



Australian Capital Territory

# Statute Law Amendment Act 2007

A2007-3

## Contents

---

	Page
1 Name of Act	2
2 Commencement	2
3 Purpose	2
4 Notes	2
5 Legislation amended—schs 1–3	3
<b>Schedule 1</b>	
<b>Minor amendments</b>	4
<b>Part 1.1</b>	
<b>Public Sector Management Act 1994</b>	4
<b>Schedule 2</b>	
<b>Structural amendments</b>	11
<b>Part 2.1</b>	
<b>Legislation Act 2001</b>	11

---

J2006-174

Authorised by the ACT Parliamentary Counsel—also accessible at [www.legislation.act.gov.au](http://www.legislation.act.gov.au)

---

		Page
<b>Schedule 3</b>	<b>Technical amendments</b>	13
Part 3.1	ACTEW/AGL Partnership Facilitation Act 2000	13
Part 3.2	Administration and Probate Act 1929	14
Part 3.3	Administrative Appeals Tribunal Act 1989	19
Part 3.4	Agents Act 2003	23
Part 3.5	Anglican Church of Australia Constitution Act 1961	24
Part 3.6	Anglican Church of Australia Trust Property Act 1917	25
Part 3.7	Annual Leave Act 1973	25
Part 3.8	Associations Incorporation Act 1991	30
Part 3.9	Australian-American Education Foundation Act 1966	34
Part 3.10	Betting (ACTTAB Limited) Act 1964	35
Part 3.11	Blood Donation (Transmittable Diseases) Act 1985	37
Part 3.12	Boilers and Pressure Vessels Regulation 1954	40
Part 3.13	Boxing Control Act 1993	41
Part 3.14	Business Names Regulation 1966	44
Part 3.15	Canberra Institute of Technology Act 1987	46
Part 3.16	City of Canberra Arms Act 1932	47
Part 3.17	Classification (Publications, Films and Computer Games) (Enforcement) Act 1995	50
Part 3.18	Clinical Waste Act 1990	52
Part 3.19	Commercial Arbitration Act 1986	57
Part 3.20	Commissioner for the Environment Act 1993	62
Part 3.21	Common Boundaries Act 1981	68
Part 3.22	Competition Policy Reform Act 1996	71
Part 3.23	Consumer Credit (Administration) Act 1996	72
Part 3.24	Court Procedures Rules 2006	80
Part 3.25	Crimes (Forensic Procedures) Regulation 2000	81

---

		Page
<b>Part 3.26</b>	<b>Crimes (Restorative Justice) Act 2004</b>	83
<b>Part 3.27</b>	<b>Cultural Facilities Corporation Act 1997</b>	83
<b>Part 3.28</b>	<b>Director of Public Prosecutions Act 1990</b>	84
<b>Part 3.29</b>	<b>Disability Services Act 1991</b>	89
<b>Part 3.30</b>	<b>Domestic Relationships Act 1994</b>	91
<b>Part 3.31</b>	<b>Door-to-Door Trading Act 1991</b>	96
<b>Part 3.32</b>	<b>Drugs in Sport Act 1999</b>	101
<b>Part 3.33</b>	<b>Duties Act 1999</b>	102
<b>Part 3.34</b>	<b>Electoral Regulation 1993</b>	102
<b>Part 3.35</b>	<b>Emergencies Regulation 2004</b>	104
<b>Part 3.36</b>	<b>Enclosed Lands Protection Act 1943</b>	105
<b>Part 3.37</b>	<b>Environment Protection Act 1997</b>	106
<b>Part 3.38</b>	<b>Environment Protection Regulation 2005</b>	118
<b>Part 3.39</b>	<b>Epidemiological Studies (Confidentiality) Act 1992</b>	118
<b>Part 3.40</b>	<b>Epidemiological Studies (Confidentiality) Regulation 1992</b>	121
<b>Part 3.41</b>	<b>Fair Trading (Consumer Affairs) Act 1973</b>	121
<b>Part 3.42</b>	<b>Fair Trading (Fuel Prices) Act 1993</b>	130
<b>Part 3.43</b>	<b>Family Provision Act 1969</b>	132
<b>Part 3.44</b>	<b>Fertilisers Act 1904</b>	136
<b>Part 3.45</b>	<b>Financial Management Act 1996</b>	137
<b>Part 3.46</b>	<b>Fisheries Act 2000</b>	138
<b>Part 3.47</b>	<b>Forfeiture Act 1991</b>	138
<b>Part 3.48</b>	<b>Freedom of Information Act 1989</b>	140
<b>Part 3.49</b>	<b>Freedom of Information Regulation 1991</b>	152
<b>Part 3.50</b>	<b>Fuels Control Act 1979</b>	153
<b>Part 3.51</b>	<b>Gambling and Racing Control Act 1999</b>	157

## Contents

---

		Page
<b>Part 3.52</b>	<b>Government Solicitor Act 1989</b>	157
<b>Part 3.53</b>	<b>Guardianship and Management of Property Act 1991</b>	159
<b>Part 3.54</b>	<b>Lands Acquisition Act 1994</b>	159
<b>Part 3.55</b>	<b>Land Titles Act 1925</b>	163
<b>Part 3.56</b>	<b>Law Officer Act 1992</b>	172
<b>Part 3.57</b>	<b>Lay-by Sales Agreements Act 1963</b>	174
<b>Part 3.58</b>	<b>Legal Aid Act 1977</b>	176
<b>Part 3.59</b>	<b>Legislative Assembly (Broadcasting) Act 2001</b>	182
<b>Part 3.60</b>	<b>Limitation Act 1985</b>	182
<b>Part 3.61</b>	<b>Liquor Act 1975</b>	183
<b>Part 3.62</b>	<b>Listening Devices Act 1992</b>	187
<b>Part 3.63</b>	<b>Long Service Leave Act 1976</b>	189
<b>Part 3.64</b>	<b>Machinery Act 1949</b>	191
<b>Part 3.65</b>	<b>Machinery Regulation 1950</b>	194
<b>Part 3.66</b>	<b>Magistrates Court (Environment Protection Infringement Notices) Regulation 2005</b>	198
<b>Part 3.67</b>	<b>Married Persons Property Act 1986</b>	199
<b>Part 3.68</b>	<b>Mutual Recognition (Australian Capital Territory) Act 1992</b>	200
<b>Part 3.69</b>	<b>National Environment Protection Council Act 1994</b>	202
<b>Part 3.70</b>	<b>Nature Conservation Act 1980</b>	203
<b>Part 3.71</b>	<b>NRMA-ACT Road Safety Trust Act 1992</b>	206
<b>Part 3.72</b>	<b>Ombudsman Act 1989</b>	207
<b>Part 3.73</b>	<b>Ombudsman Regulation 1989</b>	218
<b>Part 3.74</b>	<b>Parental Leave (Private Sector Employees) Act 1992</b>	219
<b>Part 3.75</b>	<b>Perpetuities and Accumulations Act 1985</b>	221
<b>Part 3.76</b>	<b>Planning and Land Act 2002</b>	223
<b>Part 3.77</b>	<b>Powers of Attorney Act 2006</b>	223

---

		Page
<b>Part 3.78</b>	<b>Public Baths and Public Bathing Act 1956</b>	224
<b>Part 3.79</b>	<b>Public Place Names Act 1989</b>	229
<b>Part 3.80</b>	<b>Public Roads Act 1902</b>	230
<b>Part 3.81</b>	<b>Public Sector Management Act 1994</b>	232
<b>Part 3.82</b>	<b>Public Trustee Act 1985</b>	242
<b>Part 3.83</b>	<b>Rates Act 2004</b>	242
<b>Part 3.84</b>	<b>Referendum (Machinery Provisions) Act 1994</b>	243
<b>Part 3.85</b>	<b>Registrar-General Act 1993</b>	245
<b>Part 3.86</b>	<b>Registration of Deeds Act 1957</b>	250
<b>Part 3.87</b>	<b>Roads and Public Places Act 1937</b>	252
<b>Part 3.88</b>	<b>Road Transport (Safety and Traffic Management) Act 1999</b>	253
<b>Part 3.89</b>	<b>Sale of Goods (Vienna Convention) Act 1987</b>	254
<b>Part 3.90</b>	<b>Sale of Motor Vehicles Act 1977</b>	255
<b>Part 3.91</b>	<b>Scaffolding and Lifts Act 1912</b>	256
<b>Part 3.92</b>	<b>Scaffolding and Lifts Regulation 1950</b>	258
<b>Part 3.93</b>	<b>Second-hand Dealers Act 1906</b>	261
<b>Part 3.94</b>	<b>Security Industry Act 2003</b>	262
<b>Part 3.95</b>	<b>Superannuation (Legislative Assembly Members) Act 1991</b>	262
<b>Part 3.96</b>	<b>Territory Records Act 2002</b>	265
<b>Part 3.97</b>	<b>Tertiary Accreditation and Registration Act 2003</b>	267
<b>Part 3.98</b>	<b>Testamentary Guardianship Act 1984</b>	268
<b>Part 3.99</b>	<b>Tobacco Act 1927</b>	272
<b>Part 3.100</b>	<b>Trade Measurement Act 1991</b>	277
<b>Part 3.101</b>	<b>Trade Measurement (Administration) Act 1991</b>	277
<b>Part 3.102</b>	<b>Trade Measurement (Measuring Instruments) Regulation 1991</b>	280

## Contents

---

		Page
<b>Part 3.103</b>	<b>Trade Measurement (Prepacked Articles) Regulation 1991</b>	282
<b>Part 3.104</b>	<b>Trade Measurement (Weighbridges) Regulation 1991</b>	285
<b>Part 3.105</b>	<b>Transplantation and Anatomy Act 1978</b>	287
<b>Part 3.106</b>	<b>Trans-Tasman Mutual Recognition Act 1997</b>	290
<b>Part 3.107</b>	<b>Trespass on Territory Land Act 1932</b>	291
<b>Part 3.108</b>	<b>Truck Act 1900</b>	294
<b>Part 3.109</b>	<b>Trustee Act 1925</b>	296
<b>Part 3.110</b>	<b>Uncollected Goods Act 1996</b>	297
<b>Part 3.111</b>	<b>Wills Act 1968</b>	301
<b>Part 3.112</b>	<b>Workers Compensation Amendment Act 2006</b>	308



Australian Capital Territory

# Statute Law Amendment Act 2007

A2007-3

---

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*.

## **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: 1 July 2006)’ means that the amendment is taken to have commenced on 1 July 2006.

*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                Public Sector Management Act 1994

#### [1.1]            Section 3, definition of *industrial award*, paragraph (a)

*after*

an award

*insert*

or workplace agreement

#### Explanatory note

This amendment provides that a workplace agreement under the *Workplace Relations Act 1996* (Cwlth) is recognised as an industrial award for the purposes of the Act.

#### [1.2]            Section 28A (5) and (6)

*substitute*

- (5) The employment of a chief executive who is employed under a contract under section 28 is not capable of being terminated on the ground of invalidity unless—
- (a) if the chief executive is an eligible employee for the purposes of the *Superannuation Act 1976* (Cwlth)—
- (i) the chief executive has not reached the chief executive's maximum retiring age within the meaning of the Act; and
  - (ii) a certificate has been given by the Commonwealth Superannuation Board of Trustees No 2 under the Act, section 54C for the chief executive; or

- (b) if the chief executive is a member of the superannuation scheme established under the *Superannuation Act 1990* (Cwlth)—
  - (i) the chief executive is under 60 years old; and
  - (ii) a certificate has been given by the Commonwealth Superannuation Board of Trustees No 1 under the Act, section 13 for the chief executive; or
- (c) if the chief executive is an ordinary employer-sponsored member of PSSAP within the meaning of the *Superannuation Act 2005* (Cwlth)—
  - (i) the chief executive is under 60 years old; and
  - (ii) a certificate has been given by the Commonwealth Superannuation Board of Trustees No 1 under the Act, section 43 for the chief executive.
- (6) In this section:  
*invalidity* means—
  - (a) for an eligible employee for the purposes of the *Superannuation Act 1976* (Cwlth)—invalidity under the Act; or
  - (b) for a member of the superannuation scheme established under the *Superannuation Act 1990* (Cwlth)—invalidity under the Act; or

- (c) for an ordinary employer-sponsored member of PSSAP within the meaning of the *Superannuation Act 2005* (Cwlth)—invalidity under the Act.

**Explanatory note**

Existing section 28A (5) and (6) limits the circumstances in which a chief executive who is a member of a superannuation scheme under the *Superannuation Act 1976* (Cwlth) or *Superannuation Act 1990* (Cwlth) may be retired on the grounds of invalidity. This amendment brings the structure of these provisions into line with current drafting practice and includes provision for a chief executive who is a member of the Public Sector Superannuation Accumulation Plan (or PSSAP) established under the *Superannuation Act 2005* (Cwlth).

**[1.3]            Section 51 (2) and (3)**

*substitute*

- (2) However, the clerk is not capable of being retired from office on the ground of invalidity unless—
  - (a) if the clerk is an eligible employee for the purposes of the *Superannuation Act 1976* (Cwlth)—
    - (i) the clerk has not reached the clerk’s maximum retiring age within the meaning of the Act; and
    - (ii) a certificate has been given by the Commonwealth Superannuation Board of Trustees No 2 under the Act, section 54C for the clerk; or
  - (b) if the clerk is a member of the superannuation scheme established under the *Superannuation Act 1990* (Cwlth)—
    - (i) the clerk is under 60 years old; and
    - (ii) a certificate has been given by the Commonwealth Superannuation Board of Trustees No 1 under the Act, section 13 for the clerk; or

- (c) if the clerk is an ordinary employer-sponsored member of PSSAP within the meaning of the *Superannuation Act 2005* (Cwlth)—
- (i) the clerk is under 60 years old; and
  - (ii) a certificate has been given by the Commonwealth Superannuation Board of Trustees No 1 under the Act, section 43 for the clerk.

(3) In this section:

*invalidity*—see section 28A (6).

**Explanatory note**

Existing section 51 (2) and (3) limits the circumstances in which a clerk who is a member of a superannuation scheme under the *Superannuation Act 1976* (Cwlth) or *Superannuation Act 1990* (Cwlth) may be retired on the grounds of invalidity. This amendment brings the structure of these provisions into line with current drafting practice and includes provision for a clerk who is a member of the Public Sector Superannuation Accumulation Plan (or PSSAP) established under the *Superannuation Act 2005* (Cwlth).

**[1.4] Section 73 (5) and (6)**

*substitute*

- (5) The employment of an executive who is employed under a contract under section 72 is not capable of being terminated on the ground of invalidity unless—
- (a) if the executive is an eligible employee for the purposes of the *Superannuation Act 1976* (Cwlth)—
    - (i) the executive has not reached the executive's maximum retiring age within the meaning of the Act; and
    - (ii) a certificate has been given by the Commonwealth Superannuation Board of Trustees No 2 under the Act, section 54C for the executive; or

- (b) if the executive is a member of the superannuation scheme established under the *Superannuation Act 1990* (Cwlth)—
  - (i) the executive is under 60 years old; and
  - (ii) a certificate has been given by the Commonwealth Superannuation Board of Trustees No 1 under the Act, section 13 for the executive; or
- (c) if the executive is an ordinary employer-sponsored member of PSSAP within the meaning of the *Superannuation Act 2005* (Cwlth)—
  - (i) the executive is under 60 years old; and
  - (ii) a certificate has been given by the Commonwealth Superannuation Board of Trustees No 1 under the Act, section 43 for the executive.

(6) In this section:

*invalidity*—see section 28A (6).

**Explanatory note**

Existing section 73 (5) and (6) limits the circumstances in which an executive who is a member of a superannuation scheme under the *Superannuation Act 1976* (Cwlth) or *Superannuation Act 1990* (Cwlth) may be retired on the grounds of invalidity. This amendment brings the structure of these provisions into line with current drafting practice and includes provision for an executive who is a member of the Public Sector Superannuation Accumulation Plan (or PSSAP) established under the *Superannuation Act 2005* (Cwlth).

---

**[1.5] Section 145**

*substitute*

**145 Limitation on retirement on ground of invalidity**

- (1) This section applies despite anything in section 143 or section 144.
- (2) An officer is not capable of being retired from office on the ground of invalidity unless—
  - (a) if the officer is an eligible employee for the purposes of the *Superannuation Act 1976* (Cwlth)—
    - (i) the officer has not reached the officer's maximum retiring age within the meaning of the Act; and
    - (ii) a certificate has been given by the Commonwealth Superannuation Board of Trustees No 2 under the Act, section 54C for the officer; or
  - (b) if the officer is a member of the superannuation scheme established under the *Superannuation Act 1990* (Cwlth)—
    - (i) the officer is under 60 years old; and
    - (ii) a certificate has been given by the Commonwealth Superannuation Board of Trustees No 1 under the Act, section 13 for the officer; or
  - (c) if the officer is an ordinary employer-sponsored member of PSSAP within the meaning of the *Superannuation Act 2005* (Cwlth)—
    - (i) the officer is under 60 years old; and
    - (ii) a certificate has been given by the Commonwealth Superannuation Board of Trustees No 1 under the Act, section 43 for the officer.

(3) In this section:

*invalidity*—see section 28A (6).

**Explanatory note**

Existing section 145 limits the circumstances in which an officer who is a member of a superannuation scheme under the *Superannuation Act 1976* (Cwlth) or *Superannuation Act 1990* (Cwlth) may be retired on the grounds of invalidity. This amendment brings the structure of the provision into line with current drafting practice and includes provision for an officer who is a member of the Public Sector Superannuation Accumulation Plan (or PSSAP) established under the *Superannuation Act 2005* (Cwlth).

## **Schedule 2      Structural amendments**

(see s 5)

### **Part 2.1                      Legislation Act 2001**

#### **[2.1]      Section 227 (2) (b)**

*substitute*

- (b) a person to, or to act in, a statutory position for not longer than 6 months, unless the appointment is of the person to, or to act in, the position for a 2nd or subsequent consecutive period; or

#### **Explanatory note**

Section 227 deals with the application of division 19.3.3. The division is about consultation with Legislative Assembly committees on appointments made by Ministers to statutory positions. It also provides that the instrument making, or evidencing, an appointment to which the division applies is a disallowable instrument.

Section 227 (2) provides 3 exceptions to the application of the division. First, the appointment of a public servant to a statutory position. Second, short-term acting appointments. Third, an appointment the only function of which is to advise the Minister. This amendment is concerned with the 2nd exception.

Existing section 227 (2) (b) excludes the appointment of a person to act in a statutory position for not longer than 6 months, unless the appointment is of the person to act in the position for a 2nd or subsequent consecutive period. The provision does not presently deal with substantive appointments. The amendment extends the exception to short-term, one-off substantive appointments. The effect of the amendment is to remove the anomalous different treatment of substantive appointments. This is in keeping with the approach taken elsewhere in part 19.3 of treating substantive and acting appointments in the same way as far as possible.

**[2.2]        Dictionary, part 1, definition of *emergency services authority***

*omit*

**Explanatory note**

This amendment omits a redundant definition. The emergency services authority was abolished by the *Administrative (Miscellaneous Amendments) Act 2006*.

**[2.3]        Dictionary, part 1, new definition of *institute of technology***

*insert*

*institute of technology* means the Canberra Institute of Technology under the *Canberra Institute of Technology Act 1987*.

**Explanatory note**

This amendment inserts a new definition into the dictionary, part 1.

**[2.4]        Dictionary, part 1, definition of *territory instrumentality*, note**

*substitute*

*Note*        ***Territory instrumentality*** is defined in the *Public Sector Management Act 1994*, dict.

**Explanatory note**

This amendment is consequential on the insertion of a new dictionary into the *Public Sector Management Act 1994* by an amendment in schedule 3.

## **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—
  - (i) ACTEW; or
  - (ii) AGL; or
  - (iii) a company that is—
    - (A) a participant in a partnership; and
    - (B) is, 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 updates the definition in accordance with current drafting practice by including a signpost definition for part 4.

#### **[3.2]      Dictionary, new definitions**

*insert*

*maintenance*, for a network facility, for part 2 (Rights concerning certain network facilities)—see section 8.

*network facility*, for part 2 (Rights concerning certain network facilities)—see section 8.

*non-ACTEW land*, for part 2 (Rights concerning certain network facilities)—see section 8.

*non-AGL land*, for part 2 (Rights concerning certain network facilities)—see section 8.

*utility service*, for part 2 (Rights concerning certain network facilities)—see section 8.

**Explanatory note**

This amendment inserts signpost definitions into the dictionary in accordance with current drafting practice for terms defined for the Act, part 2.

## **Part 3.2 Administration and Probate Act 1929**

### **[3.3] New sections 2 and 3**

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

#### **[3.4] Section 5 (1), definition of *court***

*omit*

#### **Explanatory note**

This amendment omits a definition that is made unnecessary by other amendments.

#### **[3.5] Section 5 (1), definition of *deceased person or the deceased***

*omit*

#### **Explanatory note**

This amendment omits an unnecessary definition. The definition provides that '*deceased person or the deceased* means a person dying on or after 1 July 1929'.

#### **[3.6] Section 5 (1), definition of *public trustee***

*omit*

#### **Explanatory note**

This amendment omits an unnecessary definition. The term 'public trustee' is defined in the Legislation Act, dictionary, part 1.

**[3.7]        Section 5 (1), definition of *rules***

*omit*

court

*substitute*

Supreme Court

**Explanatory note**

This amendment is consequential on the omission of the definition of *court* by another amendment.

**[3.8]        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.

**[3.9]        Section 5, remainder**

*omit*

**Explanatory note**

This amendment is consequential on the insertion of a new dictionary by another amendment. A definition giving effect to section 5 (2) is included in the new dictionary which is inserted by another amendment.

**[3.10]      Section 55 (1)**

*omit*

In the administration of the estate of every person dying after 21 October 1929,

*substitute*

In the administration of the estate of a deceased person,

**Explanatory note**

This amendment omits a redundant transitional provision.

---

**[3.11] Section 55 (2)**

*omit*

In the administration of the estate of any person dying before or after the commencement of this Act,

*substitute*

In the administration of the estate of a deceased person

**Explanatory note**

This amendment omits a redundant transitional provision.

**[3.12] 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
- Commonwealth country
- foreign country
- land
- public trustee
- State
- Supreme Court.

*public trustee*, in relation to a foreign country, includes an officer of the country who is entitled under a law of the country to apply, if a deceased person has died intestate leaving no next of kin, to a court for an order that authorises the officer to administer the estate of the deceased person.

**Explanatory note**

This amendment inserts a new dictionary in accordance with current drafting practice. The definition of *public trustee* follows existing section 5 (2) which is omitted by another amendment but with the term ‘country’ changed to ‘foreign country’ in accordance with current drafting practice. That term is defined in the Legislation Act, dictionary, part 1.

**[3.13] Further amendments, references to court**

*omit*

court

*substitute*

Supreme Court

*in*

- section 9B (3) (b)
- section 21 (1) (b)

**Explanatory note**

This amendment is consequential on the omission of the definition of *court* by another amendment.

**[3.14] Further amendments, references to the deceased**

*omit*

the deceased

*substitute*

the deceased person

*in*

- section 13 (a)

- section 23 (2)
- section 24
- section 30
- section 64 (2) (a) (i)
- section 68 (b) and (d)
- section 76 (1) (b)
- section 88 (1) (a), (b), (c) and (h)
- section 89 (1) and (2)
- section 91 (2)

**Explanatory note**

This amendment brings the language of these provisions more closely into line with current drafting practice and is also consequential on the omission of the definition of *deceased person* in existing section 5 (1) by another amendment.

## **Part 3.3                      Administrative Appeals Tribunal Act 1989**

### **[3.15]      New section 1A**

*insert*

#### **1A              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 '*registered mediator*—see the *Mediation Act 1997*, dictionary.' means that the term 'registered mediator' is defined in that dictionary 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)).

**Explanatory note**

This amendment inserts a standard dictionary provision consequent on the insertion of a new dictionary by another amendment.

**[3.16] Section 3 (1), definitions**

*relocate to dictionary*

**Explanatory note**

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

**[3.17] Section 3, remainder**

*substitute*

**3 Decisions by unincorporated bodies**

If a board, committee or other unincorporated body constituted by 2 or more people is authorised by an enactment to make decisions, this Act applies as if the board, committee or other body were a person authorised to make the decisions.

**Explanatory note**

This amendment remakes existing section 3 (2) as new section 3. A definition giving effect to existing section 3 (3) is included in the new dictionary which is inserted by another amendment. Existing section 3 (4) and (5) is remade by another amendment as new section 60A.

---

**[3.18] Section 32 (4)**

*omit*

in accordance with subsection (2)

*substitute*

under section 19A (Exercise of powers of tribunal)

**Explanatory note**

The *Administrative Appeals Tribunal (Amendment) Act 1996* inserted section 19A (Exercise of powers of tribunal) and omitted section 32 (2). At that time, section 32 (2) provided which member of the tribunal could give a direction about the procedure to be followed in connection with the hearing of a proceeding. The explanatory statement for the amending Act indicates that the omission of section 32 (2) was consequential on the insertion of section 19A. The amending Act did not, consequent on the omission of section 32 (2), consequentially amend the reference to subsection (2) in what was then section 32 (3) (now subsection (4)). This amendment corrects that by substituting a reference to section 19A.

**[3.19] Section 60**

*substitute*

**60 Giving of notices to decision-makers**

- (1) A notice that is required or permitted by this Act to be served (however described) on the person who made a decision may be served on the chief executive or a person nominated in writing by the chief executive.
- (2) The chief executive must give a copy of each nomination under subsection (1) to the registrar.

**60A Service of documents**

- (1) If a person nominates an address in Australia where documents may be served on the person, a document required by this Act to be served (however described) on the person may be sent to the person at that address.

- (2) For this Act, a document is taken to be served (however described) on an individual whose place of residence or employment is unknown if it is served in accordance with a direction of the tribunal.

**Explanatory note**

This amendment updates existing section 60 to bring it more closely into line with current drafting practice and remakes existing section 3 (4) and (5) (which is omitted by another amendment) as new section 60A.

**[3.20]    New dictionary**

*insert*

## Dictionary

(see s 1A)

*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
- Australia
- document
- Executive
- exercise
- function
- Supreme Court.

*decision* includes—

- (a) making, suspending, revoking or refusing to make an order or determination; or
- (b) giving, suspending, revoking or refusing to give a certificate, direction, approval, consent or permission; or
- (c) issuing, suspending, revoking or refusing to issue a licence, authority or other instrument; or

- (d) imposing a condition or restriction; or
- (e) making a declaration, demand or requirement; or
- (f) keeping, or refusing to deliver up, an article; or
- (g) doing or refusing to do anything else.

**Explanatory note**

This amendment inserts a new dictionary in accordance with current drafting practice. The definition of *decision* follows existing section 3 (3) which is omitted by another amendment.

## **Part 3.4 Agents Act 2003**

### **[3.21] Section 7**

*substitute*

#### **7 Meaning of *fair trading legislation***

In this Act:

***fair trading legislation***—see the *Fair Trading (Consumer Affairs) Act 1973*, dictionary.

*Note* This Act forms part of the fair trading legislation. Other fair trading legislation includes the *Fair Trading Act 1992*, *Fair Trading (Consumer Affairs) Act 1973* and the *Security Industry Act 2003*. As part of the fair trading legislation, this Act is subject to various provisions of the *Fair Trading (Consumer Affairs) Act 1973* about the administration and enforcement of the fair trading legislation generally.

**Explanatory note**

The definition of ***fair trading legislation*** in the *Fair Trading (Consumer Affairs) Act 1973* is relocated from section 8A to section 2 by the *Justice and Community Safety Legislation Amendment Act 2006*. This amendment is consequential on the relocation and the creation of a dictionary for the *Fair Trading (Consumer Affairs) Act 1973* by another amendment in this Act.

**[3.22]    Dictionary, definition of *investigator***

*substitute*

*investigator*—see the *Fair Trading (Consumer Affairs) Act 1973*, dictionary.

**Explanatory note**

This amendment is consequential on the insertion of a new dictionary into the *Fair Trading (Consumer Affairs) Act 1973* by another amendment.

## **Part 3.5                            Anglican Church of Australia Constitution Act 1961**

**[3.23]    New section 1AA**

*before section 1A, insert*

**1AA       Name of Act**

This Act is the *Anglican Church of Australia Constitution Act 1961*.

**Explanatory note**

This amendment inserts a naming section for the Act in accordance with current drafting practice.

---

## Part 3.6 Anglican Church of Australia Trust Property Act 1917

### [3.24] New section 1

*insert*

#### 1 Name of Act

This Act is the *Anglican Church of Australia Trust Property Act 1917*.

#### Explanatory note

This amendment inserts a naming section for the Act in accordance with current drafting practice.

## Part 3.7 Annual Leave Act 1973

### [3.25] Section 2 (1), definitions

*relocate to dictionary*

#### Explanatory note

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

### [3.26] 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, and includes references (*signpost definitions*) to other terms defined elsewhere.

For example, the signpost definition ‘*approved training contract*—see the *Vocational Education and Training Act 2003*, dictionary.’ means that the term ‘approved training contract’ is defined in that dictionary 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)).

**Explanatory note**

This amendment inserts a standard dictionary provision consequent on the insertion of a new dictionary by another amendment. A definition giving effect to existing section 2 (2) is included in the new dictionary.

**[3.27]      Section 6 (3)**

*relocate as section 6 (5)*

**Explanatory note**

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

**[3.28]      Section 6 (4) and (5)**

*renumber as section 6 (3) and (4)*

**Explanatory note**

This amendment is consequential on the previous amendment.

**[3.29]      Section 7 (4), new notes**

*insert*

*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).

**Explanatory note**

This amendment adds standard notes about appointments in accordance with current drafting practice.

---

**[3.30] Section 12 (3)**

*omit*

**Explanatory note**

This amendment omits a redundant transitional provision about the giving of notices at the commencement of the Act.

**[3.31] Sections 14A and 14B**

*substitute*

**14A Registrar of Annual Leave**

- (1) The chief executive must appoint a public servant as the Registrar of Annual Leave.

*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).

- (2) In addition to exercising the functions of the registrar under this Act, the registrar must exercise the other functions that the Minister directs.

*Note* A reference to an Act includes a reference to the statutory instruments made or in force under the Act, including a regulation (see Legislation Act, s 104).

- (3) Until the chief executive makes an appointment under subsection (1), the registrar is the public servant for the time being exercising the duties of the public service office the duties of which include exercising the functions of the registrar.
- (4) Subsection (3) is a law to which the Legislation Act, section 88 (Repeal does not end effect of transitional laws etc) applies.
- (5) Subsections (3) and (4) and this subsection expire 1 year after the day this section commences.

## 14B            **Authorised officers**

- (1) The chief executive may appoint a person (including an officer of the Australian Public Service constituted under the *Public Service Act 1999* (Cwlth)) as an authorised officer.

*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).

- (2) Until the chief executive makes an appointment under subsection (1), an authorised officer is—
- (a) a public servant for the time being exercising the duties of a public service office the duties of which include exercising the functions of an authorised officer; or
  - (b) anyone else who has been appointed by the chief executive as an authorised officer.
- (3) Subsection (2) is a law to which the Legislation Act, section 88 (Repeal does not end effect of transitional laws etc) applies.
- (4) Subsections (2) and (3) and this subsection expire 1 year after the day this section commences.

### **Explanatory note**

This amendment removes the requirement that the chief executive must create and maintain offices of registrar and authorised officer in the public service. The Legislation Act, section 207 provides that an appointment may be made by naming the person appointed or by nominating the occupant of a position (however described), at a particular time or from time to time.

The amendment includes transitional arrangements that operate until new appointments are made. Proposed section 14A (4) and section 14B (3) ensure that these transitional arrangements will, if necessary, continue to operate after the expiry of proposed section 14A (3) to (5) and section 14B (2) to (4). The amendment also inserts standard notes about appointments.

---

**[3.32] Section 14L**

*substitute*

**14L Delegation by registrar**

The registrar may delegate to a person the registrar's functions under this Act, other than a function under section 14G (Review of directions by registrar).

*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 inserts a standard note about delegations. The Legislation Act, section 232 requires a delegation to be made by writing signed by the appointer. The Legislation Act, section 234 allows the delegation of any part of functions that may be delegated.

**[3.33] 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:

- person
- public servant.

***authorised officer***—

- (a) for this Act generally, means 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).



---

**[3.36] 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 in this Act.

For example, the signpost definition '*memorandum*, for part 6 (Transfer of incorporation)—see section 81.' means that the term '*memorandum*' is defined in that section for part 6.

*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)).

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

---

**[3.37] Section 42**

*substitute*

**42 References to purported entry into contracts etc—div 3.6**

- (1) For this division, a nonexistent incorporated association purports to enter into a contract if—
- (a) a person executes a contract in the name of an incorporated association where no incorporated association of that name exists; or

- (b) a person purports to enter into a contract as agent or trustee for a proposed incorporated association.
- (2) For this division, a person purports to execute a contract as agent or trustee of a nonexistent incorporated association if the person executes a contract or purports to enter into a contract mentioned in subsection (1) (a) or (b).
- (3) For this division, the incorporation of an association in relation to the purported entry into a contract by a nonexistent incorporated association means—
  - (a) if a person has executed a contract in the name of an incorporated association where no incorporated association of that name exists—the incorporation of an association that, having regard to all the circumstances, is reasonably identifiable with the proposed incorporated association in the name of which the contract was executed; or
  - (b) if a person has purported to enter into a contract as an agent or trustee for a proposed incorporated association—the incorporation of an association that, having regard to all the circumstances, is reasonably identifiable with the proposed incorporated association.

**Explanatory note**

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

**[3.38] Section 126 (2), new note**

*insert*

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

**Explanatory note**

This amendment inserts a standard note to assist users of the legislation.

**[3.39] 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:

- document
- registrar-general.

*books*, for part 8 (Investigation of association's affairs)—see section 99.

*company limited by guarantee*, for part 6 (Transfer of incorporation)—see section 81.

*incorporation*, in relation to a nonexistent incorporated association, for division 3.6 (Contracts)—see section 42.

*memorandum*, for part 6 (Transfer of incorporation)—see section 81.

*pecuniary gain*—see section 4.

*purport*—

- (a) to enter into a contract, for division 3.6 (Contracts)—see section 42; and
- (b) to execute a contract, for division 3.6 (Contracts)—see section 42.

*trade*—see section 4.

### Explanatory note

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

## Part 3.9 Australian-American Education Foundation Act 1966

### [3.40] Section 4

*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)).

#### 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 inserts standard dictionary and notes provisions consequent on the insertion of a new dictionary by another amendment. The definitions in existing section 4 are included (in an up-to-date form) in the new dictionary.

### [3.41] Section 6

*omit*

shall be deemed

*substitute*

is taken

#### Explanatory note

This amendment updates language.

**[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:

- document
- land.

***agreement*** means the agreement dated 28 August 1964, made between the Government of the Commonwealth of Australia and the Government of the United States of America for the financing of certain educational and cultural exchange programs.

***former foundation*** means the Foundation referred to in the *United States Educational Foundation in Australia Ordinance 1950*.

***foundation*** means the Australian-American Educational Foundation established under the agreement.

### Explanatory note

This amendment inserts a new dictionary in accordance with current drafting practice. The definitions in existing section 4 are remade in the dictionary to remove the definite article before each of the terms to bring them into line with current drafting practice.

## Part 3.10 Betting (ACTTAB Limited) Act 1964

**[3.43] Section 3, definition of *Bookmakers Act***

*omit*

### Explanatory note

This amendment omits a definition of a term which is no longer used in the Act.

**[3.44]    Section 3, definitions (as amended)**

*relocate to dictionary*

**Explanatory note**

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

**[3.45]    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 '*sports bookmaking*—see the *Race and Sports Bookmaking Act 2001*, dictionary.' means that the term 'sports bookmaking' is defined in that dictionary 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)).

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

**[3.46] 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:

- body
- Minister (see s 162)
- person.

*prescribed payment*, for part 4 (Racing development fund)—see section 40.

### Explanatory note

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

## Part 3.11 Blood Donation (Transmittable Diseases) Act 1985

**[3.47] Section 2, definitions**

*relocate to dictionary*

### Explanatory note

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

**[3.48]    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.

**Explanatory note**

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

**[3.49]    Section 4 heading**

*substitute*

**4            Liability of hospitals and doctors**

**Explanatory note**

This amendment changes a reference to ‘medical practitioner’ to ‘doctor’. *Doctor* is the drafting term that is now used. The term is defined in the Legislation Act, dictionary, part 1 to mean a person who is unconditionally registered as a medical practitioner under the *Health Professionals Act 2004*.

**[3.50] Sections 4 and 6 (3)**

*omit*

medical practitioner

*substitute*

doctor

**Explanatory note**

This amendment changes references to ‘medical practitioner’ to ‘doctor’. **Doctor** is the drafting term that is now used. The term is defined in the Legislation Act, dictionary, part 1 to mean a person who is unconditionally registered as a medical practitioner under the *Health Professionals Act 2004*.

**[3.51] Section 10 (2), new note**

*insert*

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

**Explanatory note**

This amendment inserts a standard note to assist users of the legislation.

**[3.52] 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:

- doctor
- person
- prescribed.

**Explanatory note**

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



---

**[3.56] Dictionary, new notes**

*insert*

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

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

- document
- Minister (see s 162)
- person.

*Note 3* Terms used in this regulation have the same meaning that they have in the *Machinery Act 1949* (see Legislation Act, s 148). For example, the following terms are defined in the *Machinery Act 1949*, dict:

- chief inspector
- inspector
- machinery.

**Explanatory note**

This amendment inserts standard dictionary notes in accordance with current drafting practice.

**[3.57] Dictionary, definitions of *chief inspector* and *inspector***

*omit*

**Explanatory note**

This amendment omits unnecessary definitions of terms which are defined in the *Machinery Act 1949* and which apply to the regulation (see the Legislation Act, section 148).

## **Part 3.13 Boxing Control Act 1993**

**[3.58] Section 3, definition of *boxing contest***

*omit*

**Explanatory note**

This amendment omits a definition which is included in an updated form in the new dictionary which is inserted by another amendment.

**[3.59]      Section 3, definitions (as amended)**

*relocate to dictionary*

**Explanatory note**

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

**[3.60]      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)).

**Explanatory note**

This amendment inserts a standard dictionary provision consequent on the insertion of a new dictionary by another amendment.

**[3.61]      Sections 3A and 3B**

*renumber as sections 3 and 3A*

**Explanatory note**

This amendment renumbers sections.

---

**[3.62] 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:

- administrative appeals tribunal
- contravene
- Minister (see s 162)
- person.

***boxing contest***—

- (a) for this Act generally, means a contest, display or exhibition of boxing, but does not include a contest, display or exhibition prescribed by regulation; and
- (b) for part 2 (Control of boxing contests) (other than section 4)—see section 4.

### Explanatory note

This amendment inserts a new dictionary in accordance with current drafting practice. It includes an updated definition of the term ***boxing contest*** (which is omitted from section 3 by another amendment) incorporating, in accordance with current drafting practice, a signpost definition for the term for part 2.

## Part 3.14            Business Names Regulation 1966

### [3.63]    Section 2

*substitute*

#### 2            Dictionary

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

*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 '*agent*—see the *Corporations Regulations 2001* (Cwlth), regulation 1.0.02 (1).' means that the term 'agent' is defined in that regulation and the definition applies to this regulation.

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

#### 3            Notes

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

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

#### 4            Meaning of *agent*

In this regulation:

*agent*—see the *Corporations Regulations 2001* (Cwlth), regulation 1.0.02 (1).

#### Explanatory note

This amendment inserts standard dictionary and notes provisions consequent on the insertion of a new dictionary by another amendment and remakes existing section 2 as new section 4.

---

**[3.64] New dictionary**

*insert*

## Dictionary

(see s 2)

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

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

- corporation
- document
- registrar-general.

*Note 3* Terms used in this regulation have the same meaning that they have in the *Business Names Act 1963* (see Legislation Act, s 148). For example, the following term is defined in the *Business Names Act 1963*, dict:

- business name.

*agent*—see section 4.

### Explanatory note

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



---

**[3.67] Section 64**

*substitute*

**64 Review by administrative review tribunal**

Application may be made to the administrative appeals tribunal for a review of a decision of the director—

- (a) refusing to admit a person to a course of study or instruction of the institute or to an examination of the institute under section 19 (c); or
- (b) refusing to confer an award (other than an honorary award) on a person under section 19 (d).

**Explanatory note**

This amendment corrects cross-references in existing paragraphs (a) and (b) and omits existing paragraph (c) which refers to ‘precluding a student from using facilities or attending a course, or part of a course, under section 16 (3)’. That provision was omitted by the *Financial Management Legislation Amendment Act 2005*.

## **Part 3.16 City of Canberra Arms Act 1932**

**[3.68] Sections 3 and 4**

*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 in this Act.

For example, the signpost definition ‘*City of Canberra Arms*—see section 4.’ means that the term ‘City of Canberra Arms’ 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)).

### **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.

### **4            Meaning of *City of Canberra Arms***

In this Act:

***City of Canberra Arms*** means the Arms and Crest of the City of Canberra granted by royal warrant to the Federal Capital Commissioners, Australia, appointed under the *Seat of Government (Administration) Act 1924* (Cwlth), and their successors in their corporate capacity, and includes the Supporters to those Arms.

#### **Explanatory note**

This amendment inserts standard dictionary and notes provisions consequent on the insertion of a new dictionary by another amendment and brings the sequence of the existing notes and definition provisions into line with current drafting practice. Existing section 3 (Meaning of *City of Canberra Arms*) is remade as new section 4.

**[3.69] 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:

- Minister (see s 162)
- penalty unit (see s 133).

*City of Canberra Arms*—see section 4.

### Explanatory note

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

## **Part 3.17**                      **Classification (Publications, Films and Computer Games) (Enforcement) Act 1995**

### **[3.70]      Sections 5 and 6**

*relocate as sections 2A and 2B*

#### **Explanatory note**

This amendment brings the placement of the sections about the legal status on notes and the Criminal Code into line with current drafting practice.

### **[3.71]      Sections 2A to 4**

*renumber as sections 3 to 6*

#### **Explanatory note**

This amendment renumbers sections.

### **[3.72]      Section 54B**

*substitute*

#### **54B      Registrar of X 18+ Film Licences**

- (1) The chief executive must appoint a public servant as the Registrar of X 18+ Film Licences.

*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).

- (2) Until the chief executive makes an appointment under subsection (1), the registrar is the public servant for the time being exercising the duties of the public service office the duties of which include exercising the functions of the registrar.

- (3) Subsection (2) is a law to which the Legislation Act, section 88 (Repeal does not end effect of transitional laws etc) applies.
- (4) Subsections (2) and (3) and this subsection expire 1 year after the day this section commences.

**Explanatory note**

This amendment removes the requirement that the chief executive must create and maintain an office of the registrar in the public service. The Legislation Act, section 207 provides that an appointment may be made by naming the person appointed or by nominating the occupant of a position (however described), at a particular time or from time to time.

The amendment includes transitional arrangements that operate until a new appointment is made. Proposed section 54B (3) ensures that the transitional arrangement will, if necessary, continue to operate after the expiry of proposed section 54B (2) to (4). The amendment also inserts standard notes about appointments.

**[3.73] Section 54U**

*substitute*

**54U Inspectors**

- (1) The chief executive may appoint a public servant as an inspector.  
*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).
- (2) Until the chief executive makes an appointment under subsection (1), an inspector is a public servant for the time being exercising the duties of a public service office the duties of which include exercising the functions of an inspector.
- (3) Subsection (2) is a law to which the Legislation Act, section 88 (Repeal does not end effect of transitional laws etc) applies.

- (4) Subsections (2) and (3) and this subsection expire 1 year after the day this section commences.

**Explanatory note**

This amendment removes the requirement that the chief executive must create and maintain an office of an inspector in the public service. The Legislation Act, section 207 provides that an appointment may be made by naming the person appointed or by nominating the occupant of a position (however described), at a particular time or from time to time.

The amendment includes transitional arrangements that operate until new appointments are made. Proposed section 54U (3) ensures that these transitional arrangements will, if necessary, continue to operate after the expiry of proposed section 54U (2) to (4). The amendment also inserts standard notes about appointments.

## Part 3.18                      Clinical Waste Act 1990

### [3.74]            Section 1

*substitute*

#### 1                      Name of Act

This Act is the *Clinical Waste Act 1990*.

**Explanatory note**

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

### [3.75]            Section 2, definition of *manual*

*substitute*

*manual* means the clinical waste manual under section 14.

**Explanatory note**

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

**[3.76] Section 2, definitions (as amended)**

*relocate to dictionary*

**Explanatory note**

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

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

For example, the signpost definition ‘*connected*, for part 6 (Enforcement)—see section 31.’ means that the term ‘connected’ is defined in that section for part 6.

*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)).

**Explanatory note**

This amendment inserts a standard dictionary provision consequent on the insertion of a new dictionary by another amendment.

**[3.78]    Section 7**

*substitute*

**7            Clinical Waste Controller**

- (1) The chief executive must appoint a public servant as the Clinical Waste Controller.

*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).

- (2) Until the chief executive makes an appointment under subsection (1), the controller is the public servant for the time being exercising the duties of the public service office the duties of which include exercising the functions of the controller.
- (3) Subsection (2) is a law to which the Legislation Act, section 88 (Repeal does not end effect of transitional laws etc) applies.
- (4) Subsections (2) and (3) and this subsection expire 1 year after the day this section commences.

**Explanatory note**

This amendment removes the requirement that the chief executive must create and maintain an office of the controller in the public service. The Legislation Act, section 207 provides that an appointment may be made by naming the person appointed or by nominating the occupant of a position (however described), at a particular time or from time to time.

The amendment includes transitional arrangements that operate until new appointments are made. Proposed section 7 (3) ensures that these transitional arrangements will, if necessary, continue to operate after the expiry of proposed section 7 (2) to (4). The amendment also inserts standard notes about appointments.

---

**[3.79] Section 8**

*substitute*

**8 Delegation by controller**

The controller may delegate to a public servant the controller's functions under this Act.

*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 inserts a standard note about delegations. The Legislation Act, section 232 requires a delegation to be made by writing signed by the appointer. The Legislation Act, section 234 allows the delegation of any part of functions that may be delegated.

**[3.80] Section 9**

*substitute*

**9 Inspectors**

- (1) The chief executive may appoint a public servant as an inspector.

*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).

- (2) The controller is also an inspector.
- (3) Until the chief executive makes an appointment under subsection (1), an inspector is—
- (a) a public servant for the time being exercising the duties of a public service office the duties of which include exercising the functions of an inspector; or
  - (b) the controller; or

- (c) a public servant to whom the controller has delegated any of the powers of an inspector.
- (4) Subsection (3) is a law to which the Legislation Act, section 88 (Repeal does not end effect of transitional laws etc) applies.
- (5) Subsections (3) and (4) and this subsection expire 1 year after the day this section commences.

**Explanatory note**

This amendment removes the requirement that the chief executive must create and maintain an office of an inspector in the public service. The Legislation Act, section 207 provides that an appointment may be made by naming the person appointed or by nominating the occupant of a position (however described), at a particular time or from time to time.

The amendment includes transitional arrangements that operate until new appointments are made. Proposed section 9 (4) ensures that these transitional arrangements will, if necessary, continue to operate after the expiry of proposed section 9 (3) to (5). The amendment also inserts standard notes about appointments.

**[3.81]      Section 31 heading**

*substitute*

**31            Meaning of *connected*—pt 6**

**Explanatory note**

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

**[3.82]      Section 41 (2), new note**

*insert*

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

**Explanatory note**

This amendment inserts a standard note to assist users of the legislation.

**[3.83] 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:

- administrative appeals tribunal
- magistrate
- Minister (see s 162)
- person
- public servant
- State.

*connected*, for part 6 (Enforcement)—see section 31.

### Explanatory note

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

## Part 3.19 Commercial Arbitration Act 1986

**[3.84] Section 1**

*substitute*

### 1 Name of Act

This Act is the *Commercial Arbitration Act 1986*.

### Explanatory note

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

**[3.85]    Section 3**

*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)).

**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.

**4            Application of Act**

- (1) This Act applies to an arbitration agreement and to an arbitration under an arbitration agreement.
- (2) This Act applies to arbitrations provided for in any other territory law as if—
  - (a) the other law were an arbitration agreement; and
  - (b) the arbitration were under an arbitration agreement; and
  - (c) the parties to the dispute which, under the other law, is referred to arbitration were the parties of the arbitration agreement.
- (3) However—
  - (a) subsection (2) applies only to the extent provided for in the other territory law; and

(b) nothing in this Act applies to an arbitration under any other territory law that is prescribed by regulation as an arbitration to which this Act does not apply.

(4) This Act does not affect the operation of the *Credit Act 1985*, section 130 (Content of contracts of insurance).

**Explanatory note**

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

It also remakes the provisions of existing section 3 (Application and transitional) that have continuing relevance in an updated form to bring them more closely into line with current drafting practice.

Existing section 3 (1) (a) is remade as new section 4 (1) with the omission of a reference to an arbitration agreement '(whether made before or after the commencement of this Act)'.

Existing section 3 (1) (b), which is about references in arbitration agreements to the *Arbitration Act 1902* (NSW) in its application in the ACT, is omitted because it is a redundant transitional provision.

Existing section 3 (2) and (4), which relate to arbitration agreements made before the commencement of the Act, is omitted because it is a redundant transitional provision.

Existing section 3 (3) is remade as new section 4 (2) and (3) (a).

Existing section 3 (5) and (6) is remade as new section 4 (3) (b) and (4).

**[3.86] Section 4 (1), definition of *court***

*substitute*

***court*** means—

- (a) the Supreme Court; or
- (b) the Magistrates Court if—
  - (i) an arbitration agreement provides that the Magistrates Court has jurisdiction under this Act; or

- (ii) the parties to an arbitration agreement that is in force have agreed in writing that the Magistrates Court has jurisdiction under this Act.

**Explanatory note**

This amendment remakes the definition in an updated form to bring it more closely into line with current drafting practice.

**[3.87]        Section 4 (1), definition of *power of appointment* or *power to appoint***

*substitute*

*power of appointment*, in relation to an arbitrator or umpire, means a power to—

- (a) appoint an arbitrator or umpire; or
- (b) join in the appointment of an arbitrator or umpire; or
- (c) concur in or approve of the appointment of an arbitrator or umpire; or
- (d) take any other step for the appointment of an arbitrator or umpire.

**Explanatory note**

This amendment remakes the definition to bring it more closely into line with current drafting practice. The definition is of both *power of appointment* and *power to appoint*. The second term is omitted from the revised definition and the 2 instances where the term is used in the Act are amended by other amendments.

**[3.88]        Section 4 (1), definitions (as amended)**

*relocate to dictionary*

**Explanatory note**

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

**[3.89] Section 4, remainder**

*omit*

**Explanatory note**

This amendment is consequential on the relocation by another amendment of the definitions in existing section 4 (1) to a new dictionary which is inserted by another amendment. The dictionary includes a definition of *arbitrator* which is defined in existing section 4 (2).

**[3.90] Section 8 (1)**

*omit*

power to appoint an arbitrator

*substitute*

power of appointment in relation to an arbitrator

**Explanatory note**

This amendment is consequential on the amendment of the definition of *power of appointment* by another amendment.

**[3.91] Section 9**

*omit*

power to appoint an arbitrator

*substitute*

power of appointment in relation to an arbitrator

**Explanatory note**

This amendment is consequential on the amendment of the definition of *power of appointment* by another amendment.



**[3.94] Section 3 (1), definition of *prescribed authority*, paragraph (a) (ii)**

*omit*

subsection (2)

*substitute*

section 3 (1) (Entities not necessarily prescribed authorities)

**Explanatory note**

This amendment is consequential on the remaking of existing section 3 (2) as new section 3 (1) by another amendment.

**[3.95] Section 3 (1), definition of *prescribed authority*, paragraph (c)**

*omit*

subsection (3)

*substitute*

section 3 (2)

**Explanatory note**

This amendment is consequential on the remaking of existing section 3 (3) as new section 3 (2) and (3) by another amendment.

**[3.96] Section 3 (1), definitions (as amended)**

*relocate to dictionary*

**Explanatory note**

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

**[3.97]    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)).

**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            Entities not necessarily prescribed authorities**

- (1) For this Act, an unincorporated body established under an enactment for the purpose of assisting, or exercising functions connected with, a prescribed authority is not taken to be a prescribed authority but action taken by the body, or by a person for the body, is taken to be action by the prescribed authority.

**Examples of bodies**

A board, council and committee

*Note 1*    **Body** includes any group of people joined together for a common purpose (see Legislation Act, dict, pt 1).

*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).

- (2) For this Act, a person is not taken to be a prescribed authority only because the person holds or performs the duties of a specified office, but any action taken by or for the person is taken to have been taken by the agency or body concerned.

*Note* *Agency* includes a prescribed authority (see dictionary).

- (3) In this section:

*specified office* means—

- (a) an office the duties of which the person performs as employment duties as an officer of an agency; or
- (b) an office of a member of a body; or
- (c) an office established by an enactment for a prescribed authority; or
- (d) an office prescribed by regulation.

**Explanatory note**

This amendment inserts standard dictionary and notes provisions consequent on the insertion of a new dictionary by another amendment. It also remakes existing section 3 (2) and (3) as new section 3.

**[3.98] Sections 4 and 5**

*substitute*

**4 Commissioner for the Environment**

- (1) The Minister must appoint a person as the Commissioner for the Environment.

*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 an Assembly committee and are disallowable (see Legislation Act, div 19.3.3).

- (2) The commissioner holds office on the terms not provided by this Act that are decided in writing.

## **5 Term of office**

Subject to this Act, the commissioner must not be appointed for a term of longer than 5 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 updates existing sections 4 and 5 to bring them into line with current drafting practice. The existing reference to eligibility for reappointment in section 5 is unnecessary because the Legislation Act, section 208 (1) provides that if a person is eligible for appointment the person may be reappointed. A standard note about reappointment is added.

Existing section 4 (1) is updated by omitting a reference to ‘by instrument’ because the Legislation Act, section 206 provides that an appointment must be made, or evidenced, by writing signed by the appointer. Standard appointment notes are also added to the subsection.

Existing section 4 (2) is brought into line with current drafting practice.

The reference in existing section 5 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 reference in existing section 5 to eligibility for reappointment is unnecessary because the Legislation Act, section 208 (1) provides that if a person is eligible for appointment the person may be reappointed. A standard note about reappointment is added.

## **[3.99] Section 8**

*omit*

### **Explanatory note**

This amendment removes an unnecessary provision about resignation from office. The Legislation Act, section 210 provides for the resignation of a person from a statutory appointment. A standard note about resignation is added to section 9 (1) by the next amendment.

**[3.100] Section 9 (1), new note**

*insert*

*Note* A person's appointment also ends if the person resigns (see Legislation Act, s 210).

**Explanatory note**

This amendment is consequential on the omission of section 8 by the previous amendment.

**[3.101] Section 9 (6)**

*substitute*

- (6) The Executive must end the commissioner's appointment if the commissioner becomes bankrupt or executes a personal insolvency agreement.

**Explanatory note**

The *Bankruptcy Legislation Amendment Act 2004* (Cwlth) amended the *Bankruptcy Act 1966* (Cwlth) to replace the concepts of deed of assignment, deed of arrangement and composition with the new single concept of personal insolvency agreement. This amendment brings the subsection into line with the new concept.

**[3.102] Section 11**

*substitute*

**11 Delegation by commissioner**

The commissioner may delegate to a public servant the commissioner's functions under this Act.

*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 inserts a standard note about delegations. The Legislation Act, section 232 requires a delegation to be made by writing signed by the appointer. The Legislation Act, section 234 allows the delegation of any part of functions that may be delegated.

**[3.103]    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
- function
- Minister (see s 162)
- penalty unit (see s 133).

### Explanatory note

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

## Part 3.21            Common Boundaries Act 1981

**[3.104]    New sections 1A and 1B**

*insert*

### 1A            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 in this Act.

For example, the signpost definition ‘*party wall*, for part 3 (Party walls)—see section 27.’ means that the term ‘party wall’ is defined in that section for part 3.

*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)).

## **1B 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.

### **[3.105] Section 2, definition of *court***

*omit*

### **Explanatory note**

This amendment omits an unnecessary definition. The term *court* is defined for division 2.1 as meaning the Small Claims Court. However, all the relevant provisions of the division (with 2 exceptions) use the term ‘Small Claims Court’. The exceptions are the definition of *inquiry* and section 15 (1) which are consequentially amended by other amendments.

### **[3.106] Section 2, definition of *inquiry***

*substitute*

*inquiry* means an inquiry in the Small Claims Court.

### **Explanatory note**

This definition is amended consequent on the omission of the definition of *court* by the previous amendment.

**[3.107] Section 15 (1)**

*substitute*

- (1) If the same person is a party to 2 or more applications to the Small Claims Court under the same section of this division, the court may direct that the applications be dealt with together.

**Explanatory note**

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

**[3.108] New dictionary**

*insert*

## Dictionary

(see s 1A)

*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 executive (see s 163)
- national land
- Small Claims Court
- territory land.

***basic fence***, for division 2.1 (Fences requested by occupiers)—see section 2.

***basic rural fence***, for division 2.1 (Fences requested by occupiers)—see section 2.

***basic urban fence***, for division 2.1 (Fences requested by occupiers)—see section 2.

***conference notice***, for division 2.1 (Fences requested by occupiers)—see section 2.

***inquiry***, for division 2.1 (Fences requested by occupiers)—see section 2.

*inquiry notice*, for division 2.1 (Fences requested by occupiers)—see section 2.

*occupier*, in relation to a parcel of land, for division 2.1 (Fences requested by occupiers)—see section 2.

*parcel of land*, for division 2.1 (Fences requested by occupiers)—see section 2A and section 2B.

*party wall*, for part 3 (Party walls)—see section 27.

*registrar*, for division 2.1 (Fences requested by occupiers)—see section 2.

*rules*, for division 2.1 (Fences requested by occupiers)—see section 2.

**Explanatory note**

This amendment inserts a new dictionary in accordance with current drafting practice. It includes signpost definitions for terms that are defined for a particular division or part of the Act.

## **Part 3.22                      Competition Policy Reform Act 1996**

### **[3.109]    New section 2A**

*insert*

#### **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 a standard notes provision.

**[3.110]    Section 29 heading**

*substitute*

**29            Meaning of *Commonwealth administrative laws*—div 5.5**

**Explanatory note**

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

**[3.111]    Part 7**

*omit*

**Explanatory note**

This amendment omits redundant transitional provisions.

**[3.112]    Dictionary, new definition of *Commonwealth administrative laws***

*insert*

*Commonwealth administrative laws*, for division 5.5  
(Administrative law)—see section 29.

**Explanatory note**

This amendment inserts, in accordance with current drafting practice, a signpost definition into the dictionary for a term which is defined for a division of the Act.

**Part 3.23            Consumer Credit  
(Administration) Act 1996**

**[3.113]    Section 3, definition of *credit provider***

*omit*

**Explanatory note**

This amendment omits a definition which is included in an updated form in the new dictionary which is inserted by another amendment.

**[3.114] Section 3, definitions (as amended)**

*relocate to dictionary*

**Explanatory note**

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

**[3.115] 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 in this Act.

For example, the signpost definition '*finance broker*, for division 3.4 (Disciplinary procedures)—see section 49A.' means that the term 'finance broker' is defined in that section for division 3.4.

*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)).

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

**[3.116]    Sections 19 and 50**

*omit*

commissioner of police

*substitute*

chief police officer

**Explanatory note**

This amendment changes references to the commissioner of police to the chief police officer. The chief police officer is the senior police officer for the ACT.

**[3.117]    Division 4.1**

*substitute*

**Division 4.1            Establishment and functions**

**60            Establishment of tribunal**

The Australian Capital Territory Credit Tribunal is established.

*Note*        The Legislation Act, dict, pt 1 defines *establish* as including continue in existence.

**61            Functions of tribunal**

The tribunal has the functions given to it by the consumer credit legislation.

*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 division into line with current drafting practice.

The existing division heading is amended by omitting a reference to ‘powers’. *Function* is defined in the Legislation Act, dictionary, part 1 to include authority, duty and power.

Existing section 60 is amended by omitting a reference to the tribunal ‘in existence under the *Credit Act 1985* immediately before the commencement of this part continues in existence by force of this section’ and substituting a note about the meaning of ‘establish’.

Existing section 61 (1) is amended by omitting a redundant reference to powers.

Existing section 61 (2), which gives the tribunal power to do everything necessary or convenient to be done in relation to the carrying out 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.

**[3.118] Section 62 (2), new notes**

*insert*

*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 an Assembly committee and are disallowable (see Legislation Act, div 19.3.3).

**Explanatory note**

This amendment inserts standard appointment notes to assist users of the legislation.

**[3.119] Section 66 (b)**

*omit*

**Explanatory note**

This amendment omits an unnecessary provision. The paragraph requires the instrument of appointment for a member of the credit tribunal to state the period for which the member is appointed. This is not necessary 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.

**[3.120]    Section 67 (2) (b)**

*substitute*

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

**Explanatory note**

The *Bankruptcy Legislation Amendment Act 2004* (Cwlth) amended the *Bankruptcy Act 1966* (Cwlth) to replace the concepts of deed of assignment, deed of arrangement and composition with the new single concept of personal insolvency agreement. This amendment brings the paragraph into line with the new concept.

**[3.121]    Section 69 (4)**

*substitute*

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

*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 inserts a standard note about delegations. The Legislation Act, section 232 requires a delegation to be made by writing signed by the appointer. The Legislation Act, section 234 allows the delegation of any part of functions that may be delegated.

**[3.122]    Division 7.1 heading**

*substitute*

**Division 7.1            Functions generally**

**Explanatory note**

This amendment is consequential on the omission of section 110 by another amendment.

**[3.123] Section 109, new note**

*insert*

*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 inserts a standard note about the powers of an entity and is consequential on the omission of section 110 by the next amendment.

**[3.124] Section 110**

*omit*

**Explanatory note**

This amendment omits an unnecessary provision. It states that the commissioner has power to do all things necessary or convenient to be done for or in connection with the exercise of his or her functions under the consumer credit legislation. 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. A note to that effect is added to section 109 by the previous amendment.

**[3.125] Section 117**

*substitute*

**117 Investigators**

An investigation for section 109 (a) or (b) may be made by the commissioner or a person authorised, in writing, by the commissioner.

*Note 1* An *investigator* is the commissioner or a person authorised under this section (see the dictionary, definition of *investigator*).

*Note 2* For the issue of an identity card to an investigator, see the *Fair Trading (Consumer Affairs) Act 1973*, section 10.

**Explanatory note**

This amendment revises existing section 117 (1) so that it is clear that, in accordance with the definition of *investigator* in existing section 3, that an investigator is the commissioner or a person authorised under section 117.

Existing section 117 (2), which requires the commissioner to issue an identity card under the *Fair Trading (Consumer Affairs) Act 1973*, section 15 to each investigator, is omitted because that Act, section 10 requires the commissioner to issue an identity card. A note to that effect is added to new section 117.

**[3.126] Section 124**

*substitute*

**124 Continuation of fund**

The financial counselling trust fund is established.

*Note* The Legislation Act, dict, pt 1 defines *establish* as including continue in existence.

**Explanatory note**

Existing section 124 (1) is amended by omitting a reference to the fund ‘in existence under the *Credit Act 1985* immediately before the commencement of this part continues in existence by force of this section with the same name’ and substituting a note about the meaning of ‘establish’.

Existing section 124 (2), which provides that the money constituting the fund immediately before the commencement of this part continues to form part of the fund, is omitted because it is a redundant transitional provision.

**[3.127] Section 140A (2), new note**

*insert*

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

**Explanatory note**

This amendment inserts a standard note to assist users of the legislation.

**[3.128] 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
- entity
- exercise
- function
- Minister (see s 162)
- person.

***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.

***finance broker***, for division 3.4 (Disciplinary procedures)—see section 49A.

### Explanatory note

This amendment inserts a new dictionary in accordance with current drafting practice. It includes a signpost definition for the term ***finance broker*** which is not included in the existing interpretation section and an updated definition of the term ***credit provider*** (which is omitted from section 3 by another amendment) incorporating, in accordance with current drafting practice, a signpost definition of the term for division 2.4.

## Part 3.24                            Court Procedures Rules 2006

### [3.129]    Rule 3001, note

*omit*

Administration and Probate Act, s 5 (1)

*substitute*

Administration and Probate Act, dictionary

#### **Explanatory note**

This amendment is consequential on the insertion of a new dictionary into the *Administration and Probate Act 1929* by another amendment.

### [3.130]    Rule 3010 (2) (I)

*omit*

section 8 (Minors—testamentary capacity)

*substitute*

section 8 (Children—testamentary capacity)

#### **Explanatory note**

This amendment is consequential on an amendment of the *Wills Act 1968* by another amendment.

### [3.131]    Rule 3251, notes

*substitute*

*Note 1* For example, the following terms are defined in the Commercial Arbitration Act, dictionary:

- arbitration agreement
- arbitrator
- award
- court
- party.

*Note 2* In particular, ***court*** is defined in the Commercial Arbitration Act, dictionary as follows:

***court*** means—

- (a) the Supreme Court; or
- (b) the Magistrates Court if—
  - (i) an arbitration agreement provides that the Magistrates Court has jurisdiction under this Act; or
  - (ii) the parties to an arbitration agreement that is in force have agreed in writing that the Magistrates Court has jurisdiction under this Act.

**Explanatory note**

This amendment is consequential on the insertion of a new dictionary into the *Commercial Arbitration Act 1986* and the amendment of the definition of ***court*** for that Act by other amendments.

## **Part 3.25 Crimes (Forensic Procedures) Regulation 2000**

### **[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 regulation is part of this regulation.

*Note 1* The dictionary at the end of this regulation defines certain terms used in this regulation.

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

### **3 Notes**

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

*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.

#### **[3.134] New dictionary**

*insert*

## **Dictionary**

(see s 2)

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

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

- Commonwealth
- State
- the Territory.

*Note 3* Terms used in this regulation have the same meaning that they have in the *Crimes (Forensic Procedures) Act 2000* (see Legislation Act, s 148). For example, the following terms are defined in the *Crimes (Forensic Procedures) Act 2000*, dict:

- appropriately qualified person (see s 13)
- DNA database system (see s 94).

#### **Explanatory note**

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

## Part 3.26 Crimes (Restorative Justice) Act 2004

### [3.135] Section 44 (4), definition of *domestic relationship*

*omit*

(Interpretation)

#### Explanatory note

This amendment is consequential on the insertion of a new dictionary into the *Domestic Relationships Act 1994* by another amendment.

## Part 3.27 Cultural Facilities Corporation Act 1997

### [3.136] Section 12, note

*omit*

Under that Act, s 3, def *chief executive officer*

*substitute*

Under that Act, dict, def *chief executive officer*

#### Explanatory note

This amendment is consequential on the insertion of a new dictionary into the *Public Sector Management Act 1994* by another amendment.

## Part 3.28            Director of Public Prosecutions Act 1990

### [3.137]    Section 1

*substitute*

#### 1            Name of Act

This Act is the *Director of Public Prosecutions Act 1990*.

#### Explanatory note

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

### [3.138]    Section 3 (1), definition of *chief police officer*

*omit*

#### Explanatory note

This amendment omits a redundant definition. The term *chief police officer* is defined in the Legislation Act, dictionary, part 1.

### [3.139]    Section 3 (1), definitions (as amended)

*relocate to dictionary*

#### Explanatory note

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

### [3.140]    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)).

## **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 Prosecutions etc begun by other people**

A provision of this Act that gives the director a function in relation to a prosecution or proceeding (including a civil proceeding) instituted by someone else applies in relation to the prosecution or proceeding.

### **Explanatory note**

This amendment inserts standard dictionary and notes provisions consequent on the insertion of a new dictionary by another amendment. A definition based on existing section 3 (2) is included in the new dictionary and existing section 3 (3) is remade in an updated form as new section 3.

### **[3.141] Section 6 (1), new note**

*insert*

*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 inserts a standard note about the powers of an entity and is consequential on the omission of section 18 by another amendment.

**[3.142]    Section 17**

*substitute*

**17            Delegation by director**

The director may delegate the director's functions to a member of staff of the office.

*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 inserts a standard note about delegations. The Legislation Act, section 232 requires a delegation to be made by writing signed by the appointer. The Legislation Act, section 234 allows the delegation of any part of functions that may be delegated.

**[3.143]    Section 18**

*omit*

**Explanatory note**

This amendment omits an unnecessary provision. It states that the director has power to do all things necessary or convenient to be done in connection with the performance of his or her 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. A note to that effect is added to section 6 (1) by another amendment.

**[3.144]    Section 22 (1) and (2)**

*substitute*

- (1) The Executive may appoint a person as the director.

*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).

- (2) Subject to this Act, the director 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 *appoint*).

**Explanatory note**

This amendment updates the appointment section by omitting from subsection (1) 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. Standard appointment notes are also added to the subsection.

This amendment also remakes subsection (2) 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, section 208 (1) provides that if a person is eligible for appointment the person may be reappointed. A standard note about reappointment is added.

**[3.145] Section 27**

*omit*

**Explanatory note**

This amendment omits an unnecessary provision about resignation. The Legislation Act, section 210 provides for the resignation of office holders. A standard note about resignation is inserted after existing section 28 (1) by the next amendment.

**[3.146] Section 28 (1), new note**

*insert*

*Note* The director’s appointment also ends if the director resigns (see Legislation Act, s 210).

**Explanatory note**

This amendment is consequential on the omission of existing section 27 by the previous amendment.

**[3.147] Section 28 (2) (a)**

*substitute*

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

**Explanatory note**

The *Bankruptcy Legislation Amendment Act 2004* (Cwlth) amended the *Bankruptcy Act 1966* (Cwlth) to replace the concepts of deed of assignment, deed of arrangement and composition with the new single concept of personal insolvency agreement. This amendment brings the subsection into line with the new concept.

**[3.148] Section 29**

*omit*

**Explanatory note**

This amendment omits an unnecessary provision about acting appointments. The Legislation Act, section 215 provides a power to make acting appointments.

**[3.149] 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 police officer
- exercise
- function
- judge
- lawyer
- magistrate
- notifiable instrument (see s 10)
- person

- proceeding
- territory law.

*member of the staff*, of the office, means—

- (a) a member of the staff mentioned in section 30 (Staff); or
- (b) a person engaged under section 31 (Consultants etc); or
- (c) a person whose services are made available to the director in accordance with section 32 (Other staffing arrangements).

**Explanatory note**

This amendment inserts a new dictionary in accordance with current drafting practice and a new definition of *member of the staff* based on existing section 3 (2).

## **Part 3.29                      Disability Services Act 1991**

### **[3.150]    Section 1**

*substitute*

#### **1                      Name of Act**

This Act is the *Disability Services Act 1991*.

#### **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.

### **Explanatory note**

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

### **[3.151]    Section 4, definitions**

*relocate to dictionary*

### **Explanatory note**

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

### **[3.152]    Section 4, remainder**

*omit*

### **Explanatory note**

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

**[3.153] 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
- Minister
- person.

**Explanatory note**

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

## Part 3.30 Domestic Relationships Act 1994

**[3.154] Section 1**

*substitute*

### 1 Name of Act

This Act is the *Domestic Relationships Act 1994*.

**Explanatory note**

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

**[3.155] Section 3 (1), definition of *domestic relationship***

*substitute*

*domestic relationship*—see section 3.

**Explanatory note**

This amendment is consequential on the insertion of new section 3 by another amendment.

**[3.156]    Section 3 (1), definition of *domestic relationship agreement*, new note**

*insert*

*Note*    In certain circumstances a termination agreement may be taken to be a domestic relationship agreement (see s 3A (2)).

**Explanatory note**

This amendment inserts a note to assist users of the legislation.

**[3.157]    Section 3 (1), definition of *termination agreement***

*substitute*

*termination agreement*—see section 3A.

**Explanatory note**

This amendment is consequential on the insertion of new section 3 by another amendment.

**[3.158]    Section 3 (1), definitions (as amended)**

*relocate to dictionary*

**Explanatory note**

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

**[3.159]    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 in this Act.

For example, the signpost definition '*agreement*, for part 4 (Domestic relationship agreements and termination agreements)—see section 31.' means that the term 'agreement' is defined in that section for part 4.

*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.

## **[3.160] New sections 3 and 3A**

*insert*

## **3 Meaning of *domestic relationship***

(1) In this Act:

*domestic relationship* means a personal relationship between 2 adults in which one provides personal or financial commitment and support of a domestic nature for the material benefit of the other and includes a domestic partnership but does not include a legal marriage.

*Note* For the meaning of *domestic partnership*, see the Legislation Act, s 169.

(2) For subsection (1)—

- (a) a personal relationship may exist between people although they are not members of the same household; and
- (b) a personal relationship is not taken to exist between people only because one of them provides a service for the other—
  - (i) for fee or reward; or

- (ii) on behalf of another person (including a government or body corporate); or
- (iii) on behalf of an organisation the principal objects or purposes of which are charitable or benevolent.

### 3A            Termination agreements

- (1) In this Act:

*termination agreement* means—

- (a) an agreement between 2 people that—
  - (i) is made in contemplation of terminating a domestic relationship that exists between them or after the termination of a domestic relationship between them; and
  - (ii) makes provision with respect to financial matters; or
- (b) such an agreement that varies a domestic relationship agreement or termination agreement;

regardless of when it is made, whether there are other parties or whether it makes provision about non-financial matters.

- (2) However, a termination agreement is taken to be a domestic relationship agreement if—
- (a) the termination agreement is made in contemplation of the termination of a domestic relationship; and
  - (b) the relationship is not terminated within 3 months after the day on which the agreement is made.

#### Explanatory note

This amendment remakes the definitions of *domestic relationship* and *termination agreement* in existing section 3 (1), (2) and (5) as separate sections to bring them more closely into line with current drafting practice. Definitions based on existing section 3 (3) and (4) are included in the new dictionary.

---

**[3.161] Section 7**

*omit*

legal practitioner

*substitute*

lawyer

**Explanatory note**

This amendment updates language in line with current drafting practice.

**[3.162] 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
- Executive
- lawyer
- Magistrates Court
- person
- Supreme Court.

***agreement***, for part 4 (Domestic relationship agreements and termination agreements)—see section 31.

***child***, of the parties to a domestic relationship, means each of the following children:

- (a) a child of whom the parties are the parents;

(b) a child for whose long-term welfare both parties accept responsibility.

*party*, to a domestic relationship, includes a person who has been a party to a domestic relationship that has ended.

**Explanatory note**

This amendment inserts a new dictionary in accordance with current drafting practice. It includes signpost definitions for a term that is not included in the existing interpretation section. The definitions of *child* and *party* follow existing section 3 (3) and (4) which are omitted by another amendment.

## Part 3.31            Door-to-Door Trading Act 1991

### [3.163]    Section 1

*substitute*

#### 1            Name of Act

This Act is the *Door-to-Door Trading Act 1991*.

**Explanatory note**

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

### [3.164]    Section 3 (1), definition of *consumer*

*substitute*

*consumer*—see section 3.

**Explanatory note**

This amendment is consequential on the insertion of a new section 3 by another amendment.

### [3.165]    Section 3 (1), definition of *negotiation*

*omit*

**Explanatory note**

A new definition of *negotiation*, based on the existing definition in section 3 (1) and section 3 (2) (c), is included in the new dictionary which is inserted by another amendment.

**[3.166] Section 3 (1), definition of *supplier***

*substitute*

*supplier*—see section 3.

**Explanatory note**

This amendment is consequential on the insertion of a new section 3 by another amendment.

**[3.167] Section 3 (1), definition of *supply***

*omit*

**Explanatory note**

A new definition of *supply*, based on the existing definition in section 3 (1) and section 3 (2) (a), is included in the new dictionary which is inserted by another amendment.

**[3.168] Section 3 (1), definitions (as amended)**

*relocate to dictionary*

**Explanatory note**

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

**[3.169] 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 in this Act.

For example, the signpost definition '*prescribed contract*—see section 6.' means that the term 'prescribed contract' 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.

## **3        Meaning of *consumer* and *supplier***

In this Act:

***consumer***—

- (a) means a person (other than a body corporate) to whom goods or services are, or are to be, supplied under a contract or proposed contract to which the person is, or is to be, a party; and
- (b) for a consumer under a contract for the supply of goods or services—includes anyone to whom the rights of the original consumer under the contract are assigned or transferred, or pass by operation of law.

***supplier***—

- (a) in relation to a contract or proposed contract for the supply of goods or services—means the person by whom the goods or services are, or are to be, supplied under the contract or proposed contract; and
- (b) for a supplier under a contract for the supply of goods or services—includes anyone to whom the rights of the original supplier under the contract are assigned or transferred, or pass by operation of law.

**3A Contract for supply of goods or services to party to contract**

For this Act, a contract is a contract for the supply of goods or services to a person who is a party to the contract if it provides for the supply of goods or services either to the person or to someone else but on the order of the person.

**Explanatory note**

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

It also remakes several elements of existing section 3 (2) in an updated form.

New section 3 combines the definitions of *consumer* and *supplier* in existing section 3 (1) and (2) (b).

New section 3A remakes existing section 3 (3) as a separate section.

Definitions based on existing section 3 (2) (a) and (c) are included in the new dictionary which is inserted by another amendment.

**[3.170] Section 20 (2), new note**

*insert*

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

**Explanatory note**

This amendment inserts a standard note to assist users of the legislation.

**[3.171]    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:

- Minister (see s 162)
- person.

***negotiation***—

- (a) includes any discussion or dealing directed towards the making of a contract (whether or not the terms of the contract are open to negotiation); and
- (b) of a contract to which this Act applies, includes a negotiation of a contract that would, on its formation, be a contract to which this Act applies.

***supply***—

- (a) in relation to goods—includes the giving of a right to goods or a right to the possession or use of goods; and
- (b) in relation to services—includes the giving of a right to services; and
- (c) of goods or services—includes the supply of both goods and services.

### Explanatory note

This amendment inserts a new dictionary in accordance with current drafting practice. The definition of ***negotiation*** combines the existing definition of the term in section 3 (1) (which is omitted by another amendment) and existing section 3 (2) (c). The definition of ***supply*** combines the existing definition of the term in section 3 (1) (which is omitted by another amendment) and existing section 3 (2) (a).

---

## Part 3.32 Drugs in Sport Act 1999

### [3.172] Section 5

*relocate as section 3*

#### Explanatory note

This amendment brings the sequence of the section about the legal status on notes into line with current drafting practice.

### [3.173] Sections 6, 7 and 8

*omit*

ASDA

*substitute*

ASADA

#### Explanatory note

This amendment is consequential on the repeal of the *Australian Sports Drug Agency Act 1990* (Cwlth) and the enactment of the *Australian Sports Anti-Doping Authority Act 2006* (Cwlth).

### [3.174] Dictionary, definitions of ASDA and Commonwealth Act

*substitute*

**ASADA** means the Australian Sports Anti-Doping Authority established under the Commonwealth Act.

**Commonwealth Act** means the *Australian Sports Anti-Doping Authority Act 2006* (Cwlth).

*Note* A reference to a Commonwealth Act includes a reference to the statutory instruments made or in force under the Act, including regulations (see Legislation Act, s 104).

#### Explanatory note

This amendment is consequential on the repeal of the *Australian Sports Drug Agency Act 1990* (Cwlth) and the enactment of the *Australian Sports Anti-Doping Authority Act 2006* (Cwlth).

## Part 3.33            Duties Act 1999

### [3.175]    Sections 72 (1), 74B (1), 115H (1) and 213 (1), note

*omit*

s 3 (1)

*substitute*

s 3

#### Explanatory note

This amendment is consequential on the insertion of a new dictionary into the *Domestic Relationships Act 1994* by another amendment.

### [3.176]    Dictionary, definition of *domestic relationship*

*substitute*

*domestic relationship*—see the *Domestic Relationships Act 1994*, section 3.

#### Explanatory note

This amendment is consequential on the insertion of a new dictionary into the *Domestic Relationships Act 1994* by another amendment.

## Part 3.34            Electoral Regulation 1993

### [3.177]    Section 3

*substitute*

#### 2            Dictionary

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

*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 ‘*City of Canberra Arms*—see the *City of Canberra Arms Act 1932*, section 4.’ means that the term ‘City of Canberra Arms’ is defined in that section and the definition applies to this regulation.

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

### **3 Notes**

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

*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. The definitions in existing section 3 are included in the new dictionary.

#### **[3.178] New dictionary**

*insert*

## **Dictionary**

(see s 2)

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

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

- ACT
- chief health officer.

*Note 3* Terms used in this regulation have the same meaning that they have in the *Electoral Act 1992* (see Legislation Act, s 148). For example, the following terms are defined in the *Electoral Act 1992*, dict:

- ballot paper

- declaration voting papers
- MLA.

*City of Canberra Arms*—see the *City of Canberra Arms Act 1932*, section 4.

*government agency*—see the *Public Sector Management Act 1994*, dictionary.

**Explanatory note**

This amendment inserts a new dictionary in accordance with current drafting practice. The definitions in existing section 3 are included in the dictionary. The definition of *City of Canberra Arms* has been updated consequent on the amendment of the *City of Canberra Arms Act 1932* by another amendment and the definition of *government agency* has been updated consequent on the insertion of a new dictionary into the *Public Sector Management Act 1994* by another amendment.

## **Part 3.35**                      **Emergencies Regulation 2004**

### **[3.179] Section 5 (1) (b) (i)**

*omit*

emergency services authority

*substitute*

emergency services commissioner

**Explanatory note**

This amendment is consequential on the abolition of the emergency services authority by the *Administrative (Miscellaneous Amendments) Act 2006*.

## **Part 3.36**                      **Enclosed Lands Protection Act** **1943**

### **[3.180] Section 3, definitions**

*relocate to dictionary*

#### **Explanatory note**

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

### **[3.181] 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)).

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

**[3.182]    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
- land
- person.

### Explanatory note

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

## Part 3.37            Environment Protection Act 1997

**[3.183]    Section 3 (2)**

*omit*

ecologically sustainable development is to be taken to require

*substitute*

*ecologically sustainable development* means

### Explanatory note

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

**[3.184]    Section 3 (as amended)**

*renumber as section 2*

### Explanatory note

This amendment renumbers a section.

**[3.185] Section 4 (1), definition of *appropriate person***

*substitute*

*appropriate person* means the appropriate person under section 91I.

**Explanatory note**

This amendment revises the definition to correct a reference to the relevant provision.

**[3.186] Section 4 (1), definition of *contaminated or contamination***

*substitute*

*contaminated*, in relation to land—see section 4.

**Explanatory note**

This amendment is consequential on the insertion of new section 4 by another amendment.

**[3.187] Section 4 (1), definition of *environmental authorisation***

*omit*

**Explanatory note**

This amendment omits a definition which is included in an updated form in the new dictionary which is inserted by another amendment.

**[3.188] Section 4 (1), definition of *heritage register***

*omit*

**Explanatory note**

This amendment omits an unnecessary definition. The term is defined in the Legislation Act, dictionary, part 1.

**[3.189] Section 4 (1), definitions (as amended)**

*relocate to dictionary*

**Explanatory note**

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

**[3.190] Section 4, remainder**

*substitute*

**3 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 '*development*—see the Land Act, section 222.' means that the term '*development*' is defined in that section 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)).

**3A 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.

**4 Meaning of *contaminated* land**

(1) In this Act:

*contaminated*, in relation to land, means the presence in, on or under the land, or a building or structure on the land, of a substance at a concentration above the concentration at which the substance is normally present in, on or under land, or a building or structure on land, in the same locality, if the presence causes, or is likely to cause either or both of the following:

- (a) a risk of harm to human health;
- (b) a risk of environmental harm.

- (2) For subsection (1), land may be *contaminated* even if it became contaminated partly or entirely by the migration of contaminants into, onto or under the land from other land.
- (3) However, land is not *contaminated* only because in any surface water standing or running on the land a substance is present in a concentration above the concentration at which the substance is normally present in, on or under land, or a building or structure on land, in the same locality.

**Explanatory note**

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

It also brings together the definition of *contaminated* in existing section 4 (1) and the other definitional elements of the term in existing section 4 (2) and (3) in new section 4. The existing definition of *contaminated* is defined as '*contaminated* or *contamination*'. The 2nd term is unnecessary and is not included in new section 4 because the Legislation Act, section 157 provides that if a term is defined other parts of speech and grammatical forms of the term have corresponding meanings.

**[3.191] Section 5**

*omit*

section 4 (1)

*substitute*

the dictionary

**Explanatory note**

This amendment is consequential on the insertion of a new dictionary into the Act and the repeal of existing section 4 (1) by another amendment.

**[3.192]    Section 11**

*substitute*

**11            Environment Protection Authority**

- (1) The chief executive must appoint a public servant as the Environment Protection Authority.

*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).

- (2) Until the chief executive makes an appointment under subsection (1), the authority is the public servant for the time being exercising the duties of the public service office the duties of which include exercising the functions of the authority.
- (3) Subsection (2) is a law to which the Legislation Act, section 88 (Repeal does not end effect of transitional laws etc) applies.
- (4) Subsections (2) and (3) and this subsection expire 1 year after the day this section commences.

**Explanatory note**

This amendment removes the requirement that the chief executive must create and maintain an office of the authority in the public service. The Legislation Act, section 207 provides that an appointment may be made by naming the person appointed or by nominating the occupant of a position (however described), at a particular time or from time to time.

The amendment includes transitional arrangements that operate until a new appointment is made. Proposed section 11 (3) ensures that the transitional arrangement will, if necessary, continue to operate after the expiry of proposed section 11 (2) to (4). The amendment also inserts standard notes about appointments.

---

**[3.193] Section 14**

*substitute*

**14 Authorised officers**

- (1) The chief executive may appoint a public servant as an authorised officer.

*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).

- (2) The authority is also an authorised officer.
- (3) In addition to the powers given to an authorised officer under this Act, an authorised officer also has powers given to the officer under any other territory law.
- (4) Until the chief executive makes an appointment under subsection (1), an authorised officer is—
- (a) the authority; and
  - (b) a public servant for the time being exercising the duties of a public service office the duties of which include exercising the functions of an authorised officer; and
  - (c) a public servant appointed as an authorised officer.
- (5) Subsection (4) is a law to which the Legislation Act, section 88 (Repeal does not end effect of transitional laws etc) applies.

- (6) Subsections (4) and (5) and this subsection expire 1 year after the day this section commences.

**Explanatory note**

This amendment removes the requirement that the chief executive must create and maintain an office of an authorised officer in the public service. The Legislation Act, section 207 provides that an appointment may be made by naming the person appointed or by nominating the occupant of a position (however described), at a particular time or from time to time.

The amendment includes transitional arrangements that operate until new appointments are made. Proposed section 14 (5) ensures that these transitional arrangements will, if necessary, continue to operate after the expiry of proposed section 14 (4) to (6). The amendment also inserts standard notes about appointments.

**[3.194] Section 15**

*substitute*

**15 Analysts**

- (1) The authority may appoint a person as an analyst for this Act.

*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).

- (2) The government analyst under the *Drugs of Dependence Act 1989* is also an analyst for this Act.

**Explanatory note**

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

**[3.195] Section 91A (2)**

*omit*

For section 91C, section 91D and section 91G,

*substitute*

For this division,

**Explanatory note**

This amendment brings the definition more closely into line with current drafting practice and corrects the reference to section 91G where the defined term is not used.

**[3.196] Part 11 heading**

*substitute*

## **Part 11 Powers of authorised officers**

**Explanatory note**

This amendment omits an apostrophe after the word ‘officers’ to bring the heading into line with current drafting practice.

**[3.197] Part 12 heading**

*substitute*

## **Part 12 Powers of analysts**

**Explanatory note**

This amendment omits an apostrophe after the word ‘analysts’ to bring the heading into line with current drafting practice.

**[3.198]    Section 158A (5), definitions of *ecologically sustainable development* and *principles of ecologically sustainable development***

*omit*

section 3

*substitute*

section 2

**Explanatory note**

This amendment is consequential on the renumbering of section 3 as section 2 by another amendment.

**[3.199]    Section 164 (2)**

*omit*

section 4 (1)

*substitute*

the dictionary

**Explanatory note**

This amendment is consequential on the insertion of a new dictionary into the Act and the repeal of existing section 4 (1) by another amendment.

**[3.200]    Schedule 1, section 1.1, definition of *clinical waste***

*substitute*

*clinical waste*—see the *Clinical Waste Act 1990*, dictionary.

**Explanatory note**

This amendment is consequential on the insertion of a new dictionary into the *Clinical Waste Act 1990* by another amendment.

**[3.201] New dictionary**

*insert*

## Dictionary

(see s 3)

*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:

- administrative appeals tribunal
- exercise
- function
- heritage register
- Minister (see s 162)
- public employee
- public servant
- State.

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

*approved use*, for division 9.5 (Assessment and remediation)—see section 91A.

*AS 4013*, for schedule 2 (Specific offences)—see section 2.1.

*assessment order*, for part 9 (Environmental protection)—see section 91J.

*auditor*, for division 9.2 (Environmental audits)—see section 73.

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

*consultation period*, for part 4 (Environment protection policies)—see section 23B.

***draft environment protection policy***, for part 4 (Environment protection policies)—see section 23B.

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

***environmental audit***, for division 9.5 (Assessment and remediation)—see section 91A.

***environmental authorisation***—

(a) for this Act generally, means an environmental authorisation under part 8 (Environmental authorisations); and

(b) for part 8—see section 41A.

***environmental emergency***, for division 9.3 (Emergency plans)—see section 80.

***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).

***fuel-burning equipment***, for schedule 2 (Specific offences)—see section 2.1.

***high-octane unleaded petrol***, for schedule 2 (Specific offences)—see section 2.1.

***leaded petrol***, for schedule 2 (Specific offences)—see section 2.1.

***low-octane unleaded petrol***, for schedule 2 (Specific offences)—see section 2.1.

***maximum lead concentration***, for schedule 2 (Specific offences)—see section 2.1.

*national environment protection measure*, for division 9.5 (Assessment and remediation)—see section 91A.

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

*preparation requirements*, for division 9.3 (Emergency plans)—see section 80.

*remediation order*, for part 9 (Environmental protection)—see section 91J.

*residential premises*—

(a) for part 11 (Powers of authorised officers)—see section 95;  
and

(b) for schedule 2 (Specific offences)—see section 2.1.

*sell*, for schedule 2 (Specific offences)—see section 2.1.

*solid fuel-burning equipment*, for schedule 2 (Specific offences)—see section 2.1.

*substance*, for division 9.5 (Assessment and remediation)—see section 91A.

*unleaded petrol*, for schedule 2 (Specific offences)—see section 2.1.

#### **Explanatory note**

This amendment inserts a new dictionary in accordance with current drafting practice. It includes signpost definitions for terms that are not included in the existing interpretation section. It includes updated definitions of the terms *environmental authorisation* and *environment protection policy* (which are omitted from section 4 (1) by another amendment) incorporating, in accordance with current drafting practice, signpost definitions of the terms for other parts of the Act.

## Part 3.38 Environment Protection Regulation 2005

### [3.202] Dictionary, note 3

*omit*

*Environment Protection Act 1997, s 4 (1)*

*substitute*

*Environment Protection Act 1997, dictionary*

#### Explanatory note

This amendment is consequential on the insertion of a new dictionary into the *Environment Protection Act 1997* by another amendment.

## Part 3.39 Epidemiological Studies (Confidentiality) Act 1992

### [3.203] Section 1

*substitute*

#### 1 Name of Act

This Act is the *Epidemiological Studies (Confidentiality) Act 1992*.

#### Explanatory note

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

### [3.204] Section 3 (1), definitions

*relocate to dictionary*

#### Explanatory note

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

**[3.205] 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)).

**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 References to certain things**

- (1) A reference in this Act to a person who has assisted, or is assisting, in the conduct of an epidemiological study—
- (a) includes a reference to a person who has conducted, or is conducting, or has supervised or is supervising the conduct of, the study; but
  - (b) does not include a reference to a person who has assisted, or is assisting, in the conduct of the study only because the person—
    - (i) was or is 1 of the people to whom the study related or relates; or
    - (ii) has provided, or is providing, information about 1 of the people (whether the person or someone else) to whom the study related or relates.

- (2) A reference in this Act to information concerning the affairs of a person includes a reference to—
- (a) information as to the existence or non-existence of a document concerning the affairs of a person; and
  - (b) information relating to the location of a document concerning the affairs of a person; and
  - (c) information concerning the affairs of a deceased person.
- (3) A reference in this Act to a **document** concerning the affairs of a person includes a reference to a document concerning the affairs of a deceased person.

**Explanatory note**

This amendment inserts standard dictionary and notes provisions consequent on the insertion of a new dictionary by another amendment. This amendment also remakes existing section 3 (2) to (4) to new section 3.

**[3.206] 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
- Commonwealth
- State
- the Territory.

**document**, concerning the affairs of a person—see section 3 (3).

**information**, concerning the affairs of a person—see section 3 (2).

*person*, who has assisted, or is assisting, in the conduct of an epidemiological study—see section 3 (1).

**Explanatory note**

This amendment inserts a new dictionary and standard dictionary notes. Signpost definitions to terms defined in new section 3 are included in the dictionary.

## Part 3.40                      Epidemiological Studies (Confidentiality) Regulation 1992

### [3.207]    Sections 4 to 8

*omit*

section 3 (1)

*substitute*

dictionary

**Explanatory note**

This amendment is consequential on the insertion of a new dictionary into the *Epidemiological Studies (Confidentiality) Act 1992* by another amendment.

## Part 3.41                      Fair Trading (Consumer Affairs) Act 1973

### [3.208]    Section 2, definition of *acquire*

*substitute*

*acquire*—see the *Fair Trading Act 1992*, dictionary.

**Explanatory note**

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

**[3.209]    Section 2, definition of *consumer***

*substitute*

*consumer*—see the *Fair Trading Act 1992*, section 6.

**Explanatory note**

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

**[3.210]    Section 2, definition of *consumer product safety order***

*substitute*

*consumer product safety order* means an order under section 27 or section 29.

**Explanatory note**

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

**[3.211]    Section 2, definition of *goods***

*substitute*

*goods*—see the *Fair Trading Act 1992*, dictionary.

**Explanatory note**

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

**[3.212]    Section 2, definition of *services***

*substitute*

*services*—see the *Fair Trading Act 1992*, dictionary.

**Explanatory note**

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

**[3.213] Section 2, definition of *supply***

*substitute*

*supply*—see the *Fair Trading Act 1992*, dictionary.

**Explanatory note**

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

**[3.214] Section 2, definitions (as amended)**

*relocate to dictionary*

**Explanatory note**

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

**[3.215] 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, and includes references (*signpost definitions*) to other terms defined elsewhere.

For example, the signpost definition '*goods*—see the *Fair Trading Act 1992*, dictionary.' means that the term '*goods*' is defined in that dictionary 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)).

## **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.

### **[3.216]        New section 3 (4)**

*insert*

- (4) The instrument of establishment of an advisory committee is a notifiable instrument.

*Note*        A notifiable instrument must be notified under the Legislation Act.

### **Explanatory note**

This amendment inserts a requirement that the establishment of a consumer affairs advisory committee is a notifiable instrument to bring the section more closely into line with current drafting practice.

### **[3.217]        Section 6**

*substitute*

## **6**            **Commissioner for fair trading**

- (1) The chief executive must appoint a public servant as the Commissioner for Fair Trading.

*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).

- (2) Until the chief executive makes an appointment under subsection (1), the commissioner is the public servant for the time being exercising the duties of the public service office the duties of which include exercising the functions of the commissioner.

- (3) Subsection (2) is a law to which the Legislation Act, section 88 (Repeal does not end effect of transitional laws etc) applies.
- (4) Subsections (2) and (3) and this subsection expire 1 year after the day this section commences.

**Explanatory note**

This amendment removes the requirement that the chief executive must create and maintain an office of the commissioner in the public service. The Legislation Act, section 207 provides that an appointment may be made by naming the person appointed or by nominating the occupant of a position (however described), at a particular time or from time to time.

The amendment includes transitional arrangements that operate until a new appointment is made. Proposed section 6 (3) ensures that the transitional arrangement will, if necessary, continue to operate after the expiry of proposed section 6 (2) to (4). The amendment also inserts standard notes about appointments.

**[3.218] Section 8 (2), definitions of *consumer credit legislation* and *trade measurement legislation***

*omit*

section 3

*substitute*

dictionary

**Explanatory note**

This amendment is consequential on the insertion of a new dictionary into the *Fair Trading (Consumer Affairs) Act 1973* and the *Trade Measurement (Administration) Act 1991* by other amendments.

**[3.219]    Section 9**

*substitute*

**9            Investigators**

An investigation for section 7 (1) (b), (c) or (d) (Functions of commissioner) may be made by the commissioner or a person authorised, in writing, by the commissioner.

*Note*    An *investigator* is the commissioner or an authorised person (see the dictionary, definition of *investigator*).

**Explanatory note**

This amendment revises the section so that it is clear that, in accordance with the definition of *investigator* in existing section 2, an investigator is the commissioner or an authorised person.

**[3.220]    Section 17 (2), new notes**

*insert*

*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 an Assembly committee and are disallowable (see Legislation Act, div 19.3.3).

**Explanatory note**

This amendment inserts standard appointment notes.

**[3.221]    New section 17 (4)**

*insert*

(4) The instrument of establishment is a notifiable instrument.

*Note*    A notifiable instrument must be notified under the Legislation Act.

**Explanatory note**

This amendment inserts a requirement that the establishment of a consumer affairs advisory committee is a notifiable instrument to bring the section more closely into line with current drafting practice.

**[3.222] Section 18 (2) and (3)**

*substitute*

*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 omits unnecessary provisions.

Section 18 (2) about 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.

Section 18 (3) about resignation is unnecessary because the Legislation Act, section 210 provides for the resignation of office holders. A standard note about resignation is inserted after existing section 18 (4) by the next amendment.

**[3.223] Section 18 (4), new note**

*insert*

*Note* A member's appointment also ends if the member resigns (see Legislation Act, s 210).

**Explanatory note**

This amendment is consequential on the omission of existing section 18 (3) by the previous amendment.

**[3.224] Section 19**

*omit*

**Explanatory note**

Section 19 provides for a deputy to act for a member of a product safety advisory committee if the member is unable to carry out their duties. This amendment omits the section because the Legislation Act, section 209 provides the circumstances where acting appointments may be made, including during any period when an appointee cannot for any reason exercise functions of the position.

**[3.225]    Section 20 (2)**

*omit*

deemed

*substitute*

taken

**Explanatory note**

This amendment updates language.

**[3.226]    Sections 21 to 23**

*substitute*

**21            General procedure**

- (1) Meetings of a product safety advisory committee are to be held when and where it decides.
- (2) A product safety advisory committee may conduct its proceedings (including its meetings) as it considers appropriate.

**22            Voting at product safety advisory committee meetings**

At a meeting of a product safety advisory committee, a question is decided by a majority of the votes of the members present and voting.

**23            Product safety advisory committees to keep minutes**

A product safety advisory committee must keep minutes of its meetings.

**Explanatory note**

This amendment updates sections 21 to 23 by replacing them with corporate governance provisions that are in accordance with current drafting practice.

**[3.227] Section 30 (4) and (5)**

*omit*

shall be deemed

*substitute*

is taken

**Explanatory note**

This amendment updates language.

**[3.228] Section 39 (2) and (3)**

*omit*

deemed

*substitute*

taken

**Explanatory note**

This amendment updates language.

**[3.229] 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:

- administrative appeals tribunal
- Commonwealth
- Corporations Act
- entity

- Minister (see s 162)
- State.

*business premises*, for division 3.2 (Investigations)—see section 8A.

*connected*, for division 3.2 (Investigations)—see section 8A.

*occupier*, of premises, for division 3.2 (Investigations)—see section 8A.

*offence*, for division 3.2 (Investigations)—see section 8A.

**Explanatory note**

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

## Part 3.42            Fair Trading (Fuel Prices) Act 1993

### [3.230]    Section 1

*substitute*

#### 1            Name of Act

This Act is the *Fair Trading (Fuel Prices) Act 1993*.

**Explanatory note**

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

### [3.231]    Section 2 (1), definitions

*relocate to dictionary*

**Explanatory note**

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

**[3.232] 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.

**Explanatory note**

This amendment inserts standard dictionary and notes provisions consequent on the insertion of a new dictionary by another amendment. The terms *retail price* and *wholesale price*, which are defined in existing section 2 (2) and (3), are included in the new dictionary in an updated form.

**[3.233]    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:

- commissioner for fair trading
- Minister (see s 162)
- person
- the Territory.

***retail price***, of a specified fuel, means the price per litre payable on the sale of the fuel by retail.

***wholesale price***, of a specified fuel, means the price per litre payable on the sale of the fuel by wholesale.

### Explanatory note

This amendment inserts a new dictionary in accordance with current drafting practice. It includes signpost definitions for terms that are defined in existing section 2 (2) and (3) which is omitted by another amendment.

## Part 3.43            Family Provision Act 1969

**[3.234]    Section 1**

*substitute*

### 1            Name of Act

This Act is the *Family Provision Act 1969*.

### Explanatory note

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

**[3.235] Section 4 (1), definitions**

*relocate to dictionary*

**Explanatory note**

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

**[3.236] Section 4, 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 '*intestate*—see the *Administration and Probate Act 1929*, section 44 (1).' means that the term 'intestate' is defined in that section 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)).

**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.

**4 Sealing of probate etc granted outside ACT**

- (1) This section applies if—
- (a) probate of a will or letters of administration of an estate is granted outside the ACT; and

- (b) the probate or administration is sealed with the seal of the Supreme Court under the *Administration and Probate Act 1929*, section 80.
- (2) The probate or administration is taken, for this Act, to be probate of the will, or letters of administration of the estate, granted in the ACT on the date when it was sealed.

**Explanatory note**

This amendment inserts standard dictionary and notes provisions consequent on the insertion of a new dictionary by another amendment. It also remakes existing section 4 (2) as new section 4.

**[3.237]    Sections 5 and 6**

*omit*

**Explanatory note**

This amendment omits transitional provisions about orders and proceedings made or begun before 1 September 1969.

**[3.238]    Section 7 (9), definition of *domestic relationship***

*substitute*

*domestic relationship*—see the *Domestic Relationships Act 1994*, section 3.

**Explanatory note**

This amendment is consequential on the insertion of a new dictionary into the *Domestic Relationships Act 1994* by another amendment.

**[3.239] Section 9A (1)**

*substitute*

(1) In this section:

*previous order* means an order made under this Act that has not been discharged.

**Explanatory note**

This amendment is consequential on the omission of section 6 by another amendment.

**[3.240] 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
- person
- Supreme Court.

**Explanatory note**

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



**[3.242] New dictionary**

*insert*

## Dictionary

(see s 1A)

*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
- Minister (see s 162)
- penalty unit (see s 133).

*fertiliser*—see section 2.

### Explanatory note

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

## Part 3.45 Financial Management Act 1996

**[3.243] Dictionary, definition of *Legislative Assembly secretariat***

*substitute*

*Legislative Assembly secretariat*—see the *Public Sector Management Act 1994*, dictionary.

### Explanatory note

This amendment is consequential on the insertion of a new dictionary into the *Public Sector Management Act 1994* by another amendment.

## Part 3.46                            Fisheries Act 2000

### [3.244]    Section 3 (b)

*omit*

*Environment Protection Act 1997*, section 3 (2)

*substitute*

*Environment Protection Act 1997*, section 2 (2)

#### Explanatory note

This amendment is consequential on the renumbering of the *Environment Protection Act 1997*, section 3 by another amendment.

### [3.245]    Dictionary, definition of *environment*

*substitute*

*environment*—see the *Environment Protection Act 1997*, dictionary.

#### Explanatory note

This amendment is consequential on the insertion of a new dictionary into the *Environment Protection Act 1997* by another amendment.

## Part 3.47                            Forfeiture Act 1991

### [3.246]    Section 2 (1), definitions

*relocate to dictionary*

#### Explanatory note

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

---

**[3.247] 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.

**Explanatory note**

This amendment inserts standard dictionary and notes provisions consequent on the insertion of a new dictionary by another amendment. Definitions based on existing section 2 (2) and (3) are included in the dictionary.

**[3.248] 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:

- registrar of firearms
- State

- the Territory.

*person who has unlawfully killed another* includes a person who has unlawfully aided, abetted, counselled or procured the death of another person.

*unlawful killing* includes aiding, abetting, counselling or procuring an unlawful killing.

**Explanatory note**

This amendment inserts a new dictionary in accordance with current drafting practice. The definitions for *person who has unlawfully killed another* and *unlawful killing* follow existing sections 2 (2) and (3) and is consequent on their omission of these subsections by another amendment.

## Part 3.48            Freedom of Information Act 1989

### [3.249]    Section 1

*substitute*

#### 1            Name of Act

This Act is the *Freedom of Information Act 1989*.

**Explanatory note**

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

### [3.250]    Section 3

*renumber as section 2*

**Explanatory note**

This amendment renumbers a section.

**[3.251] Section 4 (1), definition of *Australian archives***

*substitute*

*Australian archives* means the National Archives of Australia established under the *Archives Act 1983* (Cwlth).

**Explanatory note**

This amendment updates the name of the archives.

**[3.252] Section 4 (1), definition of *prescribed authority*, paragraph (a) (ii)**

*omit*

subsection (2)

*substitute*

section 4 (1) (Entities not necessarily prescribed authorities)

**Explanatory note**

This amendment is consequential on the remaking of existing section 4 (2) as new section 4 (1) by another amendment.

**[3.253] Section 4 (1), definition of *prescribed authority*, paragraph (c)**

*omit*

subsection (3)

*substitute*

section 4 (2)

**Explanatory note**

This amendment is consequential on the remaking of existing section 4 (3) as new section 4 (2) by another amendment.

**[3.254]    Section 4 (1), definition of *State***

*omit*

**Explanatory note**

This amendment omits an unnecessary definition. *State* is defined in the Legislation Act, dictionary, part 1 to include the Northern Territory.

**[3.255]    Section 4 (1), definitions (as amended)**

*relocate to dictionary*

**Explanatory note**

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

**[3.256]    Section 4, remainder**

*substitute*

**3            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)).

**3A          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.

#### **4 Entities not necessarily prescribed authorities**

- (1) For this Act, an unincorporated body established under an enactment for the purpose of assisting, or exercising functions connected with, a prescribed authority is not taken to be a prescribed authority but is taken to be part of the prescribed authority.

##### **Examples of bodies**

A board, council and committee

*Note 1* **Body** includes any group of people joined together for a common purpose (see Legislation Act, dict, pt 1).

*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).

- (2) For this Act, a person is not taken to be a prescribed authority only because the person holds or performs the duties of any of the following offices:
- (a) an office the duties of which the person performs as employment duties as an officer of an agency;
  - (b) an office of a member of a body;
  - (c) an office established by an enactment for a prescribed authority;
  - (d) an office prescribed by regulation.

#### **4A Abolished agencies**

- (1) This section applies if an agency is abolished.
- (2) If the abolished agency's functions are acquired by another agency—
- (a) any request made to the abolished agency is taken to have been made to the other agency; and

- (b) any decision made by the abolished agency in relation to a request made to it is taken to have been made by the other agency.
- (3) If the abolished agency's functions are acquired by more than 1 other agency—
  - (a) any request made to the abolished agency is taken to have been made to whichever of the other agencies has acquired the functions of the abolished agency that are most clearly related to the subject matter of the request (the *relevant acquiring agency*); and
  - (b) any decision made by the abolished agency in relation to a request made to it is taken to have been made by the relevant acquiring agency.
- (4) If the documents of the abolished agency are held by the Australian archives on behalf of the Territory—
  - (a) any request made to the abolished agency is taken to have been made to the agency that has functions that are most clearly related to the subject matter of the request (the *relevant agency*); and
  - (b) any decision made by the abolished agency in relation to a request made to it is taken to have been made by the relevant agency.

- (5) If the agency to which a request is taken to have been made, or by which a decision on a request is taken to have been made, under subsection (2), (3) or (4) was not itself in existence when the request or decision was taken to have been made, then, for the purposes only of dealing with the request or decision under this Act, that agency is taken to have been in existence at that time.

**Explanatory note**

This amendment inserts standard dictionary and notes provisions consequent on the insertion of a new dictionary by another amendment. It also remakes existing section 4 (2) and (3) as new section 4 and existing section 4 (4) and (5) as new section 4A. Existing section 4 (6) is remade by another amendment as new section 79A.

**[3.257] Section 7 (1) (a)**

*omit*

the commencement of this Act but not later than 12 months after that commencement

*substitute*

the agency comes into existence but no later than 12 months after the agency came into existence

**Explanatory note**

Existing section 7 (1) (a) requires the responsible Minister of an agency to cause to be published, as soon as practicable after the commencement of the Act but not later than 12 months after the commencement, certain information about the agency's functions and documents.

Existing section 7 (4) imposes the same requirement on an agency that comes into existence after the commencement of the Act.

This amendment omits the redundant requirement in section 7 (1) (a) in relation to the 12-month period after the commencement of the Act and substitutes a requirement in relation to when an agency comes into existence. Section 7 (4) is consequentially repealed by the next amendment.

**[3.258]    Section 7 (4)**

*omit*

**Explanatory note**

This amendment is consequential on the previous amendment.

**[3.259]    Section 8 (1) (a)**

*omit*

, but without limiting the generality of the foregoing,

**Explanatory note**

This amendment omits unnecessary words.

**[3.260]    Section 8 (2) (b)**

*omit*

within 12 months after the commencement of this Act,

**Explanatory note**

Section 8 requires certain documents about agency processes and decisions to be made available. This amendment omits redundant text relating to the 12-month period after commencement of the Act.

**[3.261]    Section 8 (3)**

*omit*

after the commencement of this Act

*substitute*

after the agency comes into existence

**Explanatory note**

Existing section 8 (3) provides that the principal officer of an agency is not required to comply fully with the requirements of section 8 (2) (a) (which is about certain documents to be made available for inspection and purchase by members of the public) within the period of 12 months after the commencement of the Act.

Existing section 8 (7) imposes the same requirement on an agency that comes into existence after the commencement of the Act.

This amendment omits the redundant requirement in section 8 (3) in relation to the 12-month period after the commencement of the Act and substitutes a requirement in relation to when an agency comes into existence. Section 8 (7) is consequentially repealed by the next amendment.

**[3.262] Section 8 (7)**

*omit*

**Explanatory note**

This amendment is consequential on the previous amendment.

**[3.263] Section 9 (2)**

*substitute*

- (2) The reference in subsection (1) to the time at which a person did, or omitted to do, any act or thing relevant to the exercise in relation to the person of a function of an agency does not include a reference to a time before the end of the period of 12 months after the day on which the agency came into existence.

**Explanatory note**

This amendment updates the subsection by omitting a reference to the 12-month period after the commencement of the Act consequent on the amendment of section 8 (2) (b) by another amendment.

**[3.264] Section 32 heading**

*substitute*

**32 Exemptions do not limit each other**

**Explanatory note**

This amendment substitutes a more meaningful heading.

**[3.265]    Section 41 (3)**

*omit*

medical practitioner

*substitute*

doctor

**Explanatory note**

This amendment updates language.

**[3.266]    Section 53**

*substitute*

**53            *Taking of action—pt 6***

(1) In this part:

*taking of action*—see the *Ombudsman Act 1989*, dictionary.

(2) For this part, action is to be treated as having been taken by an agency in the circumstances in which it would be treated as having been taken by the agency for the *Ombudsman Act 1989*.

**Explanatory note**

This amendment brings the section into line with current drafting practice and is also consequential on the insertion of a new dictionary into the *Ombudsman Act 1989* by another amendment.

**[3.267] Sections 54 and 55**

*omit*

exercise of powers or the performance of functions

*substitute*

exercise of functions

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

**[3.268] Section 58 heading**

*substitute*

**58 Certificates—acknowledgment about existence of documents not required**

**Explanatory note**

This amendment substitutes a more meaningful heading.

**[3.269] Section 63 (3) (b)**

*omit*

laid before

*substitute*

presented to

**Explanatory note**

This amendment updates language.

**[3.270]    Sections 77 (1) (b) and 78 (b)**

*omit*

bona fide

*substitute*

honest

**Explanatory note**

This amendment updates the term to ‘honest’, which is the current drafting term.

**[3.271]    New section 79A**

*insert*

**79A        Service of documents**

If a person nominates an address in Australia where documents may be served on the person, a document or statement required by this Act to be given to the person may be sent to the person at that address.

**Explanatory note**

This amendment remakes as a new section existing section 3 (6) which is omitted by another amendment.

**[3.272]    Section 81 (3), new note**

*insert*

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

**Explanatory note**

This amendment inserts a standard note to assist users of the legislation.

**[3.273] New dictionary**

*insert*

## Dictionary

(see s 3)

*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
- administrative unit
- Australia
- chief executive (see s 163)
- commissioner for health complaints
- doctor
- exercise
- Minister (see s 162)
- public servant
- sitting day
- State.

*taking of action*, for part 6 (Role of Ombudsman)—see section 53.

### Explanatory note

This amendment inserts a new dictionary in accordance with current drafting practice. It includes a signpost definition for a term that is not included in the existing interpretation section.

**[3.274] Further amendments, references to *performance***

*omit*

performance

*substitute*

exercise

*in*

- section 9 (1)
- section 19 (3) (a)
- section 23 (1) (b)
- section 45 (2) (c)

**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.

## **Part 3.49            Freedom of Information Regulation 1991**

**[3.275] Section 2**

*omit*

section 4 (1)

*substitute*

dictionary

**Explanatory note**

This amendment is consequential on the insertion of a new dictionary into the *Freedom of Information Act 1989* by another amendment.

## **Part 3.50                      Fuels Control Act 1979**

### **[3.276]    Section 1**

*substitute*

#### **1            Name of Act**

This Act is the *Fuels Control Act 1979*.

#### **Explanatory note**

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

### **[3.277]    Section 2, definitions**

*relocate to dictionary*

#### **Explanatory note**

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

### **[3.278]    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)).

#### **Explanatory note**

This amendment inserts a standard dictionary provision consequent on the insertion of a new dictionary by another amendment.

**[3.279]    Section 3**

*substitute*

**3            Controller of Fuels**

- (1) The chief executive must appoint a public servant as the Controller of Fuels.

*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).

- (2) Until the chief executive makes an appointment under subsection (1), the controller is the public servant for the time being exercising the duties of the public service office the duties of which include exercising the functions of the controller.
- (3) Subsection (2) is a law to which the Legislation Act, section 88 (Repeal does not end effect of transitional laws etc) applies.
- (4) Subsections (2) and (3) and this subsection expire 1 year after the day this section commences.

**Explanatory note**

This amendment removes the requirement that the chief executive must create and maintain an office of the controller in the public service. The Legislation Act, section 207 provides that an appointment may be made by naming the person appointed or by nominating the occupant of a position (however described), at a particular time or from time to time.

The amendment includes transitional arrangements that operate until a new appointment is made. Proposed section 3 (3) ensures that the transitional arrangement will, if necessary, continue to operate after the expiry of proposed section 3 (2) to (4). The amendment also inserts standard notes about appointments.

---

**[3.280] Section 4**

*substitute*

**4 Delegation by controller**

The controller may delegate to a public servant the controller's functions under this Act.

*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 inserts 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.

**[3.281] Section 5**

*substitute*

**5 Inspectors**

- (1) The chief executive may appoint a public servant as an inspector.

*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).

- (2) An inspector must exercise the functions, subject to this Act, that the controller directs.
- (3) Until the chief executive makes an appointment under subsection (1), an inspector is a public servant for the time being exercising the duties of a public service office the duties of which include exercising the functions of an inspector.
- (4) Subsection (3) is a law to which the Legislation Act, section 88 (Repeal does not end effect of transitional laws etc) applies.

- (5) Subsections (3) and (4) and this subsection expire 1 year after the day this section commences.

**Explanatory note**

This amendment removes the requirement that the chief executive must create and maintain an office of an inspector in the public service. The Legislation Act, section 207 provides that an appointment may be made by naming the person appointed or by nominating the occupant of a position (however described), at a particular time or from time to time.

The amendment includes transitional arrangements that operate until new appointments are made. Proposed section 5 (4) ensures that these transitional arrangements will, if necessary, continue to operate after the expiry of proposed section 5 (3) to (5). The amendment also inserts standard notes about appointments.

**[3.282]    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:

- emergency services commissioner
- exercise
- public servant.

**Explanatory note**

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

## Part 3.51                      Gambling and Racing Control Act 1999

### [3.283]    Section 14, note

*omit*

Under that Act, s 3, def *chief executive officer*

*substitute*

Under that Act, dict, def *chief executive officer*

#### Explanatory note

This amendment is consequential on the insertion of a new dictionary into the *Public Sector Management Act 1994* by another amendment.

## Part 3.52                      Government Solicitor Act 1989

### [3.284]    Section 3, definitions

*relocate to dictionary*

#### Explanatory note

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

### [3.285]    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)).

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

#### **[3.286] 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
- Minister (see s 162)
- person
- the Territory.

#### **Explanatory note**

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

## **Part 3.53**                      **Guardianship and Management of Property Act 1991**

### **[3.287] Dictionary, definition of *non-regenerative tissue***

*omit*

section 4 (1) (Interpretation for Act)

*substitute*

dictionary

(commencement: the later of the commencement of this Act and the *Powers of Attorney Act 2006*)

#### **Explanatory note**

This amendment is consequential on the insertion of a new dictionary into the *Transplantation and Anatomy Act 1978* by another amendment.

## **Part 3.54**                      **Lands Acquisition Act 1994**

### **[3.288] Section 1**

*substitute*

#### **1 Name of Act**

This Act is the *Lands Acquisition Act 1994*.

#### **Explanatory note**

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

### **[3.289] Section 3, definitions of *acquiring authority and interest***

*omit*

#### **Explanatory note**

This amendment omits definitions which are included in an updated form in the new dictionary which is inserted by another amendment.

**[3.290]    Section 3, definitions (as amended)**

*relocate to dictionary*

**Explanatory note**

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

**[3.291]    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 in this Act.

For example, the signpost definition '*authorised person*—see section 4.' means that the term 'authorised person' 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)).

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

**[3.292] Section 116 (1)**

*substitute*

- (1) Subject to subsection (2), the Executive or Minister may delegate functions under this Act to—
- (a) a public servant; or
  - (b) a person who has executive authority in relation to the affairs of a Territory authority.

*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 inserts 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.

**[3.293] 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:

- administrative appeals tribunal
- Commonwealth
- disallowable instrument (see s 9)
- Executive
- exercise
- function
- High Court

- land
- territory authority
- territory land
- the Territory.

***acquiring authority***—

- (a) for this Act generally, means—
- (i) the Executive; or
  - (ii) a territory authority; or
  - (iii) a utility; and
- (b) for part 9 (Dealings in land vested in acquiring authorities—see section 97A).

***affected***, in relation to a person who is affected by a pre-acquisition declaration—see section 21 (8).

***authorising document***, for division 4.3 (Miscellaneous)—see section 26.

***interest***—

- (a) in relation to land—
- (i) means—
    - (A) any legal or equitable estate or interest in the land; or
    - (B) a restriction on the use of the land, whether or not annexed to other land; or
    - (C) any other right (including a right under an option and a right of redemption), charge, power or privilege over or in connection with the land or an interest in the land; and
  - (ii) includes the interest of the Territory or a State in land; and

(b) due to a mortgagee under a mortgage at a particular time, for division 6.3 (Amount of compensation—mortgage interests)—see section 53 (2).

*loss*, suffered by a person, for part 7 (Compensation for exercise of powers under part 2 and failure to acquire)—see section 79.

*market value*, for division 6.2 (Amount of compensation—interests other than mortgage interests)—see section 46.

*money*, due to a mortgagee, for division 6.3 (Amount of compensation—mortgage interests)—see section 53 (1).

**Explanatory note**

This amendment inserts a new dictionary in accordance with current drafting practice. It also inserts signpost definitions in accordance with current drafting practice. The dictionary includes updated definitions of the terms *acquiring authority* and *interest* (which are omitted from section 3 by another amendment) incorporating, in accordance with current drafting practice, a signpost definition for each of the terms for other provisions of the Act.

## **Part 3.55**                      **Land Titles Act 1925**

### **[3.294] Section 1**

*substitute*

#### **1 Name of Act**

This Act is the *Land Titles Act 1925*.

**Explanatory note**

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

**[3.295]    Sections 3, 3A and 5**

*omit*

**Explanatory note**

Sections 3 and 3A are omitted because they are redundant transitional provisions. The sections relate to the application of the *Real Property Act 1900* (NSW) to land in the ACT until it was brought under the Act. Section 5 is remade in an updated form by another amendment as new section 5.

**[3.296]    Section 6 (1), definition of *commission***

*omit*

**Explanatory note**

This amendment omits the definition consequent on the insertion by another amendment of a new definition of *Federal Capital Commission*.

**[3.297]    Section 6 (1), definition of *computer***

*omit*

**Explanatory note**

This amendment omits the definition of *computer*. The term is defined as meaning ‘a device for storing or processing information’ and is unnecessary given the ordinary meaning of the term.

**[3.298]    Section 6 (1), new definition of *court***

*insert*

*court* means the Supreme Court or any other court having jurisdiction in relation to the matters mentioned in this Act.

**Explanatory note**

This amendment is consequential on the omission of the definition of *the court* by another amendment.

**[3.299] Section 6 (1), definition of *Crown lease***

*omit*

commission

*substitute*

Federal Capital Commission

**Explanatory note**

This amendment is consequential on the amendment of the definition of *commission* by another amendment.

**[3.300] Section 6 (1), new definition of *Federal Capital Commission***

*insert*

*Federal Capital Commission* means the Federal Capital Commission under the *Seat of Government (Administration) Act 1924* (Cwlth).

**Explanatory note**

This amendment allows the proper name of the commission to be used in the definitions of *Crown lease* and *grant* which are consequentially amended by other amendments.

**[3.301] Section 6 (1), definition of *grant***

*substitute*

*grant* means the grant by the Crown of land for a term of years, and includes—

- (a) a grant by or in the name of the Commonwealth or by the Federal Capital Commission; and
- (b) the grant of a new lease over part of the land in a surrendered lease.

**Explanatory note**

This amendment remakes the definition with several changes.

- First, the reference to an estate of freehold is omitted. Under the *Australian Capital Territory (Planning and Land Management) Act 1988* (Cwlth), section 29 (3), the term of an estate in Territory Land granted on or after Self-Government Day must not exceed 99 years or such longer period as is prescribed. This provision prevents the territory from granting freehold estates in land.
- Second, the reference to a grant for a life or lives is omitted. Crown leases are granted for a term of years.
- Finally, the substance of existing section 6 (3) (which is omitted by another amendment) is remade in an updated form as paragraph (b) of the definition.

**[3.302] Section 6 (1), definition of *land***

*omit*

**Explanatory note**

This amendment omits an unnecessary definition that is also not in accordance with current drafting practice.

The definition has 3 elements. First, as including ‘messuages, tenements and hereditaments, corporeal and incorporeal, of every kind and description, or any interest in the land’. This element is a duplication of the definition of the term *land* in the Legislation Act, dictionary, part 1. The second element is an elaboration of the first element: ‘together with all paths, passages, ways, watercourses, liberties, privileges, easements, plantations, gardens, mines, minerals, and quarries, and all trees and timber thereon or thereunder lying or being’ and is a description of things that are either part of the land (eg gardens and quarries) or are attached to the land as an interest in the land (eg privileges and easements). The final element provides that the definition applies ‘unless any such [of the things mentioned for the second element] are specially excepted’. These words are redundant because a definition applies unless a contrary intention applies (see Legislation Act, s 155).

**[3.303] Section 6 (1), definition of *the court***

*omit*

**Explanatory note**

This amendment omits a definition which is not in accordance with current drafting practice. The omitted definition has 2 elements. First, it defines *the court* as meaning the Supreme Court or any other court having jurisdiction in respect of the matters referred to in the Act. This element is included, in an updated form, in the new definition of *court* which is inserted by another amendment. Second, for stated provisions, the definition extends the meaning of the term to include the Family Court of Australia and any other court having jurisdiction under the *Family Law Act 1975* (Cwlth). Other amendments amend the stated provisions (except s 126 and s 127 which have been repealed) to define court as including this second element.

**[3.304] Section 6 (1), definitions (as amended)**

*relocate to dictionary*

**Explanatory note**

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

**[3.305] Section 6, 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 in this Act.

For example, the signpost definition '*registrable form*, for an instrument—see section 4.' means that the term 'registrable form' 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)).

### **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.

### **4            Meaning of *registrable form***

For this Act, an instrument is in *registrable form* if—

- (a) the instrument does not require a material correction, alteration or addition; and
- (b) the instrument is in the form (if any) approved under section 140 (Approved forms); and
- (c) any certificate of title or other document that is required to be produced under section 14 (1) (a) (Powers of registrar-general) for the instrument is produced when the instrument is lodged; and
- (d) the instrument is otherwise in accordance with this Act or another law in force in the ACT.

*Note*     A reference to an Act includes a reference to the statutory instruments made or in force under the Act, including any regulation (see Legislation Act, s 104).

### **5            Application to married women's property**

Nothing in this Act is taken to affect or control any other territory law which deals with married women's property.

#### **Explanatory note**

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

The definitions in existing section 6 (1) are updated and relocated to the dictionary by other amendments.

Existing section 6 (2) provides that references to a person as a proprietor, transferor, mortgagor etc includes the heirs, executors, administrators and assigns of the person. This provision is unnecessary because the Legislation Act, section 168 provides that a reference to a person with an interest in land or other property includes a reference to the person's personal representatives, successors and assigns.

Existing section 6 (3) is remade in an updated form as part of the definition of *grant* by another amendment.

Existing section 6 (4) provides that expressions used in any document or instrument purporting to be made or executed under this Act shall, unless the contrary intention appears, have the same meanings as in the Act. This provision is unnecessary because the Legislation Act, section 104 provides to the same effect.

Existing section 6 (5) is remade in an updated form as new section 4.

This amendment also remakes existing section 5 in an updated form. The reference to 'any law in force in the ACT' in existing section 5 is changed to 'any other territory law' in new section 5. This is because a territory law cannot override any Commonwealth law in relation to the matter which may be in force in the ACT.

#### **[3.306] New section 99 (4)**

*insert*

(4) In this section:

*court* includes the Family Court of Australia and any other court having jurisdiction under the *Family Law Act 1975* (Cwlth).

#### **Explanatory note**

This amendment is consequential on the omission by another amendment of the definition of *the court* from section 6 (1).

**[3.307]    New section 104 (8)**

*insert*

(8) In this section:

*court* includes the Family Court of Australia and any other court having jurisdiction under the *Family Law Act 1975* (Cwlth).

**Explanatory note**

This amendment is consequential on the omission by another amendment of the definition of *the court* from section 6 (1).

**[3.308]    New section 105 (4)**

*insert*

(4) In this section:

*court* includes the Family Court of Australia and any other court having jurisdiction under the *Family Law Act 1975* (Cwlth).

**Explanatory note**

This amendment is consequential on the omission by another amendment of the definition of *the court* from section 6 (1).

**[3.309]    New section 106 (4)**

*insert*

(4) In this section:

*court* includes the Family Court of Australia and any other court having jurisdiction under the *Family Law Act 1975* (Cwlth).

**Explanatory note**

This amendment is consequential on the omission by another amendment of the definition of *the court* from section 6 (1).

**[3.310] New section 128 (3)**

*insert*

(3) In this section:

*court* includes the Family Court of Australia and any other court having jurisdiction under the *Family Law Act 1975* (Cwlth).

**Explanatory note**

This amendment is consequential on the omission by another amendment of the definition of *the court* from section 6 (1).

**[3.311] Section 165 heading**

*substitute*

**165 Offence for certain fraudulent acts**

**Explanatory note**

This amendment omits a reference to ‘misdemeanours’ in the heading. The distinction between felonies and misdemeanours has been abolished in the Territory (see the *Crimes Act 1900*, s 9). The section itself does not deal with misdemeanours.

**[3.312] 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
- change
- Commonwealth
- estate
- exercise

- fail
- function
- instrument (see s 14)
- interest
- land
- penalty unit (see s 133)
- registrar-general
- under.

*registrable form*, for an instrument—see section 4.

**Explanatory note**

This amendment inserts a new dictionary in accordance with current drafting practice. It also inserts a signpost definition of *registrable form* in accordance with current drafting practice.

## **Part 3.56 Law Officer Act 1992**

### **[3.313] Section 2**

*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.

### Explanatory note

This amendment inserts standard dictionary and notes provisions consequent on the insertion of a new dictionary by another amendment. Existing section 2 defines the term *Attorney-General* which is included in the dictionary in an updated form.

### [3.314] 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:

- Attorney-General
- document
- Executive
- exercise
- function
- instrument (see s 14)
- Supreme Court
- the Territory.

*Attorney-General* includes, if no Minister is designated Attorney-General by the Chief Minister, the Minister for the time being administering this Act.

**Explanatory note**

This amendment inserts a new dictionary in accordance with current drafting practice. It includes a new definition of *Attorney-General* consequent on the omission of the definition of this term in section 2 by another amendment. The definition in existing section 2 has been updated consequent on the definition of the term in the Legislation Act, dictionary, part 1.

## Part 3.57                      Lay-by Sales Agreements Act 1963

### [3.315]    Section 3 (1), definitions

*relocate to dictionary*

**Explanatory note**

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

### [3.316]    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)).

### 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 inserts standard dictionary and notes provisions consequent on the insertion of a new dictionary by another amendment. A definition of *purchase price* based on existing section 2 (2) is included in the dictionary.

#### [3.317] 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:

- bank
- building society
- credit union
- disallowable instrument (see s 9)
- Executive
- person
- police officer.

*purchase price*, of goods, means the total amount of the money paid or payable for the goods and the value of any other consideration provided or to be provided to complete the purchase of the goods.

#### Explanatory note

This amendment inserts a new dictionary in accordance with current drafting practice. It includes a new definition of *purchase price* consequent on the omission of the definition of this term in section 3 (2) by another amendment.

## Part 3.58                            Legal Aid Act 1977

### [3.318]    Section 1

*substitute*

#### 1            Name of Act

This Act is the *Legal Aid Act 1977*.

#### Explanatory note

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

### [3.319]    Section 5 (1), definition of *commencing day*

*omit*

#### Explanatory note

This amendment omits a definition of a term that is no longer used in the Act.

### [3.320]    Section 5 (1), definition of *Territory matter*

*omit*

#### Explanatory note

This amendment omits the definition of a term which is only used in section 43. The definition is inserted into the section in accordance with current drafting practice by another amendment.

### [3.321]    Section 5 (1), definitions (as amended)

*relocate to dictionary*

#### Explanatory note

This amendment relocates the definitions in section 5 (1) to the new dictionary that is inserted by another amendment. A definition based on section 5 (2) is included in the new dictionary.

---

**[3.322] Section 5, 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 ‘*statutory interest account*—see the *Legal Profession Act 2006*, section 253.’ means that the term ‘statutory interest account’ is defined in the section 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)).

**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 inserts standard dictionary and notes provisions consequent on the insertion of a new dictionary by another amendment. The definition of *legal assistance* in section 5 (2) is included in the new dictionary.

**[3.323]    Section 31A (10)**

*substitute*

(10) In this section:

***proprietor***—see the *Land Titles Act 1925*, dictionary.

**Explanatory note**

This amendment is consequential on the insertion of a new dictionary into the *Land Titles Act 1925* by another amendment. The definition of ***land*** has been omitted because the definition of land in the *Land Titles Act 1925* has been omitted by another amendment.

**[3.324]    Section 36 (1) (l)**

*omit*

subsection (4) (b)

*substitute*

subsection (7)

**Explanatory note**

This amendment corrects a cross reference.

**[3.325]    New section 43 (4)**

*insert*

(4) In this section:

***Territory matter*** means a matter arising under a territory law, other than a law in relation to which a funding agreement is in force.

**Explanatory note**

This amendment is consequential on another amendment omitting the definition of ***Territory matter*** from existing section 5. The definition is only used in section 43 and is relocated to the section in accordance with current drafting practice.

**[3.326] Section 47 (4)**

*substitute*

(4) In this section:

*assets* includes property held on trust.

*financial transactions* includes financial transactions involving or related to money or property held on trust.

**Explanatory note**

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

**[3.327] Part 11A heading**

*substitute*

## **Part 12 Inquiry relating to affairs of commission**

**Explanatory note**

This amendment renumbers the heading in accordance with current drafting practice and is consequential on other amendments.

**[3.328] Section 92 (4)**

*omit*

part 11A

*substitute*

part 12 (Inquiry relating to affairs of commission)

**Explanatory note**

This amendment is consequential on the renumbering of part 11A by another amendment.

**[3.329]    Section 92 (7) and (8)**

*substitute*

(7) In this section:

*assistant*—see section 84A.

*court* includes tribunal.

*inquiry*—see section 84A.

*prescribed person*—see section 84A.

**Explanatory note**

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

**[3.330]    Section 98**

*substitute*

**98            Superannuation**

Nothing in this Act authorises the provision of superannuation benefits to an officer of the commission otherwise than under the—

(a) *Superannuation Act 1976* (Cwlth); or

(b) *Superannuation Act 1990* (Cwlth); or

(c) *Superannuation Act 2005* (Cwlth).

**Explanatory note**

This amendment inserts a reference to the *Superannuation Act 2005* (Cwlth) consequent on the closure of the scheme under the 1990 Act.

**[3.331] 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
- Commonwealth
- exercise
- function
- property
- sitting day
- State
- the Territory.

***assistant***, for part 12 (Inquiry relating to affairs of commission)—see section 84A.

***inquiry***, for part 12 (Inquiry relating to affairs of commission)—see section 84A.

***legal assistance***—a reference to the provision of ***legal assistance*** is a reference to the provision of legal services (including the giving of legal advice) without charge to the person to whom the legal services are provided or subject to the making of a payment by that person that is less than the full cost of the provision of the legal services.

***prescribed matter***, for part 12 (Inquiry relating to affairs of commission)—see section 84A.

*prescribed person*, for part 12 (Inquiry relating to affairs of commission)—see section 84A.

**Explanatory note**

This amendment inserts a new dictionary in accordance with current drafting practice. It includes signpost definitions for terms that are not included in the existing interpretation section. The definition of *legal assistance* follows existing section 5 (2) which is omitted by another amendment.

## Part 3.59                            Legislative Assembly (Broadcasting) Act 2001

**[3.332]    Dictionary, definition of *Legislative Assembly secretariat*  
*substitute***

*Legislative Assembly secretariat*—see the *Public Sector Management Act 1994*, dictionary.

**Explanatory note**

This amendment is consequential on the insertion of a new dictionary into the *Public Sector Management Act 1994* by another amendment.

## Part 3.60                            Limitation Act 1985

**[3.333]    Dictionary, definition of *administrator*  
*substitute***

*administrator*—see the *Administration and Probate Act 1929*, dictionary.

**Explanatory note**

This amendment is consequential on the insertion of a new dictionary into the *Administration and Probate Act 1929* by another amendment.

## **Part 3.61                      Liquor Act 1975**

### **[3.334]    Section 2**

*omit*

#### **Explanatory note**

This amendment is consequential on the next amendment.

### **[3.335]    Section 3**

*renumber as section 2*

#### **Explanatory note**

This amendment renumbers a section.

### **[3.336]    Section 4**

*substitute*

## **3                      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 in this Act.

For example, the signpost definition '*licensing standards manual*—see section 33.' means that the term 'licensing standards manual' 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)).

#### 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.

##### Explanatory note

This amendment brings the sequence of the dictionary provision (existing section 2 which is omitted by another amendment) and the note provision (existing section 4) into line with current drafting practice.

#### **[3.337]    Section 5**

*omit*

##### Explanatory note

Section 5 defines *licence*. There is another definition of the term in the dictionary. This amendment omits the section and is consequential on the amendment of the dictionary definition by another amendment.

#### **[3.338]    Section 9 (1) (f)**

*substitute*

- (f) the honest sale by auction by an auctioneer, in the ordinary course of the auctioneer's business, of liquor on account of someone else; or

##### Explanatory note

This amendment omits an out-of-date reference to the repealed *Auctioneers Act 1959*. It also omits a reference to 'good faith' and substitutes 'honest', which is the current drafting term.

**[3.339] Section 27 (2)**

*substitute*

- (2) Subject to subsection (3), an inspector or police officer may seize any liquor within the meaning of any of the following sections that the inspector or police officer has reasonable grounds for suspecting to be connected with the commission of an offence against the section:
- (a) section 139 (Consumption of liquor in certain public places);
  - (b) section 152 (Sale or supply of liquor to under-age people);
  - (c) section 153 (Offence by licensee for possession or consumption of liquor by under-age people);
  - (d) section 154 (Buying, possession and consumption of liquor by under-age people);
  - (e) section 155 (Sending under-age people to obtain liquor).

**Explanatory note**

This amendment remakes the subsection to bring it more closely into line with current drafting practice and to make clear the meaning of 'liquor' for the section. The existing subsection provides that a seizure of liquor may be made for 'an offence against section 139, section 152, section 153, section 154 or section 155, being liquor within the meaning of that section'. It is not clear which section is being referred to. However, liquor is defined in both section 139 (5), and in section 151 for division 10.2 (where sections 152 to 155 are located), as 'a beverage that contains more than 0.5% by volume of ethyl alcohol'. Accordingly, the remade subsection links the meaning of liquor more clearly to the relevant section.

**[3.340] Section 28 (3) (a)**

*substitute*

- (a) put a sample of the liquor that is sufficient for the purposes of analysis in a container; and

**Explanatory note**

This amendment updates language.

**[3.341]    Dictionary**

*omit*

(see s 2)

*substitute*

(see s 3)

**Explanatory note**

This amendment is consequential on the remaking of the dictionary provision (existing section 2) by another amendment.

**[3.342]    Dictionary, note 2, new dot point**

*insert*

- chief police officer

**Explanatory note**

This amendment inserts an additional term into the dictionary note.

**[3.343]    Dictionary, definition of *licence***

*substitute*

*licence* means a licence under this Act, and includes (except in part 4 (Licences)) the renewal of a licence.

**Explanatory note**

This amendment remakes the definition to combine the effect of existing section 5 (which is repealed by another amendment) with the existing definition of the term in the dictionary.

**[3.344]    Dictionary, definition of *public place***

*substitute*

*public place* means any street, road, public park, reserve or other place that the public is entitled to use or that is open to, or used by, the public (whether or not for payment), including—

- a shop, and any place occupied in relation to a shop; and
- a factory, and any place occupied in relation to, a factory; and

- (c) a building or part of a building occupied by a club, and any place occupied in relation to a club; and
- (d) any private property that is commonly used by the public, whether as trespassers or otherwise.

**Explanatory note**

This amendment omits a reference to the *Public Parks Act 1928* which has been repealed, and updates the language of the definition to bring it more closely into line with current drafting practice.

## **Part 3.62                      Listening Devices Act 1992**

### **[3.345]    Section 1**

*substitute*

#### **1            Name of Act**

This Act is the *Listening Devices Act 1992*.

**Explanatory note**

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

### **[3.346]    Section 2, definition of *engage in conduct***

*omit*

**Explanatory note**

This amendment omits a definition that is included in an updated form in the new dictionary that is inserted by another amendment.

### **[3.347]    Section 2, definitions (as amended)**

*relocate to dictionary*

**Explanatory note**

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

**[3.348] 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, and includes references (*signpost definitions*) to other terms defined elsewhere.

For example, the signpost definition '*engage in conduct*—see the Criminal Code, section 13.' means that the term 'engage in conduct' is defined in that section 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)).

**Explanatory note**

This amendment inserts a standard dictionary provision consequent on the insertion of a new dictionary by another amendment.

**[3.349] 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:

- Commonwealth
- contravene
- disallowable instrument (see s 9)

- Executive
- individual
- penalty unit (see s 133)
- person
- the Territory.

*engage in conduct*—see the Criminal Code, section 13.

*evidence*—giving of *evidence* of a private conversation, for part 3 (Evidence)—see section 9.

**Explanatory note**

This amendment inserts a new dictionary in accordance with current drafting practice. It includes a new definition of *engage in conduct* consequent on the omission of the definition of this term from section 2 by another amendment. It also inserts a signpost definition of *evidence* in accordance with current drafting practice.

## **Part 3.63 Long Service Leave Act 1976**

### **[3.350] Section 13D (4) (a)**

*omit*

a natural person

*substitute*

an individual

**Explanatory note**

This amendment updates language.

**[3.351]    Section 13J**

*substitute*

**13J        Liability**

An action or other proceeding does not lie against the registrar or an authorised officer in relation to an honest act or omission in the exercise of his or her functions under this Act.

*Note*        A reference to an Act includes a reference to the statutory instruments made or in force under the Act, including any regulation (see Legislation Act, s 104).

**Explanatory note**

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

**[3.352]    Section 13K**

*substitute*

**13K        Delegation by registrar**

The registrar may delegate to a person the registrar’s functions under this Act, other than the registrar’s powers under section 13F (Review of directions by registrar).

*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. The reference to ‘any of the registrar’s powers’ is omitted because the Legislation Act, section 234 allows the delegation of any part of functions that may be delegated.

**[3.353] Section 17 (2), new note**

*insert*

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

**Explanatory note**

This amendment inserts a standard note to assist users of the legislation.

## **Part 3.64 Machinery Act 1949**

**[3.354] Section 1**

*substitute*

**1 Name of Act**

This Act is the *Machinery Act 1949*.

**Explanatory note**

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

**[3.355] Section 2, definitions**

*relocate to dictionary*

**Explanatory note**

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

**[3.356] 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.

### **Explanatory note**

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

## **[3.357]    Sections 3 and 4**

*substitute*

## **3            Chief Inspector of Machinery**

- (1) The chief executive must appoint a public servant as the Chief Inspector of Machinery.

*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).

- (2) Until the chief executive makes an appointment under subsection (1), the chief inspector is the public servant for the time being exercising the duties of the public service office the duties of which include exercising the functions of the chief inspector.
- (3) Subsection (2) is a law to which the Legislation Act, section 88 (Repeal does not end effect of transitional laws etc) applies.

- (4) Subsections (2) and (3) and this subsection expire 1 year after the day this section commences.

#### **4 Inspectors of machinery**

- (1) The chief executive may appoint a public servant as an inspector.

*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).

- (2) The chief inspector is also an inspector.
- (3) Until the chief executive makes an appointment under subsection (1), an inspector is, in addition to the chief inspector, a public servant for the time being exercising the duties of a public service office the duties of which include exercising the functions of an inspector.
- (4) Subsection (3) is a law to which the Legislation Act, section 88 (Repeal does not end effect of transitional laws etc) applies.
- (5) Subsections (3) and (4) and this subsection expire 1 year after the day this section commences.

#### **Explanatory note**

This amendment removes the requirement that the chief executive must create and maintain offices of the chief inspector and inspector in the public service. The Legislation Act, section 207 provides that an appointment may be made by naming the person appointed or by nominating the occupant of a position (however described), at a particular time or from time to time.

The amendment includes transitional arrangements that operate until new appointments are made. Proposed section 3 (3) and section 4 (4) ensure that these transitional arrangements will, if necessary, continue to operate after the expiry of proposed section 3 (2) to (4) and section 4 (3) to (5). The amendment also inserts standard notes about appointments.

**[3.358]    Section 6 (2), new note**

*insert*

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

**Explanatory note**

This amendment inserts a standard note to assist users of the legislation.

**[3.359]    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 executive (see s 163)
- Minister (see s 162).

**Explanatory note**

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

## Part 3.65            Machinery Regulation 1950

**[3.360]    Section 4, definitions of *chief inspector* and *inspector***

*omit*

**Explanatory note**

This amendment omits unnecessary definitions of terms which are defined in the *Machinery Act 1949* and which apply to the regulation (see Legislation Act, s 148).

---

**[3.361] Section 4, definitions (as amended)**

*relocate to dictionary*

**Explanatory note**

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

**[3.362] Section 4, remainder**

*substitute*

**2 Dictionary**

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

*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 in this regulation.

For example, the signpost definition ‘*ear protection device*, for part 4 (Noise)—see section 22A.’ means that the term ‘ear protection device’ is defined in that section for part 4.

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

**3 Notes**

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

*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.

**[3.363]    Sections 17 (1), 19 (1) and 20, new note**

*insert*

*Note*    For how documents may be served, see the Legislation Act, pt 19.5.

**Explanatory note**

This amendment inserts notes to assist users of the legislation.

**[3.364]    Parts 3A and 4**

*renumber as parts 4 and 5*

**Explanatory note**

This amendment renumbers parts of the regulation.

**[3.365]    Section 24**

*omit*

**Explanatory note**

This amendment omits a redundant provision about the service of documents. The Legislation Act, part 19.5 provides for the service of documents.

**[3.366] New dictionary**

*insert*

## Dictionary

(see s 2)

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

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

- Minister (see s 162)
- notifiable instrument (see s 10)
- person.

*Note 3* Terms used in this regulation have the same meaning that they have in the *Machinery Act 1949* (see Legislation Act, s 148). For example, the following terms are defined in the *Machinery Act 1949*, dict:

- chief inspector
- inspector.

*ear protection device*, for part 4 (Noise)—see section 22A.

### Explanatory note

This amendment inserts a new dictionary in accordance with current drafting practice. It includes a signpost definition for a term that is not included in the existing interpretation section.

## Part 3.66 Magistrates Court (Environment Protection Infringement Notices) Regulation 2005

### [3.367] Section 4, notes 1 and 2

*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 '*authorised officer*—see the *Environment Protection Act 1997*, dictionary.' means that the term '*authorised officer*' is defined in that dictionary and the definition applies to this regulation.

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

#### Explanatory note

This amendment is consequential on the insertion of a new dictionary into the *Environment Protection Act 1997* by another amendment.

### [3.368] Dictionary, definition of *authorised officer*

*substitute*

*authorised officer*—see the *Environment Protection Act 1997*, dictionary.

#### Explanatory note

This amendment is consequential on the insertion of a new dictionary into the *Environment Protection Act 1997* by another amendment.

---

## Part 3.67 Married Persons Property Act 1986

### [3.369] New sections 1A and 1B

*insert*

#### 1A 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 in this Act.

For example, the signpost definition '*court*—see section 2.' means that the term 'court' 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)).

#### 1B 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.

**[3.370]    New dictionary**

*insert*

## Dictionary

(see s 1A)

*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:

- Magistrates Court
- Supreme Court
- territory law.

*court*—see section 2.

### Explanatory note

This amendment inserts a new dictionary in accordance with current drafting practice. A signpost definition of *court* is inserted in accordance with current drafting practice.

## Part 3.68            Mutual Recognition (Australian Capital Territory) Act 1992

**[3.371]    Section 1**

*substitute*

### 1            Name of Act

This Act is the *Mutual Recognition (Australian Capital Territory) Act 1992*.

### Explanatory note

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

---

**[3.372] 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 in this Act.

For example, the signpost definition ‘*Commonwealth Act*—see section 4.’ means that the term ‘Commonwealth Act’ 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.

**[3.373]    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
- Chief Minister
- Commonwealth
- the Territory.

*Commonwealth Act*—see section 4.

### Explanatory note

This amendment inserts a new dictionary in accordance with current drafting practice. A signpost definition of *Commonwealth Act* is inserted in accordance with current drafting practice.

## Part 3.69            National Environment Protection Council Act 1994

**[3.374]    Section 1**

*substitute*

### 1            Name of Act

This Act is the *National Environment Protection Council Act 1994*.

### Explanatory note

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

**[3.375] Section 42 (1)**

*substitute*

- (1) The NEPC executive officer has such recreation leave entitlements as are determined by the remuneration tribunal of the Commonwealth in accordance with the law of the Commonwealth.

**Explanatory note**

This amendment brings the subsection more closely into line with the relevant provision in the *National Environment Protection Council Act 1994* (Cwlth) by omitting a reference to the repealed *Public Service Act 1922* (Cwlth).

## **Part 3.70 Nature Conservation Act 1980**

**[3.376] Sections 7 and 8**

*substitute*

### **7 Conservator of Flora and Fauna**

- (1) The chief executive must appoint a public servant as the Conservator of Flora and Fauna.

*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).

- (2) Until the chief executive makes an appointment under subsection (1), the conservator is the public servant for the time being exercising the duties of the public service office the duties of which include exercising the functions of the conservator.
- (3) Subsection (2) is a law to which the Legislation Act, section 88 (Repeal does not end effect of transitional laws etc) applies.

- (4) Subsections (2) and (3) and this subsection expire 1 year after the day this section commences.

## **8            Conservation officers**

- (1) The chief executive may appoint a person as a conservation officer.

*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).

- (2) The conservator is also a conservation officer.
- (3) Until the chief executive makes an appointment under subsection (1), a conservation officer is—
- (a) a public servant for the time being exercising the duties of a public service office the duties of which include exercising the functions of a conservation officer; or
  - (b) the conservator; or
  - (c) anyone else appointed by the chief executive.
- (4) Subsection (3) is a law to which the Legislation Act, section 88 (Repeal does not end effect of transitional laws etc) applies.
- (5) Subsections (3) and (4) and this subsection expire 1 year after the day this section commences.

### **Explanatory note**

This amendment removes the requirement that the chief executive must create and maintain offices of the conservator and conservation officers in the public service. The Legislation Act, section 207 provides that an appointment may be made by naming the person appointed or by nominating the occupant of a position (however described), at a particular time or from time to time.

The amendment includes transitional arrangements that operate until new appointments are made. Proposed section 7 (3) and section 8 (4) ensure that these transitional arrangements will, if necessary, continue to operate after the expiry of proposed section 7 (2) to (4) and section 8 (3) to (5). The amendment also inserts standard notes about appointments.

**[3.377] Section 9 (3) (c)**

*omit*

section 8 (3) (c)

*substitute*

section 8

**Explanatory note**

This amendment is consequential on the amendment of section 8 by another amendment.

**[3.378] Dictionary, definition of *native animal***

*substitute*

*native animal*—

- (a) for this Act generally, means an animal, other than a pest animal—
  - (i) of a kind indigenous to Australia; or
  - (ii) of a kind indigenous to the Australian coastal sea or the seabed and subsoil beneath that sea; or
  - (iii) of a kind indigenous to the continental shelf of Australia or the superjacent waters; or
  - (iv) that is a migratory animal of a kind that periodically or occasionally visits Australia, the Australian coastal sea or the sea over the continental shelf of Australia; or
  - (v) of a kind introduced into Australia, directly or indirectly, by Aboriginals before the year 1788; and
- (b) for part 7 (Conservation directions)—see section 58.

**Explanatory note**

This amendment brings the definition into line with current drafting practice by including a signpost definition for the term defined for part 7 of the Act.

## Part 3.71 NRMA-ACT Road Safety Trust Act 1992

### [3.379] Section 2, definitions

*relocate to dictionary*

#### Explanatory note

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

### [3.380] 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.

#### Explanatory note

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

**[3.381] 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
- person
- the Territory.

### Explanatory note

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

## Part 3.72 Ombudsman Act 1989

**[3.382] Section 3 (1), definition of *prescribed authority*, paragraph (a) (ii)**

*omit*

subsection (2)

*substitute*

section 3 (1) (Entities not necessarily prescribed authorities)

(commencement: the later of the commencement of this Act and the *Human Rights Commission Legislation Amendment Act 2005*, schedule 1, part 1.10)

### Explanatory note

This amendment is consequential on the remaking of existing section 3 (2) as new section 3 (1) by another amendment.

**[3.383]    Section 3 (1), definition of *prescribed authority*,  
paragraph (c)**

*omit*

subsection (3)

*substitute*

section 3 (2)

(commencement: the later of the commencement of this Act and the *Human Rights Commission Legislation Amendment Act 2005*, schedule 1, part 1.10)

**Explanatory note**

This amendment is consequential on the remaking of existing section 3 (3) as new section 3 (2) and (3) by another amendment.

**[3.384]    Section 3 (1), definitions (as amended)**

*relocate to dictionary*

(commencement: the later of the commencement of this Act and the *Human Rights Commission Legislation Amendment Act 2005*, schedule 1, part 1.10)

**Explanatory note**

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

---

**[3.385] 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 '*National Electricity (ACT) Law*—see the *Electricity (National Scheme) Act 1997*, section 5 (Application in ACT of National Electricity Law).' means that the term 'National electricity (ACT) Law' is defined in that section 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)).

**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 Entities not necessarily prescribed authorities**

- (1) For this Act, an unincorporated body established under an enactment for the purpose of assisting, or exercising functions connected with, a prescribed authority is not taken to be a prescribed authority but action taken by the body, or by a person for the body, is taken to be action by the prescribed authority.

**Examples of bodies**

A board, council and committee

*Note 1* **Body** includes any group of people joined together for a common purpose (see Legislation Act, dict, pt 1).

*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).

- (2) For this Act, a person is not taken to be a prescribed authority only because the person holds or performs the duties of a specified office, but any action taken by or for the person is taken to have been taken by the agency or body concerned.

*Note*    **Agency** includes a prescribed authority (see dictionary).

- (3) In this section:

***specified office*** means—

- (a) an office the duties of which the person performs as employment duties as an officer of an agency; or
- (b) an office of a member of a body; or
- (c) an office established by an enactment for a prescribed authority; or
- (d) an office prescribed by regulation.

**3A            Conduct by person taken as conduct by administrative unit**

- (1) For this Act, an action taken by an officer of an administrative unit is taken as an action by the unit if the officer takes, or purports to take, the action—
- (a) because of being an officer of the unit, whether or not—
    - (i) the action is taken in connection with, or as incidental to, the exercise of the functions of the unit; or
    - (ii) the taking of the action is within the duties of the officer; or
  - (b) in the exercise of functions given to the officer by an enactment.

- (2) Despite subsection (1), if a regulation provides that a person holding, or performing the duties of, an office established by an enactment is not a prescribed authority for this Act, a regulation may also provide that action taken by an officer of an administrative unit for the duties of the office, must, for this Act, be taken not to be action taken by the administrative unit.
- (3) For this Act, an action taken by a person, who is not an officer of an agency, in the exercise of a function that the person is authorised to exercise because the person holds an appointment made, or because of authority given, by the Executive, a Minister or a chief executive of an administrative unit is taken to be action by the administrative unit responsible for dealing with the matter in connection with which the action is taken if the person does not exercise the function because the person—
- (a) holds, or performs the duties of, an office established under an enactment; or
  - (b) is a judge of a court created by the Commonwealth Parliament or of a court of a State; or
  - (c) is a Commonwealth or State magistrate.

*Note* **State** includes the Northern Territory (see Legislation Act, dictionary part 1).

- (4) Despite subsection (3), if a person is authorised to exercise a function because the person holds an appointment made, or because of authority given, by the Executive, a Minister or a chief executive of an administrative unit otherwise than under an enactment, a regulation may provide that action taken by the person in the exercise of the function must not be taken, for this Act, by the administrative unit responsible for dealing with the matter in connection with which the action is taken.

**3B            Conduct by person taken as conduct by prescribed authority**

For this Act, an action taken by an officer of a prescribed authority is taken as an action by the authority if the officer takes, or purports to take, the action—

- (a) because of being an officer of the authority, whether or not—
  - (i) the action is taken in connection with, or as incidental to, the exercise of the functions of the authority; or
  - (ii) the taking of the action is within the duties of the officer; or
- (b) in the exercise of functions given to the officer by an enactment.

(commencement: the later of the commencement of this Act and the *Human Rights Commission Legislation Amendment Act 2005*, schedule 1, part 1.10)

**Explanatory note**

This amendment inserts standard dictionary and notes provisions consequent on the insertion of a new dictionary by another amendment. It also remakes existing section 3 (2) to (8) to bring them more closely into line with current drafting practice. Existing section 3 (2) and (3) is remade as new section 3. Existing section 3 (6) and (7) is remade as new section 3A (1) and (2) and existing section 3 (4) and (5) is remade as new section 3A (3) and (4). Existing section 3 (8) is remade as new section 3B. Definitions based on existing section 3 (9) to (11) are included in the new dictionary which is inserted by another amendment.

**[3.386]    Section 3A**

*renumber as section 3C*

(commencement: the later of the commencement of this Act and the *Human Rights Commission Legislation Amendment Act 2005*, schedule 1, part 1.10)

**Explanatory note**

This amendment is consequential on the previous amendment.

**[3.387] Section 21 (4)**

*omit*

the Minister shall cause the report to be laid before

*substitute*

the Minister must present the report to

(commencement: the later of the commencement of this Act and the *Human Rights Commission Legislation Amendment Act 2005*, schedule 1, part 1.10)

**Explanatory note**

This amendment updates language.

**[3.388] Section 22 (1)**

*substitute*

- (1) The Executive must appoint a person as ombudsman.

*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).

(commencement: the later of the commencement of this Act and the *Human Rights Commission Legislation Amendment Act 2005*, schedule 1, part 1.10)

**Explanatory note**

This amendment updates the subsection and inserts standard appointment notes.

**[3.389]    Section 23 (1)**

*substitute*

- (1) Subject to this part, the ombudsman 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 *appoint*).

(commencement: the later of the commencement of this Act and the *Human Rights Commission Legislation Amendment Act 2005*, schedule 1, part 1.10)

**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, section 208 (1) provides that if a person is eligible for appointment the person may be reappointed. A standard note about reappointment is added.

**[3.390]    Section 26**

*omit*

(commencement: the later of the commencement of this Act and the *Human Rights Commission Legislation Amendment Act 2005*, schedule 1, part 1.10)

**Explanatory note**

This amendment removes an unnecessary provision about resignation from office. The Legislation Act, section 210 provides for the resignation of a person from a statutory appointment. A standard note about resignation is added to section 28 (1) by the next amendment.

---

**[3.391] Section 28 (1), new note**

*insert*

*Note* The ombudsman's appointment also ends if the ombudsman resigns (see Legislation Act, s 210).

(commencement: the later of the commencement of this Act and the *Human Rights Commission Legislation Amendment Act 2005*, schedule 1, part 1.10)

**Explanatory note**

This amendment is consequential on the omission of section 26 by the previous amendment.

**[3.392] Section 28 (3) and (4)**

*substitute*

- (3) The Minister must present a statement of the grounds of the suspension to the Legislative Assembly not later than 7 sitting days after the day the ombudsman is suspended from office.
- (4) If a statement is presented to the Legislative Assembly under subsection (3)—
  - (a) the Assembly may, not later than 15 sitting days after the day the statement is presented to the Assembly, by resolution, declare that the ombudsman should be removed from office; and
  - (b) if the Assembly makes a declaration under paragraph (a)—the Executive must remove the ombudsman from office.

(commencement: the later of the commencement of this Act and the *Human Rights Commission Legislation Amendment Act 2005*, schedule 1, part 1.10)

**Explanatory note**

This amendment updates language.

**[3.393]    Section 28 (6)**

*substitute*

- (6) The Executive must remove the ombudsman from office if the ombudsman becomes bankrupt or executes a personal insolvency agreement.

(commencement: the later of the commencement of this Act and the *Human Rights Commission Legislation Amendment Act 2005*, schedule 1, part 1.10)

**Explanatory note**

The *Bankruptcy Legislation Amendment Act 2004* (Cwlth) amended the *Bankruptcy Act 1966* (Cwlth) to replace the concepts of deed of assignment, deed of arrangement and composition with the new single concept of personal insolvency agreement. This amendment updates language and brings the subsection into line with the new concept.

**[3.394]    Section 29**

*substitute*

**29            Acting appointment**

If the Commonwealth ombudsman holds the office of ombudsman, a person appointed under the *Ombudsman Act 1976* (Cwlth) to act in the office of Commonwealth ombudsman during an absence or unavailability of the Commonwealth ombudsman may act in the office of ombudsman under this Act during the absence or unavailability.

(commencement: the later of the commencement of this Act and the *Human Rights Commission Legislation Amendment Act 2005*, schedule 1, part 1.10)

**Explanatory note**

This amendment omits unnecessary provisions about acting appointments.

Section 29 (1), which is about the circumstances of when an acting appointment may be made, is unnecessary because of the *Legislation Act*, section 209, which provides the circumstances where acting appointments may be made, including during any period when an appointee cannot for any reason exercise functions of the position.

Section 29 (3) 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 as the subsection.

**[3.395] Section 31 (2)**

*omit*

(commencement: the later of the commencement of this Act and the *Human Rights Commission Legislation Amendment Act 2005*, schedule 1, part 1.10)

**Explanatory note**

This amendment removes an unnecessary provision. The Legislation Act, section 239 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.

**[3.396] 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
- body
- Commonwealth
- exercise
- function
- sitting day
- State
- the Territory.

*ombudsman*, of a State, includes a person exercising, under a law of a State, functions similar to the functions exercised by the ombudsman under part 2 (Establishment, functions, powers and duties of ombudsman).

*Note*     *State* includes the Northern Territory (see Legislation Act, dict, pt 1).

*taking of action* includes—

- (a) making a decision or recommendation; and
- (b) formulating a proposal; and
- (c) failing to—
  - (i) take an action; or
  - (ii) make a decision; or
  - (iii) make a recommendation; or
  - (iv) formulate a proposal.

(commencement: the later of the commencement of this Act and the *Human Rights Commission Legislation Amendment Act 2005*, schedule 1, part 1.10)

**Explanatory note**

This amendment inserts a new dictionary in accordance with current drafting practice. The definitions of *ombudsman* of a State, and *taking of action*, are based on existing section 3 (9) to (11) which is omitted by another amendment.

## Part 3.73            Ombudsman Regulation 1989

### [3.397]    Section 3

*omit*

**Explanatory note**

Schedule 2 of the regulation has been omitted. This amendment omits a section that was made redundant by the omission of the schedule.

## Part 3.74 Parental Leave (Private Sector Employees) Act 1992

### [3.398] Section 1

*substitute*

#### 1 Name of Act

This Act is the *Parental Leave (Private Sector Employees) Act 1992*.

#### Explanatory note

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

### [3.399] Section 3, definitions

*relocate to dictionary*

#### Explanatory note

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

### [3.400] 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 ‘*award*—see the *Workplace Relations Act 1996* (Cwlth), section 4.’ means that the term ‘award’ is defined in that section 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)).

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

#### **[3.401]    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
- Commonwealth
- State
- the Territory.

#### **Explanatory note**

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

---

## Part 3.75 Perpetuities and Accumulations Act 1985

### [3.402] Section 1

*substitute*

#### 1 Name of Act

This Act is the *Perpetuities and Accumulations Act 1985*.

#### Explanatory note

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

### [3.403] Section 2, definition of *interest*

*omit*

#### Explanatory note

This amendment omits an unnecessary definition. The term *interest* is defined in the Legislation Act, dictionary, part 1.

### [3.404] Section 2, definitions (as amended)

*relocate to dictionary*

#### Explanatory note

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

### [3.405] 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, and includes references (*signpost definitions*) to other terms defined elsewhere.

For example, the signpost definition ‘*trustee*—see the *Trustee Act 1925*, dictionary.’ means that the term ‘trustee’ is defined in that dictionary 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)).

## 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.

### **[3.406] 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
- exercise
- interest
- the Territory.

### Explanatory note

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

## **Part 3.76                      Planning and Land Act 2002**

### **[3.407]    Section 51, note**

*omit*

Under that Act, s 3, def *chief executive officer*

*substitute*

Under that Act, dict, def *chief executive officer*

#### **Explanatory note**

This amendment is consequential on the insertion of a new dictionary into the *Public Sector Management Act 1994* by another amendment.

## **Part 3.77                      Powers of Attorney Act 2006**

### **[3.408]    Section 37 (2), definition of *non-regenerative tissue***

*substitute*

*non-regenerative tissue*—see the *Transplantation and Anatomy Act 1978*, dictionary.

(commencement: the later of the commencement of this Act and the *Powers of Attorney Act 2006*)

#### **Explanatory note**

This amendment is consequential on the insertion of a new dictionary into the *Transplantation and Anatomy Act 1978* by another amendment.

## Part 3.78            Public Baths and Public Bathing Act 1956

### [3.409]    Section 1

*substitute*

#### 1            Name of Act

This Act is the *Public Baths and Public Bathing Act 1956*.

#### Explanatory note

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

### [3.410]    Section 5, definition of *public baths*

*substitute*

*public baths*—

- (a) for this Act generally, means any baths or swimming pool declared under section 6 (2) to be public baths (and includes all land, buildings and other improvements within the boundary fences and boundary walls enclosing the baths or swimming pool); and
- (b) for part 2 (Public baths, other than leased public baths)—see section 8.

#### Explanatory note

This amendment updates the definition of *public baths* to include the meaning of the definition for part 2.

### [3.411]    Section 5, definition of *the manager*

*omit*

#### Explanatory note

This amendment omits the definition consequent on the inclusion of a new definition of *manager* in the new dictionary that is inserted by another amendment.

---

**[3.412] Section 5, definitions (as amended)**

*relocate to dictionary*

**Explanatory note**

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

**[3.413] Section 5, 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 in this Act.

For example, the signpost definition '*blind person*, for part 3 (Public baths, including leased public baths)—see section 15A' means that the term 'blind person' is defined in that section for part 3.

*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)).

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

**[3.414] Section 7**

*substitute*

**7 Inspectors**

- (1) The chief executive may appoint a public servant as an inspector.

*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).

- (2) A police officer is also an inspector.
- (3) Until the chief executive makes an appointment under subsection (1), an inspector is, in addition to a police officer, a public servant for the time being exercising the duties of a public service office the duties of which include exercising the functions of an inspector.
- (4) Subsection (3) is a law to which the Legislation Act, section 88 (Repeal does not end effect of transitional laws etc) applies.
- (5) Subsections (3) and (4) and this subsection expire 1 year after the day this section commences.

**Explanatory note**

This amendment removes the requirement that the chief executive must create and maintain an office of an inspector in the public service. The Legislation Act, section 207 provides that an appointment may be made by naming the person appointed or by nominating the occupant of a position (however described), at a particular time or from time to time.

The amendment includes transitional arrangements that operate until new appointments are made. Proposed section 7 (4) ensures that these transitional arrangements will, if necessary, continue to operate after the expiry of proposed section 7 (3) to (5). The amendment also inserts standard notes about appointments.

**[3.415] Section 15A**

*substitute*

**15A Definitions—pt 3**

In this part:

***blind person*** means a person who is totally or partially blind.

***deaf person*** means a person who is totally or partially deaf.

***guide dog*** means a dog that has been trained in the guidance of the blind and is, or is to be, used for the guidance of a blind person.

***hearing dog*** means a dog that has been trained in the assistance of the deaf and is, or is to be, used for the assistance of a deaf person.

**Explanatory note**

The existing section defines terms by reference to the repealed *Dog Control Act 1975*. The *Dog Control Act 1975* was replaced by the *Domestic Animals Act 2000* which does not include the above definitions. This amendment remakes the definitions that previously referred to the definitions within the repealed Act.

**[3.416] 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:

- exercise
- function
- occupy
- the Territory.

***blind person***, for part 3 (Public baths, including leased public baths)—see section 15A.

***deaf person***, for part 3 (Public baths, including leased public baths)—see section 15A.

***guide dog***, for part 3 (Public baths, including leased public baths)—see section 15A.

***hearing dog***, for part 3 (Public baths, including leased public baths)—see section 15A.

***manager*** means—

- (a) for public baths that are not leased public baths—the person occupying the position of manager of the baths or, if there is no manager of the baths, the person who, for the time being, is the senior attendant at the baths; and
- (b) in relation to leased public baths—the lessee of the baths.

***public bathing convenience***, for part 5 (Public Bathing)—see section 28.

**Explanatory note**

This amendment inserts a new dictionary in accordance with current drafting practice. It includes signpost definitions for terms that are not included in the existing interpretation section and an updated definition of ***manager***.

---

## **Part 3.79                      Public Place Names Act 1989**

### **[3.417]    New sections 1A and 1B**

*insert*

#### **1A            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 in this Act.

For example, the signpost definition '*public place*—see section 2.' means that the term 'public place' 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)).

#### **1B            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.

**[3.418]    New dictionary**

*insert*

## Dictionary

(see s 1A)

*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
- Minister (see s 162)
- territory land.

*public place*—see section 2.

### Explanatory note

This amendment inserts a new dictionary in accordance with current drafting practice. A signpost definition of *public place* is inserted in accordance with current drafting practice.

## Part 3.80            Public Roads Act 1902

**[3.419]    Section 6, definitions**

*relocate to dictionary*

### Explanatory note

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

**[3.420]    Section 6, 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)).

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

#### **[3.421] 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
- Commonwealth
- Minister (see s 162)
- the Territory.

#### **Explanatory note**

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

## Part 3.81 Public Sector Management Act 1994

### [3.422] Section 3, definition of *chief executive*

*substitute*

*chief executive*—

- (a) for this Act generally, means 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 definition into line with current drafting practice by including a signpost definition for the term defined for division 9.6 of the Act.

### [3.423] Section 3, definitions of *chief executive officer*

*substitute*

*chief executive officer* means—

- (a) in relation to a territory instrumentality—the person who has responsibility for managing the affairs of the instrumentality; and
- (b) in relation to an autonomous instrumentality—
  - (i) for the auditor-general’s office—the auditor-general; and
  - (ii) for the Office of the Director of Public Prosecutions—the director of public prosecutions.

#### Explanatory note

This amendment combines 2 definitions for the same term in line with current drafting practice.

**[3.424] Section 3, definition of *Commonwealth officer***

*omit*

*Public Service Act 1922* (Cwlth), section 10

*substitute*

*Public Service Act 1999* (Cwlth), section 9

**Explanatory note**

This amendment updates the reference to the relevant Commonwealth legislation.

**[3.425] Section 3, definition of *employee***

*substitute*

*employee*—

- (a) for this Act generally, means—
  - (i) a chief executive; or
  - (ii) an executive; or
  - (iii) a person engaged under division 5.7 (Temporary employment); or
  - (iv) a person who is an employee because of the *Public Sector Management (Consequential and Transitional Provisions) Act 1994*; or
- (b) for division 9.5 (Employees other than chief executives and executives)—see section 201; or
- (c) for part 11 (Review of certain decisions and investigation of grievances)—see section 223.

**Explanatory note**

This amendment brings the definition into line with current drafting practice by including signpost definitions for the term defined for particular provisions of the Act.

**[3.426]    Section 3, definition of *officer***

*substitute*

*officer*—

- (a) means a person who is—
  - (i) an officer because of the *Public Sector Management (Consequential and Transitional Provisions) Act 1994*; or
  - (ii) appointed as an officer under division 5.3 (Appointment of officers) or division 5.8 (Miscellaneous); or
  - (iii) taken to be an officer in accordance with section 115A (Mobility rights of certain employees of ACTEW Corporation Limited); and
- (b) for part 3 (Management of the service)—see section 17; and
- (c) for part 6 (Retirement and redeployment of officers other than chief executives and executives)—see section 139; and
- (d) for part 7 (Long service leave)—see section 148; and
- (e) for part 8 (Maternity leave)—see section 167.

**Explanatory note**

This amendment brings the definition into line with current drafting practice by including signpost definitions for the term defined for particular provisions of the Act.

**[3.427]    Section 3, definition of *part-time office***

*omit*

section 33 or

**Explanatory note**

This amendment omits an outdated reference to a provision that is no longer relevant.

---

**[3.428] Section 3, definitions (as amended)**

*relocate to dictionary*

**Explanatory note**

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

**[3.429] 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 in this Act.

For example, the signpost definition '*clerk*, for division 3.8 (Legislative Assembly—clerk and secretariat)—see section 45.' means that the term '*clerk*' is defined in that section for division 3.8.

*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.

**[3.430]    Section 18 (1)**

*substitute*

- (1) The Chief Minister may appoint a person as the Commissioner for Public Administration.

*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 an Assembly committee and are disallowable (see Legislation Act, div 19.3.3).

- (1A) Section 65 (Application of merit principle) does not apply to the appointment of an acting commissioner.

**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. New section (1A) is added consequent on the omission of section 19 (Acting appointment) by the next amendment. The Legislation Act, section 215 provides a power to make acting appointments.

The amendment also inserts standard appointment notes.

**[3.431]    Section 19**

*omit*

**Explanatory note**

The amendment is consequential on the previous amendment.

**[3.432]    Section 36 (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**

The amendment inserts a standard note to assist users of the legislation.

---

**[3.433] Section 63 (1)**

*omit*

In this division

*substitute*

In this part

**Explanatory note**

The amendment corrects an error. Section 63 (1) defines the term *employment matters* for division 5.1. The term is not used in the division but is used elsewhere in part 5.

**[3.434] Section 217, new note**

*insert*

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

**Explanatory note**

The amendment inserts a standard note to assist users of the legislation.

**[3.435] 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
- Chief Minister
- Commonwealth
- document
- Executive
- function

- judge
- Legislative Assembly
- magistrate
- occupy
- Speaker
- Supreme Court
- the Territory.

***access and equity principle***, for division 3.7 (Whole-of-government management responsibilities)—see section 39.

***access and equity program***, for division 3.7 (Whole-of-government management responsibilities)—see section 39.

***action***, for part 11 (Review of certain decisions and investigation of grievances)—see section 223.

***appeal committee***, for part 6 (Retirement and redeployment of officers other than chief executives and executives)—see section 139.

***appellable promotion***, for division 5.6 (Temporary performance of duties—offices other than offices of chief executive and executive offices)—see section 99.

***approving authority***, for part 7 (Long service leave)—see section 148.

***authorised officer***, for division 9.5 (Employees other than chief executives and executives)—see section 201.

***authorised person***, for part 11 (Review of certain decisions and investigation of grievances)—see section 223.

*category A officer*, for part 7 (Long service leave)—see section 148.

*category B officer*, for part 7 (Long service leave)—see section 148.

*Commonwealth Long Service Leave Act*, for part 7 (Long service leave)—see section 148.

*confinement*, for part 8 (Maternity leave)—see section 167.

*decision*, for part 11 (Review of certain decisions and investigation of grievances)—see section 223.

*designated group*, for division 3.7 (Whole-of-government management responsibilities)—see section 39.

*detached officer*, for division 9.4 (Officers employed otherwise than in the service)—see section 194.

*direction*, for division 5.6 (Temporary performance of duties—offices other than offices of chief executive and executive offices)—see section 99.

*disability*, for division 3.7 (Whole-of-government management responsibilities)—see section 39.

*disciplinary appeal committee*, for part 9 (Discipline)—see section 178.

*discrimination*, for division 3.7 (Whole-of-government management responsibilities)—see section 39.

*eligible public employment*, for part 9 (Discipline)—see section 178.

*employment*, for part 9 (Discipline)—see section 178.

*employment matters*—

(a) for division 3.7 (Whole-of-government management responsibilities)—see section 39; and

(b) for part 5 (Employment in the service)—see section 63.

*equal employment opportunity program*, for division 3.7 (Whole-of-government management responsibilities)—see section 39.

*excess officer*, for part 6 (Retirement and redeployment of officers other than chief executives and executives)—see section 139.

*industrial democracy program*, for division 3.7 (Whole-of-government management responsibilities)—see section 39.

*internal appeal officer*, for part 11 (Review of certain decisions and investigation of grievances)—see section 223.

*leave*, for part 7 (Long service leave)—see section 148.

*leave officer*, for part 8 (Maternity leave)—see section 167.

*long service leave*, for part 7 (Long service leave)—see section 148.

*maternity leave*, for part 8 (Maternity leave)—see section 167.

*misconduct*—

- (a) for part 9 (Discipline)—see section 178; but
- (b) for division 9.4 (Officers employed otherwise than in the service)—see section 194.

*notified*, for division 5.6 (Temporary performance of duties—offices other than offices of chief executive and executive offices)—see section 99.

*office* means—

- (a) for division 4.1A (Creation and abolition of offices other than offices of chief executives and executive offices)—see section 54B; and
- (b) for division 4.2 (Part-time offices)—see section 59A; and
- (c) for division 5.5 (Promotions and transfers of officers)—see section 82; and

(d) for division 5.6 (Temporary performance of duties—offices other than offices of chief executive and executive offices)—see section 99.

*original office*, for part 9 (Discipline)—see section 178.

*proceeding*, for division 9.6 (Disciplinary appeal committees)—see section 203.

*public office*, for part 9 (Discipline)—see section 178.

*redundancy*, for part 7 (Long service leave)—see section 148.

*review*, for division 9.6 (Disciplinary appeal committees)—see section 203.

*salary*, for part 9 (Discipline)—see section 178.

*specified*, for division 5.6 (Temporary performance of duties—offices other than offices of chief executive and executive offices)—see section 99.

*study bank*, for part 11 (Review of certain decisions and investigation of grievances)—see section 223.

*unauthorised absence*, for part 8 (Maternity leave)—see section 167.

**Explanatory note**

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

## Part 3.82                      Public Trustee Act 1985

### [3.436]      Section 66 (2)

*omit*

*Auctioneers Act 1959*

*substitute*

*Second-hand Dealers Act 1906*

#### Explanatory note

This amendment updates an out-of-date reference to the repealed *Auctioneers Act 1959*.

## Part 3.83                      Rates Act 2004

### [3.437]      Section 45, definition of *domestic relationship*

*substitute*

*domestic relationship*—see the *Domestic Relationships Act 1994*, section 3.

#### Explanatory note

This amendment is consequential on the insertion of a new dictionary into the *Domestic Relationships Act 1994* by another amendment.

### [3.438]      Section 45, definition of *pensioner*, note for paragraphs (d), (e) and (f)

*omit*

s 3 (1)

*substitute*

s 3

#### Explanatory note

This amendment is consequential on the insertion of a new dictionary into the *Domestic Relationships Act 1994* by another amendment.

---

## **Part 3.84**                      **Referendum (Machinery Provisions) Act 1994**

### **[3.439] Section 1**

*substitute*

#### **1 Name of Act**

This Act is the *Referendum (Machinery Provisions) Act 1994*.

#### **Explanatory note**

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

### **[3.440] Section 3 (1), definitions**

*relocate to dictionary*

#### **Explanatory note**

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

### **[3.441] 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)).

### **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.

### **3A Terms used in Electoral Act**

A term used in the Electoral Act has the same meaning in this Act.

#### **Explanatory note**

This amendment inserts standard dictionary and notes provisions consequent on the insertion of a new dictionary by another amendment. Existing section 3 (2) is remade as new section 3A.

#### **[3.442] 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
- Commonwealth
- electoral commissioner
- the Territory.

#### **Explanatory note**

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

---

## **Part 3.85 Registrar-General Act 1993**

### **[3.443] Section 1**

*substitute*

#### **1 Name of Act**

This Act is the *Registrar-General Act 1993*.

#### **Explanatory note**

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

### **[3.444] Section 3**

*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)).

#### **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 inserts standard dictionary and notes provisions consequent on the insertion of a new dictionary by another amendment. The existing definitions are included in an updated form in the new dictionary.

**[3.445]    Sections 4 and 4A**

*substitute*

**4            Registrar-General**

- (1) The chief executive must appoint a public servant as the Registrar-General.

*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).

- (2) The registrar-general has the functions given to the registrar-general by any law in force in the ACT.
- (3) Until the chief executive makes an appointment under subsection (1), the registrar-general is the public servant for the time being exercising the duties of the public service office the duties of which include exercising the functions of the registrar-general.
- (4) Subsection (3) is a law to which the Legislation Act, section 88 (Repeal does not end effect of transitional laws etc) applies.
- (5) Subsections (3) and (4) and this subsection expire 1 year after the day this section commences.

**4A          Deputy Registrars-General**

- (1) The chief executive may appoint a public servant as a Deputy Registrar-General.
- (2) A deputy registrar-general may exercise any function of the registrar, subject to any direction of the registrar-general.
- (3) A function of the registrar-general, when exercised by a deputy registrar-general, is taken to have been exercised by the registrar-general.

- (4) Until the chief executive makes an appointment under subsection (1), a deputy registrar-general is a public servant for the time being exercising the duties of a public service office the duties of which include exercising the functions of a deputy registrar-general of tobacco.
- (5) Subsection (4) is a law to which the Legislation Act, section 88 (Repeal does not end effect of transitional laws etc) applies.
- (6) Subsections (4) and (5) and this subsection expire 1 year after the day this section commences.

**Explanatory note**

This amendment removes the requirement that the chief executive must create and maintain offices of the registrar-general and deputy registrars-general in the public service. The Legislation Act, section 207 provides that an appointment may be made by naming the person appointed or by nominating the occupant of a position (however described), at a particular time or from time to time.

The amendment includes transitional arrangements that operate until new appointments are made. Proposed section 4 (4) and section 4A (5) ensure that these transitional arrangements will, if necessary, continue to operate after the expiry of proposed section 4 (3) to (5) and section 4A (4) to (6). The amendment also inserts standard notes about appointments.

New section 4 (2) remakes existing section 6 (1) in accordance with current drafting practice.

New section 4A (2) remakes existing section 6 (2) in accordance with current drafting practice.

New section 4A (3) remakes existing section 6 (3) in accordance with current drafting practice.

**[3.446] Section 5 (1) (c)**

*omit*

shall

*substitute*

must

**Explanatory note**

This amendment updates language.

**[3.447]    Section 6**

*substitute*

**6            No enquiry required about deputy registrar-general's compliance with directions**

A person dealing with a deputy registrar-general is not bound to enquire whether the deputy registrar-general, in exercising a function in relation to the dealing—

- (a) was subject to a direction of the registrar-general; or
- (b) complied with a direction of the registrar-general to which the deputy registrar-general was subject.

**Explanatory note**

This amendment remakes existing section 6 (4) to bring it into line with current drafting practice. It omits the reference to 'exercising a power or performing a function'. *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.

Existing section 6 (1) is remade in an updated form as new section 4 (2) by another amendment.

Existing section 6 (2) and (3) is remade in an updated form as new section 4A (2) and (3) by another amendment.

**[3.448] Section 8 (1)**

*substitute*

- (1) A person who exercises, or has exercised, the functions of the registrar-general or a deputy registrar-general is not personally liable to an action or other proceeding in relation to an act or omission done honestly in the exercise or purported exercise of the function.

**Explanatory note**

This amendment brings the subsection more closely into line with current drafting practice. It omits references to the 'performance of functions'. *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. The amendment also omits a reference to 'good faith' and substitutes 'honestly', which is the current drafting term.

**[3.449] Section 8 (2) (b)**

*omit*

shall

*substitute*

must

**Explanatory note**

This amendment updates language.

**[3.450] 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

- exercise
- function
- Minister (see s 162).

*registrar-general* means—

- (a) the Registrar-General under section 4; or
- (b) the Registrar-General of the Australian Capital Territory in its corporate capacity under section 5.

*seal* means the official seal of the registrar-general mentioned in section 5 (1) (c).

**Explanatory note**

This amendment inserts a new dictionary in accordance with current drafting practice. The definitions in existing section 3 are included in the new dictionary. The definitions have been updated to bring them into line with current drafting practice.

## **Part 3.86                      Registration of Deeds Act 1957**

### **[3.451]    Section 1**

*substitute*

#### **1            Name of Act**

This Act is the *Registration of Deeds Act 1957*.

**Explanatory note**

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

### **[3.452]    Section 2, definitions**

*relocate to dictionary*

**Explanatory note**

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

---

**[3.453] 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.

**Explanatory note**

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

**[3.454] Section 4 (1)**

*omit*

, whether the deed was executed before, or is executed after, the commencement of this Act

**Explanatory note**

This amendment omits redundant text.

**[3.455]    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:

- land
- Minister (see s 162)
- person
- registrar-general.

### Explanatory note

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

## Part 3.87                            Roads and Public Places Act 1937

**[3.456]    Section 2, notes 1 and 2**

*substitute*

*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 '*retention area*—see the *Uncollected Goods Act 1996*, dictionary.' means that the term 'retention area' is defined in that dictionary 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)).

**Explanatory note**

This amendment is consequential on the insertion of a new dictionary into the *Uncollected Goods Act 1996* by another amendment.

**[3.457] Dictionary, definition of *retention area***

*substitute*

*retention area*—see the *Uncollected Goods Act 1996*, dictionary.

**Explanatory note**

This amendment is consequential on the insertion of a new dictionary into the *Uncollected Goods Act 1996* by another amendment.

## **Part 3.88 Road Transport (Safety and Traffic Management) Act 1999**

**[3.458] Dictionary, definition of *retention area***

*substitute*

*retention area*—see the *Uncollected Goods Act 1996*, dictionary.

**Explanatory note**

This amendment is consequential on the insertion of a new dictionary into the *Uncollected Goods Act 1996* by another amendment.

## Part 3.89                      Sale of Goods (Vienna Convention) Act 1987

### [3.459]    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 in this Act.

For example, the signpost definition '*convention*—see section 3.' means that the term 'convention' 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.

**[3.460] 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
- document
- Minister (see s 162).

*convention*—see section 3.

### Explanatory note

This amendment inserts a new dictionary in accordance with current drafting practice. A signpost definition of *convention* is inserted in accordance with current drafting practice.

## Part 3.90 Sale of Motor Vehicles Act 1977

**[3.461] Section 4**

*relocate as section 2A*

### Explanatory note

This amendment brings the sequence of the section about the legal status of notes into line with current drafting practice.

**[3.462]    Section 49 (8), new notes**

*insert*

*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).

**Explanatory note**

This amendment inserts standard notes to assist users of the legislation.

**[3.463]    Dictionary, definition of *inspector***

*omit*

but, for part 10 (Enforcement), does not include a police officer

**Explanatory note**

This amendment omits a redundant element of the definition for part 10 of the Act. The term is no longer used in part 10.

## Part 3.91                            Scaffolding and Lifts Act 1912

**[3.464]    Section 2, notes 1 and 2**

*substitute*

*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 in this Act.

For example, the signpost definition '*chief inspector*—see section 5.' means that the term 'chief inspector' 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)).

**Explanatory note**

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

**[3.465] Sections 5 and 5A (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, 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 to assist users of the legislation.

**[3.466] Sections 10 and 18 (1), new note**

*insert*

*Note* For how documents may be given, see the Legislation Act, pt 19.5.

**Explanatory note**

This amendment inserts standard notes to assist users of the legislation.

**[3.467] Dictionary, new notes**

*insert*

*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:

- Minister (see s 162)
- person.

**Explanatory note**

This amendment inserts standard dictionary notes in accordance with current drafting practice.

**[3.468] Dictionary, definition of *credit card***

*omit*

**Explanatory note**

This amendment omits the definition of a term which is no longer used in the Act.

## Part 3.92 Scaffolding and Lifts Regulation 1950

### [3.469] Section 3, definitions of *chief inspector* and *inspector*

*omit*

#### Explanatory note

This amendment omits unnecessary definitions of terms which are defined in the *Scaffolding and Lifts Act 1912* and which apply to the regulation (see Legislation Act, section 148).

### [3.470] Section 3, definitions (as amended)

*relocate to dictionary*

#### Explanatory note

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

### [3.471] Section 3, remainder

*substitute*

## 2 Dictionary

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

*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 in this regulation.

For example, the signpost definition '*cantilever scaffolding*—see section 85.' means that the term '*cantilever scaffolding*' is defined in that section.

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

### **3 Notes**

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

*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.

#### **[3.472] Part 9A heading**

*substitute*

## **Part 9A Explosive-powered tools—safety measures**

#### **Explanatory note**

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

#### **[3.473] New dictionary**

*insert*

## **Dictionary**

(see s 2)

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

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

- document
- person.

*Note 3* Terms used in this regulation have the same meaning that they have in the *Scaffolding and Lifts Act 1912* (see Legislation Act, s 148). For example, the following terms are defined in the *Scaffolding and Lifts Act 1912*, dict:

- crane
- dogger
- gear
- inspector
- lift
- plant.

*birdcage scaffolding*—see section 85.

*cantilever scaffolding*—see section 85.

*conveyor*, for part 4 (Lifts)—see section 16.

*explosive-powered tool*, for part 9A (Explosive-powered tools—safety measures)—see section 118A.

*heavy duty scaffolding*—see section 85.

*independent pole scaffolding*—see section 85.

*light duty scaffolding*—see section 85.

*light swinging stage*—see section 85.

*projectile*, for part 9A (Explosive-powered tools—safety measures)—see section 118A.

*qualified operator*, for part 9A (Explosive-powered tools—safety measures)—see section 118A.

*run*—see section 85.

*safety gear*, for part 4 (Lifts)—see section 16.

*service lift*, for part 4 (Lifts)—see section 16.

*single pole scaffolding*—see section 85.

*suspended scaffolding*—see section 85.

*toe board*—see section 85.

*tool*, for part 9A (Explosive-powered tools—safety measures)—see section 118A.

*use*, an explosive-powered tool, for part 9A (Explosive-powered tools—safety measures)—see section 118A (3).

*work*, for part 9A (Explosive-powered tools—safety measures)—see section 118A.

**Explanatory note**

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

## **Part 3.93                      Second-hand Dealers Act 1906**

### **[3.474]    Section 18 (3), new note**

*insert*

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

**Explanatory note**

This amendment inserts a standard note to assist users of the legislation.

### **[3.475]    Dictionary, definition of *licensed auctioneer***

*omit*

**Explanatory note**

This amendment omits an out-of-date definition which refers to the repealed *Auctioneers Act 1959*.

## Part 3.94                            Security Industry Act 2003

### [3.476]    Section 41 (4), definition of *investigator*

*substitute*

*investigator*—see the *Fair Trading (Consumer Affairs) Act 1973*, dictionary.

#### Explanatory note

This amendment is consequential on the insertion of a new dictionary into the *Fair Trading (Consumer Affairs) Act 1973* by another amendment.

## Part 3.95                            Superannuation (Legislative Assembly Members) Act 1991

### [3.477]    Section 1

*substitute*

#### 1            Name of Act

This Act is the *Superannuation (Legislative Assembly Members) Act 1991*.

#### Explanatory note

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

### [3.478]    Section 3, definitions of *approved deposit fund*, *approved purposes*, *approved rules* and *superannuation fund*

*omit*

#### Explanatory note

The definitions of *approved deposit fund* and *superannuation fund* are used only in section 18 and are inserted into that section in accordance with current drafting practice by another amendment. The definitions of *approved purposes* and *approved rules* are used only in the definition of *approved deposit fund*. They are omitted and their substance incorporated into the revised definition of *approved deposit fund*.

**[3.479] Section 3, definitions (as amended)**

*relocate to dictionary*

**Explanatory note**

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

**[3.480] 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)).

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

**[3.481] New section 18 (4)**

*insert*

(4) In this section:

*approved deposit fund* means a fund that—

(a) is an indefinitely continuing fund; and

- (b) is maintained by a trustee or trustees solely for approved purposes under the *Occupational Superannuation Standards Act 1987* (Cwlth); and
- (c) has approved rules under that Act.

***superannuation fund*** means a fund that is an indefinitely continuing fund and—

- (a) that is maintained solely for either or both of the following purposes:
  - (i) the provision of benefits for each member of the fund on the member's retirement from any business, trade, profession, vocation, calling, occupation or employment in which that member is engaged;
  - (ii) the provision of benefits for dependants of each member of the fund on the member's death; or
- (b) that is maintained for—
  - (i) either or both of the purposes mentioned in paragraph (a); and
  - (ii) any ancillary purposes that the insurance and superannuation commissioner under the *Insurance and Superannuation Commissioner Act 1987* (Cwlth) approves.

**Explanatory note**

This amendment is consequential on another amendment omitting several definitions from existing section 3. The definitions of ***approved deposit fund*** and ***superannuation fund*** are only used in section 18 and are relocated to this section in accordance with current drafting practice. The definition of ***approved deposit fund*** has been revised to incorporate the substance of the definitions of ***approved purposes*** and ***approved rules*** in existing section 3.

**[3.482] 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:

- administrative appeals tribunal
- Deputy Speaker
- exercise
- function
- Legislative Assembly
- Self-Government Act
- Speaker.

### Explanatory note

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

## Part 3.96 Territory Records Act 2002

**[3.483] Section 4, notes 1 and 2**

*substitute*

*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 '*prescribed authority*—see the *Freedom of Information Act 1989*, dictionary.' means that the term 'prescribed authority' is defined in that dictionary 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)).

**Explanatory note**

This amendment is consequential on the insertion of a new dictionary into the *Freedom of Information Act 1989* by another amendment.

**[3.484]    Section 42, new note**

*insert*

*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 inserts a standard note to assist users of the legislation.

**[3.485]    Dictionary, new notes**

*insert*

*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 executive (see s 163)
- document
- entity
- Minister (see s 162)
- person.

**Explanatory note**

This amendment inserts standard dictionary notes in accordance with current drafting practice.

**[3.486] Dictionary, definition of *prescribed authority***

*substitute*

*prescribed authority*—see the *Freedom of Information Act 1989*, dictionary.

**Explanatory note**

This amendment is consequential on the insertion of a new dictionary into the *Freedom of Information Act 1989* by another amendment.

## **Part 3.97 Tertiary Accreditation and Registration Act 2003**

**[3.487] Sections 49 (2) and 74 (2)**

*substitute*

- (2) The committee must include as members—
- (a) people who are, in the council’s opinion, qualified in the area of study of the course; and
  - (b) people who are, in the council’s opinion, qualified to assess the educational and management capacity of the proposed provider of the course; and
  - (c) people who are, in the council’s opinion, qualified to assess the suitability of the course and of the proposed methods of delivery of the course.

**Explanatory note**

This amendment makes it clear that expert committees for the accreditation of a vocational educational and training course and a higher education course must have among its members people who have all the relevant qualifications and that every committee member is not required to possess all the relevant qualifications. It brings the sections into line with section 62 (2) about an expert committee for registration as a higher education provider.

## Part 3.98            Testamentary Guardianship Act 1984

### [3.488]    Section 1

*substitute*

#### 1            Name of Act

This Act is the *Testamentary Guardianship Act 1984*.

#### Explanatory note

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

### [3.489]    Section 2 (1), definitions

*relocate to dictionary*

#### Explanatory note

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

### [3.490]    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, and includes references (*signpost definitions*) to other terms defined elsewhere in this Act.

For example, the signpost definition ‘*guardian*, of a child—see section 2C.’ means that the term ‘guardian’ 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.

**2B Meaning of *parent***

In this Act:

*parent* of a child does not include—

- (a) the father of an exnuptial child; or
- (b) a parent whose guardianship of the child has been abrogated by—
  - (i) a judgment, decree or order of a federal court or a court of a State that is in force; or
  - (ii) a judgment, decree or order of a court in a foreign country that is in force and that would be recognised by a Territory court in conformity with the common law rules of private international law.

*Note* *State* includes the Northern Territory (see Legislation Act, dict, pt 1).

**2C Meaning of *guardian***

- (1) For this Act, a *guardian* of a child (other than a reference to a testamentary guardian) means any guardian of the child, whether appointed—
  - (a) in accordance with this Act or a law of a State; or
  - (b) by a judgment, decree or order of a federal court or a court of a State; or

- (c) in accordance with a law of a foreign country or part of a foreign country or by a judgment, decree or order of a court in a foreign country and that would be recognised by a Territory court in conformity with the common law rules of private international law.
- (2) However, a *guardian* of a child does not include—
  - (a) the chief executive responsible for administering the *Children and Young People Act 1999*, chapter 2 (General objects, principles and parental responsibility); or
  - (b) a Minister of the Commonwealth or of a State who, under a law of the Commonwealth or of the State is, in his or her capacity as Minister, the guardian of the child.

*Note*     *State* includes the Northern Territory (see Legislation Act, dict, pt 1).

## **2D        Meaning of *testamentary guardian***

In this Act:

*testamentary guardian* means a guardian appointed under section 4.

### **Explanatory note**

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

Existing section 2 (2) is remade in an updated form as new section 2B. A reference to ‘an overseas country’ in existing section 2 (2) (b) (ii) has been changed to ‘a foreign country’ in accordance with current drafting practice. That term is defined in the Legislation Act, dictionary, part 1.

Existing section 2 (3) and (5) is remade in an updated form as new section 2C. References to ‘an overseas country’ in existing section 2 (3) have been changed to ‘a foreign country’ in new section 2C (1) (c).

Existing section 2 (4) is remade in an updated form as new section 2D.

**[3.491] Section 8 (1)**

*omit*

forthwith

*substitute*

immediately

**Explanatory note**

This amendment updates language.

**[3.492] Section 8 (3)**

*omit*

**Explanatory note**

The subsection provides that the Supreme Court has jurisdiction to hear and determine applications under the Act. It is unnecessary because the Self-Government Act, section 48A gives the Supreme Court all original and appellate jurisdiction that is necessary for the administration of justice in the ACT.

**[3.493] 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
- foreign country
- State
- Supreme Court
- the Territory.

*guardian*, of a child—see section 2C.

*parent*, of a child—see section 2B.

*testamentary guardian*—see section 2D.

**Explanatory note**

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

**[3.494] Sections 1 to 9**

*renumber sections when Act next republished under Legislation Act*

**Explanatory note**

This amendment renumbers the sections of the Act.

## **Part 3.99            Tobacco Act 1927**

**[3.495] Sections 29 and 30**

*substitute*

### **29 Registrar of tobacco**

- (1) The chief executive must appoint a public servant as the Registrar of Tobacco.

*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).

- (2) Until the chief executive makes an appointment under subsection (1), the registrar is the public servant for the time being exercising the duties of the public service office the duties of which include exercising the functions of the registrar.
- (3) Subsection (2) is a law to which the Legislation Act, section 88 (Repeal does not end effect of transitional laws etc) applies.

- (4) Subsections (2) and (3) and this subsection expire 1 year after the day this section commences.

**30 Deputy registrars of tobacco**

- (1) The chief executive may appoint a public servant as a Deputy Registrar of Tobacco.
- (2) A deputy registrar may perform any function of the registrar, subject to any direction of the registrar.
- (3) Until the chief executive makes an appointment under subsection (1), a deputy registrar of tobacco is a public servant for the time being exercising the duties of a public service office the duties of which include exercising the functions of a deputy registrar of tobacco.
- (4) Subsection (3) is a law to which the Legislation Act, section 88 (Repeal does not end effect of transitional laws etc) applies.
- (5) Subsections (3) and (4) and this subsection expire 1 year after the day this section commences.

**Explanatory note**

This amendment removes the requirement that the chief executive must create and maintain offices of the registrar and deputy registrar in the public service. The Legislation Act, section 207 provides that an appointment may be made by naming the person appointed or by nominating the occupant of a position (however described), at a particular time or from time to time.

The amendment includes transitional arrangements that operate until new appointments are made. Proposed section 29 (3) and section 30 (4) ensure that these transitional arrangements will, if necessary, continue to operate after the expiry of proposed section 29 (2) to (4) and section 30 (3) to (5). The amendment also inserts standard notes about appointments.

**[3.496]    Section 32**

*substitute*

**32            Authorised officers**

- (1) The chief executive may appoint a public servant as an authorised officer.

*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).

- (2) The following are also authorised officers:
- (a) the registrar;
  - (b) a public health officer under the *Public Health Act 1997*;
  - (c) a police officer.
- (3) Until the chief executive makes an appointment under subsection (1), an authorised officer is, in addition to the people mentioned in subsection (2), a public servant for the time being exercising the duties of a public service office the duties of which include exercising the functions of an authorised officer.
- (4) Subsection (3) is a law to which the Legislation Act, section 88 (Repeal does not end effect of transitional laws etc) applies.
- (5) Subsections (3) and (4) and this subsection expire 1 year after the day this section commences.

**Explanatory note**

This amendment removes the requirement that the chief executive must create and maintain an office of an authorised officer in the public service. The Legislation Act, section 207 provides that an appointment may be made by naming the person appointed or by nominating the occupant of a position (however described), at a particular time or from time to time.

The amendment includes transitional arrangements that operate until new appointments are made. Proposed section 32 (4) ensures that these transitional arrangements will, if necessary, continue to operate after the expiry of proposed section 32 (3) to (5). The amendment also inserts standard notes about appointments.

**[3.497] Section 72A (2), new note**

*insert*

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

**Explanatory note**

This amendment inserts a standard note to assist users of the legislation.

**[3.498] Dictionary, definition of *identity card*, paragraph (b)**

*omit*

commissioner of police

*substitute*

chief police officer

**Explanatory note**

This amendment changes a reference to the commissioner of police to the chief police officer. The chief police officer is the senior police officer for the ACT.

**[3.499] Dictionary, new definitions**

*insert*

*connected*, for part 6 (Enforcement)—see section 31.

*licensee*, for part 7 (Licences)—see section 43.

**Explanatory note**

This amendment inserts signpost definitions into the dictionary for terms that are defined for parts of the Act.

**[3.500] Dictionary, definition of *occupier***

*substitute*

*occupier*, of premises—

- (a) for this Act generally, means a person having the management or control, or otherwise being in charge, of the premises; and
- (b) for part 6 (Enforcement)—see section 31.

**Explanatory note**

This amendment revises the existing definition by including a signpost definition for the term as defined for part 6.

**[3.501] Dictionary, new definitions**

*insert*

*offence* for part 6 (Enforcement)—see section 31.

*retail tobacconist's licence*, for part 7 (Licences)—see section 43.

*tobacco licence*, for part 7 (Licences)—see section 43.

*tobacco retailing*, for part 7 (Licences)—see section 44.

*tobacco wholesaling*, for part 7 (Licences)—see section 45.

*wholesale tobacco merchant's licence*, for part 7 (Licences)—see section 43.

**Explanatory note**

This amendment inserts signpost definitions into the dictionary for terms that are defined for parts of the Act.

---

## Part 3.100 Trade Measurement Act 1991

### [3.502] New section 2A

*insert*

#### 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 a standard notes provision in accordance with current drafting practice.

### [3.503] Dictionary, definition of *inspector*

*substitute*

*inspector*—see the Administration Act, dictionary.

#### Explanatory note

This amendment is consequential on the insertion of a new dictionary into the *Trade Measurement (Administration) Act 1991* by another amendment.

## Part 3.101 Trade Measurement (Administration) Act 1991

### [3.504] Section 1

*substitute*

#### 1 Name of Act

This Act is the *Trade Measurement (Administration) Act 1991*.

#### Explanatory note

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

**[3.505]    Section 3, definitions**

*relocate to dictionary*

**Explanatory note**

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

**[3.506]    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)).

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

**[3.507]    Section 7 (1)**

*substitute*

(1) The commissioner may appoint a public servant as an inspector for the trade measurement legislation.

*Note 1*    For the making of appointments (including acting appointments), see 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).

**Explanatory note**

This amendment updates the subsection 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.

**[3.508] Section 17 (2), new note**

*insert*

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

**Explanatory note**

This amendment inserts a standard note to assist users of the legislation.

**[3.509] 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 executive (see s 163)
- disallowable instrument (see s 9)
- document
- magistrate
- Minister (see s 162).

**Explanatory note**

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

## Part 3.102 Trade Measurement (Measuring Instruments) Regulation 1991

### [3.510] Section 2, definitions

*relocate to dictionary*

#### Explanatory note

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

### [3.511] Section 2, remainder

*substitute*

## 2 Dictionary

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

*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 in this regulation.

For example, the signpost definition '*approval*, for part 3 (Batch testing and marking)—see section 12.' means that the term 'approval' is defined in that section for part 3.

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

## 2A Notes

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

*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.

**[3.512] New dictionary**

*insert*

## Dictionary

(see s 2)

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

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

- corporation
- individual
- penalty unit (see s 133)
- person.

*Note 3* Terms used in this regulation have the same meaning that they have in the *Trade Measurement Act 1991* (see Legislation Act, s 148). For example, the following terms are defined in the *Trade Measurement Act 1991*, dict:

- administering authority
- approved pattern
- inspector
- licence
- verify (see s 11).

***approval***, for part 3 (Batch testing and marking)—see section 12.

***glass***, in relation to a container or drinking vessel, for part 3 (Batch testing and marking)—see section 12.

***glass measure***, for part 3 (Batch testing and marking)—see section 12.

*testing facilities*, for part 3 (Batch testing and marking)—see section 12.

**Explanatory note**

This amendment inserts a dictionary and standard dictionary notes. It includes signpost definitions for terms that are not included in the existing interpretation section.

## Part 3.103 Trade Measurement (Prepacked Articles) Regulation 1991

### [3.513] Sections 2 and 3, definitions

*relocate to dictionary*

**Explanatory note**

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

### [3.514] Sections 2 and 3, remainder

*substitute*

## 2 Dictionary

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

*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 in this regulation.

For example, the signpost definition ‘*permissible average deficiency*, for part 5 (Short measure)—see section 31A.’ means that the term ‘permissible average deficiency’ is defined in that section for part 5.

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

## **2A Notes**

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

*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.

### **[3.515] New section 31A**

*in part 5, insert*

## **31A Meaning of *permissible actual deficiency* and *permissible average deficiency*—pt 5**

In this part:

*permissible actual deficiency* means the deficiency in actual measurement permitted for the Act, section 33 (1) (a).

*permissible average deficiency* means the deficiency in the average of the actual measurements of a number of like articles permitted for the Act, section 33 (1) (b).

### **Explanatory note**

This amendment remakes existing section 32 (2) to bring the definitions for part 5 into line with current drafting practice.

### **[3.516] Section 32 (2)**

*omit*

### **Explanatory note**

This amendment is consequential on the previous amendment.

**[3.517]    New dictionary**

*insert*

## Dictionary

(see s 2)

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

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

- corporation
- individual
- penalty unit (see s 133)
- person.

*Note 3*    Terms used in this regulation have the same meaning that they have in the *Trade Measurement Act 1991* (see Legislation Act, s 148). For example, the following terms are defined in the *Trade Measurement Act 1991*, dict:

- administering authority
- inspector
- prepacked article
- sell.

*permissible actual deficiency*, for part 5 (Short measure)—see section 31A.

*permissible average deficiency*, for part 5 (Short measure)—see section 31A.

### Explanatory note

This amendment inserts a new dictionary in accordance with current drafting practice. It also inserts signpost definitions in accordance with current drafting practice.

---

## **Part 3.104 Trade Measurement (Weighbridges) Regulation 1991**

### **[3.518] Section 3, definitions**

*relocate to dictionary*

#### **Explanatory note**

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

### **[3.519] Section 3, remainder**

*substitute*

## **2 Dictionary**

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

*Note 1* The dictionary at the end of this regulation defines certain terms used in this regulation.

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

## **3 Notes**

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

*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.

**[3.520] New dictionary**

*insert*

## Dictionary

(see s 2)

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

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

- corporation
- individual
- penalty unit (see s 133)
- person.

*Note 3* Terms used in this regulation have the same meaning that they have in the *Trade Measurement Act 1991* (see Legislation Act, s 148). For example, the following terms are defined in the *Trade Measurement Act 1991*, dict:

- administering authority
- inspector
- public weighbridge
- seller.

### Explanatory note

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

---

## Part 3.105 Transplantation and Anatomy Act 1978

### [3.521] Section 4 (1), definitions

*relocate to dictionary*

(commencement: the later of the commencement of this Act and the *Powers of Attorney Act 2006*)

#### Explanatory note

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

### [3.522] Section 4, 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 in this Act.

For example, the signpost definition '*school of anatomy*, for part 5 (Donations for anatomical purposes)—see section 36.' means that the term '*school of anatomy*' is defined in that section for part 5.

*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)).

## 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.

#### 4 Meaning of *transplantation*

For this Act, the *transplantation* of tissue includes the transplantation of any part of the tissue and the transplantation of a substance obtained from the tissue.

(commencement: the later of the commencement of this Act and the *Powers of Attorney Act 2006*)

##### Explanatory note

This amendment inserts standard dictionary and notes provisions consequent on the insertion of a new dictionary by another amendment. New section 4 remakes existing section 4 (2) in line with current drafting practice.

#### [3.523] Section 31 (4)

*omit*

(commencement: the later of the commencement of this Act and the *Powers of Attorney Act 2006*)

##### Explanatory note

This amendment omits a redundant definition. The term *chief health officer* is defined in the Legislation Act, dictionary, part 1.

#### [3.524] 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 health officer
- judge
- nurse
- penalty unit (see s 133)

- person
- Supreme Court.

*school of anatomy*, for part 5 (Donations for anatomical purposes)—see section 36.

*tissue*, for part 2 (Donations of tissue by living persons)—see section 6

*transplantation* of tissue—see section 4.

(commencement: the later of the commencement of this Act and the *Powers of Attorney Act 2006*)

**Explanatory note**

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

**[3.525] Further amendments, references to section 4 (1)**

*omit*

section 4 (1)

*substitute*

the dictionary

*in*

- section 27 (5)
- section 28 (2) (b)
- section 32 (5)
- section 33 (2) (b)
- section 37 (4)

- section 38 (2) (b)

(commencement: the later of the commencement of this Act and the *Powers of Attorney Act 2006*)

**Explanatory note**

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

## Part 3.106            Trans-Tasman Mutual Recognition Act 1997

### [3.526]    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 in this Act.

For example, the signpost definition ‘*Commonwealth Act*—see section 4.’ means that the term ‘Commonwealth Act’ 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.

**[3.527] 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
- Chief Minister
- Commonwealth
- the Territory.

*Commonwealth Act*—see section 4.

### Explanatory note

This amendment inserts a new dictionary in accordance with current drafting practice. A signpost definition of *Commonwealth Act* is inserted in accordance with current drafting practice.

## Part 3.107 Trespass on Territory Land Act 1932

**[3.528] Section 3, definitions**

*relocate to dictionary*

### Explanatory note

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

**[3.529] 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 ‘*vehicle*—see the *Road Transport (Vehicle Registration) Act 1999*, dictionary.’ means that the term ‘vehicle’ is defined in that dictionary 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)).

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

**[3.530] Section 3A**

*substitute*

**3A Inspectors**

(1) The chief executive may appoint a public servant as an inspector.

*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).

- (2) A police officer is also an inspector.
- (3) Until the chief executive makes an appointment under subsection (1), an inspector is, in addition to a police officer, a public servant for the time being exercising the duties of a public service office the duties of which include exercising the functions of an inspector.
- (4) Subsection (3) is a law to which the Legislation Act, section 88 (Repeal does not end effect of transitional laws etc) applies.
- (5) Subsections (3) and (4) and this subsection expire 1 year after the day this section commences.

**Explanatory note**

This amendment removes the requirement that the chief executive must create and maintain an office of an inspector in the public service. The Legislation Act, section 207 provides that an appointment may be made by naming the person appointed or by nominating the occupant of a position (however described), at a particular time or from time to time.

The amendment includes transitional arrangements that operate until new appointments are made. Proposed section 3A (4) ensures that these transitional arrangements will, if necessary, continue to operate after the expiry of proposed section 3A (3) to (5). The amendment also inserts standard notes about appointments.

**[3.531] Section 8A (7) to (9)**

*omit*

commissioner of police

*substitute*

chief police officer

**Explanatory note**

This amendment changes references to the commissioner of police to the chief police officer. The chief police officer is the senior police officer for the ACT.

**[3.532]    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 police officer
- Commonwealth
- land
- Minister (see s 162)
- police officer
- territory land.

### Explanatory note

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

## Part 3.108            Truck Act 1900

**[3.533]    Section 1B, definitions**

*relocate to dictionary*

### Explanatory note

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

---

**[3.534] Section 1B, remainder**

*substitute*

**1B 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)).

**1C 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.

**[3.535] New dictionary**

*insert*

**Dictionary**

(see s 1B)

*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

- credit union
- penalty unit (see s 133).

**Explanatory note**

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

## **Part 3.109            Trustee Act 1925**

### **[3.536]    Section 36 (6)**

*omit*

*Liquor Act 1929*

*substitute*

*Liquor Act 1975*

(commencement: the later of the commencement of this Act and the *Civil Law (Property) Act 2006*, schedule 1)

**Explanatory note**

This amendment corrects a reference to the name of an Act.

### **[3.537]    Dictionary, definitions of *mortgage*, *mortgagee* and *mortgagor***

*omit*

section 6 (1)

*substitute*

dictionary

**Explanatory note**

This amendment is consequential on the insertion of a new dictionary into the *Land Titles Act 1925* by another amendment.

---

## Part 3.110                      Uncollected Goods Act 1996

### [3.538]    Section 1

*substitute*

#### 1            Name of Act

This Act is the *Uncollected Goods Act 1996*.

#### Explanatory note

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

### [3.539]    Sections 2 and 2A

*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 in this Act.

For example, the signpost definition '*uncollected goods*—see section 5.' means that the term 'uncollected goods' 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.

## **2B            Offences against Act—application of Criminal Code etc**

Other legislation applies in relation to offences against this Act.

*Note 1    Criminal Code*

The Criminal Code, ch 2 applies to all offences against this Act (see Code, pt 2.1).

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

*Note 2    Penalty units*

The Legislation Act, s 133 deals with the meaning of offence penalties that are expressed in penalty units.

### **Explanatory note**

This amendment inserts a standard dictionary provision consequent on the insertion of a new dictionary by another amendment and brings the sequence of the notes and Criminal Code provisions into line with current drafting practice.

### **[3.540]    Section 3 (2) (d)**

*substitute*

(d) animals under the *Domestic Animals Act 2000* or the *Stock Act 2005*; or

### **Explanatory note**

This amendment omits a reference to the repealed *Dog Control Act 1975* and updates the section exempting animals under the *Domestic Animals Act 2000* and the *Stock Act 2005* from the application of the Act.

### **[3.541]    Section 4, definitions of *leased public baths* and *manager***

*substitute*

*leased public baths*—see the *Public Baths and Public Bathing Act 1956*, dictionary.

*manager*—see the *Public Baths and Public Bathing Act 1956*, dictionary.

**Explanatory note**

The existing definitions are effectively identical to the definitions in the *Public Baths and Public Bathing Act 1956*, section 5. This amendment brings them into line with current drafting practice by changing them into signpost definitions and is also consequential on the insertion of a new dictionary into the *Public Baths and Public Bathing Act 1956* by another amendment.

**[3.542] Section 4, definition of *public baths***

*substitute*

*public baths*—see the *Public Baths and Public Bathing Act 1956*, dictionary.

**Explanatory note**

The existing definition is effectively identical to the definition in the *Public Baths and Public Bathing Act 1956*, section 5. This amendment brings the definition into line with current drafting practice by changing it into signpost definition and is also consequential on the insertion of a new dictionary into the *Public Baths and Public Bathing Act 1956* by another amendment.

**[3.543] Section 4, definitions (as amended)**

*relocate to dictionary*

**Explanatory note**

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

**[3.544] Section 4, remainder**

*omit*

**Explanatory note**

This amendment is consequent on other amendments relocating the definitions within existing section 4 to a new dictionary.

**[3.545] Section 16**

*substitute*

**16 Authorised officers**

- (1) The chief executive may appoint a person as an authorised officer.

*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).

- (2) Until the chief executive makes an appointment under subsection (1), an authorised officer is—

(a) a public servant for the time being exercising the duties of a public service office the duties of which include exercising the functions of an authorised officer; or

(b) anyone else appointed as an authorised officer by the chief executive.

- (3) Subsection (2) is a law to which the Legislation Act, section 88 (Repeal does not end effect of transitional laws etc) applies.

- (4) Subsections (2) and (3) and this subsection expire 1 year after the day this section commences.

**Explanatory note**

This amendment removes the requirement that the chief executive must create and maintain an office of an authorised officer in the public service. The Legislation Act, section 207 provides that an appointment may be made by naming the person appointed or by nominating the occupant of a position (however described), at a particular time or from time to time.

The amendment includes transitional arrangements that operate until new appointments are made. Proposed section 16 (3) ensures that these transitional arrangements will, if necessary, continue to operate after the expiry of proposed section 16 (2) to (4). The amendment also inserts standard notes about appointments.

**[3.546] 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
- Commonwealth
- State
- the Territory.

### Explanatory note

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

## Part 3.111 Wills Act 1968

**[3.547] Section 1**

*substitute*

### 1 Name of Act

This Act is the *Wills Act 1968*.

### Explanatory note

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

**[3.548] Section 4, definition of *will***

*substitute*

*will*—

- (a) for this Act generally, includes a codicil; and

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

**Explanatory note**

This amendment includes a signpost definition to the meaning of will for section 17 in accordance with current drafting practice.

**[3.549] Section 4, definitions (as amended)**

*relocate to dictionary*

**Explanatory note**

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

**[3.550] Section 4, 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)).

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

**[3.551] Section 5, new note**

*insert*

*Note* See section 35 for particular provisions about wills made or republished after 24 March 1989 or taking effect after 7 November 1991.

**Explanatory note**

This amendment inserts a note after section 5, which is about the application of the Act, to assist users of the legislation.

**[3.552] Section 8 heading**

*substitute*

**8 Children—testamentary capacity**

**Explanatory note**

This amendment updates the language of the heading by changing ‘Minors’ to ‘Children’.

**[3.553] Sections 8 to 8B**

*omit*

minor

*substitute*

child

**Explanatory note**

This amendment updates language.

**[3.554]    Section 12A (1)**

*omit*

court

*substitute*

Supreme Court

**Explanatory note**

This amendment is consequential on the omission of the definition of *the court* from section 12A (7) by another amendment.

**[3.555]    Section 12A (2)**

*substitute*

- (2) The Supreme Court may order that the probate copy of the last will of a testator be rectified to give effect to the testator's probable intention if satisfied that—
- (a) any of the following apply in relation to circumstances or events (whether they existed or happened before, at or after the execution of the will):
- (i) the circumstances or events were not known to, or anticipated by, the testator;
  - (ii) the effects of the circumstances or events were not fully appreciated by the testator;
  - (iii) the circumstances or events arose or happened at or after the death of the testator; and

- (b) because of the circumstances or events, the application of the provisions of the will according to their tenor would fail to give effect to the probable intention of the testator if the testator had known of, anticipated or fully appreciated their effects.

**Explanatory note**

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

**[3.556] Section 12A (3)**

*omit*

of the court

*substitute*

of the Supreme Court

**Explanatory note**

This amendment is consequential on the omission of the definition of *the court* from section 12A (7) by another amendment.

**[3.557] Section 12A (5) (a)**

*omit*

court

*substitute*

Supreme Court

**Explanatory note**

This amendment is consequential on the omission of the definition of *the court* from section 12A (7) by another amendment.

**[3.558]    Section 12A (7), definition of *court***

*omit*

**Explanatory note**

This amendment omits the definition consequent on amendments of section 12A by other amendments.

**[3.559]    Section 20 (3)**

*omit*

being a devise, bequest, appointment or conferral

*substitute*

that is

**Explanatory note**

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

**[3.560]    Section 31 (5)**

*omit*

being a contingency other than surviving the testator or attaining a specified age

*substitute*

other than a contingency of surviving the testator or attaining a stated age

**Explanatory note**

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

**[3.561] 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
- estate
- interest
- land
- person.

### Explanatory note

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



---

## Endnotes

**1 Presentation speech**

Presentation speech made in the Legislative Assembly on 19 October 2006.

**2 Notification**

Notified under the Legislation Act on 22 March 2007.

**3 Republications of amended laws**

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

---

I certify that the above is a true copy of the Statute Law Amendment Bill 2007, which originated in the Legislative Assembly as the Statute Law Amendment Bill 2006 (No 2) and was passed by the Assembly on 6 March 2007.

Clerk of the Legislative Assembly

© Australian Capital Territory 2007