



Australian Capital Territory

# Statute Law Amendment Act 2022

A2022-14

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Australian Capital Territory

# Statute Law Amendment Act 2022

**A2022-14**

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An Act to amend legislation for the purpose of statute law revision, and for other purposes

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The Legislative Assembly for the Australian Capital Territory enacts as follows:

**1 Name of Act**

This Act is the *Statute Law Amendment Act 2022*.

**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              Territory Records Act 2002**

#### **[1.1]      Section 36 (e), except note**

*substitute*

- (e) if the director is absent from duty, other than on approved leave, for 14 consecutive days or for 28 days in any 12-month period.

#### **Explanatory note**

This amendment updates a paragraph that creates an unnecessary obligation on the Special Minister of State. Section 36 (e) provides that the Minister may end the appointment of the director of territory records if the director ‘is absent from duty for 14 consecutive days, or for 28 days in any 12 months, except on leave given by the Minister’.

The words ‘except on leave given by the Minister’ create a requirement for the Minister to approve the director’s leave if the director intends to be on leave for longer than 14 consecutive days or for 28 days in any 12-month period. While the director’s appointment to the position of director of territory records is made under the *Territory Records Act 2002*, part 4 (Director of Territory Records), the director is employed as an SES member under the *Public Sector Management Act 1994*.

## Schedule 2      Legislation Act 2001

(see s 5)

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



## Schedule 3 Technical amendments

(see s 5)

### Part 3.1 ACT Teacher Quality Institute Act 2010

#### [3.1] Division 4.3 heading, note

*omit*

##### Explanatory note

This amendment omits a note about the [Mutual Recognition Act 1992](#) (Cwlth) and the [Trans-Tasman Mutual Recognition Act 1997](#) (Cwlth) following the commencement on 1 July 2021 of automatic mutual recognition for occupational registrations under the [Mutual Recognition Amendment Act 2021](#) (Cwlth).

#### [3.2] Section 32 (1) etc

*omit the following notes*

- section 32 (1), note
- section 33 (1), note
- section 35 (1), note
- section 58, note

##### Explanatory note

This amendment omits notes about the [Mutual Recognition Act 1992](#) (Cwlth) and the [Trans-Tasman Mutual Recognition Act 1997](#) (Cwlth) following the commencement on 1 July 2021 of automatic mutual recognition for occupational registrations under the [Mutual Recognition Amendment Act 2021](#) (Cwlth).

## Part 3.2                    Architects Act 2004

### [3.3]            Division 3.1 heading, note

*omit*

#### Explanatory note

This amendment omits a note about the *Mutual Recognition Act 1992* (Cwlth) and the *Trans-Tasman Mutual Recognition Act 1997* (Cwlth) following the commencement on 1 July 2021 of automatic mutual recognition for occupational registrations under the *Mutual Recognition Amendment Act 2021* (Cwlth).

### [3.4]            Section 18 (3) (c)

*omit*

he or she

*substitute*

the person

#### Explanatory note

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

### [3.5]            Sections 28 and 29 (2) (a)

*omit*

his or her

*substitute*

their

#### Explanatory note

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

**[3.6] Section 60 (1) (b)**

*omit*

his or her

*substitute*

the individual's

**Explanatory note**

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

## **Part 3.3 Architects Regulation 2004**

**[3.7] Section 10 (4)**

*omit*

his or her

*substitute*

their

**Explanatory note**

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

## Part 3.4      Building Act 2004

### [3.8]      Section 23 (1)

*omit*

he or she

*substitute*

the practitioner

#### **Explanatory note**

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

### [3.9]      Section 77 (3)

*omit*

his or her

#### **Explanatory note**

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

### [3.10]      Section 94 (3)

*omit*

his or her

*substitute*

the creditor's

#### **Explanatory note**

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

**[3.11] Sections 116 (1) and 126 (1)**

*omit*

his or her

*substitute*

their

**Explanatory note**

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

**[3.12] Section 129 (2)**

*omit*

his or her

*substitute*

the person's

**Explanatory note**

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

**[3.13] Section 134H (1) (c)**

*omit*

himself or herself

*substitute*

themselves

**Explanatory note**

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

**[3.14]      Section 138 (1)**

*omit*

his or her

*substitute*

the registrar's

**Explanatory note**

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

**[3.15]      Section 147**

*omit*

his or her

*substitute*

the inspector's

**Explanatory note**

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

**[3.16]      Section 149 (1)**

*omit*

by him or her

**Explanatory note**

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

## **Part 3.5 Casino Control Act 2006**

### **[3.17] Section 47 (1)**

*omit*

his or her

*substitute*

their

#### **Explanatory note**

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

### **[3.18] Section 79 (2)**

*omit*

his or her

*substitute*

the person's

#### **Explanatory note**

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

## Part 3.6      Children and Young People Act 2008

### [3.19]      Section 26 (1), note

*omit*

s 36C

*substitute*

s 20

#### **Explanatory note**

This amendment corrects a cross-reference.

### [3.20]      Section 74 (a) and (b)

*omit*

his or her

*substitute*

their

#### **Explanatory note**

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

### [3.21]      Section 80 (1), example 2

*omit*

his or her

*substitute*

their

#### **Explanatory note**

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



**[3.22] Section 83 (5), example**

*omit*

his or her

*substitute*

the participant's

**Explanatory note**

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

**[3.23] Section 94 (1) (a)**

*omit*

he or she

*substitute*

they

**Explanatory note**

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

**[3.24] Section 94 (1) (b)**

*omit*

his or her

*substitute*

their

**Explanatory note**

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

**[3.25]      Section 94 (1) (e)**

*omit*

he or she

*substitute*

they

**Explanatory note**

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

**[3.26]      Section 94 (4)**

*omit*

her or she

*substitute*

the person

**Explanatory note**

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

**[3.27]      Section 105 (4), definition of *arrested person*,  
paragraph (b)**

*omit*

he or she

*substitute*

the person

**Explanatory note**

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

**[3.28] Section 193 (1) (a) (ii)**

*omit*

him or her

*substitute*

them

**Explanatory note**

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

**[3.29] Sections 208 (2) (a) and 209 (1)**

*omit*

himself or herself

*substitute*

themselves

**Explanatory note**

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

**[3.30] Section 294 (3) (c)**

*omit*

he or she

*substitute*

the detainee

**Explanatory note**

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

**[3.31]      Section 294 (3) (e)**

*omit*

he or she has

*substitute*

they have

**Explanatory note**

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

**[3.32]      Section 301 (2) (a)**

*after*

not later

*insert*

than

**Explanatory note**

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

**[3.33]      Section 324 (4) (b)**

*omit*

he or she

*substitute*

the detainee

**Explanatory note**

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

**[3.34] Section 342, definition of *abuse*, paragraph (c)**

*omit*

his or her

*substitute*

their

**Explanatory note**

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

**[3.35] Section 345 (2)**

*omit*

him or her

*substitute*

the child or young person

**Explanatory note**

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

**[3.36] Section 350 (1) (c) etc**

*omit*

his or her

*substitute*

their

*in*

- section 350 (1) (c)
- section 352 (1)
- section 412 (1)

- section 456 (3)
- section 482 (1) (g)
- section 486 (2)

**Explanatory note**

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

**[3.37]    Section 512 (2) (a) (i)**

*omit*

his or her

*substitute*

the doctor's

**Explanatory note**

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

**[3.38]    Section 678 (2)**

*omit*

his or her

*substitute*

their

**Explanatory note**

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

**[3.39] Section 689 (1) (c)**

*omit*

himself or herself

*substitute*

themselves

**Explanatory note**

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

**[3.40] Sections 727N (2) (d) and 727S (1) (b)**

*omit*

his or her

*substitute*

their

**Explanatory note**

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

**[3.41] Section 731 (1) (g) and section 733 (3), definition of *young child*, paragraph (b)**

*omit*

, or provisionally registered,

**Explanatory note**

This amendment omits redundant references to a child who is provisionally registered for home education under the *Education Act 2004*. The *Education Amendment Act 2019*, section 8 omitted the *Education Act 2004*, section 130, which required the director-general to provisionally register a child for home education if the parents of the child applied for registration.

**[3.42]    Section 809 (3) (b)**

*omit*

he or she

*substitute*

the child or young person

**Explanatory note**

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

**[3.43]    Section 818 etc**

*omit*

his or her

*substitute*

their

*in*

- section 818
- section 819 (1) (a)
- section 822

**Explanatory note**

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



**[3.44] Section 826 (1) (c)**

*omit*

himself or herself

*substitute*

themselves

**Explanatory note**

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

**[3.45] Sections 855 (2) and 858 (2)**

*omit*

his or her family

*substitute*

the family of the child or young person

**Explanatory note**

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

**[3.46] Section 859 (1), definition of *information sharing entity*, paragraph (i)**

*omit*

his or her

*substitute*

their

**Explanatory note**

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

**[3.47]      Section 863 (2)**

*omit*

his or her family members

*substitute*

family members of the child or young person

**Explanatory note**

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

**[3.48]      Dictionary, notes 1 and 2, except dot points**

*substitute*

*Note*      The [Legislation Act](#) contains definitions relevant to this Act. For example:

**Explanatory note**

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

**[3.49]      Dictionary, definition of *representative***

*omit*

himself or herself

*substitute*

themselves

**Explanatory note**

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

## **Part 3.7**                      **Confiscation of Criminal Assets Act 2003**

### **[3.50] Section 38 (4) (c)**

*omit*

section 32 (5), (6) and (7)

*substitute*

section 31C

#### **Explanatory note**

This amendment corrects a cross-reference.

### **[3.51] Section 180 (1)**

*omit*

in the exercise of his or her

*substitute*

in exercising

#### **Explanatory note**

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

### **[3.52] Section 211 (7), definition of *strip search*, paragraph (a)**

*omit*

his or her

*substitute*

the person's

#### **Explanatory note**

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



**[3.56] Section 126A (5)**

*omit*

**Explanatory note**

This amendment omits a definition of a term that is no longer used in this section.

## **Part 3.9 Corrections Management Act 2007**

**[3.57] Section 31A (2) (c)**

*omit*

he or she

*substitute*

the detainee

**Explanatory note**

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

**[3.58] Section 33 (2), note**

*omit*

he or she

*substitute*

the person

**Explanatory note**

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

**[3.59]      Section 33A (2) (c)**

*omit*

he or she

*substitute*

the detainee

**Explanatory note**

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

## **Part 3.10            Domestic Animals Act 2000**

**[3.60]      Section 55 (4) (b)**

*omit*

his or her

*substitute*

their

**Explanatory note**

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

**[3.61]      Section 79 (3)**

*omit*

his or her

*substitute*

the authorised person's

**Explanatory note**

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

**[3.62] Section 124 (2)**

*omit*

his or her

*substitute*

the person's

**Explanatory note**

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

**[3.63] Sections 125 and 134 (4)**

*omit*

his or her

*substitute*

the authorised person's

**Explanatory note**

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

**[3.64] Dictionary, definition of *registration certificate***

*omit*

(1) or (4)

**Explanatory note**

This amendment corrects a cross-reference.

## Part 3.11      Education Act 2004

### [3.65]      New section 7 (5)

*insert*

(5) In this section:

*corporal punishment* means physical force applied to punish or correct, and includes any action designed or likely to cause physical pain or discomfort taken to punish or correct.

#### **Explanatory note**

This amendment relocates from the dictionary a definition of a term that is used only in section 7. The definition is omitted from the dictionary by another amendment.

### [3.66]      Section 68 (2)

*omit*

his or her

*substitute*

the person's

#### **Explanatory note**

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

### [3.67]      Section 69

*omit*

his or her

*substitute*

the authorised person's

#### **Explanatory note**

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



**[3.68] Section 142 (3) (a)**

*omit*

statement

*substitute*

notice

**Explanatory note**

This amendment corrects a minor typographical error.

**[3.69] Dictionary, definition of *corporal punishment***

*omit*

**Explanatory note**

This amendment is consequential on the relocation of the definition to section 7 by another amendment.

## **Part 3.12 Emergencies Act 2004**

**[3.70] Sections 103 (4) and 104 (3)**

*omit*

his or her

*substitute*

the inspector's

**Explanatory note**

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

**[3.71]    Section 105 (2)**

*omit*

he or she

*substitute*

the inspector

**Explanatory note**

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

**[3.72]    Sections 111 (2) and 113 (4)**

*omit*

his or her

*substitute*

the investigator's

**Explanatory note**

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

**[3.73]    Section 183 (3)**

*omit*

his or her

*substitute*

their

**Explanatory note**

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

**[3.74] Section 196 (4)**

*omit*

his or her

*substitute*

the authorised person's

**Explanatory note**

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

## **Part 3.13 Environment Protection Act 1997**

**[3.75] Section 8 (1) (c)**

*omit*

his or her

*substitute*

the person's

**Explanatory note**

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

**[3.76] Sections 16 (4) and 18 (3)**

*omit*

his or her

*substitute*

the person's

**Explanatory note**

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

**[3.77]    Section 43 (4)**

*omit*

his or her

*substitute*

the authority's

**Explanatory note**

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

**[3.78]    Section 62 (2) (a)**

*omit*

his or her

**Explanatory note**

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

**[3.79]    Sections 72 (1) and 78 (1)**

*omit*

his or her

*substitute*

the person's

**Explanatory note**

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

**[3.80] Section 911 (4), definition of *notional lessee*, paragraph (c) (ii)**

*omit*

his or her

*substitute*

the lessee's (or sublessee's)

**Explanatory note**

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

**[3.81] Section 93 (1)**

*omit*

his or her functions

*substitute*

the functions of the authority

**Explanatory note**

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

**[3.82] Section 98 etc**

*omit*

his or her

*substitute*

the officer's

*in*

- section 98
- section 100 (2) (c)

- section 103 (1) (a)
- section 107 (2)

**Explanatory note**

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

**[3.83] Section 110 (3) (a)**

*omit*

his or her

*substitute*

the authority's

**Explanatory note**

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

**[3.84] Section 111 (2)**

*omit*

his or her

*substitute*

the officer's

**Explanatory note**

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

**[3.85] Section 112**

*omit*

his or her

*substitute*

the analyst's

**Explanatory note**

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

**[3.86] Section 113 (a)**

*omit*

he or she has

*substitute*

they have

**Explanatory note**

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

**[3.87] Section 153 (2) (c) (iii)**

*omit*

his or her

*substitute*

the defendant's

**Explanatory note**

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

## Part 3.14            Environment Protection Regulation 2005

### [3.88]            Division 2.1 heading, note 1, paragraph (c)

*omit*

his or her

*substitute*

the person's

#### **Explanatory note**

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

### [3.89]            Part 3 heading, note 1, paragraph (c)

*omit*

his or her

*substitute*

the person's

#### **Explanatory note**

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

### [3.90]            Section 56, definition of *NEPM*, note 2

*omit*

[www.ephc.gov.au](http://www.ephc.gov.au)

*substitute*

[www.nepc.gov.au](http://www.nepc.gov.au)

#### **Explanatory note**

This amendment corrects a cross-reference.



**[3.91] Section 65 (a), note 3**

*omit*

[www.ephc.gov.au](http://www.ephc.gov.au)

*substitute*

[www.nepc.gov.au](http://www.nepc.gov.au)

**Explanatory note**

This amendment corrects a cross-reference.

**[3.92] Section 66 (1) (k), note**

*omit*

[www.ephc.gov.au](http://www.ephc.gov.au)

*substitute*

[www.nepc.gov.au](http://www.nepc.gov.au)

**Explanatory note**

This amendment corrects a cross-reference.

## **Part 3.15 Family Violence Act 2016**

**[3.93] Section 115, definition of *New Zealand FVO***

*omit*

*Domestic Violence Act 1995* (NZ)

*substitute*

*Family Violence Act 2018* (NZ)

**Explanatory note**

This amendment corrects an outdated cross-reference. The *Domestic Violence Act 1995* (NZ) was repealed by the *Family Violence Act 2018* (NZ), section 258 and replaced with the *Family Violence Act 2018* (NZ).

## Part 3.16                      Fisheries Act 2000

### [3.94]      Section 43 (2) (b)

*omit*

his or her

*substitute*

the person's

#### **Explanatory note**

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

### [3.95]      Section 43 (2) (b)

*omit*

he or she so

*substitute*

the person

#### **Explanatory note**

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

### [3.96]      Section 111A (1) (b)

*omit*

nature conservation licence

*substitute*

fisheries licence

#### **Explanatory note**

This amendment corrects a minor typographical error in the name of a licence.

**[3.97] Dictionary, definition of *fish dealer***

*omit*

he or she knows or suspects

*substitute*

they know or suspect

**Explanatory note**

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

## **Part 3.17                      Gambling and Racing Control Act 1999**

**[3.98] Section 23 (2)**

*omit*

himself or herself

*substitute*

themselves

**Explanatory note**

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

**[3.99] Section 23 (2)**

*omit*

his or her

*substitute*

the officer's

**Explanatory note**

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

**[3.100]    Section 28 (2) (a)**

*omit*

himself or herself

*substitute*

themselves

**Explanatory note**

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

**[3.101]    Section 36 (2) (a)**

*omit*

his or her

*substitute*

the person's

**Explanatory note**

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

## **Part 3.18                      Gas Safety Act 2000**

**[3.102]    Section 43 etc**

*omit*

his or her

*substitute*

the inspector's

*in*

- section 43
- section 44 (1) (a)

- section 49 (3) (a)
- section 53 (3)

**Explanatory note**

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

## **Part 3.19 Gas Safety Regulation 2001**

### **[3.103] Section 17B**

*omit*

his or her

*substitute*

the worker's

**Explanatory note**

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

## **Part 3.20 Health Act 1993**

### **[3.104] Section 11 (1) (a), note 2**

*omit*

he or she

*substitute*

the person

**Explanatory note**

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

**[3.105]    Section 71 (2)**

*omit*

his or her

*substitute*

the practitioner's

**Explanatory note**

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

**[3.106]    Section 100, definition of *practice corporation***

*omit*

his or her

*substitute*

their

**Explanatory note**

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

## **Part 3.21                            Health Records (Privacy and Access) Act 1997**

**[3.107]    Sections 25 (b) and 26 (1) (b)**

*omit*

his or her

*substitute*

the consumer's

**Explanatory note**

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

**[3.108] Section 26 (2)**

*omit*

he or she

*substitute*

the person

**Explanatory note**

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

**[3.109] Section 27 (3)**

*omit*

his or her

*substitute*

the consumer's

**Explanatory note**

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

**[3.110] Section 29**

*omit*

he or she

*substitute*

they

**Explanatory note**

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

**[3.111]    Schedule 1, principle 1:3**

*omit*

his or her

*substitute*

their

**Explanatory note**

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

**[3.112]    Dictionary, notes 1 and 2, except dot points**

*substitute*

*Note*     The [Legislation Act](#) contains definitions relevant to this Act. For example:

**Explanatory note**

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

**[3.113]    Dictionary, definitions of *collector* and *deceased consumer***

*omit*

his or her

*substitute*

their

**Explanatory note**

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



**[3.114] Dictionary, definition of *treating team*, paragraph (a)**

*omit*

his or her

*substitute*

the consumer's

**Explanatory note**

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

## **Part 3.22 Heritage Act 2004**

**[3.115] Section 53B (1), notes 1 to 3**

*substitute*

*Note* For laws about delegations, see the [Legislation Act](#), pt 19.4.

**Explanatory note**

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

**[3.116] Sections 66 (8) and 80 (6), definitions of *necessary assistance***

*omit*

the authorised person to carry out his or her function

*substitute*

in carrying out the authorised person's functions

**Explanatory note**

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

**[3.117] Section 81 etc**

*omit*

his or her

*substitute*

the authorised person's

in

- section 81
- section 82 (1) (a)
- section 85 (4)

**Explanatory note**

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

**[3.118] Section 88 (1) (c)**

*omit*

himself or herself

*substitute*

themselves

**Explanatory note**

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

## **Part 3.23**                      **Independent Competition and Regulatory Commission Act 1997**

### **[3.119] Section 44 (2)**

*omit*

himself or herself

*substitute*

themselves

#### **Explanatory note**

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

### **[3.120] Section 46 (1) (c) and (d)**

*substitute*

(b) it gives a notice to show cause in relation to the information or document under section 45; and

(c) 28 days have elapsed since the notice was given.

#### **Explanatory note**

This amendment renumbers paragraphs.

### **[3.121] Section 46 (3)**

*omit*

or (b)

#### **Explanatory note**

This amendment omits a redundant cross-reference.

**[3.122]    Schedule 2, section 2.1AA (4)**

*omit*

he or she also resumes

*substitute*

they also resume

**Explanatory note**

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

## **Part 3.24                            Interactive Gambling Act 1998**

**[3.123]    Sections 4 (2) (a) and 6**

*omit*

he or she

*substitute*

the person

**Explanatory note**

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

**[3.124]    Section 9 (1)**

*omit*

he or she

*substitute*

the Minister

**Explanatory note**

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

**[3.125] Section 10 (3)**

*omit*

he or she

**Explanatory note**

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

**[3.126] Section 10 (4) etc**

*omit*

he or she

*substitute*

the Minister

*in*

- section 10 (4)
- section 11 (2)
- section 12 (2)
- section 13 (2)

**Explanatory note**

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

**[3.127] Section 18B**

*omit*

he or she

*substitute*

the person

**Explanatory note**

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

**[3.128]    Section 23 (2)**

*omit*

he or she

*substitute*

the Minister

**Explanatory note**

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

**[3.129]    Section 27 (4)**

*omit*

his or her

*substitute*

the applicant's

**Explanatory note**

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

**[3.130]    Section 31 etc**

*omit*

he or she

*substitute*

the Minister

*in*

- section 31
- section 33 (1)

- section 43 (2)
- section 44 (1)

**Explanatory note**

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

**[3.131] Section 44 (1), notes 1 and 2**

*substitute*

*Note 1* For laws about appointments, see the [Legislation Act](#), pt 19.3.

*Note 2* Certain Ministerial appointments require consultation with an Assembly committee and are disallowable (see [Legislation Act](#), div 19.3.3).

**Explanatory note**

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

**[3.132] Section 48 (2)**

*omit*

him or her

*substitute*

the person

**Explanatory note**

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

**[3.133] Section 51**

*omit*

his or her

*substitute*

the applicant's

**Explanatory note**

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

**[3.134]    Section 55 (3)**

*omit*

he or she

*substitute*

the licensee

**Explanatory note**

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

**[3.135]    Section 70 (1)**

*omit*

his or her

*substitute*

the provider's

**Explanatory note**

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

**[3.136]    Section 89 (2)**

*omit*

he or she

*substitute*

the agent

**Explanatory note**

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



**[3.137] Section 102 (2) (a)**

*omit*

himself or herself

*substitute*

themselves

**Explanatory note**

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

**[3.138] Section 109**

*omit*

his or her

*substitute*

the provider's

**Explanatory note**

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

**[3.139] Section 124 (2)**

*omit*

he or she

*substitute*

the provider

**Explanatory note**

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

**[3.140] Section 128 (1)**

*omit*

he or she

*substitute*

the commission

**Explanatory note**

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

**[3.141] Section 131 (2) (a)**

*omit*

himself or herself

*substitute*

themselves

**Explanatory note**

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

**[3.142] Sections 133 (2) and 135 (4)**

*omit*

he or she

*substitute*

the person

**Explanatory note**

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

**[3.143] Sections 138 (1)**

*omit*

his or her

*substitute*

the person's

**Explanatory note**

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

**[3.144] Section 138 (4)**

*omit*

himself or herself

*substitute*

themselves

**Explanatory note**

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

**[3.145] Section 143**

*omit*

imprint of his or her finger or palm prints or a photograph of the applicant

*substitute*

imprint of the finger prints or palm prints or a photograph of the person

**Explanatory note**

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

## Part 3.25                            Legal Profession Act 2006

### [3.146]    Section 16 (4)

*omit*

his or her

*substitute*

their

#### **Explanatory note**

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

### [3.147]    Section 33 (2) (a)

*omit*

his or her

*substitute*

the lawyer's

#### **Explanatory note**

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

### [3.148]    Section 41 (10) (b)

*omit*

his or her

*substitute*

the person's

#### **Explanatory note**

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

**[3.149] Sections 60 and 61 (2) (b)**

*omit*

himself or herself

*substitute*

themselves

**Explanatory note**

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

**[3.150] Sections 82 and 83**

*omit*

his or her

*substitute*

the lawyer's

**Explanatory note**

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

**[3.151] Section 94 (5)**

*omit*

his or her

*substitute*

the former lawyer's

**Explanatory note**

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

**[3.152]    Section 96**

*omit*

his or her

*substitute*

the lawyer's

**Explanatory note**

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

**[3.153]    Section 97**

*omit*

his or her

*substitute*

the practitioner's

**Explanatory note**

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

**[3.154]    Section 97A (1)**

*omit*

his or her

*substitute*

the lawyer's

**Explanatory note**

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

**[3.155] Section 108 (2)**

*omit*

he or she

*substitute*

the director

**Explanatory note**

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

**[3.156] Sections 139 (1) (c), 182 and 183 (2) (b)**

*omit*

himself or herself

*substitute*

themselves

**Explanatory note**

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

**[3.157] Section 239 (2) (a)**

*omit*

his or her

*substitute*

the investigator's

**Explanatory note**

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

**[3.158]    Section 272 (1) (c) (vii)**

*omit*

he or she

*substitute*

the member

**Explanatory note**

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

**[3.159]    Section 367 (1) (a)**

*omit*

his or her

*substitute*

the lawyer's

**Explanatory note**

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

**[3.160]    Section 478 (b)**

*omit*

his or her

*substitute*

the deceased practitioner's

**Explanatory note**

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



**[3.161] Section 485 (1) (a)**

*omit*

his or her

*substitute*

their

**Explanatory note**

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

**[3.162] Section 485 (1) (b)**

*omit*

he or she is

*substitute*

they are

**Explanatory note**

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

**[3.163] Section 487 (5) (e)**

*omit*

his or her

*substitute*

the manager's

**Explanatory note**

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

**[3.164] Section 491 (1) (a)**

*omit*

his or her

*substitute*

their

**Explanatory note**

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

**[3.165] Section 491 (1) (b)**

*omit*

he or she is

*substitute*

they are

**Explanatory note**

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

**[3.166] Sections 498 (1) (a), 509 (5) and 514 (3)**

*omit*

his or her

*substitute*

their

**Explanatory note**

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

**[3.167] Section 519B (1) (a)**

*omit*

his or her

*substitute*

the intervener's

**Explanatory note**

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

**[3.168] Section 537 (1) (c)**

*omit*

himself or herself

*substitute*

themselves

**Explanatory note**

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

**[3.169] Section 555A (1) (a)**

*omit*

his or her

*substitute*

the investigator's

**Explanatory note**

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

**[3.170] Dictionary, notes 1 and 2, except dot points**

*substitute*

*Note*     The [Legislation Act](#) contains definitions relevant to this Act. For example:

**Explanatory note**

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

**[3.171] Dictionary, definition of *sole practitioner***

*omit*

his or her

*substitute*

the practitioner's

**Explanatory note**

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

## **Part 3.26                            Legal Profession Regulation 2007**

**[3.172] Table 8, item 12, column 4**

*omit*

his or her

*substitute*

their

**Explanatory note**

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

**[3.173] Section 9 (2)**

*omit*

his or her

*substitute*

the lawyer's

**Explanatory note**

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

## **Part 3.27 Lotteries Act 1964**

**[3.174] Section 6 (4), definition of *private lottery*, paragraph (d)**

*omit*

his or her

*substitute*

the subscriber's

**Explanatory note**

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

**[3.175] Section 15**

*omit*

his or her

*substitute*

the person's

**Explanatory note**

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

**[3.176]    Section 18 (3) (a)**

*omit*

his or her

*substitute*

the authorised person's

**Explanatory note**

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

**[3.177]    Section 18 (3) (b)**

*omit*

him or her

*substitute*

the person

**Explanatory note**

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

## **Part 3.28            Motor Sport (Public Safety)    Act 2006**

**[3.178]    Section 12 (1)**

*omit*

his or her

*substitute*

their

**Explanatory note**

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

**[3.179] Sections 26 and 27 (1) (a)**

*omit*

his or her

*substitute*

the person's

**Explanatory note**

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

**[3.180] Section 38 (5), new definition of *National Transport Commission***

*insert*

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

## **Part 3.29 Mutual Recognition (Australian Capital Territory) Act 1992**

**[3.181] Section 4, new note**

*insert*

*Note* Under amendments made to the Commonwealth Act on 1 July 2021, certain individuals who are authorised to carry on an activity covered by an occupation in a State or the Northern Territory are automatically deemed to be authorised to carry on the activity in another State or Territory (see Commonwealth Act, pt 3A).

**Explanatory note**

This amendment inserts a note about the commencement on 1 July 2021 of automatic mutual recognition for occupational registrations under the [Mutual Recognition Amendment Act 2021](#) (Cwlth).

## Part 3.30      National Environment Protection Council Act 1994

### [3.182]      New section 13 (5)

*insert*

(5) In this section:

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

### [3.183]      Section 25 (1)

*omit*

he or she

*substitute*

the chairperson

#### Explanatory note

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

### [3.184]      Section 43

*substitute*

## 43      Resignation

The NEPC executive officer may resign their office by written notice signed by the officer and given to the chairperson of the council.

#### Explanatory note

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



**[3.185] Section 44 (2)**

*substitute*

- (2) The council must terminate the NEPC executive officer's appointment if the officer—
- (a) engages in paid employment outside the duties of their office without the approval of the council;
  - (b) is absent from duty, except on leave of absence, for 14 consecutive days or 28 days in any 12 months;
  - (c) becomes bankrupt or personally insolvent; or
  - (d) contravenes section 40 (2) without reasonable excuse.

**Explanatory note**

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

**[3.186] Section 46 (b)**

*omit*

his or her

*substitute*

their

**Explanatory note**

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

## Part 3.31                            Nature Conservation Act 2014

### **[3.187]    Section 60 (1)**

*omit*

plan

*insert*

strategy

#### **Explanatory note**

This amendment corrects a minor typographical error.

### **[3.188]    Sections 339 and 340 (1) (a)**

*omit*

his or her

*insert*

the officer's

#### **Explanatory note**

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

### **[3.189]    Section 347 (1) (c)**

*omit*

himself or herself

*substitute*

themselves

#### **Explanatory note**

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

## **Part 3.32**                      **Pest Plants and Animals Act 2005**

### **[3.190] Section 20 (d)**

*before*

is reckless

*insert*

the person

#### **Explanatory note**

This amendment corrects a minor typographical error.

### **[3.191] Sections 33, 34 (1) (a) and 36 (3)**

*omit*

his or her

*substitute*

the authorised person's

#### **Explanatory note**

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

### **[3.192] Section 40 (1) (c)**

*omit*

himself or herself

*substitute*

themselves

#### **Explanatory note**

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

## Part 3.33                      Public Health Act 1997

### [3.193]      Section 121 (3) (a)

*omit*

his or her

*substitute*

the chief health officer's

#### **Explanatory note**

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

### [3.194]      Section 121 (3) (b)

*omit*

his or her

*substitute*

the officer's

#### **Explanatory note**

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

## Part 3.34                      Public Health Regulation 2000

### [3.195]      Sections 64 and 66 (1)

*omit*

his or her

*substitute*

the person's

#### **Explanatory note**

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

## **Part 3.35 Racing Act 1999**

### **[3.196] Sections 16 (1) (f), 22 (1) (f) and 26 (2)**

*omit*

he or she

*substitute*

the Minister

#### **Explanatory note**

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

### **[3.197] Section 61W (3), note**

*omit*

[www.comlaw.gov.au](http://www.comlaw.gov.au)

*substitute*

[www.legislation.gov.au](http://www.legislation.gov.au)

#### **Explanatory note**

This amendment corrects a cross-reference.

### **[3.198] Schedule 1, section 1.7 (1) and schedule 2, section 2.5 (a)**

*omit*

his or her

*substitute*

their

#### **Explanatory note**

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

## Part 3.36                      Racing Regulation 2010

### [3.199]      Section 5 (2), definition of *key employee*, paragraph (b)

*omit*

his or her

*substitute*

the person's

#### **Explanatory note**

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

### [3.200]      Section 6 (2) (a) (i)

*omit*

his or her

*substitute*

the individual's

#### **Explanatory note**

This amendment updates language in line with current legislative drafting practice

## Part 3.37                      Residential Tenancies Act 1997

### [3.201]      Section 11 (1)

*omit*

his or her

*substitute*

their

#### **Explanatory note**

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

**[3.202] Section 14 (b)**

*omit*

he or she is

*substitute*

they are

**Explanatory note**

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

**[3.203] Section 48 (1) (b) (i)**

*omit*

section 83 (b)

*substitute*

section 83 (1) (b)

**Explanatory note**

This amendment corrects a cross-reference.

**[3.204] Section 49A (4)**

*omit*

section 83 (c)

*substitute*

section 83 (1) (c)

**Explanatory note**

This amendment corrects a cross-reference.

**[3.205]    Section 71C (2), note**

*omit*

s 71E (c)

*substitute*

s 71EA (1) (b)

**Explanatory note**

This amendment corrects a cross-reference.

**[3.206]    Section 71EL (1) (a)**

*omit*

section 83 (i)

*substitute*

section 83 (1) (i)

**Explanatory note**

This amendment corrects a cross-reference.

**[3.207]    Section 71EM (3), note 1**

*omit*

s 83 (j)

*substitute*

s 83 (1) (j)

**Explanatory note**

This amendment corrects a cross-reference.



**[3.208] Section 75, note**

*substitute*

*Note* The registrar may also help a person make an application to the ACAT as the registrar considers appropriate (see *ACT Civil and Administrative Tribunal Act 2008*, s 112 (1) (b)).

**Explanatory note**

This amendment updates a note to correct a cross-reference.

**[3.209] Schedule 1, clause 54**

*omit*

his or her

*substitute*

their

**Explanatory note**

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

## **Part 3.38 Surveyors Act 2007**

**[3.210] Division 2.1 heading, note**

*omit*

**Explanatory note**

This amendment omits a note about the *Mutual Recognition Act 1992* (Cwlth) and the *Trans-Tasman Mutual Recognition Act 1997* (Cwlth) following the commencement on 1 July 2021 of automatic mutual recognition for occupational registrations under the *Mutual Recognition Amendment Act 2021* (Cwlth).

**[3.211]    Section 7 (1), note and section 10, note**

*omit*

**Explanatory note**

This amendment omits notes about the *Mutual Recognition Act 1992* (Cwlth) and the *Trans-Tasman Mutual Recognition Act 1997* (Cwlth) following the commencement on 1 July 2021 of automatic mutual recognition for occupational registrations under the *Mutual Recognition Amendment Act 2021* (Cwlth).

## **Part 3.39                            Unit Titles (Management) Act 2011**

**[3.212]    Schedule 2, section 2.1 (1) (g)**

*omit*

must

**Explanatory note**

This amendment corrects a minor typographical error.

**[3.213]    Schedule 3, section 3.32 (1) (b)**

*omit*

his or her

*substitute*

the person's

**Explanatory note**

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

## **Part 3.40**                      **Utilities (Technical Regulation) Act 2014**

### **[3.214] Section 46 (1) (b)**

*omit*

unlicensed regulated utility service

*substitute*

unlicensed regulated utility

#### **Explanatory note**

This amendment corrects a minor typographical error.

### **[3.215] Section 81 (2) etc**

*omit*

his or her

*substitute*

the inspector's

*in*

- section 81 (2)
- section 85
- section 86 (1) (a)
- section 87 (2) (a) and (3) (b) (i)

#### **Explanatory note**

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

## Part 3.41            Veterinary Practice Act 2018

### [3.216]    Division 3.1 heading, note

*omit*

#### Explanatory note

This amendment omits a note about the *Mutual Recognition Act 1992* (Cwlth) and the *Trans-Tasman Mutual Recognition Act 1997* (Cwlth) following the commencement on 1 July 2021 of automatic mutual recognition for occupational registrations under the *Mutual Recognition Amendment Act 2021* (Cwlth).

## Part 3.42            Waste Management and Resource Recovery Act 2016

### [3.217]    Section 77 (6), definition of *necessary assistance*

*omit*

the authorised person to carry out his or her function

*substitute*

in carrying out the authorised person's functions

#### Explanatory note

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

### [3.218]    Sections 78 and 79 (1) (a)

*omit*

his or her

*substitute*

the authorised person's

#### Explanatory note

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

**[3.219] Section 86 (1) (c)**

*omit*

himself or herself

*substitute*

themselves

**Explanatory note**

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

**[3.220] Section 125, note 2**

*omit*

s 36C

*substitute*

s 20

**Explanatory note**

This amendment corrects a cross-reference.

## **Part 3.43 Water and Sewerage Act 2000**

**[3.221] Sections 8 (3) (b), 9A (1) (b) and 10**

*omit*

his or her

*substitute*

the certifier's

**Explanatory note**

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

**[3.222]    Sections 15 (4) (b) and 15 (5) (a)**

*omit*

his or her

*substitute*

the licensed plumber's

**Explanatory note**

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

**[3.223]    Section 23 (2) etc**

*omit*

his or her

*substitute*

the inspector's

*in*

- section 23 (2)
- section 28
- section 29 (1) (a)
- section 33 (3)
- section 38 (3) (a)

**Explanatory note**

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

**[3.224] Section 44F (1)**

*omit*

his or her

*substitute*

the registrar's

**Explanatory note**

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

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**Endnotes**

**1 Presentation speech**

Presentation speech made in the Legislative Assembly on 2 June 2022.

**2 Notification**

Notified under the [Legislation Act](#) on 10 August 2022.

**3 Republications of amended laws**

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

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I certify that the above is a true copy of the Statute Law Amendment Bill 2022, which was passed by the Legislative Assembly on 3 August 2022.

Clerk of the Legislative Assembly

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