



Australian Capital Territory

Statute Law Amendment Act 2017

A2017-4

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Australian Capital Territory

Statute Law Amendment Act 2017

A2017-4

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*.

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] Section 7C

substitute

7C Meaning of *territory entity*

(1) In this Act:

territory entity means—

- (a) a territory-owned corporation; or
- (b) a territory instrumentality; or
- (c) a body established under an Act declared by the Minister.

(2) A declaration is a notifiable instrument.

Note A notifiable instrument must be notified under the [Legislation Act](#).

7D Territory entity annual report

A territory entity must, for a reporting year, prepare a report about the operation of the entity during the reporting year (a *territory entity annual report*).

Explanatory note

Amendments under the [Public Sector Management Amendment Act 2016](#) inadvertently removed annual reporting requirements on territory instrumentalities and certain declared bodies. This amendment reinstates the reporting requirement.

[1.2] New section 8 (3) (h)

insert

- (h) for a territory entity annual report—the report to include a statement describing the measures taken by the entity during the reporting year to respect, protect and promote human rights.

Explanatory note

This amendment is consequential on the reinstatement of annual reporting requirements on territory instrumentalities and certain declared bodies by another amendment.

[1.3] Section 11

substitute

11 Responsible Minister for public sector body annual report

The responsible Minister for a public sector body annual report is the Minister allocated responsibility for the Act under which the body is established under the administrative arrangements under the *Public Sector Management Act 1994*.

Explanatory note

This amendment removes a superfluous distinction between public sector bodies established or not established under an Act. A public sector body, as defined under the *Legislation Act* and *Public Sector Management Act 1994*, can only be a body established under an Act.

[1.4] Section 12 heading

substitute

12 Responsible Minister for territory entity annual report

Explanatory note

This amendment is consequential on the reinstatement of annual reporting requirements on territory instrumentalities and certain declared bodies by another amendment.

[1.5] Section 12 (1)

substitute

- (1) The Chief Minister must declare that a Minister is the responsible Minister for a territory entity annual report.

Explanatory note

This amendment is consequential on the reinstatement of annual reporting requirements on territory instrumentalities and certain declared bodies by another amendment.

[1.6] New section 18 (3)

insert

- (3) If a territory entity is required under any other territory law to prepare a report on the operation of the entity, the entity may prepare a report that complies with both this Act and the other law.

Explanatory note

This amendment is consequential on the reinstatement of annual reporting requirements on territory instrumentalities and certain declared bodies by another amendment.

[1.7] Dictionary, note 2

omit

- Territory owned 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 omits a term that is not defined in the [Legislation Act](#), dictionary, part 1.

[1.8] Dictionary, note 2

insert

- territory instrumentality
- territory-owned corporation

Explanatory note

This amendment is consequential on the reinstatement of annual reporting requirements on territory instrumentalities and certain declared bodies by another amendment.

[1.9] Dictionary, definition of *annual report*, paragraph (f)

omit

territory-owned corporation

substitute

territory entity

Explanatory note

This amendment is consequential on the reinstatement of annual reporting requirements on territory instrumentalities and certain declared bodies by another amendment.

**[1.10] Dictionary, definition of *responsible Minister*,
paragraph (d)**

omit

territory-owned corporation

substitute

territory entity

Explanatory note

This amendment is consequential on the reinstatement of annual reporting requirements on territory instrumentalities and certain declared bodies by another amendment.

[1.11] Dictionary, new definitions

insert

territory entity—see section 7C.

territory entity annual report—see section 7D.

Explanatory note

This amendment is consequential on the reinstatement of annual reporting requirements on territory instrumentalities and certain declared bodies by another amendment.

[1.12] Dictionary, definition of *territory-owned corporation annual report*

omit

Explanatory note

This amendment is consequential on the reinstatement of annual reporting requirements on territory instrumentalities and certain declared bodies by another amendment.

Part 1.2 Financial Management Act 1996

[1.13] Sections 22 (2) and 23 (2) (b) (ii) etc

omit

generally accepted accounting principles

substitute

accounting standards

in

- sections 22 (2) and 23 (2) (b) (ii)
- section 27 (2)
- section 31 (4) (d)

- sections 55 (4) (f) and 56 (4) (f)
- section 63 (2)

Explanatory note

This amendment replaces references to ‘generally accepted accounting principles’ with ‘accounting standards’. A definition of *accounting standards* is included in the dictionary by another amendment. The term ‘generally accepted accounting principles’ is potentially unclear whereas ‘accounting standards’ is used in equivalent legislation in the Commonwealth and other jurisdictions and is consistent with the original intentions of the language in the Act.

[1.14] Dictionary, new definition of *accounting standards*

insert

accounting standards means the accounting standards issued by the Australian Accounting Standards Board, as in force or applicable from time to time.

Note Accounting standards are accessible at www.aasb.gov.au.

Explanatory note

This amendment inserts a definition of *accounting standards* as a consequence of another amendment that replaces references to ‘generally accepted accounting principles’ with ‘accounting standards’. The definition is based on the definition of that term in the *Public Governance, Performance and Accountability Act 2013* (Cwlth), section 8 and is generally consistent with the definition of that term in equivalent legislation in other jurisdictions.

[1.15] Dictionary, definition of *generally accepted accounting principles*

omit

Explanatory note

This amendment omits a definition that is no longer needed as a consequence of the replacement of ‘generally accepted accounting principles’ with ‘accounting standards’ by another amendment.

Part 1.3 **Lifetime Care and Support (Catastrophic Injuries) Act 2014**

[1.16] New section 94 (1) (fa)

insert

(fa) the nominal defendant;

Explanatory note

Section 94 (1) lists the entities with whom the LTCS commissioner may exchange information about the treatment and care needs of a participant in the LTCS scheme. This amendment includes the nominal defendant in the list. The nominal defendant deals with CTP claims in which the person at fault in a motor accident is uninsured or not identified, or if an unregistered vehicle permit is in force for the motor vehicle involved in the motor accident. Under the [LTCS Act](#), section 16, both the nominal defendant and a licensed insurer may lodge an LTCS application for an injured person. If the nominal defendant lodges an LTCS application for an injured person and that person is accepted as a participant in the LTCS scheme, the LTCS commissioner will need to exchange information about the participant's treatment and care needs with the nominal defendant in the same way that the LTCS commissioner currently exchanges information with a licensed insurer who lodged an LTCS application for a participant.

Although the LTCS commissioner may, under section 94 (1) (g), approve the nominal defendant as a person with whom information may be exchanged, including the nominal defendant in the list in section 94 (1) will provide clarity and transparency for all parties who may be involved in an application under the LTCS Act.

[1.17] Dictionary, note 3

insert

- nominal defendant

Explanatory note

This amendment is consequential on the inclusion of a reference to the nominal defendant in section 94 (1) by another amendment.

[1.18] Dictionary, definition of *LTCS scheme*

substitute

LTCS scheme means the scheme provided for by this Act for the lifetime care and support of people who have suffered a catastrophic injury—

- (a) in a motor accident; or
- (b) arising out of, or in the course of, their employment.

Explanatory note

This amendment is consequential on an amendment of section 7 (Purpose of Act) by the *Lifetime Care and Support (Catastrophic Injuries) Amendment Act 2016* to extend the indemnity scheme provided by the Act to people who have suffered a catastrophic injury arising out of, or in the course of, their employment.

Part 1.4 Public Sector Management Act 1994

[1.19] New section 65A

insert

65A Reclassification of office—returning LAMS officer

- (1) A returning LAMS officer may apply, in writing, to the head of service for a review of the officer's original classification and salary.
- (2) An application may be made not later than 30 days, or any longer period approved by the head of service, after the returning LAMS officer returns to work in the service.
- (3) On receiving an application, the head of service must establish a committee made up of—
 - (a) 1 person nominated by the head of service; and

- (b) 1 person nominated by the commissioner; and
 - (c) an independent officer.
- (4) The committee must consider the returning LAMS officer's application and make a recommendation about the officer's classification and salary.
- (5) The head of service may prescribe procedures that a committee must follow in considering an application.
- (6) The head of service must decide a classification and salary for the officer that is not less than the officer's original classification and salary, having regard to—
- (a) the committee's recommendation; and
 - (b) the officer's employment immediately before being employed under the *Legislative Assembly (Members' Staff) Act 1989*; and
 - (c) the length of the employment; and
 - (d) the functions exercised by the officer in the employment; and
 - (e) any other matter that the head of service considers relevant.
- (7) The head of service must give the returning LAMS officer a copy of the decision.
- (8) The head of service's decision has effect, or is taken to have had effect, when the officer returns to work in the service.
- (9) In this section:
- independent officer***, in relation to an application by a returning LAMS officer, means—
- (a) if requested by the returning LAMS officer—a person nominated by a relevant union; or
 - (b) a person chosen in accordance with prescribed procedures.

original classification, of a returning LAMS officer, means the classification of the office that the officer occupied immediately before being employed under the *Legislative Assembly (Members' Staff) Act 1989*.

original salary, of a returning LAMS officer, means the salary to which the officer was entitled immediately before being employed under the *Legislative Assembly (Members' Staff) Act 1989*.

returning LAMS officer means an officer who—

- (a) while an officer, was employed under the *Legislative Assembly (Members' Staff) Act 1989*; and
- (b) has returned, or will return, to work in the service.

Explanatory note

Under the *Legislative Assembly (Members' Staff) Act 1989*, as in force immediately before the commencement of the *Public Sector Management Amendment Act 2016*, a returning LAMS officer could ask for a determination of the officer's classification and salary on returning to the public service. This amendment allows a returning LAMS officer to ask for a determination of the officer's classification and salary on returning to the public service.

[1.20] Section 152 (4), definition of *management provision*

before paragraph (a), insert

- (aa) part 4 (Engagement of senior executive service) to the extent that it applies to the engagement of an executive;

Explanatory note

Section 152 gives statutory office-holders and chief executive officers who employ staff under the Act certain management powers of the head of service under the Act. These employers were able to exercise the head of service's power to employ executives under the Act before amendments by the *Public Sector Management Amendment Act 2016*. This amendment gives these employers the head of service's power to employ executives under the Act.

[1.21] New division 8.3

insert

Division 8.3 Calvary public hospital staff

157 Calvary public hospital staff

- (1) This section applies if an agreement (a *services agreement*) is in force between the Territory and Calvary Health Care ACT Limited ACN 105 304 989 (*Calvary*) for a person (a *public hospital employee*) to be employed by Calvary under this Act to provide public health services to the Territory.
- (2) A management provision under this Act applies to an employer of a public hospital employee as if—
 - (a) a reference to the head of service is taken to be a reference to the employer, to the extent that the application of the management provision is consistent with the exercise of the employer's functions; and
 - (b) a reference to an officer is taken to be a reference to a public hospital employee who is employed on a permanent basis; and
 - (c) a reference to an employee is taken to be a reference to a public hospital employee who is employed on a temporary basis; and
 - (d) a reference to an office is a reference to the public hospital employee's terms of employment; and
 - (e) for division 3.2 (Management of the service)—a reference to a function the head of service must exercise is a reference to a function that an employer of a public hospital employee may exercise; and
 - (f) any other necessary change is made.

- (3) An employer of a public hospital employee—
- (a) must give the head of service any information about the employee that is requested by the head of service because the information is relevant to the exercise of the head of service’s functions; and
 - (b) may exercise a function under an industrial instrument in relation to the employee, as if the employer were the head of service; and
 - (c) unless otherwise stated in a territory law—may delegate a function given to the employer under this section to the following:
 - (i) a public hospital employee;
 - (ii) an officer or employee;
 - (iii) the head of service.
- (4) To avoid any doubt, this section applies only to the management of a public hospital employee and does not affect any other matter dealt with by a services agreement.
- (5) In this section:
management provision—see section 152 (4).

Explanatory note

Under the Act, as in force immediately before the commencement of the *Public Sector Management Amendment Act 2016*, Calvary Health Care ACT Limited was able to exercise certain powers of the head of service in relation to staff employed under the Act to work in the Calvary public hospital. This amendment gives Calvary Health Care ACT Limited certain management powers of the head of service under the Act in relation to public hospital staff.

Schedule 2 Legislation Act 2001

(see s 5)

[2.1] Section 38 (2)

omit

and conclusive

Explanatory note

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

[2.2] Dictionary, part 1, new definition of *Australian Criminal Intelligence Commission*

insert

Australian Criminal Intelligence Commission means the Australian Crime Commission established by the [Australian Crime Commission Act 2002](#) (Cwlth), section 7, and also known as the Australian Criminal Intelligence Commission.

Note The [Australian Crime Commission Act 2002](#) (Cwlth), s 7 (1A) provides that the Australian Crime Commission may also be known by a name specified in the regulations. The [Australian Crime Commission Regulations 2002](#) (Cwlth), s 3A specifies the Australian Criminal Intelligence Commission for that Act, s 7 (1A).

Explanatory note

This amendment and the omission of the definition of *CrimTrac* by another amendment are consequential on changes made to the [Australian Crime Commission Act 2002](#) (Cwlth) (the ACC Act) by the [Australian Crime Commission Amendment \(National Policing Information Charges\) Act 2016](#) (Cwlth) (the amending Act) to merge the CrimTrac agency with the Australian Crime Commission (the ACC). The ACC is established under the ACC Act, section 7. The amending Act inserted new section 7 (1A), which provides that the ACC may also be known by a name specified in the regulations. The [Australian Crime Commission Regulations 2002](#) (Cwlth), section 3A specified the Australia Criminal Intelligence Commission for the ACC Act, section 7 (1A).

[2.3] Dictionary, part 1, definition of *CrimTrac*

omit

Explanatory note

This amendment omits a definition that is no longer needed as a consequence of the merger of CrimTrac with the Australian Crime Commission (see explanatory note for amendment 2.2 for additional information).

[2.4] Dictionary, part 1, definition of *Lake Ginninderra*

omit

Explanatory note

This amendment omits a redundant definition. The definition of *Lake Ginninderra* refers to the term as defined in the *Lakes Act 1976*. However, the definition and related amendments were omitted from that Act by the *Planning, Building and Environment Legislation Amendment Act 2013 (No 2)*. This enabled Lake Ginninderra to be declared as a lake by notifiable instrument under the *Lakes Act 1976*, section 5, consistent with the practice of declaring an area as a lake in the Territory, instead of describing its location using geographical bearings.

Schedule 3 Technical amendments

(see s 5)

Part 3.1 Aboriginal and Torres Strait Islander Elected Body Act 2008

[3.1] Schedule 1, modification 1.27, section 118

omit

after 12 noon on the last Wednesday before polling start day for the election.

substitute

after the nominations for the candidates are declared.

Explanatory note

This amendment revises the modification of the *Electoral Act 1992*, section 118 so that it is consistent with table 29 (ATSEIB election timetable) of the Act and is consequential on the replacement of that table by the *Aboriginal and Torres Strait Islander Elected Body Amendment Act 2014*, section 5.

Part 3.2 ACT Teacher Quality Institute Act 2010

[3.2] Dictionary, note 2

omit

- adult
- CrimTrac
- police officer

Explanatory note

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

[3.3] Dictionary, definition of *institute*

substitute

institute means the ACT Teacher Quality Institute established under section 10.

Explanatory note

This amendment revises the definition to be consistent with current legislative drafting practice.

Part 3.3 Adoption Act 1993

[3.4] Section 39L (10), new definitions of *adoption order* and *repealed law*

insert

adoption order includes an order for the adoption of a person made under a repealed law.

repealed law means any of the following Acts or an Ordinance repealed by any of the following Acts:

- (a) *Adoption of Children Act 1965*;
- (b) *Adoption of Children Act 1974*;
- (c) *Adoption of Children (Amendment) Act 1979*;
- (d) *Adoption of Children (Amendment) Act 1983*;
- (e) *Adoption of Children (Amendment) Act 1988*;
- (f) *Adoption of Children (Amendment) Act 1991*.

Explanatory note

The *Statute Law Amendment Act 2008*, schedule 3, section 3.1 (the **2008 amendment**) amended the Act, definition of *adoption order* to remove references to adoption orders made under laws that had been repealed. The explanatory note for the 2008 amendment stated that it was made as a consequence of the omission of redundant references to repealed laws made by other amendments in schedule 3, part 3.1.

An unintended consequence of the 2008 amendment was that references to ‘adoption order’ in then section 26 (the equivalent provision to current section 39L) no longer included references to adoption orders made under repealed laws. Section 39L gives the court power to make an order discharging an adoption order in certain circumstances. Because of the 2008 amendment, the court no longer has power to discharge an adoption order made under a repealed law. It is clear from the explanatory notes for the 2008 amendment that it was intended to be only technical in nature and not to change the substantive effect of the law.

This amendment revises section 39L to provide that a reference to ‘adoption order’ in that section includes a reference to an adoption order made under a repealed law.

Part 3.4 Agents Act 2003

[3.5] Section 123 (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.

[3.6] New section 165 (3)

insert

(3) In this section:

investigator—see the [Fair Trading \(Australian Consumer Law\) Act 1992](#), dictionary.

Explanatory note

This amendment inserts a new definition subsection and relocates from the dictionary a definition of a term used only in section 165. The dictionary definition is omitted by another amendment.

[3.7] Dictionary, note 2

insert

- Australian Criminal Intelligence Commission

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 that is used in the Act and defined in the [Legislation Act](#), dictionary, part 1. The definition of *Australian Criminal Intelligence Commission* is inserted in the [Legislation Act](#), dictionary, part 1 by another amendment.

[3.8] Dictionary, note 2

omit

- CrimTrac

Explanatory note

This amendment omits a definition of a term that is no longer used in the Act as a consequence of changes to the definition of *police certificate* by another amendment.

[3.9] Dictionary, definition of *agent*, new paragraph (c)

insert

- (c) for division 8.2 (Freezing accounts)—see section 131.

Explanatory note

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

[3.10] Dictionary, definition of *investigator*

omit

Explanatory note

This amendment is consequential on the relocation of the definition to section 165 by another amendment.

[3.11] Dictionary, definition of *police certificate*

omit

CrimTrac

substitute

the Australian Criminal Intelligence Commission

Explanatory note

This amendment updates the definition to reflect the change of the name of CrimTrac to the Australian Criminal Intelligence Commission (see explanatory note for amendment 2.2 for additional information).

Part 3.5 Building and Construction Industry (Security of Payment) Act 2009

[3.12] Section 24 (5)

omit

his or her

substitute

the adjudicator's

Explanatory note

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

[3.13] Section 36 (4)

omit

he or she

substitute

the adjudicator

Explanatory note

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

[3.14] Section 45

omit

Explanatory note

This amendment omits a section that is now redundant because the review period mentioned in the section has passed.

Part 3.6 Civil Law (Wrongs) Act 2002

[3.15] Section 4, note 1

insert

- sch 4, s 4.29 (Notification of limitation of liability)
- sch 4, s 4.50 (Requirement to provide information).

Explanatory note

Section 4 is a standard information provision included in the preliminary part of all principal ACT legislation containing offences that are subject to the [Criminal Code](#). Because the Act commenced before the commencement of the [Criminal Code](#), not all offences in the Act are subject to the [Criminal Code](#). Note 1 lists the offences to which the [Criminal Code](#), chapter 2 does apply. This amendment updates the note to include references to offences in schedule 4, sections 4.29 and 4.50.

[3.16] Section 11 (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.

[3.17] Section 107C heading

substitute

107C Meaning of *consumer claim*—ch 7A

Explanatory note

This amendment corrects a cross-reference.

[3.18] Section 144, new definition of *innkeeper's liability*

insert

innkeeper's liability—see section 147.

Explanatory note

This amendment inserts a signpost definition for a term defined in section 147 for part 11.1.

[3.19] Section 156, definition of *schedule 2 packaged goods*

omit

(Liability of carriers for certain goods worth more than \$20)

Explanatory note

This amendment omits unnecessary words to update the definition in line with current legislative drafting practice.

[3.20] Schedule 5, section 5.8 (2), new note

insert

Note The [Legislation Act](#), s 179 deals with the information that must be included in a statement of reasons.

Explanatory note

This amendment inserts a standard note about statements of reasons.

[3.21] Dictionary, note 2

omit

- home address

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 omits a term that is not used in the Act.

[3.22] Dictionary, definition of *contribution notice*

omit

(Respondent may add someone else as contributor)

Explanatory note

This amendment omits unnecessary words to update the definition in line with current legislative drafting practice.

[3.23] Dictionary, definition of *motor vehicle*

substitute

motor vehicle—

(a) means—

- (i) a motor vehicle under the [Road Transport \(General\) Act 1999](#); or
- (ii) a vehicle operated on a railway or other fixed track; and

- (b) for part 11.1 (Traveller accommodation providers liability), includes a boat, caravan or trailer attached to a motor vehicle.

Explanatory note

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

[3.24] Dictionary, definition of *schedule 2 packaged goods*

omit

(Liability of carriers for certain goods worth more than \$20)

Explanatory note

This amendment omits unnecessary words to update the definition in line with current legislative drafting practice.

[3.25] Further amendments, mentions of *any 1 or more*

omit

any 1 or more

substitute

1 or more

in

- section 7 (1), definition of *community work*, paragraph (a)
- section 45 (2)
- section 127 (2)
- schedule 5, sections 5.6 (2) and 5.7 (1).

Explanatory note

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

Part 3.7 Construction Occupations (Licensing) Act 2004

[3.26] Section 15

omit

The regulations

substitute

A regulation

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.

[3.27] Section 26 (c) (i)

omit

his or her

substitute

the licensee's

Explanatory note

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

[3.28] Sections 29 and 30 (2) (a)

omit

his or her

substitute

the nominee's

Explanatory note

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

[3.29] Section 55A (1)

omit

his or her

substitute

the registrar's

Explanatory note

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

[3.30] Section 78

omit

his or her

substitute

the compliance auditor's

Explanatory note

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

[3.31] Section 80CC (3)

omit

his or her

substitute

the inspector's

Explanatory note

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

[3.32] Section 80CJ (1) (a)

omit

his or her

substitute

the officer's

Explanatory note

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

[3.33] Section 103 (1), note

substitute

Note 1 For the making of appointments (including acting appointments), see the [Legislation Act](#), pt 19.3.

Note 2 In particular, a person may be appointed for a particular provision of a law (see [Legislation Act](#), s 7 (3)) and an appointment may be made by naming a person or nominating the occupant of a position (see [Legislation Act](#), s 207).

Explanatory note

This amendment substitutes standard notes about appointments.

[3.34] Section 106 (1), new notes

insert

Note 1 For the making of appointments (including acting appointments), see the [Legislation Act](#), pt 19.3.

Note 2 In particular, a person may be appointed for a particular provision of a law (see [Legislation Act](#), s 7 (3)) and an appointment may be made by naming a person or nominating the occupant of a position (see [Legislation Act](#), s 207).

Explanatory note

This amendment inserts standard notes about appointments.

[3.35] Section 127 (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.

[3.36] Section 131

omit

Explanatory note

This amendment omits a section that is now redundant because the review period mentioned in the section has passed.

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

[3.38] Dictionary, definition of AS 3500, new note

insert

Note AS 3500 may be purchased at www.standards.org.au.

Explanatory note

This amendment inserts a standard note about Australian standards.

[3.39] Dictionary, definition of *demerit disciplinary ground*

omit

Explanatory note

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

[3.40] Dictionary, new definitions

insert

demerit ground for occupational discipline, for part 8 (Demerit points system)—see section 89.

exemption assessment service—see section 9 (2).

gas appliance service—see section 12A (2).

gas appliance worker—see section 12A (1).

Explanatory note

This amendment inserts signpost definitions for terms defined elsewhere in the Act.

[3.41] Dictionary, definition of *mandatory requirements*

omit

Explanatory note

This amendment omits an incorrect signpost definition.

[3.42] Dictionary, new definition of *mandatory requirement*

insert

mandatory requirement, for division 3.2 (Nominees)—see section 27.

Explanatory note

This amendment inserts a new signpost definition in line with current legislative drafting practice that is consistent with the definition of the term in section 27.

[3.43] Dictionary, definition of *nominee*

omit

(Nominees of corporations and partnerships)

Explanatory note

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

[3.44] Dictionary, definition of *occupation class*

omit

section 15

substitute

a regulation

Note Section 15 provides that a regulation may divide a construction occupation into classes.

Explanatory note

This amendment is consequential to the amendment of section 15 by another amendment and clarifies that a regulation may divide a construction occupation into classes.

[3.45] Dictionary, definition of *storey*

omit

Explanatory note

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

Part 3.8 Construction Occupations (Licensing) Regulation 2004

[3.46] Dictionary, note 2

insert

- found guilty

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

[3.47] Dictionary, new definition of *storey*

insert

storey—see the [Building Act 2004](#), dictionary.

Explanatory note

This amendment inserts a new definition of *storey* in the regulation. This amendment is consequential on another amendment removing the definition from the dictionary of the Act.

Part 3.9 Crimes (Child Sex Offenders) Regulation 2005

[3.48] Section 16A (2), definition of *law enforcement agency*, paragraph (c)

omit

Explanatory note

This amendment updates the definition by omitting a reference to CrimTrac to reflect the merge of the CrimTrac agency with the Australian Crime Commission (see explanatory note for amendment 2.2 for additional information).

[3.49] Dictionary, note 2

omit

- CrimTrac

Explanatory note

This amendment omits a definition of a term that is no longer used in the Act as a consequence of changes to the definition of *law enforcement agency* in section 16A (2) by another amendment.

Part 3.10 Director of Public Prosecutions Act 1990

[3.50] Section 20 (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.

[3.51] Section 30 heading

substitute

30 Staff of the office

Explanatory note

This amendment updates references to staff in this provision to be consistent with references elsewhere in the Act.

[3.52] Section 30 (2)

omit

director's staff

substitute

staff of the office

Explanatory note

This amendment updates references to staff in this provision to be consistent with references elsewhere in the Act.

[3.53] Dictionary, definition of *Commonwealth Act*

omit

Explanatory note

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

[3.54] Dictionary, definition of *Commonwealth director*

omit

Commonwealth Act

substitute

Director of Public Prosecutions Act 1983 (Cwlth)

Explanatory note

This amendment replaces a defined term with the defined meaning as the term is only used in this definition. The defined term is omitted by another amendment.

[3.55] Dictionary, definition of *member of the staff*, paragraph (a)

omit

(Director's staff)

substitute

(Staff of the office)

Explanatory note

This amendment updates references to staff in this provision to be consistent with references elsewhere in the Act.

Part 3.11 Energy Efficiency (Cost of Living) Improvement Act 2012

[3.56] Sections 33 and 34 (1) (a)

omit

his or her

substitute

the authorised person's

Explanatory note

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

[3.57] Section 55

omit

Explanatory note

This amendment omits a section that is now redundant because the review period mentioned in the section has passed.

Part 3.12 Fair Trading (Motor Vehicle Repair Industry) Act 2010

[3.58] Dictionary, note 2

insert

- Australian Criminal Intelligence Commission

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 that is used in the Act and defined in the [Legislation Act](#), dictionary, part 1. The definition of *Australian Criminal Intelligence Commission* is inserted in the [Legislation Act](#), dictionary, part 1 by another amendment.

[3.59] Dictionary, note 2

omit

- CrimTrac

Explanatory note

This amendment omits a definition of a term that is no longer used in the Act as a consequence of changes to the definition of *police certificate* by another amendment.

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

[3.61] Dictionary, definition of *police certificate*

omit

CrimTrac

substitute

the Australian Criminal Intelligence Commission

Explanatory note

This amendment updates the definition to reflect the change of the name of CrimTrac to the Australian Criminal Intelligence Commission (see explanatory note for amendment 2.2 for additional information).

Part 3.13 Firearms Act 1996

[3.62] Section 18 (2), definition of *law enforcement agency*, paragraph (e)

omit

Explanatory note

This amendment updates the definition by omitting a reference to CrimTrac to reflect the merge of the CrimTrac agency with the Australian Crime Commission (see explanatory note for amendment 2.2 for additional information).

[3.63] Section 19 (1) (b) (i), note

omit

Explanatory note

This amendment omits a note that is made redundant by the relocation of the definition of *successfully appealed against* from the dictionary to section 19 (2) by another amendment.

[3.64] Dictionary, note 2

omit

- corrections officer

Explanatory note

This amendment omits a definition of a term that is used only in schedule 2 and is already defined for schedule 2.

[3.65] Dictionary, definition of *successfully appealed against*

relocate to section 19 (2)

Explanatory note

This amendment relocates from the dictionary a definition of a term used only in section 19.

Part 3.14 Health Act 1993

[3.66] Section 8

omit

Explanatory note

Section 8 defines *local hospital network* for the Act. This amendment is consequential on the omission of part 3A (which dealt with local hospital networks) by the [Health Legislation Amendment Act 2016](#).

[3.67] Section 104 (3) (c)

substitute

(c) the entity is bankrupt or personally insolvent; or

Note **Bankrupt or personally insolvent**—see the [Legislation Act](#), dict, pt 1.

Explanatory note

This amendment updates language in line with current legislative drafting practice. The term ‘bankrupt or personally insolvent’ is defined in the [Legislation Act](#), dictionary, part 1. The definition covers the range of circumstances in which an individual may be considered bankrupt or insolvent. The amendment also inserts a note indicating that the term *bankrupt or personally insolvent* can be found in the [Legislation Act](#), dictionary, part 1.

[3.68] Dictionary, definition of *local hospital network*

omit

Explanatory note

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

Part 3.15 Lakes Act 1976

[3.69] Section 9 (2)

substitute

- (2) If a declaration has been signed by the Minister under section 21 (1) but has not yet been notified under section 21 (2), an inspector may, on production of a copy of the signed declaration, direct a person who is in the lake area of the lake mentioned in the declaration to leave that area.

Explanatory note

This amendment is consequential on changes made to section 21 by the *Red Tape Reduction Legislation Amendment Act 2015*. That Act recast the provision by removing the requirement for the Minister to, by notice in a daily newspaper, prohibit entry to, or declare to be prohibited, a lake area. Section 21 currently provides that the Minister's declaration is a notifiable instrument and must be notified on the legislation register. Additional public notice must also be given of the declaration on an ACT government website or in a daily local newspaper. This amendment aligns section 9 (2) with section 21.

[3.70] Section 22 (4)

omit

notice

substitute

declaration

Explanatory note

This amendment is consequential on changes made to section 22 by the *Red Tape Reduction Legislation Amendment Act 2015*. That Act recast the provision by removing the requirement for the Minister to make a declaration by notice in a daily newspaper closing a lake area. Section 22 currently provides that the Minister's declaration is a notifiable instrument and must be notified on the legislation register. Additional public notice must also be given of the declaration on an ACT government website or in a daily local newspaper. This amendment aligns subsection (4) with the revised provision.

[3.71] Section 23

omit

notice

substitute

declaration

Explanatory note

This amendment is consequential on changes made to sections 21 and 22 by the [Red Tape Reduction Legislation Amendment Act 2015](#) (see explanatory note for amendment 3.68 for additional information).

[3.72] Dictionary, note 2

omit

- function

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 omits a term that is no longer used in the Act.

Part 3.16 Leases (Commercial and Retail) Act 2001

[3.73] Section 66 (2) (a)

omit

(for example, accrual accounting)

Explanatory note

This amendment omits the example in line with current legislative drafting practice.

[3.74] Section 66 (2) (a), new example and note

insert

Example—accounting method

accrual accounting

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 updates the paragraph to recast the example and insert a standard note about examples in line with current legislative drafting practice and is consequential on another amendment.

[3.75] Section 66 (2), note

omit

Explanatory note

This amendment omits a standard note about examples because it has been relocated by another amendment in line with current legislative drafting practice.

[3.76] Section 73 (2) (a)

omit

(for example, contractors)

Explanatory note

This amendment omits the example in line with current legislative drafting practice.

[3.77] Section 73 (2) (a), new example and note

insert

Example—others

contractors

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 updates the paragraph to recast the example and insert a standard note about examples in line with current legislative drafting practice and is consequential on another amendment.

[3.78] Section 73 (2) (c)

omit

(for example, a construction site agreement)

Explanatory note

This amendment omits the example in line with current legislative drafting practice.

[3.79] Section 73 (2) (c), new example

insert

Example—enterprise agreement

a construction site agreement

Explanatory note

This amendment updates the paragraph to recast the example in line with current legislative drafting practice and is consequential on another amendment.

[3.80] Section 73 (2), note

omit

Explanatory note

This amendment omits a standard note about examples because it has been relocated by another amendment in line with current legislative drafting practice.

[3.81] Section 78 (d)

omit

(for example, reduced rent)

Explanatory note

This amendment omits the example in line with current legislative drafting practice.

[3.82] Section 78 (d), new example

before the note, insert

Example—concession

reduced rent

Explanatory note

This amendment updates the paragraph to recast the example in line with current legislative drafting practice and is consequential on another amendment.

[3.83] Section 82

omit

(for example, reduced rent)

Explanatory note

This amendment omits the example in line with current legislative drafting practice.

[3.84] Section 82, new example

before the note, insert

Example—concession

reduced rent

Explanatory note

This amendment updates the provision to recast the example in line with current legislative drafting practice and is consequential on another amendment.

[3.85] Section 99 (2), 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.

[3.86] Section 129 (2) (g)

omit

(for example, legal or financial advisers)

Explanatory note

This amendment omits the example in line with current legislative drafting practice.

[3.87] Section 129 (2) (g), new example and note

insert

Example—professional advisers

legal or financial advisers

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 updates the paragraph to recast the example and insert a standard note about examples in line with current legislative drafting practice and is consequential on another amendment.

[3.88] Section 129 (2), note

omit

Explanatory note

This amendment omits a standard note about examples because it has been relocated by another amendment in line with current legislative drafting practice.

[3.89] Section 136 (1) (e)

substitute

- (e) in working out what is reasonable compensation consideration must be given to any concession given to the tenant because the lease contains a relocation provision.

Example—concession

reduced rent

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 corrects a typographical error and updates the paragraph to recast the example in the provision in line with current legislative drafting practice.

[3.90] Further amendments, new note

insert

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

in

- section 24 (1)
- section 34
- section 79 (2)
- section 90 (1)
- section 93 (1)
- section 97 (6)
- section 104 (3)
- section 107 (3)
- section 109 (3)

- section 110 (2)
- section 118

Explanatory note

This amendment inserts a standard note about service of documents.

Part 3.17 **Legislative Assembly (Office of the Legislative Assembly) Act 2012**

[3.91] Section 7 heading

substitute

7 Staff of the office

Explanatory note

This amendment updates references to staff in this provision to be consistent with references elsewhere in the Act.

[3.92] Section 7 (2)

omit

clerk's

substitute

office's

Explanatory note

This amendment updates references to staff in this provision to be consistent with references elsewhere in the Act.

Part 3.18 Liquor Act 2010

[3.93] Section 170 (2), new note

insert

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

Explanatory note

This amendment inserts a standard note about the service of documents.

[3.94] Section 193, definition of *RSA certificate*

omit

approved RSA training course provider

substitute

approved RSA training provider

Explanatory note

This amendment updates an incorrect reference to a defined term.

[3.95] Section 194 heading

substitute

194 RSA training providers must give RSA certificates

Explanatory note

This amendment updates an incorrect reference to a defined term.

[3.96] Section 194 (1)

omit

approved RSA training course provider

substitute

approved RSA training provider

Explanatory note

This amendment updates an incorrect reference to a defined term.

[3.97] Dictionary, note 2

insert

- Australian Criminal Intelligence Commission

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 that is used in the Act and defined in the [Legislation Act](#), dictionary, part 1. The definition of *Australian Criminal Intelligence Commission* is inserted in the [Legislation Act](#), dictionary, part 1 by another amendment.

[3.98] Dictionary, note 2

omit

- business day
- CrimTrac

Explanatory note

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

[3.99] Dictionary, new definition of *liquor advisory board*

insert

liquor advisory board means the liquor advisory board established under section 215.

Explanatory note

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

[3.100] Dictionary, definition of *permit-holder*

substitute

permit-holder means a person who holds a permit mentioned in part 3 (Liquor permits).

Explanatory note

This amendment revises the definition to omit an incorrect signpost definition and to reflect the language used in the Act.

[3.101] Dictionary, definition of *police certificate*

omit

CrimTrac

substitute

the Australian Criminal Intelligence Commission

Explanatory note

This amendment updates the definition to reflect the change of the name of CrimTrac to the Australian Criminal Intelligence Commission (see explanatory note for amendment 2.2 for additional information).

[3.102] Dictionary, definition of *reviewable decision*

omit

part 14

substitute

part 16

Explanatory note

This amendment corrects a cross-reference.

Part 3.19 Nature Conservation Act 2014

[3.103] Section 94 (2) (b)

substitute

(b) need not comply with the requirements in—

- (i) section 84 (Nominations—public consultation) to section 90A (Minister may include or transfer nationally threatened items without nomination); or
- (ii) section 90C (Conservation advice) to section 90E (Conservation advice—adopting advice for nationally threatened item); and

Explanatory note

This amendment updates the paragraph so that it refers only to those provisions that include requirements in relation to the preparation of a list under the Act, part 4.4. Neither section 90B nor section 91 contains a requirement with which the Minister could comply.

Part 3.20 Prostitution Act 1992

[3.104] Section 5, definition of *police report*

omit

CrimTrac

substitute

the Australian Criminal Intelligence Commission

Explanatory note

This amendment updates the definition to reflect the change of the name of CrimTrac to the Australian Criminal Intelligence Commission (see explanatory note for amendment 2.2 for additional information).

[3.105] Section 17 etc

omit

shall

substitute

must

in

- section 17
- section 19
- section 21 (1)
- sections 23 to 25
- section 27

Explanatory note

This amendment updates language in line with current drafting practice.

[3.106] Sections 29 (1) and 30 (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.

[3.107] Dictionary, note 2

insert

- Australian Criminal Intelligence Commission

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 that is used in the Act and defined in the [Legislation Act](#), dictionary, part 1. The definition of *Australian Criminal Intelligence Commission* is inserted in the [Legislation Act](#), dictionary, part 1 by another amendment.

[3.108] Dictionary, note 2

omit

- chief health officer
- CrimTrac
- director-general (see s 163)

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 omits terms that are no longer used in the Act.

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

Part 3.21 Public Health Regulation 2000

[3.110] New section 7A

in division 2.2, insert

7A Meaning of *pre-secondary school*—div 2.2

In this division:

pre-secondary school means a childcare centre, preschool, kindergarten or primary school.

Explanatory note

This amendment inserts a new definition section and relocates from the dictionary a definition of a term used only in division 2.2. The dictionary definition of the term is replaced with a signpost definition by another amendment.

[3.111] New section 13 (9)

insert

(9) In this section:

non-immunised child, for a vaccine preventable disease, means—

- (a) a child who does not have an immunisation record for the disease; or

- (b) a child whose immunisation record for the disease indicates that the child is not immunised against the disease.

Explanatory note

This amendment relocates from the dictionary a definition of a term used only in section 13. The definition is omitted from the dictionary by another amendment.

[3.112] New section 14 (3)

insert

- (3) In this section:

return to school notice—see section 13 (5).

school health direction—see section 13 (2).

Explanatory note

This amendment inserts a new definition subsection and relocates from the dictionary definitions of terms used only in sections 13 and 14. The definitions are omitted from the dictionary by another amendment.

[3.113] Section 22 heading

substitute

22 Definitions—pt 3

Explanatory note

This amendment is consequential on the relocation of a number of definitions from the dictionary to section 22 by other amendments.

[3.114] Section 22

omit

In this division:

substitute

In this part:

Explanatory note

This amendment is consequential on the revision of the heading to section 22 by another amendment.

[3.115] Section 22, new definitions

insert

abnormal, in relation to test results for a cervical smear, means test results that indicate abnormal cell development and appearances in the cervix of the uterus.

management committee means the committee maintained by the chief health officer under section 31.

pathology request form means a pathology request form requesting a pathological (cytology) examination of a cervical smear or a pathological (histology) examination of cervical material.

refusal of consent marker, on a pathology request form in relation to a cervical smear or cervical tissue taken from a woman, means a clearly visible marker that may be placed on the form to indicate that the cervical cancer information about the woman is not to be registered on the cervical cancer register.

test results, for a woman, means the results of—

- (a) a pathological (cytology) examination of a cervical smear taken from her; or
- (b) a histological examination of cervical tissue taken from her.

Explanatory note

This amendment relocates from the dictionary definitions of terms used only in part 3. The dictionary definitions are replaced with signpost definitions by another amendment.

[3.116] Section 32, new note

insert

Note 2 In particular, an appointment may be made by naming a person or nominating the occupant of a position (see [Legislation Act](#), s 207).

Explanatory note

This amendment inserts a standard note about appointments.

[3.117] Division 5.1 heading

substitute

Division 5.1 General

Explanatory note

This amendment revises the heading as a consequence of the insertion of new section 49A by another amendment.

[3.118] New section 49A

in division 5.1, insert

49A Meaning of *prepare*—pt 5

In this part:

prepare a drug means to prepare the drug for supply, and includes manufacture, manipulate, handle (including with implements), pack and dispense.

Explanatory note

This amendment inserts a new definition section and relocates from the dictionary a definition of a term used only in part 5. The dictionary definition of the term is replaced with a signpost definition by another amendment.

[3.119] New section 53 (4)

insert

(4) In this section:

label means a label, tag, brand, mark or written statement, including pictorial or other descriptive matter.

package includes any means by which goods are encased, covered, enclosed, contained or packed.

Explanatory note

This amendment relocates from the dictionary definitions of terms used only in section 53. The definitions are omitted from the dictionary by another amendment.

[3.120] New section 66 (6)

insert

(6) In this section:

domestic bird includes fowl, duck, goose, turkey, guinea fowl and pigeon.

Explanatory note

This amendment relocates from the dictionary a definition of a term that is used only in section 66. The definition is omitted from the dictionary by another amendment.

[3.121] New section 68A

before section 69, insert

68A Definitions—div 6.3

In this division:

septic tank means a tank or series of tanks for the sedimentation, disintegration or digestion of sewage.

septic tank system means a septic tank and associated plumbing work, including—

- (a) upstream drainage (including each toilet) that reticulates waste into the tank; and
- (b) the effluent disposal system downstream from the tank.

toilet means a structure for receiving human urine or faeces, and includes a flushing toilet, chemical toilet and composting toilet.

Explanatory note

This amendment inserts a new definition section and relocates from the dictionary definitions of terms used only in division 6.3. The dictionary definition of the terms are replaced with signpost definitions by other amendments.

[3.122] Section 69

omit

sewerage system,

substitute

sewerage system in the ACT,

Explanatory note

This amendment is consequential on the omission of the definition of *sewerage system* from the dictionary by another amendment.

[3.123] Dictionary, note 3

insert

- contact
- occupier
- place
- premises
- public health
- public health officer

Explanatory note

Dictionary, note 3 lists examples of terms used in the regulation that are defined in the Act, dictionary. This amendment inserts terms used in the regulation and defined in the Act.

[3.124] Dictionary, definition of *abnormal*

substitute

abnormal, in relation to test results for a cervical smear, for division 3.1 (Cervical cytology register)—see section 22.

Explanatory note

This amendment is consequential on the insertion of a definition of the term in section 22 by another amendment.

[3.125] Dictionary

omit the definitions of
domestic bird
equipment
immunisation record
label

Explanatory note

The definitions of *domestic bird* and *label* are omitted because they are relocated to other sections by other amendments.

The definitions of *equipment* and *immunisation record* are omitted because they are no longer needed.

[3.126] Dictionary, definition of *management committee*

substitute
management committee, for division 3.2 (The management committee)—see section 22.

Explanatory note

This amendment is consequential on the insertion of a definition of the term in section 22 by another amendment.

[3.127] Dictionary

omit the definitions of
non-immunised child
occupier
package

Explanatory note

The definitions of *non-immunised child* and *package* are omitted because they are relocated to other sections by other amendments.

The definition of *occupier* is omitted because it is a term defined in the Act. Dictionary, note 3 is updated by another amendment to include a reference to the term.

[3.128] Dictionary, definition of *pathology request form*

substitute
pathology request form, for division 3.1 (Cervical cytology register)—see section 22.

Explanatory note

This amendment is consequential on the insertion of a definition of the term in section 22 by another amendment.

[3.129] Dictionary, definition of *place*

omit

Explanatory note

This amendment omits a definition of a term that is defined in the Act. Dictionary, note 3 is updated by another amendment to include a reference to the term.

[3.130] Dictionary, definition of *pre-secondary school*

substitute

pre-secondary school, for division 2.2 (Immunisation)—see section 7A.

Explanatory note

This amendment is consequential on the insertion of a definition of the term in new section 7A by another amendment.

[3.131] Dictionary, definition of *premises*

omit

Explanatory note

This amendment omits a definition of a term that is defined in the Act. Dictionary, note 3 is updated by another amendment to include a reference to the term.

[3.132] Dictionary, definition of *prepare*

substitute

prepare a drug, for part 5 (Drug preparation and supply)—see section 49A.

Explanatory note

This amendment is consequential on the insertion of a definition of the term in new section 49A by another amendment.

[3.133] Dictionary, definition of *refusal of consent marker*

substitute

refusal of consent marker, for division 3.1 (Cervical cytology register)—see section 22.

Explanatory note

This amendment is consequential on the insertion of a definition of the term in section 22 by another amendment.

[3.134] Dictionary, definitions of *return to school notice* and *school health direction*

omit

Explanatory note

This amendment is consequential on the relocation of the definitions to section 14 by another amendment.

[3.135] Dictionary, definitions of *septic tank* and *septic tank system*

substitute

septic tank, for division 6.3 (Toilets)—see section 68A.

septic tank system, for division 6.3 (Toilets)—see section 68A.

Explanatory note

This amendment is consequential on the insertion of definitions of the terms in new section 68A by another amendment.

[3.136] Dictionary, definition of *sewerage system*

omit

Explanatory note

This amendment omits a definition of a term that appears only in section 69.

[3.137] Dictionary, definition of *test results*

substitute

test results, for a woman, for division 3.1 (Cervical cytology register)—see section 22.

Explanatory note

This amendment is consequential on the insertion of a definition of the term in section 22 by another amendment.

[3.138] Dictionary, definition of *toilet*

substitute

toilet, for division 6.3 (Toilets)—see section 68A.

Explanatory note

This amendment is consequential on the insertion of a definition of the term in new section 68A by another amendment.

Part 3.22 Public Sector Management Act 1994

[3.139] Section 21 (1)

omit

Chief Minister

substitute

responsible Minister

Explanatory note

This amendment reflects changes to the Ministerial responsibility for Access Canberra.

[3.140] Section 21 (8), definition of *Access Canberra*

substitute

Access Canberra means the business unit known as Access Canberra.

Explanatory note

This amendment is consequential on the insertion of a new definition of *responsible Minister* by another amendment.

[3.141] Section 21 (8), definition of *relevant matter*, paragraph (a)

omit

Chief Minister

substitute

responsible Minister

Explanatory note

This amendment reflects changes to the Ministerial responsibility for Access Canberra.

[3.142] Section 21 (8), new definition of *responsible Minister*

insert

responsible Minister means the Minister responsible for Access Canberra.

Explanatory note

This amendment reflects changes to the Ministerial responsibility for Access Canberra.

[3.143] Section 152 (3) (c)

omit

under this part

substitute

given to the public sector employer under this section

Explanatory note

This amendment corrects a cross-reference.

Part 3.23 Public Trustee and Guardian Act 1985

[3.144] New section 3A

insert

3A Offences against Act—application of Criminal Code etc

Other legislation applies in relation to offences against this Act.

Note 1 Criminal Code

The [Criminal Code](#), ch 2 applies to the following offences against this Act (see Code, pt 2.1):

- s 65A (Use and disclosure of protected information).

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 Act and the application of the [Criminal Code](#).

[3.145] Sections 6 (1) and 9 (1), new notes

insert

Note 1 For the making of appointments (including acting appointments), see the [Legislation Act](#), pt 19.3.

Note 2 In particular, an appointment may be made by naming a person or nominating the occupant of a position (see [Legislation Act](#), s 207).

Explanatory note

This amendment inserts standard notes about appointments.

[3.146] Section 11 (b) (iii)

omit

his or her

substitute

the person's

Explanatory note

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

[3.147] Section 12

omit

a natural person

substitute

an individual

Explanatory note

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

[3.148] Section 12 (b)

omit

shall

substitute

must

Explanatory note

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

[3.149] Section 14 (2) (a)

substitute

- (a) the public trustee and guardian and that other person jointly have and may exercise any function that the public trustee and guardian, if acting alone, would have or be entitled to exercise; and

Explanatory note

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

[3.150] Section 14 (2) (b)

omit

shall

substitute

must

Explanatory note

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

[3.151] Sections 16 and 17 (1)

omit

a natural person

substitute

an individual

Explanatory note

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

[3.152] Section 17 (2)

omit

Notwithstanding subsection (1), the public trustee and guardian shall

substitute

However, the public trustee and guardian must

Explanatory note

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

[3.153] Section 18 (1)

omit

Notwithstanding that

substitute

Even though

Explanatory note

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

[3.154] Section 24 (1)

omit

on its own motion

substitute

on its own initiative

Explanatory note

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

[3.155] Section 24 (2) (b)

omit

shall

substitute

must

Explanatory note

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

[3.156] Section 29 (2)

omit

him or her

substitute

the consular officer or official

Explanatory note

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

[3.157] Section 46

substitute

46 Establishment of board

The Public Trustee and Guardian Investment Board is established.

Explanatory note

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

[3.158] Section 74 (2)

omit

all or any

substitute

any

Explanatory note

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

[3.159] Section 74 (3) (b)

omit

any or all

substitute

any

Explanatory note

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

[3.160] Section 75 (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.

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

[3.162] Dictionary, definition of *board*

substitute

board means the Public Trustee and Guardian Investment Board established under section 46.

Explanatory note

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

Part 3.24 Public Unleased Land Act 2013

[3.163] Section 9A heading

substitute

9A Meaning of *carries on business as a hawker*

Explanatory note

This amendment revises the heading to align it with the term being defined in section 9A.

[3.164] Section 45 (3), except notes

omit

Explanatory note

This amendment omits a section definition that is no longer used in the section or elsewhere in the Act.

[3.165] Sections 53 (2) and 68 (1), 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.

[3.166] Dictionary, new definitions

insert

carries on business as a hawker—see section 9A.

proposed new permit holder—see section 71 (1) (Public unleased land permit—application to transfer permit).

Explanatory note

This amendment inserts signpost definitions for terms defined elsewhere in the Act. The definition of *carries on business as a hawker* is consequential on another amendment.

[3.167] Further amendments, new note

insert

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

in

- section 12 (2)
- section 19 (2)
- section 25 (2)
- section 38 (5)
- section 48 (2)
- section 51 (2)
- section 52 (2)
- section 54 (2)
- section 55 (2)
- section 56 (2)

- section 62 (1)
- section 65 (1)
- section 66 (2)
- section 81 (1)
- section 82 (2)
- section 103 (1)
- section 106 (2)

Explanatory note

This amendment inserts a standard note about service of documents.

Part 3.25 Residential Tenancies Act 1997

[3.168] Section 31 (c)

omit

(such as gas, oil or wood)

Explanatory note

This amendment omits the example in line with current legislative drafting practice.

[3.169] Section 31 (c), new example and note

insert

Examples—fuel

- gas
- oil
- wood

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 updates the paragraph to recast the example and add a standard note about examples in line with current legislative drafting practice and is consequential on another amendment.

[3.170] Sections 58 (1) (b) and 59 (1) (b)

substitute

- (b) the notice is not—
- (i) in the form approved under section 133 (Approved forms—Minister) for a termination notice; or
 - (ii) served as prescribed by regulation; and

Explanatory note

This amendment corrects a minor typographical error by replacing the word ‘form’ (first-mentioned) with ‘notice’ consistent with the context of the provision and recasts the provision in line with current legislative drafting practice.

[3.171] New section 63 (2)

insert

(2) In this section:

periodic agreement means a residential tenancy agreement that is not a fixed term agreement.

Explanatory note

This amendment inserts a new definition subsection and relocates from the dictionary a definition of a term that is used only in section 63. The definition is omitted from the dictionary by another amendment.

[3.172] Dictionary, note 2

omit

- oath

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 omits a term that is no longer used in the Act.

[3.173] Dictionary, definition of *periodic agreement*

omit

Explanatory note

This amendment is consequential on the relocation of the definition to section 63 by another amendment.

Part 3.26 Retirement Villages Act 2012

[3.174] Section 7 (2), 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 giving documents.

[3.175] Section 23 (1), new note

insert

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

Explanatory note

This amendment inserts a standard note about giving documents.

[3.176] Section 24 (3), new note

insert

Note 3 For how documents may be given, see the [Legislation Act](#), pt 19.5.

Explanatory note

This amendment inserts a standard note about giving documents.

[3.177] Section 265

omit

Explanatory note

This amendment omits a section that is now redundant because the review period mentioned in the section has passed.

Part 3.27 Road Transport (Driver Licensing) Act 1999

[3.178] Section 5A

substitute

5A Offences against Act—application of Criminal Code etc

Other legislation applies in relation to offences against this Act.

Note 1 Criminal Code

The [Criminal Code](#), sch 2 applies to the following offences against this Act (see Code, pt 2.1):

- s 31A (Offence—driving while right to drive suspended)
- s 33A (Contravening interlock condition).

The chapter sets out the general principles of criminal responsibility (including burdens of proof and general defences), and defines terms used for an offence 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 updates the section as a consequence of an amendment to note 1 made by the [Road Transport Legislation Amendment Act 2013 \(No 2\)](#) to add another offence. Note 1 lists the offences to which the [Criminal Code](#) applies.

Part 3.28 Road Transport (Public Passenger Services) Act 2001

[3.179] Section 4A, note 1

insert

- s 111 (Public passenger vehicle insurance compulsory)
- s 112 (Police officer or authorised person may require evidence of public passenger vehicle insurance)

Explanatory note

Section 4A, note 1 lists the offences in the Act to which the [Criminal Code](#), chapter 2 applies. The [Criminal Code](#), chapter 2 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. This amendment updates the list by adding 2 offences that have been included in the Act.

[3.180] Section 39 (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.

[3.181] New section 60J (2)

insert

(2) In this section:

registered operator, for a vehicle—see the [Road Transport \(Vehicle Registration\) Act 1999](#), dictionary.

Explanatory note

This amendment inserts a signpost definition for a term used in this section and defined in another Act.

[3.182] Sections 117 (4) and 118 (2)

omit

any 1 or more

substitute

1 or more

Explanatory note

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

Part 3.29 Road Transport (Public Passenger Services) Regulation 2002

[3.183] Section 221I (2) (b) (ii)

omit

hiring; or

substitute

hiring; and

Explanatory note

This amendment corrects a minor typographical error.

[3.184] Dictionary, note 4

omit

- Australian Design Rule

Explanatory note

Dictionary, note 4 lists examples of terms used in the regulation that are defined in the [Road Transport \(General\) Act 1999](#), dictionary. This amendment omits a term that is no longer used in the regulation.

[3.185] Dictionary, note 4

insert

- authorised person
- driver licence

Explanatory note

Dictionary, note 4 lists examples of terms used in the regulation that are defined in the *Road Transport (General) Act 1999*, dictionary. This amendment inserts terms that are used in the regulation and defined in the *Road Transport (General) Act 1999*, dictionary.

[3.186] Dictionary, definitions of *authorised person* and *driver licence*

omit

Explanatory note

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

[3.187] Dictionary, definitions of *pre-approval*, *stand-by hire car* and *usual hire car*

substitute

pre-approval, for a standard taxi licence or a wheelchair-accessible taxi licence—see section 83.

stand-by hire car, for subdivision 3A.4.1.3 (Stand-by hire cars)—see section 177B.

usual hire car, for subdivision 3A.4.1.3 (Stand-by hire cars)—see section 177B.

Explanatory note

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

Part 3.30 **Second-hand Dealers Act 1906**

[3.188] New section 2AA

before section 2A, insert

2AA Notes

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

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

Explanatory note

This amendment inserts a standard section about notes.

[3.189] Dictionary, note 2

omit

- CrimTrac

Explanatory note

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

Part 3.31 **Security Industry Act 2003**

[3.190] Part 2 heading

relocate before section 6

Explanatory note

This amendment relocates the heading for part 2 to a more appropriate location in the Act.

[3.191] Dictionary, note 2

insert

- Australian Criminal Intelligence Commission

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 that is used in the Act and defined in the [Legislation Act](#), dictionary, part 1. The definition of *Australian Criminal Intelligence Commission* is inserted in the [Legislation Act](#), dictionary, part 1 by another amendment.

[3.192] Dictionary, note 2

omit

- CrimTrac

Explanatory note

This amendment omits a definition of a term that is no longer used in the Act as a consequence of changes to the definition of *police certificate* by another amendment.

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

omit

CrimTrac

substitute

the Australian Criminal Intelligence Commission

Explanatory note

This amendment updates the definition to reflect the change of the name of CrimTrac to the Australian Criminal Intelligence Commission (see explanatory note for amendment 2.2 for additional information).

Part 3.32 Spent Convictions Act 2000

[3.194] Dictionary, note 2

omit

- CrimTrac

Explanatory note

This amendment omits a definition of term that is no longer used in the Act as a consequence of changes to the definition of *law enforcement agency* by another amendment.

[3.195] Dictionary, definition of *law enforcement agency*, paragraph (e)

omit

Explanatory note

This amendment updates the definition by omitting a reference to CrimTrac to reflect the merge of the CrimTrac agency with the Australian Crime Commission (see explanatory note for amendment 2.2 for additional information).

Part 3.33 Trustee Act 1925

[3.196] Section 5, note 1

substitute

Note 1 *Criminal Code*

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

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

Explanatory note

This amendment substitutes a standard note about the application of the [Criminal Code](#).

[3.197] New section 9 (11)

insert

(11) In this section:

joint tenant includes joint owner.

Explanatory note

This amendment relocates from the dictionary a definition of a term that is used only in section 9. The definition is omitted from the dictionary by another amendment.

[3.198] Dictionary, definition of *joint tenant*

omit

Explanatory note

This amendment is consequential on the relocation of the definition to section 9 by another amendment.

Part 3.34 University of Canberra Act 1989

**[3.199] Schedule 1, modification 1.1, section 56 (3) (d) and
modification 1.6, section 63 (3)**

omit

generally accepted accounting principles

substitute

accounting standards

Explanatory note

The Act, schedule 1 modifies the *Financial Management Act 1996*, part 8 in its application to the University of Canberra. This amendment is consequential on changes to the *Financial Management Act 1996* by another amendment.

Part 3.35 **Utilities (Technical Regulation) Act 2014**

[3.200] Sections 18 (5) and 20 (3), new note

insert

Note For what must be included in a statement of reasons, see the [Legislation Act](#), s 179.

Explanatory note

This amendment inserts a standard note about statements of reasons.

[3.201] Section 32 (2), 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.

[3.202] Section 46 (4)

omit

avoid

substitute

remove

Explanatory note

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

[3.203] Section 48 (1), 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.

[3.204] Section 55 (6), new note

insert

Note For what must be included in a statement of reasons, see the [Legislation Act](#), s 179.

Explanatory note

This amendment inserts a standard note about statements of reasons.

[3.205] Section 84 (3), definition of *part of the premises used only for residential or private business purposes*

substitute

part of the premises used only for residential or private business purposes—

- (a) includes—
 - (i) the inside of a residential building; and
 - (ii) the inside of a building used to conduct a private business; but
- (b) does not include the front yard, back yard or side yards of premises on which a residential building or a building used to conduct a private business are located.

Explanatory note

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

[3.206] Section 95, definition of *utility infrastructure work*, paragraphs (c) and (d)

substitute

- (c) a gas distribution network;
- (d) a gas transmission network;

Explanatory note

This amendment changes the order of the paragraphs in line with current legislative drafting practice.

[3.207] New section 95 (2)

insert

- (2) In this section:

electricity distribution network—see the [Utilities Act 2000](#), section 7.

electricity transmission network—see the [Utilities Act 2000](#), section 7.

gas distribution network—see the [Utilities Act 2000](#), section 10.

gas transmission network—see the [Utilities Act 2000](#), section 10.

Explanatory note

This amendment inserts a new definition subsection and relocates from the dictionary definitions of terms that are used only in section 95. The definitions are omitted from the dictionary by another amendment.

[3.208] Dictionary

omit the definitions of
electricity distribution network
electricity transmission network
gas distribution network
gas transmission network
network protection notice

Explanatory note

This amendment omits the first four definitions because they have been relocated to section 95 by another amendment. The term *network protection notice* is omitted because it is no longer used in the Act.

[3.209] Dictionary, definition of *technical code for listed dam*

substitute
technical code for listed dam, for part 8 (Dams safety)—see section 57.

Explanatory note

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

[3.210] Further amendments, new note

insert

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

in

- section 17 (2)
- section 18 (2)
- section 22 (1)
- section 49 (2)
- section 54 (2)

- section 55 (2)
- section 96 (2)

Explanatory note

This amendment inserts a standard note about how documents may be given.

Part 3.36 Workers Compensation Act 1951

[3.211] Section 70 (3), note

omit

Work injury—see the LTCS Act, dictionary.

Explanatory note

This amendment omits part of a note relating to a definition that is no longer used in the section.

[3.212] Section 74 (5)

substitute

(5) In this section:

hire car—see the *Road Transport (Public Passenger Services) Act 2001*, section 67.

public bus—see the *Road Transport (Public Passenger Services) Act 2001*, section 10A.

public transport means a public bus, taxi, rideshare vehicle or hire car.

rideshare vehicle—see the *Road Transport (Public Passenger Services) Act 2001*, section 60A.

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

Explanatory note

This amendment inserts new definitions that are consequential on amendments made to the *Road Transport (Public Passenger Services) Act 2001* about ridesharing.

[3.213] New section 134 (5)

insert

- (5) In this section:

compensation for costs, for a worker, means compensation to which the worker is entitled under part 4.5 (Compensation for medical treatment, damage and other costs).

Explanatory note

This amendment inserts a new definition subsection and relocates from the dictionary a definition of a term that is used only in section 134. The definition is omitted from the dictionary by another amendment.

[3.214] New section 167C (3)

insert

- (3) In this section:

recognised auditor, for the DI fund, means an auditor who is not employed or engaged by the DI fund.

Explanatory note

This amendment inserts a new definition subsection and relocates from the dictionary a definition of a term that is used only in section 167C. The definition is omitted from the dictionary by another amendment.

[3.215] New section 168 (3)

insert

- (3) In this section:

earned premium, for a period, means the total billed underwritten premium for compulsory insurance policies for the period.

Explanatory note

This amendment inserts a new definition subsection and relocates from the dictionary a definition of a term that is used only in section 168. The definition is omitted from the dictionary by another amendment.

[3.216] Dictionary, note 2

omit

- law, of the Territory

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 omits a term that is no longer used in the Act.

[3.217] Dictionary

omit the definitions of

compensation for costs

earned premium

recognised auditor

work injury

Explanatory note

This amendment omits the first three definitions because they have been relocated to other sections by other amendments. The term *work injury* is omitted because it is no longer used in the Act.

Part 3.37 Work Health and Safety Regulation 2011

[3.218] Section 48 (3), definition of *assistance*

omit

emergency service workers

substitute

emergency services workers

Explanatory note

This amendment is consequential to the insertion of a definition of *emergency services worker* in the dictionary made by another amendment.

[3.219] Section 63 heading

substitute

63 Application to emergency services workers

Explanatory note

This amendment is consequential to the insertion of a definition of *emergency services worker* in the dictionary made by another amendment.

[3.220] Section 63

omit

emergency service worker

substitute

emergency services worker

Explanatory note

This amendment is consequential to the insertion of a definition of *emergency services worker* in the dictionary made by another amendment.

[3.221] Section 142 (2)

omit

emergency service worker

substitute

emergency services worker

Explanatory note

This amendment is consequential to the insertion of a definition of *emergency services worker* in the dictionary made by another amendment.

[3.222] Dictionary, definition of *emergency service worker*

omit

Explanatory note

This amendment is consequential to the insertion of a definition of *emergency services worker* in the dictionary made by another amendment.

[3.223] Dictionary, new definition of *emergency services worker*

insert

emergency services worker means—

- (a) a police officer; or
- (b) a member of an emergency service.

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

Explanatory note

The [Work Health and Safety Act 2011](#), section 108 (4) includes a definition of *emergency services worker* the substance of which is identical to the definition of *emergency service worker* which is omitted by another amendment. This amendment inserts a new definition of *emergency services worker* that is consistent with the definition in the [Work Health and Safety Act 2011](#).

Endnotes

1 Presentation speech

Presentation speech made in the Legislative Assembly on 15 December 2016.

2 Notification

Notified under the [Legislation Act](#) on 23 February 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, which originated in the Legislative Assembly as the Statute Law Amendment Bill 2016 and was passed by the Assembly on 14 February 2017.

Clerk of the Legislative Assembly

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