



Australian Capital Territory

Transport Canberra and City Services Legislation Amendment Act 2023

A2023-27

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Australian Capital Territory

Transport Canberra and City Services Legislation Amendment Act 2023

A2023-27

An Act to amend legislation about city services, and for other purposes

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

Part 1 Preliminary

1 Name of Act

This Act is the *Transport Canberra and City Services Legislation Amendment Act 2023*.

2 Commencement

This Act commences on the 7th day after its notification day.

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

3 Legislation amended

This Act amends the following legislation:

- [Cemeteries and Crematoria Act 2020](#)
- [Litter Act 2004](#)
- [Plastic Reduction Act 2021](#)
- [Veterinary Practice Act 2018](#)
- [Veterinary Practice Regulation 2018](#).

Note This Act also amends the [Magistrates Court \(Litter Infringement Notices\) Regulation 2004](#) (see sch 1).

Part 2 Cemeteries and Crematoria Act 2020

4 Burial at cemetery—application Section 17 (7) (c) and (d)

substitute

- (c) tell the person, in writing, of the licensee’s agreement to the burial, including the day and time of the scheduled burial; and
- (d) allocate a unique identifying number for the burial; and
- (e) give the person the unique identifying number in writing.

5 New section 17 (9)

insert

- (9) If an undertaker or funeral director is acting for, or on behalf of, a person, information that must be given to the person under this section may instead be given to the undertaker or funeral director.

6 Cremation—application Section 22 (6) (b) and (c)

substitute

- (b) tell the person, in writing, of the licensee’s agreement to cremate the human remains, including the day of the scheduled cremation; and
- (c) allocate a unique identifying number for the cremation; and
- (d) give the person the unique identifying number in writing.

7 New section 22 (8)

insert

- (8) If an undertaker or funeral director is acting for, or on behalf of, a person, information that must be given to the person under this section may instead be given to the undertaker or funeral director.

**8 Offence—collection of cremated remains
Table 25, item 3, column 3**

omit

applicant and

substitute

applicant or

**9 Register—burial, cremation, interment etc
Section 63 (3) (d)**

omit

10 New section 63A

insert

63A Register—cremation collections

The licensee of a crematorium must keep a register that includes the following information in relation to cremated remains collected from the crematorium:

- (a) the name and contact details of the person who collected the cremated remains;
- (b) the relationship of the person who collected the cremated remains to the deceased person;

- (c) whether all or some of the cremated remains of the deceased person were collected;
- (d) the date the remains were collected.

11 Offences—keeping registers
Section 64 (1) (b) (ii)

substitute

- (ii) section 63 (Register—burial, cremation, interment etc); or
- (iii) section 63A (Register—cremation collections); and

12 Section 64 (2) (c) (i)

substitute

- (i) in a secure electronic database; and

13 New section 64 (2A)

insert

- (2A) A person commits an offence if the person—
- (a) is the licensee of a facility; and
 - (b) keeps a register under section 63A (Register—cremation collections); and
 - (c) does not keep the register in a secure electronic database.

Maximum penalty: 50 penalty units.

14 New sections 118A and 118B

insert

118A Chief executive officer of authority

The chief executive officer of the authority must be a public servant.

Note The chief executive officer is appointed by the director-general after consulting the authority board and the Minister (see *Financial Management Act 1996*, s 80 (3)).

118B Authority's staff

- (1) The chief executive officer may employ staff for the authority on behalf of the Territory.
- (2) The authority's staff must be employed under the *Public Sector Management Act 1994*.

Note The *Public Sector Management Act 1994*, div 8.2 applies to the authority in relation to the employment of staff (see that *Act*, s 152).

**15 Dictionary
New definition of *chief executive officer***

insert

chief executive officer means the chief executive officer of the authority.

Part 3 Litter Act 2004

16 Littering Section 8 (6) (d)

after

waste facility

insert

in accordance with the requirements for depositing litter at the landfill or facility

17 Aggravated littering Section 9 (4) (c) (ii)

after

waste facility

insert

in accordance with the requirements for depositing litter at the landfill or facility

18 Dumping litter Section 9A (7) (d)

after

waste facility

insert

in accordance with the requirements for dumping litter at the landfill or facility

19 **Dumping litter—strict liability**
Section 9B (6) (d)

after

waste facility

insert

in accordance with the requirements for dumping litter at the landfill or facility

20 **Offences about vehicle loads**
Section 11 (2) (b)

after

so that it

insert

(or any part of it)

Part 4 Plastic Reduction Act 2021

21 Meaning of *prohibited plastic product* Section 7 (2), definition of *compostable*

omit

bag

substitute

product

22 Details of search warrant to be given to occupier etc Section 37 (a) (ii)

omit

section 34 (5)

substitute

section 35 (5)

Part 6 Veterinary Practice Regulation 2018

25 New section 5A

in part 2, insert

5A **Tooth cleaning—Act, s 10 (4), def *prescribed circumstance***

Carrying out tooth cleaning on an animal other than a horse if—

- (a) the cleaning is done by a person who holds a Certificate IV in Veterinary Nursing; and
- (b) the animal is anaesthetised during the cleaning.

26 **Restricted acts of veterinary science Schedule 1, part 1.2, item 15, column 2**

substitute

carrying out any treatment, procedure or test that involves the insertion of anything into the nasal passage, nasal sinuses, thoracic cavity, abdominal cavity, pelvic cavity, urethra, cranial cavity, spinal canal, tooth alveolar cavity, eye, orbital cavity, tympanic cavity, joint spaces or any other synovial cavity of any animal other than an—

- (a) insertion into the mouth or oesophagus of an animal other than the insertion of a tube into the oesophagus of a horse;
or
- (b) insertion into the rectum of an animal other than a horse;
or

Section 27

- (c) insertion into the left flank of cattle or sheep to puncture the rumen for the purpose of relieving acute bloat if the animal is examined by a registered veterinary practitioner as soon as practicable after the puncture has been made; or
- (d) application of topical medication to the eye or ear cavity.

27 Schedule 1, part 1.2, item 17, column 2*substitute*

carrying out any dental procedure on any animal other than a horse

28 Schedule 1, part 1.2, item 18, column 2, new paragraph (aa)*insert*

(aa) using a power tool on the horse; or

29 Schedule 1, part 1.2, item 18, column 2, paragraph (g)*omit***30 Schedule 1, part 1.2, new items 19 to 24***insert*

- 19 insertion of a tube into the oesophagus or stomach of a horse
- 20 diagnosing pregnancy in cattle by ultrasound
- 21 artificial insemination of, or embryo transfer into, horses and camelids
- 22 taking tissue samples from live animals
- 23 cattle spaying by flank and dropped-ovary method
- 24 certifying animal disease status

Schedule 1 Magistrates Court (Litter Infringement Notices) Regulation 2004—Other amendment

(see s 3)

[1.1] Schedule 1, item 13, column 2

omit

21 (7)

substitute

21 (5)

Endnotes

1 Presentation speech

Presentation speech made in the Legislative Assembly on 21 September 2022.

2 Notification

Notified under the [Legislation Act](#) on 7 July 2023.

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 Transport Canberra and City Services Legislation Amendment Bill 2023, which originated in the Legislative Assembly as the Transport Canberra and City Services Legislation Amendment Bill 2022 and was passed by the Assembly on 27 June 2023.

Acting Clerk of the Legislative Assembly

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