) to bring the definition into line with current drafting practice.

Endnotes

1 Presentation speech

Presentation speech made in the Legislative Assembly on 3 May 2007.

2 Notification

Notified under the Legislation Act on 20 June 2007.

3 Republications of amended laws

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

I certify that the above is a true copy of the Statute Law Amendment Bill 2007 (No 2), which originated in the Legislative Assembly as the Statute Law Amendment Bill 2007 and was passed by the Assembly on 5 June 2007.

Clerk of the Legislative Assembly

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