



Australian Capital Territory

Statute Law Amendment Act 2017 (No 2)

A2017-28

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Australian Capital Territory

Statute Law Amendment Act 2017 (No 2)

A2017-28

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 2017 (No 2)*.

2 Commencement

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)).

3 Notes

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

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

4 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.

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 **Annual Reports (Government Agencies) Act 2004**

[1.1] **New section 9A**

in part 3, insert

9A **Responsible Minister for state of the service report**

The responsible Minister for a state of the service report is the Chief Minister.

Explanatory note

Under section 5 of the Act, the head of service must prepare a state of the service report about the operation of the public service during the reporting year. This amendment inserts a new section to provide that the Chief Minister is the responsible Minister for a state of the service report. The section is consistent with other sections in part 3 of the Act, which state who the responsible Minister is for a director-general annual report, a public sector body annual report and a territory entity annual report.

Part 1.2 City Renewal Authority and Suburban Land Agency Act 2017

[1.2] Section 63

omit

Minister

substitute

Treasurer

Explanatory note

This amendment revises section 63 to give the Treasurer the function of making directions relating to land acquisition by the city renewal authority or the suburban land agency. This is consistent with the Treasurer's responsibilities under the Act in relation to financial matters of the authority and agency and under the *Financial Management Act 1996* in relation to statements of intent.

[1.3] Section 63 (as amended)

relocate to part 4

Explanatory note

This amendment relocates section 63 from part 3 (Suburban land agency) to part 4 (Miscellaneous). Part 4 is a more appropriate location for the section because it deals with land acquisition by the city renewal authority or the suburban land agency, whereas the provisions in part 3 (apart from section 63) relate only to the suburban land agency.

Part 1.3 Residential Tenancies Act 1997

[1.4] Smoke alarms Section 11B (b)

substitute

- (b) the smoke alarms, and the installation of the smoke alarms, comply with the requirements prescribed by regulation.

Note Other requirements may apply in relation to the installation of smoke alarms, for example, requirements under the *Building Act 2004*.

- (2) A regulation made for subsection (1) may apply, adopt or incorporate a law or instrument as in force from time to time.

Explanatory note

Section 11B provides that a lessor must not enter into a residential tenancy agreement with a tenant in relation to premises unless the premises have smoke alarms installed.

This amendment substitutes a new section 11B (b) so that requirements in relation to smoke alarms can be prescribed by regulation rather than by reference to the building code, volume 2, part 3.7.2.

The intention of section 11B when it was included in the Act was to allow lessors to install a hard-wired or a battery-operated smoke alarm that meets the relevant Australian Standard for smoke alarms (AS 3786).

However, calling up the requirements of the building code, volume 2, part 3.7.2 has created some uncertainty for two reasons:

- the building code, volume 2 is expressed to apply to class 1 and class 10a buildings only; and
- part 3.7.2 requires a smoke alarm to be connected to the consumer mains power where consumer mains power is supplied to the building.

Referring to the building code, volume 2, part 3.7.2 in section 11B has had the unintended consequence of requiring lessors of existing buildings (to which the building code would not otherwise apply) to install a hard-wired alarm rather than having the choice of installing a hard-wired or a battery-operated alarm.

There is also some uncertainty that the requirements apply to all classes of building that are subject to a residential tenancy agreement.

This amendment revises section 11B to provide for requirements in relation to smoke alarms to be specified by regulation. In addition, the amendment inserts a new subsection (2) so that the regulation may incorporate requirements from AS 3786 as in force from time to time.

The *Residential Tenancies Regulation 1998* is revised by another amendment as a consequence of this amendment. The new regulation will apply to all classes of building that are subject to a residential tenancy agreement.

[1.5] Sections 145 and 146

omit

building code, volume 2, part 3.7.2

substitute

requirements prescribed by regulation for section 11B

Explanatory note

This amendment modifies the application of part 13, which contains the transitional provisions for section 11B. Section 145 provides a transitional period of up to 12 months for smoke alarms to be installed for premises that were under an existing residential tenancy agreement at the time section 11B commenced. Section 146 places an obligation on a tenant of an existing residential tenancy agreement to replace a battery in a smoke alarm as necessary so that a tenant will be under the same obligation as a tenant under a new residential agreement entered after section 11B commenced. This amendment revises sections 145 and 146 to be consistent with the changes to section 11B made by another amendment.

[1.6] New part 14

insert

**Part 14 Transitional—Statute Law
Amendment Act 2017 (No 2)**

148 Meaning of *commencement day*—pt 14

In this part:

commencement day means the day the *Statute Law Amendment Act 2017 (No 2)* commences.

149 Residential tenancy agreement entered contrary to s 11B

- (1) This section applies to a lessor who entered into a residential tenancy agreement with a tenant in contravention of section 11B (b) (the *relevant requirement*) as in force immediately before the commencement day.
- (2) The lessor is taken to have complied with the relevant requirement if the smoke alarm was installed in compliance with the requirements prescribed by regulation for section 11B.

150 Expiry—pt 14

This part expires 12 months after the commencement day.

Note Transitional provisions are kept in the Act for a limited time. A transitional provision is repealed on its expiry but continues to have effect after its repeal (see [Legislation Act](#), s 88).

Explanatory note

This amendment inserts a new transitional part which will have the effect of deeming a smoke alarm that meets the new requirements in section 11B (as amended by amendment 1.4) to have met the requirements of that section as in force immediately before this amendment commences.

[1.7] Schedule 1, clause 53A (2)

omit

building code, volume 2, part 3.7.2

substitute

requirements prescribed by regulation for the Residential Tenancies Act, section 11B

Explanatory note

Schedule 1 of the Act sets out the standard residential tenancy terms. Clause 53A was inserted in the standard residential tenancy terms by the *Residential Tenancies Legislation Amendment Act 2016* to reflect the obligation imposed on the lessor by section 11B of the Act to install smoke alarms on premises before entering into a residential tenancy agreement with a tenant in relation to those premises. This amendment revises clause 53A (2) so that it is consistent with the changes to section 11B made by another amendment.

Part 1.4 Residential Tenancies Regulation 1998

[1.8] New sections 1B and 1C

insert

**1B Smoke alarms and installation of smoke alarms—
Act, s 11B**

- (1) A smoke alarm installed at premises subject to a residential tenancy agreement—
 - (a) must—
 - (i) comply with AS 3786; and
 - (ii) be functional; and
 - (iii) be installed on or near the ceiling; and

- (b) may be—
 - (i) battery-operated; or
 - (ii) hard-wired.

Note AS 3786 requires a hard-wired smoke alarm to also have a secondary power source.

- (2) A smoke alarm must be installed in premises subject to a residential tenancy agreement—

- (a) in each storey of the premises containing a bedroom—
 - (i) in every corridor or hallway associated with a bedroom; and
 - (ii) if there is no corridor or hallway—between each part of the premises containing a bedroom and the remainder of the premises; and
- (b) in each storey of the premises not containing a bedroom.

Note Other requirements may apply in relation to the installation of smoke alarms, for example, requirements under the *Building Act 2004*.

- (3) In this section:

AS 3786 means Australian Standard 3786 *Smoke alarms using scattered light, transmitted light or ionization* as in force from time to time.

1C Disapplication of Legislation Act, s 47 (6)

- (1) The [Legislation Act](#), section 47 (6) does not apply to AS 3786 under section 1B.

Note AS 3786 does not need to be notified under the [Legislation Act](#) because s 47 (6) does not apply (see [Legislation Act](#), s 47 (7)). The standard may be purchased at www.standards.org.au.

- (2) However, the director-general must make a copy of AS 3786 available for inspection by members of the public during ordinary business hours at a place decided by the director-general.

Explanatory note

This amendment inserts 2 new sections as a consequence of changes made to the *Residential Tenancies Act 1997*, section 11B by another amendment.

Proposed section 1B sets out the types of smoke alarms that may be installed at residential premises that are subject to a residential tenancy agreement and where the smoke alarms must be installed.

Proposed section 1C incorporates AS 3786 into the regulation. The *Legislation Act*, section 47 (6) provides that an incorporated document, and any amendment or replacement of such a document, are taken to be notifiable instruments. A notifiable instrument must be notified on the legislation register under the *Legislation Act*. However, the *Legislation Act*, section 47 (6) may be displaced by the authorising law (the Act) or the incorporating instrument (this regulation) (see section 47 (7)). Proposed section 1C displaces the *Legislation Act*, section 47 (6) because the incorporated standards are subject to copyright and may be purchased over the internet. Proposed section 1C (2) provides that a copy of the standard must be available for inspection by members of the public.

Schedule 2 Structural amendments

(see s 5)

Part 2.1 Legislation Act 2001

[2.1] Section 8 (1)

omit

regulation, rule or by-law

substitute

regulation or rule

Explanatory note

Section 8 defines a *subordinate law* as follows:

- (1) A *subordinate law* is a regulation, rule or by-law (whether or not legislative in nature) made under—
 - (a) an Act; or
 - (b) another subordinate law; or
 - (c) power given by an Act or subordinate law and also power given otherwise by law.

The substance of the definition of *subordinate law* in section 8 was adapted from the definition used in the dictionary to the *Interpretation Act 1967* and paragraph (a) of the definition of *subordinate law* in section 6 (19) of the *Subordinate Laws Act 1989*. The general meaning of ‘subordinate law’ is a rule of law made by an authority such as the Executive under power given by Parliament.

Regulations are the most common type of subordinate law in the ACT, and generally refer to laws made by the Executive that set out the detail of a legislative scheme. Rules are primarily concerned with matters of procedure, for example, rules of court. By-laws typically operate in a particular geographical area, most often in relation to laws of local government. In the ACT, no by-laws have been made since self-government.

These are matters of usage only. It is often the case, for example, that regulations will deal with matters of procedure.

This amendment omits the reference to ‘by-law’ because the term has no ongoing relevance in the ACT. The last by-laws known to have operated in the ACT as subordinate laws, the Canberra Community Hospital By-laws, lapsed on the repeal of the *Canberra Hospitals Ordinance 1938* on 1 July 1975. Matters that might once have been dealt with in by-laws are now more likely to be dealt with by way of regulation or disallowable instrument.

[2.2] Section 163 (1)

omit

the [Public Sector Management Act](#), section 28 (Directors-general—engagement) or section 30 (Directors-general—temporary contracts)

substitute

the [Public Sector Management Act](#), section 31 (Engagement of SES member)

Explanatory note

This amendment corrects cross-references. The *Public Sector Management Act 1994*, sections 28 and 30 were replaced by section 31 when that Act was extensively amended by the *Public Sector Management Amendment Act 2016*.

[2.3] Section 163 (4), definition of *director-general*

omit

the [Public Sector Management Act](#), section 28 or section 30

substitute

the [Public Sector Management Act](#), section 31 (Engagement of SES member)

Explanatory note

This amendment corrects cross-references. The *Public Sector Management Act 1994*, sections 28 and 30 were replaced by section 31 when that Act was extensively amended by the *Public Sector Management Amendment Act 2016*.

[2.4] Dictionary, part 1, definition of *by-law*

omit

Explanatory note

This amendment is consequential on the omission of a reference to ‘by-law’ in the definition of *subordinate law* in section 8 by another amendment.

[2.5] Dictionary, part 1, definition of *work safety commissioner*

substitute

work safety commissioner means the Work Safety Commissioner under the [Work Health and Safety Act 2011](#), schedule 2, part 2.2.

Explanatory note

This amendment revises the definition to be consistent with the definition of *work safety commissioner* in the [Work Health and Safety Act 2011](#), dictionary.

Part 2.2 Legislation Regulation 2003

[2.6] Section 8 (4) (e) (iii)

omit

Explanatory note

This amendment is consequential on the omission of a reference to ‘by-law’ in the definition of *subordinate law* in the [Legislation Act](#), section 8 by another amendment.

Schedule 3 Technical amendments

(see s 5)

Part 3.1 ACT Civil and Administrative Tribunal Act 2008

[3.1] Dictionary, definitions of *mediation* and *mediation material*

omit

Explanatory note

This amendment omits signpost definitions of terms defined in section 30A. Section 30A was omitted by the [Courts Legislation Amendment Act 2015 \(No 2\)](#).

Part 3.2 Annual Reports (Government Agencies) Act 2004

[3.2] Section 15 (3)

omit

subsection (1) (a)

substitute

subsection (2) (a)

Explanatory note

This amendment corrects a cross-reference. The context of the provision makes it clear that section 15 (3) is intended to apply to a report that is to be presented to the Legislative Assembly within 15 weeks after the end of the reporting year.

[3.3] Dictionary, definition of *annual report direction*

omit

section 9

substitute

section 8

Explanatory note

This amendment corrects a cross-reference. Section 8 deals with annual report directions, while section 9 deals with consultation about annual report directions.

[3.4] Dictionary, definition of *reporting year*, paragraph (b)

substitute

- (b) if the entity the subject of the report did not operate for all of the period mentioned in paragraph (a)—does not include the period during which the entity did not operate.

Explanatory note

Paragraph (b) currently refers to the reporting year for an administrative unit or public authority. However, amendments under the *Public Sector Management Amendment Act 2016* replaced the term ‘public authority’ with ‘public sector body’. This amendment revises the language of paragraph (b) to clarify that it applies to any entity required to prepare a report under the Act.

[3.5] Dictionary, definition of *responsible Minister*, paragraph (c)

omit

section 5

substitute

section 9A

Explanatory note

This amendment corrects a cross-reference and is consequential on the insertion of new section 9A by another amendment. The definition of *responsible Minister* for a state of the service report refers users of the legislation to section 5. However, section 5 contains no reference to the responsible Minister for a state of the service report. New section 9A provides that the responsible Minister for a state of the service report is the Chief Minister.

Part 3.3 City Renewal Authority and Suburban Land Agency Act 2017

[3.6] Section 22 (1)

after

authority

insert

board

Explanatory note

Section 22 was amended during debate of the *City Renewal Authority and Suburban Land Agency Bill 2017* to include subsection (1), which requires the authority to establish an audit and risk committee. However, the rest of section 22 makes it clear that it is the authority board that establishes authority committees. Under section 23, the authority board has the power to decide how a committee is to exercise its functions and procedures for committee meetings.

This amendment revises subsection (1) to make the provision consistent with the remainder of sections 22 and 23 and clarifies that it is the authority board that must establish an audit and risk committee.

[3.7] Section 22 (2)

after

establish

insert

other

Explanatory note

This amendment revises subsection (2) to make it clear that the authority board may establish other committees in addition to the committee that must be established under subsection (1). The amendment also makes section 22 (2) consistent with section 50 (2), which deals with the establishment of committees by the Suburban Land Agency board.

[3.8] Section 22 (3) (b)

omit

Explanatory note

Section 22 was amended during the debate of the *City Renewal Authority and Suburban Land Agency Bill 2017* to include a requirement in section 22 (1) that the City Renewal Authority establish an audit and risk committee. As a consequence of that amendment, section 22 (3) (b), which gives the authority board a discretion to establish a committee in relation to audit and risk, is no longer needed. This amendment omits the redundant paragraph.

[3.9] Section 26 (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.

[3.10] Section 50 (1)

after

agency

insert

board

Explanatory note

Section 50 was amended during debate of the *City Renewal Authority and Suburban Land Agency Bill 2017* to include subsection (1), which requires the agency to establish an audit and risk committee. However, the rest of section 50 makes it clear that it is the agency board that establishes agency committees. Under section 51, the agency board has the power to decide how a committee is to exercise its functions and the procedures for committee meetings.

This amendment revises subsection (1) to make the provision consistent with the remainder of sections 50 and 51 and to clarify that the agency board must establish an audit and risk committee.

[3.11] Section 54 (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.

Part 3.4 Electoral Act 1992

[3.12] Section 340 heading

substitute

340 Head of service to provide assistance etc

Explanatory note

Section 340 provides that the head of service must comply with any request by the electoral commission, the commissioner or an augmented commission for information or assistance reasonably required for the Act. This amendment revises the section heading to be consistent with the substance of the section.

Part 3.5 Evidence (Miscellaneous Provisions) Act 1991

[3.13] Section 32 (1), note

substitute

Note The *Trans-Tasman Proceedings Act 2010* (Cwlth), pt 6, div 2 (Remote appearances from New Zealand in Australian proceedings) and the *Court Procedures Rules 2006*, div 6.10A.4 (Trans-Tasman proceedings—remote appearances) apply to remote appearances from New Zealand in a proceeding in an Australian court or a prescribed Australian tribunal.

Explanatory note

This amendment updates the note as a consequence of the replacement of the *Evidence and Procedure (New Zealand) Act 1994* (Cwlth) by the *Trans-Tasman Proceedings Act 2010* (Cwlth) and consequential amendments of the *Court Procedures Rules 2006*.

Part 3.6 Family Violence Act 2016

[3.14] Section 144 (2)

omit

section 123

substitute

section 124

Explanatory note

This amendment corrects a cross-reference.

[3.15] Dictionary, note 2

insert

- found guilty

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 used in the Act and defined in the [Legislation Act](#), dictionary, part 1.

[3.16] Dictionary, definition of *court*

omit

section 122

substitute

section 131

Explanatory note

This amendment corrects a cross-reference.

[3.17] Dictionary, new definition of *family violence proceeding*

insert

family violence proceeding, for part 8 (Court-initiated actions)—see section 111.

Explanatory note

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

Part 3.7 Food Regulation 2002

[3.18] New section 3A

in part 1, insert

3A Offences against regulation—application of Criminal Code etc

Other legislation applies in relation to offences against this regulation.

Note 1 Criminal Code

The [Criminal Code](#), ch 2 applies to all offences against this regulation (see Code, pt 2.1).

The chapter sets out the general principles of criminal responsibility (including burdens of proof and general defences), and defines terms used for offences to which the Code applies (eg *conduct*, *intention*, *recklessness* and *strict liability*).

Note 2 Penalty units

The [Legislation Act](#), s 133 deals with the meaning of offence penalties that are expressed in penalty units.

Explanatory note

This amendment inserts a standard provision about offences against the regulation.

[3.19] Section 4A heading

substitute

**4A Circumstances of payment to volunteers—Act, s 7A (4),
def *volunteer*, par (b)**

Explanatory note

This amendment corrects a cross-reference.

[3.20] Section 6 heading

substitute

6 Food businesses exempt from registration—Act, s 90

Explanatory note

This amendment corrects a cross-reference.

[3.21] Section 19 heading

substitute

**19 Food safety supervisor must hold valid statement of
attainment for food safety training courses—Act,
s 152 (2) (d)**

Explanatory note

This amendment corrects a cross-reference.

[3.22] Section 20 heading

substitute

**20 Notice of commencement of food safety supervisor—Act,
s 152 (2) (d)**

Explanatory note

This amendment corrects a cross-reference.

[3.23] Section 21 heading

substitute

21 Notice of change to contact details of food safety supervisor—Act, s 152 (2) (d)

Explanatory note

This amendment corrects a cross-reference.

**Part 3.8 Lifetime Care and Support
(Catastrophic Injuries) Act 2014**

[3.24] Dictionary, note 3

omit

- insured motor vehicle (see s 15)

Explanatory note

Dictionary, note 3 lists terms defined in the *Road Transport (Third-Party Insurance) Act 2008* that are used in the Act. This amendment omits a term that is not used in the Act.

[3.25] Dictionary, note 3

insert

- uninsured motor vehicle (see s 60).

Explanatory note

Dictionary, note 3 lists terms defined in the *Road Transport (Third-Party Insurance) Act 2008* that are used in the Act. This amendment inserts a term that is used in the Act.

Part 3.9 Mental Health Act 2015

[3.26] New section 37 (2)

insert

(2) In this section:

ACAT mental health provision, in a care and protection order or interim care and protection order—see the [Children and Young People Act 2008](#), section 491.

Explanatory note

This amendment relocates from the dictionary a definition of a term that is used only in section 37. The definition is omitted from the dictionary by another amendment.

[3.27] Section 271 (4) (a)

omit

section 85 (5)

substitute

section 85 (3)

Explanatory note

This amendment corrects a cross-reference.

[3.28] Dictionary, definition of *ACAT mental health provision*

omit

Explanatory note

This amendment is consequential on the relocation of the definition to section 37 by another amendment.

[3.29] Dictionary, definition of *affected person register*

substitute

affected person register, for part 7.2 (Affected people)—see section 130.

Explanatory note

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

Part 3.10 Official Visitor Act 2012

[3.30] New section 17 (5)

insert

(5) In this section:

investigative entity means an entity with power to require the production of documents or the answering of questions including, for example, the chief police officer, the human rights commission and the ombudsman.

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

Explanatory note

This amendment relocates from the dictionary a definition of a term that is used only in section 17. The definition is omitted from the dictionary by another amendment.

[3.31] Section 23B (3)

omit

subsection (1) (d)

substitute

subsection (1) (c)

Explanatory note

This amendment corrects a cross-reference. Section 23B (1) was amended in 2016 by the [Protection of Rights \(Services\) Legislation Amendment Act 2016 \(No 2\)](#) to omit section 23B (1) (b). The paragraphs in section 23B (1) were renumbered on republication of the Act, however, the reference to subsection (1) (d) in section 23B (3) was not consequentially amended.

[3.32] Section 26 (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.

[3.33] Dictionary, definition of *investigative entity*

omit

Explanatory note

This amendment is consequential on the relocation of the definition to section 17 by another amendment.

Part 3.11 **Planning and Development Act 2007**

[3.34] Part 5.3 heading, note

omit

Explanatory note

This amendment omits a redundant note. The note refers to obligations of the planning and land authority under the *Australian Capital Territory (Planning and Land Management) Act 1988* (Cwlth), sections 74 and 75. Those sections deal with varying a National Capital Development Commission policy during the transition period for that Act and public consultation in relation to a variation. The transition period ended on 12 March 1991 so the note is no longer required.

[3.35] Section 276B (3)

omit

section 277D (Lease variation charge under s 277—requirements for reconsideration application)

substitute

section 277C (Lease variation charge under s 277—application for reconsideration)

Explanatory note

Section 276B (3) refers to a person's right to apply, under section 277D, for reconsideration of a decision made under section 277. However, an application for reconsideration of a decision under section 277 is made under section 277C. This amendment corrects the cross-reference.

Part 3.12 Powers of Attorney Act 2006

[3.36] Section 33

omit

all or any

substitute

1 or more

Explanatory note

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

[3.37] New section 36 (2)

insert

(2) In this section:

will includes a codicil.

Explanatory note

This amendment relocates from the dictionary a definition of a term that is used only in section 36. The definition is omitted from the dictionary by another amendment.

[3.38] Sections 43 (2) and 46A (5), new note

insert

Note 2 For how documents may be given, see the [Legislation Act](#), pt 19.5.

Explanatory note

This amendment inserts a standard note about service of documents.

[3.39] Section 59 (1) (b)

omit

person

substitute

principal

Explanatory note

This amendment corrects a minor error made when the provision was amended by the [Civil Partnerships Act 2008](#). The word ‘principal’ was inadvertently replaced with ‘person’, making the provision illogical. This amendment restores the provision to its original intent.

[3.40] Section 64 (1) (b), note

omit

Explanatory note

This amendment is consequential on the relocation of a definition of a term to this section by another amendment.

[3.41] New section 64 (3)

insert

(3) In this section:

liquidator, of an attorney, includes—

- (a) the official manager of the attorney; or
- (b) the receiver of the attorney’s property; or
- (c) the receiver and manager of the attorney’s property; or
- (d) the managing controller of the attorney’s property.

Explanatory note

This amendment relocates from the dictionary a definition of a term that is used only in section 64. The definition is omitted from the dictionary by another amendment.

[3.42] Section 83 heading

substitute

83 Assistance by public trustee and guardian

Explanatory note

This amendment updates the heading to reflect the change of name of the Public Trustee to the Public Trustee and Guardian by the [Protection of Rights \(Services\) Legislation Amendment Act 2016](#).

**[3.43] Dictionary, definitions of *decision-making principles*,
liquidator and *will***

omit

Explanatory note

This amendment omits from the dictionary definitions of terms that are used only in 1 section. The definition of *decision-making principles* is a tag-term in section 41B. The definition of *liquidator* has been relocated to section 64 and the definition of *will* has been relocated to section 36 by other amendments.

**Part 3.13 Road Transport (Driver
Licensing) Regulation 2000**

[3.44] Table 10, item 4, column 2

omit

interlock ignition

substitute

ignition interlock

Explanatory note

This amendment corrects a reference to ‘alcohol ignition interlock device’.

[3.45] Section 12 (9), definition of *judicial officer*

omit

principal registrar of the ACT Law Courts and Tribunal

substitute

principal registrar appointed under the *Court Procedures Act 2004*, section 11A

Explanatory note

This amendment corrects a reference to the principal registrar. The principal registrar is appointed under the *Court Procedures Act 2004*, section 11A (1), which provides that the Executive must appoint a person as the ‘Principal Registrar and Chief Executive Officer of the ACT Courts and Tribunals’.

[3.46] Dictionary, definition of *alcohol ignition interlock device*

omit

section 73ZL

substitute

section 73S

Explanatory note

This amendment corrects a cross-reference.

[3.47] Dictionary, definition of *articulated bus*

substitute

articulated bus—see the *Heavy Vehicle National Law (ACT)*, section 5.

Explanatory note

This amendment corrects a cross-reference.

[3.48] Dictionary, definition of *automatic disqualifying circumstance*

omit

exemptions

substitute

drivers

Explanatory note

This amendment corrects a cross-reference.

[3.49] Dictionary, definition of *breath alcohol interlock device*

omit

Explanatory note

This amendment omits a definition of a term that is not used in the regulation.

[3.50] Dictionary, definition of *drug awareness course*

omit

section 73K

substitute

section 73R

Explanatory note

This amendment corrects a cross-reference.

Part 3.14 Road Transport (Public Passenger Services) Act 2001

[3.51] Section 128 (1)

substitute

- (1) A regulation may—
- (a) exempt a vehicle or person from this Act; or
 - (b) authorise the road transport authority to exempt a vehicle or person from this Act.

Note 1 Power to make a statutory instrument (including a regulation) includes power to make different provision in relation to different matters or different classes of matters (see [Legislation Act](#), s 48).

Note 2 A reference to an Act includes a reference to a provision of an Act (see [Legislation Act](#), s 7 (3)).

Explanatory note

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

Part 3.15 Road Transport (Third-Party Insurance) Act 2008

[3.52] Section 72 (3) (a) (ii), note 1

omit

Explanatory note

This amendment omits a note that refers to a website that no longer exists. The Canberra Connect website has been replaced by the Access Canberra website. To avoid having to update the Act in the event of future changes to the website, the note is omitted. The reference in the example for section 72 (3) (a) (ii) is sufficient to alert users of the legislation to the existence of a website for reporting motor accidents.

Part 3.16 Utilities Act 2000

[3.53] Section 173 (4)

omit

ACT Civil and Administrative Tribunal Act 2008, section 13 (Help with applications etc)

substitute

ACT Civil and Administrative Tribunal Act 2008, section 112 (1) (b) (Functions of registrar—other)

Explanatory note

This amendment corrects a cross-reference. The *ACT Civil and Administrative Tribunal Act 2008*, section 13 was repealed by the *Justice and Community Safety Legislation Amendment Act 2012* (the *Amendment Act*). The *ACT Civil and Administrative Tribunal Act 2008*, section 112 (1) was also amended by the Amendment Act to include the substance of section 13.

[3.54] Section 174 (3)

omit

ACT Civil and Administrative Tribunal Act 2008, section 14 (Advising Attorney-General about systemic problems)

substitute

ACT Civil and Administrative Tribunal Act 2008, section 105A (Advising Attorney-General about systemic problems)

Explanatory note

This amendment corrects a cross-reference. The *ACT Civil and Administrative Tribunal Act 2008*, section 14 was repealed by the *Justice and Community Safety Legislation Amendment Act 2012* (the *Amendment Act*). The substance of section 14 was relocated to new section 105A by the Amendment Act.

Endnotes

1 Presentation speech

Presentation speech made in the Legislative Assembly on 24 August 2017.

2 Notification

Notified under the [Legislation Act](#) on 27 September 2017.

3 Republications of amended laws

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

I certify that the above is a true copy of the Statute Law Amendment Bill 2017 (No 2), which originated in the Legislative Assembly as the Statute Law Amendment Bill 2017 and was passed by the Assembly on 12 September 2017.

Clerk of the Legislative Assembly

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