



Australian Capital Territory

Statute Law Amendment Act 2010

A2010-18

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J2009-728

Authorised by the ACT Parliamentary Counsel—also accessible at www.legislation.act.gov.au

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Australian Capital Territory

Statute Law Amendment Act 2010

A2010-18

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 2010*.

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 and 3

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

Schedule 1 Minor amendments

(see s 5)

Part 1.1 Aboriginal and Torres Strait Islander Elected Body Act 2008

[1.1] Section 19 (c)

substitute

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

Note **Bankrupt or personally insolvent**—see the Legislation Act, dictionary, pt 1.

Explanatory note

This amendment substitutes language in relation to bankruptcy with the term ‘bankrupt or personally insolvent’, which is defined in the Legislation Act, dictionary, part 1. The definition covers the range of circumstances in which an individual may be considered bankrupt or insolvent.

[1.2] Dictionary, note 2

insert

- bankrupt or personally insolvent

Explanatory note

This amendment inserts a new defined term in the list of terms defined in the Legislation Act as a consequence of the insertion of the new term in section 19 by another amendment.

Part 1.2 Building Act 2004

[1.3] Section 90 (4), new definition of *insolvent*

insert

insolvent—a builder is taken to be insolvent if—

- (a) for a builder who is an individual—the builder is bankrupt or personally insolvent; or
- (b) for a builder who is a corporation—the builder is being wound up, has had a receiver or other controller appointed, has entered into a deed of company arrangement with its creditors or is otherwise under external administration under the Corporations Act, chapter 5.

Note **Bankrupt or personally insolvent**—see the Legislation Act, dictionary, pt 1.

Explanatory note

This amendment substitutes language in relation to bankruptcy with the term ‘bankrupt or personally insolvent’, which is defined in the Legislation Act, dictionary, part 1. The definition covers the range of circumstances in which an individual may be considered bankrupt or insolvent. The amendment also clarifies the meaning of insolvent in relation to builders that are corporations.

[1.4] Section 93 (4) and (5)

substitute

- (4) In this section:

deposit, in relation to residential building work, means an amount that was paid or payable by the owner to the builder, under the contract to carry out the work, before the beginning of the work.

insolvent—see section 90 (4).

Explanatory note

This amendment is consequential on the inclusion of a definition of *insolvent* by another amendment.

[1.5] Dictionary, note 2

insert

- bankrupt or personally insolvent

Explanatory note

This amendment inserts a new defined term in the list of terms defined in the Legislation Act as a consequence of the insertion of the new term in section 90 by another amendment.

Part 1.3 Children and Young People Act 2008

[1.6] Section 70 (3) (b) and (c)

substitute

- (b) the entity becomes bankrupt or personally insolvent; and
- (c) the entity does not tell the chief executive about becoming bankrupt or personally insolvent as soon as practicable, but not later than 7 days after becoming bankrupt or personally insolvent.

Explanatory note

This amendment substitutes language in relation to bankruptcy with the term ‘bankrupt or personally insolvent’, which is defined in the Legislation Act, dictionary, part 1. The definition covers the range of circumstances in which an individual may be considered bankrupt or insolvent.

[1.7] Section 70 (3), new note

after the penalty, insert

Note **Bankrupt or personally insolvent**—see the Legislation Act, dictionary, pt 1.

Explanatory note

This amendment is consequential on the inclusion of the term ‘bankrupt or personally insolvent’ in section 70 (3) by another amendment.

[1.8] Dictionary, note 2

insert

- bankrupt or personally insolvent

Explanatory note

This amendment inserts a new defined term in the list of terms defined in the Legislation Act as a consequence of the insertion of the new term in section 70 by another amendment.

Part 1.4 Commissioner for the Environment Act 1993

[1.9] Section 9 (6)

substitute

- (6) The Executive must end the commissioner's appointment if the commissioner becomes bankrupt or personally insolvent.

Note ***Bankrupt or personally insolvent***—see the Legislation Act, dictionary, pt 1.

Explanatory note

This amendment substitutes language in relation to bankruptcy with the term 'bankrupt or personally insolvent', which is defined in the Legislation Act, dictionary, part 1. The definition covers the range of circumstances in which an individual may be considered bankrupt or insolvent.

[1.10] Dictionary, note 2

insert

- bankrupt or personally insolvent

Explanatory note

This amendment inserts a new defined term in the list of terms defined in the Legislation Act as a consequence of the insertion of the new term in section 9 by another amendment.

Part 1.5 Duties Act 1999

[1.11] Dictionary, note 2

insert

- bankrupt or personally insolvent

Explanatory note

This amendment inserts a new defined term in the list of terms defined in the Legislation Act as a consequence of the insertion of the new term in the dictionary by another amendment.

[1.12] Dictionary, definition of *bankrupt*

substitute

bankrupt means bankrupt or personally insolvent.

Explanatory note

This amendment substitutes language in relation to bankruptcy with the term ‘bankrupt or personally insolvent’, which is defined in the Legislation Act, dictionary, part 1. The definition covers the range of circumstances in which an individual may be considered bankrupt or insolvent.

Part 1.6 Education Act 2004

[1.13] New section 10 (4A)

insert

- (4A) If the child’s registration for home education is cancelled under section 135 (Cancellation of registration for home education), the parents must enrol the child at an education provider for the purpose of the provider’s education course not later than 14 days after the day the cancellation takes effect.

Note See s 135 (6) for when the cancellation of registration for home education takes effect.

Explanatory note

This amendment corrects an oversight in section 10 by providing that if a child's registration for home education is cancelled under the Act, the parents must enrol the child in an education provider's course within 14 days after the cancellation takes effect.

[1.14] New section 67 (4)

insert

- (4) To remove any doubt, a person may be both an authorised person (government) and an authorised person (non-government).

Explanatory note

This amendment clarifies that a person may hold an appointment as an authorised person (government) and an authorised person (non-government) at the same time.

[1.15] Section 83 (7)

substitute

- (7) The chief executive must make a copy of the application for in-principle approval available for inspection free of charge to the public during ordinary business hours at the office of an administrative unit administered by the chief executive.

Explanatory note

This amendment provides that, for practical purposes, a copy of an application for in-principle approval under section 83 for the proposed registration of a school must be made available at an office of the Department of Education and Training and not specifically at the chief executive's office, as currently required.

[1.16] Section 85 (5)

substitute

- (5) The chief executive must make a copy of the application for provisional registration available for inspection free of charge to the public during ordinary business hours at the office of an administrative unit administered by the chief executive.

Explanatory note

This amendment provides that, for practical purposes, a copy of an application for provisional registration of a school must be made available at an office of the Department of Education and Training and not specifically at the chief executive's office, as currently required.

[1.17] Section 87 (4)

substitute

- (4) The chief executive must make a copy of the application for registration available for inspection free of charge to the public during ordinary business hours at the office of an administrative unit administered by the chief executive.

Explanatory note

This amendment provides that, for practical purposes, a copy of an application for registration of a school at the educational levels for which the school is provisionally registered must be made available at an office of the Department of Education and Training and not specifically at the chief executive's office, as currently required.

[1.18] Section 88A (5)

substitute

- (5) The chief executive must make a copy of the application for registration available for inspection free of charge to the public during ordinary business hours at the office of an administrative unit administered by the chief executive.

Explanatory note

This amendment provides that, for practical purposes, a copy of an application for registration of a school at an additional campus must be made available at an office of the Department of

Education and Training and not specifically at the chief executive's office, as currently required.

[1.19] Section 89 (5)

substitute

- (5) The chief executive must make a copy of the application for registration available for inspection free of charge to the public during normal business hours at the office of an administrative unit administered by the chief executive.

Explanatory note

This amendment provides that, for practical purposes, a copy of an application for registration of a registered non-government school at an additional education level must be made available at an office of the Department of Education and Training and not specifically at the chief executive's office, as currently required.

[1.20] New section 119 (4)

insert

- (4) To remove any doubt, a person may be both an authorised person (government) and an authorised person (non-government).

Explanatory note

This amendment clarifies that a person may hold an appointment as an authorised person (government) and an authorised person (non-government) at the same time.

[1.21] Dictionary, note 2

insert

- administrative unit

Explanatory note

This amendment inserts a new defined term in the list of terms defined in the Legislation Act as a consequence of the use of the term in the Act and in provisions inserted by other amendments.

Part 1.7 Financial Management Act 1996

[1.22] Section 81 (2) (c)

substitute

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

Note **Bankrupt or personally insolvent**—see the Legislation Act, dictionary, pt 1.

Explanatory note

This amendment substitutes language in relation to bankruptcy with the term ‘bankrupt or personally insolvent’, which is defined in the Legislation Act, dictionary, part 1. The definition covers the range of circumstances in which an individual may be considered bankrupt or insolvent.

[1.23] Dictionary, note 2

insert

- bankrupt or personally insolvent

Explanatory note

This amendment inserts a new defined term in the list of terms defined in the Legislation Act as a consequence of the insertion of the new term in section 81 by another amendment.

Part 1.8 Road Transport (Third-Party Insurance) Act 2008

[1.24] Section 52 (c)

substitute

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

Note **Bankrupt or personally insolvent**—see the Legislation Act, dictionary, pt 1.

Explanatory note

This amendment substitutes language in relation to bankruptcy with the term ‘bankrupt or personally insolvent’, which is defined in the Legislation Act, dictionary, part 1. The definition

covers the range of circumstances in which an individual may be considered bankrupt or insolvent.

[1.25] Section 60 (1), definition of *uninsured motor vehicle*, paragraph (d)

substitute

(d) does not include—

- (i) a motor vehicle for which an unregistered vehicle permit is in force; or
- (ii) an unregistered, uninsured motor vehicle that is designed to be driven for recreational purposes on an area that is not a road or road-related area.

Example

a quad bike

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).

Explanatory note

This amendment amends the definition of *uninsured motor vehicle* to clarify that a motor vehicle that is designed to be used in off-road areas, and that is not registered or insured, is not an uninsured motor vehicle for the purposes of the Act and, therefore, the nominal defendant will not be liable for personal injury resulting from any motor accident caused by the vehicle.

[1.26] Section 62 (1), definition of *unidentified motor vehicle*, paragraph (c)

substitute

(c) includes anything else prescribed by regulation; but

(d) does not include a motor vehicle that is designed to be driven for recreational purposes on an area that is not a road or road-related area.

Example—par (d)

a quad bike

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).

Explanatory note

This amendment amends the definition of *unidentified motor vehicle* to clarify that a motor vehicle that is designed to be used in off-road areas, and that is not registered or insured, is not an unidentified motor vehicle for the purposes of the Act and, therefore, the nominal defendant will not be liable for personal injury resulting from any motor accident in which the vehicle is involved.

[1.27] Section 72

substitute

72 Entitlement to early payment—injured person to give forms to insurer within 28 days

- (1) A person is entitled to payment for medical expenses under this chapter in relation to a motor accident if—
- (a) the person is an injured person for the accident; and
 - (b) either—
 - (i) a police officer attended the motor accident; or
 - (ii) the motor accident was reported to a police officer by or for the injured person; and
 - (c) the following documents are given to the injured person's insurer not later than 28 days after the motor accident:
 - (i) a motor accident notification form for the accident that includes a declaration by or for the person that the motor accident was not caused wholly or mainly by the fault of the person;
 - (ii) a motor accident medical report for the accident;

- (iii) a police report about the findings of the police investigation of the motor accident, including a statement to the effect that the injured person was not the person at fault in the accident.
- (2) However, if the person has applied for a police report but has not received it in time to comply with the time limit mentioned in subsection (1) (c), it is sufficient for subsection (1) (c) if—
- (a) the motor accident notification form for the accident includes a statement about the date when the accident was reported and—
- (i) if the accident was reported to a police officer—the name and rank of the police officer to whom the accident was reported; or
- (ii) if the accident was reported at a data entry point—the submission number for the report; and

Examples—data entry points

- a data entry kiosk located at a police station
- a website for reporting motor accidents

Note 1 A motor accident reporting website can be accessed through the Canberra Connect website (www.canberraconnect.act.gov.au) and through the website for police services in the ACT (www.afp.gov.au/act.html).

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

- (b) the police report is given to the insurer within 14 days after the person receives it.

Explanatory note

This amendment revises section 72 to allow an injured person to receive early payment of medical expenses up to the maximum amount allowed under the Act, section 74 (1) if the report by a police officer about the injured person's motor accident is delayed and the injured person is able to give the insurer information about the date when, and the police officer to whom, the motor accident was reported or, if the accident was reported at a data entry point, the submission number for the report.

[1.28] Dictionary, note 2

insert

- bankrupt or personally insolvent

Explanatory note

This amendment inserts a new defined term in the list of terms defined in the Legislation Act as a consequence of the insertion of the new term in section 52 by another amendment.

Schedule 2 Legislation Act 2001

Note Statute Law Amendment Acts may include a second schedule for amendments of the Legislation Act. This Act does not provide for such amendments but the schedule heading is retained to preserve the usual numbering of schedule 3, which provides for minor and technical amendments proposed by the parliamentary counsel.

Schedule 3 Technical amendments

(see s 5)

Part 3.1 ACT Civil and Administrative Tribunal Act 2008

[3.1] Section 95 (1) (a)

omit

applies

substitute

apply

Explanatory note

Section 95 deals with notifying the criteria that apply to the appointment of a presidential member of the ACAT. This amendment corrects an incorrect use of ‘applies’ with the plural ‘criteria’.

Part 3.2 Construction Occupations (Licensing) Regulation 2004

[3.2] Section 24 (2) (a)

substitute

(a) the individual becomes bankrupt or personally insolvent; and

Explanatory note

This amendment substitutes language in relation to bankruptcy with the term ‘bankrupt or personally insolvent’, which is defined in the Legislation Act, dictionary, part 1. The definition covers the range of circumstances in which an individual may be considered bankrupt or insolvent.

Part 3.3 Crimes (Assumed Identities) Act 2009

[3.3] Section 26 (4)

substitute

- (4) An authorised civilian may use an assumed identity if the use is—
- (a) in accordance with an authority or for a controlled operation;
and
 - (b) in accordance with any direction by the civilian’s supervisor
under the authority.

Explanatory note

This amendment improves syntax.

Part 3.4 Education Act 2004

[3.4] Section 20 (3), example

omit

Hindmarsh Education Centre

substitute

Murrumbidgee Education and Training Centre

Explanatory note

This amendment substitutes the example of a school-related institution in subsection (3) ‘Hindmarsh Education Centre’ with ‘Murrumbidgee Education and Training Centre’, because the Hindmarsh Education Centre no longer exists.

Part 3.5 Environment Protection Act 1997

[3.5] Section 94A

omit

planning and development authority

substitute

planning and land authority

Explanatory note

This amendment corrects an incorrect reference to the planning and development authority. The planning and land authority is established under the *Planning and Development Act 2007*, section 10.

Part 3.6 Exhibition Park Corporation Act 1976

[3.6] Section 10 (1), new note

insert

Note The chief executive is the chief executive of the administrative unit responsible for this section (see Legislation Act, dict, pt 1, def *chief executive*).

Explanatory note

This amendment inserts a note after section 10 (1) to clarify that a reference in that subsection to ‘the chief executive’ is a reference to the chief executive of the administrative unit responsible for section 10 and not the chief executive officer of the Exhibition Park Corporation.

Part 3.7 Health Records (Privacy and Access) Act 1997

[3.7] Section 32 (2)

omit

an excluded provision

substitute

section 274 (Cases in which appeal may be brought)

Explanatory note

This amendment revises section 32 (2) to refer specifically to the *Magistrates Court Act 1930*, section 274, because section 274 is the only provision mentioned in the definition of *excluded provision* in section 32 (3).

[3.8] Section 32 (3)

omit

Explanatory note

This amendment omits a definition of *excluded provision* that is made redundant as a consequence of another amendment.

Part 3.8 Housing Assistance Act 2007

[3.9] Section 5

omit

Explanatory note

This amendment omits a provision about offences against the Act and the application of the Criminal Code. The provision is unnecessary because there are no offences in the Act.

Part 3.9 Land Titles Act 1925

[3.10] Section 72D

omit

planning and development authority

substitute

planning and land authority

Explanatory note

This amendment corrects an incorrect reference to the planning and development authority. The planning and land authority is established under the *Planning and Development Act 2007*, section 10.

Part 3.10 Public Health Act 1997

[3.11] Section 134 (4) (a)

omit

planning and development authority

substitute

planning and land authority

Explanatory note

This amendment corrects an incorrect reference to the planning and development authority. The planning and land authority is established under the *Planning and Development Act 2007*, section 10.

Part 3.11 Road Transport (Alcohol and Drugs) Act 1977

[3.12] Section 4B (5), definition of *heavy motor vehicle*, except note

substitute

heavy motor vehicle means—

- (a) a motor vehicle that has a GVM over 15t; or
- (b) a motor vehicle and combination that has a GCM over 15t.

Explanatory note

This amendment is consequential on the insertion of a new definition of *combination* in the *Road Transport (General) Act 1999*, dictionary by another amendment. It is also consequential on the insertion, by another amendment, of new note 3 in the Act, dictionary, which refers users to the *Road Transport (General) Act 1999*, dictionary for the definitions of words and expressions commonly used in road transport legislation.

[3.13] Dictionary, new notes

insert

Note 3 The *Road Transport (General) Act 1999* contains definitions relevant to this Act. For example, the following terms are defined in the *Road Transport (General) Act 1999*, dictionary:

- another jurisdiction
- bicycle
- combination
- driver
- jurisdiction
- motor vehicle
- ride
- road transport authority (or authority) (see s 16)
- road transport legislation (see s 6).

Note 4 If a word or expression is defined in an Act (but not a regulation or another publication) included in the road transport legislation, the

definition applies to each use of the word or expression in other road transport legislation unless the contrary intention appears (see *Road Transport (General) Act 1999*, s 8).

Explanatory note

This amendment inserts new notes in the Act, dictionary to assist users in interpreting the Act and other road transport legislation. Dictionary, new note 3 lists examples of terms used in the Act and defined in the *Road Transport (General) Act 1999*, dictionary.

Dictionary, new note 4 explains the effect of the *Road Transport (General) Act 1999*, section 8, which is an interpretation provision that applies to all Acts included in the road transport legislation. The effect of section 8 is that if a word or expression is defined in one of those Acts, the definition applies to each use of the word or expression in other road transport legislation unless the contrary intention appears.

[3.14] Dictionary

omit the definitions of

driver

jurisdiction

motor vehicle

road transport authority

road transport legislation

Explanatory note

This amendment omits commonly-used terms which are defined in the *Road Transport (General) Act 1999*, dictionary. It is consequential on the insertion, by another amendment, of new note 3 in the Act, dictionary, which refers users to the *Road Transport (General) Act 1999*, dictionary for the definitions of words and expressions commonly used in road transport legislation.

Part 3.12 Road Transport (Driver Licensing) Act 1999

[3.15] Dictionary, new notes

insert

Note 3 The *Road Transport (General) Act 1999* contains definitions relevant to this Act. For example, the following terms are defined in the *Road Transport (General) Act 1999*, dictionary:

- another jurisdiction
- Australian Transport Council
- driver
- jurisdiction
- motor vehicle
- National Transport Commission
- ride
- road transport authority (or authority) (see s 16)
- road transport legislation (see s 6)
- trailer
- use (in relation to a vehicle).

Note 4 If a word or expression is defined in an Act (but not a regulation or another publication) included in the road transport legislation, the definition applies to each use of the word or expression in other road transport legislation unless the contrary intention appears (see *Road Transport (General) Act 1999*, s 8).

Explanatory note

This amendment inserts new notes in the Act, dictionary to assist users in interpreting the Act and other road transport legislation. Dictionary, new note 3 lists examples of terms used in the Act and defined in the *Road Transport (General) Act 1999*, dictionary.

Dictionary, new note 4 explains the effect of the *Road Transport (General) Act 1999*, section 8, which is an interpretation provision that applies to all Acts included in the road transport legislation. The effect of section 8 is that if a word or expression is defined in one of those Acts, the definition applies to each use of the word or expression in other road transport legislation unless the contrary intention appears.

[3.16] Dictionary, definitions of *another jurisdiction* and *Australian Transport Council*

omit

Explanatory note

This amendment omits commonly-used terms which are defined in the *Road Transport (General) Act 1999*, dictionary. It is consequential on the insertion, by another amendment, of new note 3 in the Act, dictionary, which refers users to the *Road Transport (General) Act 1999*, dictionary for the definitions of words and expressions commonly used in road transport legislation.

[3.17] Dictionary, definition of *authority*

omit

Explanatory note

This amendment omits a redundant definition. It is consequential on the insertion, by another amendment, of new note 3 in the Act, dictionary, which refers users to the *Road Transport (General) Act 1999*, dictionary for the definitions of words and expressions commonly used in road transport legislation. The definition of ***authority*** is redundant because the definition of ***road transport authority*** in the *Road Transport (General) Act 1999*, dictionary refers to ***authority*** as an alternative defined term.

[3.18] Dictionary

omit the definitions of

jurisdiction

motor vehicle

National Transport Commission

road transport authority

road transport legislation

trailer

use

Explanatory note

This amendment omits commonly-used terms which are defined in the *Road Transport (General) Act 1999*, dictionary. It is consequential on the insertion, by another amendment, of new note 3 in the Act, dictionary, which refers users to the *Road Transport (General) Act 1999*, dictionary for the definitions of words and expressions commonly used in road transport legislation.

Part 3.13 Road Transport (Driver Licensing) Regulation 2000

[3.19] Section 38

omit

of another jurisdiction

Explanatory note

This amendment omits a redundant reference to ‘of another jurisdiction’. Section 38 refers to ‘a corresponding law of another jurisdiction’. Because the term ‘of another jurisdiction’ forms part of the definition of *corresponding law*, it is not necessary to mention the term in section 38.

[3.20] Section 52 (2)

omit

of another jurisdiction

Explanatory note

This amendment omits a redundant reference to ‘of another jurisdiction’. Section 52 (2) refers to ‘a corresponding law of another jurisdiction’. Because the term ‘of another jurisdiction’ forms part of the definition of *corresponding law*, it is not necessary to mention the term in section 52 (2).

[3.21] Section 70 (4) (b)

omit

of another jurisdiction

Explanatory note

This amendment omits a redundant reference to ‘of another jurisdiction’. Section 70 (4) (b) refers to ‘a corresponding law of another jurisdiction’. Because the term ‘of another jurisdiction’ forms part of the definition of *corresponding law*, it is not necessary to mention the term in section 70 (4) (b).

[3.22] Section 99 (2), new note

insert

Note A bicycle does not include any vehicle with an auxiliary motor capable of generating a power output over 200W (see *Road Transport (General) Act 1999*, dictionary and the Australian Road Rules).

Explanatory note

This amendment inserts a new note to assist users. It is consequential on the omission of the definition of *bicycle* in this section by another amendment.

[3.23] Section 99 (4) and note

omit

Explanatory note

This amendment omits the definition of *bicycle* for section 99 as a consequence of the insertion of a new definition of *bicycle* in the *Road Transport (General) Act 1999*, dictionary by another amendment. It is also consequential on the insertion, by another amendment, of new note 4 in the regulation, dictionary, which refers users to the *Road Transport (General) Act 1999*, dictionary for the definitions of words and expressions commonly used in road transport legislation.

[3.24] Section 106 (3) (b)

omit

of another jurisdiction

Explanatory note

This amendment omits a redundant reference to ‘of another jurisdiction’. Section 106 (3) (b) refers to ‘a corresponding law of another jurisdiction’. Because the term ‘of another jurisdiction’ forms part of the definition of *corresponding law*, it is not necessary to mention the term in section 106 (3) (b).

[3.25] Dictionary, note 3

omit

- another jurisdiction
- jurisdiction

Explanatory note

This amendment is consequential on the insertion, by another amendment, of new note 4 in the regulation, dictionary, which refers users to the *Road Transport (General) Act 1999*, dictionary for the definitions of words and expressions commonly used in road transport legislation.

[3.26] Dictionary, new note

insert

Note 4 The *Road Transport (General) Act 1999* contains definitions relevant to this regulation. For example, the following terms are defined in the *Road Transport (General) Act 1999*, dictionary:

- another jurisdiction
- Australian Road Rules
- bicycle
- combination
- jurisdiction
- motor vehicle
- ride
- road transport authority (or authority) (see s 16)

- road transport legislation (see s 6)
- taxi
- trailer.

Explanatory note

This amendment inserts a new note in the regulation, dictionary to assist users in interpreting the regulation and other road transport legislation. The new note lists examples of terms used in the regulation and defined in the *Road Transport (General) Act 1999*, dictionary.

[3.27] Dictionary, definition of *Australian Road Rules*

omit

Explanatory note

This amendment is consequential on the insertion of a new definition of *Australian Road Rules* in the *Road Transport (General) Act 1999*, dictionary by another amendment. It is also consequential on the insertion, by another amendment, of new note 4 in the regulation, dictionary, which refers users to the *Road Transport (General) Act 1999*, dictionary for the definitions of words and expressions commonly used in road transport legislation.

[3.28] Dictionary, definition of *combination*

omit

Explanatory note

This amendment is consequential on the insertion of a new definition of *combination* in the *Road Transport (General) Act 1999*, dictionary by another amendment. It is also consequential on the insertion, by another amendment, of new note 4 in the regulation, dictionary, which refers users to the *Road Transport (General) Act 1999*, dictionary for the definitions of words and expressions commonly used in road transport legislation.

[3.29] Dictionary, definition of *road transport legislation*

omit

Explanatory note

This amendment omits a commonly-used term which is defined in the *Road Transport (General) Act 1999*, dictionary. It is consequential on the insertion, by another amendment, of new note 4 in the regulation, dictionary, which refers users to the *Road Transport (General) Act 1999*, dictionary for the definitions of words and expressions commonly used in road transport legislation.

[3.30] Dictionary, definition of *taxi*

omit

Explanatory note

This amendment is consequential on the insertion of a new definition of *taxi* in the *Road Transport (General) Act 1999*, dictionary by another amendment. It is also consequential on the insertion, by another amendment, of new note 4 in the regulation, dictionary which refers users to the *Road Transport (General) Act 1999*, dictionary for the definitions of words and expressions commonly used in road transport legislation.

Part 3.14 Road Transport (General) Act 1999

[3.31] Section 19 heading

substitute

19 Authorised people

Explanatory note

This amendment updates language in line with current drafting practice.

[3.32] Section 53A heading

substitute

53A Authorised people for infringement notice offences

Explanatory note

This amendment updates language in line with current drafting practice.

[3.33] Section 58A (4)

omit

Explanatory note

This amendment omits a redundant definition of *learner licence*. This term is defined in the Act, dictionary.

[3.34] Dictionary, note 2

insert

- ACT
- Commonwealth
- internal territory
- State

Explanatory note

This amendment inserts terms in the list of terms used in the Act that are defined in the Legislation Act.

[3.35] Dictionary, new note

insert

Note 3 If a word or expression is defined in an Act (but not a regulation or another publication) included in the road transport legislation, the definition applies to each use of the word or expression in other road transport legislation unless the contrary intention appears (see s 8).

Explanatory note

This amendment inserts a new note in the Act, dictionary to assist users in interpreting the Act and other road transport legislation. The new note explains the effect of the Act, section 8, which is an interpretation provision that applies to all Acts included in the road transport legislation. The effect of section 8 is that if a word or expression is defined in one of those Acts, the definition applies to each use of the word or expression in other road transport legislation unless the contrary intention appears.

[3.36] Dictionary, new definition of *Australian Road Rules*

insert

Australian Road Rules—see the *Road Transport (Safety and Traffic Management) Regulation 2000*, section 5.

Note The Australian Road Rules are applied in the ACT under the *Road Transport (Safety and Traffic Management) Regulation 2000*. They are to be read with, and as if they formed part of, that regulation (see s 6 (1)).

Explanatory note

This amendment inserts a new signpost definition of *Australian Road Rules* into the Act, dictionary. The Act, dictionary contains commonly-used terms in the road transport legislation. Including a definition of the term in the Act will assist users, as it is used throughout the road transport legislation.

[3.37] Dictionary, definition of *Australian Transport Council*

substitute

Australian Transport Council—see the *National Transport Commission Act 2003* (Cwlth), section 4.

Explanatory note

This amendment updates language in line with current drafting practice.

[3.38] Dictionary, definition of *authority*

omit

Explanatory note

This amendment omits a redundant definition because the definition of *road transport authority* refers to *authority* as an alternative defined term.

[3.39] Dictionary, new definition of *bicycle*

insert

bicycle—see the *Australian Road Rules*, dictionary.

Explanatory note

This amendment inserts a new signpost definition of *bicycle* into the Act, dictionary. The Act, dictionary contains commonly-used terms in the road transport legislation. Including a definition of the term in the Act will assist users, as it is used throughout the road transport legislation.

[3.40] Dictionary, new definition of *combination*

insert

combination means a group consisting of a motor vehicle connected to 1 or more other vehicles.

Explanatory note

This amendment inserts a new definition of ***combination*** into the Act, dictionary. The Act, dictionary contains commonly-used terms in the road transport legislation. Including a definition of the term in the Act will assist users, as it is used throughout the road transport legislation.

[3.41] Dictionary, definition of *drive a vehicle*

omit

drive a vehicle

substitute

drive, a vehicle,

Explanatory note

This amendment revises the definition because the term ***drive*** is used more frequently in the Act than the defined term ***drive a vehicle***.

[3.42] Dictionary, definition of *driver*

substitute

driver, of a vehicle, means the person driving the vehicle.

Explanatory note

This amendment updates language in line with current drafting practice.

[3.43] Dictionary, definition of *executive officer*

substitute

executive officer, of a corporation, means a person, however described and whether or not the person is a director of the corporation, who is concerned with, or takes part in, the corporation's management.

Explanatory note

This amendment updates language in line with current drafting practice.

[3.44] Dictionary, definition of *jurisdiction*

omit

internal Territory

substitute

internal territory

Explanatory note

This amendment corrects a reference to a term defined in the Legislation Act.

[3.45] Dictionary, definition of *National Transport Commission*

substitute

National Transport Commission—see the *National Transport Commission Act 2003* (Cwlth), section 5.

Explanatory note

This amendment updates language in line with current drafting practice.

[3.46] Dictionary, new definition of *taxi*

insert

taxi—see the *Road Transport (Public Passenger Services) Act 2001*, section 45.

Explanatory note

This amendment inserts a new signpost definition of *taxi* in the Act, dictionary. The Act, dictionary contains commonly-used terms in the road transport legislation. Including a definition of the term in the Act will assist users, as it is used throughout the road transport legislation.

Part 3.15 Road Transport (General) Regulation 2000

[3.47] Schedule 1, part 1.4, item 2

omit

multi-combination vehicle licence driver training course

substitute

heavy vehicle driver training course

Explanatory note

Schedule 1, part 1.4, item 2 refers to a decision by the road transport authority under the *Road Transport (Driver Licensing) Regulation 2000*, section 26 (1) (c) to approve a driver training course. The course mentioned in that section is described as an ‘approved heavy vehicle driver training course’. The amendment revises the language of the item to be consistent with the language of section 26 (1) (c).

[3.48] Schedule 1, part 1.4, item 12, column 2

omit

69 (5)

substitute

69 (6)

Explanatory note

This amendment corrects an incorrect cross-reference.

[3.49] Schedule 1, part 1.4, item 13, column 2

omit

69 (6)

substitute

69 (7)

Explanatory note

This amendment corrects an incorrect cross-reference.

[3.50] Schedule 1, part 1.4, new items 13A, 13B and 13C

insert

13A	69 (8) (a)	road transport authority—require an applicant to undergo a medical examination by authorised medical reviewer for assessment of applicant’s fitness to hold driver licence or drive a particular class or kind of motor vehicle
13B	69 (8) (b)	road transport authority—refer a report to authorised medical reviewer for assessment of applicant’s fitness to hold driver licence or drive a particular class or kind of motor vehicle
13C	69 (8) (c)	road transport authority—require applicant to pay for assessment under section 69 (8) (a) or (b)

Explanatory note

This amendment updates the schedule of reviewable decisions by the road transport authority as a consequence of changes to the *Road Transport (Driver Licensing) Regulation 2000*, section 69 (8).

[3.51] Schedule 1, part 1.4, item 14, column 2

omit

69 (7)

substitute

69 (9)

Explanatory note

This amendment corrects an incorrect cross-reference.

[3.52] Schedule 1, part 1.4, new items 21A, 21B and 21C

insert

21A	78 (4) (a)	road transport authority—require an applicant to undergo a medical examination by authorised medical reviewer for assessment of applicant’s fitness to hold driver licence or drive a particular class or kind of motor vehicle
21B	78 (4) (b)	road transport authority—refer a report to authorised medical reviewer for assessment of applicant’s fitness to hold driver licence or drive a particular class or kind of motor vehicle
21C	78 (4) (c)	road transport authority—require applicant to pay for assessment under section 78 (4) (a) or (b)

Explanatory note

This amendment updates the schedule of reviewable decisions by the road transport authority as a consequence of changes to the *Road Transport (Driver Licensing) Regulation 2000*, section 78 (4).

[3.53] Schedule 1, part 1.4, item 22, column 2

omit

78 (4)

substitute

78 (5)

Explanatory note

This amendment corrects an incorrect cross-reference.

[3.54] Schedule 1, part 1.4, item 23

substitute

23	78 (6)	road transport authority—require compliance with requirements equivalent to section 78 (2) (h) (which is about treatment of alcohol or drug offenders in another jurisdiction)
----	--------	--

Explanatory note

This amendment corrects incorrect cross-references.

[3.55] Schedule 1, part 1.4, item 25, column (2)

omit

85 (2)

substitute

85 (3)

Explanatory note

This amendment corrects an incorrect cross-reference.

[3.56] Schedule 1, part 1.4, item 26, column (2)

omit

85 (4)

substitute

85 (5)

Explanatory note

This amendment corrects an incorrect cross-reference.

[3.57] Schedule 1, part 1.4, item 27, column (2)

omit

85 (5)

substitute

85 (6)

Explanatory note

This amendment corrects an incorrect cross-reference.

[3.58] Schedule 1, part 1.4, item 28

substitute

28	85 (6)	road transport authority—require applicant for renewal of driver licence to comply with requirements equivalent to section 69 (6) (h) (which is about treatment of alcohol or drug offenders in another jurisdiction)
----	--------	---

Explanatory note

This amendment corrects incorrect cross-references.

[3.59] Schedule 1, part 1.4, item 29, column (2)

omit

85 (7)

substitute

85 (8)

Explanatory note

This amendment corrects an incorrect cross-reference.

[3.60] Schedule 1, part 1.4, item 39, column (2)

omit

112 (1)

substitute

112 (3)

Explanatory note

This amendment corrects an incorrect cross-reference.

[3.61] Schedule 1, part 1.8, item 23

substitute

23	107 (1)	road transport authority—refuse to approve network sign and livery requirements and design for accredited taxi network provider
----	---------	---

Explanatory note

Item 23 refers to a reviewable decision under the *Road Transport (Public Passenger Services) Regulation 2002*, section 107. This amendment updates the language of item 23 to be consistent with the language of section 107, as amended by the *Road Transport (Public Passenger Services) Amendment Regulation 2006 (No 1)* (SL2006-32), amendment 1.68.

[3.62] Schedule 1, part 1.8, item 24

omit

Explanatory note

This amendment omits an item that is no longer required. Item 24 referred to a reviewable decision by the road transport authority under the *Road Transport (Public Passenger Services) Regulation 2002*, section 107 (2) to refuse to approve the network colours for an accredited taxi network provider. Section 107 was amended by the *Road Transport (Public Passenger Services) Amendment Regulation 2006 (No 1)* (SL2006-32), amendment 1.68 and section 107 (2) no longer mentions any decisions of the road transport authority.

[3.63] Schedule 1, part 1.11, items 21, 22 and 23, column 2

omit

59 (5)

substitute

59 (6)

Explanatory note

This amendment corrects an incorrect cross-reference.

[3.64] Dictionary, note 3

insert

- Australian Road Rules
- bicycle
- combination
- jurisdiction
- motor vehicle
- ride
- road
- road related area

Explanatory note

This amendment inserts new terms in the list of terms used in the regulation that are defined in the *Road Transport (General) Act 1999*, dictionary.

Part 3.16 Road Transport (Mass, Dimensions and Loading) Act 2009

[3.65] Section 335 (2)

omit

(an *acknowledgement of consent*)

substitute

(an *acknowledgment of consent*)

Explanatory note

This amendment corrects a typographical error.

[3.66] Section 349 (6), new note

insert

Note The Legislation Act, s 170 and s 171 deal with the application of the privilege against selfincrimination and client legal privilege.

Explanatory note

This amendment inserts a new note to assist users of the legislation. The Legislation Act, section 170 preserves the common law privilege against selfincrimination and section 171 preserves the common law privilege in relation to client legal privilege.

[3.67] Section 511 (3), definitions of *Australian Transport Council* and *National Transport Commission*

omit

Explanatory note

This amendment omits commonly-used terms which are defined in the *Road Transport (General) Act 1999*, dictionary. The amendment is consequential on the insertion, by another amendment, of new note 3 in the Act, dictionary, which refers users to the *Road Transport (General) Act 1999*, dictionary for the definitions of words and expressions commonly used in road transport legislation.

[3.68] Dictionary, note 2

omit

- road transport authority

Explanatory note

This amendment omits an example of a commonly-used term which is defined in the Legislation Act, dictionary, part 1. It is consequential on the insertion, by another amendment, of new note 3 in the Act, dictionary, which refers users to the *Road Transport (General) Act 1999*, dictionary for the definitions of words and expressions commonly used in road transport legislation.

[3.69] Dictionary, new notes

insert

Note 3 The *Road Transport (General) Act 1999* contains definitions relevant to this Act. For example, the following terms are defined in the *Road Transport (General) Act 1999*, dictionary:

- another jurisdiction
- Australian Transport Council
- combination
- jurisdiction
- motor vehicle
- National Transport Commission
- road transport authority (or authority) (see s 16)
- road transport legislation (see s 6)
- use (in relation to a vehicle).

Note 4 If a word or expression is defined in an Act (but not a regulation or another publication) included in the road transport legislation, the definition applies to each use of the word or expression in other road transport legislation unless the contrary intention appears (see *Road Transport (General) Act 1999*, s 8).

Explanatory note

This amendment inserts new notes in the Act, dictionary to assist users in interpreting the Act and other road transport legislation. Dictionary, new note 3 lists examples of terms used in the Act and defined in the *Road Transport (General) Act 1999*, dictionary.

Dictionary, new note 4 explains the effect of the *Road Transport (General) Act 1999*, section 8, which is an interpretation provision that applies to all Acts included in the road transport legislation. The effect of section 8 is that if a word or expression is defined in one of those Acts, the definition applies to each use of the word or expression in other road transport legislation unless the contrary intention appears.

[3.70] Dictionary, definition of *another jurisdiction*

omit

Explanatory note

This amendment omits a commonly-used term which is defined in the *Road Transport (General) Act 1999*, dictionary. It is consequential on the insertion, by another amendment, of new note 3 in the Act, dictionary, which refers users to the *Road Transport (General) Act 1999*, dictionary for the definitions of words and expressions commonly used in road transport legislation.

[3.71] Dictionary, definition of *authority*

omit

Explanatory note

This amendment omits a redundant definition. It is consequential on the insertion, by another amendment, of new note 3 in the Act, dictionary, which refers users to the *Road Transport (General) Act 1999*, dictionary for the definitions of words and expressions commonly used in road transport legislation. The definition of ***authority*** is redundant because the definition of ***road transport authority*** in the *Road Transport (General) Act 1999*, dictionary refers to ***authority*** as an alternative defined term.

[3.72] Dictionary, definition of *combination*

omit

Explanatory note

This amendment is consequential on the insertion of a new definition of ***combination*** in the *Road Transport (General) Act 1999*, dictionary by another amendment. It is also consequential on the insertion, by another amendment, of new note 3 in the Act, dictionary, which refers users to the *Road Transport (General) Act 1999*, dictionary for the definitions of words and expressions commonly used in road transport legislation.

[3.73] Dictionary

omit the definitions of
jurisdiction
motor vehicle
road transport legislation
use

Explanatory note

This amendment omits commonly-used terms which are defined in the *Road Transport (General) Act 1999*, dictionary. It is consequential on the insertion, by another amendment, of new note 3 in the Act, dictionary, which refers users to the *Road Transport (General) Act 1999*, dictionary for the definitions of words and expressions commonly used in road transport legislation.

Part 3.17 Road Transport (Offences) Regulation 2005

[3.74] Dictionary, note 3

insert

- Australian Road Rules
- bicycle
- jurisdiction
- motor vehicle
- ride
- road
- road related area

Explanatory note

This amendment inserts new terms in the list of terms used in the regulation that are defined in the *Road Transport (General) Act 1999*, dictionary.

[3.75] Dictionary, note 3

omit

- road transport authority

substitute

- road transport authority (or authority) (see s 16)

Explanatory note

This amendment brings the reference to the term in the regulation, dictionary, note 3 in line with the definition of the term in the *Road Transport (General) Act 1999*, dictionary.

[3.76] Dictionary, definition of *Australian Road Rules*

omit

Explanatory note

This amendment is consequential on the insertion of a new definition of *Australian Road Rules* in the *Road Transport (General) Act 1999*, dictionary by another amendment.

Part 3.18 Road Transport (Public Passenger Services) Act 2001

[3.77] Section 56 (h), note

omit

s 32

substitute

s 32B

Explanatory note

This amendment updates a cross-reference as a consequence of amendments made to the *Road Transport (Vehicle Registration) Regulation 2000*.

[3.78] Section 126 (3)

omit

authorised officers

substitute

authorised people

Explanatory note

This amendment corrects an incorrect reference to authorised officers. Under the *Road Transport (General) Act 1999*, section 19, an authorised person may be appointed or prescribed by regulation for the purposes of the road transport legislation, including the *Road Transport (Public Passenger Services) Act 2001*.

[3.79] Dictionary, new notes

insert

Note 3 The *Road Transport (General) Act 1999* contains definitions relevant to this Act. For example, the following terms are defined in the *Road Transport (General) Act 1999*, dictionary:

- another jurisdiction
- Australian Road Rules
- driver
- jurisdiction
- motor vehicle
- road transport authority (or authority) (see s 16)
- road transport legislation (see s 6)
- use (in relation to a vehicle).

Note 4 If a word or expression is defined in an Act (but not a regulation or another publication) included in the road transport legislation, the definition applies to each use of the word or expression in other road transport legislation unless the contrary intention appears (see *Road Transport (General) Act 1999*, s 8).

Explanatory note

This amendment inserts new notes in the Act, dictionary to assist users in interpreting the Act and other road transport legislation. Dictionary, new note 3 lists examples of terms used in the Act and defined in the *Road Transport (General) Act 1999*, dictionary.

Dictionary, new note 4 explains the effect of the *Road Transport (General) Act 1999*, section 8, which is an interpretation provision that applies to all Acts included in the road transport legislation. The effect of section 8 is that if a word or expression is defined in one of those Acts, the definition applies to each use of the word or expression in other road transport legislation unless the contrary intention appears.

[3.80] Dictionary, definition of *another jurisdiction*

omit

Explanatory note

This amendment omits a commonly-used term which is defined in the *Road Transport (General) Act 1999*, dictionary. It is consequential on the insertion, by another amendment, of new note 3 in the Act, dictionary, which refers users to the *Road Transport (General) Act 1999*, dictionary for the definitions of words and expressions commonly used in road transport legislation.

[3.81] Dictionary, definition of *authority*

omit

Explanatory note

This amendment omits a redundant definition. It is consequential on the insertion, by another amendment, of new note 3 in the Act, dictionary, which refers users to the *Road Transport (General) Act 1999*, dictionary for the definitions of words and expressions commonly used in road transport legislation. The definition of ***authority*** is redundant because the definition of ***road transport authority*** in the *Road Transport (General) Act 1999*, dictionary refers to ***authority*** as an alternative defined term.

[3.82] Dictionary

omit the definitions of
jurisdiction
motor vehicle
road transport authority

Explanatory note

This amendment omits commonly-used terms which are defined in the *Road Transport (General) Act 1999*, dictionary. It is consequential on the insertion, by another amendment, of new note 3 in the Act, dictionary, which refers users to the *Road Transport (General) Act 1999*, dictionary for the definitions of words and expressions commonly used in road transport legislation.

Part 3.19 Road Transport (Public Passenger Services) Regulation 2002

[3.83] Section 6, definition of *executive officer*

substitute

executive officer, of a corporation, means a person, however described and whether or not the person is a director of the corporation, who is concerned with, or takes part in, the corporation's management.

Explanatory note

This amendment updates language in line with current drafting practice.

[3.84] Dictionary, note 3

omit

- another jurisdiction
- motor vehicle
- road transport authority

Explanatory note

This amendment is consequential on the insertion, by another amendment, of new note 4 in the regulation, dictionary, which refers users to the *Road Transport (General) Act 1999*, dictionary for the definitions of words and expressions commonly used in road transport legislation.

[3.85] Dictionary, new note

insert

Note 4 The *Road Transport (General) Act 1999* contains definitions relevant to this regulation. For example, the following terms are defined in the *Road Transport (General) Act 1999*, dictionary:

- another jurisdiction
- Australian Design Rule
- Australian Road Rules
- driver
- jurisdiction
- motor vehicle
- road transport authority (or authority) (see s 16)
- road transport legislation (see s 6).

Explanatory note

This amendment inserts a new note in the regulation, dictionary to assist users in interpreting the regulation and other road transport legislation. The new note lists examples of terms used in the regulation and defined in the *Road Transport (General) Act 1999*, dictionary.

[3.86] Dictionary, definition of *Australian Design Rule*

omit

Explanatory note

This amendment omits a commonly-used term which is defined in the *Road Transport (General) Act 1999*, dictionary. It is consequential on the insertion, by another amendment, of new note 4 in the regulation, dictionary, which refers users to the *Road Transport (General) Act 1999*, dictionary for the definitions of words and expressions commonly used in road transport legislation.

[3.87] Dictionary, definition of *Australian Road Rules*

omit

Explanatory note

This amendment is consequential on the insertion of a new definition of *Australian Road Rules* in the *Road Transport (General) Act 1999*, dictionary by another amendment. It is also consequential on the insertion, by another amendment, of new note 4 in the regulation, dictionary, which refers users to the *Road Transport (General) Act 1999*, dictionary for the definitions of words and expressions commonly used in road transport legislation.

[3.88] Dictionary, definitions of *driver* and *road transport legislation*

omit

Explanatory note

This amendment omits commonly-used terms which are defined in the *Road Transport (General) Act 1999*, dictionary. It is consequential on the insertion, by another amendment, of new note 4 in the regulation, dictionary, which refers users to the *Road Transport (General) Act 1999*, dictionary for the definitions of words and expressions commonly used in road transport legislation.

Part 3.20 Road Transport (Safety and Traffic Management) Act 1999

[3.89] Dictionary, new notes

insert

Note 3 The *Road Transport (General) Act 1999* contains definitions relevant to this Act. For example, the following terms are defined in the *Road Transport (General) Act 1999*, dictionary:

- another jurisdiction
- Australian Transport Council
- driver
- jurisdiction
- motor vehicle
- National Transport Commission
- ride
- road transport authority (or authority) (see s 16)
- road transport legislation (see s 6)
- trailer.

Note 4 If a word or expression is defined in an Act (but not a regulation or another publication) included in the road transport legislation, the definition applies to each use of the word or expression in other road transport legislation unless the contrary intention appears (see *Road Transport (General) Act 1999*, s 8).

Explanatory note

This amendment inserts new notes in the Act, dictionary to assist users in interpreting the Act and other road transport legislation. Dictionary, new note 3 lists examples of terms used in the Act and defined in the *Road Transport (General) Act 1999*, dictionary.

Dictionary, new note 4 explains the effect of the *Road Transport (General) Act 1999*, section 8, which is an interpretation provision that applies to all Acts included in the road transport legislation. The effect of section 8 is that if a word or expression is defined in one of those Acts, the definition applies to each use of the word or expression in other road transport legislation unless the contrary intention appears.

[3.90] Dictionary, definitions of *another jurisdiction* and *Australian Transport Council*

omit

Explanatory note

This amendment omits commonly-used terms which are defined in the *Road Transport (General) Act 1999*, dictionary. It is consequential on the insertion, by another amendment, of new note 3 in the Act, dictionary, which refers users to the *Road Transport (General) Act 1999*, dictionary for the definitions of words and expressions commonly used in road transport legislation.

[3.91] Dictionary, definition of *authority*

omit

Explanatory note

This amendment omits a redundant definition. It is consequential on the insertion, by another amendment, of new note 3 in the Act, dictionary, which refers users to the *Road Transport (General) Act 1999*, dictionary for the definitions of words and expressions commonly used in road transport legislation. The definition of ***authority*** is redundant because the definition of ***road transport authority*** in the *Road Transport (General) Act 1999*, dictionary refers to ***authority*** as an alternative defined term.

[3.92] Dictionary

omit the definitions of

driver

jurisdiction

motor vehicle

National Transport Commission

ride

road transport authority

road transport legislation

trailer

Explanatory note

This amendment omits commonly-used terms which are defined in the *Road Transport (General) Act 1999*, dictionary. It is consequential on the insertion, by another amendment, of new note 3 in the Act, dictionary, which refers users to the *Road Transport (General) Act 1999*, dictionary for the definitions of words and expressions commonly used in road transport legislation.

Part 3.21 Road Transport (Safety and Traffic Management) Regulation 2000

[3.93] Section 92 (2)

omit

(an *acknowledgement of consent*)

substitute

(an *acknowledgment of consent*)

Explanatory note

This amendment corrects a typographical error.

[3.94] Dictionary, new note

insert

Note 4 The *Road Transport (General) Act 1999* contains definitions relevant to this Regulation. For example, the following terms are defined in the *Road Transport (General) Act 1999*, dictionary:

- another jurisdiction
- bicycle
- combination
- driver
- jurisdiction
- motor vehicle
- National Transport Commission

- ride
- road transport authority (or authority) (see s 16)
- road transport legislation (see s 6)
- taxi
- trailer
- use (in relation to a vehicle).

Explanatory note

This amendment inserts a new note in the regulation, dictionary to assist users in interpreting the regulation and other road transport legislation. The new note lists examples of terms used in the regulation and defined in the *Road Transport (General) Act 1999*, dictionary.

[3.95] Dictionary, definition of *bicycle*

omit

Explanatory note

This amendment is consequential on the insertion of a new definition of *bicycle* in the *Road Transport (General) Act 1999*, dictionary by another amendment. It is also consequential on the insertion, by another amendment, of new note 4 in the regulation, dictionary, which refers users to the *Road Transport (General) Act 1999*, dictionary for the definitions of words and expressions commonly used in road transport legislation.

[3.96] Dictionary, definition of *combination*

omit

Explanatory note

This amendment is consequential on the insertion of a new definition of *combination* in the *Road Transport (General) Act 1999*, dictionary by another amendment. It is also consequential on the insertion, by another amendment, of new note 4 in the regulation, dictionary, which refers users to the *Road Transport (General) Act 1999*, dictionary for the definitions of words and expressions commonly used in road transport legislation.

[3.97] Dictionary

omit the definitions of

motor vehicle

ride

taxi

trailer

use

Explanatory note

This amendment omits commonly-used terms which are defined in the *Road Transport (General) Act 1999*, dictionary. It is consequential on the insertion, by another amendment, of new note 4 in the regulation, dictionary, which refers users to the *Road Transport (General) Act 1999*, dictionary for the definitions of words and expressions commonly used in road transport legislation.

Part 3.22 Road Transport (Third-Party Insurance) Act 2008

[3.98] Section 56 (4), definition of *executive officer*

substitute

executive officer, of a corporation, means a person, however described and whether or not the person is a director of the corporation, who is concerned with, or takes part in, the corporation's management.

Explanatory note

This amendment updates language in line with current drafting practice.

[3.99] Section 252 (2)

omit

(an *acknowledgement of consent*)

substitute

(an *acknowledgment of consent*)

Explanatory note

This amendment corrects a typographical error.

[3.100] Dictionary, note 3

substitute

Note 3 The *Road Transport (General) Act 1999* contains definitions relevant to this Act. For example, the following terms are defined in the *Road Transport (General) Act 1999*, dictionary:

- driver
- jurisdiction
- motor vehicle
- ride
- road transport authority (or authority) (see s 16)
- road transport legislation (see s 6)
- trailer.

Note 4 If a word or expression is defined in an Act (but not a regulation or another publication) included in the road transport legislation, the definition applies to each use of the word or expression in other road transport legislation unless the contrary intention appears (see *Road Transport (General) Act 1999*, s 8).

Explanatory note

This amendment inserts new notes in the Act, dictionary to assist users in interpreting the Act and other road transport legislation. Dictionary, new note 3 lists examples of terms used in the Act and defined in the *Road Transport (General) Act 1999*, dictionary.

Dictionary, new note 4 explains the effect of the *Road Transport (General) Act 1999*, section 8, which is an interpretation provision that applies to all Acts included in the road transport legislation. The effect of section 8 is that if a word or expression is defined in one of those

Acts, the definition applies to each use of the word or expression in other road transport legislation unless the contrary intention appears.

[3.101] Dictionary, definition of *drive a vehicle*

omit

drive a vehicle

substitute

drive, a vehicle,

Explanatory note

This amendment revises the definition because the term *drive* is used more frequently in the Act than the defined term *drive a vehicle*.

[3.102] Dictionary

omit the definitions of

driver

motor vehicle

ride

road transport authority

road transport legislation

trailer

Explanatory note

This amendment omits commonly-used terms which are defined in the *Road Transport (General) Act 1999*, dictionary. It is consequential on the insertion, by another amendment, of new note 3 in the Act, dictionary, which refers users to the *Road Transport (General) Act 1999*, dictionary for the definitions of words and expressions commonly used in road transport legislation.

Part 3.23 **Road Transport (Third-Party Insurance) Regulation 2008**

[3.103] Schedule 1, part 1.1, item 1.1, definition of *taxi*

omit

Explanatory note

This amendment omits a commonly-used term which is defined in the *Road Transport (General) Act 1999*, dictionary. It is consequential on the insertion, by another amendment, of new note 4 in the regulation, dictionary which refers users to the *Road Transport (General) Act 1999*, dictionary for the definitions of words and expressions commonly used in road transport legislation.

[3.104] Dictionary, new note

insert

Note 4 The *Road Transport (General) Act 1999* contains definitions relevant to this Regulation. For example, the following terms are defined in the *Road Transport (General) Act 1999*, dictionary:

- driver
- jurisdiction
- motor vehicle
- taxi.

Explanatory note

This amendment inserts a new note in the regulation, dictionary to assist users in interpreting the regulation and other road transport legislation. The new note lists examples of terms used in the regulation and defined in the *Road Transport (General) Act 1999*, dictionary.

Part 3.24 Road Transport (Vehicle Registration) Act 1999

[3.105] Dictionary, new notes

insert

Note 3 The *Road Transport (General) Act 1999* contains definitions relevant to this Act. For example, the following terms are defined in the *Road Transport (General) Act 1999*, dictionary:

- another jurisdiction
- Australian Transport Council
- driver
- jurisdiction
- motor vehicle
- National Transport Commission
- ride
- road transport authority (or authority) (see s 16)
- road transport legislation (see s 6)
- trailer
- use (in relation to a vehicle).

Note 4 If a word or expression is defined in an Act (but not a regulation or another publication) included in the road transport legislation, the definition applies to each use of the word or expression in other road transport legislation unless the contrary intention appears (see *Road Transport (General) Act 1999*, s 8).

Explanatory note

This amendment inserts new notes in the Act, dictionary to assist users in interpreting the Act and other road transport legislation. Dictionary, new note 3 lists examples of terms used in the Act and defined in the *Road Transport (General) Act 1999*, dictionary.

Dictionary, new note 4 explains the effect of the *Road Transport (General) Act 1999*, section 8, which is an interpretation provision that applies to all Acts included in the road transport legislation. The effect of section 8 is that if a word or expression is defined in one of those Acts, the definition applies to each use of the word or expression in other road transport legislation unless the contrary intention appears.

[3.106] Dictionary, definitions of *another jurisdiction* and *Australian Transport Council*

omit

Explanatory note

This amendment omits commonly-used terms which are defined in the *Road Transport (General) Act 1999*, dictionary. It is consequential on the insertion, by another amendment, of new note 3 in the Act, dictionary, which refers users to the *Road Transport (General) Act 1999*, dictionary for the definitions of words and expressions commonly used in road transport legislation.

[3.107] Dictionary, definition of *authority*

omit

Explanatory note

This amendment omits a redundant definition. It is consequential on the insertion, by another amendment, of new note 3 in the Act, dictionary, which refers users to the *Road Transport (General) Act 1999*, dictionary for the definitions of words and expressions commonly used in road transport legislation. The definition of ***authority*** is redundant because the definition of ***road transport authority*** in the *Road Transport (General) Act 1999*, dictionary refers to ***authority*** as an alternative defined term.

[3.108] Dictionary

omit the definitions of

driver

jurisdiction

motor vehicle

National Transport Commission

ride

road transport authority

road transport legislation

trailer

use

Explanatory note

This amendment omits commonly-used terms which are defined in the *Road Transport (General) Act 1999*, dictionary. It is consequential on the insertion, by another amendment, of new note 3 in the Act, dictionary, which refers users to the *Road Transport (General) Act 1999*, dictionary for the definitions of words and expressions commonly used in road transport legislation.

Part 3.25 Road Transport (Vehicle Registration) Regulation 2000

[3.109] Section 17 (1) (c) (i)

omit

of another jurisdiction

Explanatory note

This amendment omits a redundant reference to ‘of another jurisdiction’. Section 17 (1) (c) (i) refers to ‘a corresponding law of another jurisdiction’. Because the term ‘of another jurisdiction’ forms part of the definition of *corresponding law* in the *Road Transport (Vehicle Registration) Act 1999*, it is not necessary to include the term in section 17 (1) (c) (i).

[3.110] Section 20 (2) and note

omit

Explanatory note

This amendment omits the definition of *bicycle* for section 20 as a consequence of the insertion of a new definition of *bicycle* in the *Road Transport (General) Act 1999*, dictionary by another amendment. It is also consequential on the insertion, by another amendment, of new note 4 in the regulation, dictionary, which refers users to the *Road Transport (General) Act 1999*, dictionary for the definitions of words and expressions commonly used in road transport legislation.

[3.111] Section 20, new note

insert

Note A bicycle does not include any vehicle with an auxiliary motor capable of generating a power output over 200W (see *Road Transport (General) Act 1999*, dictionary and the Australian Road Rules).

Explanatory note

This amendment inserts a new note to assist users. It is consequential on the omission of the definition of *bicycle* in this section by another amendment.

[3.112] Section 32B (6), definition of *taxi*

omit

Explanatory note

This amendment omits a commonly-used term which is defined in the *Road Transport (General) Act 1999*, dictionary. It is consequential on the insertion, by another amendment, of new note 4 in the regulation, dictionary which refers users to the *Road Transport (General) Act 1999*, dictionary for the definitions of words and expressions commonly used in road transport legislation.

[3.113] Dictionary, note 3

omit

- jurisdiction
- trailer

Explanatory note

This amendment is consequential on the insertion, by another amendment, of new note 4 in the regulation, dictionary, which refers users to the *Road Transport (General) Act 1999*, dictionary for the definitions of words and expressions commonly used in road transport legislation.

[3.114] Dictionary, new note

insert

Note 4 The *Road Transport (General) Act 1999* contains definitions relevant to this regulation. For example, the following terms are defined in the *Road Transport (General) Act 1999*, dictionary:

- Australian Road Rules
- bicycle
- combination
- driver
- jurisdiction
- motor vehicle
- road transport authority (or authority) (see s 16)
- road transport legislation (see s 6)
- trailer
- taxi.

Explanatory note

This amendment inserts a new note in the regulation, dictionary to assist users in interpreting the regulation and other road transport legislation. The new note lists examples of terms used in the regulation and defined in the *Road Transport (General) Act 1999*, dictionary.

[3.115] Dictionary, definition of *combination*

omit

Explanatory note

This amendment is consequential on the insertion of a new definition of *combination* in the *Road Transport (General) Act 1999*, dictionary by another amendment. It is also consequential on the insertion, by another amendment, of new note 4 in the regulation, dictionary, which refers users to the *Road Transport (General) Act 1999*, dictionary for the definitions of words and expressions commonly used in road transport legislation.

[3.116] Dictionary, definition of *road transport legislation*

omit

Explanatory note

This amendment omits a commonly-used term which is defined in the *Road Transport (General) Act 1999*, dictionary. It is consequential on the insertion, by another amendment, of new note 4 in the regulation, dictionary, which refers users to the *Road Transport (General) Act 1999*, dictionary for the definitions of words and expressions commonly used in road transport legislation.

Part 3.26 Unlawful Gambling Act 2009

[3.117] Section 6 heading

substitute

6 Meaning of *betting* and *unlawful betting*

Explanatory note

This amendment corrects the heading to section 6 to give a more accurate description of the section's contents.

[3.118] Dictionary, new definition of *betting*

insert

betting—see section 6.

Explanatory note

This amendment updates the dictionary by including a signpost definition for a term defined in section 6.

Endnotes

1 Presentation speech

Presentation speech made in the Legislative Assembly on 25 March 2010.

2 Notification

Notified under the Legislation Act on 13 May 2010.

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 2010, which was passed by the Legislative Assembly on 6 May 2010.

Acting Clerk of the Legislative Assembly

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