



Australian Capital Territory

# Statute Law Amendment Act 2012

A2012-21

## Contents

---

	Page
1 Name of Act	2
2 Commencement	2
3 Purpose of Act	2
4 Notes	3
5 Legislation amended—schs 1-3	3
<b>Schedule 1</b>	
<b>Minor amendments</b>	4
<b>Part 1.1</b>	
<b>Cultural Facilities Corporation Act 1997</b>	4
<b>Part 1.2</b>	
<b>Training and Tertiary Education Act 2003</b>	5
<b>Part 1.3</b>	
<b>Working with Vulnerable People (Background Checking) Act 2011</b>	6

---

J2011-738

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

---

		Page
<b>Schedule 2</b>	<b>Legislation Act 2001</b>	8
<b>Schedule 3</b>	<b>Technical amendments</b>	11
Part 3.1	ACT Teacher Quality Institute Act 2010	11
Part 3.2	Canberra Institute of Technology Act 1987	12
Part 3.3	Civil Law (Wrongs) Regulation 2003	13
Part 3.4	Confiscation of Criminal Assets Act 2003	14
Part 3.5	Cooperatives Act 2002	14
Part 3.6	Cooperatives Regulation 2003	20
Part 3.7	Coroners Act 1997	20
Part 3.8	Court Procedures Act 2004	21
Part 3.9	Crimes (Child Sex Offenders) Regulation 2005	22
Part 3.10	Crimes (Restorative Justice) Act 2004	22
Part 3.11	Criminal Code 2002	23
Part 3.12	Dangerous Substances (Explosives) Regulation 2004	24
Part 3.13	Duties Act 1999	29
Part 3.14	Education Act 2004	30
Part 3.15	Electoral Act 1992	31
Part 3.16	Electricity Safety Act 1971	31
Part 3.17	Environment Protection Act 1997	35
Part 3.18	Environment Protection Regulation 2005	36
Part 3.19	Fair Trading (Australian Consumer Law) Act 1992	37
Part 3.20	Financial Sector Reform (ACT) Act 1999	38
Part 3.21	First Home Owner Grant Act 2000	40
Part 3.22	Freedom of Information Act 1989	41
Part 3.23	Heritage Act 2004	42
Part 3.24	Human Rights Commission Act 2005	46

---

	Page
<b>Part 3.25</b>	<b>Interactive Gambling Regulation 1998</b> 47
<b>Part 3.26</b>	<b>Legal Profession Act 2006</b> 47
<b>Part 3.27</b>	<b>Liquor Act 2010</b> 50
<b>Part 3.28</b>	<b>Liquor Regulation 2010</b> 52
<b>Part 3.29</b>	<b>Litter Act 2004</b> 52
<b>Part 3.30</b>	<b>Long Service Leave (Portable Schemes) Act 2009</b> 53
<b>Part 3.31</b>	<b>Nature Conservation Act 1980</b> 53
<b>Part 3.32</b>	<b>Ombudsman Act 1989</b> 55
<b>Part 3.33</b>	<b>Parentage Act 2004</b> 56
<b>Part 3.34</b>	<b>Public Sector Management Act 1994</b> 57
<b>Part 3.35</b>	<b>Residential Tenancies Act 1997</b> 57
<b>Part 3.36</b>	<b>Road Transport (Alcohol and Drugs) Act 1977</b> 60
<b>Part 3.37</b>	<b>Road Transport (Driver Licensing) Act 1999</b> 61
<b>Part 3.38</b>	<b>Road Transport (Driver Licensing) Regulation 2000</b> 62
<b>Part 3.39</b>	<b>Road Transport (General) Act 1999</b> 66
<b>Part 3.40</b>	<b>Road Transport (General) Regulation 2000</b> 67
<b>Part 3.41</b>	<b>Road Transport (Public Passenger Services) Regulation 2002</b> 67
<b>Part 3.42</b>	<b>Sale of Motor Vehicles Act 1977</b> 71
<b>Part 3.43</b>	<b>Second-hand Dealers Regulation 2002</b> 71
<b>Part 3.44</b>	<b>Security Industry Act 2003</b> 72
<b>Part 3.45</b>	<b>Security Industry Regulation 2003</b> 74
<b>Part 3.46</b>	<b>Smoke-Free Public Places Act 2003</b> 75
<b>Part 3.47</b>	<b>Territory Records Regulation 2009</b> 75
<b>Part 3.48</b>	<b>Tobacco Act 1927</b> 76
<b>Part 3.49</b>	<b>Tree Protection Act 2005</b> 80
<b>Part 3.50</b>	<b>Trustee Companies Act 1947</b> 81
<b>Part 3.51</b>	<b>Unit Titles (Management) Act 2011</b> 82

Contents

---

		Page
<b>Part 3.52</b>	<b>Utilities Act 2000</b>	83
<b>Part 3.53</b>	<b>Victims of Crime (Financial Assistance) Act 1983</b>	87
<b>Part 3.54</b>	<b>Waste Minimisation Act 2001</b>	88
<b>Part 3.55</b>	<b>Water and Sewerage Act 2000</b>	89
<b>Part 3.56</b>	<b>Water Resources Act 2007</b>	90
<b>Part 3.57</b>	<b>Workers Compensation Regulation 2002</b>	91
<b>Part 3.58</b>	<b>Work Health and Safety Act 2011</b>	92



Australian Capital Territory

# **Statute Law Amendment Act 2012**

**A2012-21**

---

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 2012*.

## **2 Commencement**

- (1) This Act commences on the 14th day after its notification day.

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

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

- (3) In this section:

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

### **Example**

An amendment followed by ‘(commencement: the later of the commencement of this Act and the *Justice and Community Safety Legislation Amendment Act 2012*, schedule 1, part 1.5)’ means that the amendment commences on the later of the commencement of this Act and the *Justice and Community Safety Legislation Amendment Act 2012*.

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

## **3 Purpose of Act**

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

**4 Notes**

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

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

**5 Legislation amended—schs 1-3**

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

## **Schedule 1**      **Minor amendments**

(see s 5)

### **Part 1.1**                      **Cultural Facilities Corporation Act 1997**

#### **[1.1]      Section 6 (d)**

*omit*

**Explanatory note**

This amendment removes the function of the Cultural Facilities Corporation to manage and develop Civic Square precinct as a cultural focus of the ACT. This amendment is in response to a recommendation of a review of the Arts.

#### **[1.2]      Dictionary, definition of *Civic Square precinct***

*omit*

**Explanatory note**

This amendment omits a definition that is made redundant as a result of another amendment.



## Part 1.2 Training and Tertiary Education Act 2003

### [1.3] Section 108 (1)

*substitute*

- (1) For the purposes of the *Education Services for Overseas Students Act 2000* (Cwlth), section 5, definition of **designated authority**, the Minister is responsible for approving providers to provide courses to overseas students at government schools or non-government schools.

#### Explanatory note

This amendment replaces the ‘council chairperson’ with the ‘Minister’ as the designated authority for the purposes of the *Education Services for Overseas Students Act 2000* (Cwlth). This amendment also limits the provision to providers of courses to overseas students at government or non-government schools.

The amendment is necessary because the role of the Accreditation and Registration Council (established under the *Training and Tertiary Education Act 2003*, section 7), in relation to vocational education and training and higher education providers, is being overtaken by entities under Commonwealth legislation. The Australian Skills and Quality Authority established under the *National Vocational Education and Training Regulator Act 2011* (Cwlth) is the designated authority in the Territory in relation to vocational education training. The Tertiary Education Quality and Standards Agency established under the *Tertiary Education Quality and Standards Agency Act 2011* (Cwlth) will be the designated authority in the Territory in relation to higher education providers. Given the diminished role of the council, it is considered more appropriate for someone other than the council chairperson to be the designated authority to approve providers of courses to overseas students at schools. As the Minister is already responsible under the *Education Act 2004* for establishing schools and approving the registration of non-government schools for domestic students, it is considered appropriate for the Minister to approve providers of courses for overseas students at the same schools.

**[1.4] Section 108 (2), new definitions**

*insert*

*government school*—see the *Education Act 2004*, dictionary.

*non-government school*—see the *Education Act 2004*, dictionary.

**Explanatory note**

This amendment inserts definitions of *government school* and *non-government school* because of the use of the terms in section 108 (1), as amended by another amendment.

## Part 1.3 Working with Vulnerable People (Background Checking) Act 2011

**[1.5] Section 3 (1), table 3**

*substitute*

**Table 3 Application of Act to regulated activities**

column 1 item	column 2 regulated activity	column 3 date of application
1	activities or services for children (see sch 1, pt 1.1)	1 year after the day part 2 commences
2	<ul style="list-style-type: none"><li>homeless people (see sch 1, s 1.10)</li><li>victims of crime (see sch 1, s 1.14)</li><li>community services (see sch 1, s 1.16)</li><li>disability services (see sch 1, s 1.17)</li><li>respite care services (see sch 1, s 1.18)</li><li>religious organisations (see sch 1, s 1.23)</li></ul>	2 years after the day part 2 commences

column 1 item	column 2 regulated activity	column 3 date of application
3	<ul style="list-style-type: none"> <li>migrants, refugees and asylum seekers (see sch 1, s 1.9)</li> <li>coaching and tuition (see sch 1, s 1.21)</li> <li>vocational and educational training (see sch 1, s 1.22)</li> <li>clubs, associations and movements (see sch 1, s 1.24)</li> </ul>	3 years after the day part 2 commences
4	<ul style="list-style-type: none"> <li>housing and accommodation (see sch 1, s 1.11)</li> <li>prevention of crime (see sch 1, s 1.13)</li> <li>emergency services personnel (see sch 1, s 1.19)</li> <li>transport (see sch 1, s 1.20)</li> </ul>	5 years after the day part 2 commences
5	<ul style="list-style-type: none"> <li>mental health (see sch 1, s 1.8)</li> <li>justice facilities (see sch 1, s 1.12)</li> <li>services for addictions (see sch 1, s 1.15)</li> </ul>	6 years after the day part 2 commences

(commencement: the later of the commencement of this Act and the *Working with Vulnerable People (Background Checking) Act 2011*, section 3)

**Explanatory note**

This amendment replaces existing table 3. Table 3 provides that the Act applies to regulated activities mentioned in an item in the table in the year mentioned in relation to that item. The table has been revised to change the years in which the Act applies to the following activities because of the review of the Act that will occur in its 4th year of operation (see section 70):

- services for migrants, refugees and asylum seekers;
- housing and accommodation, prevention of crime and emergency services personnel;
- mental health.

A special commencement provision has been included, having the same effect as the Legislation Act, section 79A, to ensure that this amendment will commence on the commencement of the *Working with Vulnerable People (Background Checking) Act 2011* if the *Statute Law Amendment Act 2012* commences before that Act.

## Schedule 2      Legislation Act 2001

(see s 5)

### [2.1]      Dictionary, part 1, new definition of *Australian citizen*

*insert*

*Australian citizen* means a person who is an Australian citizen under the *Australian Citizenship Act 2007* (Cwlth).

#### Explanatory note

This amendment inserts a definition of a term used in a number of Acts and subordinate legislation to assist legislation users.

### [2.2]      Dictionary, definition of *chief officer (fire brigade)*

*substitute*

*chief officer (fire and rescue)* means the chief officer (fire and rescue) under the *Emergencies Act 2004*.

(commencement: the later of the commencement of this Act and the *Justice and Community Safety Legislation Amendment Act 2012*, schedule 1, part 1.5)

#### Explanatory note

This amendment updates the definition to reflect the change of name of the ACT Fire Brigade to ACT Fire and Rescue.

A special commencement provision has been included in case the *Statute Law Amendment Act 2012* commences before the *Justice and Community Safety Legislation Amendment Act 2012*.

**[2.3] Dictionary, definition of *emergency service***

*substitute*

***emergency service*** means the ambulance service, fire and rescue, the rural fire service or the SES.

(commencement: the later of the commencement of this Act and the *Justice and Community Safety Legislation Amendment Act 2012*, schedule 1, part 1.5)

**Explanatory note**

This amendment updates the definition to reflect the change of name of the ACT Fire Brigade to ACT Fire and Rescue.

A special commencement provision has been included in case the *Statute Law Amendment Act 2012* commences before the *Justice and Community Safety Legislation Amendment Act 2012*.

**[2.4] Dictionary, new definition of *fire and rescue***

*insert*

***fire and rescue*** means ACT Fire and Rescue established under the *Emergencies Act 2004*.

(commencement: the later of the commencement of this Act and the *Justice and Community Safety Legislation Amendment Act 2012*, schedule 1, part 1.5)

**Explanatory note**

This amendment inserts a new definition that is required because of the change of name of the ACT Fire Brigade to ACT Fire and Rescue.

A special commencement provision has been included in case the *Statute Law Amendment Act 2012* commences before the *Justice and Community Safety Legislation Amendment Act 2012*.

**[2.5]        Dictionary, definition of *fire brigade***

*omit*

(commencement: the later of the commencement of this Act and the *Justice and Community Safety Legislation Amendment Act 2012*, schedule 1, part 1.5)

**Explanatory note**

This amendment omits a definition that is redundant because of the change of name of the ACT Fire Brigade to ACT Fire and Rescue.

A special commencement provision has been included in case the *Statute Law Amendment Act 2012* commences before the *Justice and Community Safety Legislation Amendment Act 2012*.

## **Schedule 3      Technical amendments**

(see s 5)

### **Part 3.1                      ACT Teacher Quality Institute Act 2010**

#### **[3.1]      Section 41 (3), new notes**

*insert*

*Note 1*    The *Statutory Declarations Act 1959* (Cwlth) applies to the making of statutory declarations under ACT laws.

*Note 2*    It is an offence to make a false or misleading statement, give false or misleading information or produce a false or misleading document (see Criminal Code, pt 3.4).

#### **Explanatory note**

This amendment inserts standard notes about statutory declarations.

#### **[3.2]      Section 68 (a) (ii), new notes**

*before the note, insert*

*Note 1*    The *Statutory Declarations Act 1959* (Cwlth) applies to the making of statutory declarations under ACT laws.

*Note 2*    It is an offence to make a false or misleading statement, give false or misleading information or produce a false or misleading document (see Criminal Code, pt 3.4).

#### **Explanatory note**

This amendment inserts standard notes about statutory declarations.





## Part 3.3                      Civil Law (Wrongs) Regulation 2003

### [3.6]            Section 4 (3) (d)

*omit*

fire brigade

*substitute*

fire and rescue

(commencement: the later of the commencement of this Act and the *Justice and Community Safety Legislation Amendment Act 2012*, schedule 1, part 1.5)

#### **Explanatory note**

This amendment updates the paragraph to reflect the change of name of the ACT Fire Brigade to ACT Fire and Rescue.

A special commencement provision has been included in case the *Statute Law Amendment Act 2012* commences before the *Justice and Community Safety Legislation Amendment Act 2012*.

### [3.7]            Dictionary, note 2

*insert*

- emergency service
- fire and rescue

(commencement: the later of the commencement of this Act and the *Justice and Community Safety Legislation Amendment Act 2012*, schedule 1, part 1.5)

#### **Explanatory note**

Dictionary, note 2 lists examples of terms used in the regulation that are defined in the Legislation Act, dictionary, part 1. This amendment inserts terms mentioned in the regulation and defined in the Legislation Act, dictionary, part 1. The definition of ***fire and rescue*** is inserted in the Legislation Act, dictionary, part 1 by another amendment.

A special commencement provision has been included in case the *Statute Law Amendment Act 2012* commences before the *Justice and Community Safety Legislation Amendment Act 2012*.

## Part 3.4                            Confiscation of Criminal Assets Act 2003

### [3.8]            Dictionary, definition of *statutory property register*, example 2

*omit*

#### Explanatory note

This amendment omits a redundant example because of amendments to the *Sale of Motor Vehicles Act 1977*, part 4A by the *Personal Property Securities Act 2010* and another amendment.

## Part 3.5                            Cooperatives Act 2002

### [3.9]            Section 46 (2)

*omit*

#### Explanatory note

This amendment omits a provision that is redundant because of the omission of the *Cooperatives Act 2002*, schedule 3 by the *Personal Property Securities Act 2010* as amended by the *Justice and Community Safety Legislation Amendment Act 2010 (No 4)*.

### [3.10]           Section 400 (3), new notes

*insert*

*Note 1*    The *Statutory Declarations Act 1959* (Cwlth) applies to the making of statutory declarations under ACT laws.

*Note 2*    It is an offence to make a false or misleading statement, give false or misleading information or produce a false or misleading document (see Criminal Code, pt 3.4).

#### Explanatory note

This amendment inserts standard notes about statutory declarations.

**[3.11] Section 442, new notes**

*insert*

*Note 1* The *Statutory Declarations Act 1959* (Cwlth) applies to the making of statutory declarations under ACT laws.

*Note 2* It is an offence to make a false or misleading statement, give false or misleading information or produce a false or misleading document (see Criminal Code, pt 3.4).

**Explanatory note**

This amendment inserts standard notes about statutory declarations.

**[3.12] Section 445, new notes**

*insert*

*Note 1* The *Statutory Declarations Act 1959* (Cwlth) applies to the making of statutory declarations under ACT laws.

*Note 2* It is an offence to make a false or misleading statement, give false or misleading information or produce a false or misleading document (see Criminal Code, pt 3.4).

**Explanatory note**

This amendment inserts standard notes about statutory declarations.

**[3.13] Section 467 (1) (a)**

*omit*

301 (4), 318 (2) or schedule 3, section 3.44

*substitute*

301 (4) or 318 (2)

**Explanatory note**

This amendment omits a redundant cross-reference.

**[3.14]     Dictionary, note 2**

*insert*

- Australian citizen
- found guilty (of an offence)

**Explanatory note**

Dictionary, note 2 lists examples of terms used in the Act that are defined in the Legislation Act, dictionary, part 1. This amendment inserts terms mentioned in the Act and defined in the Legislation Act, dictionary, part 1. The definition of *Australian citizen* is inserted in the Legislation Act, dictionary, part 1 by another amendment.

**[3.15]     Dictionary, definitions of *chargee* and *charges register***

*omit*

**Explanatory note**

This amendment omits definitions of terms that are no longer used in the Act.

**[3.16]     Dictionary, definition of *cooperative*, paragraph (b)**

*omit*

**Explanatory note**

This amendment updates a definition to omit a paragraph that is redundant.

**[3.17]     Dictionary, definitions of *critical day* and *document of title***

*omit*

**Explanatory note**

This amendment omits definitions of terms that are no longer used in the Act.

**[3.18] Dictionary, definition of *notice***

*substitute*

*notice* means written notice.

**Explanatory note**

This amendment updates a definition to omit a paragraph that is redundant.

**[3.19] Dictionary, definition of *officer*, paragraph (b)**

*omit*

**Explanatory note**

This amendment omits a paragraph that is redundant because of the omission of the *Cooperatives Act 2002*, schedule 3 by the *Personal Property Securities Act 2010* as amended by the *Justice and Community Safety Legislation Amendment Act 2010 (No 4)*.

**[3.20] Dictionary, definitions of *present liability*, *priority time* and *prior registered charge***

*omit*

**Explanatory note**

This amendment omits definitions of terms that are no longer used in the Act.

**[3.21] Dictionary, definition of *property***

*substitute*

*property*, of a cooperative for schedule 4 (Receivers, and other controllers, of property of cooperatives)—see schedule 4, section 4.1.

**Explanatory note**

This amendment updates a definition to omit a paragraph that is redundant.

**[3.22]     Dictionary, definition of *prospective liability***

*omit*

**Explanatory note**

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

**[3.23]     Dictionary, definition of *receiver***

*substitute*

*receiver*, of property of a cooperative for schedule 4 (Receivers, and other controllers, of property of cooperatives)—see schedule 4, section 4.1.

**Explanatory note**

This amendment updates a definition to omit a paragraph that is redundant.

**[3.24]     Dictionary, definitions of *registered charge* and *registrable charge***

*omit*

**Explanatory note**

This amendment omits definitions of terms that are no longer used in the Act.

**[3.25]     Dictionary, definition of *relevant day***

*substitute*

*relevant day*, for division 12.6 (Effect of merger, transfer of engagements and transfer of incorporation)—see section 333 (2) (How div 12.6 applies to merger), section 334 (2) (How div 12.6 applies to transfer of engagements) and section 335 (2) (How div 12.6 applies to transfer of incorporation).

**Explanatory note**

This amendment updates a definition to omit a paragraph that is redundant.

**[3.26] Dictionary, definitions of *relevant person*, subsequent registered charge and unregistered charge**

*omit*

**Explanatory note**

This amendment omits definitions of terms that are no longer used in the Act.

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

*omit*

, in writing,

*in*

- section 106 (1)
- section 142 (1)
- section 241 (1)
- section 276 (2)
- section 280 (2)
- section 289 (1)
- section 297 (1)
- section 301 (4)
- section 305 (7)
- section 318 (2)
- section 366 (1)
- section 465 (1)
- section 466 (1)
- section 467 (1)

**Explanatory note**

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

## Part 3.6                            Cooperatives Regulation 2003

### [3.28]            Sections 45 and 46

*omit*

#### Explanatory note

This amendment omits provisions that are redundant because of the omission of the *Cooperatives Act 2002*, schedule 3 by the *Personal Property Securities Act 2010* as amended by the *Justice and Community Safety Legislation Amendment Act 2010 (No 4)*.

## Part 3.7                            Coroners Act 1997

### [3.29]            Dictionary, definition of *Chief Coroner*

*omit*

by virtue of the operation of

*substitute*

under

#### Explanatory note

This amendment updates a definition in line with current legislative drafting practice.

### [3.30]            Dictionary, definition of *member of the immediate family*, paragraph (b)

*omit*

Aboriginal person or Torres Strait Islander

*substitute*

Aboriginal or Torres Strait Islander person

#### Explanatory note

This amendment updates a definition in line with current legislative drafting practice.



## Part 3.8 Court Procedures Act 2004

### [3.31] Section 41 (2) (b)

*omit*

*Court Procedures Act 2004,*

#### **Explanatory note**

This amendment omits an unnecessary reference to the *Court Procedures Act 2004* because the provision mentioned in s 41 (2) (b) is within the Act.

### [3.32] Section 41 (2) (c)

*substitute*

(c) the following sections of the *Evidence (Miscellaneous Provisions) Act 1991*:

- section 11 (Consequential orders—pt 2);
- section 39 (Sexual and violent offence proceeding—evidence to be given in closed court);
- section 44 (Consequential orders—div 4.3);
- section 52 (c) (Application for leave under s 51);
- section 61 (5) (Preliminary examination of protected confidence evidence);
- section 63 (2) (a) (Ancillary orders for protection of person who made protected confidence);
- section 102 (Witness with vulnerability may give evidence in closed court);
- section 111 (4) (Prohibition of publication of evidence etc); and

#### **Explanatory note**

This amendment updates cross-references because of amendments made by the *Evidence (Miscellaneous Provisions) Amendment Act 2011*.



**[3.36] Section 74 (2)**

*omit everything before paragraph (a), substitute*

- (2) A regulation may make provision in relation to the following:

**Explanatory note**

This amendment omits words that are redundant because of the Legislation Act, section 44 (3). Section 44 (3) provides that the power to make a statutory instrument (including a regulation) about a particular matter does not limit power to make a statutory instrument about any other matter.

## **Part 3.11 Criminal Code 2002**

**[3.37] Section 362 (4)**

*before*

reckless

*insert*

and is

**Explanatory note**

This amendment corrects a minor typographical error by inserting missing words.

**[3.38] Section 377 (4)**

*omit*

, in writing,

**Explanatory note**

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

**[3.39]    Dictionary, note 2**

*insert*

- found guilty (of an offence)

**Explanatory note**

Dictionary, note 2 lists examples of terms used in the Act that are defined in the Legislation Act, dictionary, part 1. This amendment inserts a term mentioned in the Act and defined in the Legislation Act, dictionary, part 1.

## **Part 3.12            Dangerous Substances (Explosives) Regulation 2004**

**[3.40]    Section 7 (1) (d)**

*omit*

, in writing,

**Explanatory note**

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

**[3.41]    Section 14 (3)**

*omit*

, in writing,

**Explanatory note**

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

**[3.42] Section 27 (1) (a)**

*omit*

in writing

**Explanatory note**

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

**[3.43] Section 91 (2) (f)**

*omit*

, in writing,

**Explanatory note**

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

**[3.44] Section 117 (1)**

*omit*

, in writing,

**Explanatory note**

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

**[3.45] Section 186 (2) and (3)**

*omit*

in writing

**Explanatory note**

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

**[3.46]    Section 201 (2) (b)**

*omit*

, in writing,

**Explanatory note**

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

**[3.47]    Section 305 (2) and (3)**

*omit*

in writing

**Explanatory note**

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

**[3.48]    Dictionary, note 2**

*omit*

- chief officer (fire brigade)

*substitute*

- chief officer (fire and rescue)

(commencement: the later of the commencement of this Act and the *Justice and Community Safety Legislation Amendment Act 2012*, schedule 1, part 1.5)

**Explanatory note**

Dictionary, note 2 lists examples of terms used in the regulation that are defined in the Legislation Act, dictionary, part 1. This amendment updates the list to reflect the change of name of the ACT Fire Brigade to ACT Fire and Rescue.

A special commencement provision has been included in case the *Statute Law Amendment Act 2012* commences before the *Justice and Community Safety Legislation Amendment Act 2012*.

**[3.49] Dictionary, note 2**

*insert*

- fire and rescue

(commencement: the later of the commencement of this Act and the *Justice and Community Safety Legislation Amendment Act 2012*, schedule 1, part 1.5)

**Explanatory note**

Dictionary, note 2 lists examples of terms used in the regulation that are defined in the Legislation Act, dictionary, part 1. This amendment inserts a new term and is consequential on the insertion of a definition of the term in the Legislation Act, dictionary, part 1 by another amendment.

A special commencement provision has been included in case the *Statute Law Amendment Act 2012* commences before the *Justice and Community Safety Legislation Amendment Act 2012*.

**[3.50] Dictionary, definition of *firefighter*, paragraphs (a) and (b)**

*substitute*

- (a) the chief officer (fire and rescue); or
- (b) any other member of fire and rescue; or

(commencement: the later of the commencement of this Act and the *Justice and Community Safety Legislation Amendment Act 2012*, schedule 1, part 1.5)

**Explanatory note**

This amendment updates the definition to reflect the change of name of the ACT Fire Brigade to ACT Fire and Rescue.

A special commencement provision has been included in case the *Statute Law Amendment Act 2012* commences before the *Justice and Community Safety Legislation Amendment Act 2012*.

**[3.51] Further amendments, mentions of *fire brigade***

*omit*

fire brigade

*substitute*

fire and rescue

*in*

- section 22
- section 24 (1) (a)
- section 60
- section 134
- section 317 (2), definition of *police and fire authorities*, paragraph (b)

(commencement: the later of the commencement of this Act and the *Justice and Community Safety Legislation Amendment Act 2012*, schedule 1, part 1.5)

**Explanatory note**

This amendment updates the provisions to reflect the change of name of the ACT Fire Brigade to ACT Fire and Rescue.

A special commencement provision has been included in case the *Statute Law Amendment Act 2012* commences before the *Justice and Community Safety Legislation Amendment Act 2012*.



## **Part 3.13                      Duties Act 1999**

### **[3.52]            Section 95D (6), new definition of ASIC**

*insert*

*ASIC* means the Australian Securities and Investments Commission under the *Australian Securities and Investments Commission Act 2001* (Cwlth).

#### **Explanatory note**

This amendment inserts a new definition to assist legislation users and is consequential on another amendment.

### **[3.53]            Section 95D (6), definition of *relevant ASIC regulatory guide*, paragraph (a)**

*omit*

Australian Securities and Investments Commission

*substitute*

ASIC

#### **Explanatory note**

This amendment simplifies the language of the provision by substituting a defined term in the provision which is inserted by another amendment.

## Part 3.14                            Education Act 2004

### [3.54]            Section 67 (1) and (2)

*omit*

or a provision of this Act

#### **Explanatory note**

This amendment omits unnecessary words and brings the provision into line with current legislative drafting practice. A reference to an Act includes a reference to a provision of the Act (see Legislation Act, s 7 (3)).

### [3.55]            Section 67 (1), new note

*insert*

*Note 3*    A reference to an Act includes a reference to a provision of the Act, see the Legislation Act, s 7 (3).

#### **Explanatory note**

This amendment inserts a note to assist legislation users and is consequential on another amendment.

### [3.56]            Dictionary, note 2

*insert*

- Australian citizen

#### **Explanatory note**

Dictionary, note 2 lists examples of terms used in the Act that are defined in the Legislation Act, dictionary, part 1. This amendment inserts a new term and is consequential on the insertion of a definition of the term in the Legislation Act, dictionary, part 1 by another amendment.

## **Part 3.15 Electoral Act 1992**

### **[3.57] Dictionary, note 2**

*insert*

- Australian citizen

#### **Explanatory note**

Dictionary, note 2 lists examples of terms used in the Act that are defined in the Legislation Act, dictionary, part 1. This amendment inserts a new term and is consequential on the insertion of a definition of the term in the Legislation Act, dictionary, part 1 by another amendment.

## **Part 3.16 Electricity Safety Act 1971**

### **[3.58] Section 10 (1)**

*omit*

, in writing,

#### **Explanatory note**

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

### **[3.59] Section 14 (5)**

*omit*

shall be

*substitute*

is

#### **Explanatory note**

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

**[3.60]    Section 16 (1) and (2)**

*omit*

shall

*substitute*

must

**Explanatory note**

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

**[3.61]    Section 16 (3), except note**

*substitute*

- (3) Subject to this Act, registration of a declaration of compliance under this section remains in force for the period (not less than 1 year and not more than 5 years) the construction occupations registrar determines, but the registrar may renew the registration from time to time for a period not exceeding 5 years.

**Explanatory note**

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

**[3.62]    Section 21 (1) (d)**

*omit*

shall contain

*substitute*

includes

**Explanatory note**

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

**[3.63] Section 28 (1)**

*omit*

written

**Explanatory note**

This amendment omits a word that is redundant because of the Legislation Act, section 42 (2), which requires notifiable instruments to be in writing.

**[3.64] Section 30 (2)**

*omit*

all or any

*substitute*

1 or more

**Explanatory note**

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

**[3.65] Section 35 (3), definition of *authorised person*, paragraph (d)**

*omit*

the fire brigade

*substitute*

fire and rescue

(commencement: the later of the commencement of this Act and the *Justice and Community Safety Legislation Amendment Act 2012*, schedule 1, part 1.5)

**Explanatory note**

This amendment updates the paragraph to reflect the change of name of the ACT Fire Brigade to ACT Fire and Rescue.

A special commencement provision has been included in case the *Statute Law Amendment Act 2012* commences before the *Justice and Community Safety Legislation Amendment Act 2012*.

**[3.66]    Section 63 (3)**

*omit*

shall, unless the contrary is proved, be deemed

*substitute*

is presumed, unless the contrary is proved,

**Explanatory note**

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

**[3.67]    Dictionary, note 2**

*insert*

- Australian citizen

**Explanatory note**

Dictionary, note 2 lists examples of terms used in the Act that are defined in the Legislation Act, dictionary, part 1. This amendment inserts a new term and is consequential on the insertion of a definition of the term in the Legislation Act, dictionary, part 1 by another amendment.

**[3.68]    Further amendments, mentions of *shall***

*omit*

shall

*substitute*

must

*in*

- section 14 (2) and (7)
- section 15
- sections 17 to 20
- section 21 (2)

**Explanatory note**

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

## **Part 3.17 Environment Protection Act 1997**

### **[3.69] Section 6 (2), definition of *relevant person***

*omit*

(fire brigade)

*substitute*

(fire and rescue)

(commencement: the later of the commencement of this Act and the *Justice and Community Safety Legislation Amendment Act 2012*, schedule 1, part 1.5)

#### **Explanatory note**

This amendment updates the definition to reflect the change of name of the ACT Fire Brigade to ACT Fire and Rescue.

A special commencement provision has been included in case the *Statute Law Amendment Act 2012* commences before the *Justice and Community Safety Legislation Amendment Act 2012*.

### **[3.70] Section 6 (2), definition of *relevant person*, paragraph (b)**

*substitute*

(b) any other member of fire and rescue; or

(commencement: the later of the commencement of this Act and the *Justice and Community Safety Legislation Amendment Act 2012*, schedule 1, part 1.5)

#### **Explanatory note**

This amendment updates the definition to reflect the change of name of the ACT Fire Brigade to ACT Fire and Rescue.

A special commencement provision has been included in case the *Statute Law Amendment Act 2012* commences before the *Justice and Community Safety Legislation Amendment Act 2012*.

## Part 3.18                            Environment Protection Regulation 2005

### [3.71]            Schedule 1, table 1.2, item 3, column 3

*substitute*

the teaching is authorised by the chief officer (fire  
and rescue) or chief officer (rural fire service)

(commencement: the later of the commencement of this Act and the *Justice and Community Safety Legislation Amendment Act 2012*, schedule 1, part 1.5)

#### **Explanatory note**

This amendment updates the table to reflect the change of name of the ACT Fire Brigade to ACT Fire and Rescue.

A special commencement provision has been included in case the *Statute Law Amendment Act 2012* commences before the *Justice and Community Safety Legislation Amendment Act 2012*.

### [3.72]            Schedule 1, table 1.2, item 7, column 3, paragraph (a)

*omit*

(fire brigade)

*substitute*

(fire and rescue)

(commencement: the later of the commencement of this Act and the *Justice and Community Safety Legislation Amendment Act 2012*, schedule 1, part 1.5)

#### **Explanatory note**

This amendment updates the table to reflect the change of name of the ACT Fire Brigade to ACT Fire and Rescue.

A special commencement provision has been included in case the *Statute Law Amendment Act 2012* commences before the *Justice and Community Safety Legislation Amendment Act 2012*.



**[3.73] Dictionary, note 2**

*omit*

- chief officer (fire brigade)

*substitute*

- chief officer (fire and rescue)

(commencement: the later of the commencement of this Act and the *Justice and Community Safety Legislation Amendment Act 2012*, schedule 1, part 1.5)

**Explanatory note**

Dictionary, note 2 lists examples of terms used in the regulation that are defined in the Legislation Act, dictionary, part 1. This amendment updates the list to reflect the change of name of the ACT Fire Brigade to ACT Fire and Rescue.

A special commencement provision has been included in case the *Statute Law Amendment Act 2012* commences before the *Justice and Community Safety Legislation Amendment Act 2012*.

## **Part 3.19 Fair Trading (Australian Consumer Law) Act 1992**

**[3.74] Schedule 3, section 3.1, definition of ASIC**

*substitute*

*ASIC* means the Australian Securities and Investments Commission under the *Australian Securities and Investments Commission Act 2001* (Cwlth).

**Explanatory note**

This amendment corrects a minor typographical error and updates the existing definition by including the name of the Act that establishes ASIC.

## Part 3.20                            Financial Sector Reform (ACT) Act 1999

### [3.75]            Section 3

*substitute*

#### 3            Dictionary

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

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

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

#### Explanatory note

This amendment updates the provision in line with current legislative drafting practice. The amendment also omits notes about signpost definitions because the Act, dictionary no longer has a signpost definition because of another amendment.

### [3.76]            Dictionary

*omit the definitions of*

*AFIC*

*AFIC (ACT) code*

*AFIC (ACT) regulations*

*AFIC code*

*AFIC regulations*

*appropriately qualified*

#### Explanatory note

This amendment omits terms that are no longer used in the Act.

**[3.77] Dictionary, definition of *APRA***

*substitute*

*APRA* means the Australian Prudential Regulation Authority established under the *Australian Prudential Regulation Authority Act 1998* (Cwlth), section 7.

**Explanatory note**

This amendment updates the existing definition by including the name of the Act that establishes APRA.

**[3.78] Dictionary, definition of *ASIC***

*substitute*

*ASIC* means the Australian Securities and Investments Commission under the *Australian Securities and Investments Commission Act 2001* (Cwlth).

**Explanatory note**

This amendment updates the existing definition by including the name of the Act that establishes ASIC.

**[3.79] Dictionary**

*omit the definitions of*

*credit unions contingency fund*

*employee*

*enforcement power*

*financial institutions (ACT) code*

*financial institutions (ACT) regulations*

*financial institutions code*

*financial institutions legislation*

*registrar*

*relevant Commonwealth body*

*SSA*

*supervision fund*

**Explanatory note**

This amendment omits terms that are no longer used in the Act.

## **Part 3.21            First Home Owner Grant Act 2000**

### **[3.80]            Section 14 (3), new notes**

*insert*

*Note 1*    The *Statutory Declarations Act 1959* (Cwlth) applies to the making of statutory declarations under ACT laws.

*Note 2*    It is an offence to make a false or misleading statement, give false or misleading information or produce a false or misleading document (see Criminal Code, pt 3.4).

**Explanatory note**

This amendment inserts standard notes about statutory declarations.

### **[3.81]            Section 39 (2) (b), new notes**

*insert*

*Note 1*    The *Statutory Declarations Act 1959* (Cwlth) applies to the making of statutory declarations under ACT laws.

*Note 2*    It is an offence to make a false or misleading statement, give false or misleading information or produce a false or misleading document (see Criminal Code, pt 3.4).

**Explanatory note**

This amendment inserts standard notes about statutory declarations.

**[3.82] Dictionary, note 2**

*insert*

- Australian citizen

**Explanatory note**

Dictionary, note 2 lists examples of terms used in the Act that are defined in the Legislation Act, dictionary, part 1. This amendment inserts a new term and is consequential on the insertion of a definition of the term in the Legislation Act, dictionary, part 1 by another amendment.

**[3.83] Dictionary, definition of *Australian citizen***

*omit*

**Explanatory note**

This amendment is consequential on the insertion of a definition of the term in the Legislation Act, dictionary, part 1 by another amendment.

## **Part 3.22 Freedom of Information Act 1989**

**[3.84] Sections 18 (2), 80 (1) and 81 (1)**

*omit*

, in writing,

**Explanatory note**

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

**[3.85] Dictionary, note 2**

*insert*

- Australian citizen

**Explanatory note**

Dictionary, note 2 lists examples of terms used in the Act that are defined in the Legislation Act, dictionary, part 1. This amendment inserts a new term and is consequential on the insertion of a definition of the term in the Legislation Act, dictionary, part 1 by another amendment.

## Part 3.23                      Heritage Act 2004

### [3.86]      Section 7 (2), definition of *relevant person*

*omit*

(fire brigade)

*substitute*

(fire and rescue)

(commencement: the later of the commencement of this Act and the *Justice and Community Safety Legislation Amendment Act 2012*, schedule 1, part 1.5)

#### **Explanatory note**

This amendment updates the definition to reflect the change of name of the ACT Fire Brigade to ACT Fire and Rescue.

A special commencement provision has been included in case the *Statute Law Amendment Act 2012* commences before the *Justice and Community Safety Legislation Amendment Act 2012*.

### [3.87]      Section 7 (2), definition of *relevant person*, paragraph (b)

*substitute*

(b) any other member of fire and rescue; or

(commencement: the later of the commencement of this Act and the *Justice and Community Safety Legislation Amendment Act 2012*, schedule 1, part 1.5)

#### **Explanatory note**

This amendment updates the definition to reflect the change of name of the ACT Fire Brigade to ACT Fire and Rescue.

A special commencement provision has been included in case the *Statute Law Amendment Act 2012* commences before the *Justice and Community Safety Legislation Amendment Act 2012*.

**[3.88] Section 14 (3)**

*omit*

, in writing,

**Explanatory note**

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

**[3.89] Section 14 (5)**

*omit*

, by written notice,

**Explanatory note**

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

**[3.90] Section 14 (7)**

*omit*

, in writing,

**Explanatory note**

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

**[3.91] Section 21 (1) (a)**

*omit*

in writing,

**Explanatory note**

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

**[3.92]      Section 21 (4)**

*omit*

, in writing,

**Explanatory note**

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

**[3.93]      Section 25 (1)**

*omit*

, in writing,

**Explanatory note**

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

**[3.94]      Section 36 (2)**

*omit*

, in writing,

**Explanatory note**

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

**[3.95]      Section 76 (3)**

*omit*

, in writing,

**Explanatory note**

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



**[3.96] Section 115 (2)**

*omit*

, in writing,

**Explanatory note**

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

**[3.97] Section 119 (1)**

*omit*

, in writing,

**Explanatory note**

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

**[3.98] Section 120 (1)**

*omit*

, in writing,

**Explanatory note**

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

## Part 3.24                            Human Rights Commission Act 2005

### [3.99]    Section 89 (1)

*omit*

, in writing,

#### **Explanatory note**

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

### [3.100]    Section 101 (4)

*omit*

#### **Explanatory note**

This amendment omits a provision that is redundant because of the Legislation Act, section 42 (2), which requires notifiable instruments to be in writing.

### [3.101]    Section 103 (1)

*omit*

, in writing,

#### **Explanatory note**

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

**[3.102] Dictionary, definition of *older people service complaint***

*omit*

section 40

*substitute*

section 41

**Explanatory note**

This amendment corrects a cross-reference.

## **Part 3.25 Interactive Gambling Regulation 1998**

**[3.103] Dictionary, new definition of *citizenship certificate***

*insert*

*citizenship certificate*, for a person, means a certificate, declaration, notice or other instrument of the person's nationality under the *Australian Citizenship Act 2007* (Cwlth) or the *Australian Citizenship Act 1948* (Cwlth) (repealed).

**Explanatory note**

This amendment inserts a definition of a term used in the regulation.

## **Part 3.26 Legal Profession Act 2006**

**[3.104] Section 172 (5), new note**

*insert*

*Note 2* It is an offence to make a false or misleading statement, give false or misleading information or produce a false or misleading document (see Criminal Code, pt 3.4).

**Explanatory note**

This amendment inserts a standard note about statutory declarations.

**[3.105]    Section 315 (1)**

*omit*

, in writing,

**Explanatory note**

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

**[3.106]    Sections 330 (2) (b) and 396 (b), new notes**

*insert*

*Note 1*    The *Statutory Declarations Act 1959* (Cwlth) applies to the making of statutory declarations under ACT laws.

*Note 2*    It is an offence to make a false or misleading statement, give false or misleading information or produce a false or misleading document (see Criminal Code, pt 3.4).

**Explanatory note**

This amendment inserts standard notes about statutory declarations.

**[3.107]    Section 502 (1) (b), new note**

*insert*

*Note 2*    It is an offence to make a false or misleading statement, give false or misleading information or produce a false or misleading document (see Criminal Code, pt 3.4).

**Explanatory note**

This amendment inserts a standard note about statutory declarations.

**[3.108]    Section 525 (1) (b), new note**

*after note 1, insert*

*Note 2*    It is an offence to make a false or misleading statement, give false or misleading information or produce a false or misleading document (see Criminal Code, pt 3.4).

**Explanatory note**

This amendment inserts a standard note about statutory declarations.

**[3.109] Section 526 (1) (c), new notes**

*insert*

*Note 1* The *Statutory Declarations Act 1959* (Cwlth) applies to the making of statutory declarations under ACT laws.

*Note 2* It is an offence to make a false or misleading statement, give false or misleading information or produce a false or misleading document (see Criminal Code, pt 3.4).

**Explanatory note**

This amendment inserts standard notes about statutory declarations.

**[3.110] Section 602 (2)**

*substitute*

- (2) A regulation may make provision about any matter in relation to which a legal profession rule has been made or may be made.

**Explanatory note**

This amendment omits words that are redundant because of the Legislation Act, section 44 (3), which provides that the power to make a statutory instrument (including a regulation) about a particular matter does not limit power to make a statutory instrument about any other matter.

**[3.111] Dictionary, note 2**

*insert*

- found guilty (of an offence)

**Explanatory note**

Dictionary, note 2 lists examples of terms used in the Act that are defined in the Legislation Act, dictionary, part 1. This amendment inserts a term mentioned in the Act and defined in the Legislation Act, dictionary, part 1.

## Part 3.27      Liquor Act 2010

### [3.112]      Section 85

*omit*

(fire brigade)

*substitute*

(fire and rescue)

(commencement: the later of the commencement of this Act and the *Justice and Community Safety Legislation Amendment Act 2012*, schedule 1, part 1.5)

#### **Explanatory note**

This amendment updates the section to reflect the change of name of the ACT Fire Brigade to ACT Fire and Rescue.

A special commencement provision has been included in case the *Statute Law Amendment Act 2012* commences before the *Justice and Community Safety Legislation Amendment Act 2012*.

### [3.113]      Section 86

*omit*

(fire brigade)

*substitute*

(fire and rescue)

(commencement: the later of the commencement of this Act and the *Justice and Community Safety Legislation Amendment Act 2012*, schedule 1, part 1.5)

#### **Explanatory note**

This amendment updates the section to reflect the change of name of the ACT Fire Brigade to ACT Fire and Rescue.

A special commencement provision has been included in case the *Statute Law Amendment Act 2012* commences before the *Justice and Community Safety Legislation Amendment Act 2012*.

**[3.114] Section 87**

*omit*

(fire brigade)

*substitute*

(fire and rescue)

(commencement: the later of the commencement of this Act and the *Justice and Community Safety Legislation Amendment Act 2012*, schedule 1, part 1.5)

**Explanatory note**

This amendment updates the section to reflect the change of name of the ACT Fire Brigade to ACT Fire and Rescue.

A special commencement provision has been included in case the *Statute Law Amendment Act 2012* commences before the *Justice and Community Safety Legislation Amendment Act 2012*.

**[3.115] Dictionary, note 2**

*omit*

- chief officer (fire brigade)

*substitute*

- chief officer (fire and rescue)

(commencement: the later of the commencement of this Act and the *Justice and Community Safety Legislation Amendment Act 2012*, schedule 1, part 1.5)

**Explanatory note**

Dictionary, note 2 lists examples of terms used in the Act that are defined in the Legislation Act, dictionary, part 1. This amendment updates the list to reflect the change of name of the ACT Fire Brigade to ACT Fire and Rescue.

A special commencement provision has been included in case the *Statute Law Amendment Act 2012* commences before the *Justice and Community Safety Legislation Amendment Act 2012*.

## Part 3.28                      Liquor Regulation 2010

### [3.116]    Schedule 1, section 1.16 (3) (c)

*substitute*

(c) fire and rescue;

(commencement: the later of the commencement of this Act and the *Justice and Community Safety Legislation Amendment Act 2012*, schedule 1, part 1.5)

#### Explanatory note

This amendment updates the paragraph to reflect the change of name of the ACT Fire Brigade to ACT Fire and Rescue.

A special commencement provision has been included in case the *Statute Law Amendment Act 2012* commences before the *Justice and Community Safety Legislation Amendment Act 2012*.

## Part 3.29                      Litter Act 2004

### [3.117]    Section 25 (1)

*omit*

, in writing,

#### Explanatory note

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

### [3.118]    Dictionary, new definition of *litter*

*insert*

*litter*—see section 7.

#### Explanatory note

This amendment inserts a signpost definition for a term defined elsewhere in the Act.



## **Part 3.30**                      **Long Service Leave (Portable Schemes) Act 2009**

### **[3.119]    Schedule 3, section 3.19 (3), definition of *determination***

*omit*

#### **Explanatory note**

This amendment omits a redundant definition. The term is no longer used in section 3.19.

## **Part 3.31**                      **Nature Conservation Act 1980**

### **[3.120]    Section 5 (2), definition of *relevant person***

*omit*

chief officer (fire brigade)

*substitute*

chief officer (fire and rescue)

(commencement: the later of the commencement of this Act and the *Justice and Community Safety Legislation Amendment Act 2012*, schedule 1, part 1.5)

#### **Explanatory note**

This amendment updates the definition to reflect the change of name of the ACT Fire Brigade to ACT Fire and Rescue.

A special commencement provision has been included in case the *Statute Law Amendment Act 2012* commences before the *Justice and Community Safety Legislation Amendment Act 2012*.

**[3.121]    Section 5 (2), definition of *relevant person*, paragraph (b)**

*substitute*

(b) any other member of fire and rescue; or

(commencement: the later of the commencement of this Act and the *Justice and Community Safety Legislation Amendment Act 2012*, schedule 1, part 1.5)

**Explanatory note**

This amendment updates the definition to reflect the change of name of the ACT Fire Brigade to ACT Fire and Rescue.

A special commencement provision has been included in case the *Statute Law Amendment Act 2012* commences before the *Justice and Community Safety Legislation Amendment Act 2012*.

**[3.122]    Section 106 (2)**

*omit*

, in writing,

**Explanatory note**

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

**[3.123]    Section 139 (1)**

*omit*

, in writing,

**Explanatory note**

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

**[3.124] Dictionary, note 2**

*omit*

- fire brigade

*substitute*

- fire and rescue

(commencement: the later of the commencement of this Act and the *Justice and Community Safety Legislation Amendment Act 2012*, schedule 1, part 1.5)

**Explanatory note**

Dictionary, note 2 lists examples of terms used in the Act that are defined in the Legislation Act, dictionary, part 1. This amendment updates the list to reflect the change of name of the ACT Fire Brigade to ACT Fire and Rescue. The definition of *fire and rescue* is inserted in the Legislation Act, dictionary, part 1 by another amendment.

A special commencement provision has been included in case the *Statute Law Amendment Act 2012* commences before the *Justice and Community Safety Legislation Amendment Act 2012*.

## **Part 3.32 Ombudsman Act 1989**

**[3.125] Section 3C (2), definition of *national electricity rules***

*substitute*

*national electricity rules* means the national electricity rules under the National Electricity (ACT) Law.

**Explanatory note**

This amendment updates a definition in line with current legislative drafting practice.

**[3.126]    Section 32 (1) (a)**

*omit*

all or any

*substitute*

1 or more

**Explanatory note**

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

## **Part 3.33            Parentage Act 2004**

**[3.127]    Section 49 (1)**

*omit*

, in writing,

**Explanatory note**

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

**[3.128]    Section 50 (2)**

*omit everything before paragraph (a), substitute*

(2) A regulation may make provision in relation to—

**Explanatory note**

This amendment omits words that are redundant because of the Legislation Act, section 44 (3), which provides that the power to make a statutory instrument (including a regulation) about a particular matter does not limit power to make a statutory instrument about any other matter.

## **Part 3.34                      Public Sector Management Act 1994**

### **[3.129]    Sections 14 (1) (b) and 37**

*omit*

all or any

*substitute*

1 or more

#### **Explanatory note**

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

### **[3.130]    Dictionary, note 2**

*insert*

- Australian citizen

#### **Explanatory note**

Dictionary, note 2 lists examples of terms used in the Act that are defined in the Legislation Act, dictionary, part 1. This amendment inserts a new term and is consequential on the insertion of a definition of the term in the Legislation Act, dictionary, part 1 by another amendment.

## **Part 3.35                      Residential Tenancies Act 1997**

### **[3.131]    Section 4 (b)**

*substitute*

- (b) accommodation provided by an approved provider under the *Aged Care Act 1997* (Cwlth); or

#### **Explanatory note**

This amendment updates the provision because of the repeal of the *Aged or Disabled Persons Care Act 1954* (Cwlth) by the *Aged Care Amendment Act 2011* (Cwlth).

**[3.132]    Section 4, note 2**

*substitute*

*Note 2*    The *Aged Care Act 1997* (Cwlth) is accessible at [www.comlaw.gov.au](http://www.comlaw.gov.au)

**Explanatory note**

This amendment updates a note because of another amendment.

**[3.133]    Section 15 (4)**

*substitute*

- (4) In subsection (1), a reference to a ***bond*** includes a reference to a guarantee or an indemnity under section 16.

**Explanatory note**

This amendment recasts section 15 (4) to omit paragraph (b) because the cross-reference to section 17 (a) in that paragraph is redundant. Section 17 was omitted when the Act was amended by the *Residential Tenancies Amendment Act 2004*.

**[3.134]    Section 25**

*omit*

section 23 (1) (b)

*substitute*

section 23 (3) (b)

**Explanatory note**

This amendment corrects a cross-reference.

**[3.135] Section 26 (1)**

*omit*

section 23 (1),

*substitute*

section 23 (3),

**Explanatory note**

This amendment corrects a cross-reference.

**[3.136] Section 26 (1) (b)**

*omit*

section 23 (1) (b)

*substitute*

section 23 (3) (b)

**Explanatory note**

This amendment corrects a cross-reference.

## Part 3.36            Road Transport (Alcohol and Drugs) Act 1977

### [3.137]    Section 43 (1)

*omit*

section 41

*substitute*

division 7.1 (Evidence—alcohol-related tests) or division 7.2  
(Evidence—drug-related tests)

#### **Explanatory note**

This amendment corrects a cross-reference. Section 43 deals with requiring the attendance at a hearing of witnesses who have given evidentiary certificates in relation to alcohol-related or drug-related tests. Section 43 (1) refers only to evidentiary certificates in section 41 dealing with alcohol-related tests. It is clear from section 43 (2) and (3) that evidentiary certificates dealing with both alcohol-related and drug-related testing were intended to be covered.

### [3.138]    Dictionary, note 2

*insert*

- found guilty (of an offence)

#### **Explanatory note**

Dictionary, note 2 lists examples of terms used in the Act that are defined in the Legislation Act, dictionary, part 1. This amendment inserts a term mentioned in the Act and defined in the Legislation Act, dictionary, part 1.



## **Part 3.37**                      **Road Transport (Driver Licensing) Act 1999**

### **[3.139] Section 13, definition of *demerit points offence*, paragraphs (b) and (c)**

*substitute*

- (b) any other offence prescribed by regulation under the *Road Transport (General) Act 1999* for section 14 (1) (Offences for which demerit points are incurred); or
- (c) an offence recognised under section 14 (2).

#### **Explanatory note**

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

### **[3.140] Section 14 (2)**

*omit*

, in writing

#### **Explanatory note**

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

### **[3.141] Section 14 (3)**

*omit*

, in writing,

#### **Explanatory note**

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

**[3.142] Dictionary, note 2**

*insert*

- found guilty (of an offence)

**Explanatory note**

Dictionary, note 2 lists examples of terms used in the Act that are defined in the Legislation Act, dictionary, part 1. This amendment inserts a term mentioned in the Act and defined in the Legislation Act, dictionary, part 1.

## **Part 3.38                            Road Transport (Driver Licensing) Regulation 2000**

**[3.143] Section 38A (1)**

*substitute*

- (1) The road transport authority may approve a course, conducted in the ACT or elsewhere, for the training of the holders of provisional licences (an *approved provisional driver training course*).

**Explanatory note**

This amendment recasts the provision in singular form in line with current legislative drafting practice. The Legislation Act, section 145 (b) provides that words in the singular include the plural. This amendment also omits words that are redundant because of the Legislation Act, section 42 (2), which requires notifiable instruments to be in writing.

**[3.144] Section 65 (1)**

*substitute*

- (1) The road transport authority may approve a course for the training of people who wish to hold public vehicle licences and for holders of public vehicle licences (an *approved public vehicle driver training course*).

**Explanatory note**

This amendment recasts the provision in singular form in line with current legislative drafting practice. The Legislation Act, section 145 (b) provides that words in the singular include the plural. This amendment also omits words that are redundant because of the Legislation Act, section 42 (2), which requires notifiable instruments to be in writing.

**[3.145] Section 69 (2) (b), new note**

*insert*

*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 inserts a standard note about examples.

**[3.146] Section 80 (1), new note**

*insert*

*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 inserts a standard note about examples.

**[3.147]    Sections 93 (1), 118 (1) and 122 (1)**

*omit*

, in writing,

**Explanatory note**

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

**[3.148]    Section 137A (1) (b)**

*omit*

demerits points

*substitute*

demerit points

**Explanatory note**

This amendment corrects a minor typographical error.

**[3.149]    Section 138A**

*omit*

**Explanatory note**

This amendment omits a redundant provision because the terms *photograph* and *signature* are defined in the dictionary. The definition of *photograph* is inserted in the dictionary by another amendment.

**[3.150]    Dictionary, note 2**

*insert*

- Australian citizen
- found guilty (of an offence)

**Explanatory note**

Dictionary, note 2 lists examples of terms used in the regulation that are defined in the Legislation Act, dictionary, part 1. This amendment inserts terms mentioned in the regulation and defined in the Legislation Act, dictionary, part 1. The definition of *Australian citizen* is inserted in the Legislation Act, dictionary, part 1 by another amendment.

**[3.151] Dictionary, definitions of *approved provisional driver training course* and *approved public vehicle driver training course***

*substitute*

*approved provisional driver training course*—see section 38A.

*approved public vehicle driver training course*—see section 65.

**Explanatory note**

This amendment brings the structure of the definitions in line with current legislative drafting practice.

**[3.152] Dictionary, definition of *Australian citizen***

*omit*

**Explanatory note**

This amendment is consequential on the insertion of a definition of the term in the Legislation Act, dictionary, part 1 by another amendment.

**[3.153] Dictionary, new definition of *photograph***

*insert*

*photograph*, for part 8A (Protection of photographs and signatures)—see the Act, section 35.

**Explanatory note**

This amendment inserts a signpost definition for a term defined in the *Road Transport (Driver Licensing) Act 1999* in line with current legislative drafting practice.

## Part 3.39                      Road Transport (General) Act 1999

### [3.154]    Dictionary, note 2

*insert*

- Australian citizen
- found guilty (of an offence)

#### Explanatory note

Dictionary, note 2 lists examples of terms used in the Act that are defined in the Legislation Act, dictionary, part 1. This amendment inserts terms mentioned in the Act and defined in the Legislation Act, dictionary, part 1. The definition of *Australian citizen* is inserted in the Legislation Act, dictionary, part 1 by another amendment.

### [3.155]    Further amendments, mentions of , *in writing*,

*omit*

, in writing,

*in*

- section 12 (1)
- section 13 (1)
- section 14 (1) and (4)
- section 96 (1)
- section 225 (1)

#### Explanatory note

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

## **Part 3.40**                      **Road Transport (General) Regulation 2000**

### **[3.156] Sections 24 (5) and 31**

*omit*

, in writing,

#### **Explanatory note**

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

### **[3.157] Dictionary, note 2**

*insert*

- Australian citizen

#### **Explanatory note**

Dictionary, note 2 lists examples of terms used in the regulation that are defined in the Legislation Act, dictionary, part 1. This amendment inserts a new term and is consequential on the insertion of a definition of the term in the Legislation Act, dictionary, part 1 by another amendment.

## **Part 3.41**                      **Road Transport (Public Passenger Services) Regulation 2002**

### **[3.158] Section 16 (2), new note**

*insert*

*Note 3* It is an offence to make a false or misleading statement, give false or misleading information or produce a false or misleading document (see Criminal Code, pt 3.4).

#### **Explanatory note**

This amendment inserts a standard note about statutory declarations.

**[3.159]    Section 18 (3) (b), new note**

*insert*

*Note 2*    It is an offence to make a false or misleading statement, give false or misleading information or produce a false or misleading document (see Criminal Code, pt 3.4).

**Explanatory note**

This amendment inserts a standard note about statutory declarations.

**[3.160]    Section 90 (2), new note**

*insert*

*Note 3*    It is an offence to make a false or misleading statement, give false or misleading information or produce a false or misleading document (see Criminal Code, pt 3.4).

**Explanatory note**

This amendment inserts a standard note about statutory declarations.

**[3.161]    Section 92 (3) (b), new note**

*insert*

*Note 2*    It is an offence to make a false or misleading statement, give false or misleading information or produce a false or misleading document (see Criminal Code, pt 3.4).

**Explanatory note**

This amendment inserts a standard note about statutory declarations.

**[3.162]    Section 175 (2), new note**

*insert*

*Note 3*    It is an offence to make a false or misleading statement, give false or misleading information or produce a false or misleading document (see Criminal Code, pt 3.4).

**Explanatory note**

This amendment inserts a standard note about statutory declarations.



**[3.163] Section 177 (3) (b), new note**

*insert*

*Note 2* It is an offence to make a false or misleading statement, give false or misleading information or produce a false or misleading document (see Criminal Code, pt 3.4).

**Explanatory note**

This amendment inserts a standard note about statutory declarations.

**[3.164] Section 177G (2), new note**

*insert*

*Note 3* It is an offence to make a false or misleading statement, give false or misleading information or produce a false or misleading document (see Criminal Code, pt 3.4).

**Explanatory note**

This amendment inserts a standard note about statutory declarations.

**[3.165] Section 187 (2), new note**

*insert*

*Note 3* It is an offence to make a false or misleading statement, give false or misleading information or produce a false or misleading document (see Criminal Code, pt 3.4).

**Explanatory note**

This amendment inserts a standard note about statutory declarations.

**[3.166] Section 237 (2), new note**

*insert*

*Note 3* It is an offence to make a false or misleading statement, give false or misleading information or produce a false or misleading document (see Criminal Code, pt 3.4).

**Explanatory note**

This amendment inserts a standard note about statutory declarations.

**[3.167] Section 240 (2), new note**

*insert*

*Note 3* It is an offence to make a false or misleading statement, give false or misleading information or produce a false or misleading document (see Criminal Code, pt 3.4).

**Explanatory note**

This amendment inserts a standard note about statutory declarations.

**[3.168] Section 242 (3) (b), new note**

*insert*

*Note 2* It is an offence to make a false or misleading statement, give false or misleading information or produce a false or misleading document (see Criminal Code, pt 3.4).

**Explanatory note**

This amendment inserts a standard note about statutory declarations.

**[3.169] Section 326 (1) (b), new note**

*insert*

*Note 2* It is an offence to make a false or misleading statement, give false or misleading information or produce a false or misleading document (see Criminal Code, pt 3.4).

**Explanatory note**

This amendment inserts a standard note about statutory declarations.

**[3.170] Dictionary, note 2**

*insert*

- Australian citizen

**Explanatory note**

Dictionary, note 2 lists examples of terms used in the regulation that are defined in the Legislation Act, dictionary, part 1. This amendment inserts a new term and is consequential on the insertion of a definition of the term in the Legislation Act, dictionary, part 1 by another amendment.

## **Part 3.42                      Sale of Motor Vehicles Act 1977**

### **[3.171]    Part 4A heading**

*substitute*

## **Part 4A                              Security interests in motor vehicles**

### **Explanatory note**

This amendment updates the heading of part 4A to reflect the removal of provisions by the *Personal Property Securities Act 2010* and the following amendment.

### **[3.172]    Sections 32G to 32I**

*omit*

### **Explanatory note**

This amendment omits redundant provisions of part 4A following the removal of sections 32A to 32E by the *Personal Property Securities Act 2010*.

## **Part 3.43                              Second-hand Dealers Regulation 2002**

### **[3.173]    Schedule 2, part 2.2, item 2, column 3**

*after*

certificate number

*insert*

(if any)

### **Explanatory note**

This amendment is consequential on the definition of *citizenship certificate* being updated by another amendment.

**[3.174]    Dictionary, definition of *citizenship certificate***

*substitute*

*citizenship certificate*, for a person, means a certificate, declaration, notice or other instrument of the person's nationality under the *Australian Citizenship Act 2007* (Cwlth) or the *Australian Citizenship Act 1948* (Cwlth) (repealed).

**Explanatory note**

This amendment updates the definition.

## **Part 3.44                            Security Industry Act 2003**

**[3.175]    Section 46 (1)**

*omit*

written

**Explanatory note**

This amendment omits a word that is redundant because of the Legislation Act, section 42 (2), which requires disallowable instruments to be in writing.

**[3.176]    Sections 50 (1) and 51 (1)**

*omit*

, in writing,

**Explanatory note**

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

**[3.177] Dictionary, note 2**

*insert*

- CrimTrac

(commencement: the later of the commencement of this Act and the *Security Industry Amendment Act 2011*, section 3)

**Explanatory note**

Dictionary, note 2 lists examples of terms used in the Act that are defined in the Legislation Act, dictionary, part 1. This amendment inserts a new defined term in the dictionary, note 2 because of the substitution of the new term in the dictionary, definition of ‘police certificate’ by another amendment.

A special commencement provision has been included in case the *Statute Law Amendment Act 2012* commences before the *Security Industry Amendment Act 2011*.

**[3.178] Dictionary, definition of *police certificate*, paragraph (a)**

*omit*

the Commonwealth CrimTrac agency

*substitute*

CrimTrac

(commencement: the later of the commencement of this Act and the *Security Industry Amendment Act 2011*, section 3)

**Explanatory note**

The dictionary, definition of *police certificate* is being amended by the *Security Industry Amendment Act 2011* and will refer to ‘the Commonwealth CrimTrac agency’. This amendment simplifies the definition by substituting the term ‘CrimTrac’, which is defined in the Legislation Act, dictionary, part 1. The Legislation Act, dictionary, part 1 contains definitions of terms commonly used in legislation.

A special commencement provision has been included in case the *Statute Law Amendment Act 2012* commences before the *Security Industry Amendment Act 2011*.



## **Part 3.46**                      **Smoke-Free Public Places Act 2003**

### **[3.181] Dictionary, note 2**

*omit*

- found guilty

#### **Explanatory note**

This amendment omits a redundant term.

## **Part 3.47**                      **Territory Records Regulation 2009**

### **[3.182] Schedule 1, item 2, column 2**

*substitute*

ACT Fire and Rescue

(commencement: the later of the commencement of this Act and the *Justice and Community Safety Legislation Amendment Act 2012*, schedule 1, part 1.5)

#### **Explanatory note**

This amendment updates the item to reflect the change of name of the ACT Fire Brigade to ACT Fire and Rescue.

A special commencement provision has been included in case the *Statute Law Amendment Act 2012* commences before the *Justice and Community Safety Legislation Amendment Act 2012*.

**[3.183]    Dictionary, definition of *ACT Fire Brigade***

*substitute*

***ACT Fire and Rescue*** means ACT Fire and Rescue established under the *Emergencies Act 2004*, section 43.

(commencement: the later of the commencement of this Act and the *Justice and Community Safety Legislation Amendment Act 2012*, schedule 1, part 1.5)

**Explanatory note**

This amendment updates the definition to reflect the change of name of the ACT Fire Brigade to ACT Fire and Rescue.

A special commencement provision has been included in case the *Statute Law Amendment Act 2012* commences before the *Justice and Community Safety Legislation Amendment Act 2012*.

## **Part 3.48                    Tobacco Act 1927**

**[3.184]    Sections 24, 36, 40 (4) and 42**

*omit*

shall

*substitute*

must

**Explanatory note**

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



**[3.185] Section 58 (2) (a) (i) and (ii)**

*omit*

all or any of the premises specified

*substitute*

1 or more of the premises stated

**Explanatory note**

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

**[3.186] Section 58 (2) (a) (iv)**

*omit*

all or any

*substitute*

1 or more

**Explanatory note**

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

**[3.187] Section 59 (1)**

*omit*

ACAT

*substitute*

commissioner

**Explanatory note**

This amendment corrects cross-references. Under section 58 (2) (a), the ACAT may make an order directing the commissioner to vary a tobacco licence.

**[3.188] Section 71 (2)**

*omit*

notwithstanding that

*substitute*

even though

**Explanatory note**

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

**[3.189] Dictionary, note 2**

*insert*

- found guilty (of an offence)

**Explanatory note**

Dictionary, note 2 lists examples of terms used in the Act that are defined in the Legislation Act, dictionary, part 1. This amendment inserts a term mentioned in the Act and defined in the Legislation Act, dictionary, part 1.

**[3.190] Dictionary, definition of *ground for occupational discipline***

*substitute*

***ground for occupational discipline***, for division 7.3 (Occupational discipline—licensees)—see section 56.

**Explanatory note**

This amendment updates the definition in line with current legislative drafting practice.

**[3.191] Dictionary, definition of *herbal product***

*substitute*

*herbal product*—

- (a) means a product prepared for smoking that contains a herb or other plant matter; but
- (b) does not contain tobacco or a controlled drug within the meaning of the Criminal Code, chapter 6 (Serious drug offences).

**Explanatory note**

This amendment updates the definition in line with current legislative drafting practice.

**[3.192] Dictionary, definition of *identity card*, paragraph (a)**

*omit*

him or her

*substitute*

the officer

**Explanatory note**

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

## Part 3.49                      Tree Protection Act 2005

### **[3.193]      Section 19 (2), definition of *relevant person***

*omit*

(fire brigade)

*substitute*

(fire and rescue)

(commencement: the later of the commencement of this Act and the *Justice and Community Safety Legislation Amendment Act 2012*, schedule 1, part 1.5)

#### **Explanatory note**

This amendment updates the definition to reflect the change of name of the ACT Fire Brigade to ACT Fire and Rescue.

A special commencement provision has been included in case the *Statute Law Amendment Act 2012* commences before the *Justice and Community Safety Legislation Amendment Act 2012*.

### **[3.194]      Section 19 (2), definition of *relevant person*, paragraph (b)**

*substitute*

(b) any other member of fire and rescue; or

(commencement: the later of the commencement of this Act and the *Justice and Community Safety Legislation Amendment Act 2012*, schedule 1, part 1.5)

#### **Explanatory note**

This amendment updates the definition to reflect the change of name of the ACT Fire Brigade to ACT Fire and Rescue.

A special commencement provision has been included in case the *Statute Law Amendment Act 2012* commences before the *Justice and Community Safety Legislation Amendment Act 2012*.

**[3.195] Dictionary, note 2**

*insert*

- chief officer (fire and rescue)
- chief officer (rural fire service)

(commencement: the later of the commencement of this Act and the *Justice and Community Safety Legislation Amendment Act 2012*, schedule 1, part 1.5)

**Explanatory note**

Dictionary, note 2 lists examples of terms used in the Act that are defined in the Legislation Act, dictionary, part 1. This amendment inserts terms mentioned in the Act and defined in the Legislation Act, dictionary, part 1.

A special commencement provision has been included in case the *Statute Law Amendment Act 2012* commences before the *Justice and Community Safety Legislation Amendment Act 2012*.

## **Part 3.50 Trustee Companies Act 1947**

**[3.196] Section 34B (1) (a)**

*omit*

the Australian Securities and Investments Commission (*ASIC*)

*substitute*

ASIC

**Explanatory note**

This amendment simplifies the language of the provision by substituting another term defined in the provision and inserted by another amendment.

**[3.197]    New section 34B (5)**

*insert*

(5) In this section:

*ASIC* means the Australian Securities and Investments Commission under the *Australian Securities and Investments Commission Act 2001* (Cwlth).

**Explanatory note**

This amendment inserts a definition of a term used in the provision consequential on another amendment.

## **Part 3.51                            Unit Titles (Management) Act 2011**

**[3.198]    Section 9 (1)**

*omit*

body corporate

*substitute*

corporation

**Explanatory note**

This amendment updates language in line with current legislative drafting practice. The Legislation Act, dictionary, part 1, defines *corporation* to include a body corporate.

**[3.199]    Dictionary, note 2**

*insert*

- corporation

**Explanatory note**

Dictionary, note 2 lists examples of terms used in the Act that are defined in the Legislation Act, dictionary, part 1. This amendment inserts a term mentioned in the Act and defined in the Legislation Act, dictionary, part 1 and is consequential on another amendment.

**[3.200] Dictionary, definition of *company***

*substitute*

***company*** means a corporation.

*Note* ***Corporation***—see the Legislation Act, dictionary, pt 1.

**Explanatory note**

This amendment updates the definition of ***company*** to refer to the Legislation Act, dictionary, part 1, definition of ***corporation*** which includes a body corporate.

## **Part 3.52 Utilities Act 2000**

**[3.201] Section 28 (2), definition of *National Electricity (ACT) Law***

*omit*

**Explanatory note**

This amendment omits a definition because of another amendment.

**[3.202] Section 28 (2), definition of *national electricity rules***

*substitute*

***national electricity rules*** means the national electricity rules under the National Electricity (ACT) Law.

*Note* ***National Electricity (ACT) Law***—see the Legislation Act, dictionary, pt 1.

**Explanatory note**

This amendment updates a definition in line with current legislative drafting practice and inserts a new note that is defined in the Legislation Act, dictionary, part 1.

**[3.203]    Section 58 (1)**

*omit*

, in writing

**Explanatory note**

This amendment omits words that are redundant because of the Legislation Act, section 42 (2), which requires disallowable instruments to be in writing. A code approved under section 58 (1) is a disallowable instrument because of the operation of section 62.

**[3.204]    Section 89 (1)**

*omit*

, in writing

**Explanatory note**

This amendment omits words that are redundant because of the Legislation Act, section 42 (2), which requires notifiable instruments to be in writing. Terms approved under section 89 (1) are a notifiable instrument because of the operation of section 91.

**[3.205]    Dictionary, note 2**

*insert*

- Australian citizen
- National Electricity (ACT) Law

**Explanatory note**

Dictionary, note 2 lists examples of terms used in the Act that are defined in the Legislation Act, dictionary, part 1. This amendment inserts terms mentioned in the Act and defined in the Legislation Act, dictionary, part 1. The definition of *Australian citizen* is inserted in the Legislation Act, dictionary, part 1 by another amendment.



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

*omit*

, in writing,

*in*

- section 18 (1)
- section 22 (1)
- section 59 (1)
- section 61 (1)
- section 67 (2)
- section 90 (1)
- section 121 (2)
- section 122 (4)
- section 228 (1)
- section 230 (1)
- section 254 (2) and (3)

**Explanatory note**

This amendment omits words that are redundant because of the Legislation Act, section 42 (2), which requires disallowable and notifiable instruments to be in writing. A code determined under section 59 (1) or a code variation approved or determined under section 61 (1) is a disallowable instrument because of the operation of section 62. Terms determined under section 90 are a notifiable instrument because of the operation of section 91.

**[3.207] Further amendments, mentions of *written***

*omit*

written

*in*

- section 19 (2)
- section 37 (1), note 1
- section 37 (3), note
- section 38 (1), note 1
- section 39 (1), including the note
- section 40 (1), note 1
- section 40 (3), note
- section 41 (1), note
- section 42 (2), note
- section 45 (1), note
- section 52 (1)
- section 70 (2) and (4)

**Explanatory note**

This amendment omits a word that is redundant because of the Legislation Act, section 42 (2), which requires disallowable and notifiable instruments to be in writing.

## **Part 3.53**                      **Victims of Crime (Financial Assistance) Act 1983**

### **[3.208] Section 10 (5), definition of *firefighter*, paragraphs (a) and (b)**

*substitute*

- (a) the chief officer (fire and rescue); or
- (b) any other member of fire and rescue; or

(commencement: the later of the commencement of this Act and the *Justice and Community Safety Legislation Amendment Act 2012*, schedule 1, part 1.5)

#### **Explanatory note**

This amendment updates the definition to reflect the change of name of the ACT Fire Brigade to ACT Fire and Rescue.

A special commencement provision has been included in case the *Statute Law Amendment Act 2012* commences before the *Justice and Community Safety Legislation Amendment Act 2012*.

### **[3.209] Dictionary, note 2**

*omit*

- chief officer (fire brigade)

*substitute*

- chief officer (fire and rescue)

(commencement: the later of the commencement of this Act and the *Justice and Community Safety Legislation Amendment Act 2012*, schedule 1, part 1.5)

#### **Explanatory note**

Dictionary, note 2 lists examples of terms used in the Act that are defined in the Legislation Act, dictionary, part 1. This amendment updates the list to reflect the change of name of the ACT Fire Brigade to ACT Fire and Rescue.



**[3.212] Sections 45 (1) and 46 (1)**

*omit*

, in writing,

**Explanatory note**

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

**[3.213] Dictionary, note 2**

*insert*

- Australian citizen

**Explanatory note**

Dictionary, note 2 lists examples of terms used in the Act that are defined in the Legislation Act, dictionary, part 1. This amendment inserts a new term and is consequential on the insertion of a definition of the term in the Legislation Act, dictionary, part 1 by another amendment.

## **Part 3.55 Water and Sewerage Act 2000**

**[3.214] Dictionary, note 2**

*insert*

- Australian citizen

**Explanatory note**

Dictionary, note 2 lists examples of terms used in the Act that are defined in the Legislation Act, dictionary, part 1. This amendment inserts a new term and is consequential on the insertion of a definition of the term in the Legislation Act, dictionary, part 1 by another amendment.

## Part 3.56                            Water Resources Act 2007

### **[3.215]    Section 28 (3), definition of *relevant person***

*omit*

(fire brigade)

*substitute*

(fire and rescue)

(commencement: the later of the commencement of this Act and the *Justice and Community Safety Legislation Amendment Act 2012*, schedule 1, part 1.5)

#### **Explanatory note**

This amendment updates the definition to reflect the change of name of the ACT Fire Brigade to ACT Fire and Rescue.

A special commencement provision has been included in case the *Statute Law Amendment Act 2012* commences before the *Justice and Community Safety Legislation Amendment Act 2012*.

### **[3.216]    Section 28 (3), definition of *relevant person*, paragraph (b)**

*substitute*

(b) any other member of fire and rescue; or

(commencement: the later of the commencement of this Act and the *Justice and Community Safety Legislation Amendment Act 2012*, schedule 1, part 1.5)

#### **Explanatory note**

This amendment updates the definition to reflect the change of name of the ACT Fire Brigade to ACT Fire and Rescue.

A special commencement provision has been included in case the *Statute Law Amendment Act 2012* commences before the *Justice and Community Safety Legislation Amendment Act 2012*.

## **Part 3.57**                      **Workers Compensation Regulation 2002**

### **[3.217]    Sections 5 (1) and 7 (1)**

*omit*

, in writing,

#### **Explanatory note**

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

### **[3.218]    Sections 47 (1), 100 and 101**

*omit*

, in writing,

#### **Explanatory note**

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

### **[3.219]    Dictionary, definition of *psychosocial factor***

*omit*

#### **Explanatory note**

This amendment omits a definition of a term that is no longer used in the regulation.

## Part 3.58            Work Health and Safety Act 2011

### [3.220]    Section 31 (2)

*omit*

bears

*substitute*

has

#### **Explanatory note**

This amendment updates language to be consistent with the language of the Criminal Code, section 56 (Legal burden of proof—prosecution).

### [3.221]    New section 36 (2)

*insert*

(2) In this section:

***medical treatment*** means treatment by a medical practitioner.

#### **Explanatory note**

This amendment relocates the definition of ***medical treatment*** from the dictionary because the term is used only in section 36.



**[3.222] Section 108 (4), definition of *emergency services worker*,  
note**

*substitute*

*Note* An *emergency service* means the ambulance service, fire and rescue, the rural fire service or the SES (see Legislation Act, dict, pt 1).

(commencement: the later of the commencement of this Act and the *Justice and Community Safety Legislation Amendment Act 2012*, schedule 1, part 1.5)

**Explanatory note**

This amendment updates the note to reflect the change of name of the ACT Fire Brigade to ACT Fire and Rescue.

A special commencement provision has been included in case the *Statute Law Amendment Act 2012* commences before the *Justice and Community Safety Legislation Amendment Act 2012*.

**[3.223] Section 131 (2), new notes**

*insert*

*Note 1* The *Statutory Declarations Act 1959* (Cwlth) applies to the making of statutory declarations under ACT laws.

*Note 2* It is an offence to make a false or misleading statement, give false or misleading information or produce a false or misleading document (see Criminal Code, pt 3.4).

**Explanatory note**

This amendment inserts standard notes about statutory declarations.

**[3.224] Section 165 (1)**

*omit*

all or any

*substitute*

1 or more

**Explanatory note**

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

**[3.225] Section 185 (2)**

*omit*

their name

*substitute*

his or her name

**Explanatory note**

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

**[3.226] Section 248 (1)**

*substitute*

- (1) The following notices to be given to or served on the Territory may be given to or served on the responsible agency in relation to the notice:
  - (a) a provisional improvement notice, improvement notice, prohibition notice, non-disturbance notice or notice of entry under part 7 (Workplace entry by WHS entry permit-holders) to be given or served under this Act;
  - (b) an infringement notice for an infringement notice offence to be given or served under the *Magistrates Court Act 1930*.

**Explanatory note**

This amendment revises the subsection to make it clear that an infringement notice is given or served under the *Magistrates Court Act 1930*.

**[3.227] Section 277 (1)**

*omit*

, in writing,

**Explanatory note**

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

**[3.228] Dictionary, note 2**

*insert*

- Corporations Act
- found guilty (of an offence)

**Explanatory note**

Dictionary, note 2 lists examples of terms used in the Act that are defined in the Legislation Act, dictionary, part 1. This amendment inserts terms mentioned in the Act and defined in the Legislation Act, dictionary, part 1.

**[3.229] Dictionary, note 2**

*omit*

- public employee

**Explanatory note**

This amendment omits a redundant term.

**[3.230] Dictionary, new definitions**

*insert*

*infringement notice*—see the *Magistrates Court Act 1930*, dictionary.

*infringement notice offence*—see the *Magistrates Court Act 1930*, dictionary.

**Explanatory note**

This amendment inserts definitions of terms used in the Act.

**[3.231] Dictionary, definition of *medical treatment***

*omit*

**Explanatory note**

This amendment is consequential on the insertion of a definition of *medical treatment* in section 36 by another amendment.

**[3.232] Dictionary, definition of *officer*, paragraph (a)**

*substitute*

- (a) an officer within the meaning of the Corporations Act, section 9, other than a partner in a partnership; or

**Explanatory note**

This amendment updates language in line with current legislative drafting practice. *Corporations Act* is defined in the Legislation Act, dictionary, part 1 to mean the *Corporations Act 2001* (Cwlth).

---

**Endnotes**

**1 Presentation speech**

Presentation speech made in the Legislative Assembly on 29 March 2012.

**2 Notification**

Notified under the Legislation Act on 22 May 2012.

**3 Republications of amended laws**

For the latest republication of amended laws, see [www.legislation.act.gov.au](http://www.legislation.act.gov.au).

---

I certify that the above is a true copy of the Statute Law Amendment Bill 2012, which was passed by the Legislative Assembly on 8 May 2012.

Clerk of the Legislative Assembly