



Australian Capital Territory

Statute Law Amendment Act 2009 (No 2)

A2009-49

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Australian Capital Territory

Statute Law Amendment Act 2009 (No 2)

A2009-49

An Act to amend 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 2009 (No 2)*.

2 Commencement

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)).

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.

6 Legislation repealed—sch 4

This Act repeals the legislation mentioned in schedule 4.

Schedule 1 **Minor amendments**

(see s 5)

Part 1.1 **ACT Civil and Administrative Tribunal (Transitional Provisions) Regulation 2009**

[1.1] Section 67 (1)

omit

sections

substitute

section

Explanatory note

This amendment is consequential on the amendment of section 67 (1) by another amendment.

[1.2] Section 67 (1)

omit

301B Modification—Construction Occupations (Licensing) Act 2004

- (1) The *Construction Occupations (Licensing) Act 2004* is modified as set out in the ACAT (TP) Regulation, schedule 1.
- (2) This section and the ACAT (TP) Regulation, schedule 1 expire on the day the ACAT (TP) Regulation expires.
- (3) In this section:

ACAT (TP) Regulation means the *ACT Civil and Administrative Tribunal (Transitional Provisions) Regulation 2009*.

301C Modification—Construction Occupations (Licensing) Regulation 2004

- (1) The *Construction Occupations (Licensing) Regulation 2004* is modified as set out in the ACAT (TP) Regulation, schedule 2.
- (2) This section and the ACAT (TP) Regulation, schedule 2 expire on the day the ACAT (TP) Regulation expires.
- (3) In this section:

ACAT (TP) Regulation means the *ACT Civil and Administrative Tribunal (Transitional Provisions) Regulation 2009*.

Explanatory note

This amendment omits modified section 301B and modified section 301C from the *ACT Civil and Administrative Tribunal Act 2008* and is consequential on other amendments that substantively incorporate the modifications into the *Construction Occupations (Licensing) Act 2004* and the *Construction Occupations (Licensing) Regulation 2004*. Section 301B modified the *Construction Occupations (Licensing) Act 2004*, and section 301C modified the *Construction Occupations (Licensing) Regulation 2004*. Both sections 301B and 301C are due to expire on 2 February 2010. This amendment ensures that the modifications will instead expire on the commencement of this Act, section 5, when the substantive provisions take effect.

[1.3] Schedule 1

omit

Explanatory note

This amendment removes schedule 1 and is consequential on the omission, by another amendment, of the modified provisions contained in schedule 1.

[1.4] Schedule 2

omit

Explanatory note

This amendment removes schedule 2 and is consequential on the omission, by another amendment, of the modified provision contained in schedule 2.

Part 1.2 Casino Control Act 2006

[1.5] Section 75 (3) (h)

substitute

- (h) the level of supervision that is appropriate and reasonable for a casino employee in relation to the employee's prescribed functions;
- (ha) job descriptions (including responsibilities) of casino employees;

Explanatory note

This amendment provides that control procedures under section 75 must include operational details in relation to supervision for casino employees, and applies the job description requirement to licensed staff (ie casino employees) only.

[1.6] New section 76 (4) (f)

insert

- (f) tell the casino licensee that a further stated reasonable time is needed to consider the proposed change.

Explanatory note

This amendment gives the commission the option of taking time additional to the 1 week allowed at present, to consider proposed changes to control procedures before the changes are automatically approved under subsection (6).

[1.7] Section 100 (1) and (2)

substitute

- (1) A casino official commits an offence if—
 - (a) the official conducts, or allows someone else to conduct, an authorised game in the casino; and
 - (b) a condition is included in the declaration of the authorised game under section 95; and

(c) the game is not conducted in accordance with the condition.

Maximum penalty:

- (a) for the casino licensee—100 penalty units; and
- (b) for a casino employee—20 penalty units.

(2) A casino official commits an offence if—

(a) the official conducts, or allows someone else to conduct, an authorised game in the casino; and

(b) either—

- (i) there are no approved rules for the authorised game under section 96; or
- (ii) the game is not conducted in accordance with the rules approved under section 96 (including any amendment of the rules under section 97).

Maximum penalty:

- (a) for the casino licensee—100 penalty units; and
- (b) for a casino employee—20 penalty units.

(3) An offence against this section is a strict liability offence.

Explanatory note

This amendment makes clear that games must not be conducted except in accordance with approved rules.

[1.8] Section 105 (2)

omit

Explanatory note

The effect of this amendment is to prohibit casino employees from accepting gratuities for any service they provide at the casino.

[1.9] Section 110 (2) (a) (ii)

substitute

- (ii) an EFTPOS facility (other than an EFTPOS debit facility that is used only for payment for food or beverages); or

Explanatory note

This amendment will make it possible for casino patrons to pay for food or beverages using an EFTPOS debit facility. The prohibition on the casino operator providing for cash advances to be taken from an EFTPOS facility remains.

Part 1.3 Children and Young People Act 2008

[1.10] Section 863 (2)

omit everything after

the child or young person,

substitute

or his or her family members—

- (a) under this Act; or
(b) for a criminal proceeding under another territory law; or
(c) for the administration of a sentence or order under another territory law.

Examples—par (c)

- 1 administration of a sentence under the *Crimes (Sentence Administration) Act 2005*
- 2 administration of a mental health order under the *Mental Health (Treatment and Care) Act 1994*

3 administration of a treatment order under the *Drugs of Dependence Act 1989*

Explanatory note

This amendment provides that a care team for a child or young person can include someone who is responsible for coordinating or delivering a service or care to the child or young person, or his or her family members, in relation to the administration of a sentence or order.

Part 1.4 **Construction Occupations (Licensing) Act 2004**

[1.11] Section 56 (1)

substitute

- (1) If the registrar believes on reasonable grounds that a ground for occupational discipline exists in relation to a licensee, the registrar may—
 - (a) apply to the ACAT for an occupational discipline order in relation to the licensee; or
 - (b) take the following disciplinary action:
 - (i) reprimand the licensee;
 - (ii) require the licensee, or, if the licensee is a corporation or partnership, a nominee of the licensee, to complete a stated course of training to the satisfaction of the registrar or another stated person;

- (iii) impose a condition on the licence, or amend an existing condition.

Explanatory note

This amendment allows the registrar under the *Construction Occupations (Licensing) Act 2004* to continue to exercise the registrar's disciplinary powers as an alternative to commencing occupational discipline proceedings in the ACAT.

The *Construction Occupations (Licensing) Act 2004* was amended on 2 February 2009 by the *ACT Civil and Administrative Tribunal (Transitional Provisions) Regulation 2009* to include section 56 (1) as a modification. The modification was necessary because of amendments made to the *Construction Occupations (Licensing) Act 2004* by the *ACT Civil and Administrative Tribunal Act 2008*. This amendment enables the modification to be substantively incorporated into the *Construction Occupations (Licensing) Act 2004* before the modification expires on 2 February 2010.

[1.12] Section 123 (1) (a)

substitute

- (a) if satisfied that a ground for occupational discipline exists in relation to the complaint—
 - (i) do both of the following:
 - (A) apply to the ACAT for an occupational discipline order in relation to the licensee;
 - (B) tell the complainant in writing that the application has been made; or
 - (ii) take the following disciplinary action:
 - (A) reprimand the licensee or former licensee;

Schedule 1
Part 1.5

Minor amendments
Construction Occupations (Licensing) Regulation 2004

Amendment [1.13]

- (B) require the licensee, or, if the licensee is a corporation or partnership, a nominee of the licensee, to complete a stated course of training to the satisfaction of the registrar or another stated person;
- (C) impose a condition on the licence, or amend an existing condition; or

Explanatory note

This amendment allows the registrar under the *Construction Occupations (Licensing) Act 2004* to continue to exercise the registrar's disciplinary powers as an alternative to commencing occupational discipline proceedings in the ACAT.

The *Construction Occupations (Licensing) Act 2004* was amended on 2 February 2009 by the *ACT Civil and Administrative Tribunal (Transitional Provisions) Regulation 2009* to include section 123 (1) (a) as a modification. The modification was necessary because of amendments made to the *Construction Occupations (Licensing) Act 2004* by the *ACT Civil and Administrative Tribunal Act 2008*. This amendment enables the modification to be substantively incorporated into the *Construction Occupations (Licensing) Act 2004* before the modification expires on 2 February 2010.

Part 1.5 Construction Occupations (Licensing) Regulation 2004

[1.13] Schedule 4, new item 13A

insert

13A	Act, 56 (1) (b)	take disciplinary action	licensee
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Explanatory note

This amendment allows for administrative review of the registrar's decision to take disciplinary action against a licensee under the *Construction Occupations (Licensing) Act 2004*, section 56 (1) (b).

The *Construction Occupations (Licensing) Regulation 2004* was amended on 2 February 2009 by the *ACT Civil and Administrative Tribunal (Transitional Provisions) Regulation 2009* to include this amendment as a modification. The modification was necessary because of amendments made to the *Construction Occupations (Licensing) Act 2004* and the *Construction Occupations (Licensing) Regulation 2004* by the *ACT Civil and Administrative Tribunal Act 2008*. This amendment enables the modification to be substantively incorporated into the *Construction Occupations (Licensing) Regulation 2004* before the modification expires on 2 February 2010.

Part 1.6 **Gaming Machine Act 2004**

[1.14] Section 158

substitute

158 Audit of financial statements etc

- (1) A licensee must, as soon as practicable (but not later than 6 months) after the end of each financial year—
 - (a) if the licensee's gross revenue for the year is at least \$200 000—
 - (i) ensure that the licensee's financial statements for the year are audited by a qualified accountant; and
 - (ii) ensure that the audited financial statements identify the licensee's gross revenue during the year; and
 - (b) if the licensee's gross revenue for the year is less than \$200 000—
 - (i) prepare an income and expenditure statement for the year that identifies the licensee's gross revenue during the year; and
 - (ii) certify that the statement is true; and

- (c) give the commission a copy of the audited financial statements or certified income and expenditure statement.

Note **Gross revenue**—see the dictionary.

- (2) The audited financial statements or certified income and expenditure statement must be accompanied by—
 - (a) if the licensee is a club—a report stating the number of club members at the end of the relevant financial year and, if different classes of members exist, the number of members in each class; and

Examples—classes of member

life member, social member, voting member

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).

- (b) any other details the commission requires in writing.

Explanatory note

This amendment removes the requirement for smaller licensees (ie those with an annual gaming machine revenue of less than \$200 000) to have gaming machine accounts audited. Smaller licensees will still be required to provide the commission with certified income and expenditure statements for the financial year. It also introduces the requirement that club membership information be presented by class in the membership report if different classes of members exist.

Part 1.7 Gaming Machine Regulation 2004

[1.15] Section 17 (2)

substitute

- (2) The club secretary must, at the same time, give the commission a copy of the following documents:
 - (a) the notice proposed to be published under section 18 (a);
 - (b) the notice proposed to be displayed under section 18 (b);

- (c) all documents mentioned in section 20 (a) to (e).

Explanatory note

This amendment streamlines processes by obliging the secretary to give the commission a copy of all documents mentioned in section 20, not just those mentioned in section 20 (c) as at present.

[1.16] Section 19 (3)

substitute

- (3) In this section:

ballot document means a document mentioned in section 17 (2).

Explanatory note

This amendment is consequential on the amendment of section 17 (2) by another amendment.

[1.17] New section 20 (2)

after the note, insert

- (2) A notice under subsection (1) (c) may include a recommendation that members vote in a particular way on the question.

Explanatory note

This amendment allows the club to recommend how members vote.

[1.18] Section 21

after

club secretary

insert

(or, if there is an alternative person under section 22A for the club, the alternative person)

Explanatory note

This amendment gives functions under the section to someone other than the secretary if section 22A applies. New section 22A is inserted by another amendment.

[1.19] Section 22

substitute

22 Counting votes for ballot

- (1) The club secretary (or, if there is an alternative person under section 22A for the club, the alternative person) must work out the result of the ballot and, as soon as practicable after working out the result—
 - (a) display the result at each premises to which the ballot relates; and
 - (b) give the commission written notice of the result.
- (2) A vote must not be counted in the ballot if—
 - (a) the secretary receives the voting paper after the voting close date; or
 - (b) the member voting has already voted in the ballot; or
 - (c) the vote has been made by someone other than a voting member.

Explanatory note

This amendment gives the vote counting function under the section to another person if one has been decided under section 22A, inserted by another amendment.

[1.20] New sections 22A and 22B

insert

22A Alternative person

The commission may decide that a person other than the secretary may exercise functions under section 21 or section 22 for a club.

22B Supervisory role of commission

- (1) The commission may attend when functions are exercised under section 21 or section 22 or may check that the functions have been properly exercised.
- (2) If the commission considers that a function has not been properly exercised, the commission may direct that the function be properly exercised.

Explanatory note

This amendment inserts new sections 22A and 22B. The new provisions introduce the procedure for someone other than the secretary to exercise functions under sections 21 and 22, and gives the commission a supervisory role in ensuring that the functions are properly exercised. The combined effect of the new provisions and the amendments to sections 21 and 22 will be to enhance the transparency of the voting process.

**Part 1.8 Medicines, Poisons and
Therapeutic Goods Act 2008**

[1.21] Section 88 (1)

omit

A licence must include the following information:

substitute

A licence must be in writing and include the following information:

Explanatory note

This amendment revises the subsection to make it explicit that a licence must be in writing.

[1.22] Section 93

omit everything before subsection (2), substitute

93 Licensee to keep chief health officer informed

- (1) This section applies if a licence-holder believes that there will be a change (the *anticipated change*) to anything stated in—
- (a) the licence; or
 - (b) the application for the licence; or
 - (c) an application to amend the licence.

Note Failure to comply with this section contravenes a condition of the licence (see s 89 (b)).

Explanatory note

This amendment substitutes a new section heading and adds new section 93 (1) (b). The new section heading better reflects the operation of the section. The new paragraph requires a licence-holder to tell the chief health officer about a change to a material particular in the application for the licence that might affect the basis on which it was issued, eg a change in the nominated individual for the supervision of dealings with regulated substances under the licence or to the security arrangements for the licensed premises. The examples of changes in section 93 indicate that the section was intended to include changes to matters in licence applications.

Part 1.9 Public Sector Management Act 1994

[1.23] Section 56 (1) (a)

substitute

- (a) an industrial agreement is in force in relation to an officer holding an office having that classification, and the agreement states the salary payable in relation to offices having that classification; or

Explanatory note

This amendment replaces a reference to the approval of classifications under management standards with a reference to industrial agreements. This reflects the fact that classifications are now set out in industrial agreements.

[1.24] Dictionary, definition of *non-appellable promotion*, paragraph (b)

substitute

- (b) a classification equivalent to a classification mentioned in paragraph (a), other than a classification for an office for appointment to which teaching qualifications are required.

Explanatory note

This amendment removes a redundant reference to the prescribing of classifications under management standards which are now set out in industrial agreements.

Schedule 2 Legislation Act 2001

(see s 5)

[2.1] Dictionary, part 1, new definition of *bankrupt or personally insolvent*

insert

bankrupt or personally insolvent—an individual is *bankrupt or personally insolvent* if the individual—

- (a) under the *Bankruptcy Act 1966* (Cwlth)—
 - (i) is bankrupt; or
 - (ii) is a party to a debt agreement as a debtor; or
 - (iii) is a party to a personal insolvency agreement as a debtor and the obligations created by the agreement remain undischarged; or
 - (iv) authorises a controlling trustee to control the individual's property, whether or not the individual has entered into a personal insolvency agreement as a debtor; or
- (b) has a status under a law of a foreign country substantially similar to an individual mentioned in paragraph (a); or
- (c) otherwise applies to take the benefit of any law for the relief of bankrupt or insolvent debtors.

Explanatory note

This amendment inserts a new definition of *bankrupt or personally insolvent*, establishing a single term to cover the range of circumstances by which an individual may be considered bankrupt or insolvent under the *Bankruptcy Act 1966* (Cwlth). The definition also covers individuals who have a substantially similar status in a foreign country. Paragraph (c) covers any other circumstances of bankruptcy or insolvency of individuals not expressly stated in the preceding paragraphs.

[2.2] Dictionary, part 1, definition of *gazette*

substitute

gazette means—

- (a) the Australian Capital Territory Gazette; or
- (b) for a notice or other information that must or may be notified or published in the *gazette* under the *Public Sector Management Act 1994*—an internet site approved by the commissioner for public administration.

Explanatory note

This amendment changes the definition of *gazette* to include an approved internet site to enable employment notices and related material to be published on the internet.

[2.3] Dictionary, part 1, new definition of *home address*

insert

home address, for an individual, means the address of the place where the individual usually lives.

Explanatory note

This amendment inserts a definition of *home address*, a commonly-used term. The insertion of the definition in the Legislation Act, dictionary, part 1, will avoid its unnecessary duplication in Acts and statutory instruments.

Schedule 3 Technical amendments

(see s 5)

Part 3.1 Animal Diseases Act 2005

[3.1] Section 42 (1) (b) (v)

omit

residential addresses

substitute

home addresses

Explanatory note

This amendment replaces a reference to a ‘residential’ address with ‘home’ address as the standard term to be used in ACT legislation to refer to the place where a person normally lives.

[3.2] Section 70 (6)

omit

Explanatory note

This amendment omits the definition of the term *home address* and is consequential on the insertion of a definition of *home address* into the Legislation Act, dictionary, part 1, by another amendment.

[3.3] Dictionary, note 2

insert

- home address

Explanatory note

This amendment is consequential on the insertion into the Legislation Act, dictionary, part 1, of a definition of *home address*, by another amendment.

Part 3.2 Architects Act 2004

[3.4] Section 9 (4) (a)

substitute

- (a) the individual is bankrupt or personally insolvent;

Explanatory note

This amendment is consequential on the insertion into the Legislation Act, dictionary, part 1, of a definition of *bankrupt or personally insolvent*, by another amendment.

[3.5] Section 20 (1) (a)

substitute

- (a) the person becomes bankrupt or personally insolvent; or

Explanatory note

This amendment is consequential on the insertion into the Legislation Act, dictionary, part 1, of a definition of *bankrupt or personally insolvent*, by another amendment.

[3.6] Section 74 (2) (d)

substitute

- (d) if the member becomes bankrupt or personally insolvent.

Explanatory note

This amendment is consequential on the insertion into the Legislation Act, dictionary, part 1, of a definition of *bankrupt or personally insolvent*, by another amendment.

[3.7] Dictionary, note 2

insert

- bankrupt or personally insolvent

Explanatory note

This amendment is consequential on the insertion into the Legislation Act, dictionary, part 1, of a definition of *bankrupt or personally insolvent*, by another amendment.

Part 3.3 Associations Incorporation Act 1991

[3.8] Section 66 (a)

omit

residential address

substitute

home address

Explanatory note

This amendment replaces ‘residential address’ with ‘home address’ as the standard term to be used in ACT legislation to refer to the place where a person normally lives.

[3.9] Dictionary, note 2

insert

- home address

Explanatory note

This amendment is consequential on the insertion into the Legislation Act, dictionary, part 1, of a definition of *home address*, by another amendment.

Part 3.4 Auditor-General Act 1996

[3.10] Schedule 1, section 1.4 (2)

substitute

- (2) The Executive must remove the auditor-general from office if the auditor-general becomes bankrupt or personally insolvent.

Explanatory note

This amendment is consequential on the insertion into the Legislation Act, dictionary, part 1, of a definition of *bankrupt or personally insolvent*, by another amendment.

[3.11] Dictionary, note 2

insert

- bankrupt or personally insolvent

Explanatory note

This amendment is consequential on the insertion into the Legislation Act, dictionary, part 1, of a definition of *bankrupt or personally insolvent*, by another amendment.

Part 3.5 Births, Deaths and Marriages Registration Regulation 1998

[3.12] Section 10 (a)

substitute

- (a) the name and last home address of the deceased;

Note **Home address** is defined in the Legislation Act, dict, pt 1.

Explanatory note

This amendment replaces ‘residential address’ with ‘home address’ as the standard term to be used in ACT legislation to refer to the place where a person normally lives, and adds a new note.

[3.13] Section 12 (a)

substitute

- (a) the name and last home address of the deceased;

Note **Home address** is defined in the Legislation Act, dict, pt 1.

Explanatory note

This amendment replaces ‘residential address’ with ‘home address’ as the standard term to be used in ACT legislation to refer to the place where a person normally lives, and adds a new note.

Part 3.6 Casino Control Act 2006

[3.14] Section 76 (2) (b)

omit

made

substitute

given

Explanatory note

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

Part 3.7 Charitable Collections Act 2003

[3.15] Section 23 (4) (a) (ii)

substitute

(ii) the person is bankrupt or personally insolvent; or

Explanatory note

This amendment is consequential on the insertion into the Legislation Act, dictionary, part 1, of a definition of *bankrupt or personally insolvent*, by another amendment.

[3.16] Dictionary, note 2

insert

- bankrupt or personally insolvent

Explanatory note

This amendment is consequential on the insertion into the Legislation Act, dictionary, part 1, of a definition of *bankrupt or personally insolvent*, by another amendment.

Part 3.8 **Children and Young People Act 2008**

[3.17] Section 822 (6)

omit

Explanatory note

This amendment omits the definition of the term *home address* and is consequential on the insertion of a definition of *home address* into the Legislation Act, dictionary, part 1, by another amendment.

[3.18] Dictionary, note 2

insert

- home address

Explanatory note

This amendment is consequential on the insertion into the Legislation Act, dictionary, part 1, of a definition of *home address*, by another amendment.

[3.19] Dictionary, new definition of *parent*

insert

parent—see section 16 (2).

Explanatory note

This amendment inserts a signpost definition to definitional matter in accordance with current drafting practice.

Part 3.9 Civil Law (Wrongs) Act 2002

[3.20] Schedule 4, section 4.43 (1) (e)

substitute

(e) becomes bankrupt or personally insolvent; or

Explanatory note

This amendment is consequential on the insertion into the Legislation Act, dictionary, part 1, of a definition of *bankrupt or personally insolvent*, by another amendment.

[3.21] Dictionary, note 2

insert

- bankrupt or personally insolvent
- home address

Explanatory note

This amendment is consequential on the insertion into the Legislation Act, dictionary, part 1, of definitions of *bankrupt or personally insolvent* and *home address*, by other amendments.

Part 3.10 Construction Occupations (Licensing) Act 2004

[3.22] Section 48 (2) (b)

substitute

(b) becomes bankrupt or personally insolvent.

Explanatory note

This amendment is consequential on the insertion into the Legislation Act, dictionary, part 1, of a definition of *bankrupt or personally insolvent*, by another amendment.

[3.23] Section 91 (3) (a)

after

in relation to

insert

which

Explanatory note

This amendment inserts a missing word.

[3.24] Dictionary, note 2

insert

- bankrupt or personally insolvent

Explanatory note

This amendment is consequential on the insertion into the Legislation Act, dictionary, part 1, of a definition of *bankrupt or personally insolvent*, by another amendment.

Part 3.11 Construction Occupations (Licensing) Regulation 2004

[3.25] Section 5 (d) (ii)

omit

residential address

substitute

home address

Explanatory note

This amendment replaces ‘residential address’ with ‘home address’ as the standard term to be used in ACT legislation to refer to the place where a person normally lives.

[3.26] Dictionary, note 2

substitute

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

- Act
- home address.

Explanatory note

This amendment is consequential on the insertion into the Legislation Act, dictionary, part 1, of a definition of *home address*, by another amendment.

Part 3.12 Consumer Credit (Administration) Act 1996

[3.27] Section 24AB (1) (a) (i)

substitute

- (i) becomes bankrupt or personally insolvent; or

Explanatory note

This amendment is consequential on the insertion into the Legislation Act, dictionary, part 1, of a definition of *bankrupt or personally insolvent*, by another amendment.

[3.28] Section 55AB (1) (a) (i)

substitute

- (i) becomes bankrupt or personally insolvent; or

Explanatory note

This amendment is consequential on the insertion into the Legislation Act, dictionary, part 1, of a definition of *bankrupt or personally insolvent*, by another amendment.

[3.29] Dictionary, note 2

insert

- bankrupt or personally insolvent

Explanatory note

This amendment is consequential on the insertion into the Legislation Act, dictionary, part 1, of a definition of *bankrupt or personally insolvent*, by another amendment.

Part 3.13 Consumer Credit (Administration) Regulation 1996

[3.30] Section 5 (a) (ii)

omit

residential address

substitute

home address

Explanatory note

This amendment replaces ‘residential address’ with ‘home address’ as the standard term to be used in ACT legislation to refer to the place where a person normally lives.

Part 3.14 Cooperatives Regulation 2003

[3.31] Section 19 (c) (iii)

omit

full residential address

substitute

home address

Explanatory note

This amendment replaces a reference to a ‘residential address’ with a reference to a ‘home address’ as the standard term to be used in ACT legislation to refer to the place where a person normally lives. It also omits the adjective ‘full’ which is superfluous to the meaning of the address and is consistent with current drafting practice.

[3.32] Sections 32, 34 and 38

omit

residential address

substitute

home address

Explanatory note

These amendments replace ‘residential address’ with ‘home address’ as the standard term to be used in ACT legislation to refer to the place where a person normally lives.

[3.33] Dictionary, note 2

insert

- home address

Explanatory note

This amendment is consequential on the insertion into the Legislation Act, dictionary, part 1, of a definition of *home address*, by another amendment.

Part 3.15 Court Procedures Rules 2006

[3.34] Dictionary, note 2

insert

- home address

Explanatory note

This amendment is consequential on the insertion into the Legislation Act, dictionary, part 1, of a definition of *home address*, by another amendment.

Part 3.16 Crimes (Restorative Justice) Act 2004

[3.35] Section 12, definition of *commission*, note

substitute

Note *Offence* is defined to include an offence that is alleged to have been committed. *Offender* is defined in similar terms. See definitions of *offence* and *offender* in this section.

Explanatory note

This amendment corrects the note by adding a missing word.

[3.36] Section 25 (d) and (e)

substitute

- (d) that no-one is under an obligation to take part, or continue to take part, in restorative justice after it has started; and
- (e) if the offender has not entered a plea for the offence—that the acceptance of responsibility for the commission of the offence by the offender for the purpose of restorative justice does not prevent the offender from pleading not guilty to the offence; and

Explanatory note

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

Part 3.17 Dangerous Substances Act 2004

[3.37] Section 138 (3)

substitute

- (3) If a sample of a substance taken by an inspector is in the form of separate or severable objects, the inspector—
- (a) may take a number of the objects; and
 - (b) if the inspector takes a number of the objects, must—
 - (i) divide them into 3 parts each consisting of 1 or more of the objects, or of the severable parts of the objects, and mark and either seal or fasten each part; and
 - (ii) deal with the sample under subsection (2) (b) to (d).

Explanatory note

Under the existing provision the word ‘may’ qualifies an inspector’s actions about dividing and dealing with the samples. Once a sample is taken, the procedure for dividing and dealing with the sample should be mandatory. This amendment brings the provision into line with the *Work Safety Act 2008*, section 113 (3) which provides that if a sample is taken, it ‘must’ be divided and dealt with in the stated way.

[3.38] Section 155 (7)

omit

Explanatory note

This amendment omits the definition of the term *home address* and is consequential on the insertion of a definition of *home address* into the Legislation Act, dictionary, part 1, by another amendment.

[3.39] Dictionary, note 2

insert

- home address

Explanatory note

This amendment is consequential on the insertion into the Legislation Act, dictionary, part 1, of a definition of *home address*, by another amendment.

Part 3.18 Dangerous Substances (Explosives) Regulation 2004

[3.40] Dictionary, note 2

insert

- home address

Explanatory note

This amendment is consequential on the insertion into the Legislation Act, dictionary, part 1, of a definition of *home address*, by another amendment.

**[3.41] Dictionary, definition of *identification papers*,
paragraph (b)**

omit

residential address

substitute

home address

Explanatory note

This amendment replaces ‘residential address’ with ‘home address’ as the standard term to be used in ACT legislation to refer to the place where a person normally lives.

[3.42] Dictionary, definition of *identification papers*, example and note

substitute

Example—identification papers

a proof of age card under the *Liquor Act 1975*, s 175, together with a bank statement showing the cardholder's home address

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

Explanatory note

This amendment replaces the reference to 'residential address' with 'home address' in the example. It is consequential upon the replacement of 'residential address' with 'home address' in ACT legislation, as well as the insertion into the Legislation Act, dictionary, part 1, of a definition of *home address*, by other amendments.

Part 3.19 Dangerous Substances (General) Regulation 2004

[3.43] Dictionary, note 2

insert

- home address

Explanatory note

This amendment is consequential on the insertion into the Legislation Act, dictionary, part 1, of a definition of *home address*, by another amendment.

[3.44] Dictionary, definition of *identification papers*, paragraph (b)

omit

residential address

substitute

home address

Explanatory note

This amendment replaces ‘residential address’ with ‘home address’ as the standard term to be used in ACT legislation to refer to the place where a person normally lives.

Part 3.20 Domestic Animals Regulation 2001

[3.45] Dictionary, note 2

insert

- home address

Explanatory note

This amendment is consequential on the insertion into the Legislation Act, dictionary, part 1, of a definition of *home address*, by another amendment.

Part 3.21 Domestic Relationships Act 1994

[3.46] Section 13 (2)

omit

if it were granted.

substitute

would be caused to the respondent if leave were granted.

Explanatory note

This amendment corrects an error. The intended effect of the provision is that the relative hardships of the applicant and respondent be considered in deciding whether the leave should be granted.

Part 3.22 Duties Act 1999

[3.47] Section 51 (2)

omit everything after paragraph (c), substitute

the duty chargeable on the new lease is the amount of duty that would have been chargeable on the new lease under part 2.3 less the amount of duty that would have been chargeable under part 2.3 on the grant of a Crown lease over the land that was comprised in the development lease, if the Crown lease had been granted on the same terms as the new lease.

Explanatory note

This amendment updates language.

[3.48] Section 65

substitute

65 Transfer of land under Fair Work (Registered Organisations) Act

Duty of \$20 is chargeable on a transfer of land made in accordance with the *Fair Work (Registered Organisations) Act 2009* (Cwlth), section 82.

Explanatory note

This amendment updates a cross-reference as a consequence of amendments to the *Workplace Relations Act 1996* (Cwlth). The *Fair Work (Transitional Provisions and Consequential Amendments) Act 2009* (Cwlth) amended the name of the *Workplace Relations Act 1996* (Cwlth) to the *Fair Work (Registered Organisations) Act 2009* and made other amendments.

[3.49] Section 70 (e)

substitute

(e) made in accordance with the *Fair Work (Registered Organisations) Act 2009* (Cwlth), section 84.

Explanatory note

This amendment updates a cross-reference as a consequence of amendments to the *Workplace Relations Act 1996* (Cwlth). The *Fair Work (Transitional Provisions and Consequential Amendments) Act 2009* (Cwlth) amended the name of the *Workplace Relations Act 1996* (Cwlth) to the *Fair Work (Registered Organisations) Act 2009* and made other amendments.

[3.50] Section 215

substitute

215 Organisations registered under Fair Work (Registered Organisations) Act

Duty under this chapter is not chargeable on an application to register a motor vehicle made by an organisation registered under the *Fair Work (Registered Organisations) Act 2009* (Cwlth) if the registration is to happen in accordance with that Act, section 85.

Explanatory note

This amendment updates a cross-reference as a consequence of amendments to the *Workplace Relations Act 1996* (Cwlth). The *Fair Work (Transitional Provisions and Consequential Amendments) Act 2009* (Cwlth) amended the name of the *Workplace Relations Act 1996* (Cwlth) to the *Fair Work (Registered Organisations) Act 2009* and made other amendments.

[3.51] Section 217 (3)

substitute

(3) In this section:

historic vehicle—see the *Road Transport (Vehicle Registration) Regulation 2000*, dictionary.

veteran vehicle—see the *Road Transport (Vehicle Registration) Regulation 2000*, dictionary.

vintage vehicle—see the *Road Transport (Vehicle Registration) Regulation 2000*, dictionary.

Explanatory note

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

Part 3.23 Electricity (Greenhouse Gas Emissions) Regulation 2004

[3.52] Section 29 (1) (d)

substitute

(d) the person becomes bankrupt or personally insolvent;

Explanatory note

This amendment is consequential on the insertion into the Legislation Act, dictionary, part 1, of a definition of *bankrupt or personally insolvent*, by another amendment.

[3.53] Dictionary, note 2

insert

- bankrupt or personally insolvent

Explanatory note

This amendment is consequential on the insertion into the Legislation Act, dictionary, part 1, of a definition of *bankrupt or personally insolvent*, by another amendment.

Part 3.24 Electricity Safety Act 1971

[3.54] Section 14 (5) (b)

substitute

(b) for an individual—the person becomes bankrupt or personally insolvent.

Explanatory note

This amendment is consequential on the insertion into the Legislation Act, dictionary, part 1, of a definition of *bankrupt or personally insolvent*, by another amendment.

[3.55] Section 52 (6)

omit

Explanatory note

This amendment omits the definition of the term *home address* and is consequential on the insertion of a definition of *home address* into the Legislation Act, dictionary, part 1, by another amendment.

[3.56] Dictionary, note 2

insert

- bankrupt or personally insolvent
- home address

Explanatory note

This amendment is consequential on the insertion into the Legislation Act, dictionary, part 1, of definitions of *bankrupt or personally insolvent* and *home address*, by other amendments.

Part 3.25 Emergencies Act 2004

[3.57] Section 113 (7)

omit

Explanatory note

This amendment omits the definition of the term *home address* and is consequential on the insertion of a definition of *home address* into the Legislation Act, dictionary, part 1, by another amendment.

[3.58] Section 132 (c) (i)

substitute

- (i) becomes bankrupt or personally insolvent; or

Explanatory note

This amendment is consequential on the insertion into the Legislation Act, dictionary, part 1, of a definition of *bankrupt or personally insolvent*, by another amendment.

[3.59] Section 196 (7), definition of *home address*

omit

Explanatory note

This amendment omits the definition of the term *home address* and is consequential on the insertion of a definition of *home address* into the Legislation Act, dictionary, part 1, by another amendment.

[3.60] Schedule 1, section 1.8 (5) (b)

substitute

- (b) the *Road Transport (Third-Party Insurance) Act 2008*, chapter 2 (Compulsory third-party insurance (CTP insurance));

Explanatory note

This amendment updates a cross-reference. The provision being replaced refers to the *Road Transport (General) Act 1999*, part 10 which has been omitted and the operation of the part incorporated in the *Road Transport (Third Party Insurance) Act 2008*.

[3.61] Dictionary, note 2

insert

- bankrupt or personally insolvent
- home address

Explanatory note

This amendment is consequential on the insertion into the Legislation Act, dictionary, part 1, of definitions of *bankrupt or personally insolvent* and *home address*, by other amendments.

Part 3.26 Enclosed Lands Protection Act 1943

[3.62] Section 6 (1)

omit

residential address

substitute

home address

Explanatory note

This amendment replaces ‘residential address’ with ‘home address’ as the standard term to be used in ACT legislation to refer to the place where a person normally lives.

[3.63] Dictionary, note 2

insert

- home address

Explanatory note

This amendment is consequential on the insertion into the Legislation Act, dictionary, part 1, of a definition of *home address*, by another amendment.

Part 3.27 Environment Protection Act 1997

[3.64] Section 67A (1)

substitute

- (1) The Minister may, in writing, declare a licence, authorisation, permit, notice or approval issued, granted or given under a law of a State or another Territory to conduct a class of activity specified in schedule 1, section 1.2 to be a recognised environmental authorisation to which this division applies.

Explanatory note

This amendment updates language in line with current legislative drafting practice and corrects a cross-reference.

[3.65] Section 67A (as amended)

in part 8, relocate after section 67

Explanatory note

This amendment reorders existing sections 67A and 67 in line with the usual sequence of provisions and, because section 67A applies to the whole of division 8.2, it more properly belongs at the end of the division.

Part 3.28 Fertilisers Act 1904

[3.66] Section 1

substitute

1 Name of Act

This Act is the *Fertilisers (Labelling and Sale) Act 1904*.

Explanatory note

This amendment changes the name of the Act to better reflect the scope of the Act.

Part 3.29 Financial Management Act 1996

[3.67] Dictionary, definition of *outcomes*

omit

Explanatory note

This amendment omits a redundant definition. The term does not appear elsewhere in the Act.

[3.68] Dictionary, new definition of *the Territory*

insert

the Territory, for division 3.1 (Financial reports of the Territory)—
see section 21.

Explanatory note

This amendment inserts a new signpost definition of *the Territory* in the dictionary for division 3.1.

Part 3.30 Firearms Act 1996

[3.69] Section 254 (1) (c)

omit

residential address

substitute

home address

Explanatory note

This amendment replaces ‘residential address’ with ‘home address’ as the standard term to be used in ACT legislation to refer to the place where a person normally lives.

[3.70] Dictionary, note 2

insert

- home address

Explanatory note

This amendment is consequential on the insertion into the Legislation Act, dictionary, part 1, of a definition of *home address*, by another amendment.

Part 3.31 Firearms Regulation 2008

[3.71] Dictionary, note 2

insert

- home address

Explanatory note

This amendment is consequential on the insertion into the Legislation Act, dictionary, part 1, of a definition of *home address*, by another amendment.

[3.72] Dictionary, definition of *home address*

omit

Explanatory note

This amendment omits the definition of the term *home address* and is consequential on the insertion of a definition of *home address* into the Legislation Act, dictionary, part 1, by another amendment.

Part 3.32 Fisheries Act 2000

[3.73] Section 64 (6)

omit

Explanatory note

This amendment omits the definition of the term *home address* and is consequential on the insertion of a definition of *home address* into the Legislation Act, dictionary, part 1, by another amendment.

[3.74] Dictionary, note 2

insert

- home address

Explanatory note

This amendment is consequential on the insertion into the Legislation Act, dictionary, part 1, of a definition of *home address*, by another amendment.

Part 3.33 Food Act 2001

[3.75] Section 76 (3)

substitute

- (3) If a sample of food taken by an authorised officer is in the form of separate or severable objects, the authorised officer—
- (a) may take a number of the objects; and
 - (b) if the authorised officer takes a number of the objects, must—
 - (i) divide them into 3 parts each consisting of 1 or more of the objects, or of the severable parts of the objects, and mark and either seal or fasten each part; and
 - (ii) deal with the sample under subsection (2) (b) to (d).

Explanatory note

Under the existing provision the word ‘may’ qualifies an authorised officer’s actions about dividing and dealing with the samples. Once a sample is taken, the procedure for dividing and dealing with the sample should be mandatory. This amendment brings the provision into line with the *Work Safety Act 2008*, section 113 (3) which provides that if a sample is taken, it ‘must’ be divided and dealt with in the stated way.

Part 3.34 **Government Procurement Act 2001**

[3.76] Section 3A

substitute

3A Application of Act to land sales etc

This Act does not apply to the grant of a licence or lease of land, or the sale of a lease of land, under the *Planning and Development Act 2007*.

Explanatory note

This amendment updates the section consequent on the repeal of the *Land (Planning and Environment) Act 1991* and the *Planning and Land Act 2002* by the *Planning and Development Act 2007*.

[3.77] Section 16 (3) (b) (i)

substitute

- (i) becomes bankrupt or personally insolvent; or

Explanatory note

This amendment is consequential on the insertion into the Legislation Act, dictionary, part 1, of a definition of *bankrupt or personally insolvent*, by another amendment.

[3.78] Dictionary, note 2

insert

- bankrupt or personally insolvent

Explanatory note

This amendment is consequential on the insertion into the Legislation Act, dictionary, part 1, of a definition of *bankrupt or personally insolvent*, by another amendment.

Part 3.35 Guardianship and Management of Property Act 1991

[3.79] Section 12 (4)

substitute

(4) In this section:

corresponding law means a law of a State or of another Territory, or a law of a prescribed country, that corresponds, or substantially corresponds, to this Act.

Explanatory note

This amendment brings the subsection into line with current drafting practice. In particular, it updates the definition to bring it into line with section 32A, definition of *protected person*, paragraph (b) (ii).

[3.80] Section 32B (1)

omit

are a *health attorney*

substitute

is a *health attorney*

Explanatory note

This amendment corrects a grammatical error.

Part 3.36 Hawkers Act 2003

[3.81] Section 4 (b)

substitute

- (b) the operation of a public passenger service under the *Road Transport (Public Passenger Services) Act 2001*;

Explanatory note

This amendment omits a cross-reference to the *Road Transport General Act 1999*, part 10 that has been repealed.

Part 3.37 Hemp Fibre Industry Facilitation Act 2004

[3.82] Section 16 (b)

substitute

- (b) is bankrupt or personally insolvent.

Explanatory note

This amendment is consequential on the insertion into the Legislation Act, dictionary, part 1, of a definition of *bankrupt or personally insolvent*, by another amendment.

[3.83] Section 18 (b)

substitute

- (b) is bankrupt or personally insolvent; or

Explanatory note

This amendment is consequential on the insertion into the Legislation Act, dictionary, part 1, of a definition of *bankrupt or personally insolvent*, by another amendment.

[3.84] Section 37 (b)

substitute

- (b) if the licensee is an individual—the licensee is bankrupt or personally insolvent;

Explanatory note

This amendment is consequential on the insertion into the Legislation Act, dictionary, part 1, of a definition of *bankrupt or personally insolvent*, by another amendment.

[3.85] Dictionary, note 2

insert

- bankrupt or personally insolvent

Explanatory note

This amendment is consequential on the insertion into the Legislation Act, dictionary, part 1, of a definition of *bankrupt or personally insolvent*, by another amendment.

[3.86] Dictionary, definition of *affected by bankruptcy action*

omit

Explanatory note

This amendment is consequential on the insertion into the Legislation Act, dictionary, part 1, of a definition of *bankrupt or personally insolvent*, by another amendment.

Part 3.38 Heritage Act 2004

[3.87] Section 85 (6)

omit

Explanatory note

This amendment omits the definition of the term *home address* and is consequential on the insertion of a definition of *home address* into the Legislation Act, dictionary, part 1, by another amendment.

[3.88] Dictionary, note 2

insert

- home address

Explanatory note

This amendment is consequential on the insertion into the Legislation Act, dictionary, part 1, of a definition of *home address*, by another amendment.

Part 3.39 Housing Assistance Act 2007

[3.89] Section 6 heading

substitute

6 Objects of Act

Explanatory note

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

[3.90] Section 32 (5), definition of *unleased territory land*

substitute

unleased territory land means territory land that is not leased under the *Planning and Development Act 2007* or the *Unit Titles Act 2001*.

Explanatory note

This amendment updates the definition consequent on the repeal of the *Land (Planning and Environment) Act 1991* by the *Planning and Development Act 2007*.

[3.91] Section 33 (2) (f), note 2

substitute

Note 2 See also the *Planning and Development Act 2007*, s 312 for the recovery of land from a former licensee.

Explanatory note

This amendment updates the note consequent on the repeal of the *Land (Planning and Environment) Act 1991* by the *Planning and Development Act 2007*.

[3.92] Section 36 (1)

omit

a departmental banking account or territory banking account within the meaning of the *Financial Management Act 1996*

substitute

a departmental banking account, or territory banking account, within the meaning of the *Financial Management Act 1996*

Explanatory note

The subsection relates to amounts paid to or by the housing commissioner for the *Housing Assistance Act 2007*. Both of the terms ‘departmental banking account’ and ‘territory banking account’ are defined in the *Financial Management Act 1996*. This amendment makes it clear that the reference to ‘within the meaning of’ applies to both of these terms.

[3.93] Dictionary, note 2

omit

- commissioner for revenue

Explanatory note

This amendment omits a redundant term in the note. The term does not appear elsewhere in the Act.

[3.94] Dictionary, note 2

omit

- human rights commission

Explanatory note

This amendment omits a redundant term in the note. The term does not appear elsewhere in the Act.

Part 3.40 Interactive Gambling Act 1998

[3.95] Section 39 (1) (h)

substitute

(h) the licensed provider is bankrupt or personally insolvent; or

Explanatory note

This amendment is consequential on the insertion into the Legislation Act, dictionary, part 1, of a definition of *bankrupt or personally insolvent*, by another amendment.

[3.96] Dictionary, note 2

insert

- bankrupt or personally insolvent

Explanatory note

This amendment is consequential on the insertion into the Legislation Act, dictionary, part 1, of a definition of *bankrupt or personally insolvent*, by another amendment.

Part 3.41 Interactive Gambling Regulation 1998

[3.97] Section 5 (b)

omit

residential address

substitute

home address

Explanatory note

This amendment replaces ‘residential address’ with ‘home address’ as the standard term to be used in ACT legislation to refer to the place where a person normally lives.

[3.98] Dictionary, note 2

insert

- home address

Explanatory note

This amendment is consequential on the insertion into the Legislation Act, dictionary, part 1, of a definition of *home address*, by another amendment.

Part 3.42 Intoxicated People (Care and Protection) Act 1994

[3.99] Section 15 (3), definition of *name and address*, paragraph (b)

omit

residential address

substitute

home address

Explanatory note

This amendment replaces ‘residential address’ with ‘home address’ as the standard term to be used in ACT legislation to refer to the place where a person normally lives.

[3.100] Dictionary, note 2

insert

- home address

Explanatory note

This amendment is consequential on the insertion into the Legislation Act, dictionary, part 1, of a definition of *home address*, by another amendment.

Part 3.43 Leases (Commercial and Retail) Act 2001

[3.101] Section 23 (3) and note

substitute

- (3) For this section, if the lessor has a mortgagee, lessor's costs include any fee for, or incidental to obtaining, the mortgagee's consent to the lease.

Note If the lessor requires the lease to be registered, the lessor must pay the costs under s (2) also.

Explanatory note

This amendment omits the reference to stamp duty in lessor's costs. The requirement to stamp commercial leases has been abolished.

[3.102] Section 25 (a)

substitute

- (a) if the lease is not to be registered—within 21 days after the lease is signed by the lessor and tenant; or

Explanatory note

This amendment amends the starting point for the 21-day period for a lessor to give a copy of a lease to a tenant to omit the reference to stamping the lease. The requirement to stamp commercial leases has been abolished.

Part 3.44 Legal Profession Act 2006

[3.103] Section 290 (5)

omit

residential address

substitute

home address

Explanatory note

This amendment replaces ‘residential address’ with ‘home address’ as the standard term to be used in ACT legislation to refer to the place where a person normally lives.

[3.104] Section 533 (6)

omit

Explanatory note

This amendment omits the definition of the term *home address* and is consequential on the insertion of a definition of *home address* into the Legislation Act, dictionary, part 1, by another amendment.

[3.105] Dictionary, note 2

insert

- home address

Explanatory note

This amendment is consequential on the insertion into the Legislation Act, dictionary, part 1, of a definition of *home address*, by another amendment.

Part 3.45 Limitation Act 1985

[3.106] Section 49 (2)

omit

residential address

substitute

home address

Explanatory note

This amendment replaces ‘residential address’ with ‘home address’ as the standard term to be used in ACT legislation to refer to the place where a person normally lives.

[3.107] Dictionary, note 2

insert

- home address

Explanatory note

This amendment is consequential on the insertion into the Legislation Act, dictionary, part 1, of a definition of *home address*, by another amendment.

Part 3.46 Liquor Act 1975

[3.108] Section 30 (1) (c)

substitute

- (c) subject to subsection (3), require the young person to give the young person’s name, home address and age to the inspector or officer; and

Explanatory note

This amendment replaces ‘address’ with ‘home address’ as the standard term to be used in ACT legislation to refer to the place where a person normally lives, and updates language in line with current drafting practice.

[3.109] Section 69 etc

omit

residential address

substitute

home address

in

- section 69
- section 73
- section 74 (1) (a)
- section 132

Explanatory note

These amendments replace ‘residential address’ with ‘home address’ as the standard term to be used in ACT legislation to refer to the place where a person normally lives.

[3.110] Dictionary, note 2

insert

- home address

Explanatory note

This amendment is consequential on the insertion into the Legislation Act, dictionary, part 1, of a definition of *home address*, by another amendment.

Part 3.47 Litter Act 2004

[3.111] Section 17 (6)

omit

Explanatory note

This amendment omits the definition of the term *home address* and is consequential on the insertion of a definition of *home address* into the Legislation Act, dictionary, part 1, by another amendment.

[3.112] Dictionary, note 2

insert

- home address

Explanatory note

This amendment is consequential on the insertion into the Legislation Act, dictionary, part 1, of a definition of *home address*, by another amendment.

Part 3.48 Magistrates Court Act 1930

[3.113] Section 117, definition of *home address*

omit

Explanatory note

This amendment omits the definition of the term *home address* and is consequential on the insertion of a definition of *home address* into the Legislation Act, dictionary, part 1, by another amendment.

[3.114] Dictionary, note 2

insert

- home address

Explanatory note

This amendment is consequential on the insertion into the Legislation Act, dictionary, part 1, of a definition of *home address*, by another amendment.

[3.115] Dictionary, definition of *home address*

omit

Explanatory note

This amendment omits the definition of the term *home address* and is consequential on the insertion of a definition of *home address* into the Legislation Act, dictionary, part 1, by another amendment.

Part 3.49 Major Events Security Act 2000

[3.116] Section 12 (4)

omit

Explanatory note

This amendment omits the definition of the term *home address* and is consequential on the insertion of a definition of *home address* into the Legislation Act, dictionary, part 1, by another amendment.

[3.117] Dictionary, note 2

insert

- home address

Explanatory note

This amendment is consequential on the insertion into the Legislation Act, dictionary, part 1, of a definition of *home address*, by another amendment.

Part 3.50 Medicines, Poisons and Therapeutic Goods Act 2008

[3.118] Section 24, definition of *supply*, paragraph (a) (ii), note

substitute

Note *Dispense* means supply on prescription (see dict).

Explanatory note

This amendment corrects the note by bringing it into line with the definition of *dispense* in the dictionary.

[3.119] Section 64 (4) (a)

omit

residential address

substitute

home address

Explanatory note

This amendment replaces ‘residential address’ with ‘home address’ as the standard term to be used in ACT legislation to refer to the place where a person normally lives.

[3.120] Dictionary, note 2

insert

- home address

Explanatory note

This amendment is consequential on the insertion into the Legislation Act, dictionary, part 1, of a definition of *home address*, by another amendment.

Part 3.51 Medicines, Poisons and Therapeutic Goods Regulation 2008

[3.121] Section 612 (1) (a)

omit

residential address

substitute

home address

Explanatory note

This amendment replaces ‘residential address’ with ‘home address’ as the standard term to be used in ACT legislation to refer to the place where a person normally lives.

[3.122] Dictionary, note 2

insert

- home address

Explanatory note

This amendment is consequential on the insertion into the Legislation Act, dictionary, part 1, of a definition of *home address*, by another amendment.

Part 3.52 Motor Sport (Public Safety) Act 2006

[3.123] Section 12 (1)

omit

residential address

substitute

home address

Explanatory note

This amendment replaces ‘residential address’ with ‘home address’ as the standard term to be used in ACT legislation to refer to the place where a person normally lives.

[3.124] Dictionary, note 2

insert

- home address

Explanatory note

This amendment is consequential on the insertion into the Legislation Act, dictionary, part 1, of a definition of *home address*, by another amendment.

Part 3.53 National Environment Protection Council Act 1994

[3.125] Section 44 (2) (c)

substitute

(c) becomes bankrupt or personally insolvent; or

Explanatory note

This amendment is consequential on the insertion into the Legislation Act, dictionary, part 1, of a definition of *bankrupt or personally insolvent*, by another amendment.

[3.126] Dictionary, note 2

insert

- bankrupt or personally insolvent

Explanatory note

This amendment is consequential on the insertion into the Legislation Act, dictionary, part 1, of a definition of *bankrupt or personally insolvent*, by another amendment.

Part 3.54 Occupational Health and Safety Act 1989

[3.127] Section 103 (6)

omit

Explanatory note

This amendment omits the definition of the term *home address* and is consequential on the insertion of a definition of *home address* into the Legislation Act, dictionary, part 1, by another amendment.

[3.128] Dictionary, note 2

insert

- home address

Explanatory note

This amendment is consequential on the insertion into the Legislation Act, dictionary, part 1, of a definition of *home address*, by another amendment.

Part 3.55 Pest Plants and Animals Act 2005

[3.129] Section 36 (6)

omit

Explanatory note

This amendment omits the definition of the term *home address* and is consequential on the insertion of a definition of *home address* into the Legislation Act, dictionary, part 1, by another amendment.

[3.130] Dictionary, note 2

insert

- home address

Explanatory note

This amendment is consequential on the insertion into the Legislation Act, dictionary, part 1, of a definition of *home address*, by another amendment.

Part 3.56 **Planning and Development Act 2007**

[3.131] Section 250 (4)

omit

residential address

substitute

home address

Explanatory note

This amendment replaces ‘residential address’ with ‘home address’ as the standard term to be used in ACT legislation to refer to the place where a person normally lives.

[3.132] Section 393 (6)

omit

Explanatory note

This amendment omits the definition of the term *home address* and is consequential on the insertion of a definition of *home address* into the Legislation Act, dictionary, part 1, by another amendment.

[3.133] Dictionary, note 2

insert

- home address

Explanatory note

This amendment is consequential on the insertion into the Legislation Act, dictionary, part 1, of a definition of *home address*, by another amendment.

Part 3.57 Prostitution Act 1992

[3.134] Dictionary, note 2

insert

- home address

Explanatory note

This amendment is consequential on the insertion into the Legislation Act, dictionary, part 1, of a definition of *home address*, by another amendment.

Part 3.58 Public Sector Management Act 1994

[3.135] Section 3A (1)

omit

, in writing,

Explanatory note

This amendment omits text that is redundant. Because the declaration is a notifiable instrument, it must be in writing.

[3.136] Section 13 (1)

omit

may, from time to time, in writing—

substitute

may—

Explanatory note

This amendment omits redundant text because under the Legislation Act, section 42 (3) a power to make an instrument may be exercised from time to time. Also, because the instrument is a notifiable instrument, it must be in writing.

[3.137] Section 14 (1)

omit

, in writing

Explanatory note

This amendment omits text that is redundant. Because the instrument is a notifiable instrument, it must be in writing.

[3.138] Section 25 (4)

omit

, in writing,

Explanatory note

This amendment omits text that is redundant. Because the declaration is a notifiable instrument, it must be in writing.

[3.139] Section 28 (3) (d)

omit

, being a day

Explanatory note

This amendment omits redundant text.

[3.140] Section 67, notes

omit

Explanatory note

This amendment omits redundant notes which refer to provisions of the Act that related to Totalcare and the fire and emergency services. The relevant provisions expired on 31 December 2005 and 30 June 2006, respectively.

[3.141] Section 72 (3) (d)

omit

, being a day

Explanatory note

This amendment omits redundant text.

[3.142] Section 97 (2)

omit

, in writing,

Explanatory note

This amendment omits text that is redundant. Because the declaration is a notifiable instrument, it must be in writing.

[3.143] Section 114 (a) and (b)

omit

, whether before or after the commencement of this section,

Explanatory note

This amendment omits redundant transitional text.

[3.144] Section 117 (1)

omit

, whether before or after the commencement of this subsection,

Explanatory note

This amendment omits redundant transitional text.

Part 3.59 Public Trustee Act 1985

[3.145] Section 74 (2) (b)

omit

residential address

substitute

home address

Explanatory note

This amendment replaces ‘residential address’ with ‘home address’ as the standard term to be used in ACT legislation to refer to the place where a person normally lives.

[3.146] Dictionary, note 2

insert

- home address

Explanatory note

This amendment is consequential on the insertion into the Legislation Act, dictionary, part 1, of a definition of *home address*, by another amendment.

Part 3.60 Rates Act 2004

[3.147] Section 75 (2) (a)

omit

residential address

substitute

home address

Explanatory note

This amendment replaces ‘residential address’ with ‘home address’ as the standard term to be used in ACT legislation to refer to the place where a person normally lives.

[3.148] Dictionary, note 2

insert

- home address

Explanatory note

This amendment is consequential on the insertion into the Legislation Act, dictionary, part 1, of a definition of *home address*, by another amendment.

Part 3.61 Road Transport (Driver Licensing) Regulation 2000

[3.149] Dictionary, note 2

insert

- home address

Explanatory note

This amendment is consequential on the insertion into the Legislation Act, dictionary, part 1, of a definition of *home address*, by another amendment.

[3.150] Dictionary, definition of *home address*

omit

Explanatory note

This amendment omits the definition of the term *home address* and is consequential on the insertion of a definition of *home address* into the Legislation Act, dictionary, part 1, by another amendment.

Part 3.62 **Road Transport (General) Act 1999**

[3.151] Dictionary, note 2

insert

- home address

Explanatory note

This amendment is consequential on the insertion into the Legislation Act, dictionary, part 1, of a definition of *home address*, by another amendment.

[3.152] Dictionary, definition of *home address*

omit

Explanatory note

This amendment omits the definition of the term *home address* and is consequential on the insertion of a definition of *home address* into the Legislation Act, dictionary, part 1, by another amendment.

Part 3.63 **Road Transport (Public Passenger Services) Act 2001**

[3.153] Section 121 (6)

omit

Explanatory note

This amendment omits the definition of the term *home address* and is consequential on the insertion of a definition of *home address* into the Legislation Act, dictionary, part 1, by another amendment.

[3.154] Dictionary, note 2

insert

- home address

Explanatory note

This amendment is consequential on the insertion into the Legislation Act, dictionary, part 1, of a definition of *home address*, by another amendment.

Part 3.64 Road Transport (Public Passenger Services) Regulation 2002

[3.155] Sections 88, 173 and 238

omit

residential address

substitute

home address

Explanatory note

These amendments replace ‘residential address’ with ‘home address’ as the standard term to be used in ACT legislation to refer to the place where a person normally lives.

[3.156] Dictionary, note 2

insert

- home address

Explanatory note

This amendment is consequential on the insertion into the Legislation Act, dictionary, part 1, of a definition of *home address*, by another amendment.

[3.157] Dictionary, definition of *home address*

omit

Explanatory note

This amendment omits the definition of the term *home address* and is consequential on the insertion of a definition of *home address* into the Legislation Act, dictionary, part 1, by another amendment.

Part 3.65 Road Transport (Vehicle Registration) Act 1999

[3.158] Dictionary, definition of *garage address*

substitute

garage address, of a vehicle, means—

- (a) if the vehicle is normally kept at a depot or base of operations when not in use—the main depot or base of operations of the vehicle; or
- (b) if the vehicle is normally kept at a place (other than a depot or base of operations) when not in use—the place where the vehicle is normally kept.

Explanatory note

This amendment simplifies the definition of *garage address* and removes references in the definition that are not necessary for the administration of the vehicle registration scheme.

[3.159] Dictionary, new definition of *GCM*

insert

GCM—see *gross combination mass*.

Explanatory note

This amendment adds a signpost definition to another definition in the dictionary.

[3.160] Dictionary, definition of *GCM* (or *gross combination mass*)

omit

GCM (or *gross combination mass*)

substitute

gross combination mass (or *GCM*)

Explanatory note

This amendment is consequential on the insertion into the Act, dictionary, of a signpost definition for *GCM*, by another amendment.

[3.161] Dictionary, new definition of *GVM*

insert

GVM—see *gross vehicle mass*.

Explanatory note

This amendment adds a signpost definition to another definition in the dictionary.

[3.162] Dictionary, definition of *GVM* (or *gross vehicle mass*)

omit

GVM (or *gross vehicle mass*)

substitute

gross vehicle mass (or *GVM*)

Explanatory note

This amendment is consequential on the insertion into the Act, dictionary, of a signpost definition for *GVM*, by another amendment.

[3.163] Dictionary, definition of *home address*

omit

Explanatory note

This amendment omits the definition of *home address* and is consequential on a modification of the definition of *garage address* in the *Road Transport (Vehicle Registration) Act 1999* (the Act) by another amendment. The definition of *home address* is no longer needed because the modification of *garage address* removes the only occurrence of *home address* in the Act.

Part 3.66 Road Transport (Vehicle Registration) Regulation 2000

[3.164] Section 28 (a)

substitute

- (a) for an individual seeking to be recorded (or on whose behalf an agent is seeking to be recorded) as the registered operator of the registrable vehicle—the individual’s identity and home address; and
- (aa) for a corporation seeking to be recorded (or on whose behalf an agent is seeking to be recorded) as the registered operator of the registrable vehicle—the corporation’s identity and business address; and

Explanatory note

This amendment brings the structure of the provision in line with current drafting practice. This amendment also clarifies the particulars required of a corporation applying for registration of a registrable vehicle, eg information about its business address. The definition of *business address* is inserted by another amendment.

[3.165] Section 28, note

omit

Explanatory note

This amendment omits a redundant note. The note referred to a definition of *home address* for a corporation. The term *home address* is no longer used in relation to corporations. The amendment is consequential on the insertion into the Legislation Act, dictionary, part 1, of a definition of *home address*, by another amendment.

[3.166] Section 34 (c)

substitute

- (c) if the registered operator is an individual—the individual’s name, home address, and address for the service of notices (if any); and
- (ca) if the registered operator is a corporation—the corporation’s name, business address, and address for the service of notices (if any); and

Explanatory note

This amendment brings the structure of the provision in line with current drafting practice. This amendment also clarifies the particulars that the road transport authority must record in the registrable vehicles register if a corporation applies for registration of a registrable vehicle eg a business address. The definition of *business address* is inserted by another amendment.

[3.167] Section 34, note

omit

Explanatory note

This amendment omits a redundant note. The note referred to a definition of *home address* for a corporation. The term *home address* is no longer used in relation to corporations. The amendment is consequential on the insertion into the Legislation Act, dictionary, part 1, of a definition of *home address*, by another amendment.

[3.168] Section 69 (1) (b)

substitute

- (b) the operator is an individual and the individual has changed his or her name or home address or address for service of notices;
or
- (c) the operator is a corporation and the corporation has changed its name or business address or address for service of notices.

Explanatory note

This amendment brings the structure of the provision in line with current drafting practice. This amendment also clarifies the obligation of a corporate registered operator of a registered vehicle to tell the road transport authority about changes in the operator's circumstances eg a change in business address. The definition of *business address* is inserted by another amendment.

[3.169] Section 69 (1), note

omit

Explanatory note

This amendment omits a redundant note. The note referred to a definition of *home address* for a corporation. The term *home address* is no longer used in relation to corporations. The amendment is consequential on the insertion into the Legislation Act, dictionary, part 1, of a definition of *home address*, by another amendment.

[3.170] Section 72 (1) (c)

substitute

- (c) if the operator is an individual—the individual’s name, home address, and address for the service of notices (if any); and
- (ca) if the operator is a corporation—the corporation’s name, business address, and address for the service of notices (if any); and

Explanatory note

This amendment brings the structure of the provision in line with current drafting practice. This amendment also clarifies matters about which the road transport authority may request evidence from a corporate registered operator eg the operator’s business address. The definition of *business address* is inserted by another amendment.

[3.171] Dictionary, note 2

insert

- home address

Explanatory note

This amendment is consequential on the insertion into the Legislation Act, dictionary, part 1, of a definition of *home address*, by another amendment.

[3.172] Dictionary, new definition of *business address*

insert

business address, for a corporation, includes the address of the corporation’s registered office.

Explanatory note

This amendment inserts an extending definition of *business address* into the dictionary to provide that that term includes a corporation’s registered office.

Part 3.67 Sale of Motor Vehicles Act 1977

[3.173] Sections 10 and 11

omit

residential address and any other addresses

substitute

home address and any other address

Explanatory note

These amendments replace references to ‘residential address’ with ‘home address’ as the standard term to be used in ACT legislation to refer to the place where a person normally lives, and update language in line with current drafting practice.

[3.174] Sections 11B and 45

omit

residential address

substitute

home address

Explanatory note

These amendments replace ‘residential address’ with ‘home address’ as the standard term to be used in ACT legislation to refer to the place where a person normally lives.

[3.175] Section 46 (2) (b)

substitute

- (b) state the current home address of the new executive officer and any other home address of the officer in the last 3 years; and

Explanatory note

This amendment replaces ‘residential address’ with ‘home address’ as the standard term to be used in ACT legislation to refer to the place where a person normally lives, and updates language in line with current drafting practice.

[3.176] Section 70F (7)

omit

Explanatory note

This amendment omits the definition of the term *home address* and is consequential on the insertion of a definition of *home address* into the Legislation Act, dictionary, part 1, by another amendment.

[3.177] Section 89A (2) (c) (iii)

omit

residential address and any other addresses

substitute

home address and any other address

Explanatory note

This amendment replaces ‘residential address’ with ‘home address’ as the standard term to be used in ACT legislation to refer to the place where a person normally lives, and updates language in line with current drafting practice.

[3.178] Dictionary, note 2

insert

- home address

Explanatory note

This amendment is consequential on the insertion into the Legislation Act, dictionary, part 1, of a definition of *home address*, by another amendment.

Part 3.68 Second-hand Dealers Act 1906

[3.179] Dictionary, note 2

insert

- home address

Explanatory note

This amendment is consequential on the insertion into the Legislation Act, dictionary, part 1, of a definition of *home address*, by another amendment.

Part 3.69 Second-hand Dealers Regulation 2002

[3.180] Schedule 2, part 2.2, item 9, column 3, paragraph (b), examples

substitute

- 1 a rates notice
- 2 a registration certificate for a dog

Explanatory note

This amendment brings the examples into line with current drafting practice by removing references to specific ACT government entities that may change over time. In particular, a redundant reference to the former Department of Urban Services is removed from example 2.

[3.181] Dictionary, note 2

insert

- home address

Explanatory note

This amendment is consequential on the insertion into the Legislation Act, dictionary, part 1, of a definition of *home address*, by another amendment.

Part 3.70 Stock Act 2005

[3.182] Section 52 (6)

omit

Explanatory note

This amendment omits the definition of the term *home address* and is consequential on the insertion of a definition of *home address* into the Legislation Act, dictionary, part 1, by another amendment.

[3.183] Dictionary, note 2

insert

- home address

Explanatory note

This amendment is consequential on the insertion into the Legislation Act, dictionary, part 1, of a definition of *home address*, by another amendment.

Part 3.71 Supervised Injecting Place Trial Act 1999

[3.184] Section 22 (2) (a)

substitute

- (a) becomes bankrupt or personally insolvent; or

Explanatory note

This amendment is consequential on the insertion into the Legislation Act, dictionary, part 1, of a definition of *bankrupt or personally insolvent*, by another amendment.

[3.185] Dictionary, note 2

insert

- bankrupt or personally insolvent

Explanatory note

This amendment is consequential on the insertion into the Legislation Act, dictionary, part 1, of a definition of *bankrupt or personally insolvent*, by another amendment.

Part 3.72 Taxation Administration Act 1999

[3.186] Section 117 (4)

omit

residential address

substitute

home address

Explanatory note

This amendment replaces ‘residential address’ with ‘home address’ as the standard term to be used in ACT legislation to refer to the place where a person normally lives.

[3.187] Dictionary, note 2

insert

- home address

Explanatory note

This amendment is consequential on the insertion into the Legislation Act, dictionary, part 1, of a definition of *home address*, by another amendment.

Part 3.73 Territory Records Act 2002

[3.188] Section 36 (b)

substitute

- (b) if the director becomes bankrupt or personally insolvent; or

Explanatory note

This amendment is consequential on the insertion into the Legislation Act, dictionary, part 1, of a definition of *bankrupt or personally insolvent*, by another amendment.

[3.189] Dictionary, note 2

insert

- bankrupt or personally insolvent

Explanatory note

This amendment is consequential on the insertion into the Legislation Act, dictionary, part 1, of a definition of *bankrupt or personally insolvent*, by another amendment.

Part 3.74 Terrorism (Extraordinary Temporary Powers) Act 2006

[3.190] Section 38 (7)

omit

Explanatory note

This amendment omits the definition of the term *home address* and is consequential on the insertion of a definition of *home address* into the Legislation Act, dictionary, part 1, by another amendment.

[3.191] Dictionary, note 2

insert

- home address

Explanatory note

This amendment is consequential on the insertion into the Legislation Act, dictionary, part 1, of a definition of *home address*, by another amendment.

Part 3.75 Tobacco Act 1927

[3.192] Section 39 (6)

omit

Explanatory note

This amendment omits the definition of the term *home address* and is consequential on the insertion of a definition of *home address* into the Legislation Act, dictionary, part 1, by another amendment.

[3.193] Dictionary, note 2

insert

- home address

Explanatory note

This amendment is consequential on the insertion into the Legislation Act, dictionary, part 1, of a definition of *home address*, by another amendment.

Part 3.76 Trade Measurement Act 1991

[3.194] Section 65 (c)

omit

residential address

substitute

home address

Explanatory note

This amendment replaces ‘residential address’ with ‘home address’ as the standard term to be used in ACT legislation to refer to the place where a person normally lives.

[3.195] Dictionary, note 2

insert

- home address

Explanatory note

This amendment is consequential on the insertion into the Legislation Act, dictionary, part 1, of a definition of *home address*, by another amendment.

Part 3.77 Trade Measurement (Measuring Instruments) Regulation 1991

[3.196] Section 20 (b)

omit

residential address

insert

home address

Explanatory note

This amendment replaces ‘residential address’ with ‘home address’ as the standard term to be used in ACT legislation to refer to the place where a person normally lives.

[3.197] Dictionary, note 2

insert

- home address

Explanatory note

This amendment is consequential on the insertion into the Legislation Act, dictionary, part 1, of a definition of *home address*, by another amendment.

Part 3.78 Trade Measurement (Weighbridges) Regulation 1991

[3.198] Section 26 (b)

omit

residential address

insert

home address

Explanatory note

This amendment replaces ‘residential address’ with ‘home address’ as the standard term to be used in ACT legislation to refer to the place where a person normally lives.

[3.199] Dictionary, note 2

insert

- home address

Explanatory note

This amendment is consequential on the insertion into the Legislation Act, dictionary, part 1, of a definition of *home address*, by another amendment.

Part 3.79 Training and Tertiary Education Act 2003

[3.200] Section 13 (2) (d)

substitute

(d) if the member becomes bankrupt or personally insolvent.

Explanatory note

This amendment is consequential on the insertion into the Legislation Act, dictionary, part 1, of a definition of *bankrupt or personally insolvent*, by another amendment.

[3.201] Dictionary, note 2

insert

- bankrupt or personally insolvent

Explanatory note

This amendment is consequential on the insertion into the Legislation Act, dictionary, part 1, of a definition of *bankrupt or personally insolvent*, by another amendment.

Part 3.80 Tree Protection Act 2005

[3.202] Section 91 (6)

omit

Explanatory note

This amendment omits the definition of the term *home address* and is consequential on the insertion of a definition of *home address* into the Legislation Act, dictionary, part 1, by another amendment.

[3.203] Dictionary, note 2

insert

- home address

Explanatory note

This amendment is consequential on the insertion into the Legislation Act, dictionary, part 1, of a definition of *home address*, by another amendment.

Part 3.81 Unit Titles Act 2001

[3.204] Section 55C (1) (c)

substitute

- (c) if the person becomes bankrupt or personally insolvent; or

Explanatory note

This amendment is consequential on the insertion into the Legislation Act, dictionary, part 1, of a definition of *bankrupt or personally insolvent*, by another amendment.

[3.205] Section 550 (1) (c)

substitute

- (c) if the service contractor becomes bankrupt or personally insolvent; or

Explanatory note

This amendment is consequential on the insertion into the Legislation Act, dictionary, part 1, of a definition of *bankrupt or personally insolvent*, by another amendment.

[3.206] Dictionary, note 2

insert

- bankrupt or personally insolvent

Explanatory note

This amendment is consequential on the insertion into the Legislation Act, dictionary, part 1, of a definition of *bankrupt or personally insolvent*, by another amendment.

Part 3.82 Victims of Crime Act 1994

[3.207] Section 4 (i)

omit

residential address

insert

home address

Explanatory note

This amendment replaces ‘residential address’ with ‘home address’ as the standard term to be used in ACT legislation to refer to the place where a person normally lives.

[3.208] Dictionary, note 2

insert

- home address

Explanatory note

This amendment is consequential on the insertion into the Legislation Act, dictionary, part 1, of a definition of *home address*, by another amendment.

Part 3.83 Victims of Crime Regulation 2000

[3.209] Section 11 (3) (b)

substitute

(b) if the member becomes bankrupt or personally insolvent; or

Explanatory note

This amendment is consequential on the insertion into the Legislation Act, dictionary, part 1, of a definition of *bankrupt or personally insolvent*, by another amendment.

[3.210] Dictionary, note 2

insert

- bankrupt or personally insolvent

Explanatory note

This amendment is consequential on the insertion into the Legislation Act, dictionary, part 1, of a definition of *bankrupt or personally insolvent*, by another amendment.

Part 3.84 Waste Minimisation Act 2001

[3.211] Section 36 (6)

omit

Explanatory note

This amendment omits the definition of the term *home address* and is consequential on the insertion of a definition of *home address* into the Legislation Act, dictionary, part 1, by another amendment.

[3.212] Dictionary, note 2

omit

- environment protection authority

Explanatory note

This amendment omits a redundant term in the note. The term does not appear elsewhere in the Act.

[3.213] Dictionary, note 2

insert

- home address

Explanatory note

This amendment is consequential on the insertion into the Legislation Act, dictionary, part 1, of a definition of *home address*, by another amendment.

Part 3.85 Water Resources Act 2007

[3.214] Section 84 (6)

omit

Explanatory note

This amendment omits the definition of the term *home address* and is consequential on the insertion of a definition of *home address* into the Legislation Act, dictionary, part 1, by another amendment.

[3.215] Dictionary, note 2

insert

- home address

Explanatory note

This amendment is consequential on the insertion into the Legislation Act, dictionary, part 1, of a definition of *home address*, by another amendment.

Part 3.86 Workers Compensation Act 1951

[3.216] Section 8 (3)

omit

, in writing,

Explanatory note

This amendment omits text that is redundant. Because the determination is a notifiable instrument, it must be in writing.

[3.217] Section 76 (4), definition of *public ruling*

substitute

public ruling—see the *Taxation Administration Act 1953* (Cwlth), schedule 1, section 358-5 (What is a public ruling?).

Explanatory note

This amendment updates a cross-reference.

[3.218] Further amendments, mentions of *in writing*

omit

, in writing,

in

- section 110 (1)
- section 188 (1)
- section 208 (1)
- section 221 (1)
- section 222 (1)

Explanatory note

This amendment omits text that is redundant. Because the instruments under the sections (other than section 188) are disallowable or notifiable instruments, they must be in writing. Section 188 deals with an appointment, which under the Legislation Act, section 206 (1), must be in writing.

Part 3.87 Work Safety Act 2008

[3.219] Section 88 (6)

omit

Explanatory note

This amendment omits the definition of the term *home address* and is consequential on the insertion of a definition of *home address* into the Legislation Act, dictionary, part 1, by another amendment.

[3.220] Section 192 (2) (a)

substitute

- (a) has become bankrupt or personally insolvent; or

Explanatory note

This amendment is consequential on the insertion into the Legislation Act, dictionary, part 1, of a definition of *bankrupt or personally insolvent*, by another amendment.

[3.221] Section 203 (2)

substitute

- (2) The Executive must remove the commissioner from office if the commissioner becomes bankrupt or personally insolvent.

Explanatory note

This amendment is consequential on the insertion into the Legislation Act, dictionary, part 1, of a definition of *bankrupt or personally insolvent*, by another amendment.

[3.222] Dictionary, note 2

insert

- bankrupt or personally insolvent
- home address

Explanatory note

This amendment is consequential on the insertion into the Legislation Act, dictionary, part 1, of definitions of *bankrupt or personally insolvent* and *home address*, by other amendments.

Schedule 4 **Repeal of redundant or obsolete legislation**

(see s 6)

Part 4.1 **Financial Relations Agreement Act 2000**

Explanatory note

This part repeals an Act that is no longer needed.

The *Financial Relations Agreement Act 2000* gave effect to a commitment under the *1999 Intergovernmental Agreement on the Reform of Commonwealth-State Financial Relations*. This agreement was superseded by the *2008 Intergovernmental Agreement on Federal Financial Relations*. Obligations under the 1999 agreement have now been met and the Act is now redundant.

The operation of the Act is spent. The 2008 agreement commenced on 1 January 2009 and does not require legislation to give it effect.

Financial Relations Agreement Act 2000 (A2000-33)

Part 4.2 **Murray-Darling Basin Agreement Act 2007**

Explanatory note

This part repeals an Act that is no longer needed.

The Act provided for the approval and implementation of an interstate agreement about the water, land and other environmental resources of the Murray-Darling Basin. This agreement has been superseded by a new agreement, which is now incorporated into the *Water Act 2007* (Cwlth), schedule 1. The new agreement established the Murray-Darling Basin Authority which is a Commonwealth agency, instead of a joint State-Commonwealth body.

Murray-Darling Basin Agreement Act 2007 (A2007-36)

Endnotes

1 Presentation speech

Presentation speech made in the Legislative Assembly on 15 October 2009.

2 Notification

Notified under the Legislation Act on 26 November 2009.

3 Republications of amended laws

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

I certify that the above is a true copy of the Statute Law Amendment Bill 2009 (No 2), which was passed by the Legislative Assembly on 19 November 2009.

Clerk of the Legislative Assembly

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