

2001

THE LEGISLATIVE ASSEMBLY
FOR THE AUSTRALIAN CAPITAL TERRITORY

(As presented)

(Attorney-General)

Legislation (Consequential Amendments) Bill 2001

(in 2 volumes)

Volume 1

Contents

Clauses 1 to 4

Schedule 1

Acts and subordinate laws amended and repealed

Part 1	ACTEW/AGL Partnership Facilitation Act 2000
	to
Part 198	Intoxicated Persons (Care and Protection) Act 1994

2001

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Contents

		Page
1	Name of Act	2
2	Commencement	2
3	Laws amended and repealed	2
4	Application of Legislation Act, s 88	2

	Page
Schedule 1	
Acts and subordinate laws amended and repealed	3
Part 1	ACTEW/AGL Partnership Facilitation Act 2000
	3
Part 2	Administration Act 1989
	6
Part 3	Administration and Probate Act 1929
	7
Part 4	Administration (Interstate Agreements) Act 1997
	8
Part 5	Administrative Appeals Tribunal Act 1989
	9
Part 6	Administrative Decisions (Judicial Review) Act 1989
	11
Part 7	Adoption Act 1993
	12
Part 8	Adoption Regulations
	15
Part 9	Agents Act 1968
	18
Part 10	Age of Majority Act 1974
	25
Part 11	Anglican Church of Australia Constitutions Act 1902
	25
Part 12	Anglican Church of Australia Constitution Act 1961
	25
Part 13	Anglican Church of Australia Trust Property Act 1917
	26
Part 14	Anglican Church of Australia Trust Property Act 1928
	26
Part 15	Animal Diseases Act 1993
	27
Part 16	Animal Diseases (Bees) Regulations 2000
	34
Part 17	Animal Welfare Act 1992
	34
Part 18	Animal Welfare Regulations
	40
Part 19	Animal Welfare (Amendment) Act 1997
	40
Part 20	Annual Leave Act 1973
	40
Part 21	Annual Reports (Government Agencies) Act 1995
	42
Part 22	Architects Act 1959
	46
Part 23	Artificial Conception Act 1985
	48
Part 24	Associations Incorporation Act 1991
	49
Part 25	Associations Incorporation Regulations
	57
Part 26	Auctioneers Act 1959
	57

	Page
Part 27 Auditor-General Act 1996	60
Part 28 Australia and New Zealand Banking Group Limited (NMRB) Act 1991	60
Part 29 Australian-American Educational Foundation Act 1966	61
Part 30 Bail Act 1992	61
Part 31 Bail Regulations	63
Part 32 Bank Mergers Act 1997	63
Part 33 Betting (ACTTAB Limited) Act 1964	63
Part 34 Birth (Equality of Status) Act 1988	65
Part 35 Births, Deaths and Marriages Registration Act 1997	66
Part 36 Births, Deaths and Marriages Registration Regulations	71
Part 37 Blood Donation (Transmittable Diseases) Act 1985	71
Part 38 Board of Senior Secondary Studies Act 1997	72
Part 39 Bookmakers Act 1985	73
Part 40 Bookmakers Regulations	81
Part 41 Boxing Control Act 1993	82
Part 42 Boxing Control Regulations	85
Part 43 Building Act 1972	85
Part 44 Building Regulations 1972	93
Part 45 Building and Construction Industry Training Levy Act 1999	93
Part 46 Bushfire Act 1936	94
Part 47 Bushfire Regulations	99
Part 48 Business Names Act 1963	99
Part 49 Business Names Regulations	104
Part 50 Canberra Advance Bank Limited (Merger) Act 1992	105
Part 51 Canberra Institute of Technology Act 1987	105
Part 52 Canberra Institute of Technology Regulations	107

Contents

		Page
Part 53	Canberra Tourism and Events Corporation Act 1997	107
Part 54	Casino Control Act 1988	107
Part 55	Casino Control Regulations	121
Part 56	Cemeteries Act 1933	121
Part 57	Canberra Public Cemeteries Regulations	125
Part 58	Children and Young People Act 1999	128
Part 59	Children and Young People Regulations 2000	135
Part 60	Chiropractors and Osteopaths Act 1983	135
Part 61	City of Canberra Arms Act 1932	140
Part 62	Classification (Publications, Films and Computer Games) (Enforcement) Act 1995	140
Part 63	Classification (Publications, Films and Computer Games) (Enforcement) Regulations	144
Part 64	Clinical Waste Act 1990	144
Part 65	Collections Act 1959	148
Part 66	Commercial Arbitration Act 1986	149
Part 67	Commissioner for the Environment Act 1993	150
Part 68	Common Boundaries Act 1981	151
Part 69	Community Advocate Act 1991	153
Part 70	Community and Health Services Complaints Act 1993	153
Part 71	Competition Policy Reform Act 1996	155
Part 72	Competition Policy Reform (Savings and Transitional) Regulations	158
Part 73	Construction Practitioners Registration Act 1998	158
Part 74	Construction Practitioners Registration Regulations 1998	161
Part 75	Consumer Credit Act 1995	161
Part 76	Consumer Credit Regulations	162
Part 77	Consumer Credit (Administration) Act 1996	162

	Page
Part 78 Consumer Credit (Administration) Regulations	170
Part 79 Contractors' Debts Act 1897	170
Part 80 Conveyancing Act 1919	174
Part 81 Conveyancing and Law of Property Act 1898	174
Part 82 Co-operative Societies Act 1939	175
Part 83 Co-operatives Societies Regulations 1945	185
Part 84 Coroners Act 1997	186
Part 85 Coroners Regulations	187
Part 86 Credit Act 1985	188
Part 87 Credit Regulations 1985	195
Part 88 Cremation Act 1966	197
Part 89 Crime Prevention Powers Act 1998	200
Part 90 Crimes Act 1900	200
Part 91 Crimes (Forensic Procedures) Regulations 2000	203
Part 92 Crimes (Offences against the Government) Act 1989	204
Part 93 Crown Proceedings Act 1992	204
Part 94 Crown Proceedings Regulations	204
Part 95 Cultural Facilities Corporation Act 1997	204
Part 96 Custodial Escorts Act 1998	205
Part 97 Dangerous Goods Act 1975	205
Part 98 Dangerous Goods Regulations 1978	208
Part 99 Debits Tax Act 1997	209
Part 100 Dental Technicians and Dental Prosthetists Registration Act 1988	212
Part 101 Dentists Act 1931	216
Part 102 Director of Public Prosecutions Act 1990	223
Part 103 Director of Public Prosecutions Regulations	224
Part 104 Disability Services Act 1991	224

Contents

		Page
Part 105	Discrimination Act 1991	225
Part 106	Districts Act 1966	230
Part 107	Domestic Animals Act 2000	230
Part 108	Domestic Relationships Act 1994	232
Part 109	Domestic Violence Act 1986	233
Part 110	Door-to-Door Trading Act 1991	235
Part 111	Door-to-Door Trading Regulations 1991	237
Part 112	Drugs in Sport Act 1999	237
Part 113	Drugs of Dependence Act 1989	238
Part 114	Drugs of Dependence Regulations	245
Part 115	Duties Act 1999	246
Part 116	Earnings (Assignment and Attachment) Act 1966	252
Part 117	Education Act 1937	252
Part 118	Education Services for Overseas Students (Registration and Regulation of Providers) Act 1994	254
Part 119	Education Services for Overseas Students (Registration and Regulation of Providers) Regulations	257
Part 120	Electoral Act 1992	257
Part 121	Electoral Regulations 1993	282
Part 122	Electricity Safety Act 1971	283
Part 123	Electricity Safety Regulations 1971	292
Part 124	Electricity (National Scheme) Act 1997	292
Part 125	Electronic Transactions Act 2001	292
Part 126	Emergency Management Act 1999	292
Part 127	Emergency Management Regulations 1999	295
Part 128	Enclosed Lands Protection Act 1943	295
Part 129	Energy Efficiency Ratings (Sale of Premises) Act 1997	295

	Page
Part 130 Environment Protection Act 1997	296
Part 131 Environment Protection Regulations 1997	314
Part 132 Epidemiological Studies (Confidentiality) Act 1992	317
Part 133 Epidemiological Studies (Confidentiality) Regulations 1992	318
Part 134 Evidence Act 1971	318
Part 135 Evidence Regulations	319
Part 136 Evidence (Miscellaneous Provisions) Act 1991	319
Part 137 Fair Trading Act 1992	319
Part 138 Fair Trading Regulations 1992	320
Part 139 Fair Trading (Consumer Affairs) Act 1973	321
Part 140 Fair Trading (Fuel Prices) Act 1993	329
Part 141 Family Provision Act 1969	330
Part 142 Fertilizers Act 1904	330
Part 143 Financial Agreement Act 1994	332
Part 144 Financial Institutions Duty Act 1987	332
Part 145 Financial Institutions Duty Regulations 1990	333
Part 146 Financial Management Act 1996	333
Part 147 Financial Relations Agreement Act 2000	334
Part 148 Firearms Act 1996	334
Part 149 Firearms Regulations 1997	345
Part 150 Fire Brigade Act 1957	345
Part 151 Fire Brigade Regulations	347
Part 152 Fire Brigade (Administration) Act 1974	348
Part 153 Fire Brigade (Administration) Regulations	349
Part 154 First Home Owner Grant Act 2000	349
Part 155 Fisheries Act 2000	352
Part 156 Food Act 1992	360

Contents

		Page
Part 157	Food Regulations 1994	370
Part 158	Forfeiture of Leases Act 1901	370
Part 159	Freedom of Information Act 1989	372
Part 160	Fuels Control Act 1979	376
Part 161	Gambling and Racing Control Act 1999	376
Part 162	Games Wagers and Betting-houses Act 1901	379
Part 163	Gaming and Betting Act 1906	380
Part 164	Gaming Machine Act 1987	382
Part 165	Gaming Machine Regulations	389
Part 166	Gas Safety Act 2000	390
Part 167	Gas Supply Act 1998	394
Part 168	Gas Supply Regulations 1999	397
Part 169	Government Contractual Debts (Interest) Act 1994	398
Part 170	Government Solicitor Act 1989	398
Part 171	Guardianship and Management of Property Act 1991	399
Part 172	Guardianship and Management of Property Regulations	401
Part 173	Gungahlin Development Authority Act 1996	401
Part 174	Hawkers Act 1936	402
Part 175	Health Act 1993	406
Part 176	Health and Community Care Services Act 1996	407
Part 177	Health Professionals (Special Events Exemptions) Act 2000	408
Part 178	Health Professions Boards (Elections) Act 1980	409
Part 179	Health Professions Boards (Procedures) Act 1981	413
Part 180	Health Promotion Act 1995	414
Part 181	Health Records (Privacy and Access) Act 1997	415
Part 182	Health Regulation (Maternal Health Information) Act 1998	416

		Page
Part 183	Maternal Health Information Regulations 1999	417
Part 184	Heritage Objects Act 1991	417
Part 185	Holidays Act 1958	425
Part 186	Hotel School Act 1996	427
Part 187	Housing Assistance Act 1987	427
Part 188	Independent Competition and Regulatory Commission Act 1997	430
Part 189	Inebriates Act 1900	437
Part 190	Inquiries Act 1991	440
Part 191	Inquiries Regulations	440
Part 192	Insane Persons and Inebriates (Committal and Detention) Act 1936	441
Part 193	Instruments Act 1933	441
Part 194	Insurance Authority Act 2000	447
Part 195	Interactive Gambling Act 1998	448
Part 196	Interactive Gambling Regulations 1998	457
Part 197	Interpretation Act 1967	457
Part 198	Intoxicated Persons (Care and Protection) Act 1994	459
Part 199	Judicial Commissions Act 1994	461
Part 200	Juries Act 1967	461
Part 201	Juries Fees Regulations	463
Part 202	Jurisdiction of Courts (Cross-vesting) Act 1993	463
Part 203	Justices of the Peace Act 1989	465
Part 204	Kingston Foreshore Development Authority Act 1999	465
Part 205	Lakes Act 1976	467
Part 206	Land Acquisition (Northbourne Oval) Act 1996	471
Part 207	Land (Planning and Environment) Act 1991	473
Part 208	Land (Planning and Environment) Regulations 1992	508

Contents

		Page
Part 209	Land (Planning and Environment) (Casino) Regulations	508
Part 210	Lands Acquisition Act 1994	508
Part 211	Lands Acquisition Regulations 1999	515
Part 212	Land Titles Act 1925	515
Part 213	Land Titles (Unit Titles) Act 1970	530
Part 214	Law Officer Act 1992	533
Part 215	Law Reform (Manufacturers Warranties) Act 1977	533
Part 216	Law Reform (Miscellaneous Provisions) Act 1955	534
Part 217	Lay-by Sales Agreements Act 1963	534
Part 218	Legal Aid Act 1977	535
Part 219	Legal Practitioners Act 1970	536
Part 220	Legislation Act 2001	537
Part 221	Legislative Assembly (Broadcasting of Proceedings) Act 1997	538
Part 222	Legislative Assembly (Members' Staff) Act 1989	538
Part 223	Limitation Act 1985	543
Part 224	Liquor Act 1975	543
Part 225	Liquor Regulations 1979	548
Part 226	Listening Devices Act 1992	548
Part 227	Litter Act 1977	549
Part 228	Litter Regulations	551
Part 229	Long Service Leave Act 1976	551
Part 230	Long Service Leave (Building and Construction Industry) Act 1981	553
Part 231	Long Service Leave (Cleaning, Building and Property Services) Act 1999	556
Part 232	Lotteries Act 1964	557
Part 233	Low-alcohol Liquor Subsidies Act 2000	559

		Page
Part 234	Machinery Act 1949	561
Part 235	Boilers and Pressure Vessels Regulations 1954	563
Part 236	Machinery Regulations	563
Part 237	Magistrates Court Act 1930	564
Part 238	Magistrates Court Rules	568
Part 239	Magistrates Court (Civil Jurisdiction) Act 1982	570
Part 240	Magistrates Court (Civil Jurisdiction) Regulations	573
Part 241	Magistrates Court (Civil Jurisdiction) (Solicitors' Costs) Regulations	573
Part 242	Workers' Compensation Rules	573
Part 243	Married Persons (Torts) Act 1968	575
Part 244	Meat Act 1931	576
Part 245	Meat Regulations	578
Part 246	Mediation Act 1997	579
Part 247	Medical Practitioners Act 1930	580
Part 248	Medical Treatment Act 1994	585
Part 249	Mental Health (Treatment and Care) Act 1994	586
Part 250	Mental Health Act 1962	589
Part 251	Mercantile Law Act 1962	589
Part 252	Mutual Recognition (Australian Capital Territory) Act 1992	590
Part 253	National Crime Authority (Territory Provisions) Act 1991	591
Part 254	National Crime Authority (Territory Provisions) Regulations	591
Part 255	National Environment Protection Council Act 1994	591
Part 256	National Exhibition Centre Trust Act 1976	592
Part 257	Native Title Act 1994	594
Part 258	Nature Conservation Act 1980	594

Contents

		Page
Part 259	Nature Conservation Regulations	606
Part 260	Notaries Public Act 1984	606
Part 261	Nudity Act 1976	607
Part 262	Nurses Act 1988	607
Part 263	Oaths and Affirmations Act 1984	614
Part 264	Occupational Health and Safety Act 1989	614
Part 265	Occupational Health and Safety Regulations 1991	622
Part 266	Occupational Health and Safety (Certification of Plant Users and Operators) Regulations 2000	624
Part 267	Occupational Health and Safety (Manual Handling) Regulations	625
Part 268	Olympic Events Security Act 2000	625
Part 269	Ombudsman Act 1989	627
Part 270	Ombudsman Regulations	628
Part 271	Optometrists Act 1956	628
Part 272	Parental Leave (Private Sector Employees) Act 1992	632
Part 273	Parole Act 1976	632
Part 274	Parole Orders (Transfer) Act 1983	633
Part 275	Partnership Act 1963	634
Part 276	Pawnbrokers Act 1902	634
Part 277	Payroll Tax Act 1987	636
Part 278	Periodic Detention Act 1995	636
Part 279	Periodic Detention Regulations 1995	639
Part 280	Perpetuities and Accumulations Act 1985	640
Part 281	Pharmacy Act 1931	640
Part 282	Physiotherapists Act 1977	645
Part 283	Plant Diseases Act 1934	649
Part 284	Plant Diseases Regulations	653

		Page
Part 285	Plumbers, Drainers and Gasfitters Board Act 1982	654
Part 286	Podiatrists Act 1994	656
Part 287	Poisons Act 1933	661
Part 288	Poisons Regulations 1933	663
Part 289	Poisons and Drugs Act 1978	664
Part 290	Poisons and Drugs Regulations 1993	667
Part 291	Pool Betting Act 1964	667
Part 292	Pounds Act 1928	668
Part 293	Pounds Regulations	672
Part 294	Presbyterian Church (Proposals for Union with other Churches) Act 1972	674
Part 295	Presbyterian Church Trust Property Act 1971	674
Part 296	Prisoners (International Transfer) Act 1999	675
Part 297	Prisoners' Interstate Leave Act 1997	675
Part 298	Prisoners (Interstate Transfer) Act 1993	676
Part 299	Proceeds of Crime Act 1991	677
Part 300	Proceeds of Crime Regulations	678
Part 301	Prohibited Weapons Act 1996	679
Part 302	Prohibited Weapons Regulations	680
Part 303	Prostitution Act 1992	682
Part 304	Prostitution Regulations	684
Part 305	Protection Orders (Reciprocal Arrangements) Act 1992	685
Part 306	Psychologists Act 1994	686
Part 307	Public Access to Government Contracts Act 2000	690
Part 308	Public Baths and Public Bathing Act 1956	690
Part 309	Public Baths and Public Bathing Regulations	693
Part 310	Public Health Act 1997	693

Contents

		Page
Part 311	Public Health Regulations 2000	706
Part 312	Public Health (Prohibited Drugs) Act 1957	710
Part 313	Public Interest Disclosure Act 1994	711
Part 314	Public Place Names Act 1989	712
Part 315	Public Roads Act 1902	713
Part 316	Public Sector Management Act 1994	716
Part 317	Public Trustee Act 1985	720
Part 318	Racecourses Act 1935	721
Part 319	Racing Act 1999	722
Part 320	Radiation Act 1983	724
Part 321	Rates and Land Rent (Relief) Act 1970	727
Part 322	Rates and Land Rent (Relief) Regulations	728
Part 323	Rates and Land Tax Act 1926	728
Part 324	Recovery of Lands Act 1929	736
Part 325	Referendum (Machinery Provisions) Act 1994	737
Part 326	Registrar-General Act 1993	740
Part 327	Registration of Deeds Act 1957	741
Part 328	Remand Centres Act 1976	743
Part 329	Remand Centres Regulations 1976	745
Part 330	Removal of Prisoners Act 1968	745
Part 331	Remuneration Tribunal Act 1995	746
Part 332	Residential Tenancies Act 1997	747
Part 333	Residential Tenancies Regulations	753
Part 334	Road Transport (Alcohol and Drugs) Act 1977	753
Part 335	Road Transport (Alcohol and Drugs) Regulations 2000	757
Part 336	Road Transport (Dimensions and Mass) Act 1990	757

		Page
Part 337	Road Transport (Dimensions and Mass) Regulations 2000	760
Part 338	Road Transport (Driver Licensing) Act 1999	760
Part 339	Road Transport (Driver Licensing) Regulations 2000	763
Part 340	Road Transport (General) Act 1999	766
Part 341	Road Transport (Bus Services) Regulations 2000	772
Part 342	Road Transport (General) Regulations 2000	772
Part 343	Road Transport (Hire Vehicle Services) Regulations 2000	773
Part 344	Road Transport (Offences) Regulations 2000	773
Part 345	Road Transport (Taxi Services) Regulations 2000	774
Part 346	Road Transport (Third-Party Insurance) Regulations 2000	775
Part 347	Road Transport (Safety and Traffic Management) Act 1999	775
Part 348	Road Transport (Safety and Traffic Management) Regulations 2000	776
Part 349	Road Transport (Vehicle Registration) Act 1999	778
Part 350	Road Transport (Vehicle Registration) Regulations 2000	780
Part 351	Roman Catholic Church Property Trust Act 1937	782
Part 352	Royal Commissions Act 1991	783
Part 353	Sale of Goods Act 1954	785
Part 354	Sale of Goods (Vienna Convention) Act 1987	785
Part 355	Sale of Motor Vehicles Act 1977	785
Part 356	Sale of Motor Vehicles Regulations	792
Part 357	Salvation Army Property Trust Act 1934	793
Part 358	Scaffolding and Lifts Act 1912	793
Part 359	Scaffolding and Lifts Regulations 1950	795
Part 360	Schools Authority Act 1976	795

Contents

		Page
Part 361	Schools Authority Regulations	796
Part 362	Second-hand Dealers and Collectors Act 1906	796
Part 363	Sexually Transmitted Diseases Act 1956	797
Part 364	Smoke-free Areas (Enclosed Public Places) Act 1994	798
Part 365	Smoke-free Areas (Enclosed Public Places) Regulations 1994	802
Part 366	Spent Convictions Act 2000	802
Part 367	Stadiums Authority Act 2000	803
Part 368	Standard Time and Summer Time Act 1972	804
Part 369	State Bank of South Australia (Transfer of Undertaking) Act 1994	804
Part 370	Statutory Appointments Act 1994	805
Part 371	Stock Act 1991	805
Part 372	Superannuation (Legislative Assembly Members) Act 1991	809
Part 373	Supervised Injecting Place Trial Act 1999	809
Part 374	Supervision of Offenders (Community Service Orders) Act 1985	811
Part 375	Supreme Court Act 1933	811
Part 376	Supreme Court (Remuneration) Regulations	813
Part 377	Surveyors Act 2001	813
Part 378	Taxation Administration Act 1999	815
Part 379	Tenancy Tribunal Act 1994	820
Part 380	Territory Owned Corporations Act 1990	822
Part 381	Territory Superannuation Provision Protection Act 2000	823
Part 382	Testamentary Guardianship Act 1984	824
Part 383	Tobacco Act 1927	824
Part 384	Tobacco Regulations 1991	829
Part 385	Trade Measurement Act 1991	829

	Page
Part 386	Trade Measurement (Measuring Instruments) Regulations 1991
	832
Part 387	Trade Measurement (Miscellaneous) Regulations
	832
Part 388	Trade Measurement (Pre-packed Articles) Regulations 1991
	832
Part 389	Trade Measurement (Weighbridges) Regulations
	833
Part 390	Trade Measurement (Administration) Act 1991
	835
Part 391	Transplantation and Anatomy Act 1978
	837
Part 392	Trans-Tasman Mutual Recognition Act 1997
	839
Part 393	Trans-Tasman Mutual Recognition (Temporary Exemptions) Regulations
	841
Part 394	Trespass on Territory Land Act 1932
	841
Part 395	Trustee Act 1925
	842
Part 396	Trustee Companies Act 1947
	843
Part 397	Tuberculosis Act 1950
	845
Part 398	Unclaimed Moneys Act 1950
	847
Part 399	Uncollected Goods Act 1996
	851
Part 400	Uniting Church in Australia Act 1977
	852
Part 401	Unit Titles Act 2001
	852
Part 402	University of Canberra Act 1989
	856
Part 403	University of Canberra Regulations
	857
Part 404	Unlawful Games Act 1984
	857
Part 405	Utilities Act 2000
	858
Part 406	Veterinary Surgeons Act 1965
	866
Part 407	Victims of Crime Act 1994
	871
Part 408	Victims of Crime Regulations 2000
	871
Part 409	Victims of Crime (Financial Assistance) Act 1983
	873
Part 410	Victims of Crime (Financial Assistance) Regulations
	875
Part 411	Vocational Education and Training Act 1995
	875

Contents

		Page
Part 412	Vocational Education and Training Regulations	879
Part 413	Water and Sewerage Act 2000	879
Part 414	Water and Sewerage Regulations 2001	881
Part 415	Water Resources Act 1998	881
Part 416	Wills Act 1968	891
Part 417	Witness Protection Act 1996	892
Part 418	Workers' Compensation Act 1951	895
Part 419	Workers' Compensation Regulations	901
Part 420	Workers' Compensation Supplementation Fund Act 1980	902

2001

THE LEGISLATIVE ASSEMBLY
FOR THE AUSTRALIAN CAPITAL TERRITORY

(As presented)

(Attorney-General)

Legislation (Consequential Amendments) Bill 2001

A Bill for

An Act to amend or repeal various Acts and subordinate laws because of the enactment of the *Legislation Act 2001*, and for other purposes

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

2000 221

1 Name of Act

This Act is the *Legislation (Consequential Amendments) Act 2001*.

2 Commencement

- (1) This Act commences on the commencement of the *Legislation Act 2001*, section 18 (ACT legislation register).
- (2) However, a date provided (after “commencement:”) at the end of an amendment in schedule 1 has effect as the commencement date of the amendment.

Example

An amendment followed by ‘(commencement: the commencement of section 3 of this Act or immediately after the commencement of the *XYZ Act 2001*, whichever is later)’ means that the amendment commences on the commencement of section 3 of this Act or the commencement of the *XYZ Act 2001*, whichever happens later.

3 Laws amended and repealed

Schedule 1 amends or repeals the Acts and subordinate laws mentioned in that schedule.

4 Application of Legislation Act, s 88

The *Legislation Act 2001*, section 88 (Repeal does not end transitional or validating effect etc) applies to the *Limitation Act 1985*, section 3.

Schedule 1 Acts and subordinate laws amended and repealed

(see s 3)

Part 1 ACTEW/AGL Partnership Facilitation Act 2000

[1.1] Section 2

omit

[1.2] Section 10 (1)

substitute

- (1) The Minister may, in writing, declare that this section applies to network facilities.

[1.3] Section 10 (2)

omit

section 27 of the *Interpretation Act 1967*

substitute

the *Legislation Act 2001*, section 48

[1.4] Section 10 (3) and (4)

substitute

- (3) A declaration is a notifiable instrument.

Note A notifiable instrument must be notified under the *Legislation Act 2001*.

[1.5] Section 10 (6)

omit

On the day

substitute

When

[1.6] Section 10 (9)

omit

by notice in the Gazette

substitute

in writing

[1.7] New section 10 (10)

insert

(10) A determination is a notifiable instrument.

Note A notifiable instrument must be notified under the *Legislation Act 2001*.

[1.8] Section 10

renumber subsections when Act next republished under Legislation Act 2001

[1.9] Section 11 (1)

omit

by notice in the Gazette

substitute

in writing

[1.10] Section 11 (1)

omit

the notice

substitute

the declaration

[1.11] Section 11 (4)

substitute

- (4) A declaration under subsection (1) is a notifiable instrument.

Note A notifiable instrument must be notified under the *Legislation Act 2001*.

[1.12] Section 13 (1)

omit

by notice in the Gazette

substitute

in writing

[1.13] Section 13 (1) (b)

omit

the notice

substitute

the declaration

[1.14] Section 13 (3)

substitute

- (3) A declaration under subsection (1) is a notifiable instrument.

Note A notifiable instrument must be notified under the *Legislation Act 2001*.

[1.15] Section 14 (1)

omit

notice

substitute

declaration

[1.16] Section 14 (2)

omit

section 27 of the *Interpretation Act 1967*

substitute

the *Legislation Act 2001*, section 48

[1.17] Section 15, heading

substitute

15 Effect of declarations under pt 3

[1.18] Sections 15 (1), 16 (2) and (3) and 17

omit

notice

substitute

declaration

[1.19] Section 17

omit

instrument

substitute

declaration

[1.20] Dictionary, definition of *transferee*

omit

notice

substitute

declaration

Part 2 Administration Act 1989

[1.21] Section 2

omit

Part 3 Administration and Probate Act 1929

[1.22] Section 2

omit

[1.23] Section 13, note

omit

Interpretation Act 1967, s 49

substitute

Legislation Act 2001, s 96

[1.24] Section 13, note

omit

Interpretation Act 1967, s 49 (3)

substitute

Legislation Act 2001, s 96 (3)

[1.25] Part 3, division 4, note

omit

Interpretation Act 1967, s 49

substitute

Legislation Act 2001, s 96

[1.26] Part 3, division 4, note

omit

Interpretation Act 1967, s 49 (3)

substitute

Legislation Act 2001, s 96 (3)

[1.27] Section 55A (1)

omit

for the purposes of this subsection

[1.28] Section 55A (3)

substitute

- (3) A determination under subsection (1) is a disallowable instrument.

Note A disallowable instrument must be notified, and presented to the Legislative Assembly, under the *Legislation Act 2001*.

[1.29] Part 3D, note

omit

Interpretation Act 1967, s 49

substitute

Legislation Act 2001, s 96

[1.30] Part 3D, note

omit

Interpretation Act 1967, s 49 (3)

substitute

Legislation Act 2001, s 96 (3)

Part 4 **Administration (Interstate Agreements) Act 1997**

[1.31] Section 2

omit

Part 5

Administrative Appeals Tribunal Act 1989

[1.32] Section 2

omit

[1.33] Section 18 (1)

omit

and the regulations

[1.34] Section 18 (1), new note

insert

Note A reference to an Act includes a reference to the statutory instruments made or in force under the Act, including regulations (see *Legislation Act 2001*, s 104).

[1.35] Section 25B

substitute

25B Code of practice

- (1) The Minister may, in writing, determine a code of practice to facilitate the operation of section 25A (1).
- (2) The code of practice is a disallowable instrument.

Note A disallowable instrument must be notified, and presented to the Legislative Assembly, under the *Legislation Act 2001*.

[1.36] Section 32 (1) (a)

omit

and the regulations

[1.37] Section 40 (2A)

omit

form in Schedule 2

substitute

approved form

[1.38] Section 61 (2) and (3)

substitute

- (2) A document may be lodged under subsection (1) by electronic transfer, subject to any requirement approved by the president.
- (3) A requirement approved under subsection (2) is a notifiable instrument.

Note A notifiable instrument must be notified under the *Legislation Act 2001*.

[1.39] Section 62A

substitute

62A Approved forms

- (1) The president may, in writing, approve forms for this Act.
 - (2) An approved form is a notifiable instrument.
- Note* A notifiable instrument must be notified under the *Legislation Act 2001*.
- (3) A form in schedule 2 immediately before the commencement of this section is, after the commencement, taken to be an approved form.
 - (4) However, the form need not be notified under the *Legislation Act 2001*.
 - (5) Subsections (3) and (4) are laws to which the *Legislation Act 2001*, section 88 (Repeal does not end transitional or validating effect etc) applies.
 - (6) Subsections (3) to (5) and this subsection expire 1 year after this section commences.

[1.40] Section 64

substitute

64 Regulation-making power

The Executive may make regulations for this Act.

Note Regulations must be notified, and presented to the Legislative Assembly, under the *Legislation Act 2001*.

[1.41] Schedule 2

omit

Part 6 Administrative Decisions (Judicial Review) Act 1989

[1.42] Section 2

omit

[1.43] Section 3 (1), new note

insert

Note A reference to an Act includes a reference to the statutory instruments made or in force under the Act, including regulations (see *Legislation Act 2001*, s 104).

[1.44] Section 3 (6)

omit

[1.45] Section 3 (7)

renumber as section 3 (6)

[1.46] Section 21

substitute

21 Regulation-making power

The Executive may make regulations for this Act.

Note Regulations must be notified, and presented to the Legislative Assembly, under the *Legislation Act 2001*.

[1.47] Schedule 1

omit

Subordinate Laws Act 1989, Part 3 (Regulatory impact statements)

substitute

Legislation Act 2001, chapter 5 (Regulatory impact statements for subordinate laws and disallowable instruments)

Part 7 Adoption Act 1993

[1.48] Section 2

omit

[1.49] Section 4 (1), definition of *determined fee*

omit

[1.50] Section 30

substitute

30 Instrument of consent

A consent to an adoption must be by an instrument signed by the person giving consent and attested as prescribed under the regulations.

Note If a form is approved under s 120A (Approved forms) for a consent, the form must be used.

[1.51] Section 72 (4)

omit

by notice published in the *Gazette*

substitute

in writing

[1.52] New section 72 (4A)

insert

(4A) An approval is a notifiable instrument.

Note A notifiable instrument must be notified under the *Legislation Act 2001*.

[1.53] Section 72

renumber subsections when Act next republished under Legislation Act 2001

[1.54] Section 80 (2), new note

insert

Note If a form is approved under s 120A (Approved forms) for an application, the form must be used.

[1.55] Section 80 (3)

omit

[1.56] Section 104 (1)

substitute

(1) The registrar of the Supreme Court must send the following to the registrar-general:

- (a) a memorandum of each adoption order;
- (b) a copy of each order discharging an adoption order.

Note If a form is approved under s 120A (Approved forms) for a memorandum, the form must be used.

[1.57] Section 105

omit

, in accordance with the prescribed form,

[1.58] Section 105, new note

insert

Note If a form is approved under s 120A (Approved forms) for a memorandum, the form must be used.

[1.59] Section 111

omit

or against the regulations

[1.60] Section 111, new note

insert

Note A reference to an Act includes a reference to the statutory instruments made or in force under the Act, including regulations (see *Legislation Act 2001*, s 104).

[1.61] Sections 118 and 119

substitute

118 Determination of fees

- (1) The Minister may, in writing, determine fees for this Act.

Note The *Legislation Act 2001* contains provisions about the making of determinations and regulations relating to fees (see pt 6.3).

- (2) A determination is a disallowable instrument.

Note A disallowable instrument must be notified, and presented to the Legislative Assembly, under the *Legislation Act 2001*.

[1.62] New section 120A

insert

120A Approved forms

- (1) The Minister may, in writing, approve forms for this Act.
- (2) If the Minister approves a form for a particular purpose, the approved form must be used for that purpose.

- (3) An approved form is a notifiable instrument.

Note A notifiable instrument must be notified under the *Legislation Act 2001*.

- (4) A form prescribed under the regulations immediately before the commencement of this section is, after the commencement, taken to be an approved form.

- (5) However, the form need not be notified under the *Legislation Act 2001*.
- (6) Subsections (4) and (5) are laws to which the *Legislation Act 2001*, section 88 (Repeal does not end transitional or validating effect etc) applies.
- (7) Subsections (4) to (6) and this subsection expire 1 year after this section commences.

[1.63] Section 121

substitute

121 Regulation-making power

- (1) The Executive may make regulations for this Act.

Note Regulations must be notified, and presented to the Legislative Assembly, under the *Legislation Act 2001*.

- (2) The regulations may make provision in relation to—
 - (a) the keeping of lists by the chief executive and by private adoption agencies of people approved for the placement of a child for adoption; and
 - (b) access to the register of adoptions; and
 - (c) the giving of copies of, or extracts from, entries included in the register of adoptions; and
 - (d) the making, correction or cancellation of entries about adopted children in the register of births.
- (3) The regulations may also prescribe offences for contraventions of the regulations and prescribe maximum penalties of not more than 10 penalty units for offences against the regulations.

Part 8 Adoption Regulations

[1.64] Regulation 2

omit

[1.65] Regulation 3 (1), definitions of *Act* and *determined fee*

omit

[1.66] Regulation 3 (1)

omit

(1)

[1.67] Regulation 3 (2)

omit

[1.68] Regulation 5

substitute

5 Consent must be accompanied by statutory declaration

For the Act, section 30 (Instrument of consent), an instrument of consent must be accompanied by the statutory declaration mentioned in regulation 6 (b).

Note If a form is approved under the Act, s 120A (Approved forms) for a consent, the form must be used.

[1.69] Regulation 22 (1)

substitute

(1) The registrar-general must keep a register of adoptions for the Act.

Note A reference to an Act includes a reference to the statutory instruments made or in force under the Act, including regulations (see *Legislation Act 2001*, s 104).

[1.70] Regulation 23 (1)

omit

[1.71] Regulation 23 (2), new note

insert

Note If a form is approved under the Act, s 120A (Approved forms) for a memorandum, the form must be used.

[1.72] Regulation 23 (2) to (5)

renumber as regulation 23 (1) to (4)

[1.73] Regulation 24 (2)

omit

in accordance with subregulation (3)

[1.74] Regulation 24 (2), new note

insert

Note A fee may be determined under the Act, s 118 (Determination of fees) for this regulation.

[1.75] Regulation 24 (3)

substitute

- (3) The applicant must provide, in writing, any additional information required by the registrar-general to issue the certificate.

[1.76] Regulation 29 (1)

omit

[1.77] Regulation 29 (2)

omit

Column 1 of Schedule 2 to these Regulations

substitute

schedule 1, column 1

[1.78] Regulation 29 (2)

omit

- (2)

[1.79] Regulation 31

omit

[1.80] Schedule 1

omit

[1.81] Schedule 2

renumber as schedule 1

Part 9 Agents Act 1968

[1.82] Section 2

omit

[1.83] Section 3 (1A)

renumber as section 3 (2)

[1.84] Section 3 (2), (2A) and (3)

substitute

- (2) The Minister may, in writing, declare that a provision of this Act does not apply to a person.
- (3) A declaration may be given subject to conditions.
- (4) A declaration is a disallowable instrument.

Note A disallowable instrument must be notified, and presented to the Legislative Assembly, under the *Legislation Act 2001*.

[1.85] Section 5 (1), definition of *determined fee*

omit

[1.86] Section 36 (a)

omit

[1.87] Section 36 (b) to (f)

renumber as section 36 (a) to (e)

[1.88] Section 36, new note

insert

Note If a form is approved under s 121 (Approved forms) for an application, the form must be used.

[1.89] Section 37 (1) and (2)

omit

(b)

substitute

(a)

[1.90] Section 41 (1)

omit

shall, on payment by the applicant of the appropriate fee,

substitute

must

[1.91] Section 41 (1)

omit

(1)

[1.92] Section 41 (2) and (3)

omit

[1.93] Section 41, new note

insert

Note A fee may be determined under s 120A (Determination of fees) for this section.

[1.94] Section 41A

substitute

41A Fees payable by registered agents

- (1) Before 1 July in each financial year, a registered agent must pay to the registrar the annual registration fee for the financial year.

(2) In this section:

annual registration fee, for a financial year, means the fee determined under section 120A (Determination of fees) for this section for a financial year.

[1.95] Section 47E (4) (b)

substitute

(b) if the licence has been issued—lodge the licence with the registrar.

Note A fee may be determined under s 120A (Determination of fees) for this section.

[1.96] Section 53 (1)

omit

shall, on payment by the applicant of the appropriate fee,

substitute

must

[1.97] Section 53 (1), new note

insert

Note A fee may be determined under s 120A (Determination of fees) for this section.

[1.98] Section 53 (4) and (5)

omit

[1.99] Section 54A

substitute

54A Fees payable by licensed agents

(1) Before 1 July in each financial year, a licensed agent must pay to the registrar the annual licence fee for the financial year.

(2) In this section:

annual licence fee, for a financial year, means the fee determined under section 120A (Determination of fees) for this section for a financial year.

[1.100] Section 57D (1)

omit everything before paragraph (a), substitute

- (1) If the board receives a statement under section 57A or 57C, it must, within 6 months after receiving the statement, prepare a written notice—

[1.101] Section 57D (1) (b)

omit

the date of publication of the notice

substitute

notification of the notice under the *Legislation Act 2001*

[1.102] Section 57D (2)

omit

the date of publication of a notice referred to in subsection (1)

substitute

notification of the notice under the *Legislation Act 2001*

[1.103] Section 57D (2)

renumber as section 57D (4)

[1.104] Section 57D (3)

omit

[1.105] New section 57D (2) and (3)

insert

- (2) The notice is a notifiable instrument.

Note A notifiable instrument must be notified under the *Legislation Act 2001*.

- (3) The board must also publish the notice in a daily newspaper printed and published in the ACT as soon as practicable after preparing the notice.

[1.106] Section 71G

substitute

71G Publication of names of licensed travel agents

- (1) The board must, from time to time, prepare a written notice stating—
- (a) the name or names under which each person holding a travel agent's licence on a stated date was authorised to carry on business as a travel agent; and
 - (b) the date on which the notice ceases to be in force.
- (2) The notice is a notifiable instrument.

Note A notifiable instrument must be notified under the *Legislation Act 2001*.

[1.107] Section 71Q (3)

omit

by notice in the *Gazette*

substitute

in writing

[1.108] Section 71Q (4)

renumber as section 71Q (5)

[1.109] New section 71Q (4)

insert

- (4) A determination is a notifiable instrument.

Note A notifiable instrument must be notified under the *Legislation Act 2001*.

[1.110] Section 75A (1)

after

may

insert

, in writing,

[1.111] Section 75A (2)

substitute

- (2) An approved code of practice is a disallowable instrument.

Note A disallowable instrument must be notified, and presented to the Legislative Assembly, under the *Legislation Act 2001*.

[1.112] Section 93 (6)

omit

and payment by that person of the determined fee

[1.113] Section 93 (6)

omit

, upon payment of such further fee as is determined,

[1.114] Section 93 (6), new note

insert

Note A fee may be determined under s 120A (Determination of fees) for this section.

[1.115] Section 93 (11)

omit

and payment by that person of the determined fee

[1.116] Section 93 (11), new note

insert

Note A fee may be determined under s 120A (Determination of fees) for this section.

[1.117] Section 110

omit

, on payment of the determined fee,

[1.118] Section 110, new note

insert

Note A fee may be determined under s 120A (Determination of fees) for this section.

[1.119] Section 120A

substitute

120A Determination of fees

- (1) The Minister may, in writing, determine fees for this Act.

Note The *Legislation Act 2001* contains provisions about the making of determinations and regulations relating to fees (see pt 6.3).

- (2) A determination is a disallowable instrument.

Note A disallowable instrument must be notified, and presented to the Legislative Assembly, under the *Legislation Act 2001*.

[1.120] New section 121

insert

121 Approved forms

- (1) The Minister may, in writing, approve forms for this Act.
- (2) If the Minister approves a form for a particular purpose, the approved form must be used for that purpose.
- (3) An approved form is a notifiable instrument.

Note A notifiable instrument must be notified under the *Legislation Act 2001*.

[1.121] Section 122

substitute

122 Regulation-making power

- (1) The Executive may make regulations for this Act.

Note Regulations must be notified, and presented to the Legislative Assembly, under the *Legislation Act 2001*.

- (2) The regulations may prescribe offences for contraventions of the regulations and prescribe maximum penalties of not more than 10 penalty units for offences against the regulations.

Part 10 Age of Majority Act 1974

[1.122] Sections 2 and 10

omit

**Part 11 Anglican Church of Australia
Constitutions Act 1902**

[1.123] Section 2

substitute

2 Application of Legislation Act

The *Legislation Act 2001* does not apply to instruments made under this Act.

**Part 12 Anglican Church of Australia
Constitution Act 1961**

[1.124] New section 1A

insert

1A Application of Legislation Act

The *Legislation Act 2001* does not apply to instruments made under this Act.

**Part 13 Anglican Church of Australia
Trust Property Act 1917**

[1.125] New part 1

insert

Part 1 Preliminary

2 Application of Legislation Act

The *Legislation Act 2001* does not apply to instruments made under this Act.

**Part 14 Anglican Church of Australia
Trust Property Act 1928**

[1.126] New section 2

insert

2 Application of Legislation Act

The *Legislation Act 2001* does not apply to instruments made under this Act.

[1.127] Section 18 (b) and (c)

omit

[1.128] Section 18 (d)

renumber as section 18 (b)

[1.129] Section 18, new note

insert

Note A reference to an Act includes a reference to the statutory instruments made or in force under the Act, including regulations (see *Legislation Act 2001*, s 104).

Part 15 Animal Diseases Act 1993

[1.130] Sections 2 and 3

omit

[1.131] Section 4, definitions of *determined fee* and *this Act*

omit

[1.132] Section 4, new note

insert

Note A reference to an Act includes a reference to the statutory instruments made or in force under the Act, including regulations (see *Legislation Act 2001*, s 104).

[1.133] Section 12

omit

by notice in the *Gazette*

substitute

in writing

[1.134] Section 12 (2) and (3)

substitute

(2) A declaration is a disallowable instrument.

Note A disallowable instrument must be notified, and presented to the Legislative Assembly, under the *Legislation Act 2001*.

[1.135] Section 14 (1)

omit

by instrument

substitute

in writing

[1.136] Section 14 (3)

omit

in the *Gazette* and

[1.137] Section 14 (4) and (5)

substitute

- (4) A declaration is a disallowable instrument.

Note A disallowable instrument must be notified, and presented to the Legislative Assembly, under the *Legislation Act 2001*.

[1.138] Section 15 (1)

omit

by instrument

substitute

in writing

[1.139] Section 15 (3)

omit

in the *Gazette* and

[1.140] Section 15 (4) and (5)

substitute

- (4) A declaration is a disallowable instrument.

Note A disallowable instrument must be notified, and presented to the Legislative Assembly, under the *Legislation Act 2001*.

[1.141] Section 18 (1), new note

insert

Note If a form is approved under s 63A (Approved forms) for an application, the form must be used.

[1.142] Section 18 (2)

omit

[1.143] Section 18 (3)

renumber as section 18 (2)

[1.144] Section 21 (1)

omit

by notice in the *Gazette*

substitute

in writing

[1.145] Section 21 (2) and (3)

substitute

(2) A declaration is a disallowable instrument.

Note A disallowable instrument must be notified, and presented to the Legislative Assembly, under the *Legislation Act 2001*.

[1.146] Section 23 (1)

omit

by instrument

substitute

in writing

[1.147] Section 23 (3)

omit

in the *Gazette* and

[1.148] Section 23 (4) and (5)

substitute

- (4) A declaration is a disallowable instrument.

Note A disallowable instrument must be notified, and presented to the Legislative Assembly, under the *Legislation Act 2001*.

[1.149] Section 28 (1), new note

insert

Note If a form is approved under s 63A (Approved forms) for an application, the form must be used.

[1.150] Section 28 (2)

omit

[1.151] Section 28 (3)

renumber as section 28 (2)

[1.152] Section 30 (1)

omit

by notice published in the *Gazette*

substitute

in writing

[1.153] Section 30 (2) and (3)

substitute

- (2) A declaration is a disallowable instrument.

Note A disallowable instrument must be notified, and presented to the Legislative Assembly, under the *Legislation Act 2001*.

[1.154] Section 32 (1), new notes

insert

Note 1 A fee may be determined under s 63 (Determination of fees) for this section.

Note 2 If a form is approved under s 63A (Approved forms) for an application, the form must be used.

[1.155] Section 32 (2)

omit

[1.156] Section 32 (3)

renumber as section 32 (2)

[1.157] Section 34

substitute

34 Approved manufacturers

- (1) The director must, in writing, declare a manufacturer to be an approved manufacturer of tags for this Act.
- (2) A declaration is a notifiable instrument.

Note A notifiable instrument must be notified under the *Legislation Act 2001*.

[1.158] Section 36 (1)

omit

by notice published in the *Gazette*

substitute

in writing

[1.159] Section 36 (2) and (3)

substitute

- (2) A declaration is a disallowable instrument.

Note A disallowable instrument must be notified, and presented to the Legislative Assembly, under the *Legislation Act 2001*.

[1.160] Section 39 (1)

omit

- (1)

[1.161] Section 39 (2)

omit

[1.162] Section 39, new note

insert

Note If a form is approved under s 63A (Approved forms) for a record, the form must be used.

[1.163] Section 40 (1)

omit

shall, on payment of the determined fee,

substitute

must

[1.164] Section 40 (1), new note

insert

Note A fee may be determined under s 63 (Determination of fees) for this section.

[1.165] Section 49 (1), new note

insert

Note If a form is approved under s 63A (Approved forms) for a notice, the form must be used.

[1.166] Section 49 (2)

omit

[1.167] Section 49 (3)

renumber as section 49 (2)

[1.168] Section 63

substitute

63 Determination of fees

- (1) The Minister may, in writing, determine fees for this Act.

Note The *Legislation Act 2001* contains provisions about the making of determinations and regulations relating to fees (see pt 6.3).

- (2) A determination is a disallowable instrument.

Note A disallowable instrument must be notified, and presented to the Legislative Assembly, under the *Legislation Act 2001*.

63A Approved forms

- (1) The Minister may, in writing, approve forms for this Act.
- (2) If the Minister approves a form for a particular purpose, the approved form must be used for that purpose.
- (3) An approved form is a notifiable instrument.

Note A notifiable instrument must be notified under the *Legislation Act 2001*.

[1.169] Section 64, heading

substitute

64 Regulation-making power

[1.170] Section 64 (1)

substitute

- (1) The Executive may make regulations for this Act.

Note Regulations must be notified, and presented to the Legislative Assembly, under the *Legislation Act 2001*.

[1.171] Section 64 (2)

omit everything before paragraph (a), substitute

- (2) The regulations may make provision in relation to—

[1.172] Section 64 (3)

substitute

- (3) The regulations may also prescribe offences for contraventions of the regulations and prescribe maximum penalties of not more than 10 penalty units for offences against the regulations.

[1.173] Schedule

omit

**Part 16 Animal Diseases (Bees)
Regulations 2000**

[1.174] Regulation 2

omit

Part 17 Animal Welfare Act 1992

[1.175] Sections 22 and 23

substitute

22 Codes of practice

- (1) The Minister may, in writing, approve a code of practice relating to animal welfare.

Note Power given under an Act to make a statutory instrument (including a code of practice) includes power to amend or repeal the instrument (see *Legislation Act 2001*, s 46 (1)).

- (2) A code of practice is a disallowable instrument.

Note 1 A disallowable instrument must be notified, and presented to the Legislative Assembly, under the *Legislation Act 2001*.

Note 2 An amendment or repeal of a code of practice is also a disallowable instrument (see *Legislation Act 2001*, s 46 (2)).

[1.176] Section 24 (1) (d)

omit

Subordinate Laws Act 1989

substitute

Legislation Act 2001

[1.177] Section 26 (1)

omit

(1)

[1.178] Section 26 (2)

omit

[1.179] Section 26, new notes

insert

Note 1 A fee may be determined under s 110 (Determination of fees) for this section.

Note 2 If a form is approved under s 110A (Approved forms) for an application, the form must be used.

[1.180] Section 28 (1), new note

insert

Note If a form is approved under s 110A (Approved forms) for a licence, the form must be used.

[1.181] Section 32

omit

accompanied by the determined fee,

[1.182] Section 32, new notes

insert

Note 1 A fee may be determined under s 110 (Determination of fees) for this section.

Note 2 If a form is approved under s 110A (Approved forms) for an application, the form must be used.

[1.183] Section 38, new note

insert

Note If a form is approved under s 110A (Approved forms) for an application, the form must be used.

[1.184] Section 42 (1), new note

insert

Note If a form is approved under s 110A (Approved forms) for an identity certificate, the form must be used.

[1.185] Section 44

omit

accompanied by the determined fee,

[1.186] Section 44, new notes

insert

Note 1 A fee may be determined under s 110 (Determination of fees) for this section.

Note 2 If a form is approved under s 110A (Approved forms) for an application, the form must be used.

[1.187] Section 49A, note

substitute

Note If a form is approved under s 110A (Approved forms) for a notification, the form must be used.

[1.188] Section 53 (2) (b)

omit

; and

[1.189] Section 53 (2) (c)

omit

[1.190] Section 53 (2), new notes

insert

Note 1 A fee may be determined under s 110 (Determination of fees) for this section.

Note 2 If a form is approved under s 110A (Approved forms) for an application, the form must be used.

[1.191] Section 54 (1), new note

insert

Note If a form is approved under s 110A (Approved forms) for a permit, the form must be used.

[1.192] Section 64 (1)

omit

(1)

[1.193] Section 64 (2)

omit

[1.194] Section 64, new notes

insert

Note 1 A fee may be determined under s 110 (Determination of fees) for this section.

Note 2 If a form is approved under s 110A (Approved forms) for an application, the form must be used.

[1.195] Section 65 (1), new note

insert

Note If a form is approved under s 110A (Approved forms) for a permit, the form must be used.

[1.196] Section 69

omit

accompanied by the determined fee for the permit held,

[1.197] Section 69, new notes

insert

Note 1 A fee may be determined under s 110 (Determination of fees) for this section.

Note 2 If a form is approved under s 110A (Approved forms) for an application, the form must be used.

[1.198] Section 95 (1) (c)

omit

[1.199] Section 95 (1), new notes

insert

Note 1 A fee may be determined under s 110 (Determination of fees) for this section.

Note 2 If a form is approved under s 110A (Approved forms) for this section, the form must be used.

[1.200] Section 110 and 110A

substitute

110 Determination of fees

- (1) The Minister may, in writing, determine fees for this Act.

Note The *Legislation Act 2001* contains provisions about the making of determinations and regulations relating to fees (see pt 6.3).

- (2) A determination is a disallowable instrument.

Note A disallowable instrument must be notified, and presented to the Legislative Assembly, under the *Legislation Act 2001*.

110A Approved forms

- (1) The authority may, in writing, approve forms for this Act.
- (2) If the authority approves a form for a particular purpose, the approved form must be used for that purpose.
- (3) An approved form is a notifiable instrument.

Note A notifiable instrument must be notified under the *Legislation Act 2001*.

[1.201] Section 111 (1)

omit

(1)

[1.202] Section 111 (2)

omit

[1.203] Section 112 (1), new note

insert

Note Regulations must be notified, and presented to the Legislative Assembly, under the *Legislation Act 2001*.

[1.204] Section 112 (2)

omit everything before paragraph (a), substitute

(2) The regulations may make provision in relation to—

[1.205] Section 112 (3)

substitute

(3) The regulations may also prescribe offences for contraventions of the regulations and prescribe maximum penalties of not more than 10 penalty units for offences against the regulations.

[1.206] Dictionary, definition of *this Act*

omit

[1.207] Dictionary, note

omit

Note

substitute

Note 1

[1.208] Dictionary, new note

insert

Note 2 A reference to an Act includes a reference to the statutory instruments made or in force under the Act, including regulations (see *Legislation Act 2001*, s 104).

Part 18 Animal Welfare Regulations

[1.209] Regulation 3, definition of *the Act*

omit

Part 19 Animal Welfare (Amendment) Act 1997

[1.210] Section 2

substitute

2 Commencement

Sections 4 and 5 commence 6 years after the day when the *Food Act 1992*, section 24A (1) is, or provisions of that Act that include that subsection are, described in the *Mutual Recognition Act 1992* (Cwlth), schedule 2.

Part 20 Annual Leave Act 1973

[1.211] Section 14A (2)

omit

and the regulations

[1.212] Section 14A (2), new note

insert

Note A reference to an Act includes a reference to the statutory instruments made or in force under the Act, including regulations (see *Legislation Act 2001*, s 104).

[1.213] Section 14E (1), new note

insert

Note If a form is approved under s 16 (Approved forms) for a complaint, the form must be used.

[1.214] Section 14E (3)

omit

[1.215] Section 14E (4) to (6)

renumber as 14E (3) to (5)

[1.216] Sections 14K and 14L

omit

or the regulations

[1.217] Section 16

substitute

16 Approved forms

- (1) The Minister may, in writing, approve forms for this Act.
- (2) If the Minister approves a form for a particular purpose, the approved form must be used for that purpose.
- (3) An approved form is a notifiable instrument.

Note A notifiable instrument must be notified under the *Legislation Act 2001*.

17 Regulation-making power

The Executive may make regulations for this Act.

Note Regulations must be notified, and presented to the Legislative Assembly, under the *Legislation Act 2001*.

Part 21 Annual Reports (Government Agencies) Act 1995

[1.218] Section 2

omit

[1.219] Section 4, definition of *prescribed time*

omit

fixed

substitute

declared

[1.220] Section 4, definition of *public authority*, paragraph (b)

omit

by instrument

substitute

under section 4A (1)

[1.221] Section 4, definition of *public authority*, paragraph (c)

omit

by instrument

substitute

under section 4A (2)

[1.222] Section 4, definition of *responsible Minister*, paragraph (c)

substitute

- (c) for any other public authority—the Minister declared by the Chief Minister under section 4B (Declaration of responsible Minister) to be the responsible Minister for the public authority.

[1.223] New sections 4A and 4B

insert

4A Declaration of public authority

- (1) The Minister may, in writing, declare that a statutory office holder is a public authority for the definition of *public authority*, paragraph (b).
- (2) The Minister may, in writing, declare that a body mentioned in the definition of *public authority*, paragraph (c) is a public authority for that paragraph.
- (3) A declaration under this section is a notifiable instrument.

Note A notifiable instrument must be notified under the *Legislation Act 2001*.

4B Declaration of responsible Minister

- (1) The Chief Minister may, in writing, declare that a Minister is the responsible Minister for a public authority.
- (2) A declaration is a notifiable instrument.

Note A notifiable instrument must be notified under the *Legislation Act 2001*.

[1.224] Section 5

substitute

5 Declaration of appropriate administrative unit for public authority

- (1) The Minister may, in writing, declare that an administrative unit is the appropriate administrative unit for a public authority for this Act.
- (2) A declaration is a notifiable instrument.

Note A notifiable instrument must be notified under the *Legislation Act 2001*.

[1.225] Section 6 (2) (b)

omit

by instrument

substitute

, in writing,

[1.226] New section 6 (3)

insert

(3) A direction is a notifiable instrument.

Note A notifiable instrument must be notified under the *Legislation Act 2001*.

[1.227] Section 7 (2)

omit

by instrument

substitute

, in writing,

[1.228] New section 7 (3)

insert

(3) A direction is a notifiable instrument.

Note A notifiable instrument must be notified under the *Legislation Act 2001*.

[1.229] Section 8 (2)

omit

by instrument

substitute

, in writing,

[1.230] Section 8 (5)

omit

by instrument

substitute

in writing

[1.231] Section 8 (6) and (7)

omit

by instrument

substitute

, in writing,

[1.232] New section 8 (9)

insert

- (9) A direction under this section is a notifiable instrument.

Note A notifiable instrument must be notified under the *Legislation Act 2001*.

[1.233] Section 10

omit

The Minister may, by instrument

substitute

- (1) The Minister may, in writing

[1.234] New section 10 (2)

insert

- (2) A direction is a notifiable instrument.

Note A notifiable instrument must be notified under the *Legislation Act 2001*.

[1.235] Section 11 (1)

omit

shall, by instrument, fix

substitute

must, in writing, declare

[1.236] Section 11 (2)

omit

shall not fix

substitute

must not declare

[1.237] New section 11 (3)

insert

- (3) A declaration under subsection (1) is a notifiable instrument.

Note A notifiable instrument must be notified under the *Legislation Act 2001*.

Part 22 Architects Act 1959

[1.238] Section 2

omit

[1.239] Section 15 (3)

substitute

- (3) If a person is registered as an architect, the board must issue a certificate of registration to the person.

Note 1 A fee may be determined under s 40 (Determination of fees) for this section.

Note 2 If a form is approved under s 41 (Approved forms) for a certificate of registration, the form must be used.

[1.240] Section 16 (1), new note

insert

Note If a form is approved under s 41 (Approved forms) for an application, the form must be used.

[1.241] Section 16 (1A)

omit

[1.242] Section 18A (1)

substitute

- (1) The registrar must issue a practising certificate to a person whose name appears in the register.

Note A fee may be determined under s 40 (Determination of fees) for this section.

[1.243] Section 27

omit

[1.244] Sections 39B and 40

substitute

40 Determination of fees

- (1) The Minister may, in writing, determine fees for this Act.

Note The *Legislation Act 2001* contains provisions about the making of determinations and regulations relating to fees (see pt 6.3).

- (2) A determination is a disallowable instrument.

Note A disallowable instrument must be notified, and presented to the Legislative Assembly, under the *Legislation Act 2001*.

41 Approved forms

- (1) The board may, in writing, approve forms for this Act.
- (2) If the board approves a form for a particular purpose, the approved form must be used for that purpose.
- (3) An approved form is a notifiable instrument.

Note A notifiable instrument must be notified under the *Legislation Act 2001*.

42 Regulation-making power

- (1) The Executive may make regulations for this Act.

Note Regulations must be notified, and presented to the Legislative Assembly, under the *Legislation Act 2001*.

- (2) The regulations may prescribe offences for contraventions of the regulations and prescribe maximum penalties of not more than 10 penalty units for offences against the regulations.

Part 23 Artificial Conception Act 1985

[1.245] Sections 31 and 32

substitute

31 Determination of fees

- (1) The Minister may, in writing, determine fees for this Act.

Note The *Legislation Act 2001* contains provisions about the making of determinations and regulations relating to fees (see pt 6.3).

- (2) A determination is a disallowable instrument.

Note A disallowable instrument must be notified, and presented to the Legislative Assembly, under the *Legislation Act 2001*.

32 Approved forms

- (1) The Minister may, in writing, approve forms for this Act.
- (2) If the Minister approves a form for a particular purpose, the approved form must be used for that purpose.
- (3) An approved form is a notifiable instrument.

Note A notifiable instrument must be notified under the *Legislation Act 2001*.

33 Regulation-making power

- (1) The Executive may make regulations for this Act.

Note Regulations must be notified, and presented to the Legislative Assembly, under the *Legislation Act 2001*.

- (2) The regulations may make provision in relation to types and standards of counselling and assessment for section 11 (3) (e).

Part 24 Associations Incorporation Act 1991

[1.246] Section 2

omit

[1.247] Section 3, definition of *approved form*

substitute

approved form means a form approved by the registrar-general under section 126 (Approved forms).

[1.248] Section 3, definition of *commencement date*

substitute

commencement date means 1 January 1992.

[1.249] Section 3, definition of *determined fee*

omit

[1.250] Section 11 (1)

omit

, upon payment of the determined fee

[1.251] Section 11 (1), new note

insert

Note A fee may be determined under s 125 (Determination of fees) for this section.

[1.252] Section 13 (1) (h)

omit

in the approved form

[1.253] Section 13 (1), new note

insert

Note If a form is approved under s 126 (Approved forms) for a document, the form must be used.

[1.254] Section 15 (1)

omit

by notice in the *Gazette*

substitute

in writing

[1.255] New section 15 (3)

insert

(3) A declaration is a notifiable instrument.

Note A notifiable instrument must be notified under the *Legislation Act 2001*.

[1.256] Section 18 (1) (a)

omit

shall be in the approved form and

[1.257] Section 18 (1) (b) (iv)

omit

in the approved form

[1.258] Section 18 (1), new note

insert

Note If a form is approved under s 126 (Approved forms) for an application or notice, the form must be used.

[1.259] Section 26 (2) (a)

omit

shall be in the approved form and

[1.260] Section 26 (2) (b) (iii) and (iv)

omit

in the approved form

[1.261] Section 26 (2), new note

insert

Note If a form is approved under s 126 (Approved forms) for an application, notice or statement, the form must be used.

[1.262] Section 30 (2)

omit

in the approved form

[1.263] Section 30 (2), new note

insert

Note If a form is approved under s 126 (Approved forms) for a notice, the form must be used.

[1.264] Section 33 (2)

omit

in the approved form

[1.265] Section 33 (2), new note

insert

Note If a form is approved under s 126 (Approved forms) for a notice, the form must be used.

[1.266] Section 35 (2)

omit

determined fee

substitute

fee determined under section 125 (Determination of fees) for this section

[1.267] Section 37 (1)

omit

in the approved form

[1.268] Section 37 (1), new note

insert

Note If a form is approved under s 126 (Approved forms) for an application, the form must be used.

[1.269] Section 37 (5) (b)

omit

, by notice in the *Gazette*,

substitute

in writing

[1.270] Section 37 (6) and (7)

renumber as section 37 (7) and (8)

[1.271] New section 37 (6)

insert

(6) An instrument under subsection (5) (b) is a notifiable instrument.

Note A notifiable instrument must be notified under the *Legislation Act 2001*.

[1.272] Section 38 (2)

omit

shall be in the approved form and

[1.273] Section 38 (2), new note

insert

Note If a form is approved under s 126 (Approved forms) for an application, the form must be used.

[1.274] Section 59 (1)

omit

in the approved form

[1.275] Section 59 (1), new note

insert

Note If a form is approved under s 126 (Approved forms) for a notice under this section, the form must be used.

[1.276] Section 59 (2)

omit

in the approved form

[1.277] Section 62 (1)

omit

in the approved form

[1.278] Section 62 (1), new note

insert

Note If a form is approved under s 126 (Approved forms) for a notice, the form must be used.

[1.279] Section 79 (1) (a)

substitute

- (a) a statement of particulars relating to the association in the form approved under section 126 (Approved forms) for this section; and

[1.280] Section 82 (2) (b) (i)

omit

[1.281] Section 82 (2) (b) (ii) to (iv)

renumber as section 82 (2) (b) (i) to (iii)

[1.282] Section 82 (2), new note

insert

Note If a form is approved under s 126 (Approved forms) for an application, the form must be used.

[1.283] Section 83 (7)

omit

by notice in the *Gazette*

[1.284] Section 83 (8)

omit

by notice in the *Gazette*

substitute

in writing

[1.285] New section 83 (8A)

insert

(8A) A cancellation of incorporation under subsection (8) is a notifiable instrument.

Note A notifiable instrument must be notified under the *Legislation Act 2001*.

[1.286] Section 83

renumber subsections when Act next republished under Legislation Act 2001

[1.287] Section 93 (2) (a)

omit

by notice in the *Gazette*

[1.288] Section 93 (3)

omit

by notice in the *Gazette*

substitute

in writing

[1.289] New section 93 (3A)

insert

- (3A) A cancellation of incorporation under subsection (3) is a notifiable instrument.

Note A notifiable instrument must be notified under the *Legislation Act 2001*.

[1.290] Section 93

renumber subsections when Act next republished under Legislation Act 2001

[1.291] Section 120 (1)

omit

or the regulations

[1.292] Section 120 (1), new note

insert

Note A reference to an Act includes a reference to the statutory instruments made or in force under the Act, including regulations (see *Legislation Act 2001*, s 104).

[1.293] Sections 125 to 128

substitute

125 Determination of fees

- (1) The Minister may, in writing, determine fees for this Act.

Note The *Legislation Act 2001* contains provisions about the making of determinations and regulations relating to fees (see pt 6.3).

- (2) A determination is a disallowable instrument.

Note A disallowable instrument must be notified, and presented to the Legislative Assembly, under the *Legislation Act 2001*.

126 Approved forms

- (1) The registrar-general may, in writing, approve forms for this Act.
- (2) If the registrar-general approves a form for a particular purpose, the approved form must be used for that purpose.
- (3) An approved form is a notifiable instrument.

Note A notifiable instrument must be notified under the *Legislation Act 2001*.

127 Regulation-making power

- (1) The Executive may make regulations for this Act.

Note Regulations must be notified, and presented to the Legislative Assembly, under the *Legislation Act 2001*.

- (2) The regulations may make provision in relation to—
 - (a) prescribing model rules; and
 - (b) lodging applications or other documents with the registrar-general; and
 - (c) the verification of information required or permitted to be given to the registrar-general; and
 - (d) regulating the preparation, completion and signing of approved forms.
- (3) The regulations may also prescribe offences for contraventions of the regulations and prescribe maximum penalties of not more than 10 penalty units for offences against the regulations.
- (4) If—
 - (a) a document to be lodged under this Act is required to be verified and no way of verifying the document or its contents is prescribed by this Act; or
 - (b) the verification of a document to be lodged under this Act is not provided for by this Act;

the regulations may provide that the document is to be verified by a written statement made by a person prescribed under the regulations.

Part 25 **Associations Incorporation Regulations**

[1.294] Regulation 2

omit

Part 26 **Auctioneers Act 1959**

[1.295] Section 2

omit

[1.296] Section 3 (3)

omit

[1.297] Section 5 (2)

renumber as section 5 (3)

[1.298] Section 5 (1)

substitute

- (1) A person who is 18 years old or older may apply to the Magistrates Court for a licence by giving an application to the registrar.

Note If a form is approved under s 18 (Approved forms) for an application, the form must be used.

- (2) An application must be accompanied by—
- (a) a copy of the application; and
 - (b) references about the applicant's character and suitability for holding a licence given by 3 qualified people.

[1.299] Section 6 (2) (b)

omit

in accordance with Form B

[1.300] Section 6 (2), new note

insert

Note If a form is approved under s 18 (Approved forms) for the application,
the form must be used.

[1.301] Section 7 (1) (b)

omit

, in accordance with Form C,

[1.302] Section 7 (1) (b), new note

insert

Note If a form is approved under s 18 (Approved forms) for the application,
the form must be used.

[1.303] Section 7 (3)

omit

in accordance with Form D

[1.304] Section 10 (1)

omit

in accordance with Form E

[1.305] Section 10 (1), new note

insert

Note If a form is approved under s 18 (Approved forms) for a licence, the
form must be used.

[1.306] Section 13 (3)

omit

or the regulations

[1.307] Section 13 (3), new note

insert

Note A reference to an Act includes a reference to the statutory instruments made or in force under the Act, including regulations (see *Legislation Act 2001*, s 104).

[1.308] Section 17 (c)

omit

or the regulations

[1.309] Section 18

substitute

18 Approved forms

- (1) The Minister may, in writing, approve forms for this Act.
- (2) If the Minister approves a form for a particular purpose, the approved form must be used for that purpose.
- (3) An approved form is a notifiable instrument.

Note A notifiable instrument must be notified under the *Legislation Act 2001*.

- (4) A form in schedule 2 immediately before the commencement of this section is, after the commencement, taken to be an approved form.
- (5) However, the form need not be notified under the *Legislation Act 2001*.
- (6) Subsections (4) and (5) are laws to which the *Legislation Act 2001*, section 88 (Repeal does not end transitional or validating effect etc) applies.
- (7) Subsections (4) to (6) and this subsection expire 1 year after this section commences.

19 Regulation-making power

- (1) The Executive may make regulations for this Act.

Note Regulations must be notified, and presented to the Legislative Assembly, under the *Legislation Act 2001*.

- (2) The regulations may prescribe offences for contraventions of the regulations and prescribe maximum penalties of not more than 10 penalty units for offences against the regulations.

[1.310] Schedules 1 and 2

omit

Part 27 Auditor-General Act 1996

[1.311] Section 2

omit

[1.312] Section 35

substitute

35 Regulation-making power

The Executive may make regulations for this Act.

Note Regulations must be notified, and presented to the Legislative Assembly, under the *Legislation Act 2001*.

Part 28 Australia and New Zealand Banking Group Limited (NMRB) Act 1991

[1.313] Section 3, definition of *appointed day*

substitute

appointed day means 16 November 1991.

[1.314] Section 4

omit

Part 29 **Australian-American
Educational Foundation Act
1966**

[1.315] Section 2

omit

Part 30 **Bail Act 1992**

[1.316] Section 2

omit

[1.317] Section 25 (1), new note

insert

Note If a form is approved under s 58 (Approved forms) for an agreement or acknowledgment under this section, the form must be used.

[1.318] Section 28 (1), new note

insert

Note If a form is approved under s 58 (Approved forms) for an instrument, the form must be used.

[1.319] Section 30 (4), new note

insert

Note If a form is approved under s 58 (Approved forms) for a notice, the form must be used.

[1.320] Section 34 (1), new note

insert

Note If a form is approved under s 58 (Approved forms) for a notice under this section, the form must be used.

[1.321] Section 47 (1), new note

insert

Note If a form is approved under s 58 (Approved forms) for a notice under this section, the form must be used.

[1.322] Section 48 (2), new note

insert

Note If a form is approved under s 58 (Approved forms) for a notice, the form must be used.

[1.323] Sections 57A and 58

substitute

58 Approved forms

- (1) The Minister may, in writing, approve forms for this Act.
- (2) If the Minister approves a form for a particular purpose, the approved form must be used for that purpose.
- (3) A form approved for section 25, 28 (1), 30 (4), 34, 47 or 48 (2) is a disallowable instrument.

Note A disallowable instrument must be notified, and presented to the Legislative Assembly, under the *Legislation Act 2001*.

- (4) Any other approved form is a notifiable instrument.

Note A notifiable instrument must be notified under the *Legislation Act 2001*.

- (5) If there is no approved form for an instrument under this Act, the instrument must be in a form acceptable to the registrar.

59 Regulation-making power

The Executive may make regulations for this Act.

Note Regulations must be notified, and presented to the Legislative Assembly, under the *Legislation Act 2001*.

Part 31 Bail Regulations

[1.324] Regulation 2

omit

Part 32 Bank Mergers Act 1997

[1.325] Section 2

omit

[1.326] Section 6

substitute

6 Regulation-making power

The Executive may make regulations for this Act.

Note Regulations must be notified, and presented to the Legislative Assembly, under the *Legislation Act 2001*.

Part 33 Betting (ACTTAB Limited) Act 1964

[1.327] Section 2

omit

[1.328] New section 32 (4)

insert

(4) A determination is a disallowable instrument.

Note A disallowable instrument must be notified, and presented to the Legislative Assembly, under the *Legislation Act 2001*.

[1.329] Section 32 (4)

renumber as section 32 (5)

[1.330] Section 36

omit

The Minister

substitute

- (1) The Minister

[1.331] New section 36 (2)

insert

- (2) A declaration is a disallowable instrument.

Note A disallowable instrument must be notified, and presented to the Legislative Assembly, under the *Legislation Act 2001*.

[1.332] Section 37

omit

[1.333] Section 55 (2)

substitute

- (2) Rules are a disallowable instrument.

Note A disallowable instrument must be notified, and presented to the Legislative Assembly, under the *Legislation Act 2001*.

[1.334] Section 57

substitute

56 Regulation-making power

The Executive may make regulations for this Act.

Note Regulations must be notified, and presented to the Legislative Assembly, under the *Legislation Act 2001*.

Part 34 Birth (Equality of Status) Act 1988

[1.335] Section 2

omit

[1.336] Section 10 (1)

omit

, in a form approved by the Registrar-General,

[1.337] Section 10 (1), new note

insert

Note If a form is approved under s 22 (Approved forms) for an instrument of acknowledgment, the form must be used.

[1.338] Section 22

substitute

22 Approved forms

- (1) The registrar-general may, in writing, approve forms for this Act, (other than forms for use in relation to the Supreme Court or another court).
- (2) If the registrar-general approves a form for a particular purpose, the approved form must be used for that purpose.
- (3) An approved form is a notifiable instrument.

Note A notifiable instrument must be notified under the *Legislation Act 2001*.

23 Regulation-making power

The Executive may make regulations for this Act.

Note Regulations must be notified, and presented to the Legislative Assembly, under the *Legislation Act 2001*.

Part 35 Births, Deaths and Marriages Registration Act 1997

[1.339] Section 4 (1), definition of *determined fee*

omit

[1.340] Section 5 (4)

omit

, in a form approved by the registrar-general,

[1.341] Section 5 (4), new note

insert

Note If a form is approved under s 69 (Approved forms) for a certificate, the form must be used.

[1.342] Section 6, definition of *birth registration statement*

substitute

birth registration statement means a statement for this division.

Note If a form is approved under s 69 (Approved forms) for a statement, the form must be used.

[1.343] Section 18 (1)

omit

(1)

[1.344] Section 18 (1)

omit

, in a form approved by the registrar-general,

[1.345] Section 18 (2)

omit

[1.346] Section 18, new notes

insert

Note 1 A fee may be determined under s 67 (Determination of fees) for this section.

Note 2 If a form is approved under s 69 (Approved forms) for an application, the form must be used.

[1.347] Section 19 (1)

omit

, in a form approved by the registrar-general,

[1.348] Section 19 (1), new notes

insert

Note 1 A fee may be determined under s 67 (Determination of fees) for this section.

Note 2 If a form is approved under s 69 (Approved forms) for an application, the form must be used.

[1.349] Section 19 (5), new note

insert

Note A fee may be determined under s 67 (Determination of fees) for this section.

[1.350] Section 19 (6)

omit

[1.351] Section 21 (1)

omit

shall, on payment of the determined fee

substitute

must

[1.352] Section 21 (1), new note

insert

Note A fee may be determined under s 67 (Determination of fees) for this section.

[1.353] Section 24 (1)

omit

, in a form approved by the registrar-general,

[1.354] Section 24 (1), new notes

insert

Note 1 A fee may be determined under s 67 (Determination of fees) for this section.

Note 2 If a form is approved under s 69 (Approved forms) for an application under this section, the form must be used.

[1.355] Section 24 (2)

omit

, in a form approved by the registrar-general,

[1.356] Section 24 (4)

substitute

- (4) An application under this section must set out, or be accompanied by, the particulars prescribed under the regulations.

[1.357] Section 35 (1)

omit

in a form approved by the registrar-general

[1.358] Section 35 (1), new note

insert

Note If a form is approved under s 69 (Approved forms) for a notification, the form must be used.

[1.359] Section 42 (1)

omit

, on payment of the determined fee,

[1.360] Section 42 (1), new note

insert

Note A fee may be determined under s 67 (Determination of fees) for this section.

[1.361] Section 43 (1)

omit

, on payment of the determined fee,

[1.362] Section 43 (1), new note

insert

Note A fee may be determined under s 67 (Determination of fees) for this section.

[1.363] Section 48 (4) (b)

substitute

(b) any fee determined under section 67 (Determination of fees).

[1.364] Section 67

substitute

67 Determination of fees

- (1) The Minister may, in writing, determine fees for this Act.

Note The *Legislation Act 2001* contains provisions about the making of determinations and regulations relating to fees (see pt 6.3).

- (2) A determination is a disallowable instrument.

Note A disallowable instrument must be notified, and presented to the Legislative Assembly, under the *Legislation Act 2001*.

[1.365] Section 69

substitute

69 Approved forms

- (1) The registrar-general may, in writing, approve forms for this Act.
- (2) If the registrar-general approves a form for a particular purpose, the approved form must be used for that purpose.
- (3) An approved form is a notifiable instrument.

Note A notifiable instrument must be notified under the *Legislation Act 2001*.

70 Regulation-making power

- (1) The Executive may make regulations for this Act.

Note Regulations must be notified, and presented to the Legislative Assembly, under the *Legislation Act 2001*.

- (2) The regulations may make provision in relation to—
 - (a) the provision of copies of, or extracts from, entries in the register about relevant children; and
 - (b) the making, correction or cancellation of entries in the register about relevant children.
- (3) The regulations may also prescribe offences for contraventions of the regulations and prescribe maximum penalties of not more than 10 penalty units for offences against the regulations.
- (4) In this section:

relevant children means children about whom a parentage order has been made under the *Artificial Conception Act 1985*.

Part 36 Births, Deaths and Marriages Registration Regulations

[1.366] Regulations 2 and 3

omit

Part 37 Blood Donation (Transmittable Diseases) Act 1985

[1.367] Section 5 (1)

omit

- (1) For the purposes of

substitute

For

[1.368] Section 5 (1) (a)

substitute

- (a) that, before taking blood from the donor, the society gets from the donor a written declaration; and

Note If a form is approved under s 10 (Approved forms) for a declaration, the form must be used.

[1.369] Section 5 (2)

omit

[1.370] Section 10

substitute

10 Approved forms

- (1) The Minister may, in writing, approve forms for this Act.
- (2) If the Minister approves a form for a particular purpose, the approved form must be used for that purpose.

- (3) An approved form for a declaration under section 5 (1) (a) is a disallowable instrument.

Note A disallowable instrument must be notified, and presented to the Legislative Assembly, under the *Legislation Act 2001*.

- (4) Any other approved form is a notifiable instrument.

Note A notifiable instrument must be notified under the *Legislation Act 2001*.

11 Regulation-making power

The Executive may make regulations for this Act.

Note Regulations must be notified, and presented to the Legislative Assembly, under the *Legislation Act 2001*.

Part 38 Board of Senior Secondary Studies Act 1997

[1.371] Section 3, definition of *national agreement*, paragraph (c)

substitute

- (c) is declared by the Minister under section 3 to be a national agreement for this Act.

[1.372] Section 3

renumber as section 2

[1.373] New section 3

insert

3 Declaration of national agreement

- (1) The Minister may, in writing, declare that an agreement is a national agreement.
- (2) A declaration is a notifiable instrument.

Note A notifiable instrument must be notified under the *Legislation Act 2001*.

[1.374] Section 7 (1)

omit

by instrument

substitute

in writing

[1.375] Section 7 (5)

substitute

- (5) A direction is a disallowable instrument.

Note A disallowable instrument must be notified, and presented to the Legislative Assembly, under the *Legislation Act 2001*.

[1.376] Section 30

renumber as section 31

[1.377] New section 30

insert

30 Approved forms

- (1) The board may, in writing, approve forms for this Act.
- (2) If the board approves a form for a particular purpose, the approved form must be used for that purpose.
- (3) An approved form is a notifiable instrument.

Note A notifiable instrument must be notified under the *Legislation Act 2001*.

Part 39 Bookmakers Act 1985

[1.378] Section 2

omit

[1.379] Section 3, definition of *determined fee*

omit

[1.380] Section 3, definition of *determined period*

substitute

determined period, in relation to the payment of a fee, means the period determined by the Minister under section 55 (Determination of fees) within which the fee is payable.

[1.381] Section 3, definition of *licensing body*, paragraph (d)

substitute

- (d) any other racing association or club declared by the Minister under section 3A (Declaration of licensing body) to be a licensing body.

[1.382] Section 3, definition of *suitability requirements*, paragraph (d)

omit

or the Regulations

[1.383] Section 3, definition of *suitability requirements*, paragraph (d), new note

insert

Note A reference to an Act includes a reference to the statutory instruments made or in force under the Act, including regulations (see *Legislation Act 2001*, s 104).

[1.384] New section 3A

insert

3A Declaration of licensing body

- (1) The Minister may, in writing, declare that a racing association or club is a licensing body.
- (2) A declaration is a notifiable instrument.

Note A notifiable instrument must be notified under the *Legislation Act 2001*.

[1.385] Section 18 (1)

omit

and the Regulations

[1.386] Section 18 (1), new note

insert

Note A reference to an Act includes a reference to the statutory instruments made or in force under the Act, including regulations (see *Legislation Act 2001*, s 104).

[1.387] Section 19 (1)

omit

or the Regulations

[1.388] Section 24 (2)

substitute

- (2) An application under this section must specify the kind of race meetings to which the application relates.

Note 1 A fee may be determined under s 55 (Determination of fees) for this section.

Note 2 If a form is approved under the *Gambling and Racing Control Act 1999*, s 53D (Approved forms) for an application, the form must be used.

[1.389] Section 25 (2) (a)

omit

or the Regulations

[1.390] Section 25 (2), new note

insert

Note A reference to an Act includes a reference to the statutory instruments made or in force under the Act, including regulations (see *Legislation Act 2001*, s 104).

[1.391] Section 25 (3) (a)

omit

or the Regulations

[1.392] Section 29 (1)

omit

determined fee

substitute

fee determined under section 55 (Determination of fees)

[1.393] Section 30 (1)

omit

(4)

substitute

(3)

[1.394] Section 33 (1) (a)

omit

or the Regulations

[1.395] Section 33 (1), new note

insert

Note A reference to an Act includes a reference to the statutory instruments made or in force under the Act, including regulations (see *Legislation Act 2001*, s 104).

[1.396] Section 36 (2) (c)

omit

or the Regulations

[1.397] Section 36 (2), new note

insert

Note A reference to an Act includes a reference to the statutory instruments made or in force under the Act, including regulations (see *Legislation Act 2001*, s 104).

[1.398] Sections 39A and 39B

substitute

39A Sports betting events

- (1) The commission may, in writing, determine a sporting or other event to be a sports betting event for this Act.
- (2) A determination is a disallowable instrument.

Note A disallowable instrument must be notified, and presented to the Legislative Assembly, under the *Legislation Act 2001*.

39B Sports betting venues

- (1) The commission may, in writing, determine a place to be a sports betting venue.
- (2) The commission may, in writing, determine directions for the operation of a sports betting venue.
- (3) A determination under this section is a disallowable instrument.

Note A disallowable instrument must be notified, and presented to the Legislative Assembly, under the *Legislation Act 2001*.

[1.399] Section 39C (1)

substitute

- (1) The commission may, in writing, make rules for sports betting.

Note Power given under an Act to make a statutory instrument (including rules for sports betting) includes power to amend or repeal the instrument (see *Legislation Act 2001*, s 46 (1)).

[1.400] Section 39C (3)

substitute

- (3) Rules for sports betting are a disallowable instrument.

Note 1 A disallowable instrument must be notified, and presented to the Legislative Assembly, under the *Legislation Act 2001*.

Note 2 An amendment or repeal of rules for sports betting is also a disallowable instrument (see *Legislation Act 2001*, s 46 (2)).

[1.401] Section 39D (1)

omit

by instrument

substitute

in writing

[1.402] Section 39D (2)

substitute

(2) A determination is a disallowable instrument.

Note A disallowable instrument must be notified, and presented to the Legislative Assembly, under the *Legislation Act 2001*.

[1.403] Section 39E (2) (b)

omit

; and

[1.404] Section 39E (2) (c)

omit

[1.405] Section 39E (2), new note

insert

Note A fee may be determined under s 55 (Determination of fees) for this section.

[1.406] Section 39G (1)

omit

by the Minister by instrument

substitute

in writing by the Minister

[1.407] Section 39G (4)

substitute

- (4) A determination under subsection (1) is a disallowable instrument.

Note A disallowable instrument must be notified, and presented to the Legislative Assembly, under the *Legislation Act 2001*.

[1.408] Sections 39K and 39P (2) (e)

omit

determined fee

substitute

fee determined under section 55 (Determination of fees)

[1.409] Section 39S (2)

substitute

- (2) An application must be in writing on a form supplied by the registrar.

Note A fee may be determined under s 55 (Determination of fees) for this section.

[1.410] Section 39X (1)

omit

determined fee

substitute

fee determined under section 55 (Determination of fees)

[1.411] Section 39Z (2) (d)

omit

determined fee under subsection 39X (1)

substitute

fee determined under section 55 (Determination of fees) for the agent's licence

[1.412] Section 39ZC (2) (b)

omit

by the Minister by instrument

substitute

in writing by the Minister

[1.413] Section 39ZC (4)

substitute

- (4) A nomination under subsection (2) (b) is a disallowable instrument.

Note A disallowable instrument must be notified, and presented to the Legislative Assembly, under the *Legislation Act 2001*.

[1.414] Section 44 (b)

omit

in the prescribed form

[1.415] Section 44, new note

insert

Note If a form is approved under the *Gambling and Racing Control Act 1999*, s 53D (Approved forms) for a return and declaration, the form must be used.

[1.416] Section 55

substitute

55 Determination of fees etc

- (1) The Minister may, in writing, determine—
- (a) fees for this Act; and
 - (b) periods within which fees are payable.

Note The *Legislation Act 2001* contains provisions about the making of determinations and regulations relating to fees (see pt 6.3).

- (2) A determination is a disallowable instrument.

Note A disallowable instrument must be notified, and presented to the Legislative Assembly, under the *Legislation Act 2001*.

[1.417] Section 55A (4)

substitute

- (4) An authorisation under subsection (1) is a disallowable instrument.

Note A disallowable instrument must be notified, and presented to the Legislative Assembly, under the *Legislation Act 2001*.

[1.418] Sections 56 and 57

substitute

56 Regulation-making power

- (1) The Executive may make regulations for this Act.

Note Regulations must be notified, and presented to the Legislative Assembly, under the *Legislation Act 2001*.

- (2) The regulations may make provision in relation to—

- (a) the information that may be supplied by telephone by a bookmaker while carrying on business as a bookmaker; and
- (b) the keeping of records by bookmakers.

- (3) The regulations may also prescribe offences for contraventions of the regulations and prescribe maximum penalties of not more than 10 penalty units for offences against the regulations.

Part 40 Bookmakers Regulations

[1.419] Regulation 2

substitute

2 Meaning of *prescribed record*

In these regulations:

prescribed record means the record required to be kept by the Act, section 43.

[1.420] Regulation 7

omit

[1.421] Regulation 11 (1)

omit

or these Regulations

[1.422] Regulation 11 (1), new note

insert

Note A reference to an Act includes a reference to the statutory instruments made or in force under the Act, including regulations (see *Legislation Act 2001*, s 104).

[1.423] Schedule

omit

Part 41 Boxing Control Act 1993

[1.424] Section 2

omit

[1.425] Section 3, definition of *determined fee*

omit

[1.426] Section 6

substitute

6 Application for approval

A person may apply to the Minister for approval to conduct a boxing contest.

Note 1 A fee may be determined under s 20 (Determination of fees) for this section.

Note 2 If a form is approved under s 21 (Approved forms) for an application, the form must be used.

[1.427] Section 14 (2) to (4)

renumber as section 14 (3) to (5)

[1.428] Section 14 (1)

substitute

- (1) A female may apply to the Minister for approval to engage in a professional boxing contest.

Note 1 A fee may be determined under s 20 (Determination of fees) for this section.

Note 2 If a form is approved under s 21 (Approved forms) for an application, the form must be used.

- (2) An application must be accompanied by a doctor's certificate, given to the applicant not more than 14 days before the making of the application, certifying that, in the doctor's opinion, the applicant is medically fit to engage in the proposed contest.

[1.429] Section 15

substitute

15 Code of practice

- (1) The Minister may, in writing, approve a code of practice about the conduct of boxing contests.

Note Power given under an Act to make a statutory instrument (including a code of practice) includes power to amend or repeal the instrument (see *Legislation Act 2001*, s 46 (1)).

- (2) A code of practice is a disallowable instrument.

Note 1 A disallowable instrument must be notified, and presented to the Legislative Assembly, under the *Legislation Act 2001*.

Note 2 An amendment or repeal of a code of practice is also a disallowable instrument (see *Legislation Act 2001*, s 46 (2)).

[1.430] Sections 20 and 21

substitute

20 Determination of fees

- (1) The Minister may, in writing, determine fees for this Act.

Note The *Legislation Act 2001* contains provisions about the making of determinations and regulations relating to fees (see pt 6.3).

- (2) A determination is a disallowable instrument.

Note A disallowable instrument must be notified, and presented to the Legislative Assembly, under the *Legislation Act 2001*.

21 Approved forms

- (1) The Minister may, in writing, approve forms for this Act.
- (2) If the Minister approves a form for a particular purpose, the approved form must be used for that purpose.
- (3) An approved form is a notifiable instrument.

Note A notifiable instrument must be notified under the *Legislation Act 2001*.

22 Regulation-making power

- (1) The Executive may make regulations for this Act.

Note Regulations must be notified, and presented to the Legislative Assembly, under the *Legislation Act 2001*.

- (2) The regulations may exempt people from the application of the provisions of this Act.

Part 42 Boxing Control Regulations

[1.431] *Boxing Control Regulations*

repeal

Part 43 Building Act 1972

[1.432] Section 5 (1), definition of *building code*

substitute

building code—see section 24.

[1.433] Section 5 (1), definition of *determined fee*

omit

[1.434] Section 6B

substitute

6B Applicable standard—amendment

- (1) The Minister may, in writing, amend the applicable standard.
- (2) An amendment is a disallowable instrument.

Note A disallowable instrument must be notified, and presented to the Legislative Assembly, under the *Legislation Act 2001*.

[1.435] Section 7 (2)

omit

and the regulations

[1.436] Section 7 (2), new note

insert

Note A reference to an Act includes a reference to the statutory instruments made or in force under the Act, including regulations (see *Legislation Act 2001*, s 104).

[1.437] Section 9 (1)

omit

, the regulations and the building code

[1.438] Section 9 (1), new note

insert

Note A reference to an Act includes a reference to the statutory instruments made or in force under the Act, including regulations and the building code (see *Legislation Act 2001*, s 104).

[1.439] Section 15 (1), new note

insert

Note A fee may be determined under s 64 (Determination of fees) for this section.

[1.440] Section 15 (4)

omit

[1.441] Section 16 (2) (a) (i) and (b) (i), (3) (a) (i) and (b) (i) and (4) (a)

omit

by instrument

substitute

in writing

[1.442] Section 16 (5)

substitute

(5) An approval by the Minister under this section is a disallowable instrument.

Note A disallowable instrument must be notified, and presented to the Legislative Assembly, under the *Legislation Act 2001*.

[1.443] Section 17 (6)

substitute

- (6) If the building controller has approved the grant of a licence, the building controller must issue the licence to the person to whom it is to be granted.

Note A fee may be determined under s 64 (Determination of fees) for this section.

[1.444] Section 20 (3)

omit

, on payment of the determined fee,

[1.445] Section 20 (3), new note

insert

Note A fee may be determined under s 64 (Determination of fees) for this section.

[1.446] Section 23A (2) (c) and (d)

substitute

- (c) such other information and documents as are prescribed under the regulations.

Note A fee may be determined under s 64 (Determination of fees) for this section.

[1.447] Sections 24 and 25

substitute

24 Building code

- (1) For this Act, the ***building code*** is the Building Code of Australia prepared and published by the Australian Building Codes Board, as amended from time to time by—
- (a) the Australian Building Codes Board; and

- (b) the Australian Capital Territory Appendix to the Building Code of Australia.
- (2) The Minister may, in writing, make an Australian Capital Territory Appendix to the Building Code of Australia.

Note Power given under an Act to make a statutory instrument (including the Australian Capital Territory Appendix to the Building Code of Australia) includes power to amend or repeal the instrument (see *Legislation Act 2001*, s 46 (1)).

- (3) The Australian Capital Territory Appendix to the Building Code of Australia is a disallowable instrument.

Note 1 A disallowable instrument must be notified, and presented to the Legislative Assembly, under the *Legislation Act 2001*.

Note 2 An amendment or repeal of the Australian Capital Territory Appendix to the Building Code of Australia is also a disallowable instrument (see *Legislation Act 2001*, s 46 (2)).

25 Publication of building code etc in newspaper

- (1) The Minister must publish, in a daily newspaper published and circulating in the ACT, notice of the publication of each edition of the Building Code of Australia and each amendment of it by the Australian Building Codes Board.
- (2) A notice is a notifiable instrument.

Note A notifiable instrument must be notified under the *Legislation Act 2001*.

[1.448] Section 27 (1)

omit

by instrument

substitute

in writing

[1.449] Section 27 (2)

substitute

- (2) An exemption is a disallowable instrument.

Note A disallowable instrument must be notified, and presented to the Legislative Assembly, under the *Legislation Act 2001*.

[1.450] Section 32

omit

by lodging an approved form

substitute

in writing

[1.451] Section 32, new note

insert

Note If a form is approved under s 65 (Approved forms) for a notification, the form must be used.

[1.452] Section 34 (1) (e)

omit

, the regulations and the building code

[1.453] Section 34 (1) (e), new note

insert

Note A reference to an Act includes a reference to the statutory instruments made or in force under the Act, including regulations and the building code (see *Legislation Act 2001*, s 104).

[1.454] Section 34 (5)

substitute

- (5) A building approval must be—
- (a) marked on; or
 - (b) attached to; or
 - (c) partly marked on and partly attached to;
- the plans in relation to which it has been issued.

Note If a form is approved under s 65 (Approved forms) for a building approval, the form must be used.

[1.455] Section 34 (7) (b) (iii)

omit

in the approved form

[1.456] Section 34 (7) (b) (iv)

substitute

(iv) the fee determined under section 64 (Determination of fees) in relation to the issue of the building approval.

Note If a form is approved under s 65 (Approved forms) for a notification of appointment, the form must be used.

[1.457] Section 38 (1)

omit

by means of the approved form

substitute

in writing

[1.458] Section 38 (1), new note

insert

Note If a form is approved under s 65 (Approved forms) for a notification, the form must be used.

[1.459] Section 38 (2) (c)

omit

by means of the approved form

substitute

in writing

[1.460] Section 41 (1)

omit

, the regulations or the building code

[1.461] Section 41 (1), new note

insert

Note A reference to an Act includes a reference to the statutory instruments made or in force under the Act, including regulations and the building code (see *Legislation Act 2001*, s 104).

[1.462] Section 53 (1), definition of *prescribed requirements*, paragraph (a)

omit

, the regulations or the building code

[1.463] Section 53 (1) definition of *prescribed requirements*, paragraph (a), new note

insert

Note A reference to an Act includes a reference to the statutory instruments made or in force under the Act, including regulations and the building code (see *Legislation Act 2001*, s 104).

[1.464] Section 53AB (5) (e)

omit

; and

[1.465] Section 53AB (5) (e), new note

insert

Note A fee may be determined under s 64 (Determination of fees) for this section.

[1.466] Section 53AB (5) (f)

omit

[1.467] Section 63B (8)

substitute

- (8) A reference in this section to an *offence against this Act* includes a reference to an offence against or arising out of the *Crimes Act 1900*, part 8 (Aiding and abetting, accessories, attempts, incitement and conspiracy) in relation to an offence against this Act.

Note A reference to an Act includes a reference to the statutory instruments made or in force under the Act, including regulations (see *Legislation Act 2001*, s 104).

[1.468] Sections 64 to 67

substitute

64 Determination of fees

- (1) The Minister may, in writing, determine fees for this Act.

Note The *Legislation Act 2001* contains provisions about the making of determinations and regulations relating to fees (see pt 6.3).

- (2) A fee for section 34 (7) (b) (iv) may only be determined by reference to the value of building work for which a building approval has been issued.
- (3) A determination is a disallowable instrument.

Note A disallowable instrument must be notified, and presented to the Legislative Assembly, under the *Legislation Act 2001*.

65 Approved forms

- (1) The building controller may, in writing, approve forms for this Act.
- (2) If the building controller approves a form for a particular purpose, the approved form must be used for that purpose.
- (3) An approved form is a notifiable instrument.

Note A notifiable instrument must be notified under the *Legislation Act 2001*.

66 Regulation-making power

- (1) The Executive may make regulations for this Act.

Note Regulations must be notified, and presented to the Legislative Assembly, under the *Legislation Act 2001*.

- (2) The regulations may make provision in relation to—
- (a) the exemption of prescribed buildings from the operation of provisions of this Act; and
 - (b) the approval of building work on prescribed buildings in accordance with prescribed requirements; and
 - (c) any other matters in relation to the approval of building work on prescribed buildings.
- (3) The regulations may also prescribe offences for contraventions of the regulations and prescribe maximum penalties of not more than 10 penalty units for offences against the regulations.

Part 44 Building Regulations 1972

[1.469] Regulation 2, definition of Act

omit

Part 45 Building and Construction Industry Training Levy Act 1999

[1.470] Section 2

omit

[1.471] Section 19 (1) (a)

substitute

- (a) if the work is building work—the value used to work out the fee payable under the Building Act in relation to the issue of the building approval for the work; or

[1.472] Section 25 (1)

omit

by instrument

substitute

in writing

[1.473] Section 25 (3)

substitute

- (3) A training plan approved by the Minister is a notifiable instrument.

Note A notifiable instrument must be notified under the *Legislation Act 2001*.

[1.474] Section 37

substitute

37 Regulation-making power

The Executive may make regulations for this Act.

Note Regulations must be notified, and presented to the Legislative Assembly, under the *Legislation Act 2001*.

Part 46 Bushfire Act 1936

[1.475] Section 3, definition of *built-up area*

omit

by notice in the *Gazette*

substitute

under section 3

[1.476] Section 3, definition of *Manual*

substitute

manual means the rural fire control manual approved under section 5KA (Rural fire control manual).

Note A reference to a disallowable instrument (including the manual) includes a reference to the instrument as originally made and as amended (see *Legislation Act 2001*, s 102).

[1.477] Section 3

renumber as section 2

[1.478] New section 3

insert

3 Declaration of built-up area

- (1) The Minister may, in writing, declare that an area is a built-up area.
- (2) A declaration is a notifiable instrument.

Note A notifiable instrument must be notified under the *Legislation Act 2001*.

[1.479] Section 5K (2)

omit

by notice in the *Gazette*

substitute

in writing

[1.480] Section 5K (3)

substitute

- (3) A determination is a disallowable instrument.

Note A disallowable instrument must be notified, and presented to the Legislative Assembly, under the *Legislation Act 2001*.

[1.481] Section 5KA

substitute

5KA Rural fire control manual

- (1) The council must, in writing, prepare a rural fire control manual containing particulars of all aspects of the operation and organisation of the service.

Note Power given under an Act to make a statutory instrument (including a code of practice) includes power to amend or repeal the instrument (see *Legislation Act 2001*, s 46 (1)).

- (2) The particulars in the manual must include the following:
- (a) the organisation and structure of the service;
 - (b) the powers and duties of fire control officers, bushfire brigade members and emergency volunteers;
 - (c) standards and requirements for the recruitment and training of fire control officers and bushfire brigade members;
 - (d) procedures and conditions for the recruitment of emergency volunteers;
 - (e) equipment requirements and communication specifications for the service.
- (3) Within 7 days after the proposed manual is prepared, the council must give a copy to the Minister.
- (4) The council must revise the proposed manual if the Minister, in writing, directs the council to do so.
- (5) The Minister may approve the proposed manual.
- (6) The manual approved by the Minister is a disallowable instrument.

Note A disallowable instrument must be notified, and presented to the Legislative Assembly, under the *Legislation Act 2001*.

Note 2 An amendment or repeal of a manual is also a disallowable instrument (see *Legislation Act 2001*, s 46 (2)).

- (7) The council must prepare an amendment of the manual if the Minister, in writing, directs the council to do so.
- (8) The council must make the manual available for inspection by the public at the offices of the council and the chief fire control officer when those offices are open for business.

[1.482] Section 7A (3)

omit everything before paragraph (a), substitute

- (3) The Minister may, in writing, declare a fire to be an exempt fire if—

[1.483] New section 7A (4)

insert

- (4) A declaration is a notifiable instrument.

Note A notifiable instrument must be notified under the *Legislation Act 2001*.

[1.484] Section 7B (2)

omit everything before paragraph (a), substitute

- (2) An application for an exemption permit must state—

[1.485] Section 7B (2), new note

insert

Note If a form is approved under s 17 (Approved forms) for an application, the form must be used.

[1.486] Section 11B (2)

omit

by notice published in the *Gazette*

substitute

in writing

[1.487] Section 11B (3)

substitute

- (3) An exemption is a disallowable instrument.

Note A disallowable instrument must be notified, and presented to the Legislative Assembly, under the *Legislation Act 2001*.

[1.488] Section 11J

substitute

11J Notification of plan

A fuel management plan is a notifiable instrument.

Note A notifiable instrument must be notified under the *Legislation Act 2001*.

[1.489] Section 11L (b)

omit

; or

[1.490] Section 11L (c)

omit

[1.491] Section 11N (6)

substitute

- (6) A report under subsection (5) must be given to the Minister—
- (a) within 10 weeks after the end of the year to which it relates; or
 - (b) if, before the end of the 10 weeks, the Minister approves an extension of the period within which the report is to be given to the Minister—within the extended period.

Note If a form is approved under s 17 (Approved forms) for a report, the form must be used.

[1.492] Section 17

substitute

17 Approved forms

- (1) The Minister may, in writing, approve forms for this Act.

- (2) If the Minister approves a form for a particular purpose, the approved form must be used for that purpose.
- (3) An approved form is a notifiable instrument.

Note A notifiable instrument must be notified under the *Legislation Act 2001*.

18 Regulation-making power

- (1) The Executive may make regulations for this Act.

Note Regulations must be notified, and presented to the Legislative Assembly, under the *Legislation Act 2001*.

- (2) The regulations may make provision in relation to—
 - (a) the prohibition of the sale, offering for sale, distribution or use of crude phosphorus or matches other than those that can only be lit by striking the containing box or a box containing the same kind of matches; and
 - (b) the way of mixing, and the sale and use of, phosphorus baits for rabbits; and
 - (c) the burning of firebreaks on railway lands.
- (3) The regulations may also prescribe offences for contraventions of the regulations and prescribe maximum penalties of not more than 10 penalty units for offences against the regulations.

Part 47 Bushfire Regulations

[1.493] Regulation 1A, definition of Act

omit

Part 48 Business Names Act 1963

[1.494] Sections 2 and 3

omit

[1.495] Section 4 (1), definitions of *approved form*, *determined fee* and *this Act*

omit

[1.496] Section 4 (1), new note

insert

Note A reference to an Act includes a reference to the statutory instruments made or in force under the Act, including regulations (see *Legislation Act 2001*, s 104).

[1.497] Section 4A

omit

[1.498] Section 7 (1)

omit

in the approved form

[1.499] Section 7 (1), new notes

insert

Note 1 A fee may be determined under s 32 (Determination of fees) for this section.

Note 2 If a form is approved under s 33 (Approved forms) for an application or certificate of registration under this section, the form must be used.

[1.500] Section 7 (1A)

omit

[1.501] Section 7 (4)

omit

in the approved form

[1.502] Section 7 (5)

omit

shall, on payment of the determined fee

substitute

must, on application

[1.503] Section 9 (3)

omit

and shall be accompanied by the determined fee

[1.504] Section 9 (3), new note

insert

Note A fee may be determined under s 32 (Determination of fees) for this section.

[1.505] Section 9 (4)

omit

and on payment of the determined fee

[1.506] Section 10 (4)

omit

[1.507] Section 11 (1)

omit

in the approved form

[1.508] Section 11 (1), new notes

insert

Note 1 A fee may be determined under s 32 (Determination of fees) for this section.

Note 2 If a form is approved under s 33 (Approved forms) for a statement, the form must be used.

[1.509] Section 11 (1A)

omit

[1.510] Section 12 (1), new notes

insert

Note 1 A fee may be determined under s 32 (Determination of fees) for this section.

Note 2 If a form is approved under s 33 (Approved forms) for a statement, the form must be used.

[1.511] Section 12 (1), (2), (3), (5), (7), (8), (9) and (10)

omit

in the approved form

[1.512] Section 12 (14)

omit

[1.513] Section 22

omit

, on payment of the determined fee,

[1.514] Section 22, new note

insert

Note A fee may be determined under s 32 (Determination of fees) for this section.

[1.515] Sections 32 and 33

substitute

32 Determination of fees

- (1) The Minister may, in writing, determine fees for this Act.

Examples of matters for which the Minister may determine fees

- 1 Lodgment, or late lodgment, of any document, whether or not expressly provided for in this Act.
- 2 Issue or acceptance of any document or form (whether approved or otherwise) by the registrar-general in the exercise of a function of the registrar-general, whether or not the function is expressly provided for in this Act.

- 3 Inspection or search of the register or any document held by the registrar-general.
- 4 Production by the registrar-general of the register or any other document held by the registrar-general.
- 5 Anything else done by the registrar-general in the exercise of the registrar-general's functions under this Act.

Note The *Legislation Act 2001* contains provisions about the making of determinations and regulations relating to fees (see pt 6.3).

- (2) A determination is a disallowable instrument.

Note A disallowable instrument must be notified, and presented to the Legislative Assembly, under the *Legislation Act 2001*.

33 Approved forms

- (1) The registrar-general may, in writing, approve forms for this Act.
- (2) If the registrar-general approves a form for a particular purpose, the approved form must be used for that purpose.
- (3) An approved form is a notifiable instrument.

Note A notifiable instrument must be notified under the *Legislation Act 2001*.

34 Regulation-making power

- (1) The Executive may make regulations for this Act.

Note Regulations must be notified, and presented to the Legislative Assembly, under the *Legislation Act 2001*.

- (2) The regulations may make provision in relation to—
 - (a) the duties of the registrar-general for this Act; and
 - (b) the conduct and regulation of registration under this Act.
- (3) The regulations may also prescribe offences for contraventions of the regulations and prescribe maximum penalties of not more than 10 penalty units for offences against the regulations.

Part 49 Business Names Regulations

[1.516] Regulation 2

substitute

2 **Meaning of *agent***

In these regulations:

agent—see the Corporations Regulations, regulation 1.0.02.

[1.517] Regulation 5 (1) (f) (iii)

substitute

- (iii) the title of the document (that is, if the document is a form approved under the Act, section 33 (Approved forms), the same as the heading in the form);

[1.518] Regulation 5 (3)

omit

an approved form

substitute

a form approved under the Act, section 33 (Approved forms)

[1.519] Regulation 7 (1)

omit

and these Regulations

[1.520] Regulation 7 (1), new note

insert

Note A reference to an Act includes a reference to the statutory instruments made or in force under the Act, including regulations (see *Legislation Act 2001*, s 104).

Part 50 **Canberra Advance Bank Limited (Merger) Act 1992**

[1.521] Section 2

omit

[1.522] Section 3, definition of *appointed day*

substitute

appointed day means 1 June 1992.

[1.523] Section 5

omit

Part 51 **Canberra Institute of Technology Act 1987**

[1.524] Section 2

omit

[1.525] Section 5 (4)

substitute

- (4) A direction under subsection (3) is a notifiable instrument.

Note A notifiable instrument must be notified under the *Legislation Act 2001*.

- (5) If the Minister gives a direction under subsection (3), a copy of the direction must be presented to the Legislative Assembly within 5 sitting days after the day the direction is given.

[1.526] Section 5

renumber subsections when Act next republished under Legislation Act 2001

[1.527] Section 16 (2)

omit

and any regulations and financial management guidelines made or issued under that Act

[1.528] Section 16 (2), new note

insert

Note A reference to an Act includes a reference to the statutory instruments made or in force under the Act, including regulations and guidelines (see *Legislation Act 2001*, s 104).

[1.529] Section 53 (1)

omit

by notice in the *Gazette*

substitute

in writing

[1.530] New section 53 (4)

insert

- (4) A determination under subsection (1) is a disallowable instrument.

Note A disallowable instrument must be notified, and presented to the Legislative Assembly, under the *Legislation Act 2001*.

[1.531] Section 65

substitute

65 Regulation-making power

- (1) The Executive may make regulations for this Act.

Note Regulations must be notified, and presented to the Legislative Assembly, under the *Legislation Act 2001*.

- (2) The regulations may make provision in relation to the use or parking of vehicles on land occupied by the institute in the ACT, including the authorisation of, and the effect of, signs and markings.

- (3) The regulations may also prescribe offences for contraventions of the regulations and prescribe maximum penalties of not more than 10 penalty units for offences against the regulations.

Part 52 **Canberra Institute of Technology Regulations**

[1.532] Regulations 2 and 3

omit

Part 53 **Canberra Tourism and Events Corporation Act 1997**

[1.533] Section 2

omit

[1.534] Section 30

substitute

30 Regulation-making power

The Executive may make regulations for this Act.

Note Regulations must be notified, and presented to the Legislative Assembly, under the *Legislation Act 2001*.

Part 54 **Casino Control Act 1988**

[1.535] Section 2

omit

[1.536] Section 3, definition of *determined fee*

omit

[1.537] Section 3, definition of *operations employee*, paragraph (b)

substitute

- (b) a person to whom a determination under section 3AA applies.

[1.538] Section 3, definition of *this Act*

omit

[1.539] New section 3AA

after section 3, insert

3AA Determination of people who are not operations employees

- (1) The Minister may, in writing, determine that a person is not an operations employee for this Act.
- (2) A determination is a notifiable instrument.

Note A notifiable instrument must be notified under the *Legislation Act 2001*.

[1.540] Section 15 (1)

substitute

- (1) The Minister may, in writing, determine a casino licence fee for this Act.

[1.541] Section 15 (2)

omit

notice

substitute

determination

[1.542] New section 15 (8)

insert

- (8) A determination under subsection (1) is a notifiable instrument.

Note A notifiable instrument must be notified under the *Legislation Act 2001*.

[1.543] Section 16 (2)

substitute

- (2) The Minister may, in writing, determine the rate at which general tax is payable.

[1.544] Section 16 (3)

omit

notice

substitute

determination

[1.545] Section 16 (4)

renumber as section 16 (5)

[1.546] New section 16 (4)

insert

- (4) A determination under subsection (2) is a notifiable instrument.

Note A notifiable instrument must be notified under the *Legislation Act 2001*.

[1.547] Section 16A (2)

substitute

- (2) The Minister may, in writing, determine the rate at which commission-based player tax is payable.

[1.548] Section 16A (3)

omit

notice

substitute

determination

[1.549] Section 16A (4)

renumber as section 16A (5)

[1.550] New section 16A (4)

insert

- (4) A determination under subsection (2) is a notifiable instrument.

Note A notifiable instrument must be notified under the *Legislation Act 2001*.

[1.551] Section 42 (4)

substitute

- (4) If a control agreement is entered into or varied, the Minister must prepare a written notice of the making or variation of the agreement.

- (5) The notice is a notifiable instrument.

Note A notifiable instrument must be notified under the *Legislation Act 2001*.

[1.552] Section 45 (5)

omit

shall be in a form approved by the Minister and

[1.553] Section 50 (4) (b)

omit

in a form approved by the Minister

[1.554] Section 50 (4) (d)

omit

[1.555] Section 50 (4) (e)

renumber as section 50 (4) (d)

[1.556] Section 50, new note

insert

Note If a form is approved under the *Gambling and Racing Control Act 1999*, s 53D (Approved forms) for an application, the form must be used.

[1.557] Section 50 (4)

renumber as section 50 (3)

[1.558] Section 52 (4)

omit

in a form approved by the Minister

[1.559] Section 52 (4) (b)

omit

; and

[1.560] Section 52 (4) (c)

omit

[1.561] Section 52 (4), new note

insert

Note If a form is approved under the *Gambling and Racing Control Act 1999*, s 53D (Approved forms) for an application, the form must be used.

[1.562] Section 53 (2)

substitute

(2) An application for approval must be—

- (a) made in writing by the proposed parties to the agreement; and
- (b) accompanied by a draft of the proposed agreement.

Note If a form is approved under the *Gambling and Racing Control Act 1999*, s 53D (Approved forms) for an application, the form must be used.

[1.563] Section 55 (1)

omit

by notice published in the Gazette

substitute

in writing

[1.564] New section 55 (1A)

insert

- (1A) A determination is a notifiable instrument.

Note A notifiable instrument must be notified under the *Legislation Act 2001*.

[1.565] Section 55

renumber subsections when Act next republished under Legislation Act 2001

[1.566] Section 69 (5)

substitute

- (5) A person may appeal to the commission against being excluded under this section from entering or remaining in the casino.

Note If a form is approved under the *Gambling and Racing Control Act 1999*, s 53D (Approved forms) for an appeal, the form must be used.

[1.567] Section 70B (2)

substitute

- (2) The applicant may apply, in writing, to the commission for the exclusion.

Note 1 A fee may be determined under s 132 (Determination of fees) for an application.

Note 2 If a form is approved under the *Gambling and Racing Control Act 1999*, s 53D (Approved forms) for an application, the form must be used.

- (2A) The commission may, on application by the applicant, waive any fee payable to the commission in relation to the application.

[1.568] Section 70B (6) and (7)

omit

[1.569] Section 70B

renumber subsections when Act next republished under Legislation Act 2001

[1.570] Section 70C (2) to (4)

substitute

- (2) The person may apply in writing to the commission for revocation of the notice.

Note 1 A fee may be determined under s 132 (Determination of fees) for this subsection.

Note 2 If a form is approved under the *Gambling and Racing Control Act 1999*, s 53D (Approved forms) for an application, the form must be used.

- (3) The commission may, on application by the applicant, waive any fee payable to the commission in relation to the application.

[1.571] Section 71 (1)

omit

by notice published in the Gazette

substitute

in writing

[1.572] New section 71 (2)

insert

- (2) A declaration is a notifiable instrument.

Note A notifiable instrument must be notified under the *Legislation Act 2001*.

[1.573] Section 71 (4)

substitute

- (4) The casino licensee may, in writing, ask the commission to make a declaration under this section for a game.

Note A fee may be determined under s 132 (Determination of fees) for this subsection.

[1.574] Section 72 (1)

omit

by notice published in the Gazette

substitute

in writing

[1.575] New section 72 (2)

insert

- (2) Rules approved under subsection (1) for a game are a notifiable instrument.

Note A notifiable instrument must be notified under the *Legislation Act 2001*.

[1.576] Section 72 (2)

omit

(3)

substitute

(4)

[1.577] Section 72 (2)

renumber as section 72 (3)

[1.578] Section 72 (3) and (5)

omit

[1.579] Section 72 (8)

substitute

- (8) The casino licensee may, in writing, ask the commission to amend under this section the approved rules of a game.

Note A fee may be determined under s 132 (Determination of fees) for this subsection.

[1.580] Section 72

renumber subsections when Act next republished under Legislation Act 2001

[1.581] Section 80 (2)

omit

specified, for the purposes of this section, by the commission by notice published in the Gazette

substitute

determined, in writing, by the commission

[1.582] New section 80 (5)

insert

- (5) A determination under subsection (2) is a notifiable instrument.

Note A notifiable instrument must be notified under the *Legislation Act 2001*.

[1.583] Section 86 (1) (a)

omit

, in a form of notice approved by the commission,

[1.584] Section 86 (1) (b)

omit

in a form of notice approved by the commission,

[1.585] Section 86 (1), new note

insert

Note If a form is approved under the *Gambling and Racing Control Act 1999*, s 53D (Approved forms) for a notice, the form must be used.

[1.586] Section 89 (1)

omit

- (1) An application

substitute

An application

[1.587] Section 89 (1) (d) and (e)

omit

[1.588] Section 89 (1), new notes

insert

Note 1 A fee may be determined under s 132 (Determination of fees) for this section.

Note 2 If a form is approved under the *Gambling and Racing Control Act 1999*, s 53D (Approved forms) for an application, the form must be used.

[1.589] Section 89 (2) and (3)

omit

[1.590] Section 94 (1) and (2)

omit

in a form approved by the commission

[1.591] Section 94, new note

insert

Note If a form is approved under the *Gambling and Racing Control Act 1999*, s 53D (Approved forms) for a licence under this section, the form must be used.

[1.592] Section 96 (1) (b)

omit

in a form approved by the commission

[1.593] Section 96 (1), new note

insert

Note If a form is approved under the *Gambling and Racing Control Act 1999*, s 53D (Approved forms) for a provisional key employee's licence, the form must be used.

[1.594] Section 96 (2) (b)

omit

in a form approved by the commission

[1.595] Section 96 (2), new note

insert

Note If a form is approved under the *Gambling and Racing Control Act 1999*, s 53D (Approved forms) for a provisional operations employee's licence, the form must be used.

[1.596] Section 97 (2)

omit

(2) The commission shall—

- (a) on an application being made in accordance with this section;
and
- (b) on payment of the determined fee;

substitute

(2) If an application is made in accordance with this section, the commission must

[1.597] Section 97 (2), new note

insert

Note A fee may be determined under s 132 (Determination of fees) for this subsection.

[1.598] Section 97 (3) (b)

omit

[1.599] Section 97 (3) (c)

renumber as section 97 (3) (b)

[1.600] Section 97 (3), new note

insert

Note If a form is approved under the *Gambling and Racing Control Act 1999*, s 53D (Approved forms) for an application, the form must be used.

[1.601] Section 97 (4)

omit

[1.602] Section 97 (5) (b)

omit

determined fee

substitute

fee determined under section 132 (Determination of fees)

[1.603] Section 97

renumber subsections when Act next republished under Legislation Act 2001

[1.604] Section 98 (1)

omit

a form approved by the commission

substitute

writing

[1.605] Section 98 (1), new notes

insert

Note 1 A fee may be determined under s 132 (Determination of fees) for this subsection.

Note 2 If a form is approved under the *Gambling and Racing Control Act 1999*, s 53D (Approved forms) for an application, the form must be used.

[1.606] Section 98 (2)

omit

[1.607] Section 98

renumber subsections when Act next republished under Legislation Act 2001

[1.608] Section 99

omit

shall, on payment to the commission of the determined fee

substitute

must, on application by the holder of the licence

[1.609] Section 99, new note

insert

Note A fee may be determined under s 132 (Determination of fees) for this section.

[1.610] Section 125, definition of *primary decision*, paragraph (k) (ii)

omit

altering

substitute

amending

[1.611] Section 132

substitute

132 Determination of fees

- (1) The Minister may, in writing, determine fees for this Act.

Note The *Legislation Act 2001* contains provisions about the making of determinations and regulations relating to fees (see pt 6.3).

- (2) A determination is a disallowable instrument.

Note A disallowable instrument must be notified, and presented to the Legislative Assembly, under the *Legislation Act 2001*.

[1.612] Section 133, heading

substitute

133 Regulation-making power

[1.613] Section 133 (1)

substitute

- (1) The Executive may make regulations for this Act.

Note Regulations must be notified, and presented to the Legislative Assembly, under the *Legislation Act 2001*.

[1.614] Section 133 (2)

omit everything before paragraph (a), substitute

- (2) The regulations may—

[1.615] Section 133 (2) (u)

omit

; or

[1.616] Section 133 (2) (v)

omit

[1.617] New section 133 (3)

insert

- (3) The regulations may also prescribe offences for contraventions of the regulations and prescribe maximum penalties of not more than 10 penalty units for offences against the regulations.

[1.618] Section 133 (3)

omit

Minister shall

substitute

Executive must

[1.619] Section 133 (3)

renumber as section 133 (4)

Part 55 Casino Control Regulations

[1.620] Regulations 2 and 3

omit

Part 56 Cemeteries Act 1933

[1.621] Section 2 (1), definition of *this Act*

omit

[1.622] Section 2 (1), new note

insert

Note A reference to an Act includes a reference to the statutory instruments made or in force under the Act, including regulations (see *Legislation Act 2001*, s 104).

[1.623] Section 2 (3)

omit

[1.624] Section 5 (1)

omit

by notice in the *Gazette*

substitute

in writing

[1.625] New section 5 (4)

insert

- (4) An instrument under subsection (1) is a notifiable instrument.

Note A notifiable instrument must be notified under the *Legislation Act 2001*.

[1.626] Section 6 (1)

omit

by notice in the *Gazette*

substitute

in writing

[1.627] New section 6 (2)

insert

(2) An appointment is a notifiable instrument.

Note A notifiable instrument must be notified under the *Legislation Act 2001*.

[1.628] Section 6D (1)

omit

by notice published in the *Gazette*

substitute

in writing

[1.629] Section 6D (1)

omit

publication of the notice

substitute

notification of the declaration under the *Legislation Act 2001*

[1.630] Section 11

omit

on payment of the determined fee

[1.631] Section 11, new note

insert

Note A fee may be determined under s 22A (Determination of fees) for this section.

[1.632] Section 18

omit

The

substitute

(1) The

[1.633] Section 18

omit

by notice in the *Gazette*

substitute

in writing

[1.634] Section 18

omit

the notice

substitute

the order

[1.635] New section 18 (2)

insert

(2) An order is a notifiable instrument.

Note A notifiable instrument must be notified under the *Legislation Act 2001*.

[1.636] Section 21B

omit

in such form as the Minister approves

[1.637] Section 21B, new note

insert

Note If a form is approved under s 22B (Approved forms) for a statement, the form must be used.

[1.638] Section 22A

substitute

22A Determination of fees

- (1) The Minister may, in writing, determine fees for this Act.

Note The *Legislation Act 2001* contains provisions about the making of determinations and regulations relating to fees (see pt 6.3).

- (2) A determination is a disallowable instrument.

Note A disallowable instrument must be notified, and presented to the Legislative Assembly, under the *Legislation Act 2001*.

22B Approved forms

- (1) The Minister may, in writing, approve forms for this Act.
- (2) If the Minister approves a form for a particular purpose, the approved form must be used for that purpose.
- (3) An approved form is a notifiable instrument.

Note A notifiable instrument must be notified under the *Legislation Act 2001*.

[1.639] Section 23

omit everything before paragraph (a), substitute

23 Regulation-making power

- (1) The Executive may make regulations for this Act.

Note Regulations must be notified, and presented to the Legislative Assembly, under the *Legislation Act 2001*.

- (2) The regulations may make provision in relation to—

[1.640] Section 23 (f) and (g)

omit

[1.641] New section 23 (3)

insert

- (3) The regulations may also prescribe offences for contraventions of the regulations and prescribe maximum penalties of not more than 10 penalty units for offences against the regulations.

Part 57

Canberra Public Cemeteries Regulations

[1.642] Regulation 2 (1), definition of Act

omit

[1.643] Regulation 6 (1)

after

determined

insert

under the Act, section 22A (Determination of fees)

[1.644] Regulation 6 (2)

omit

Determined fees

substitute

Fees determined under the Act, section 22A

[1.645] Regulation 6 (3)

omit

under these regulations

[1.646] Regulation 6 (3)

omit

determined fee

substitute

fees determined under the Act, section 22A

[1.647] Regulation 6 (4)

omit

payable under these regulations

substitute

determined under the Act, section 22A

[1.648] Regulation 6 (5)

omit

under these regulations

[1.649] Regulation 6 (6)

omit

payable under these regulations

substitute

determined under the Act, section 22A

[1.650] Regulation 6 (7) (a)

after

determined

insert

under the Act, section 22A

[1.651] Regulation 15 (3)

omit

, upon payment of the determined fee,

[1.652] Regulation 15 (3), new note

insert

Note Fees may be determined under the Act, s 22A (Determination of fees) for this regulation.

[1.653] Regulation 15 (6)

omit

, and upon payment of the determined fee,

[1.654] Regulation 15A (2)

omit

together with the determined fee

[1.655] Regulation 15A (2), new note

insert

Note A fee may be determined under the Act, s 22A (Determination of fees) for this regulation.

[1.656] Regulation 17 (2)

omit

, upon payment of the determined fee,

[1.657] Regulation 17 (2), new note

insert

Note A fee may be determined under the Act, s 22A (Determination of fees) for this regulation.

[1.658] Regulation 26 (1) (a)

omit

, accompanied by the determined fee

[1.659] Regulation 26 (1), new note

insert

Note A fee may be determined under the Act, s 22A (Determination of fees) for this regulation.

Part 58 Children and Young People Act 1999

[1.660] Section 2

omit

[1.661] Section 56 (1) (a)

omit

, and the rules and regulations under that Act, apply

substitute

applies

[1.662] Section 56 (1) (b)

omit

, and the regulations under that Act, apply

substitute

applies

[1.663] Section 56 (1), new note

insert

Note A reference to an Act includes a reference to the statutory instruments made or in force under the Act, including rules and regulations (see *Legislation Act 2001*, s 104).

[1.664] Section 58

substitute

58 Approval of forms for Childrens Court

- (1) The registrar of the Magistrates Court may approve forms for use in relation to the Childrens Court.
- (2) If the registrar approves a form for a particular purpose, the approved form must be used for that purpose.

- (3) An approved form is a notifiable instrument.

Note A notifiable instrument must be notified under the *Legislation Act 2001*.

[1.665] Section 166

substitute

166 Facilitators

- (1) The chief executive may, in writing, appoint a person as a facilitator for this division.
- (2) An appointment is a notifiable instrument.

Note A notifiable instrument must be notified under the *Legislation Act 2001*.

[1.666] Section 175 (1), new note

insert

Note If a form is approved under s 416A (Approval of forms by chief executive) for an application, the form must be used.

[1.667] Section 175 (3)

substitute

- (3) An application to register an agreement must be accompanied by—
- (a) a copy of the signed agreement; and
 - (b) a statement signed by each signatory to the agreement to the effect that he or she has had an opportunity to get legal advice about the meaning and effect of the agreement.

[1.668] Section 270 (2)

substitute

- (2) An application for a warrant may be made in writing by the chief executive, an officer or a police officer.

Note If a form is approved under s 416A (Approval of forms by chief executive) for an application, the form must be used.

[1.669] Section 276 (a)

omit

by the court

substitute

under section 58 (Approval of forms for Childrens Court)

[1.670] Section 296 (2) (a)

omit

by the court

substitute

under section 58 (Approval of forms for Childrens Court)

[1.671] Section 299 (2), (3) and (4)

omit

by notice published in the Gazette

substitute

in writing

[1.672] New section 299 (5)

insert

- (5) A declaration under subsection (2), (3) or (4) is a notifiable instrument.

Note A notifiable instrument must be notified under the *Legislation Act 2001*.

[1.673] Section 331

substitute

331 Exemptions

- (1) The Minister may, in writing, exempt a class of children's services from provisions of this chapter.

- (2) An exemption is subject to any terms or conditions stated in it.
- (3) An exemption remains in force for the period stated in it unless sooner revoked.
- (4) An exemption is a disallowable instrument.

Note A disallowable instrument must be notified, and presented to the Legislative Assembly, under the *Legislation Act 2001*.

[1.674] Section 336 (1)

substitute

- (1) An application to the chief executive for approval in principle to operate a childrens service must be—
 - (a) in writing; and
 - (b) accompanied by a copy of the advertisement of the applicant's intention to apply.

Note 1 A fee may be determined under s 416 (Determination of fees) for this subsection.

Note 2 If a form is approved under s 416A (Approval of forms by chief executive) for an application, the form must be used.

[1.675] Section 343 (2)

substitute

- (2) An application must be—
 - (a) in writing; and
 - (b) accompanied by a copy of the advertisement of the applicant's intention to apply.

Note 1 A fee may be determined under s 416 (Determination of fees) for this section.

Note 2 If a form is approved under s 416A (Approval of forms by chief executive) for an application, the form must be used.

[1.676] Section 346 (2)

substitute

(2) An application must be in writing.

Note 1 A fee may be determined under s 416 (Determination of fees) for this subsection.

Note 2 If a form is approved under s 416A (Approval of forms by chief executive) for an application, the form must be used.

[1.677] Section 346 (3)

omit

, on receiving any determined fee for late applications,

[1.678] Section 346 (3), new note

insert

Note An additional fee may be determined under s 416 (Determination of fees) for an application to which this subsection applies.

[1.679] Section 349 (3) (b)

substitute

(b) on written application by the proprietor.

[1.680] Section 349 (3), new notes

insert

Note 1 A fee may be determined under s 416 (Determination of fees) for this subsection.

Note 2 If a form is approved under s 416A (Approval of forms by chief executive) for an application, the form must be used.

[1.681] Section 349 (4)

omit

[1.682] Section 349

renumber subsections when Act next republished under Legislation Act 2001

[1.683] Section 402

substitute

402 Standard-making power

- (1) The chief executive may, in writing, make standards for this Act.
- (2) The standards may make provision in relation to—
 - (a) the care to be provided by the chief executive for children or young people for whom the chief executive has parental responsibility; and
 - (b) the conduct of family group conferences.
- (3) A standard is a notifiable instrument.

Note A notifiable instrument must be notified under the *Legislation Act 2001*.

[1.684] Section 403

omit

[1.685] Section 416

substitute

416 Determination of fees

- (1) The chief executive may, in writing, determine fees for this Act.

Note The *Legislation Act 2001* contains provisions about the making of determinations and regulations relating to fees (see pt 6.3).
- (2) A determination is a disallowable instrument.

Note A disallowable instrument must be notified, and presented to the Legislative Assembly, under the *Legislation Act 2001*.

416A Approval of forms by chief executive

- (1) The chief executive may, in writing, approve forms for this Act (other than for use in relation to the Childrens Court).
- (2) If the chief executive approves a form for a particular purpose, the approved form must be used for that purpose.
- (3) An approved form is a notifiable instrument.

Note A notifiable instrument must be notified under the *Legislation Act 2001*.

[1.686] Section 417, heading and subsection (1)

substitute

417 Regulation-making power

- (1) The Executive may make regulations for this Act.

Note Regulations must be notified, and presented to the Legislative Assembly, under the *Legislation Act 2001*.

[1.687] Section 417 (2)

omit

Without limiting subsection (1), the

substitute

The

[1.688] Section 417 (2) (b) (iv)

omit

; and

[1.689] Section 417 (2) (c)

omit

[1.690] New section 417 (3)

insert

- (3) The regulations may also prescribe offences for contraventions of the regulations and prescribe maximum penalties of not more than 10 penalty units for offences against the regulations.

[1.691] Section 420

omit

[1.692] Dictionary, definitions of *Act* and *determined fee*

omit

[1.693] Dictionary, definition of *interstate law*, paragraph (a)

omit

notice

substitute

declaration

**Part 59 Children and Young People
Regulations 2000**

[1.694] Regulations 3, 5 and 6

omit

**Part 60 Chiropractors and Osteopaths
Act 1983**

[1.695] Section 2

omit

[1.696] Section 3 (1), definition of *determined fee*

omit

[1.697] Section 7 (1) (b) (i)

omit

and published in the *Gazette*

[1.698] New section 7 (4)

insert

- (4) A determination under subsection (1) (b) (i) is a notifiable instrument.

Note A notifiable instrument must be notified under the *Legislation Act 2001*.

[1.699] Section 10 (2)

substitute

- (2) A person authorised by the board for this section may grant interim registration in accordance with this section to an applicant for registration.

Note A fee may be determined under s 54 (Determination of fees) for this section.

[1.700] Section 16 (2)

substitute

- (2) The applicant must give the board a completed application form.

Note 1 A fee may be determined under s 54 (Determination of fees) for this section.

Note 2 If a form is approved under s 55 (Approved forms) for an application, the form must be used.

[1.701] Section 18 (a)

substitute

- (a) complies with this Act; and

[1.702] Section 19

omit

[1.703] Part 3, division 4, heading

substitute

Division 3.4 Annual registration fees

[1.704] Section 26, heading

substitute

26 Annual registration fee

[1.705] Section 26 (1)

substitute

- (1) On or before 1 September in each year, a registered chiropractor or registered osteopath must pay to the Territory the annual registration fee determined under section 54 (Determination of fees) for the year.

[1.706] Section 28 (1) and (2)

substitute

- (1) A person whose registration has been cancelled for failure to pay the annual registration fee determined under section 54 (Determination of fees) is entitled to be re-registered if the person gives the board a completed application form and pays the fee.

Note If a form is approved under s 55 (Approved forms) for an application, the form must be used.

[1.707] Section 28 (3) to (5)

renumber as section 28 (2) to (4)

[1.708] Section 29 (3)

substitute

- (3) If a certificate issued under subsection (1) to a registered chiropractor or registered osteopath has been stolen, lost or destroyed, the board must, on application by the registered chiropractor or registered osteopath, issue a duplicate certificate.

Note A fee may be determined under s 54 (Determination of fees) for this section.

[1.709] Section 31 (2), new note

insert

Note A fee may be determined under s 54 (Determination of fees) for this section.

[1.710] Section 31 (3)

omit

[1.711] Section 34 (k)

omit

or the regulations

[1.712] Section 34, new note

insert

Note A reference to an Act includes a reference to the statutory instruments made or in force under the Act, including regulations (see *Legislation Act 2001*, s 104).

[1.713] Section 48 (1)

substitute

- (1) A person may inspect, or obtain a certified copy of, an entry in the register.

Note A fee may be determined under s 54 (Determination of fees) for this section.

[1.714] Section 52 (1)

omit

The Chairperson may, if he or she thinks fit, cause a notice

substitute

The chairperson may prepare written notice

[1.715] Section 52 (1)

omit

, to be published in the *Gazette*

[1.716] New section 52 (2)

insert

- (2) The notice is a notifiable instrument.

Note A notifiable instrument must be notified under the *Legislation Act 2001*.

[1.717] Section 52 (2)

omit everything before paragraph (a), substitute

- (3) The notice must not be notified until—

[1.718] Sections 53 to 55

substitute

53 Publication of names etc of registered chiropractors and osteopaths

- (1) As soon as practicable after 1 September in each year, the board must prepare a written notice containing the names and professional address (or addresses) of the chiropractors and osteopaths registered on that day.
- (2) The notice is a notifiable instrument.

Note A notifiable instrument must be notified under the *Legislation Act 2001*.

54 Determination of fees

- (1) The Minister may, in writing, determine fees for this Act.

Note The *Legislation Act 2001* contains provisions about the making of determinations and regulations relating to fees (see pt 6.3).

- (2) A determination is a disallowable instrument.

Note A disallowable instrument must be notified, and presented to the Legislative Assembly, under the *Legislation Act 2001*.

55 Approved forms

- (1) The board may, in writing, approve forms for this Act.
- (2) If the board approves a form for a particular purpose, the approved form must be used for that purpose.
- (3) An approved form is a notifiable instrument.

Note A notifiable instrument must be notified under the *Legislation Act 2001*.

56 Regulation-making power

The Executive may make regulations for this Act.

Note Regulations must be notified, and presented to the Legislative Assembly, under the *Legislation Act 2001*.

Part 61 City of Canberra Arms Act 1932

[1.719] Section 2

omit

Part 62 Classification (Publications, Films and Computer Games) (Enforcement) Act 1995

[1.720] Section 2

omit

[1.721] Section 3, definition of *determined fee*

omit

[1.722] Section 7, new note

insert

Note The notice is approved by the Director of the Classification Board (see s 3, def of *approved form*).

[1.723] Section 17, new note

insert

Note The notice is approved by the Director of the Classification Board (see s 3, def of *approved form*).

[1.724] Section 34, new note

insert

Note The notice is approved by the Director of the Classification Board (see s 3, def of *approved form*).

[1.725] Section 54C

substitute

54C Application for X film licence

A person may apply for a licence to sell or copy, or to sell and copy, X films.

Note 1 A fee may be determined under s 67 (Determination of fees) for this section.

Note 2 If a form is approved by the registrar under s 68 (Approved forms—registrar) for an application, the form must be used.

[1.726] Section 54E (6)

omit

the determined fee

substitute

any fee

[1.727] Section 54H (1), new notes

insert

Note 1 A fee may be determined under s 67 (Determination of fees) for this section.

Note 2 If a form is approved by the registrar under s 68 (Approved forms—registrar) for an application, the form must be used.

[1.728] Section 54H (2)

omit

[1.729] Section 54H (3) and (4)

renumber as section 57H (2) and (3)

[1.730] Section 56 (3) (c)

substitute

- (c) be accompanied by a synopsis of the story or events depicted in the film.

Note A fee may be determined under s 67 (Determination of fees) for this subsection.

[1.731] Section 57 (1)

omit

by notice in the *Gazette*

substitute

in writing

[1.732] New section 57 (2A)

insert

- (2A) An approval under subsection (1) is a notifiable instrument.

Note A notifiable instrument must be notified under the *Legislation Act 2001*.

[1.733] Section 57 (3)

substitute

- (3) An approval under subsection (1) takes effect on notification of the approval under the *Legislation Act 2001* and an approval under subsection (1A) takes effect on publication in the *Commonwealth Gazette* of the notice by which the approval is made.

[1.734] Section 57

renumber subsections when Act next republished under Legislation Act 2001

[1.735] Section 61 (4)

omit

prescribed form

substitute

form prescribed by the regulations

[1.736] Sections 67 to 69

substitute

67 Determination of fees

- (1) The Minister may, in writing, determine fees for this Act.

Note The *Legislation Act 2001* contains provisions about the making of determinations and regulations relating to fees (see pt 6.3).

- (2) A determination is a disallowable instrument.

Note A disallowable instrument must be notified, and presented to the Legislative Assembly, under the *Legislation Act 2001*.

68 Approved forms—registrar

- (1) The registrar may, in writing, approve forms for this Act (other than a form stated by this Act to be an approved form).

Note Approved forms are forms approved by the Director of the Classification Board (see s 3, def of ***approved form***).

- (2) If the registrar approves a form for a particular purpose, the form approved by the registrar must be used for that purpose.

- (3) A form approved by the registrar is a notifiable instrument.

Note A notifiable instrument must be notified under the *Legislation Act 2001*.

69 Regulation-making power

The Executive may make regulations for this Act.

Note Regulations must be notified, and presented to the Legislative Assembly, under the *Legislation Act 2001*.

Part 63 Classification (Publications, Films and Computer Games) (Enforcement) Regulations

[1.737] Regulations 2 and 3

omit

[1.738] Regulations 4 and 5

renumber as regulations 2 and 3

Part 64 Clinical Waste Act 1990

[1.739] Section 2

omit

[1.740] Section 3 (1)

*omit everything before the definition of **clinical waste**, substitute*

2 Definitions for Act

In this Act:

[1.741] Section 3 (1), definition of **clinical waste, paragraph (l)**

substitute

- (l) waste declared by the Minister under section 3 (Declarations of clinical waste and prescribed activity) to be clinical waste;

[1.742] Section 3 (1), definition of **determined fee**

omit

[1.743] Section 3 (1), definition of **Manual**

substitute

manual—see section 14 (1) (Preparation of Manual).

[1.744] Section 3 (1), definition of *prescribed activity*, paragraph (e)

substitute

- (e) an activity declared by the Minister under section 3 (Declarations of clinical waste and prescribed activity) to be a prescribed activity.

[1.745] Section 3 (2) and (3)

substitute

3 Declarations of clinical waste and prescribed activity

- (1) The Minister may, in writing, declare waste to be clinical waste for this Act.
- (2) The Minister may, in writing, declare an activity to be a prescribed activity for this Act.
- (3) A declaration under this section is a disallowable instrument.

Note A disallowable instrument must be notified, and presented to the Legislative Assembly, under the *Legislation Act 2001*.

4 References to offences against this Act

In this Act, a reference to an *offence against this Act* includes a reference to—

- (a) an offence that there are reasonable grounds for believing has been, or will be, committed; and
- (b) an offence against or arising out of the *Crimes Act 1900*, part 8 (Aiding and abetting, accessories, attempts, incitement and conspiracy) in relation to an offence against this Act.

[1.746] Sections 11 and 12

substitute

11 Declaration of disposal sites

- (1) The Minister may, in writing, declare a place to be a disposal site for clinical waste.
- (2) A declaration is a notifiable instrument.

Note A notifiable instrument must be notified under the *Legislation Act 2001*.

[1.747] Section 14 (1)

substitute

- (1) The Minister must, in writing, make a clinical waste manual for this Act.

Note Power given under an Act to make a statutory instrument (including the manual) includes power to amend or repeal the instrument (see *Legislation Act 2001*, s 46 (1)).

[1.748] Section 14 (2)

omit everything before paragraph (a), substitute

- (2) The manual—

[1.749] Section 14 (2) (b) (ii)

substitute

- (ii) if the Minister has approved under section 41 (Approved forms) an application form for a licence—the application form.

[1.750] Sections 15 to 17

substitute

15 Notification and commencement of manual and amendments

- (1) The manual is a disallowable instrument.

Note 1 A disallowable instrument must be notified, and presented to the Legislative Assembly, under the *Legislation Act 2001*.

Note 2 An amendment or repeal of the manual is also a disallowable instrument (see *Legislation Act 2001*, s 46 (2)).

- (2) The Minister must also publish in a daily newspaper circulating in the ACT a notice of the making of the manual.
- (3) The manual, or an amendment or repeal of it, commences—
 - (a) 15 days after the day it is notified under the *Legislation Act 2001*; or
 - (b) if the manual, amendment or repeal provides for a later date or time of commencement—on that date or at that time.

[1.751] Section 19

substitute

19 Application for clinical waste transport licence

- (1) A person may apply for a licence to carry on the business of transporting clinical waste.
- (2) An application must be given to the controller and may be signed by or on behalf of the applicant.

Note 1 A fee may be determined under s 40 (Determination of fees) for this section.

Note 2 If a form is approved by the Minister under s 41 (Approved forms) for an application, the form must be used.

[1.752] Section 37 (1)

omit

or the regulations

[1.753] Section 37 (1), new note

insert

Note A reference to an Act includes a reference to the statutory instruments made or in force under the Act, including regulations (see *Legislation Act 2001*, s 104).

[1.754] Section 40

substitute

40 Determination of fees

- (1) The Minister may, in writing, determine fees for this Act.

Note The *Legislation Act 2001* contains provisions about the making of determinations and regulations relating to fees (see pt 6.3).

- (2) A determination is a disallowable instrument.

Note A disallowable instrument must be notified, and presented to the Legislative Assembly, under the *Legislation Act 2001*.

41 Approved forms

- (1) The Minister may, in writing, approve forms for this Act.

- (2) If the Minister approves a form for a particular purpose, the approved form must be used for that purpose.

- (3) An approved form is a notifiable instrument.

Note A notifiable instrument must be notified under the *Legislation Act 2001*.

42 Regulation-making power

- (1) The Executive may make regulations for this Act.

Note Regulations must be notified, and presented to the Legislative Assembly, under the *Legislation Act 2001*.

- (2) The regulations may prescribe offences for contraventions of the regulations or requirements contained in the manual and prescribe maximum penalties of not more than 10 penalty units for offences against the regulations.

Part 65 Collections Act 1959

[1.755] Section 10

omit

or the regulations

[1.756] Section 10, new note

insert

Note A reference to an Act includes a reference to the statutory instruments made or in force under the Act, including regulations (see *Legislation Act 2001*, s 104).

[1.757] Section 11

substitute

11 Regulation-making power

- (1) The Executive may make regulations for this Act.

Note Regulations must be notified, and presented to the Legislative Assembly, under the *Legislation Act 2001*.

- (2) The regulations may prescribe offences for contraventions of the regulations and prescribe maximum penalties of not more than 10 penalty units for offences against the regulations.

**Part 66 Commercial Arbitration Act
1986**

[1.758] Section 2

omit

[1.759] Section 3, heading

substitute

3 Application and transitional

[1.760] Section 3 (1) and (2)

omit

[1.761] Section 3 (3)

omit

subsections (4) and (5)

substitute

subsection (5)

[1.762] Section 3 (4)

omit

[1.763] Section 3

renumber subsections when Act next republished under Legislation Act 2001

[1.764] Section 58

substitute

58 Regulation-making power

The Executive may make regulations for this Act.

Note Regulations must be notified, and presented to the Legislative Assembly, under the *Legislation Act 2001*.

Part 67 Commissioner for the Environment Act 1993

[1.765] Section 2

omit

[1.766] Section 13

substitute

13 Complaints

- (1) A person may make a complaint to the commissioner about the management of the environment of the ACT by the Territory or a Territory authority.

Note If a form is approved under s 28 (Approved forms) for a complaint, the form must be used.

- (2) A complaint must be made in a way approved by the commissioner.

[1.767] Section 19 (6), new note

insert

Note A disallowable instrument must be notified, and presented to the Legislative Assembly, under the *Legislation Act 2001*.

[1.768] Section 28

substitute

28 Approved forms

- (1) The commissioner may, in writing, approve forms for this Act (other than for section 26).
- (2) If the commissioner approves a form for a particular purpose, the approved form must be used for that purpose.
- (3) An approved form is a notifiable instrument.

Note A notifiable instrument must be notified under the *Legislation Act 2001*.

29 Regulation-making power

The Executive may make regulations for this Act.

Note Regulations must be notified, and presented to the Legislative Assembly, under the *Legislation Act 2001*.

Part 68 Common Boundaries Act 1981

[1.769] Section 2 (1), definition of *Conference Notice*

substitute

conference notice means a notice in the form approved for the *Magistrates Court (Civil Jurisdiction) Act 1982*, section 419 (2).

[1.770] Section 2 (1), definition of *Inquiry Notice*

substitute

inquiry notice means a notice in the form approved for the *Magistrates Court (Civil Jurisdiction) Act 1982*, section 426 (2).

[1.771] Section 2 (6)

omit

[1.772] Section 3

omit

[1.773] New Part 4

insert

Part 4 Miscellaneous

29 Approved forms

- (1) The Minister may, in writing, approve forms for this Act.
- (2) If the Minister approves a form for a particular purpose, the approved form must be used for that purpose.
- (3) An approved form is a notifiable instrument.
Note A notifiable instrument must be notified under the *Legislation Act 2001*.
- (4) In this Act, a reference to a form by a number is a reference to an approved form so numbered.
- (5) If there is not an approved form for a document to be filed in a proceeding in the Small Claims Court, the document must be in a form acceptable to the registrar of the court.
- (6) A form in the schedule immediately before the commencement of this section is, after the commencement, taken to be an approved form.
- (7) However, a form mentioned in subsection (6) need not be notified under the *Legislation Act 2001*.

- (8) Subsections (6) and (7) are laws to which the *Legislation Act 2001*, section 88 (Repeal does not end transitional or validating effect etc) applies.
- (9) Subsections (6) to (8) and this subsection expire 1 year after this section commences.

[1.774] Schedule

omit

Part 69 Community Advocate Act 1991

[1.775] Section 2

omit

[1.776] Section 21

substitute

21 Regulation-making power

The Executive may make regulations for this Act.

Note Regulations must be notified, and presented to the Legislative Assembly, under the *Legislation Act 2001*.

**Part 70 Community and Health
Services Complaints Act 1993**

[1.777] Section 2

omit

[1.778] Section 8 (3)

substitute

- (3) An instrument of appointment under subsection (1) is a disallowable instrument.

Note A disallowable instrument must be notified, and presented to the Legislative Assembly, under the *Legislation Act 2001*.

[1.779] Section 48

omit

The Minister may, by notice in the *Gazette*

substitute

- (1) The Minister may, in writing

[1.780] New section 48 (2)

insert

- (2) A determination is a notifiable instrument.

Note A notifiable instrument must be notified under the *Legislation Act 2001*.

[1.781] Section 53

substitute

53 Approval

- (1) The Minister may, in writing, approve a code to be known as the Code of Health Rights and Responsibilities.

Note Power given under an Act to make a statutory instrument (including a code) includes power to amend or repeal the instrument (see *Legislation Act 2001*, s 46 (1)).

- (2) The code is a disallowable instrument.

Note 1 A disallowable instrument must be notified, and presented to the Legislative Assembly, under the *Legislation Act 2001*.

Note 2 An amendment or repeal of the code is also a disallowable instrument (see *Legislation Act 2001*, s 46 (2)).

[1.782] Section 54

omit

[1.783] Section 63 (3)

substitute

- (3) An instrument of appointment under subsection (2) is a disallowable instrument.

Note A disallowable instrument must be notified, and presented to the Legislative Assembly, under the *Legislation Act 2001*.

[1.784] Section 81

substitute

81 Regulation-making power

The Executive may make regulations for this Act.

Note Regulations must be notified, and presented to the Legislative Assembly, under the *Legislation Act 2001*.

Part 71 Competition Policy Reform Act 1996

[1.785] Section 4 (1)

substitute

- (1) The Competition Code text consists of—
- (a) the schedule version of part IV; and
 - (b) the remaining provisions of the Trade Practices Act (except sections 2A, 5, 6 and 172), so far as they would relate to the schedule version if the schedule version were substituted for part IV of that Act.

Note A reference to a provision of an Act includes a reference to the statutory instruments made or in force under the provision, including regulations (see *Legislation Act 2001*, s 104).

[1.786] Section 6

substitute

6 Future modifications of Competition Code text

- (1) A modification made by a Commonwealth law to the Competition Code text—
- (a) does not apply under section 5 before the end of 2 months after the day of the making of the modification unless the Minister, by writing, declares that it applies from an earlier day; and
 - (b) does not apply under that section at all if the Minister, by writing, declares that it is to be excluded from the operation of the section.

Note Power given under an Act to make a statutory instrument (including a declaration) includes power to amend or repeal the instrument (see *Legislation Act 2001*, s 46 (1)).

- (2) A declaration under subsection (1) is a notifiable instrument.

Note 1 A notifiable instrument must be notified under the *Legislation Act 2001*.

Note 2 An amendment or repeal of a declaration is also a notifiable instrument (see *Legislation Act 2001*, s 46 (2)).

- (3) A declaration under subsection (1) (a)—
- (a) cannot declare a day that is earlier than—
 - (i) the day of notification of the declaration under the *Legislation Act 2001*; or
 - (ii) the day the modification of the text commences; and
 - (b) if it does appoint a day not allowed under paragraph (b)—is taken to declare the day of notification of the declaration or the day the modification of the text commences, whichever is the later.
- (4) For this section, the day a modification to the Competition Code text commences is the day the Commonwealth Act making the modification receives the royal assent or the regulation making the modification is notified in the *Commonwealth of Australia Gazette*.

[1.787] Section 29, definition of *Commonwealth administrative laws*

substitute

Commonwealth administrative laws means the following:

- (a) the *Administrative Appeals Tribunal Act 1975* (Cwlth), other than part IVA (Appeals and references of questions of law to the Federal Court of Australia);
- (b) the *Freedom of Information Act 1982* (Cwlth);
- (c) the *Ombudsman Act 1976* (Cwlth);
- (d) the *Privacy Act 1988* (Cwlth).

Note A reference to a Cwlth Act includes a reference to the statutory instruments made or in force under the Act, including regulations (see *Legislation Act 2001*, s 104).

(commencement: the commencement of section 3 of this Act or immediately after the commencement of the *Jurisdiction of Courts Legislation Amendment Act 2001*, whichever is later)

[1.788] Section 38

substitute

38 Regulation-making power

The Executive may make regulations for this Act.

Note Regulations must be notified, and presented to the Legislative Assembly, under the *Legislation Act 2001*.

[1.789] Dictionary, definition of *application law*

substitute

application law means—

- (a) a law of a participating jurisdiction that applies the Competition Code, either with or without modifications, as a law of the participating jurisdiction; or

- (b) the Competition Code, applying as a law of the participating jurisdiction, either with or without modifications.

*Note for definition of **application law*** A reference to an Act includes a reference to the statutory instruments made or in force under the Act, including regulations (see *Legislation Act 2001*, s 104).

(commencement: the commencement of section 3 of this Act or immediately after the commencement of the *Jurisdiction of Courts Legislation Amendment Act 2001*, whichever is later)

Part 72 **Competition Policy Reform (Savings and Transitional) Regulations**

[1.790] Competition Policy Reform (Savings and Transitional) Regulations

repeal

Part 73 **Construction Practitioners Registration Act 1998**

[1.791] Section 2

omit

[1.792] Section 3, definition of *Code*

substitute

code means the code of ethics under section 12.

Note A reference to a disallowable instrument (including the code) includes a reference to the instrument as originally made and as amended (see *Legislation Act 2001*, s 102).

[1.793] Section 3 (1), definition of *determined fee*

omit

[1.794] Section 5 (2) (e) to (g)

substitute

- (e) must contain the information prescribed under the regulations;
and
- (f) must be accompanied by the documents prescribed under the regulations.

Note A fee may be determined under s 30 (Determination of fees) for this section.

[1.795] Section 10 (1) (b)

substitute

- (b) the annual fee determined under section 30 (Determination of fees); and

[1.796] Section 12

substitute

12 Code of ethics

- (1) The chief executive may, in writing, make a code of ethics to be observed by registered construction practitioners.

Note Power given under an Act to make an instrument (including the code) includes power to amend or repeal the instrument (see *Legislation Act 2001*, s 46 (1)).

- (2) The code is a disallowable instrument.

Note 1 A disallowable instrument must be notified, and presented to the Legislative Assembly, under the *Legislation Act 2001*.

Note 2 An amendment or repeal of the code is also a disallowable instrument (see *Legislation Act 2001*, s 46 (2)).

[1.797] Sections 30 to 32

substitute

30 Determination of fees

- (1) The Minister may, in writing, determine fees for this Act.

Note The *Legislation Act 2001* contains provisions about the making of determinations and regulations relating to fees (see pt 6.3).

- (2) A determination is a disallowable instrument.

Note A disallowable instrument must be notified, and presented to the Legislative Assembly, under the *Legislation Act 2001*.

31 Approved forms

- (1) The Minister may, in writing, approve forms for this Act.
- (2) If the Minister approves a form for a particular purpose, the approved form must be used for that purpose.
- (3) An approved form is a notifiable instrument.

Note A notifiable instrument must be notified under the *Legislation Act 2001*.

32 Regulation-making power

- (1) The Executive may make regulations for this Act.

Note Regulations must be notified, and presented to the Legislative Assembly, under the *Legislation Act 2001*.

- (2) The regulations may prescribe—

- (a) in relation to a category of registration—

- (i) the insurers with whom a construction practitioner who is registered in that category may take out insurance; or
- (ii) the amount, or minimum amount, of insurance cover to be held by a registered construction practitioner, either in total or in relation to each category in which the practitioner is registered; or
- (iii) the amount, or maximum amount, of any excess applying to the insurance cover of a registered construction practitioner, including the amount or maximum amount applying to each category of registration and the

circumstances in which the amount or maximum amount may be changed; or

- (iv) the terms of any policy of insurance for this Act; or
- (b) the information to be provided from time to time to the chief executive by a registered construction practitioner.
- (3) The regulations may also prescribe offences for contraventions of the regulations and prescribe maximum penalties of not more than 10 penalty units for offences against the regulations.

Part 74 **Construction Practitioners Registration Regulations 1998**

[1.798] Regulation 2

omit

[1.799] Regulation 3, definition of Act

omit

Part 75 **Consumer Credit Act 1995**

[1.800] Section 3, note

omit

Note

substitute

Note 1

[1.801] Section 3, new note

insert

Note 2 A reference to an Act includes a reference to the statutory instruments made or in force under the Act, including regulations (see *Legislation Act 2001*, s 104).

[1.802] Section 3, definition of *scheme legislation of the Australian Capital Territory*, paragraph (a)

substitute

- (a) this Act; and

[1.803] Section 12

omit

[1.804] Section 13, new note

insert

Note Regulations must be notified, and presented to the Legislative Assembly, under the *Legislation Act 2001*.

Part 76 Consumer Credit Regulations

[1.805] Regulations 2 and 3

omit

Part 77 Consumer Credit (Administration) Act 1996

[1.806] Section 3, definition of *consumer credit legislation*

substitute

consumer credit legislation means the following legislation:

- (a) this Act;
- (b) the *Consumer Credit Act 1995*;
- (c) the Consumer Credit (Australian Capital Territory) Code;
- (d) the Consumer Credit (Australian Capital Territory) Regulations;
- (e) the *Credit Act 1985*.

Note A reference to an Act includes a reference to the statutory instruments made or in force under the Act, including regulations (see *Legislation Act 2001*, 104).

[1.807] Section 3, definition of *determined fee*

omit

[1.808] Section 6 (2)

after

The Minister may

insert

, in writing,

[1.809] Section 6 (3), new note

insert

Note A disallowable instrument must be notified, and presented to the Legislative Assembly, under the *Legislation Act 2001*.

[1.810] Section 11 (1)

after

commissioner

insert

in writing

[1.811] Section 11 (1), new notes

insert

Note 1 A fee may be determined under s 140 (Determination of fees) for this section.

Note 2 If a form is approved under section 140A (Approved forms) for an application, the form must be used.

[1.812] Section 11 (2) and (3)

omit

[1.813] Section 11 (4) and (5)

renumber as section 11 (2) and (3)

[1.814] Section 12 (1), new notes

insert

Note 1 A fee may be determined under s 140 (Determination of fees) for this section.

Note 2 If a form is approved under section 140A (Approved forms) for an application under this section or a registration certificate, the form must be used.

[1.815] Section 12 (3) and (4)

substitute

- (3) If a registration certificate issued to a credit provider, or any duplicate subsequently issued to the credit provider under this subsection, has been stolen, lost or destroyed, the commissioner must, on application by the credit provider, issue a duplicate.

[1.816] Section 16 (1)

omit

determined fee

substitute

annual fee

[1.817] Section 16 (2), new note

insert

Note If a form is approved under section 140A (Approved forms) for the statement , the form must be used.

[1.818] Section 16 (3)

omit

[1.819] Section 16 (6) to (8)

omit

[1.820] Section 16 (9), new definition of *annual fee*

insert

annual fee means the annual fee determined under section 140 (Determination of fees) for this section.

[1.821] Section 16

renumber subsections when Act next republished under Legislation Act 2001

[1.822] Section 27

omit

accompanied by the determined fee

[1.823] Section 27, new note

insert

Note A fee may be determined under s 140 (Determination of fees) for this section.

[1.824] Section 31 (2)

after

The Minister may

insert

, in writing,

[1.825] Section 31 (3), new note

insert

Note A disallowable instrument must be notified, and presented to the Legislative Assembly, under the *Legislation Act 2001*.

[1.826] Section 42 (1)

after

commissioner

insert

in writing

[1.827] Section 42 (1), new notes

insert

Note 1 A fee may be determined under s 140 (Determination of fees) for this section.

Note 2 If a form is approved under section 140A (Approved forms) for an application, the form must be used

[1.828] Section 42 (2) and (3)

omit

[1.829] Section 42 (4) and (5)

renumber as section 42 (2) and (3)

[1.830] Section 43 (1), new notes

insert

Note 1 A fee may be determined under s 140 (Determination of fees) for this section.

Note 2 If a form is approved under section 140A (Approved forms) for an application under this section or a registration certificate, the form must be used.

[1.831] Section 43 (3) and (4)

substitute

- (3) If a registration certificate issued to a finance broker, or any duplicate subsequently issued to the finance broker under this subsection, has been stolen, lost or destroyed, the commissioner must, on application by the finance broker, issue a duplicate.

[1.832] Section 47 (1)

omit

determined fee

substitute

annual fee

[1.833] Section 47 (2), new note

insert

Note If a form is approved under section 140A (Approved forms) for the statement, the form must be used.

[1.834] Section 47 (3)

omit

[1.835] Section 47 (6) to (8)

omit

[1.836] Section 47 (9), new definition of *annual fee*

insert

annual fee means the annual fee determined under section 140 (Determination of fees) for this section.

[1.837] Section 47

renumber subsections when Act next republished under Legislation Act 2001

[1.838] Section 58

omit

accompanied by the determined fee

[1.839] Section 58, new note

insert

Note A fee may be determined under s 140 (Determination of fees) for this section.

[1.840] Section 100 (1) and (2)

substitute

- (1) The Executive may, in writing, appoint the tribunal or any other entity to inquire into matters about the provision of credit, or the consequences of the provision of credit, stated in the instrument of appointment.

Note Power given under an Act to make an instrument (including the instrument of appointment) includes power to amend or repeal the instrument (see *Legislation Act 2001*, s 46 (1)).

- (2) An appointment is subject to any condition stated in the instrument of appointment.

[1.841] Section 100 (4) and (5)

substitute

- (4) An instrument of appointment is a notifiable instrument.

Note 1 A notifiable instrument must be notified under the *Legislation Act 2001*.

Note 2 An amendment or repeal of an instrument of appointment is also a notifiable instrument (see *Legislation Act 2001*, s 46 (2)).

- (5) The Executive must also publish the terms of each instrument of appointment in a daily newspaper circulating in the ACT.

[1.842] Section 101

substitute

101 Notice of inquiry

- (1) Before beginning an inquiry, the tribunal or person conducting the inquiry must prepare a written notice setting out the following matters:

- (a) the holding of the inquiry;
- (b) the subject matter of the inquiry;
- (c) the time and date when, and place where, the inquiry is to be held.

- (2) The notice may include anything else the tribunal or person considers appropriate.

- (3) The notice is a notifiable instrument.

Note A notifiable instrument must be notified under the *Legislation Act 2001*.

- (4) The tribunal or person conducting the inquiry must also publish the notice in a daily newspaper circulating in the ACT.

[1.843] Sections 140 and 141

substitute

140 Determination of fees

- (1) The Minister may, in writing, determine fees for this Act.

Note The *Legislation Act 2001* contains provisions about the making of determinations and regulations relating to fees (see pt 6.3).

- (2) A determination is a disallowable instrument.

Note A disallowable instrument must be notified, and presented to the Legislative Assembly, under the *Legislation Act 2001*.

140A Approved forms

- (1) The Minister may, in writing, approve forms for this Act.
- (2) If the Minister approves a form for a particular purpose, the approved form must be used for that purpose.
- (3) An approved form is a notifiable instrument.

Note A notifiable instrument must be notified under the *Legislation Act 2001*.

141 Regulation-making power

- (1) The Executive may make regulations for this Act.

Note Regulations must be notified, and presented to the Legislative Assembly, under the *Legislation Act 2001*.

- (2) The regulations may also prescribe offences for contraventions of the regulations and prescribe maximum penalties of not more than 10 penalty units for offences against the regulations.

Part 78 Consumer Credit (Administration) Regulations

[1.844] Regulations 2 and 3

omit

[1.845] Regulation 5 (b) (i)

substitute

- (i) its Australian Company Number (ACN) under the Corporations Law.

Part 79 Contractors' Debts Act 1897

[1.846] Section 3 (2)

substitute

- (2) On application by the plaintiff, the court must give the plaintiff a certificate of the cause of debt.

Note If a form is approved under s 15 (Approved forms) for a certificate of cause of debt, the form must be used.

(commencement: the commencement of section 3 of this Act or immediately after the commencement of the amendments of the *Contractors' Debts Act 1897* (other than the repeal of sections 5 and 6) made by the *Justice and Community Safety Amendment Act 2001*, whichever is later)

[1.847] Section 4 (1)

omit

notice of debt in the approved form

substitute

notice in writing of the debt

(commencement: the commencement of section 3 of this Act or immediately after the commencement of the amendments of the

Contractors' Debts Act 1897 (other than the repeal of sections 5 and 6) made by the *Justice and Community Safety Amendment Act 2001*, whichever is later)

[1.848] Section 4 (1), new note

insert

Note If a form is approved under s 15 (Approved forms) for a notice of debt or certificate of discharge, the form must be used.

(commencement: the commencement of section 3 of this Act or immediately after the commencement of the amendments of the *Contractors' Debts Act 1897* (other than the repeal of sections 5 and 6) made by the *Justice and Community Safety Amendment Act 2001*, whichever is later)

[1.849] Section 4 (4)

omit

in the approved form

(commencement: the commencement of section 3 of this Act or immediately after the commencement of the amendments of the *Contractors' Debts Act 1897* (other than the repeal of sections 5 and 6) made by the *Justice and Community Safety Amendment Act 2001*, whichever is later)

[1.850] Section 8 (1)

omit

, in the approved form,

(commencement: the commencement of section 3 of this Act or immediately after the commencement of the amendments of the *Contractors' Debts Act 1897* (other than the repeal of sections 5 and 6) made by the *Justice and Community Safety Amendment Act 2001*, whichever is later)

[1.851] Section 8 (1), new note

insert

Note If a form is approved under s 15 (Approved forms) for a certificate of discharge, the form must be used.

(commencement: the commencement of section 3 of this Act or immediately after the commencement of the amendments of the *Contractors' Debts Act 1897* (other than the repeal of sections 5 and 6) made by the *Justice and Community Safety Amendment Act 2001*, whichever is later)

[1.852] Section 9 (1)

omit

, in the approved form,

(commencement: the commencement of section 3 of this Act or immediately after the commencement of the amendments of the *Contractors' Debts Act 1897* (other than the repeal of sections 5 and 6) made by the *Justice and Community Safety Amendment Act 2001*, whichever is later)

[1.853] Section 9 (1), new note

insert

Note If a form is approved under s 15 (Approved forms) for a notice, the form must be used.

(commencement: the commencement of section 3 of this Act or immediately after the commencement of the amendments of the *Contractors' Debts Act 1897* (other than the repeal of sections 5 and 6) made by the *Justice and Community Safety Amendment Act 2001*, whichever is later)

[1.854] Section 10 (1)

after

application

insert

for leave

(commencement: the commencement of section 3 of this Act or immediately after the commencement of the amendments of the *Contractors' Debts Act 1897* (other than the repeal of sections 5 and 6) made by the *Justice and Community Safety Amendment Act 2001*, whichever is later)

[1.855] Section 11

substitute

11 Proceedings after judgment

If the plaintiff obtains judgment against the defendant, the plaintiff must give to the contractee further notice of debt.

Note If a form is approved under s 15 (Approved forms) for the notice, the form must be used.

(commencement: the commencement of section 3 of this Act or immediately after the commencement of the amendments of the *Contractors' Debts Act 1897* (other than the repeal of sections 5 and 6) made by the *Justice and Community Safety Amendment Act 2001*, whichever is later)

[1.856] Section 12 (1)

omit

, in the approved form,

(commencement: the commencement of section 3 of this Act or immediately after the commencement of the amendments of the *Contractors' Debts Act 1897* (other than the repeal of sections 5 and 6) made by the *Justice and Community Safety Amendment Act 2001*, whichever is later)

[1.857] Section 12 (1), new note

insert

Note If a form is approved under s 15 (Approved forms) for a certificate, the form must be used.

(commencement: the commencement of section 3 of this Act or immediately after the commencement of the amendments of the *Contractors' Debts Act 1897* (other than the repeal of sections 5 and 6) made by the *Justice and Community Safety Amendment Act 2001*, whichever is later)

[1.858] Section 15

substitute

15 Approved forms

- (1) The Minister may, in writing, approve forms for this Act.
- (2) If the Minister approves a form for a particular purpose, the approved form must be used for that purpose.
- (3) An approved form is a notifiable instrument.

Note A notifiable instrument must be notified under the *Legislation Act 2001*.

(commencement: the commencement of section 3 of this Act or immediately after the commencement of the amendments of the *Contractors' Debts Act 1897* (other than the repeal of sections 5 and 6) made by the *Justice and Community Safety Amendment Act 2001*, whichever is later)

Part 80 Conveyancing Act 1919

[1.859] Section 43 and schedule

omit

Part 81 Conveyancing and Law of Property Act 1898

[1.860] Section 118

omit

, on payment of the proper fees,

Part 82

Co-operative Societies Act 1939

[1.861] Section 2

omit

[1.862] Section 4 (3)

omit

[1.863] Section 9

omit

, on payment of the determined fee

[1.864] Section 9, new note

insert

Note A fee may be determined under s 80C (Determination of fees) for this section.

[1.865] Section 16 (6)

omit

the determined fee together with

[1.866] Section 16 (7)

omit

and the regulations

[1.867] Section 16 (7)

omit

or those regulations

[1.868] Section 16 (7), new note

insert

Note A reference to an Act includes a reference to the statutory instruments made or in force under the Act, including regulations (see *Legislation Act 2001*, s 104).

[1.869] Section 17 (4)

omit

together with the determined fee

[1.870] Section 17 (4), new note

insert

Note A fee may be determined under s 80C (Determination of fees) for this section.

[1.871] Section 17 (5)

omit

in the prescribed form

[1.872] Section 17 (5), new note

insert

Note If a form is approved under s 80D (Approved forms) for a certificate of incorporation, the form must be used.

[1.873] Section 18 (2) (aa)

omit

[1.874] Section 18 (2), new note

insert

Note A fee may be determined under s 80C (Determination of fees) for this section.

[1.875] Section 18 (3)

substitute

- (3) If the registrar is satisfied that the applicant societies have complied with this Act and that the proposed rules of the amalgamated society are not contrary to this Act, the registrar must—

- (a) register the amalgamated society and its rules; and
- (b) issue a certificate that the society is incorporated as an amalgamated society; and
- (c) prepare a written notice about the incorporation of the amalgamated society.

Note If a form is approved under s 80D (Approved forms) for a notice, the form must be used.

- (4) The notice is a notifiable instrument.

Note A notifiable instrument must be notified under the *Legislation Act 2001*.

[1.876] Section 19 (1)

omit

Upon notification in the *Gazette* of the incorporation of an amalgamated society

substitute

On notification under the *Legislation Act 2001* of a notice about the incorporation of an amalgamated society

[1.877] Section 19 (2) and (7)

omit

in the *Gazette*

substitute

under the *Legislation Act 2001*

[1.878] Section 20 (1)

omit

in accordance with the prescribed form,

[1.879] Section 20 (1), new note

insert

Note If a form is approved under s 80D (Approved forms) for a notice, the form must be used.

[1.880] Section 20 (4)

substitute

- (4) An application mentioned in subsection (3) must be accompanied by a statement signed by the applicant setting out the reasons for the application.

Note A fee may be determined under s 80C (Determination of fees) for this section.

[1.881] Section 32 (5)

substitute

- (5) An application must be in writing.

Note A fee may be determined under s 80C (Determination of fees) for this section.

[1.882] Section 33

omit

[1.883] Section 35 (2)

omit

shall be in the prescribed form and

[1.884] Section 35 (2), new note

insert

Note If a form is approved under s 80D (Approved forms) for bonds, the form must be used.

[1.885] Section 38AA (7) (e)

substitute

- (e) a reference to the notification under the *Legislation Act 2001* of a notice about an incorporation and to the date of notification is a reference to the notification under the *Legislation Act 2001* of

a notice about the transfer of engagements (the ***transfer notification***) and to the date stated in the transfer notification as the day the transfer takes effect.

[1.886] Section 38AA (9)

omit

[1.887] Section 40 (4)

omit

, together with the determined fee,

[1.888] Section 40 (4), new note

insert

Note A fee may be determined under s 80C (Determination of fees) for this section.

[1.889] Section 40 (5)

omit

[1.890] Section 43 (a)

omit

and the regulations

[1.891] Section 43 (a), new note

insert

Note A reference to an Act includes a reference to the statutory instruments made or in force under the Act, including regulations (see *Legislation Act 2001*, s 104).

[1.892] Section 44 (1)

omit

together with the determined fee for entering the change in the register

[1.893] Section 44 (1), new notes

insert

Note 1 A fee may be determined under s 80C (Determination of fees) for this section.

Note 2 If a form is approved under s 80D (Approved forms) for a notice, return or other provision of information under this section, the form must be used.

[1.894] Section 44 (1A)

omit

[1.895] Section 44 (2A) (b)

omit

(accompanied by the determined fee)

[1.896] Section 44 (4), (5) and (5A)

omit

[1.897] Section 48 (3) (c)

omit

, accompanied by the determined fee

[1.898] Section 48 (3), new note

insert

Note A fee may be determined under s 80C (Determination of fees) for this section.

[1.899] Section 50 (3) (a)

after

section;

insert

and

[1.900] Section 50 (3) (b)

omit

and;

[1.901] Section 50 (3) (c)

omit

[1.902] Section 50 (3), new note

insert

Note A fee may be determined under s 80C (Determination of fees) for this section.

[1.903] Section 50 (3A)

omit

[1.904] Section 50 (5)

omit

or the regulations

[1.905] Section 50 (5), new note

insert

Note A reference to an Act includes a reference to the statutory instruments made or in force under the Act, including regulations (see *Legislation Act 2001*, s 104).

[1.906] Section 51 (5)

omit

or the regulations

[1.907] Section 51 (5), new note

insert

Note A reference to an Act includes a reference to the statutory instruments made or in force under the Act, including regulations (see *Legislation Act 2001*, s 104).

[1.908] Section 52 (1A) (b)

omit

(accompanied by the determined fee)

[1.909] Section 52 (1A), new note

insert

Note A fee may be determined under s 80C (Determination of fees) for this section.

[1.910] Section 59 (3) (g)

omit

or the regulations

[1.911] Section 59 (3), new note

insert

Note A reference to an Act includes a reference to the statutory instruments made or in force under the Act, including regulations (see *Legislation Act 2001*, s 104).

[1.912] Section 59 (8)

substitute

(8) The liquidator of a society must prepare a written notice of the beginning of the winding-up of the society.

(9) The notice under subsection (8) is a notifiable instrument.

Note A notifiable instrument must be notified under the *Legislation Act 2001*.

(10) The notice under subsection (8) must also be published in a newspaper published and circulating in the ACT.

[1.913] Section 60 (1A)

omit

and the regulations

[1.914] Section 60 (1A), new note

insert

Note A reference to an Act includes a reference to the statutory instruments made or in force under the Act, including regulations (see *Legislation Act 2001*, s 104).

[1.915] Section 68 (1) (c) (i)

omit

and the regulations

[1.916] Section 68 (1) (c), new note

insert

Note A reference to an Act includes a reference to the statutory instruments made or in force under the Act, including regulations (see *Legislation Act 2001*, s 104).

[1.917] Section 79 (1)

omit

or by the Regulations

[1.918] Section 79 (1), new note

insert

Note A reference to an Act includes a reference to the statutory instruments made or in force under the Act, including regulations (see *Legislation Act 2001*, s 104).

[1.919] Section 79 (2)

omit

or the regulations

[1.920] Sections 80C to 81

substitute

80C Determination of fees

- (1) The Minister may, in writing, determine fees for this Act (including the Corporations Law in its application under this Act).

Note The *Legislation Act 2001* contains provisions about the making of determinations and regulations relating to fees (see pt 6.3).

Examples of matters for which fees may be determined

- 1 Lodgment of a document with the registrar
- 2 Supply of a document by the registrar
- 3 Sealing of a document by the registrar

- (2) A determination is a disallowable instrument.

Note A disallowable instrument must be notified, and presented to the Legislative Assembly, under the *Legislation Act 2001*.

80D Approved forms

- (1) The Minister may, in writing, approve forms for this Act.
- (2) If the Minister approves a form for a particular purpose, the approved form must be used for that purpose.
- (3) An approved form is a notifiable instrument.

Note A notifiable instrument must be notified under the *Legislation Act 2001*.

- (4) In the regulations, a reference to a form by a letter is a reference to an approved form identified with the letter.
- (5) A form prescribed under the regulations immediately before the commencement of this section is, after the commencement, taken to be an approved form.
- (6) However, the form need not be notified under the *Legislation Act 2001*.
- (7) Subsections (5) and (6) are laws to which the *Legislation Act 2001*, section 88 (Repeal does not end transitional or validating effect etc) applies.
- (8) Subsections (5) to (7) and this subsection expire 1 year after this section commences.

81 Regulation-making power

- (1) The Executive may make regulations for this Act.

Note Regulations must be notified, and presented to the Legislative Assembly, under the *Legislation Act 2001*.

- (2) The regulations may prescribe offences for contraventions of the regulations and prescribe maximum penalties of not more than 10 penalty units for offences against the regulations.

Part 83 Co-operatives Societies Regulations 1945

[1.921] Regulation 2

substitute

2 Meaning of *prescribed trading society*

In these regulations:

prescribed trading society means a trading society prescribed under regulation 2AA.

[1.922] Regulation 22, new note

omit

and these Regulations

[1.923] Regulation 22, new note

insert

Note A reference to an Act includes a reference to the statutory instruments made or in force under the Act, including regulations (see *Legislation Act 2001*, s 104).

[1.924] Regulations 23 and 26

omit

and these Regulations

[1.925] Schedule

omit

Part 84 Coroners Act 1997

[1.926] Section 15 (1)

omit

in accordance with the Form in Schedule 2

substitute

under section 16

[1.927] Section 16, heading

substitute

16 Release of body

[1.928] Section 16

omit

in accordance with the form in Schedule 2

substitute

under this section

[1.929] Section 16, new note

insert

Note If a form is approved under s 101 (Approved forms) for a certificate, the form must be used.

[1.930] Section 101

substitute

101 Approved forms

- (1) The Chief Coroner may, in writing, approve forms for this Act.

- (2) If the Chief Coroner approves a form for a particular purpose, the approved form must be used for that purpose.
- (3) An approved form is a disallowable instrument.
Note A disallowable instrument must be notified, and presented to the Legislative Assembly, under the *Legislation Act 2001*.
- (4) A form in schedule 2 immediately before the commencement of this section is, after the commencement, taken to be an approved form.
- (5) However, the form need not be notified, or presented to the Legislative Assembly, under the *Legislation Act 2001*.
- (6) Subsections (4) and (5) are laws to which the *Legislation Act 2001*, section 88 (Repeal does not end transitional or validating effect etc) applies.
- (7) Subsections (4) to (6) and this subsection expire 1 year after this section commences.

[1.931] Section 103

substitute

103 Regulation-making power

- (1) The Executive may make regulations for this Act.
Note Regulations must be notified, and presented to the Legislative Assembly, under the *Legislation Act 2001*.
- (2) The regulations may make provision in relation to the practice and procedures to be followed in inquests and inquiries.

[1.932] Schedule 2

omit

Part 85 Coroners Regulations

[1.933] Regulations 2 and 3

omit

Part 86 Credit Act 1985

[1.934] Section 2

substitute

2 Commencement

Section 244 commences on a day fixed by the Minister by notice.

[1.935] Section 5 (1), definition of *determined fee*

omit

[1.936] Section 17

omit

Where

substitute

(1) If

[1.937] Section 17

omit

by order published in the *Gazette*

substitute

in writing

[1.938] New section 17 (2)

insert

(2) A declaration is a notifiable instrument.

Note A notifiable instrument must be notified under the *Legislation Act 2001*.

[1.939] Section 19 (1)

substitute

(1) The Minister may, in writing, declare that this Act—

- (a) does not apply to a person mentioned in the declaration; or
- (b) applies to a person mentioned in the declaration to the extent stated in the declaration; or
- (c) does not apply to a transaction or matter mentioned in the declaration; or
- (d) applies to a transaction or matter mentioned in the declaration to the extent stated in the declaration; or
- (e) does not apply, to the extent stated in the declaration—
 - (i) to a transaction mentioned in the declaration that is entered into by a person mentioned in the declaration; or
 - (ii) to an associated matter mentioned in the declaration; or
- (f) applies subject to any exemption or exception under a corresponding law.

[1.940] Section 19 (2)

omit

An instrument made

substitute

A declaration

[1.941] Section 19 (2) (b)

omit

instrument

substitute

declaration

[1.942] Section 19 (3) and (4)

renumber as section 19 (4) and (5)

[1.943] New section 19 (3)

insert

- (3) A declaration under subsection (1) is a disallowable instrument.

Note A disallowable instrument must be notified, and presented to the Legislative Assembly, under the *Legislation Act 2001*.

[1.944] Section 19A

omit

[1.945] Section 32 (1) (d) and (3) (a)

omit

prescribed for the purposes of

substitute

approved under section 256 (Approved forms) for

[1.946] Section 34 (1)

omit

prescribed for the purposes of

substitute

in the form approved for

[1.947] Section 37 (3) (c)

omit

in or to the effect of the prescribed form

substitute

in the form approved under section 256 (Approved forms) for this section

[1.948] Section 45 (1)

omit

, together with the determined fee (if any),

[1.949] Section 45 (1), new note

insert

Note A fee may be determined under s 255 (Determination of fees) for a request under this subsection.

[1.950] Section 46 (1)

omit

, together with the determined fee (if any),

[1.951] Section 46 (1), new note

insert

Note A fee may be determined under s 255 (Determination of fees) for a request under this subsection.

[1.952] Section 58

omit

in or to the effect of the form prescribed for the purposes of

substitute

in the form approved under section 256 (Approved forms) for

[1.953] Section 68 (1)

omit

together with the determined fee (if any)

[1.954] Section 68 (1), new note

insert

Note A fee may be determined under s 255 (Determination of fees) for a request under this subsection.

[1.955] Section 112 (1) (a)

omit

prescribed form

substitute

form approved under section 256 (Approved forms) for this paragraph

[1.956] Section 120 (1)

omit

the prescribed notice

substitute

a notice in the form approved under section 256 (Approved forms) for this subsection

[1.957] Section 121 (8) (a)

after

not

insert

in

[1.958] Section 138 (3) (c)

omit

in the prescribed form

substitute

, in the form approved under section 256 (Approved forms) for this paragraph,

[1.959] Section 142 (1)

omit

prescribed for the purposes of this section

substitute

approved under section 256 (Approved forms) for this subsection

[1.960] Section 153 (1)

omit

in the prescribed form

substitute

, in the form approved under section 256 (Approved forms) for this subsection,

[1.961] Section 153 (4)

substitute

- (4) The provisions of this Act relating to the giving of notices before beginning a proceeding, or the exercise of a right, under a home finance contract, or a mortgage relating to a home finance contract, are in addition to the requirements of any other law.

[1.962] Section 242

substitute

242 Notices by mortgagees

The provisions of this Act relating to the giving of notices before the exercise by a mortgagee of a right in relation to land that is subject to a regulated mortgage are in addition to the requirements of any other law.

[1.963] Section 247, heading

substitute

247 Approval of form of document by tribunal

[1.964] Section 247 (2)

omit

accompanied by the determined fee (if any)

[1.965] Section 247 (2), new note

insert

Note A fee may be determined under s 255 (Determination of fees) for this section.

[1.966] Sections 263 and 266

substitute

255 Determination of fees

- (1) The Minister may, in writing, determine fees for this Act.

Note The *Legislation Act 2001* contains provisions about the making of determinations and regulations relating to fees (see pt 6.3).

- (2) A determination is a disallowable instrument.

Note A disallowable instrument must be notified, and presented to the Legislative Assembly, under the *Legislation Act 2001*.

256 Approved forms

- (1) The commissioner may, in writing, approve forms for this Act.

- (2) If the commissioner approves a form for a particular purpose, the approved form must be used for that purpose.

- (3) An approved form is a notifiable instrument.

Note A notifiable instrument must be notified under the *Legislation Act 2001*.

- (4) For subsection (2), if a note in an approved form suggests or requires the insertion of information in a blank space, the form is properly completed only if the information is inserted as suggested or required.

- (5) In this section:

form includes a form of words.

- (6) A form prescribed under the regulations immediately before the commencement of this section (other than a form prescribing terms and conditions for section 13 (3) (f) or information for section 107 (3) (d)) is, after the commencement, taken to be an approved form.

- (7) However, the form need not be notified under the *Legislation Act 2001*.

- (8) Subsections (6) and (7) are laws to which the *Legislation Act 2001*, section 88 (Repeal does not end transitional or validating effect etc) applies.
- (9) Subsections (6) to (8) and this subsection expire 1 year after this section commences.

257 Regulation-making power

- (1) The Executive may make regulations for this Act.

Note Regulations must be notified, and presented to the Legislative Assembly, under the *Legislation Act 2001*.

- (2) The regulations may make provision in relation to the use of particular descriptive terms—
 - (a) in a regulated contract, a notice under section 59 (Notice of terms of continuing credit contract), a statement of account mentioned in section 61 (Statement of account) or any other document; or
 - (b) in an advertisement relating to the provision of credit or to the business of a credit provider.
- (3) The regulations may also prescribe offences for contraventions of the regulations and prescribe maximum penalties of not more than 10 penalty units for offences against the regulations.

Part 87 Credit Regulations 1985

[1.967] Regulations 2 and 3

omit

[1.968] Regulation 8

omit

Form 1

substitute

schedule 1

[1.969] Regulation 9 (1) and (2)

omit

[1.970] Regulation 9 (3)

omit

(3) For the purposes of

substitute

For

[1.971] Regulations 10, 11 and 14

omit

[1.972] Regulation 15

omit

Form 7 is

substitute

schedule 1A contains

[1.973] Regulations 16, 17, 20 and 21

omit

[1.974] Regulation 24 (1)

omit everything before paragraph (a), substitute

(1) A notice, statement or document containing information prescribed by a form approved under the Act, section 256 (Approved forms) must be—

[1.975] Regulation 30

omit

[1.976] Schedule 1, heading

omit

FORMS

[1.977] Schedule 1, form 1, heading

omit

FORM 1

[1.978] Schedule 1, forms 2 to 6

omit

[1.979] Schedule 1, form 7, heading

omit

FORM 7

substitute

Schedule 1A

[1.980] Schedule 1, forms 8 to 12

omit

Part 88

Cremation Act 1966

[1.981] Section 2

omit

[1.982] Section 5 (1), new note

insert

Note If a form is approved under s 28 (Approval of forms) for an application, the form must be used.

[1.983] Section 7 (1)

substitute

- (1) A person may apply to a cremation authority for the cremation of a body.

Note If a form is approved under s 28 (Approval of forms) for an application, the form must be used.

[1.984] Section 7 (2)

omit

referred to

substitute

under

[1.985] Section 7 (2)

omit everything after

respectively

[1.986] Section 7 (2), new note

insert

Note If a form is approved under s 28 (Approval of forms) for a certificate, the form must be used.

[1.987] Section 12

omit

, in accordance with form 1,

[1.988] Section 12, new note

insert

Note If a form is approved under s 28 (Approval of forms) for a certificate, the form must be used.

[1.989] Section 13

omit

, in accordance with form 2, signed by that person

[1.990] Section 27

substitute

27 Determination of fees

- (1) The Minister may, in writing, determine fees for this Act.

Note The *Legislation Act 2001* contains provisions about the making of determinations and regulations relating to fees (see pt 6.3).

- (2) A determination is a disallowable instrument.

Note A disallowable instrument must be notified, and presented to the Legislative Assembly, under the *Legislation Act 2001*.

28 Approved forms

- (1) The Minister may, in writing, approve forms for this Act.
- (2) If the Minister approves a form for a particular purpose, the approved form must be used for that purpose.
- (3) An approved form is a notifiable instrument.

Note A notifiable instrument must be notified under the *Legislation Act 2001*.

- (4) A form in the schedule immediately before the commencement of this section is, after the commencement, taken to be an approved form.
- (5) However, the form need not be notified under the *Legislation Act 2001*.
- (6) Subsections (4) and (5) are laws to which the *Legislation Act 2001*, section 88 (Repeal does not end transitional or validating effect etc) applies.
- (7) Subsections (4) to (6) and this subsection expire 1 year after this section commences.

29 Regulation-making power

The Executive may make regulations for this Act.

Note Regulations must be notified, and presented to the Legislative Assembly, under the *Legislation Act 2001*.

[1.991] Schedule

omit

Part 89 Crime Prevention Powers Act 1998

[1.992] Section 2

omit

Part 90 Crimes Act 1900

[1.993] Section 358 (1)

omit

(1)

[1.994] Section 358 (1), new note

insert

Note If a form is approved under s 578 (Approved forms) for a certificate or warrant, the form must be used.

[1.995] Section 358 (2) and (3)

omit

[1.996] Section 358A (1), definition of *corresponding law*

substitute

corresponding law means a law of a State or another Territory declared under section 358AA to be a corresponding law.

[1.997] Section 358A (3)

omit

[1.998] New section 358AA

insert

358AA Declaration of corresponding law

- (1) The Executive may, in writing, declare a law of a State or another Territory to be a corresponding law.
- (2) A declaration is a notifiable instrument.

Note A notifiable instrument must be notified under the *Legislation Act 2001*.

[1.999] Section 437 (1A)

omit

in a form prescribed by the regulations

[1.1000] Section 437 (1A), new note

insert

Note If a form is approved under s 578 (Approved forms) for an application, the form must be used.

[1.1001] Section 448 (1) (a) to (c)

substitute

- (a) a document in the form approved under section 578 (Approved forms) for this section has been filed in court in relation to the convicted person; and
- (b) the document has been signed by—
 - (i) the director of public prosecutions or a person authorised in writing by the director; and
 - (ii) the convicted person; and
- (c) the document contains a list of other offences (other than offences punishable by imprisonment for life) that the convicted person is alleged to have committed; and
- (d) a copy of the document has been given to the convicted person; and
- (e) in all the circumstances of the case it is proper to do so;

[1.1002] Section 556G (4) (a)

omit

in accordance with form 1 in Schedule 5

[1.1003] Section 556G (4), new note

insert

Note If a form is approved under s 578 (Approved forms) for an order, the form must be used.

[1.1004] Section 567

omit

The judges

substitute

- (1) The judges

[1.1005] New section 567 (2)

insert

- (2) A form prescribed under this section is a notifiable instrument.

Note A notifiable instrument must be notified under the *Legislation Act 2001*.

[1.1006] Section 578

substitute

578 Approved forms

- (1) The Minister may, in writing, approve forms for this Act.
- (2) If the Minister approves a form for a particular purpose, the approved form must be used for that purpose.
- (3) An approved form is a notifiable instrument.

Note A notifiable instrument must be notified under the *Legislation Act 2001*.

- (4) A form in schedule 3, 5 or 6 immediately before the commencement of this section is, after the commencement, taken to be an approved form.
- (5) However, the form need not be notified under the *Legislation Act 2001*.
- (6) Subsections (4) and (5) are laws to which the *Legislation Act 2001*, section 88 (Repeal does not end transitional or validating effect etc) applies.
- (7) Subsections (4) to (6) and this subsection expire 1 year after this section commences.

579 Regulation-making power

The Executive may make regulations for this Act.

Note Regulations must be notified, and presented to the Legislative Assembly, under the *Legislation Act 2001*.

[1.1007] Section 578 (in part 17)

renumber as section 580

[1.1008] Schedules 3, 5 and 6

omit

Part 91 Crimes (Forensic Procedures) Regulations 2000

[1.1009] Regulation 3, definition of *the Act*

omit

[1.1010] Regulation 3, note

omit

, as applied by the *Subordinate Laws Act 1989*, s 9

Part 92 Crimes (Offences against the Government) Act 1989

[1.1011] Section 2

omit

Part 93 Crown Proceedings Act 1992

[1.1012] Section 21 (1), new note

insert

Note Regulations must be notified, and presented to the Legislative Assembly, under the *Legislation Act 2001*.

Part 94 Crown Proceedings Regulations

[1.1013] Regulations 2 and 3

omit

Part 95 Cultural Facilities Corporation Act 1997

[1.1014] Section 3 (1)

omit

(1)

[1.1015] Section 3 (1), definition of *designated location*, paragraph (b)

substitute

(b) a location declared by the Minister under section 3A (Declaration of designated locations).

[1.1016] Section 3 (2)

omit

[1.1017] New section 3A

insert

3A Declaration of designated locations

- (1) The Minister may, in writing, declare a location to be a designated location.
- (2) A declaration is a disallowable instrument.

Note A disallowable instrument must be notified, and presented to the Legislative Assembly, under the *Legislation Act 2001*.

Part 96 Custodial Escorts Act 1998

[1.1018] Section 2

omit

[1.1019] Section 11

substitute

11 Regulation-making power

The Executive may make regulations for this Act.

Note Regulations must be notified, and presented to the Legislative Assembly, under the *Legislation Act 2001*.

Part 97 Dangerous Goods Act 1975

[1.1020] Section 9 (4)

omit

and the regulations

[1.1021] Section 9 (4), new note

insert

Note A reference to an Act includes a reference to the statutory instruments made or in force under the Act, including regulations (see *Legislation Act 2001*, s 104).

[1.1022] Section 16

substitute

16 Declaration of authorised explosives

- (1) The Minister may, in writing, declare explosives to be authorised explosives for division 2.
- (2) A declaration may prescribe explosives by reference to—
 - (a) their class; or
 - (b) their quantity; or
 - (c) the circumstances in which, or other than in which, they are authorised explosives.
- (3) A declaration is a notifiable instrument.

Note A notifiable instrument must be notified under the *Legislation Act 2001*.

[1.1023] Section 45 (1)

after

may

insert

, in writing,

[1.1024] New section 45 (3)

insert

- (3) An approved form is a notifiable instrument.

Note A notifiable instrument must be notified under the *Legislation Act 2001*.

[1.1025] Sections 46 and 47

substitute

46 Determination of fees

- (1) The Minister may, in writing, determine fees for this Act.

Note The *Legislation Act 2001* contains provisions about the making of determinations and regulations relating to fees (see pt 6.3).

- (2) A determination is a disallowable instrument.

Note A disallowable instrument must be notified, and presented to the Legislative Assembly, under the *Legislation Act 2001*.

[1.1026] Section 49 (1) (a)

omit

, whether under this Act or the regulations,

[1.1027] Section 49 (1), new note

insert

Note Regulations must be notified, and presented to the Legislative Assembly, under the *Legislation Act 2001*.

[1.1028] Section 49 (3)

omit

create

substitute

also prescribe

[1.1029] Section 49 (4) (e) (ii)

omit

approved by the Minister and published in the *Gazette*

substitute

approved, in writing, by the Minister

[1.1030] New section 49 (8)

insert

- (8) A standard, rule, code or specification approved under subsection (4) (e) (ii) is a notifiable instrument.

Note A notifiable instrument must be notified under the *Legislation Act 2001*.

[1.1031] Section 55 (3)

omit

[1.1032] Section 56 (2)

substitute

- (2) This part is a law to which the *Legislation Act 2001*, section 88 (Repeal does not end transitional or validating effect etc) applies.

Part 98 Dangerous Goods Regulations 1978

[1.1033] Regulation 8 (2) (a)

omit

and these regulations

[1.1034] Regulation 8 (2), new note

insert

Note A reference to an Act includes a reference to the statutory instruments made or in force under the Act, including regulations (see *Legislation Act 2001*, s 104).

[1.1035] Regulation 15A (8) (b) (ii) and (ix)

omit

[1.1036] Regulation 15A (8) (b) (iii) to (viii)

renumber as regulation 15A (8) (b) (ii) to (vii)

[1.1037] Regulation 15 (8), new note

insert

Note A reference to an Act includes a reference to the statutory instruments made or in force under the Act, including regulations (see *Legislation Act 2001*, s 104).

[1.1038] Regulation 29 (3)

omit

in the Gazette

substitute

notified as a notifiable instrument under the *Legislation Act 2001*

[1.1039] Regulation 84 (1) (b) (ii)

omit

and these regulations

[1.1040] Regulation 84 (1), new note

insert

Note A reference to an Act includes a reference to the statutory instruments made or in force under the Act, including regulations (see *Legislation Act 2001*, s 104).

[1.1041] Regulation 375

omit

Part 99 Debits Tax Act 1997

[1.1042] Section 3 (8)

substitute

(8) In subsections (6) and 5 (2):

authority of the Commonwealth does not include an authority established under a Commonwealth Act if the Act provides that the authority is liable to pay the tax or taxes that include the tax.

Note A reference to an Act includes a reference to the statutory instruments made or in force under the Act, including regulations (see *Legislation Act 2001*, s 104).

[1.1043] Section 14 (1), new note

insert

Note If a form is approved under the *Taxation Administration Act 1999*, s 139C (Approved forms) for an application, the form must be used.

[1.1044] Section 14 (7)

omit

[1.1045] Section 14 (8)

omit

(8) The applicant shall

substitute

(7) An applicant must

[1.1046] Section 16 (2), new note

insert

Note If a form is approved under the *Taxation Administration Act 1999*, s 139C (Approved forms) for an application, the form must be used.

[1.1047] Section 16 (11)

omit

[1.1048] Section 16 (12)

omit

(12) The applicant shall

substitute

(11) An applicant must

[1.1049] Section 17 (1), new note

insert

Note If a form is approved under the *Taxation Administration Act 1999*, s 139C (Approved forms) for a return, the form must be used.

[1.1050] Section 17 (8)

omit

[1.1051] Section 18 (2) (b)

substitute

- (b) in any other case—in accordance with the form approved under the *Taxation Administration Act 1999*, section 139C (Approved forms) for this section.

[1.1052] Section 20 (1), new note

insert

Note Regulations must be notified, and presented to the Legislative Assembly, under the *Legislation Act 2001*.

[1.1053] Section 20 (2)

substitute

- (2) The regulations may prescribe offences for contraventions of the regulations and prescribe maximum penalties of not more than 10 penalty units for offences against the regulations.

[1.1054] Section 22 (3)

omit

after the notification of this Act, by notice published in the Gazette

substitute

in writing

[1.1055] Section 22 (5)

substitute

- (5) A determination under subsection (3) is a notifiable instrument.

Note A notifiable instrument must be notified under the *Legislation Act 2001*.

[1.1056] Section 24 and schedule

omit

Part 100 **Dental Technicians and Dental
Prosthetists Registration Act
1988**

[1.1057] Section 2

omit

[1.1058] Section 3 (1), definition of *determined fee*

omit

[1.1059] Section 25

substitute

25 Applications for registration

An applicant for registration under this part must give the board a completed application form.

Note 1 A fee may be determined under s 73 (Determination of fees) for this section.

Note 2 If a form is approved under s 74 (Approved forms) for an application, the form must be used.

[1.1060] Section 26 (5) and (6)

substitute

(5) The Minister may, in writing and on the recommendation of the board, approve a course of instructions.

(6) An approval is a notifiable instrument.

Note A notifiable instrument must be notified under the *Legislation Act 2001*.

(7) In this section:

approved course of instruction means a course of instruction that is approved under subsection (5).

[1.1061] Section 30 (4)

omit

and payment of the determined fee

[1.1062] Section 30 (4), new note

insert

Note A fee may be determined under s 73 (Determination of fees) for this subsection.

[1.1063] Section 33 (3)

substitute

- (3) If a certificate issued under subsection (1) to a registered person has been stolen, lost or destroyed, the board must, on application by the person, issue a duplicate certificate.

Note A fee may be determined under s 73 (Determination of fees) for this section.

[1.1064] Section 34, heading

substitute

34 Annual registration fee

[1.1065] Section 34 (1)

substitute

- (1) On or before 1 September in each year, a registered person must pay to the board the annual registration fee determined under section 73 (Determination of fees) for this section for the year.

[1.1066] Section 34 (2) (a)

omit

determined

[1.1067] Section 34 (4)

substitute

- (4) A person whose registration has been cancelled under subsection (3) for failure to pay the annual registration fee determined under section 73 for a year is entitled to be re-registered if the person pays the fee within 1 year after the cancellation.

[1.1068] Section 36 (b) (i)

omit

and on payment of the determined fee

[1.1069] Section 36, new note

insert

Note A fee may be determined under s 73 (Determination of fees) for this section.

[1.1070] Section 40 (1)

omit

- (1) A registered dental technician

substitute

A registered dental technician

[1.1071] Section 40 (1), new note

insert

Note If a form is approved under s 74 (Approved forms) for an order, the form must be used.

[1.1072] Section 40 (2)

omit

[1.1073] Section 66 (1)

omit

, on payment of the determined fee

[1.1074] Section 69 (1)

omit everything after paragraph (b), substitute

the chairperson may prepare a written notice of the decision and the reasons for the decision, including the findings on material questions of fact.

[1.1075] New section 69 (2)

insert

- (2) The notice is a notifiable instrument.

Note A notifiable instrument must be notified under the *Legislation Act 2001*.

[1.1076] Section 69 (2)

omit everything before paragraph (a), substitute

- (3) The notice must not be notified until—

[1.1077] Section 70

substitute

70 Publication of names etc of registered persons

- (1) As soon as practicable after 1 September in each year, the board must prepare a written notice containing, in relation to each registered person, the person's name and—
- (a) for an individual—the person's professional address in the ACT; or
 - (b) for a company that carries on business from an address in the ACT—that address.

- (2) The notice is a notifiable instrument.

Note A notifiable instrument must be notified under the *Legislation Act 2001*.

[1.1078] Sections 73 and 74

substitute

73 Determination of fees

- (1) The Minister may, in writing, determine fees for this Act.

Note The *Legislation Act 2001* contains provisions about the making of determinations and regulations relating to fees (see pt 6.3).

- (2) A determination is a disallowable instrument.

Note A disallowable instrument must be notified, and presented to the Legislative Assembly, under the *Legislation Act 2001*.

74 Approved forms

- (1) The board may, in writing, approve forms for this Act.

- (2) If the board approves a form for a particular purpose, the approved form must be used for that purpose.

- (3) An approved form is a notifiable instrument.

Note A notifiable instrument must be notified under the *Legislation Act 2001*.

75 Regulation-making power

The Executive may make regulations for this Act.

Note Regulations must be notified, and presented to the Legislative Assembly, under the *Legislation Act 2001*.

[1.1079] Part 7

omit

Part 101 Dentists Act 1931

[1.1080] Section 2

omit

[1.1081] Section 3 (1), definition of *determined fee*

omit

[1.1082] Section 12 (2)

substitute

- (2) A person authorised by the board for this section may grant interim registration in accordance with this section to an applicant for registration.

Note A fee may be determined under s 85 (Determination of fees) for this section.

[1.1083] Section 18 (2)

substitute

- (2) The applicant must give the board a completed application form.

Note 1 A fee may be determined under s 85 (Determination of fees) for this section.

Note 2 If a form is approved under s 86 (Approved forms) for an application, the form must be used.

[1.1084] Section 21

omit

[1.1085] Section 27 (5)

substitute

- (5) If a certificate issued under subsection (1) to a person has been stolen, lost or destroyed, the board must, on application by the person, issue a duplicate certificate.

Note A fee may be determined under s 85 (Determination of fees) for this section.

[1.1086] Section 29 (2), new note

insert

Note A fee may be determined under s 85 (Determination of fees) for this section.

[1.1087] Section 29 (3)

omit

[1.1088] Part 3, division 4, heading

substitute

**Division 3.4 Annual registration fees for
dentists and specialist dentists**

[1.1089] Section 35, heading

substitute

35 Annual registration fee payable by registered dentist

[1.1090] Section 35 (1)

substitute

- (1) On or before 1 July in each year, a registered dentist must pay to the Territory the annual registration fee determined under section 85 (Determination of fees) for the year.

[1.1091] Section 36, heading

substitute

**36 Annual registration fee payable by registered specialist
dentist**

[1.1092] Section 36 (1)

substitute

- (1) On or before 1 July in each year, a registered specialist dentist must pay to the Territory the annual registration fee determined under section 85 (Determination of fees) for the year.

[1.1093] Section 38, heading

substitute

38 Re-registration

[1.1094] Section 38 (1)

substitute

- (1) A person whose registration has been cancelled for failure to pay the annual registration fee determined under section 85 (Determination of fees) for a year is entitled to be re-registered if the person gives the board a completed application form and pays the fee.

Note If a form is approved under s 86 (Approved forms) for this section, the form must be used.

[1.1095] Section 46 (2)

substitute

- (2) The applicant must give the board a completed application form.

Note 1 A fee may be determined under s 85 (Determination of fees) for this section.

Note 2 If a form is approved under s 86 (Approved forms) for an application, the form must be used.

[1.1096] Section 49

omit

[1.1097] Section 53 (4)

substitute

- (4) If a certificate issued under subsection (1) to a person has been stolen, lost or destroyed, the board must, on application by the person, issue a duplicate certificate.

Note A fee may be determined under s 85 (Determination of fees) for this section.

[1.1098] Section 55 (2), new note

insert

Note A fee may be determined under s 85 (Determination of fees) for a request under this section.

[1.1099] Section 55 (3)

omit

[1.1100] Part 4, division 5, heading

substitute

**Division 4.5 Annual registration fees for dental
hygienists**

[1.1101] Section 59, heading

substitute

**59 Annual registration fee payable by registered dental
hygienist**

[1.1102] Section 59 (1)

substitute

- (1) On or before 1 July in each year, a registered dental hygienist must pay to the Territory the annual registration fee determined under section 85 (Determination of fees) for the year.

[1.1103] Section 61, heading

substitute

61 Re-registration

[1.1104] Section 61 (1)

substitute

- (1) A person whose registration has been cancelled for failure to pay the annual registration fee determined under section 85 (Determination of fees) for a year is entitled to be re-registered if the person gives the board a completed application form and pays the fee.

Note If a form is approved under s 86 (Approved forms) for an application, the form must be used.

[1.1105] Section 62 (1) (e)

omit

or the regulations

[1.1106] Section 62 (1), new note

insert

Note A reference to an Act includes a reference to the statutory instruments made or in force under the Act, including regulations (see *Legislation Act 2001*, s 104).

[1.1107] Section 68 (1)

omit

The Chairperson may, if the Chairperson thinks fit, cause a notice

substitute

The chairperson may prepare written notice

[1.1108] Section 68 (1)

omit

, to be published in the *Gazette*

[1.1109] New section 68 (2)

insert

- (2) The notice is a notifiable instrument.

Note A notifiable instrument must be notified under the *Legislation Act 2001*.

[1.1110] Section 68 (2)

omit everything before paragraph (a), substitute

- (3) The notice must not be notified until—

[1.1111] Section 83 (1)

substitute

- (1) A person may inspect, or obtain a certified copy of, an entry in a register under this Act.

Note A fee may be determined under s 85 (Determination of fees) for this section.

[1.1112] Sections 84, 85 and 87

substitute

84 Publication of names etc of registered persons

- (1) As soon as practicable after 1 July in each year, the board must prepare a written notice containing—
- (a) the name and professional address (or addresses) of every dentist registered on that day; and
 - (b) the name of every specialist dentist registered on that day and the specialist branch of dentistry in which the specialist dentist is registered; and
 - (c) the name of every dental hygienist registered on that day and at least 1 professional address of the person by whom the dental hygienist is employed as a dental hygienist.

- (2) A notice is a notifiable instrument.

Note A notifiable instrument must be notified under the *Legislation Act 2001*.

85 Determination of fees

- (1) The Minister may, in writing, determine fees for this Act.

Note The *Legislation Act 2001* contains provisions about the making of determinations and regulations relating to fees (see pt 6.3).

- (2) A determination is a disallowable instrument.

Note A disallowable instrument must be notified, and presented to the Legislative Assembly, under the *Legislation Act 2001*.

86 Approved forms

- (1) The board may, in writing, approve forms for this Act.

- (2) If the board approves a form for a particular purpose, the approved form must be used for that purpose.
- (3) An approved form is a notifiable instrument.

Note A notifiable instrument must be notified under the *Legislation Act 2001*.

87 Regulation-making power

The Executive may make regulations for this Act.

Note Regulations must be notified, and presented to the Legislative Assembly, under the *Legislation Act 2001*.

Part 102 Director of Public Prosecutions Act 1990

[1.1113] Section 12 (1)

omit

by instrument

substitute

in writing

[1.1114] Section 20 (1)

omit

by instrument

substitute

, in writing,

[1.1115] Section 20 (5)

substitute

- (5) A direction or guideline is a notifiable instrument.

Note A notifiable instrument must be notified under the *Legislation Act 2001*.

- (6) The Minister must present a direction or guideline to the Legislative Assembly within 5 sitting days after the notification of the direction or guideline.

[1.1116] Section 35

substitute

35 Regulation-making power

The Executive may make regulations for this Act.

Note Regulations must be notified, and presented to the Legislative Assembly, under the *Legislation Act 2001*.

**Part 103 Director of Public
Prosecutions Regulations**

[1.1117] Regulation 2

omit

Part 104 Disability Services Act 1991

[1.1118] Section 2

omit

[1.1119] Section 9 (1)

omit

by instrument

substitute

in writing

[1.1120] Section 9 (2)

substitute

- (2) An approval is a disallowable instrument.

Note A disallowable instrument must be notified, and presented to the Legislative Assembly, under the *Legislation Act 2001*.

[1.1121] Section 10 (1)

omit

by instrument published in the *Gazette*

substitute

in writing

[1.1122] Section 10 (4)

substitute

- (4) A guideline is a disallowable instrument.

Note A disallowable instrument must be notified, and presented to the Legislative Assembly, under the *Legislation Act 2001*.

Part 105 Discrimination Act 1991

[1.1123] Section 2

omit

[1.1124] Section 30 (2)

substitute

- (2) The Minister may, in writing, declare that subsection (1) (a) and (b) expire on a day stated in the declaration.
- (3) The declaration is a notifiable instrument.

Note A notifiable instrument must be notified under the *Legislation Act 2001*.

- (4) Subsection (1) (a) and (b) and this subsection expire on the day stated in the declaration.

[1.1125] Section 52 (2) and (3)

substitute

(2) The Minister may, in writing, declare that subsection (1) does not apply to a building the construction of which begins on or after a day stated in the declaration.

(3) The declaration is a notifiable instrument.

Note A notifiable instrument must be notified under the *Legislation Act 2001*.

(4) Subsection (1) does not apply to a building the construction of which begins on or after a day stated in the declaration.

(5) For this section, the construction of a building begins on the day when a building approval for the erection of the building is granted under the *Building Act 1972*.

[1.1126] Section 72 (1), new note

insert

Note If a form is approved under s 126A (Approved forms—commissioner) for a complaint, the form must be used.

[1.1127] Section 72 (4)

omit

[1.1128] Section 92 (1)

omit

and the regulations

[1.1129] Section 92 (1), new note

insert

Note A reference to an Act includes a reference to the statutory instruments made or in force under the Act, including regulations (see *Legislation Act 2001*, s 104).

[1.1130] Section 99 (1), new note

insert

Note If a form is approved under s 110K (Approved forms—registrar) for an application, the form must be used.

[1.1131] Section 99 (3)

omit

[1.1132] Section 99 (4) and (5)

renumber as section 99 (3) and (4)

[1.1133] Section 100 (1), new note

insert

Note If a form is approved under s 110K (Approved forms—registrar) for an application, the form must be used.

[1.1134] Section 100 (4)

omit

[1.1135] Section 100 (5)

renumber as section 100 (4)

[1.1136] Section 108 (1)

after

may

insert

, in writing,

[1.1137] Section 108 (2)

omit

in writing

[1.1138] Section 108 (3)

substitute

(3) A direction to people generally is a notifiable instrument.

Note A notifiable instrument must be notified under the *Legislation Act 2001*.

[1.1139] Section 109 (1)

omit

on application in writing, grant the applicant an exemption

substitute

on written application, exempt the applicant in writing

[1.1140] Section 109 (2)

omit

grant the applicant a further exemption

substitute

further exempt the applicant, in writing,

[1.1141] Section 109 (4) (a)

substitute

(a) is a notifiable instrument; and

[1.1142] Section 109 (4), new note

insert

Note A notifiable instrument must be notified under the *Legislation Act 2001*.

[1.1143] New section 110K

insert

110K Approved forms—registrar

- (1) The registrar may, in writing, approve forms in relation to proceedings before the tribunal.
- (2) If the registrar approves a form for a particular purpose, the approved form must be used for that purpose.
- (3) An approved form is a notifiable instrument.

Note A notifiable instrument must be notified under the *Legislation Act 2001*.

[1.1144] Section 124 (5)

substitute

- (5) An arrangement, or a variation or revocation of an arrangement, is a notifiable instrument.

Note A notifiable instrument must be notified under the *Legislation Act 2001*.

[1.1145] New section 126A

insert

126A Approved forms—commissioner

- (1) The commissioner may, in writing, approve forms for this Act (other than in relation to proceedings before the tribunal).
- (2) If the commissioner approves a form for a particular purpose, the approved form must be used for that purpose.
- (3) An approved form is a notifiable instrument.

Note A notifiable instrument must be notified under the *Legislation Act 2001*.

[1.1146] Section 127 (1), new note

insert

Note Regulations must be notified, and presented to the Legislative Assembly, under the *Legislation Act 2001*.

[1.1147] Section 127 (2)

omit

Without limiting subsection (1), the regulations

substitute

The regulations

Part 106 Districts Act 1966

[1.1148] Section 2

omit

Part 107 Domestic Animals Act 2000

[1.1149] Section 40 (1)

after

may

insert

, in writing,

[1.1150] Section 40 (3), new note

insert

Note A disallowable instrument must be notified, and presented to the Legislative Assembly, under the *Legislation Act 2001*.

[1.1151] Sections 62 (2), note 1, 63 (2), note 1, 64 (2), note 1, and 65, note 1

omit

(Fees)

substitute

(Determination of fees)

[1.1152] Section 71 (3)

substitute

(3) A guideline is a disallowable instrument.

Note A disallowable instrument must be notified, and presented to the Legislative Assembly, under the *Legislation Act 2001*.

[1.1153] Section 81 (2), new note

insert

Note A disallowable instrument must be notified, and presented to the Legislative Assembly, under the *Legislation Act 2001*.

[1.1154] Section 81 (3)

substitute

- (3) Unless a declaration is disallowed by the Legislative Assembly, the declaration commences—
- (a) on the day after the last day when it could have been disallowed; or
 - (b) if the declaration provides for a later date or time of commencement—on that date or at that time.

[1.1155] Section 95 (3)

substitute

- (3) A guideline is a disallowable instrument.

Note A disallowable instrument must be notified, and presented to the Legislative Assembly, under the *Legislation Act 2001*.

[1.1156] Section 144

substitute

144 Determination of fees

- (1) The Minister may, in writing, determine fees for this Act.

Note The *Legislation Act 2001* contains provisions about the making of determinations and regulations relating to fees (see pt 6.3).

- (2) A determination is a disallowable instrument.

Note A disallowable instrument must be notified, and presented to the Legislative Assembly, under the *Legislation Act 2001*.

[1.1157] Sections 145 and 146

omit

[1.1158] New section 147 (3)

insert

- (3) An approved form is a notifiable instrument.

Note A notifiable instrument must be notified under the *Legislation Act 2001*.

[1.1159] Section 148

substitute

148 Regulation-making power

- (1) The Executive may make regulations for this Act.

Note Regulations must be notified, and presented to the Legislative Assembly, under the *Legislation Act 2001*.

- (2) The regulations may prescribe offences for contraventions of the regulations and prescribe maximum penalties of not more than 10 penalty units for offences against the regulations.

[1.1160] Dictionary, definition of *this Act*

omit

**Part 108 Domestic Relationships Act
1994**

[1.1161] Section 2

omit

[1.1162] Sections 41 and 42

substitute

41 Regulation-making power

- (1) The Executive may make regulations for this Act.

Note Regulations must be notified, and presented to the Legislative Assembly, under the *Legislation Act 2001*.

- (2) The regulations may make provision in relation to the enforcement by the Magistrates Court of orders of the Supreme Court under this Act that could have been made by the Magistrates Court.

Part 109 Domestic Violence Act 1986

[1.1163] Section 2

omit

[1.1164] Section 12 (1) (a)

omit

Form 1 in Schedule 2

substitute

the form approved under section 35 (Approved forms)

[1.1165] Section 17A (3) (a)

substitute

- (a) be in the form approved under section 35 (Approved forms);
and

[1.1166] Section 17A (3) (b) (i)

omit

by the Registrar

substitute

under section 35 (Approved forms)

[1.1167] Section 17B (7)

substitute

- (7) A notice opposing the extension of an order must be in the form approved under section 35 (Approved forms).

[1.1168] Section 19 (1) (a)

substitute

- (a) arrange for an order in the form approved under section 35 (Approved forms) to be formally drawn up and filed in the court; and

[1.1169] Section 19 (2)

omit

[1.1170] Section 19 (3)

renumber as section 19 (2)

[1.1171] Section 19 (4)

omit everything before paragraph (a), substitute

- (4) An order must be made in the form approved under section 35 (Approved forms) and include—

[1.1172] Section 33 (1)

omit

by notice in the *Gazette*

substitute

in writing

[1.1173] Section 33 (2)

substitute

- (2) An approval is a disallowable instrument.

Note A disallowable instrument must be notified, and presented to the Legislative Assembly, under the *Legislation Act 2001*.

[1.1174] New section 35

insert

35 Approved forms

- (1) The registrar may, in writing, approve forms for this Act.
- (2) If the registrar approves a form for a particular purpose, the approved form must be used for that purpose.
- (3) An approved form is a notifiable instrument.
Note A notifiable instrument must be notified under the *Legislation Act 2001*.
- (4) A form in schedule 2 immediately before the commencement of this section is, after the commencement, taken to be an approved form.
- (5) However, the form need not be notified under the *Legislation Act 2001*.
- (6) Subsections (4) and (5) are laws to which the *Legislation Act 2001*, section 88 (Repeal does not end transitional or validating effect etc) applies.
- (7) Subsections (4) to (6) and this subsection expire 1 year after this section commences.

[1.1175] Schedule 2

omit

Part 110 Door-to-Door Trading Act 1991

[1.1176] Section 2

omit

[1.1177] Section 7 (1) (g) (i)

omit

, in the prescribed form,

[1.1178] Section 7 (1) (g) (ii)

omit

, in the prescribed form,

[1.1179] Section 7 (1), new note

insert

Note If a form is approved under s 20 (Approved forms) for a notice under paragraph (g) (i) or (ii), the form must be used.

[1.1180] Section 13 (2) (a)

omit

be in the prescribed form

substitute

be in a form approved under section 20 (Approved forms) for this paragraph

[1.1181] Sections 20 and 21

substitute

20 Approved forms

- (1) The Minister may, in writing, approve forms for this Act.
- (2) If the Minister approves a form for a particular purpose, the approved form must be used for that purpose.
- (3) An approved form is a notifiable instrument.

Note A notifiable instrument must be notified under the *Legislation Act 2001*.

- (4) A form prescribed under the regulations immediately before the commencement of this section is, after the commencement, taken to be an approved form.
- (5) However, the form need not be notified under the *Legislation Act 2001*.
- (6) Subsections (4) and (5) are laws to which the *Legislation Act 2001*, section 88 (Repeal does not end transitional or validating effect etc) applies.

- (7) Subsections (4) to (6) and this subsection expire 1 year after this section commences.

21 Regulation-making power

The Executive may make regulations for this Act.

Note Regulations must be notified, and presented to the Legislative Assembly, under the *Legislation Act 2001*.

Part 111 Door-to-Door Trading Regulations 1991

[1.1182] *Door-to-Door Trading Regulations 1991*

repeal

Part 112 Drugs in Sport Act 1999

[1.1183] Section 2

omit

[1.1184] Section 3, definition of *Commonwealth Act*

omit

, and includes the regulations under that Act

[1.1185] Section 3, definition of *Commonwealth Act*, new note

insert

Note A reference to a Cwlth Act includes a reference to the statutory instruments made or in force under the Act, including regulations (see *Legislation Act 2001*, s 104).

[1.1186] Section 9

substitute

9 Regulation-making power

The Executive may make regulations for this Act.

Note Regulations must be notified, and presented to the Legislative Assembly, under the *Legislation Act 2001*.

Part 113 Drugs of Dependence Act 1989

[1.1187] Section 2

omit

[1.1188] Section 3 (1), definition of *determined fee*

omit

[1.1189] Section 3 (1), new definition

insert

reconciliation amount, for a dose of methadone, means the quantity of methadone allowed for wastage in preparing the dose.

[1.1190] Section 3 (4)

omit

[1.1191] Section 5 (2) (c)

substitute

- (c) be accompanied by a plan of each of those premises that identifies—
- (i) each part of the premises where a process of manufacture is proposed to be carried out; and
 - (ii) the nature of that process; and
 - (iii) where it is proposed to store the drug; and
 - (iv) the location and nature of security devices.

Note A fee may be determined under s 204 (Determination of fees) for this section.

[1.1192] Section 14 (2)

substitute

- (2) An application for the renewal of a manufacturer's licence must be signed by the applicant.

Note A fee may be determined under s 204 (Determination of fees) for this subsection.

[1.1193] Section 19 (2) (c)

substitute

- (c) be accompanied by a plan of each of those premises that identifies—
- (i) where it is proposed to store the drug; and
 - (ii) the location and nature of security devices.

Note A fee may be determined under s 204 (Determination of fees) for this section.

[1.1194] Section 28 (2)

substitute

- (2) An application for the renewal of a manufacturer's licence must be signed by the applicant.

Note A fee may be determined under s 204 (Determination of fees) for this subsection.

[1.1195] Section 32 (2) (c) (iii)

omit

; and

[1.1196] Section 32 (2) (c) (iv)

omit

[1.1197] Section 32 (2), new note

insert

Note A fee may be determined under s 204 (Determination of fees) for this subsection.

[1.1198] Section 39 (2) (c)

substitute

- (c) be accompanied by a statement signed by the person in charge of the institution where the relevant program is being conducted supporting the application.

Note A fee may be determined under s 204 (Determination of fees) for this subsection.

[1.1199] Section 42 (2) (b) (vi)

omit

; and

[1.1200] Section 42 (2) (c)

omit

[1.1201] Section 42 (2), new note

insert

Note A fee may be determined under s 204 (Determination of fees) for this section.

[1.1202] Section 50 (2) (b)

omit

; and

[1.1203] Section 50 (2) (c)

omit

[1.1204] Section 50 (2), new note

insert

Note A fee may be determined under s 204 (Determination of fees) for this section.

[1.1205] Section 99

omit

Form 1

substitute

the form approved under section 205 (Approved forms) for this section

[1.1206] Section 101 (1) (a)

omit

Form 2A

substitute

the appropriate form approved under section 205 (Approved forms) for this paragraph

[1.1207] Section 101 (1) (b)

omit

Form 2

substitute

the appropriate form approved under section 205 (Approved forms) for this paragraph

[1.1208] Section 102A (1) (c) (i)

substitute

(i) the reconciliation amount for each dose; and

[1.1209] Section 103

omit

Form 3

substitute

the form approved under section 205 (Approved forms) for this section

[1.1210] Section 106 (4) (b)

omit

Form 4

substitute

the appropriate form approved under section 205 (Approved forms) for this section

[1.1211] Section 109 (1) (a)

omit

Form 4

substitute

the appropriate form approved under section 205 (Approved forms) for this section

[1.1212] Section 122 (3) (a)

omit

Form 5

substitute

the form approved under section 205 (Approved forms) for this section

[1.1213] Section 123 (7) (a)

omit

Form 6

substitute

the form approved under section 205 (Approved forms) for this section

[1.1214] Section 141 (3)

omit

shall, in accordance with Form 7,

substitute

must

[1.1215] Section 141 (3), new note

insert

Note If a form is approved under s 205 (Approved forms) for a notice of assessment, the form must be used.

[1.1216] Section 145 (5)

substitute

- (5) A notice of assessment from an approved treatment centre may only be issued by an officer of the centre authorised for the purpose by the person in charge of the centre.

Note If a form is approved under s 205 (Approved forms) for a notice of assessment, the form must be used.

[1.1217] Section 149 (2) (b) (viii)

omit

; and

[1.1218] Section 149 (2) (c)

omit

[1.1219] Section 149 (2), new note

insert

Note A fee may be determined under s 204 (Determination of fees) for this section.

[1.1220] Section 172 (1)

substitute

- (1) In this section:

offence means an offence against this Act.

Note A reference to an Act includes a reference to the statutory instruments made or in force under the Act, including regulations (see *Legislation Act 2001*, s 104).

[1.1221] Section 174 (1)

substitute

- (1) In this part:

offence means an offence against this Act.

Note A reference to an Act includes a reference to the statutory instruments made or in force under the Act, including regulations (see *Legislation Act 2001*, s 104).

[1.1222] Sections 204 to 206

substitute

204 Determination of fees

- (1) The Minister may, in writing, determine fees for this Act.

Note The *Legislation Act 2001* contains provisions about the making of determinations and regulations relating to fees (see pt 6.3).

- (2) A determination is a disallowable instrument.

Note A disallowable instrument must be notified, and presented to the Legislative Assembly, under the *Legislation Act 2001*.

205 Approved forms

- (1) The Minister may, in writing, approve forms for this Act.
- (2) If the Minister approves a form for a particular purpose, the approved form must be used for that purpose.
- (3) An approved form is a notifiable instrument.

Note A notifiable instrument must be notified under the *Legislation Act 2001*.

- (4) For subsection (2), if a note in an approved form suggests or requires the insertion of information in a blank space, the form is properly completed only if the information is inserted as suggested or required.
- (5) A form in schedule 4 immediately before the commencement of this section is, after the commencement, taken to be an approved form.
- (6) However, the form need not be notified under the *Legislation Act 2001*.
- (7) Subsections (5) and (6) are laws to which the *Legislation Act 2001*, section 88 (Repeal does not end transitional or validating effect etc) applies.
- (8) Subsections (5) to (7) and this subsection expire 1 year after this section commences.

206 Regulation-making power

The Executive may make regulations for this Act.

Note Regulations must be notified, and presented to the Legislative Assembly, under the *Legislation Act 2001*.

[1.1223] Schedule 4

omit

Part 114 Drugs of Dependence Regulations

[1.1224] Regulations 2 and 3

omit

Part 115 Duties Act 1999

[1.1225] Section 14 (1)

omit

in a form approved by the commissioner

[1.1226] Section 14 (1), new note

insert

Note If a form is approved under the *Taxation Administration Act 1999*, s 139C (Approved forms) for a statement, the form must be used.

[1.1227] Section 87 (2)

omit

shall be prepared in a form approved by the commissioner and shall

substitute

must

[1.1228] Section 87 (2), new note

insert

Note If a form is approved under the *Taxation Administration Act 1999*, s 139C (Approved forms) for an acquisition statement, the form must be used.

[1.1229] Section 100 (1), new note

insert

Note If a form is approved under the *Taxation Administration Act 1999*, s 139C (Approved forms) for a statement, the form must be used.

[1.1230] Section 101

omit everything before paragraph (a), substitute

101 What statement under s 100 must contain

A statement under section 100 must contain the following information:

[1.1231] Section 106 (1), new note

insert

Note If a form is approved under the *Taxation Administration Act 1999*, s 139C (Approved forms) for a statement, the form must be used.

[1.1232] Section 107

omit everything before paragraph (a), substitute

107 What statement under s 106 must contain

A statement under section 106 must contain the following information:

[1.1233] Section 114

omit everything before paragraph (a), substitute

114 What allotment statement must contain

A statement under section 113 must contain the following information:

[1.1234] Section 166 (1)

omit

in the approved form

[1.1235] Section 166 (1), new note

insert

Note If a form is approved under the *Taxation Administration Act 1999*, s 139C (Approved forms) for an application, the form must be used.

[1.1236] Section 169 (1) (a)

omit

in the approved form

[1.1237] Section 169 (1), new note

insert

Note If a form is approved under the *Taxation Administration Act 1999*, s 139C (Approved forms) for a return, the form must be used.

[1.1238] Section 180 (2) (a)

omit

in the approved form

[1.1239] Section 180 (2), new note

insert

Note If a form is approved under the *Taxation Administration Act 1999*, s 139C (Approved forms) for a return, the form must be used.

[1.1240] Section 187 (2) (a)

omit

in the approved form

[1.1241] Section 187 (2), new note

insert

Note If a form is approved under the *Taxation Administration Act 1999*, s 139C (Approved forms) for a return, the form must be used.

[1.1242] Section 190

substitute

190 Registration of insurers

The commissioner must register an insurer who applies for registration under this part.

Note If a form is approved under the *Taxation Administration Act 1999*, s 139C (Approved forms) for an application, the form must be used.

[1.1243] Section 194 (a)

omit

in the approved form

[1.1244] Section 194, new note

insert

Note If a form is approved under the *Taxation Administration Act 1999*, s 139C (Approved forms) for a return, the form must be used.

[1.1245] Section 213A (2), new note

insert

Note A disallowable instrument must be notified, and presented to the Legislative Assembly, under the *Legislation Act 2001*.

[1.1246] Section 214A (7), new note

insert

Note A disallowable instrument must be notified, and presented to the Legislative Assembly, under the *Legislation Act 2001*.

[1.1247] Section 224 (3), new note

insert

Note A disallowable instrument must be notified, and presented to the Legislative Assembly, under the *Legislation Act 2001*.

[1.1248] Section 229 (1)

omit

or the regulations

[1.1249] Section 229 (1), new note

insert

Note A reference to an Act includes a reference to the statutory instruments made or in force under the Act, including regulations (see *Legislation Act 2001*, s 104).

[1.1250] Section 230 (2)

omit

by instrument

substitute

in writing

[1.1251] Section 230 (3)

substitute

- (3) A guideline is a disallowable instrument.

Note A disallowable instrument must be notified, and presented to the Legislative Assembly, under the *Legislation Act 2001*.

[1.1252] Section 232 (4)

omit

by instrument

substitute

in writing

[1.1253] Section 232 (5)

substitute

- (5) A guideline is a disallowable instrument.

Note A disallowable instrument must be notified, and presented to the Legislative Assembly, under the *Legislation Act 2001*.

[1.1254] Section 246 (1)

omit

an undertaking, in a form approved by the commissioner

substitute

a written undertaking

[1.1255] Section 246 (1), new note

insert

Note If a form is approved under the *Taxation Administration Act 1999*, s 139C (Approved forms) for an undertaking, the form must be used.

[1.1256] Section 253

substitute

252A Declaration of recognised stock exchanges

- (1) The Minister may, in writing, declare that a stock exchange is a recognised stock exchange for this Act.
- (2) A declaration is a disallowable instrument.

Note A disallowable instrument must be notified, and presented to the Legislative Assembly, under the *Legislation Act 2001*.

253 Regulation-making power

- (1) The Executive may make regulations for this Act.

Note Regulations must be notified, and presented to the Legislative Assembly, under the *Legislation Act 2001*.

- (2) The regulations may prescribe offences for contraventions of the regulations and prescribe maximum penalties of not more than 10 penalty units for offences against the regulations.

[1.1257] Section 276 (2)

omit

Interpretation Act 1967, section 42

substitute

Legislation Act 2001, section 88 (Repeal does not end transitional or validating effect etc)

[1.1258] Dictionary, definition of *stock exchange*, paragraph (c)

substitute

- (c) a stock exchange declared under section 252A (Declaration of recognised stock exchange) to be a recognised stock exchange for this Act.

[1.1259] Dictionary, definition of *Vehicle Registration Act*

substitute

Vehicle Registration Act means the *Road Transport (Vehicle Registration) Act 1999*.

Note A reference to an Act includes a reference to the statutory instruments made or in force under the Act, including regulations (see *Legislation Act 2001*, s 104).

Part 116 Earnings (Assignment and Attachment) Act 1966

[1.1260] Section 2

omit

Part 117 Education Act 1937

[1.1261] Section 2

omit

[1.1262] Section 15 (1) (a)

omit

, in a form approved by the registrar

[1.1263] Section 15 (1) (c)

omit

in such form as the registrar requires

[1.1264] Section 15 (1), new note

insert

Note If a form is approved under s 37 (Approved forms) for par (a) or (c), the form must be used.

[1.1265] Section 20, definition of *school*, paragraph (d)

substitute

- (b) a school exempted by the Minister under section 20A (Exemption of schools from pt 3).

[1.1266] New section 20A

insert

20A Exemption of schools from pt 3

- (1) The Minister may, in writing, exempt schools from this part.
- (2) An exemption is a notifiable instrument.

Note A notifiable instrument must be notified under the *Legislation Act 2001*.

[1.1267] Section 30A

substitute

30A Notification of decisions

- (1) If the Minister makes a decision mentioned in section 30 (Review of decisions), the Minister must prepare written notice of the decision.
- (2) The notice must be in accordance with the requirements of the code of practice in force under the *Administrative Appeals Tribunal Act 1989*, section 25B (1).
- (3) A copy of the notice must be given to—
 - (a) for a decision under section 22 (2), 23 (1B) or 25 (3)—the applicant; or
 - (b) for a decision under section 27 (2)—the proprietor or principal teacher; or
 - (c) for a decision under section 29 (2)—the proprietor or head teacher

- (4) The notice is a notifiable instrument.

Note A notifiable instrument must be notified under the *Legislation Act 2001*.

[1.1268] Section 37

substitute

37 Approved forms

- (1) The registrar may, in writing, approve forms for this Act.
- (2) If the registrar approves a form for a particular purpose, the approved form must be used for that purpose.
- (3) An approved form is a notifiable instrument.

Note A notifiable instrument must be notified under the *Legislation Act 2001*.

38 Regulation-making power

The Executive may make regulations for this Act.

Note Regulations must be notified, and presented to the Legislative Assembly, under the *Legislation Act 2001*.

Part 118 Education Services for Overseas Students (Registration and Regulation of Providers) Act 1994

[1.1269] Section 2

omit

[1.1270] Section 3, definition of *determined fee*

omit

[1.1271] Section 6 (3)

substitute

- (3) An application must be signed by the principal executive officer of the school or institution.

Note If a form is approved under s 45 (Approved forms) for an application, the form must be used.

[1.1272] Section 7 (2) (a)

omit

[1.1273] Section 7 (2) (c) (i)

insert at the end

and

[1.1274] Section 7 (2) (c) (ii)

omit

; and

[1.1275] Section 7 (2) (c) (iii)

omit

[1.1276] Section 7 (2) (b) and (c)

renumber as section 7 (2) (a) and (b)

[1.1277] Section 7 (2), new notes

insert

Note 1 A fee may be determined under s 41 (Determination of fees) for this section.

Note 2 If a form is approved under s 45 (Approved forms) for an application, the form must be used.

[1.1278] Section 9 (2) (b)

substitute

- (b) be accompanied by a statement supporting the proposed variation.

Note A fee may be determined under s 41 (Determination of fees) for this subsection.

[1.1279] Section 22 (1) (a)

omit

[1.1280] Section 22 (1) (b) to (d)

renumber as section 22 (2) (a) to (c)

[1.1281] Section 22 (1), new note

insert

Note If a form is approved under s 45 (Approved forms) for a return, the form must be used.

[1.1282] Section 41

substitute

41 Determination of fees

- (1) The Minister may, in writing, determine fees for this Act.

Note The *Legislation Act 2001* contains provisions about the making of determinations and regulations relating to fees (see pt 6.3).

- (2) A determination is a disallowable instrument.

Note A disallowable instrument must be notified, and presented to the Legislative Assembly, under the *Legislation Act 2001*.

[1.1283] Section 45

substitute

45 Approved forms

- (1) The chief executive may, in writing, approve forms for this Act.
- (2) If the chief executive approves a form for a particular purpose, the approved form must be used for that purpose.
- (3) An approved form is a notifiable instrument.

Note A notifiable instrument must be notified under the *Legislation Act 2001*.

- (4) A form prescribed under the regulations immediately before the commencement of this section is, after the commencement, taken to be an approved form.
- (5) However, the form need not be notified under the *Legislation Act 2001*.
- (6) Subsections (4) and (5) are laws to which the *Legislation Act 2001*, section 88 (Repeal does not end transitional or validating effect etc) applies.
- (7) Subsections (4) to (6) and this subsection expire 1 year after this section commences.

46 Regulation-making power

The Executive may make regulations for this Act.

Note Regulations must be notified, and presented to the Legislative Assembly, under the *Legislation Act 2001*.

Part 119 Education Services for Overseas Students (Registration and Regulation of Providers) Regulations

[1.1284] Regulations 2, 3 and 9 and schedule

omit

Part 120 Electoral Act 1992

[1.1285] Section 2

omit

[1.1286] Section 8

substitute

8 Determination of fees

- (1) The electoral commission may, in writing, determine fees for this Act.

Note The *Legislation Act 2001* contains provisions about the making of determinations and regulations relating to fees (see pt 6.3).

- (2) A determination is a disallowable instrument.

Note A disallowable instrument must be notified, and presented to the Legislative Assembly, under the *Legislation Act 2001*.

[1.1287] Section 12 (5)

substitute

- (5) An appointment under subsection (1) is a disallowable instrument.

Note A disallowable instrument must be notified, and presented to the Legislative Assembly, under the *Legislation Act 2001*.

[1.1288] Section 22 (1)

omit

by instrument

substitute

in writing

[1.1289] Section 22 (3)

substitute

- (3) An appointment under subsection (1) is a disallowable instrument.

Note A disallowable instrument must be notified, and presented to the Legislative Assembly, under the *Legislation Act 2001*.

[1.1290] Section 35 (2)

substitute

- (2) A determination—
 - (a) must be in writing; and
 - (b) may be made only after any investigation under section 52 (Objections to augmented electoral commission's proposal) is finished.
- (3) A determination is a notifiable instrument.

Note A notifiable instrument must be notified under the *Legislation Act 2001*.

[1.1291] Section 39 (1) and (2)

substitute

- (1) The electoral commission must, in writing, establish redistribution committees for this part.
- (2) The establishment of a redistribution committee is a notifiable instrument.

Note A notifiable instrument must be notified under the *Legislation Act 2001*.

[1.1292] Section 41

substitute

41 Suggestions and comments about redistribution

- (1) A redistribution committee must prepare a written notice stating—
 - (a) that written suggestions about the redistribution of electorates may be given to it within 28 days after the day the notice is notified under the *Legislation Act 2001*; and
 - (b) that written comments about the suggestions may be given to it within 14 days after the last day suggestions may be given to it; and
 - (c) each place where suggestions may be inspected by members of the public.
- (2) The notice is a notifiable instrument.

Note A notifiable instrument must be notified under the *Legislation Act 2001*.

- (3) The redistribution committee must also publish the notice in a newspaper.
- (4) The redistribution committee must ensure that copies of any suggestions given to it in accordance with the notice are available for inspection by members of the public in accordance with the notice.

[1.1293] Section 43 (1)

substitute

- (1) A redistribution committee must make a proposed redistribution of electorates after considering the suggestions and comments (if any) given to it in accordance with the notice under section 41 (Suggestions and comments about redistribution).

[1.1294] Section 44

substitute

44 Notification and publication of proposal

- (1) A redistribution committee must—
 - (a) exhibit a map or maps showing the name and boundaries of each proposed electorate at the electoral commission's office; and
 - (b) make a copy of the following available for public inspection:
 - (i) the suggestions and comments given to the committee in accordance with the notice under section 41 (Suggestions and comments about redistribution); and
 - (ii) a description (whether by reference to a map or plan or otherwise) of the boundaries of each proposed electorate;
 - (iii) a statement of the number of members of the Legislative Assembly that it proposes should be elected from each proposed electorate;
 - (iv) its statement of reasons for the proposed redistribution;

- (v) if a member of the committee has provided a written statement or reasons for any disagreement with the proposal—that statement; and
- (c) prepare a written notice—
 - (i) telling the public about the exhibition mentioned in paragraph (a) and the availability for public inspection at the electoral commission's office of the copies of the documents mentioned in paragraph (b); and
 - (ii) stating that written objections against the proposal may be given to the electoral commission within 28 days after the day the notice is notified under the *Legislation Act 2001*.
- (2) The notice is a notifiable instrument.

Note A notifiable instrument must be notified under the *Legislation Act 2001*.
- (3) The redistribution committee must also publish the notice, and the map or maps of each proposed electorate, in a newspaper.

(commencement: the commencement of section 3 of this Act or immediately after the commencement of the *Electoral Amendment Act 2001*, whichever is later)

[1.1295] Section 45

substitute

45 Dissolution of redistribution committee

A redistribution committee is dissolved immediately after the notice and maps mentioned in section 44 (1) (Notification and publication of proposal) have been notified and published under section 44 in relation to the committee's proposal.

[1.1296] Section 46 (1)

substitute

- (1) An objection against a proposal by a redistribution committee must be—

- (a) in writing; and
- (b) given to the electoral commission within 28 days after the day the notice mentioned in section 44 (1) (Notification and publication of proposal) is notified under the *Legislation Act 2001* in relation to the committee's proposal.

[1.1297] Section 49 (2) (a)

substitute

- (a) the matters raised in the objection (or substantially the same matters) were raised in suggestions or comments given to the redistribution committee in accordance with the notice under section 41 (1) (Suggestions and comments about redistribution); and

[1.1298] Section 49 (4) (a) (ii)

substitute

- (ii) a suggestion or comment about the proposed redistribution given to the redistribution committee in accordance with the notice under section 41 (1).

[1.1299] Section 51 (2) (c)

substitute

- (c) whether, in the augmented commission's opinion, its proposal is significantly different from the redistribution committee's proposal and, if so, a further statement to the effect that written objections against the proposal may be given to the electoral commission in accordance with the notice prepared under subsection (3).

[1.1300] Section 51 (3)

substitute

- (3) If the augmented commission is of the opinion that its proposal is significantly different from the redistribution committee's proposal, the augmented commission must prepare a written notice stating that

written objections against the proposal may be given to the electoral commission within 28 days after the day the notice is notified under the *Legislation Act 2001*.

- (4) The notice is a notifiable instrument.

Note A notifiable instrument must be notified under the *Legislation Act 2001*.

[1.1301] Section 52 (1) and (2)

substitute

- (1) An objection against a redistribution proposed by the augmented commission must be—
- (a) in writing; and
 - (b) given to the electoral commission within 28 days after the day the notice under section 51 (3) (Publication of augmented electoral commission's proposal) is notified under the *Legislation Act 2001*.
- (2) If an objection is given to the electoral commission in accordance with subsection (1)—
- (a) the augmented commission must investigate the objection; and
 - (b) section 49 (Investigation of objections) applies as if the investigation were an objection under that section.

[1.1302] Section 61 (2)

omit

and on payment of the determined fee

[1.1303] Section 61 (2), new note

insert

Note A fee may determined under s 8 (Determination of fees) for a request under subsection (2).

[1.1304] Section 62 (2)

omit

and on payment of the determined fee

[1.1305] Section 62 (2), new note

insert

Note A fee may determined under s 8 (Determination of fees) for a request under subsection (2).

[1.1306] Section 76 (3) (a)

omit

[1.1307] Section 76 (3), new note

insert

Note If a form is approved under s 340A (Approved forms) for a claim, the form must be used.

[1.1308] Section 77 (3) (a)

omit

[1.1309] Section 77 (3), new note

insert

Note If a form is approved under s 340A (Approved forms) for a request, the form must be used.

[1.1310] Section 81 (3) (a)

omit

[1.1311] Section 81 (3), new note

insert

Note If a form is approved under s 340A (Approved forms) for an objection, the form must be used.

[1.1312] Section 89 (a)

substitute

(a) be signed by the secretary of the party; and

(commencement: the commencement of section 3 of this Act or immediately after the commencement of the *Electoral Amendment Act 2001*, whichever is later)

[1.1313] Section 89, new note

insert

Note If a form is approved under s 340A (Approved forms) for an application, the form must be used.

(commencement: the commencement of section 3 of this Act or immediately after the commencement of the *Electoral Amendment Act 2001*, whichever is later)

[1.1314] Section 89A (2) (a)

substitute

(a) be signed by the MLA; and

(commencement: the commencement of section 3 of this Act or immediately after the commencement of the *Electoral Amendment Act 2001*, whichever is later)

[1.1315] Section 89A (2), new note

insert

Note If a form is approved under s 340A (Approved forms) for an application, the form must be used.

(commencement: the commencement of section 3 of this Act or immediately after the commencement of the *Electoral Amendment Act 2001*, whichever is later)

[1.1316] Section 91 (2) (c) and (3)

substitute

(c) state that written objections to the application may be given to the commissioner within 14 days after the day the notice is notified under the *Legislation Act 2001*.

(3) The notice is a notifiable instrument.

Note A notifiable instrument must be notified under the *Legislation Act 2001*.

(commencement: the commencement of section 3 of this Act or immediately after the commencement of the *Electoral Amendment Act 2001*, whichever is later)

[1.1317] Section 92 (3)

substitute

- (3) The notice is a notifiable instrument.

Note A notifiable instrument must be notified under the *Legislation Act 2001*.

(commencement: the commencement of section 3 of this Act or immediately after the commencement of the *Electoral Amendment Act 2001*, whichever is later)

[1.1318] Section 98 (7) (b)

omit

and published

substitute

, and notified under the *Legislation Act 2001*,

(commencement: the commencement of section 3 of this Act or immediately after the commencement of the *Electoral Amendment Act 2001*, whichever is later)

[1.1319] Section 98 (7) (b) (ii)

substitute

- (ii) that written objections to the proposed cancellation may be given to the commissioner within 14 days after the day the notice is notified under the *Legislation Act 2001*; and

(commencement: the commencement of section 3 of this Act or immediately after the commencement of the *Electoral Amendment Act 2001*, whichever is later)

[1.1320] Section 98 (9)

substitute

- (9) The notice under subsection (7) (b) is a notifiable instrument.

Note A notifiable instrument must be notified under the *Legislation Act 2001*.

(commencement: the commencement of section 3 of this Act or immediately after the commencement of the *Electoral Amendment Act 2001*, whichever is later)

[1.1321] Section 98 (12)

substitute

- (12) The notice under subsection (11) is a notifiable instrument.

Note A notifiable instrument must be notified under the *Legislation Act 2001*.

(commencement: the commencement of section 3 of this Act or immediately after the commencement of the *Electoral Amendment Act 2001*, whichever is later)

[1.1322] Section 101 (2) to (4)

substitute

- (2) If an extraordinary election under section 126 (Supplementary elections) is required, the Executive must, in writing, determine a Saturday for holding the election that is not earlier than 36 days, or later than 90 days, after the day when the election failed.
- (3) If the Court of Disputed Returns declares an election void, the Executive must, in writing, determine a Saturday for holding the extraordinary election required under section 275 (Effect of declarations) that is not earlier than 36 days, or later than 90 days, after the day when the declaration is made.
- (4) The Executive must not determine under this section a day that is the polling day for an election of senators or a general election of the House of Representatives.
- (5) A determination under this section is a notifiable instrument.

Note A notifiable instrument must be notified under the *Legislation Act 2001*.

[1.1323] Section 105 (4) (a)

substitute

- (a) be in the form approved under section 340A (Approved forms); and

[1.1324] Section 108 (1) (b)

substitute

- (b) any other place approved, in writing, by the commissioner as a place of nomination.

- (1A) An approval is a notifiable instrument.

Note A notifiable instrument must be notified under the *Legislation Act 2001*.

[1.1325] Section 114 (3)

substitute

- (3) A ballot paper must bear an official mark in the form approved under section 340A (Approved forms).

[1.1326] New section 114 (5A)

insert

- (5A) An approval under subsection (3) is a notifiable instrument.

Note A notifiable instrument must be notified under the *Legislation Act 2001*.

[1.1327] New section 118A (2A)

insert

- (2A) An approval under subsection (1) is a notifiable instrument.

Note A notifiable instrument must be notified under the *Legislation Act 2001*.

[1.1328] Section 119 (1)

omit

by notice in the *Gazette*—

substitute

in writing—

[1.1329] New section 119 (1A)

insert

(1A) An appointment is a notifiable instrument.

Note A notifiable instrument must be notified under the *Legislation Act 2001*.

[1.1330] New section 120 (4)

insert

(4) An approval under subsection (3) is a notifiable instrument.

Note A notifiable instrument must be notified under the *Legislation Act 2001*.

[1.1331] Section 122 (2) (b)

omit

in the approved form

[1.1332] Section 122 (2), new note

insert

Note If a form is approved under s 340A (Approved forms) for an undertaking, the form must be used.

[1.1333] Section 125 (2)

substitute

(2) An approval is a disallowable instrument.

Note A disallowable instrument must be notified, and presented to the Legislative Assembly, under the *Legislation Act 2001*.

[1.1334] Section 135 (3) (a)

omit

a statement in writing in the approved form

substitute

a written statement

[1.1335] Section 135 (3), new note

insert

Note If a form is approved under s 340A (Approved forms) for a statement, the form must be used.

[1.1336] Section 136A (2) (a)

omit

[1.1337] Section 136A (2), new note

insert

Note If a form is approved under s 340A (Approved forms) for an application, the form must be used.

[1.1338] Section 136B (2)

omit

by notice in the Gazette

substitute

in writing

(commencement: the commencement of section 3 of this Act or immediately after the commencement of the *Electoral Amendment Act 2001*, whichever is later)

[1.1339] New section 136B (2B)

insert

(2B) A determination under subsection (2) is a notifiable instrument.

Note A notifiable instrument must be notified under the *Legislation Act 2001*.

(commencement: the commencement of section 3 of this Act or immediately after the commencement of the *Electoral Amendment Act 2001*, whichever is later)

[1.1340] Section 136B (17) (a)

omit

a statement in writing in the approved form

substitute

a written statement

[1.1341] Section 136B (17), new note

insert

Note If a form is approved under s 340A (Approved forms) for a statement, the form must be used.

[1.1342] Section 136C (2)

omit

by notice in the Gazette

substitute

in writing

(commencement: the commencement of section 3 of this Act or immediately after the commencement of the *Electoral Amendment Act 2001*, whichever is later)

[1.1343] New section 136C (2B)

insert

(2B) A determination under subsection (2) is a notifiable instrument.

Note A notifiable instrument must be notified under the *Legislation Act 2001*.

(commencement: the commencement of section 3 of this Act or immediately after the commencement of the *Electoral Amendment Act 2001*, whichever is later)

[1.1344] Section 136C (5) (a)

omit

a statement in writing in the approved form

substitute

a written statement

[1.1345] Section 136C (5), new note

insert

Note If a form is approved under s 340A (Approved forms) for a statement, the form must be used.

[1.1346] Section 143 (2)

omit

, being an application in a form not approved for the purposes of paragraph 136A (2) (a)

substitute

if the application is not in a form approved under section 340A (Approved forms) for section 136A (2)

[1.1347] Section 149, definition of *special hospital*

substitute

special hospital means a hospital declared under section 149A.

[1.1348] New section 149A

insert

149A Declaration of special hospitals

- (1) The commissioner may, in writing, declare a hospital that is not a polling place to be a special hospital for this division.
- (2) A declaration is a notifiable instrument.

Note A notifiable instrument must be notified under the *Legislation Act 2001*.

[1.1349] Section 159 (1)

omit

by notice published in the *Gazette*

substitute

by written notice

[1.1350] Section 159 (2)

substitute

- (1A) A notice under subsection (1) is a notifiable instrument.

Note A notifiable instrument must be notified under the *Legislation Act 2001*.

- (2) On notification under the *Legislation Act 2001* of a notice under subsection (1), the commissioner must publish a copy of the notice in a newspaper.

(commencement: the commencement of section 3 of this Act or immediately after the commencement of the *Electoral Amendment Act 2001*, whichever is later)

[1.1351] Section 160 (2)

omit everything after paragraph (b), substitute

the commissioner must, in writing, determine a day (that is as soon as practicable, but no later than 21 days, after the suspension) as the day when polling is to resume.

[1.1352] Section 160 (3)

omit

the notice shall specify

substitute

the determination must state

[1.1353] New section 160 (3A)

insert

- (3A) A determination under subsection (2) is a notifiable instrument.

Note A notifiable instrument must be notified under the *Legislation Act 2001*.

[1.1354] Section 161 (1)

omit

in the approved form

[1.1355] Section 161 (1), new note

insert

Note If a form is approved under s 340A (Approved forms) for a default notice, the form must be used.

[1.1356] Section 167, definition of *transmit*

substitute

transmit means transmit by fax, telex or in another way approved under section 167B.

(commencement: the commencement of section 3 of this Act or immediately after the commencement of the *Electoral Amendment Act 2001*, whichever is later)

[1.1357] New section 167B

insert

167B Approval of ways of transmission

- (1) The commissioner may, in writing, approve a way of transmission for this part.
- (2) The approval is a notifiable instrument.

Note A notifiable instrument must be notified under the *Legislation Act 2001*.

(commencement: the commencement of section 3 of this Act or immediately after the commencement of the *Electoral Amendment Act 2001*, whichever is later)

[1.1358] Section 192 (2) (a)

omit

[1.1359] Section 192 (2), new note

insert

Note If a form is approved under s 340A (Approved forms) for an application, the form must be used.

[1.1360] Section 217 (1)

omit

in the approved form

[1.1361] Section 217 (1), new note

insert

Note If a form is approved under s 340A (Approved forms) for a return, the form must be used.

[1.1362] Section 218 (1)

omit

in the approved form

[1.1363] Section 218 (1), new note

insert

Note If a form is approved under s 340A (Approved forms) for a return, the form must be used.

[1.1364] Section 220 (1A)

omit

in the approved form

(commencement: the commencement of section 3 of this Act or immediately after the commencement of the *Electoral Amendment Act 2001*, whichever is later)

[1.1365] Section 220 (1A), new note

insert

Note If a form is approved under s 340A (Approved forms) for a return, the form must be used.

(commencement: the commencement of section 3 of this Act or immediately after the commencement of the *Electoral Amendment Act 2001*, whichever is later)

[1.1366] Section 221 (1)

omit

in the approved form

[1.1367] Section 221 (1), new note

insert

Note If a form is approved under s 340A (Approved forms) for a return, the form must be used.

[1.1368] Section 221 (4)

omit

by notice in the *Gazette*

substitute

in writing

[1.1369] New section 221 (4A)

insert

(4A) The specification of a person or body is a notifiable instrument.

Note A notifiable instrument must be notified under the *Legislation Act 2001*.

[1.1370] Section 221A (1)

omit

in the approved form

(commencement: the commencement of section 3 of this Act or immediately after the commencement of the *Electoral Amendment Act 2001*, whichever is later)

[1.1371] Section 221A (1), new note

insert

Note If a form is approved under s 340A (Approved forms) for a return, the form must be used.

(commencement: the commencement of section 3 of this Act or immediately after the commencement of the *Electoral Amendment Act 2001*, whichever is later)

[1.1372] Section 221A (2)

omit

in the approved form

(commencement: the commencement of section 3 of this Act or immediately after the commencement of the *Electoral Amendment Act 2001*, whichever is later)

[1.1373] Section 224 (1) to (3)

omit

, in writing, in an approved form,

[1.1374] Section 224 (1), new note

insert

Note If a form is approved under s 340A (Approved forms) for a return under this section, the form must be used.

[1.1375] Section 226 (1)

omit

in the approved form

[1.1376] Section 226 (1), new note

insert

Note If a form is approved under s 340A (Approved forms) for a return under this section, the form must be used.

[1.1377] Section 227 (1)

omit

in an approved form

substitute

in a form approved under section 340A (Approved forms)

[1.1378] Section 230 (1)

omit

in the approved form

(commencement: the commencement of section 3 of this Act or immediately after the commencement of the *Electoral Amendment Act 2001*, whichever is later)

[1.1379] Section 230 (1), new note

insert

Note If a form is approved under s 340A (Approved forms) for a return under this section, the form must be used.

(commencement: the commencement of section 3 of this Act or immediately after the commencement of the *Electoral Amendment Act 2001*, whichever is later)

[1.1380] Section 231B (1)

omit

in the approved form

(commencement: the commencement of section 3 of this Act or immediately after the commencement of the *Electoral Amendment Act 2001*, whichever is later)

[1.1381] Section 231B (1), new note

insert

Note If a form is approved under s 340A (Approved forms) for a return under this section, the form must be used.

(commencement: the commencement of section 3 of this Act or immediately after the commencement of the *Electoral Amendment Act 2001*, whichever is later)

[1.1382] Section 243 (4)

omit

and payment of the determined fee

(commencement: the commencement of section 3 of this Act or immediately after the commencement of the *Electoral Amendment Act 2001*, whichever is later)

[1.1383] Section 243 (4), new note

insert

Note A fee may be determined under s 8 (Determination of fees) for this subsection.

(commencement: the commencement of section 3 of this Act or immediately after the commencement of the *Electoral Amendment Act 2001*, whichever is later)

[1.1384] Section 247 (2A) (a) (i)

omit

publication

insert

notification under the *Legislation Act 2001*

(commencement: the commencement of section 3 of this Act or immediately after the commencement of the *Electoral Amendment Act 2001*, whichever is later)

[1.1385] Section 254

substitute

254 Rules of court

Rules of court may be made under the *Supreme Court Act 1933*, section 36 (Rules of court) for this part.

[1.1386] Section 303 (2)

omit

by notice published in the *Gazette*

substitute

by written notice

[1.1387] New section 303 (2A)

insert

(2A) A notice is a notifiable instrument.

Note A notifiable instrument must be notified under the *Legislation Act 2001*.

[1.1388] Section 331

omit

[1.1389] Section 332

omit

The commissioner

substitute

(1) The commissioner

[1.1390] Section 332

omit

by instrument published in the *Gazette*

substitute

by written notice

[1.1391] New section 332 (2)

insert

(2) A notice is a notifiable instrument.

Note A notifiable instrument must be notified under the *Legislation Act 2001*.

[1.1392] Section 333 (2)

omit

, on payment of the determined fee,

[1.1393] Section 333 (2), new note

insert

Note A fee may be determined under s 8 (Determination of fees) for this subsection.

[1.1394] New section 340A

insert

340A Approved forms

- (1) The commissioner may, in writing, approve forms for this Act.
- (2) If the commissioner approves a form for a particular purpose, the approved form must be used for that purpose.
- (3) An approved form is a notifiable instrument.

Note A notifiable instrument must be notified under the *Legislation Act 2001*.

[1.1395] Section 341 (1), new note

insert

Note Regulations must be notified, and presented to the Legislative Assembly, under the *Legislation Act 2001*.

[1.1396] Section 341 (2)

omit

create

substitute

prescribe

[1.1397] Schedule 3, clause 1, definition of *envelope*

omit

in the approved form

substitute

, in the form approved under section 340A (Approved forms) for the declaration,

[1.1398] Dictionary, definition of *approved*

omit

(commencement: the commencement of section 3 of this Act or immediately after the commencement of the *Electoral Amendment Act 2001*, whichever is later)

[1.1399] Dictionary, definition of *declaration voting papers*

omit

in the approved form

substitute

, in the form approved under section 340A (Approved forms) for this paragraph,

(commencement: the commencement of section 3 of this Act or immediately after the commencement of the *Electoral Amendment Act 2001*, whichever is later)

[1.1400] Dictionary, definitions of *determined fee* and *this Act*

omit

(commencement: the commencement of section 3 of this Act or immediately after the commencement of the *Electoral Amendment Act 2001*, whichever is later)

Part 121 Electoral Regulations 1993

[1.1401] Regulation 2

omit

[1.1402] Regulation 3, definition of Act

omit

Part 122 Electricity Safety Act 1971

[1.1403] Section 2

omit

[1.1404] Section 3 (1), definition of *determined fee*

omit

**[1.1405] Section 3 (1), definition of *relevant standard*,
paragraph (a)**

omit

prescribed standard

substitute

safety standard

[1.1406] Section 5 (1)

omit

, by instrument

substitute

in writing

[1.1407] Section 5 (1), new note

insert

Note Power given under an Act to make a statutory instrument (including the appointment of a member of the board) includes power to repeal the instrument (see *Legislation Act 2001*, s 46 (1)).

[1.1408] Section 5 (3)

omit

, by instrument,
substitute
, in writing,

[1.1409] Section 5 (3), new note

insert

Note Power given under an Act to make a statutory instrument (including the appointment of a deputy of a member of the board) includes power to repeal the instrument (see *Legislation Act 2001*, s 46 (1)).

[1.1410] Section 5 (6)

substitute

(6) An appointment under this section is a notifiable instrument.

Note 1 A notifiable instrument must be notified under the *Legislation Act 2001*.

Note 2 The repeal of an appointment is also a notifiable instrument (see *Legislation Act 2001*, s 46 (2)).

[1.1411] Section 20 (2), new note

insert

Note A fee may be determined under s 103 (Determination of fees) for this section.

[1.1412] Section 20 (3)

omit

[1.1413] Section 33B (1) (b) (i)

substitute

- (i) give to the chief executive a report of the test in a form approved by the chief executive under section 104 (Approved forms); and

[1.1414] Section 45

substitute

45 Application for licence

A person may apply to the board for a licence.

Note 1 A fee may be determined under s 103 (Determination of fees) for this section.

Note 2 If a form is approved under s 104 (Approved forms) for an application under this section, the form must be used.

[1.1415] Section 52 (1) (b)

omit

on payment of the determined fee,

[1.1416] Section 52 (1), new notes

insert

Note 1 A fee may be determined under s 103 (Determination of fees) for this section.

Note 2 If a form is approved under s 104 (Approved forms) for a licence or permit, the form must be used.

[1.1417] Section 52 (2)

omit

[1.1418] Section 52 (3)

renumber as section 52 (2)

[1.1419] Section 54 (1)

substitute

- (1) The registrar must renew a licence or permit if the holder applies in writing for the renewal before the term of the licence or permit expires.

Note A fee may be determined under s 103 (Determination of fees) for this section.

[1.1420] Section 60 (1), definition of *corresponding law*

omit

specified in a notice under section 62

substitute

declared under section 62 (Declaration of corresponding law)

[1.1421] Section 60 (1), definition of *relevant prescribed standards*

substitute

relevant safety standard, for an article of electrical equipment, means a safety standard specified for the article in a declaration under section 64 (1).

[1.1422] Section 62

omit

The Minister

substitute

(1) The Minister

[1.1423] Section 62

omit

, by notice in the *Gazette*,

substitute

, in writing,

[1.1424] New section 62 (2)

insert

(2) A declaration is a notifiable instrument.

Note A notifiable instrument must be notified under the *Legislation Act 2001*.

[1.1425] Section 64 (1)

omit

, by notice in the *Gazette*,

substitute

, in writing,

[1.1426] Section 64 (3)

substitute

- (3) A declaration under subsection (1) must specify the safety standards with which an article mentioned in the declaration must comply.

[1.1427] Section 64 (4)

omit

, by notice in the *Gazette*,

substitute

, in writing,

[1.1428] New section 64 (5)

insert

- (5) A declaration under subsection (1) or (4) is a notifiable instrument.

Note A notifiable instrument must be notified under the *Legislation Act 2001*.

[1.1429] Section 67 (1), new note

insert

Note A fee may be determined under s 103 (Determination of fees) for this subsection.

[1.1430] Section 67 (2)

omit

together with payment of the determined fee

[1.1431] Section 68 (1) (a)

omit

together with the determined fee

[1.1432] Section 68 (1) (c)

omit

prescribed standards

substitute

safety standards

[1.1433] Section 68 (1), new note

insert

Note A fee may be determined under s 103 (Determination of fees) for this subsection.

[1.1434] Section 68 (3)

omit

shall be in such form as the chief executive requires and shall contain—

substitute

must contain—

[1.1435] Section 68 (3) (c) and (d) (i)

omit

prescribed standards

substitute

safety standards

[1.1436] Section 68 (3), new note

insert

Note If a form is approved under s 104 (Approved forms) for a declaration of compliance, the form must be used.

[1.1437] Section 69 (1)

omit

prescribed standards

substitute

safety standards

[1.1438] Section 69 (3)

omit

, upon payment of the determined fee,

[1.1439] Section 69 (3), new note

insert

Note A fee may be determined under s 103 (Determination of fees) for this section.

[1.1440] Section 70 (1) (a)

omit

prescribed standards

substitute

safety standards

[1.1441] Section 71 (3)

omit

together with payment of the determined fee

[1.1442] Section 71 (3), new note

insert

Note A fee may be determined under s 103 (Determination of fees) for this subsection.

[1.1443] Section 74 (1) (a)

omit

specified in each notice referred to in

substitute

of each declaration under

[1.1444] Section 74 (2)

omit

, upon payment of the determined fee,

[1.1445] Section 74 (2), new note

insert

Note A fee may be determined under s 103 (Determination of fees) for this section.

[1.1446] Section 80 (1)

omit

, by notice in the Gazette, prohibit

substitute

prepare a written notice prohibiting

[1.1447] Section 80 (3)

substitute

- (3) A notice under subsection (1) is a notifiable instrument.

Note A notifiable instrument must be notified under the *Legislation Act 2001*.

- (4) The chief executive must also publish the notice in a daily newspaper circulating generally in the ACT.

[1.1448] Section 89D (1)

substitute

- (1) The chief executive may, in writing, appoint a person to be an ***inspector*** for this Act.

Note A reference to an Act includes a reference to—

- (a) a provision of the Act (see *Legislation Act 2001*, s 7 (3)); and
- (b) the statutory instruments made or in force under the Act, including regulations (see *Legislation Act 2001*, s 104).

[1.1449] Section 99

omit

, upon payment of the determined fee,

[1.1450] Section 99, new note

insert

Note A fee may be determined under s 103 (Determination of fees) for this section.

[1.1451] Sections 104 and 106

substitute

103 Determination of fees

- (1) The Minister may, in writing, determine fees for this Act.

Note The *Legislation Act 2001* contains provisions about the making of determinations and regulations relating to fees (see pt 6.3).

- (2) A determination is a disallowable instrument.

Note A disallowable instrument must be notified, and presented to the Legislative Assembly, under the *Legislation Act 2001*.

104 Approved forms

- (1) The chief executive may, in writing, approve forms for this Act.
- (2) If the chief executive approves a form for a particular purpose, the approved form must be used for that purpose.
- (3) An approved form is a notifiable instrument.

Note A notifiable instrument must be notified under the *Legislation Act 2001*.

105 Regulation-making power

The Executive may make regulations for this Act.

Note Regulations must be notified, and presented to the Legislative Assembly, under the *Legislation Act 2001*.

Part 123 Electricity Safety Regulations 1971

[1.1452] Regulation 2, definition of *the Act*

omit

Part 124 Electricity (National Scheme) Act 1997

[1.1453] Section 2

omit

Part 125 Electronic Transactions Act 2001

[1.1454] Section 15, new note

insert

Note Regulations must be notified, and presented to the Legislative Assembly, under the *Legislation Act 2001*.

Part 126 Emergency Management Act 1999

[1.1455] Section 2

omit

[1.1456] Section 3 (1), definition of *determined fee*

omit

[1.1457] Section 21

substitute

21 Publication of declaration

As soon as practicable after making, amending or revoking a declaration of a state of emergency, the Chief Minister must ensure that notice of the declaration or revocation is—

- (a) notified under the *Legislation Act 2001* as if it were a notifiable instrument; and
- (b) broadcast in the ACT by a television or radio station.

[1.1458] Section 65 (2)

omit

must be in writing in a form approved by the commissioner and

[1.1459] Section 65 (2), new note

insert

Note If a form is approved under the *Taxation Administration Act 1999*, s 139C (Approved forms) for a return, the form must be used.

[1.1460] Section 68 (1)

omit

shall pay the determined fee

substitute

must pay the fee determined under section 79 (Determination of fees) for this section.

[1.1461] Section 72 (3)

omit

[1.1462] Section 72 (2)

renumber as section 72 (3)

[1.1463] New section 72 (2)

insert

- (2) A person may to the Minister apply for approval to provide an ambulance service.

Note A fee may be determined under s 79 (Determination of fees) for this section.

[1.1464] Section 74 (3)

omit

the Executive, by instrument published in the Gazette may

substitute

the Executive may, in writing,

[1.1465] New section 74 (4)

insert

- (4) A variation is a notifiable instrument.

Note A notifiable instrument must be notified under the *Legislation Act 2001*.

[1.1466] Sections 79 and 80

substitute

79 Determination of fees

- (1) The Minister may, in writing, determine fees for this Act.

Note The *Legislation Act 2001* contains provisions about the making of determinations and regulations relating to fees (see pt 6.3).

- (2) A determination is a disallowable instrument.

Note A disallowable instrument must be notified, and presented to the Legislative Assembly, under the *Legislation Act 2001*.

80 Regulation-making power

The Executive may make regulations for this Act.

Note Regulations must be notified, and presented to the Legislative Assembly, under the *Legislation Act 2001*.

Part 127 Emergency Management Regulations 1999

[1.1467] Regulations 2 and 3

omit

Part 128 Enclosed Lands Protection Act 1943

[1.1468] Section 2

omit

Part 129 Energy Efficiency Ratings (Sale of Premises) Act 1997

[1.1469] Section 2

omit

[1.1470] Section 4 (1)

substitute

- (1) When a regulation made for section 3, definition of ***energy efficiency rating statement*** is presented to the Legislative Assembly under the *Legislation Act 2001*, section 64 (1), the Minister must present to the Assembly an industry and environment impact statement.

[1.1471] Section 8

substitute

8 Regulation-making power

The Executive may make regulations for this Act.

Note Regulations must be notified, and presented to the Legislative Assembly, under the *Legislation Act 2001*.

Part 130 Environment Protection Act 1997

[1.1472] Section 2

omit

[1.1473] Section 4 (1), note

substitute

Note 1 A definition applies except so far as the contrary intention appears (see *Interpretation Act 1967*, s 11G).

Note 2 A reference to an Act includes a reference to the statutory instruments made or in force under the Act, including regulations (see *Legislation Act 2001*, s 104).

[1.1474] Section 4 (1), definition of *authorisation fee*

substitute

authorisation fee, for an environment authorisation, means the fee payable in relation to the authorisation.

[1.1475] Section 4 (1), definition of *determined fee*

omit

[1.1476] Section 4 (1), definition of *environment protection policy*

substitute

environment protection policy means an environment protection policy under part 4.

Note A reference to an instrument (including a policy) includes a reference to the instrument as originally made and as amended (see *Legislation Act 2001*, s 102).

[1.1477] Section 4 (1), definition of *Territory plan*

omit

[1.1478] Section 4 (1), definition of *this Act*

omit

[1.1479] Section 21B (1)

substitute

- (1) If the authority makes an entry in the register under section 21A (2) (b) or (4) or removes an entry under section 21A (5), the authority must prepare a written notice stating that the entry has been made or removed.

[1.1480] Section 21B (2)

omit

A notice under subsection (1)

substitute

The notice

[1.1481] New section 21B (3) and (4)

insert

- (3) The notice is a notifiable instrument.

Note A notifiable instrument must be notified under the *Legislation Act 2001*.

- (4) The authority must also publish the notice in a daily newspaper.

[1.1482] New section 23B

insert in part 4

23B Definitions for pt 4

In this part:

consultation period—see section 25 (1).

draft environment protection policy includes a draft amendment of an environment protection policy, other than an amendment proposing changes solely of a formal nature.

environment protection policy includes an amendment or repeal of an environment protection policy.

[1.1483] Sections 25 to 28

substitute

25 Consultation on draft environment protection policy

- (1) If the authority prepares a draft environment protection policy, the authority must also prepare a written notice—
 - (a) containing a brief description of the draft policy; and
 - (b) stating where copies of the draft policy may be obtained; and
 - (c) inviting anyone to make written suggestions or comments about the draft policy to the authority, at the place stated in the notice, within 40 working days after the day the notice is notified under the *Legislation Act 2001* (the ***consultation period***).
- (2) The notice is a notifiable instrument.

Note A notifiable instrument must be notified under the *Legislation Act 2001*.
- (3) The authority must also publish the notice in a daily newspaper.
- (4) During the consultation period, the authority must make copies of the draft environment protection policy available for inspection in accordance with the notice.
- (5) The authority must also send a copy of a draft policy, without charge, to—
 - (a) the Conservation Council of the South-East Region and Canberra (Inc.); and
 - (b) the Canberra Business Council Inc.

26 Consideration of suggestions etc and revision of draft environment protection policy

- (1) The authority must consider the suggestions and comments made to it during the consultation period about the draft environment protection policy.
- (2) The authority may, in writing, revise the draft environment protection policy in accordance with any of the suggestions or comments.

27 Making of environment protection policy

- (1) After complying with section 26 in relation to the draft environment protection policy, the authority may submit the draft policy (as revised, if at all, under section 26) to the Minister for consent to make the policy.
- (2) If the Minister consents, the authority must make the draft policy as an environment protection policy.

28 Notification of environment protection policies etc

- (1) An environment protection policy is a notifiable instrument.
Note A notifiable instrument must be notified under the *Legislation Act 2001*.
- (2) If an environment protection policy is made, a notice must also be published in a daily newspaper—
 - (a) containing a brief description of the policy; and
 - (b) stating when the policy takes effect; and
 - (c) stating where the policy may be inspected.

[1.1484] Section 31 (1)

omit

by notice in the Gazette

substitute

in writing

[1.1485] Section 31 (2)

omit

shall not publish a notice under subsection (1) unless satisfied that the code of practice

substitute

may accredit a code of practice under subsection (1) only if satisfied that the code

[1.1486] Section 31 (3)

substitute

- (3) A code of practice accredited under subsection (1) is a disallowable instrument.

Note A disallowable instrument must be notified, and presented to the Legislative Assembly, under the *Legislation Act 2001*.

[1.1487] Section 32 (1)

substitute

- (1) Within 10 working days after the day an accredited code of practice is notified under the *Legislation Act 2001*, the Minister must publish notice of the accreditation in a daily newspaper.

[1.1488] Section 37 (2)

omit

or an instrument under another part of this Act,

[1.1489] Section 37 (2), new note

insert

Note A reference to a provision of an Act includes a reference to the statutory instruments made or in force under the provision, including regulations (see *Legislation Act 2001*, s 104).

[1.1490] Section 41

substitute

41 Notification of environmental protection agreements

- (1) If the authority enters into an environmental protection agreement under section 38 (Entering agreements), the authority must prepare a written notice stating that the agreement—
 - (a) has been entered into; and
 - (b) is available for public inspection under section 19 (Inspection of documents).
- (2) The notice is a notifiable instrument.

Note A notifiable instrument must be notified under the *Legislation Act 2001*.

- (3) The authority must also publish the notice in a daily newspaper.
- (4) The notice must be notified under the *Legislation Act 2001*, and published in a daily newspaper, within 10 working days after the day the environmental protection agreement is entered into.

[1.1491] Section 47 (2) (b)

omit

; and

[1.1492] Section 47 (2) (c)

omit

[1.1493] Section 47 (2), new note

insert

Note A fee may be determined under s 165 (Determination of fees etc) for this section.

[1.1494] Section 48

substitute

**48 Consultation on application for environmental
authorisation**

- (1) If the authority receives an application under section 47 in relation to a prescribed activity (other than a prescribed activity to which a declaration under subsection (6) applies), the authority must prepare a written notice—
 - (a) containing a brief description of the prescribed activity and its location; and
 - (b) indicating where copies of the application may be obtained; and
 - (c) inviting anyone to make written submissions about the application to the authority, at the place stated in the notice, no later than the date (the *relevant date*) stated in the notice.
 - (2) The relevant date must be at least 15 working days after the day the notice is notified under the *Legislation Act 2001*.
 - (3) The notice is a notifiable instrument.
- (4) The authority must also publish the notice in a daily newspaper.
 - (5) The notice must be notified under the *Legislation Act 2001*, and published in a daily newspaper, within 10 working days after the day the authority receives the application.
 - (6) The Minister may, in writing, declare that this section does not apply to a prescribed activity.
 - (7) A declaration under subsection (6) is a disallowable instrument.

Note A notifiable instrument must be notified under the *Legislation Act 2001*.

Note A disallowable instrument must be notified, and presented to the Legislative Assembly, under the *Legislation Act 2001*.

[1.1495] Section 50 (3) and (4)

substitute

- (3) The authority must also prepare a written notice stating that the authorisation—

- (a) has been granted; and
 - (b) is available for public inspection under section 19 (Inspection of documents).
- (4) The notice under subsection (3) is a notifiable instrument.
- Note* A notifiable instrument must be notified under the *Legislation Act 2001*.
- (5) The authority must also publish the notice under subsection (3) in a daily newspaper.
- (6) The notice must be notified under the *Legislation Act 2001*, and published in a daily newspaper, within 10 working days after the day the decision is notified under subsection (1).

[1.1496] Section 51, new note

insert

Note A fee may be determined under s 165 (Determination of fees etc) for this section.

[1.1497] Section 52 (2) (a) (i) and (ii)

substitute

- (i) if the annual fee under section 53 for the first year of the authorisation is payable by instalments—the first instalment is paid; or
- (ii) if the annual fee under section 53 for the first year of the authorisation is payable as a lump sum—the fee is paid; and

[1.1498] Section 52 (3) (a) (i) and (ii)

substitute

- (i) if the whole of period fee under section 53 for the authorisation is payable by instalments—the first instalment is paid; or

- (ii) if the whole of period fee under section 53 for the authorisation is payable as a lump sum—the fee is paid; and

[1.1499] Section 53

substitute

53 Authorisation fees

- (1) The holder of a standard environmental authorisation granted for an unlimited period is liable to pay an annual fee for each year or part of a year that the authorisation is in effect.
- (2) The holder of an environmental authorisation granted for a specified period is liable to pay a whole of period fee for the whole of the period for which the authorisation is granted.
- (3) The holder of an accredited or special environmental authorisation is entitled to a reduction in the whole of period fee that would have been payable if, instead of that kind of environmental authorisation, the holder had been granted a standard environmental authorisation.

[1.1500] Section 54

omit

[1.1501] Section 55 (1)

omit everything before paragraph (a), substitute

- (1) If the holder of an environmental authorisation fails to pay an amount determined in relation to the authorisation when it is due, the authority must, by written notice to the holder—

[1.1502] Section 56

omit

[1.1503] Section 59

substitute

59 Notification of review of environmental authorisations

- (1) When a review under section 57 (1) or 58 (1) is finished, the authority must prepare a written notice—
 - (a) stating the outcome of the review; and
 - (b) indicating that a copy of the review is available for public inspection under section 19 (Inspection of documents).
- (2) The notice is a notifiable instrument.

Note A notifiable instrument must be notified under the *Legislation Act 2001*.
- (3) The authority must also publish the notice in a daily newspaper.
- (4) The notice must be notified under the *Legislation Act 2001*, and published in a daily newspaper, within 10 working days after the day the review is completed.

[1.1504] Section 67A (1)

omit

by instrument

substitute

in writing

[1.1505] Section 67A (2), new note

insert

Note A disallowable instrument must be notified, and presented to the Legislative Assembly, under the *Legislation Act 2001*.

[1.1506] Section 69 (2) (e) (i)

omit

determined

[1.1507] Section 70

omit

[1.1508] Section 76 (2) (e) (i)

omit

determined

[1.1509] Section 76 (3)

omit

[1.1510] Section 76 (4) and (5)

renumber as section 76 (3) and (4)

[1.1511] Section 76B (1)

omit

(1)

[1.1512] Section 76B (1), new note

insert

Note If a form is approved under s 165A (Approved forms) for a report, the form must be used.

[1.1513] Section 76B (2)

omit

[1.1514] Section 78 (5), new note

insert

Note A fee may be determined under s 165 (Determination of fees etc) for this subsection.

[1.1515] Section 78 (6)

omit

[1.1516] Section 78 (7) and (8)

renumber as section 78 (6) and (7)

[1.1517] Section 82 (2) (h) (i)

omit

determined

[1.1518] Section 83

omit

[1.1519] Section 90 (3)

omit

calculated at the rate per centum per annum determined under section 165

[1.1520] Section 90 (3), new note

insert

Note A rate of interest may be determined under s 165 (Determination of fees etc) for this subsection.

[1.1521] Section 91 (a)

omit

, at the rate per centum per annum determined under section 165,

[1.1522] Section 91, new note

insert

Note A rate of interest may be determined under s 165 (Determination of fees etc) for par (a).

[1.1523] Section 91C (5) (a)

omit

and the regulations

[1.1524] Section 91C (5), new note

insert

Note A reference to an Act includes a reference to the statutory instruments made or in force under the Act, including regulations (see *Legislation Act 2001*, s 104).

[1.1525] Section 91D (5) (a)

omit

and the regulations

[1.1526] Section 91D (5), new note

insert

Note A reference to an Act includes a reference to the statutory instruments made or in force under the Act, including regulations (see *Legislation Act 2001*, s 104).

[1.1527] Section 91K (3)

omit

calculated at the rate per centum per annum determined under section 165

[1.1528] Section 91K (3), new note

insert

Note A rate of interest may be determined under s 165 (Determination of fees etc) for this subsection.

[1.1529] Section 91L

omit

, at the rate per centum per annum determined under section 165,

[1.1530] Section 91L, new note

insert

Note A rate of interest may be determined under s 165 (Determination of fees etc) for this section.

[1.1531] Section 92 (1)

omit

, by instrument, notify the authority

substitute

notify the authority in writing

[1.1532] Section 92 (2) (b)

after

decision

insert

in writing

[1.1533] Section 92 (3) and (4)

substitute

- (3) A notification under subsection (1) is a disallowable instrument.

Note A disallowable instrument must be notified, and presented to the Legislative Assembly, under the *Legislation Act 2001*.

- (4) A decision under subsection (2) (b) is a notifiable instrument.

Note A notifiable instrument must be notified under the *Legislation Act 2001*.

[1.1534] Section 93 (4) and (5)

substitute

- (4) A direction is a disallowable instrument.

Note A disallowable instrument must be notified, and presented to the Legislative Assembly, under the *Legislation Act 2001*.

[1.1535] Section 159A (1)

omit

, in a form approved by the authority,

[1.1536] Section 159A (1), new note

insert

Note If a form is approved under s 165A (Approved forms) for information required under this section, the form must be used.

[1.1537] Section 160 (4)

omit

calculated at the rate per centum per annum determined under section 165

[1.1538] Section 160 (4), new note

insert

Note A rate of interest may be determined under s 165 (Determination of fees etc) for this subsection.

[1.1539] Section 165

substitute

165 Determination of fees etc

- (1) The Minister may, in writing, determine—
 - (a) fees for this Act; or
 - (b) the annual percentage rate at which interest payable under section 90 (3), 91K (3), 91L or 160 (4) is to be calculated; or
 - (c) the annual percentage rate at which interest accruing under section 91 (a) is to be calculated; or
 - (d) the administrative charge for part 13, division 1.

Note The *Legislation Act 2001* contains provisions about the making of determinations and regulations relating to fees, charges and other amounts (see pt 6.3).

- (2) A determination is a disallowable instrument.

Note A disallowable instrument must be notified, and presented to the Legislative Assembly, under the *Legislation Act 2001*.

165A Approved forms

- (1) The authority may, in writing, approve forms for this Act.
- (2) If the authority approves a form for a particular purpose, the approved form must be used for that purpose.

- (3) An approved form is a notifiable instrument.

Note A notifiable instrument must be notified under the *Legislation Act 2001*.

[1.1540] Section 166 (1)

substitute

- (1) The Executive may make regulations for this Act.

Note Regulations must be notified, and presented to the Legislative Assembly, under the *Legislation Act 2001*.

- (1A) The regulations may make provision in relation to—

- (a) applying, adopting or incorporating any instrument, or any provision of an instrument, as in force from time to time; or
(b) the sampling and analysis of pollutants.

Note 1 A statutory instrument may also apply, adopt or incorporate (with or without change) a law or instrument (or a provision of a law or instrument) as in force at a particular time (see *Legislation Act 2001*, s 47 (1)).

Note 2 If a statutory instrument applies, adopts or incorporates a law or instrument (or a provision of a law or instrument), the law, instrument or provision may be taken to be a notifiable instrument that must be notified under the *Legislation Act 2001* (see s 47 (2)-(6)).

- (1B) The regulations may also prescribe offences for contraventions of the regulations and prescribe maximum penalties of not more than 10 penalty units for offences against the regulations.

[1.1541] Section 166

renumber subsections when Act next republished under Legislation Act 2001

[1.1542] Schedule 2, clause 1, definition of *unleaded petrol*, paragraph (c)

omit

clause 5

substitute

clause 6

[1.1543] Schedule 2, clause 3 (2)

omit

subsection

substitute

subclause

[1.1544] Schedule 2, clause 4 (1) (b)

omit

by instrument

substitute

in writing

[1.1545] Schedule 2, clause 4 (4) and (5)

substitute

- (4) An authorisation under subclause (1) (b) is a disallowable instrument.

Note A disallowable instrument must be notified, and presented to the Legislative Assembly, under the *Legislation Act 2001*.

- (5) The *Legislation Act 2001*, chapter 7 (Presentation, amendment and disallowance of subordinate laws and disallowable instruments) applies to an authorisation as if each reference in that chapter to 6 sitting days were a reference to 5 sitting days.

[1.1546] Schedule 2, clause 6

substitute

6 Determination of higher sulfur content of unleaded petrol

- (1) If the authority is satisfied that, because of the high sulfur levels present in petrol available in the ACT, there are insufficient supplies of unleaded petrol available in the ACT, the authority may, in

writing, determine the percentage of sulfur for clause 1, definition of *unleaded petrol*, paragraph (c).

- (2) A determination is a notifiable instrument.

Note A notifiable instrument must be notified under the *Legislation Act 2001*.

- (3) A determination expires at the end of the period (not later than 30 days) stated in the determination.

[1.1547] Schedule 2, clause 8 (1) and (2)

substitute

- (1) Subclauses (4) and (5) do not apply during any period when a declaration is in force under clause 8A (Declaration about application of certain provisions).

[1.1548] Schedule 2, clause 8

renumber subclauses when Act next republished under Legislation Act 2001

[1.1549] Schedule 2, new clause 8A

insert

8A Declaration about application of certain provisions

- (1) The Minister may, in writing, declare that clause 8 (4) and (5) does not apply.
- (2) A declaration is a notifiable instrument.

Note A notifiable instrument must be notified under the *Legislation Act 2001*.

- (3) A declaration expires at the end of the period (not longer than 1 month) stated in the declaration.

[1.1550] Schedule 2, clause 9 (1)

omit everything after paragraph (b), substitute

the authority may, in writing, exempt a person from clause 8 (4) or (5).

[1.1551] Schedule 2, clause 9 (2) and (3)

substitute

- (2) An exemption is a notifiable instrument.

Note A notifiable instrument must be notified under the *Legislation Act 2001*.

- (3) The authority must also publish the exemption in a daily newspaper.
(4) An exemption expires at the end of the period (not longer than 1 month) stated in the exemption.

[1.1552] Schedule 2, clause 12 (1) (b)

omit

notice under subclause 8 (1) or 9 (1) is in effect

substitute

declaration under clause 8A (1) is in force, or an exemption under clause 9 (1) is in force in relation to the person

Part 131 Environment Protection Regulations 1997

[1.1553] Regulation 2, note 2

omit

as applied by the *Subordinate Laws Act 1989*, s 9

[1.1554] Regulation 8 (b)

omit

and the regulations under that Act

[1.1555] Regulation 8, new note

insert

Note A reference to an Act includes a reference to the statutory instruments made or in force under the Act, including regulations (see *Legislation Act 2001*, s 104).

[1.1556] Regulation 12 (2) (b)

omit

or these regulations

[1.1557] Regulation 12 (2)

omit

and these regulations

[1.1558] Regulation 12 (2), new note

insert

Note A reference to an Act includes a reference to the statutory instruments made or in force under the Act, including regulations (see *Legislation Act 2001*, s 104).

[1.1559] Regulation 24

omit

or these regulations

[1.1560] Regulation 24, new note

insert

Note A reference to an Act includes a reference to the statutory instruments made or in force under the Act, including regulations (see *Legislation Act 2001*, s 104).

[1.1561] Regulation 25 (1)

omit

or these regulations

[1.1562] Regulation 25 (1), new note

insert

Note A reference to an Act includes a reference to the statutory instruments made or in force under the Act, including regulations (see *Legislation Act 2001*, s 104).

[1.1563] Regulation 31

omit

or these regulations

[1.1564] Regulation 31, new note

insert

Note A reference to an Act includes a reference to the statutory instruments made or in force under the Act, including regulations (see *Legislation Act 2001*, s 104).

[1.1565] Regulation 32 (4), definition of *relevant NSW noise control legislation*

substitute

relevant NSW noise control legislation means—

- (a) for the sale of an article or anything else in the ACT—the NSW Noise Control Act; or
- (b) for an article or anything else hired out in the ACT—the NSW Noise Control Act as in force at the time the article or other thing was first hired out in the ACT.

[1.1566] Regulation 39

omit

or these regulations

[1.1567] Regulation 39, new note

insert

Note A reference to an Act includes a reference to the statutory instruments made or in force under the Act, including regulations (see *Legislation Act 2001*, s 104).

[1.1568] Regulation 40 (2) (d)

substitute

- (d) a laboratory approved, in writing, by the Minister.

[1.1569] Regulation 40 (3)

substitute

- (3) An approval under subregulation (2) (d) is a disallowable instrument.

Note A disallowable instrument must be notified, and presented to the Legislative Assembly, under the *Legislation Act 2001*.

[1.1570] Schedule 2, table 2, item 8, column 2

omit

or these regulations

[1.1571] Schedule 2, table 2, item 9, column 3

omit

and the regulations under that Act

[1.1572] Dictionary, definition of Act

omit

[1.1573] Dictionary, definition of *NSW Noise Control Act*

substitute

NSW Noise Control Act means the *Noise Control Act 1975* (NSW).

Note A reference to an Act includes a reference to the statutory instruments made or in force under the Act, including regulations (see *Legislation Act 2001*, s 104).

Part 132 **Epidemiological Studies
(Confidentiality) Act 1992**

[1.1574] Section 2

omit

[1.1575] Section 14

substitute

14 Regulation-making power

The Executive may make regulations for this Act.

Note Regulations must be notified, and presented to the Legislative Assembly, under the *Legislation Act 2001*.

Part 133 Epidemiological Studies (Confidentiality) Regulations 1992

[1.1576] Regulations 2 and 3

omit

Part 134 Evidence Act 1971

[1.1577] Sections 2 to 5

omit

[1.1578] Section 85I

substitute

85I Rules of court for pt 12A

- (1) Rules of court may be made under the *Supreme Court Act 1933*, section 36 for this part.

Note Rules of court must be notified, and presented to the Legislative Assembly, under the *Legislation Act 2001*.

- (2) The rules may make provision in relation to the practice and procedure of the Supreme Court in a proceeding for the making of an order under section 85C (1) or 85D (1).

85J Regulation-making power for pt 12A

The Executive may make regulations for this part.

Note Regulations must be notified, and presented to the Legislative Assembly, under the *Legislation Act 2001*.

Part 135 Evidence Regulations

[1.1579] Regulation 2

omit

[1.1580] Regulation 3

omit everything before paragraph (a), substitute

2 Judicial authorities—Act, pt 12A

For the Act, section 85B, definition of *judicial authority*—

Part 136 Evidence (Miscellaneous Provisions) Act 1991

[1.1581] Section 35 (1), new note

insert

Note Regulations must be notified, and presented to the Legislative Assembly, under the *Legislation Act 2001*.

Part 137 Fair Trading Act 1992

[1.1582] Section 54

substitute

54 Regulation-making power

The Executive may make regulations for this Act.

Note Regulations must be notified, and presented to the Legislative Assembly, under the *Legislation Act 2001*.

Part 138 Fair Trading Regulations 1992

[1.1583] Regulation 2

omit

[1.1584] Regulation 3, definition of *the Act*

omit

[1.1585] Regulation 4

omit everything before paragraph (a), substitute

4 Approved codes of practice prescribed

- (1) For the Act, section 34 (Regulations—codes of practice), the following approved codes of practice are prescribed:

[1.1586] New regulation 4 (2)

insert

- (2) Each approved code of practice mentioned in subregulation (1) is a notifiable instrument.

Note A notifiable instrument must be notified under the *Legislation Act 2001*.

[1.1587] Regulation 4A

omit everything before paragraph (a), substitute

4A Approved codes of practice—amendments

- (1) For the Act, section 35 (codes of practice—amendment)—

[1.1588] New regulation 4A (2)

insert

- (2) Each amendment mentioned in subregulation (1) is a notifiable instrument.

Note A notifiable instrument must be notified under the *Legislation Act 2001*.

[1.1589] Regulation 4A

renumber as regulation 5

Part 139 **Fair Trading (Consumer
Affairs) Act 1973**

[1.1590] Section 26 (3)

omit

by notice in the Gazette

substitute

in writing

[1.1591] Section 26 (3), new note

insert

Note A power given under an Act to make a statutory instrument (including an interim safety order) includes power to amend or repeal the instrument (see *Legislation Act 2001*, s 46 (1)).

[1.1592] Section 26 (4) to (7)

substitute

- (4) An interim safety order is a notifiable instrument.

Note 1 A notifiable instrument must be notified under the *Legislation Act 2001*.

Note 2 An amendment or repeal of an interim safety order is also a notifiable instrument (see *Legislation Act 2001*, s 46 (2)).

- (5) Unless the effect of an interim safety order is extended under subsection (7), the order expires on the earlier of the following:
- (a) 28 days after the day the notice is notified under the *Legislation Act 2001*; or
 - (b) the commencement of a consumer product safety order under section 27 in relation to the goods or class of goods specified in the order.

- (6) If an interim safety order (the *first order*) is in force under this section in relation to specified goods or a specified class of goods, the Minister may make a further interim safety order in relation to the same goods or class of goods only if the further order relates to an aspect of the goods or class of goods not covered by the first order.
- (7) If—
- (a) an interim safety order is in force in relation to goods or a class of goods; and
 - (b) further time is required for the commissioner to provide advice under section 24 (Advice concerning consumer product safety orders or standards), or for the product safety advisory committee to provide advice in accordance with this Act, in relation to the goods or class of goods;
- the Minister, on the commissioner's recommendation, may, in writing, extend the period of the effect of the order.
- (8) If the effect of an interim safety order is extended under subsection (7), the order expires on the earlier of the following:
- (a) 28 days after the period of 28 days mentioned in subsection (5) (b);
 - (b) the commencement of a consumer product safety order under section 27 in relation to the goods or the class of goods specified in the interim safety order.
- (9) An extension under subsection (7) is a notifiable instrument.

Note A notifiable instrument must be notified under the *Legislation Act 2001*.

[1.1593] Section 27 (1)

omit

by notice in the Gazette

substitute

in writing

[1.1594] Section 27 (1), new note

insert

Note A power given under an Act to make a statutory instrument (including a consumer product safety order) includes power to amend or repeal the instrument (see *Legislation Act 2001*, s 46 (1)).

[1.1595] Section 27 (2) and (3)

substitute

(2) A consumer product safety order is a notifiable instrument.

Note 1 A notifiable instrument must be notified under the *Legislation Act 2001*.

Note 2 An amendment or repeal of a consumer product safety order is also a notifiable instrument (see *Legislation Act 2001*, s 46 (2)).

[1.1596] Section 28 (1)

omit

(1)

[1.1597] Section 28 (2)

omit

[1.1598] Section 29 (1)

omit

at any time when that order or instrument is in force, by notice in the Gazette

substitute

in writing, at any time when that order or instrument is in force

[1.1599] Section 29 (1), new note

insert

Note A power given under an Act to make a statutory instrument (including a consumer product safety order) includes power to amend or repeal the instrument (see *Legislation Act 2001*, s 46 (1)).

[1.1600] Section 29 (2)

substitute

- (2) A consumer product safety order made under this section is a notifiable instrument.

Note 1 A notifiable instrument must be notified under the *Legislation Act 2001*.

Note 2 An amendment or repeal of a consumer product safety order is also a notifiable instrument (see *Legislation Act 2001*, s 46 (2)).

[1.1601] Section 29 (6)

renumber as section 29 (8)

[1.1602] Section 29 (5)

substitute

- (5) Without limiting the powers implied by subsection (1), the Minister may, in writing, amend or repeal a consumer product safety order made under this section.
- (6) An amendment or repeal under subsection (5) is a notifiable instrument.
- Note* A notifiable instrument must be notified under the *Legislation Act 2001*.
- (7) A consumer product safety order made under this section expires on the earlier of the following:
- (a) if the order provides for its expiry—on the date or at the time provided by the order for its expiry; or
 - (b) the commencement of a consumer product safety order under section 27 in relation to the goods or class of goods specified in the order made under this section.

[1.1603] Sections 35 and 36

substitute

35 Notification of decisions

- (1) If the Minister makes a decision—

- (a) under section 26 (3) to make, amend or repeal an interim safety order; or
 - (b) under section 26 (7) to extend the period of effect of an interim safety order; or
 - (c) under section 27 (1) to make, amend or repeal a consumer product safety order; or
 - (d) under section 29 (5) to amend or repeal a consumer product safety order;
- the Minister must prepare a written notice of the decision.
- (2) The Minister must publish the notice in a newspaper circulating in the ACT.
- (3) If the Minister makes a decision—
- (a) under section 26 (3) to refuse to make an interim safety order; or
 - (b) under section 27 (1) to refuse to make a consumer product safety order;
- the Minister must prepare a written notice of the decision.
- (4) The notice under subsection (3) is a notifiable instrument.
- Note* A notifiable instrument must be notified under the *Legislation Act 2001*.
- (5) The Minister must also publish the notice in a newspaper circulating in the ACT.
- (6) If the commissioner makes a decision under section 29 (1) to make, amend or repeal a consumer product safety order, the commissioner must prepare a written notice of the decision.
- (7) The commissioner must publish the notice in a newspaper.
- (8) If the commissioner makes a decision under section 29 (1) to refuse to make a consumer product safety order, the commissioner must prepare a written notice of the decision.
- (9) The notice under subsection (8) is a notifiable instrument.
-

Note A notifiable instrument must be notified under the *Legislation Act 2001*.

- (10) The commissioner must also publish the notice in a newspaper circulating in the ACT.
- (11) A notice under this section must be in accordance with the requirements of the code of practice in force under the *Administrative Appeals Tribunal Act 1989*, section 25B (1).

36 Appeals

- (1) Application may be made to the administrative appeals tribunal for review of a decision of the Minister—
 - (a) under section 26 (3) to make, amend or repeal, or to refuse to make, an interim safety order; or
 - (b) under section 26 (7) to extend the period of effect of an interim safety order; or
 - (c) under section 27 (1) to make, amend or repeal, or to refuse to make, a consumer product safety order.
- (2) Application may be made to the administrative appeals tribunal for review of a decision of the commissioner under section 29 (1) to make, amend or repeal, or to refuse to make, a consumer product safety order.

[1.1604] Section 37 (1) (d) and (f)

omit

notice

substitute

order

[1.1605] Section 37 (1)

omit everything before paragraph (d), substitute

- (1) This section applies if—
 - (a) a person supplies goods; and

- (b) any of the following subparagraphs apply:
 - (i) it appears to the Minister that the goods are of a kind that will or may cause injury to someone;
 - (ii) a consumer product safety standard prescribed under section 28 applies to the goods and the goods do not comply with the standard;
 - (iii) an interim safety order under section 26, or a consumer product safety order under section 27 or 29, applies to the goods; and
 - (c) it appears to the Minister that the supplier has not taken satisfactory action to prevent the goods causing injury.
- (1A) The Minister may, by written notice, require the supplier to take action within the period specified in the notice to—

[1.1606] New section 37 (1B)

insert

- (1B) An notice under subsection (1A) is a notifiable instrument.

Note A notifiable instrument must be notified under the *Legislation Act 2001*.

[1.1607] Section 37

renumber subsections and paragraphs when Act next republished under Legislation Act 2001

[1.1608] Section 38 (1)

omit

shall cause to be published in the Gazette a

substitute

must prepare a written

[1.1609] Section 38 (3)

substitute

(2A) A notice under subsection (1) is a notifiable instrument.

Note A notifiable instrument must be notified under the *Legislation Act 2001*.

(3) If a notice under subsection (1) is notified, the commissioner must, within 2 days after the day it is notified under the *Legislation Act 2001* or, if it is not practicable to do so within the 2 days, as soon as practicable afterwards, either—

- (a) give a copy of the notice to each person who, to the commissioner's knowledge, supplies goods to which the notice relates; or
- (b) publish a copy of the notice in a daily newspaper published and circulating in the ACT.

[1.1610] Section 38 (11)

omit

he or she shall publish in the Gazette

substitute

the Minister must prepare a written notice stating

[1.1611] New section 38 (12)

insert

(12) A notice under subsection (11) is a notifiable instrument.

Note A notifiable instrument must be notified under the *Legislation Act 2001*.

[1.1612] Section 38

renumber subsections when Act next republished under Legislation Act 2001

[1.1613] Section 43

substitute

43 Regulation-making power

The Executive may make regulations for this Act.

Note Regulations must be notified, and presented to the Legislative Assembly, under the *Legislation Act 2001*.

[1.1614] Sections 44 and 45

omit

, instrument under an Act

[1.1615] Section 44, new note

insert

Note A reference to an Act includes a reference to the statutory instruments made or in force under the Act, including regulations (see *Legislation Act 2001*, s 104).

Part 140 **Fair Trading (Fuel Prices) Act 1993**

[1.1616] Section 4 (1)

omit

by notice in the Gazette

substitute

in writing

[1.1617] Section 4 (3) to (6)

substitute

- (3) A determination under subsection (1) is a disallowable instrument.

Note A disallowable instrument must be notified, and presented to the Legislative Assembly, under the *Legislation Act 2001*.

- (4) The Minister must also publish the determination in a newspaper circulating generally in the ACT.

[1.1618] Section 10

substitute

10 Regulation-making power

The Executive may make regulations for this Act.

Note Regulations must be notified, and presented to the Legislative Assembly, under the *Legislation Act 2001*.

Part 141 Family Provision Act 1969

[1.1619] Section 2

omit

Part 142 Fertilizers Act 1904

[1.1620] Section 2, definition of *Prescribed*

omit

[1.1621] Section 3 (1) and (2)

substitute

- (1) A vendor of fertiliser must, on or before its delivery, give the purchaser a statement about the nature and quantities of the chemical constituents of the fertiliser.

Maximum penalty: 5 penalty units.

Note If a form is approved under s 4 (Approved forms) for a statement, the form must be used.

- (2) A vendor of fertiliser must not give the purchaser an incorrect or false statement.

Maximum penalty: 5 penalty units.

[1.1622] Section 3 (3)

omit

against subsection (1)

substitute

against this section

[1.1623] Section 4

substitute

4 Approved forms

- (1) The Minister may, in writing, approve forms for this Act.
- (2) If the Minister approves a form for a particular purpose, the approved form must be used for that purpose.
- (3) An approved form is a notifiable instrument.

Note A notifiable instrument must be notified under the *Legislation Act 2001*.

- (4) A form in the schedule immediately before the commencement of this section is, after the commencement, taken to be an approved form and must include the things mentioned in section 3 (2) immediately before the commencement.
- (5) However, the form need not be notified under the *Legislation Act 2001*.
- (6) Subsections (4) and (5) are laws to which the *Legislation Act 2001*, section 88 (Repeal does not end transitional or validating effect etc) applies.
- (7) Subsections (4) to (6) and this subsection expire 1 year after this section commences.

5 Regulation-making power

The Executive may make regulations for this Act.

Note Regulations must be notified, and presented to the Legislative Assembly, under the *Legislation Act 2001*.

[1.1624] Schedule

omit

Part 143 Financial Agreement Act 1994

[1.1625] Section 2

substitute

2 Application of Legislation Act

The *Legislation Act 2001* does not apply to instruments made under the agreement.

Part 144 Financial Institutions Duty Act 1987

[1.1626] Section 2

omit

[1.1627] Section 24 (2)

substitute

- (2) The Minister may not make a determination under subsection (1) after June 2001.

[1.1628] Section 38 (2)

substitute

- (2) The Minister may not make a determination under subsection (1) after June 2001.

[1.1629] Section 39

substitute

39 Regulation-making power

The Executive may make regulations for this Act.

Note Regulations must be notified, and presented to the Legislative Assembly, under the *Legislation Act 2001*.

Part 145 Financial Institutions Duty Regulations 1990

[1.1630] Regulation 2

omit

Part 146 Financial Management Act 1996

[1.1631] Section 3A (1)

omit

may

substitute

may, in writing,

[1.1632] Section 3A (2)

substitute

- (2) A declaration under subsection (1) is a notifiable instrument.

Note A notifiable instrument must be notified under the *Legislation Act 2001*.

[1.1633] Section 53A (3) (c)

omit

; and

[1.1634] Section 53A (3) (d)

omit

[1.1635] New section 53A (3A) and (3B)

insert

- (3A) The statement is a notifiable instrument.

Note A notifiable instrument must be notified under the *Legislation Act 2001*.

- (3B) The chief executive must also publish the statement in a newspaper published in the ACT.

[1.1636] Section 53A

renumber subsections when Act next republished under Legislation Act 2001

[1.1637] Sections 66A and 67

substitute

67 Guideline-making power

- (1) The Treasurer may make financial management guidelines for this Act.
- (2) A financial management guideline is a disallowable instrument.

Note A disallowable instrument must be notified, and presented to the Legislative Assembly, under the *Legislation Act 2001*.

68 Regulation-making power

The Executive may make regulations for this Act.

Note Regulations must be notified, and presented to the Legislative Assembly, under the *Legislation Act 2001*.

Part 147 Financial Relations Agreement Act 2000

[1.1638] Section 2

omit

Part 148 Firearms Act 1996

[1.1639] Section 2

omit

[1.1640] Section 4, definition of *determined fee*

omit

[1.1641] Section 6A

omit

or the regulations

[1.1642] Section 6A, new note

insert

Note A reference to an Act includes a reference to the statutory instruments made or in force under the Act, including regulations (see *Legislation Act 2001*, s 104).

[1.1643] Section 6B

omit

or the regulations

[1.1644] Section 6B (a) (ii)

omit

or under regulations made for the purpose of section 9 of that Act

[1.1645] Section 6B, new note

insert

Note A reference to an Act includes a reference to the statutory instruments made or in force under the Act, including regulations (see *Legislation Act 2001*, s 104).

[1.1646] Sections 12 and 13

substitute

12 Reports, recommendations and guidelines

- (1) The registrar must, if asked to do so by the Minister, prepare and give reports and recommendations to the Minister on matters referred to the registrar by the Minister.

- (2) The registrar must, in writing, determine guidelines—
 - (a) for the security of premises where firearms are kept and for the safe custody of the firearms; and
 - (b) for making firearms inoperable.
- (3) A determination is a disallowable instrument.

Note A disallowable instrument must be notified, and presented to the Legislative Assembly, under the *Legislation Act 2001*.
- (4) Unless a determination is disallowed by the Legislative Assembly, the determination commences—
 - (a) on the day after the last day when it could have been disallowed; or
 - (b) if the determination provides for a later date or time of commencement—on that date or at that time.
- (5) The registrar must also publish a determination under subsection (2)
 - (a) in a daily newspaper published and circulating in the ACT.

13 Amnesty

- (1) The Minister may, in writing, declare an amnesty period for section 16 (Offence of unauthorised possession or use of firearms).
- (2) A declaration is a notifiable instrument.

Note A notifiable instrument must be notified under the *Legislation Act 2001*.
- (3) The Minister must also publish the declaration in a daily newspaper published and circulating in the ACT.
- (4) A proceeding does not lie against a person in relation to the possession of a firearm surrendered to a police officer during an amnesty period.

[1.1647] Section 15 (1) to (3)

substitute

- (1) If a club makes a written application to the registrar, the registrar may, in writing, declare a club to be an approved club.

[1.1648] Section 15 (4) and (5)

renumber as section 15 (2) and (3)

[1.1649] New section 15 (4)

insert

- (4) A declaration under subsection (1) is a disallowable instrument.

Note A disallowable instrument must be notified, and presented to the Legislative Assembly, under the *Legislation Act 2001*.

[1.1650] Section 19 (1)

omit

[1.1651] Section 19 (2), new notes

insert

Note 1 A fee may be determined under s 125 (Determination of fees) for this section.

Note 2 If a form is approved under s 125A (Approved forms) for an application, the form must be used.

[1.1652] Section 19

renumber subsections when Act next republished under Legislation Act 2001

[1.1653] Section 33 (1) to (3)

omit

[1.1654] Section 33 (4), new note

insert

Note If a form is approved under s 125A (Approved forms) for a licence, the form must be used.

[1.1655] Section 33 (4) and (5)

renumber as section 33 (1) and (2)

[1.1656] Section 35 (1)

omit

, upon payment of the determined fee,

[1.1657] Section 35 (1), new note

insert

Note A fee may be determined under s 125 (Determination of fees) for this section.

[1.1658] Section 41 (2) (b) (ii)

omit

or the regulations

[1.1659] Section 41 (2), new note

insert

Note A reference to an Act includes a reference to the statutory instruments made or in force under the Act, including regulations (see *Legislation Act 2001*, s 104).

[1.1660] Section 47 (1)

omit

and accompanied by the determined fee

[1.1661] Section 47 (1), new notes

insert

Note 1 A fee may be determined under s 125 (Determination of fees) for this subsection.

Note 2 If a form is approved under s 125A (Approved forms) for an application or permit, the form must be used.

[1.1662] Section 47 (2)

substitute

(2) A permit must include the particulars prescribed under the regulations.

[1.1663] section 51 (1) and (2)

substitute

- (1) If an application is made to the registrar to register a firearm, the registrar must register the firearm.

[1.1664] Section 51 (3)

omit

The registrar shall

substitute

However, the registrar must

[1.1665] Section 51 (5)

omit

The registrar

substitute

Also, the registrar

[1.1666] Section 51

renumber subsections when Act next republished under Legislation Act 2001

[1.1667] Section 52 (1) (c)

omit

or the regulations

[1.1668] Section 52 (1), new note

insert

Note A reference to an Act includes a reference to the statutory instruments made or in force under the Act, including regulations (see *Legislation Act 2001*, s 104).

[1.1669] Section 57 (1), new notes

insert

Note 1 A fee may be determined under s 125 (Determination of fees) for this section.

Note 2 If a form is approved under s 125A (Approved forms) for an application, the form must be used.

[1.1670] Section 57 (2)

substitute

(2) The application must be accompanied by the applicant's licence.

[1.1671] Section 69 (1), new note

insert

Note If a form is approved under s 125A (Approved forms) for a return, the form must be used.

[1.1672] Section 69 (4)

omit

[1.1673] Section 70 (2)

substitute

(2) If the registrar serves a written notice on a licensed firearms dealer about the acquisition, disposition or possession by the dealer of any firearms or firearm parts, the dealer must, within the time stated in the notice, give to the registrar the particulars required by the notice.

Maximum penalty: 50 penalty units.

Note If a form is approved under s 125A (Approved forms) for a statement of required particulars or a notification, the form must be used.

[1.1674] Section 70 (3)

omit

in the form approved by the registrar for that purpose

[1.1675] Section 74 (1)

omit

or the regulations

[1.1676] Section 74 (1), new note

insert

Note A reference to an Act includes a reference to the statutory instruments made or in force under the Act, including regulations (see *Legislation Act 2001*, s 104).

[1.1677] Section 74 (3) (c)

omit

or the regulations

[1.1678] Section 77 (1) (a) and (5) (b) (ii)

omit

or the regulations

[1.1679] Section 77 (1), new note

insert

Note A reference to an Act includes a reference to the statutory instruments made or in force under the Act, including regulations (see *Legislation Act 2001*, s 104).

[1.1680] Section 99 (3), new note

insert

Note If a form is approved under s 125A (Approved forms) for an application, the form must be used.

[1.1681] Section 99 (4)

omit

[1.1682] Section 99

renumber subsections when Act next republished under Legislation Act 2001

[1.1683] Section 107

omit

or the regulations

[1.1684] Section 107, new note

insert

Note A reference to an Act includes a reference to the statutory instruments made or in force under the Act, including regulations (see *Legislation Act 2001*, s 104).

[1.1685] Section 109 (a)

omit

or the regulations

[1.1686] Section 109, new note

insert

Note A reference to an Act includes a reference to the statutory instruments made or in force under the Act, including regulations (see *Legislation Act 2001*, s 104).

[1.1687] Section 122 (1) and (3)

omit

or the regulations

[1.1688] Section 122 (1), new note

insert

Note A reference to an Act includes a reference to the statutory instruments made or in force under the Act, including regulations (see *Legislation Act 2001*, s 104).

[1.1689] Section 123

omit

or the regulations

[1.1690] Section 123, new note

insert

Note A reference to an Act includes a reference to the statutory instruments made or in force under the Act, including regulations (see *Legislation Act 2001*, s 104).

[1.1691] Section 125

substitute

125 Determination of fees

- (1) The Minister may, in writing, determine fees for this Act.

Note The *Legislation Act 2001* contains provisions about the making of determinations and regulations relating to fees (see pt 6.3).

- (2) A determination is a disallowable instrument.

Note A disallowable instrument must be notified, and presented to the Legislative Assembly, under the *Legislation Act 2001*.

125A Approved forms

- (1) The registrar may, in writing, approve forms for this Act.
- (2) If the registrar approves a form for a particular purpose, the approved form must be used for that purpose.
- (3) An approved form is a notifiable instrument.

Note A notifiable instrument must be notified under the *Legislation Act 2001*.

[1.1692] Section 126, heading

substitute

126 Regulation-making power

[1.1693] Section 126 (1)

substitute

- (1) The Executive may make regulations for this Act.

Note Regulations must be notified, and presented to the Legislative Assembly, under the *Legislation Act 2001*.

[1.1694] Section 126 (2)

omit everything before paragraph (a), substitute

- (2) The regulations may make provision in relation to—

[1.1695] Section 126 (2) (s)

omit

[1.1696] Section 126 (2) (t)

omit

or the regulations

[1.1697] Section 126 (2), new note

insert

Note A reference to an Act includes a reference to the statutory instruments made or in force under the Act, including regulations (see *Legislation Act 2001*, s 104).

[1.1698] Section 126 (2)

renumber paragraphs when Act next republished under Legislation Act 2001

[1.1699] Section 126 (3) and (4)

substitute

- (3) The regulations may also prescribe offences for contraventions of the regulations and prescribe maximum penalties of not more than 10 penalty units for offences against the regulations.

Part 149 Firearms Regulations 1997

[1.1700] Regulation 3 (1), note

omit

as applied by the *Subordinate Laws Act 1989*, s 9

[1.1701] Regulation 3 (1), definition of Act

omit

[1.1702] Regulation 46 (1)

omit

by notice in the *Gazette*

substitute

in writing

[1.1703] New regulation 46 (2A)

insert

(2A) An authorisation under subregulation (1) is a notifiable instrument.

Note A notifiable instrument must be notified under the *Legislation Act 2001*.

[1.1704] Regulation 46

*renumber subregulations when regulations next republished under
Legislation Act 2001*

Part 150 Fire Brigade Act 1957

[1.1705] Section 2

omit

[1.1706] Section 12 (1) (a) and (b)

omit

or the regulations

[1.1707] Section 12 (1), new note

insert

Note A reference to an Act includes a reference to the statutory instruments made or in force under the Act, including regulations (see *Legislation Act 2001*, s 104).

[1.1708] Section 12B (1)

omit

or the regulations

[1.1709] Section 12B (1), new note

insert

Note A reference to an Act includes a reference to the statutory instruments made or in force under the Act, including regulations (see *Legislation Act 2001*, s 104).

[1.1710] Section 15

omit

or the regulations

[1.1711] Section 15, new note

insert

Note A reference to an Act includes a reference to the statutory instruments made or in force under the Act, including regulations (see *Legislation Act 2001*, s 104).

[1.1712] New section 17

insert

17 Determination of fees

- (1) The Minister may, in writing, determine fees for this Act.

Note The *Legislation Act 2001* contains provisions about the making of determinations and regulations relating to fees (see pt 6.3).

- (2) A determination is a disallowable instrument.

Note A disallowable instrument must be notified, and presented to the Legislative Assembly, under the *Legislation Act 2001*.

[1.1713] Section 16

substitute

18 Regulation-making power

- (1) The Executive may make regulations for this Act.

Note Regulations must be notified, and presented to the Legislative Assembly, under the *Legislation Act 2001*.

- (2) The regulations may make provision in relation to—
- (a) measures for minimising the danger of fire, including the stacking, storing or keeping of flammable matter; and
 - (b) protection of people or property from fire; and
 - (c) the providing of services by members of the brigade (whether or not at a fire), including the use of brigade equipment; and
 - (d) part-time members of fire brigades.
- (3) The regulations may also prescribe offences for contraventions of the regulations and prescribe maximum penalties of not more than 10 penalty units for offences against the regulations.

[1.1714] Section 15A

renumber as section 16

Part 151 Fire Brigade Regulations

[1.1715] Regulation 6

omit

[1.1716] Regulations 5A and 5B

renumber as regulations 6 and 7

Part 152 Fire Brigade (Administration) Act 1974

[1.1717] Section 2

omit

[1.1718] Section 19C (1)

omit

by notice published in the Gazette, notify

substitute

in writing, declare

[1.1719] Section 19C (2)

substitute

(2) The declaration is a notifiable instrument.

Note A notifiable instrument must be notified under the *Legislation Act 2001*.

[1.1720] Section 58 (4)

omit

and to the regulations

[1.1721] Section 58 (4), new note

insert

Note A reference to an Act includes a reference to the statutory instruments made or in force under the Act, including regulations (see *Legislation Act 2001*, s 104).

[1.1722] Section 81

substitute

81 Regulation-making power

(1) The Executive may make regulations for this Act.

Note Regulations must be notified, and presented to the Legislative Assembly, under the *Legislation Act 2001*.

- (2) The regulations may make provision in relation to—
- (a) the appointment and promotion of members; and
 - (b) examinations connected with the appointment and promotion of members; and
 - (c) the temporary appointment of an officer to a higher rank.

[1.1723] Part 8

omit

**Part 153 Fire Brigade (Administration)
Regulations**

[1.1724] Regulation 2, definition of *the Act*

omit

[1.1725] Regulations 3 and 4

omit

[1.1726] Regulations 5 and 6

renumber as regulations 3 and 4

**Part 154 First Home Owner Grant Act
2000**

[1.1727] Section 14 (1), new notes

insert

Note 1 If a form is approved under s 55 (Approved forms) for an application, the form must be used.

Note 2 An approved form for an application may include requirements about the information to be included in the form (see *Interpretation Act 1967*, s 13).

[1.1728] Section 14 (2)

omit

[1.1729] Section 14 (3)

omit

further

[1.1730] Section 14

renumber subsections when Act next republished under Legislation Act 2001

[1.1731] Section 25 (1), new note

insert

Note A fee may be determined under s 54 (Determination of fees) for this subsection.

[1.1732] Section 25 (2)

omit

[1.1733] Section 25 (3)

omit

the fee

substitute

any fee paid in relation to the objection

[1.1734] Section 25 (3)

renumber as section 25 (2)

[1.1735] Section 28 (4), new note

insert

Note If a form is approved under s 55 (Approved forms) for a notice, the form must be used.

[1.1736] Section 28 (6)

omit

[1.1737] Section 30 (1), new note

insert

Note If a form is approved under s 55 (Approved forms) for a notice, the form must be used.

[1.1738] Section 30 (3)

omit

[1.1739] Section 54 (1)

after

may

insert

, in writing,

[1.1740] Section 54 (2), new note

insert

Note A disallowable instrument must be notified, and presented to the Legislative Assembly, under the *Legislation Act 2001*.

[1.1741] Section 55 (1), new note

insert

Note Regulations must be notified, and presented to the Legislative Assembly, under the *Legislation Act 2001*.

[1.1742] Section 55 (2)

substitute

- (2) The regulations may prescribe offences for contraventions of the regulations and prescribe maximum penalties of not more than 10 penalty units for offences against the regulations.

[1.1743] Section 55

renumber as section 56

[1.1744] New section 55

insert

55 Approved forms

- (1) The commissioner may, in writing, approve forms for this Act.
- (2) If the commissioner approves a form for a particular purpose, the approved form must be used for that purpose.
- (3) An approved form is a notifiable instrument.

Note A notifiable instrument must be notified under the *Legislation Act 2001*.

[1.1745] Dictionary, definition of *determined fee*

omit

Part 155 Fisheries Act 2000

[1.1746] Sections 6 to 8

substitute

6 Preparation of fisheries management plan

The conservator must prepare a draft management plan for management of fish species and their habitats in the ACT.

Note A power given under an Act to make a statutory instrument (including a management plan) includes power to amend or repeal the instrument (see *Legislation Act 2001*, s 46 (1)).

7 Consultation on draft plan

- (1) If the conservator prepares a draft fisheries management plan, the conservator must prepare a written notice—
 - (a) containing a brief description of the draft plan; and

- (b) stating where copies of the draft plan may be obtained; and
 - (c) inviting written suggestions or comments about the draft plan to be given to the conservator, at the place stated in the notice, within 60 working days after the day the notice is notified under the *Legislation Act 2001* (the ***consultation period***).
- (2) The notice is a notifiable instrument.

Note 1 A notifiable instrument must be notified under the *Legislation Act 2001*.

Note 2 An amendment or repeal of a management plan is also a notifiable instrument (see *Legislation Act 2001*, s 46 (2)).

- (3) The conservator must also publish the notice in a newspaper.

8 Consideration of suggestions etc and revision of draft plan

- (1) The conservator must consider the suggestions and comments given to the conservator during the consultation period about the draft plan.
- (2) The conservator may, in writing, revise the draft plan in accordance with any of the suggestions or comments.

8A Formal changes to draft plan

- (1) Sections 7 (Consultation on draft plan) and 8 (Consideration of suggestions etc and revision of draft plan) do not apply to an amendment of a management plan that only makes changes of a formal nature.
- (2) If the conservator makes an amendment of a management plan that only makes changes of a formal nature, the conservator must prepare a written notice containing a brief description of the changes.
- (3) The notice is a notifiable instrument.

Note A notifiable instrument must be notified under the *Legislation Act 2001*.

- (4) The conservator must also publish the notice in a newspaper.

[1.1747] Section 9

omit

subsection 7 (2)

substitute

section 8 (2)

[1.1748] Section 12 (1), new note

insert

Note A disallowable instrument must be notified, and presented to the Legislative Assembly, under the *Legislation Act 2001*.

[1.1749] Section 12 (2)

substitute

- (2) Unless a fisheries management plan is disallowed by the Legislative Assembly, the plan commences—
- (a) on the day after the last day when it could have been disallowed; or
 - (b) if the determination provides for a later date or time of commencement—on that date or at that time.

[1.1750] Part 3, heading

Substitute

Part 3 Fishing closures and declarations

[1.1751] Section 13 (1)

omit

by instrument

substitute

in writing

[1.1752] New section 13 (3)

insert

- (3) A prohibition under subsection (1) is a disallowable instrument.

Note A disallowable instrument must be notified, and presented to the Legislative Assembly, under the *Legislation Act 2001*.

[1.1753] Section 14

omit

The Minister may, by instrument

substitute

- (1) The Minister may, in writing

[1.1754] New section 14 (2)

insert

- (2) A declaration is a disallowable instrument.

Note A disallowable instrument must be notified, and presented to the Legislative Assembly, under the *Legislation Act 2001*.

[1.1755] Section 15

omit

The Minister may, by instrument

substitute

- (1) The Minister may, in writing

[1.1756] New section 15 (2)

insert

- (2) A declaration is a disallowable instrument.

Note A disallowable instrument must be notified, and presented to the Legislative Assembly, under the *Legislation Act 2001*.

[1.1757] Section 16

omit

The Minister may, by instrument

substitute

- (1) The Minister may, in writing

[1.1758] New section 16 (2)

insert

- (2) A declaration is a disallowable instrument.

Note A disallowable instrument must be notified, and presented to the Legislative Assembly, under the *Legislation Act 2001*.

[1.1759] Section 17

omit

The Minister may, by instrument

substitute

- (1) The Minister may, in writing

[1.1760] New section 17 (2)

insert

- (2) A declaration is a disallowable instrument.

Note A disallowable instrument must be notified, and presented to the Legislative Assembly, under the *Legislation Act 2001*.

[1.1761] Section 18

omit

[1.1762] Section 23

substitute

23 Applications for licences

An application for a licence must be given to the conservator.

Note A fee may be determined under s 114 (Determination of fees) for this section.

[1.1763] Section 38

substitute

38 Application for registration

An application for registration as a fish dealer must be given to the conservator.

Note A fee may be determined under s 114 (Determination of fees) for this section.

[1.1764] Section 46 (3)

omit

by notice in the Gazette

substitute

in writing

[1.1765] Section 46 (4)

substitute

(4) An instrument under subsection (3) is a notifiable instrument.

Note A notifiable instrument must be notified under the *Legislation Act 2001*.

[1.1766] Section 52 (1) (b)

omit

or the regulations

[1.1767] Section 52 (1), new note

insert

Note A reference to an Act includes a reference to the statutory instruments made or in force under the Act, including regulations (see *Legislation Act 2001*, s 104).

[1.1768] Section 88 (4)

omit

by instrument

substitute

in writing

[1.1769] Section 88 (5)

substitute

- (5) A determination under subsection (4) is a disallowable instrument.

Note A disallowable instrument must be notified, and presented to the Legislative Assembly, under the *Legislation Act 2001*.

[1.1770] Sections 113 and 114

substitute

113 Guidelines

- (1) The Minister may, in writing, issue guidelines about the exercise of the conservator's functions under the following sections:
 - (a) section 26 (Issue of commercial fishing licences—relevant considerations);
 - (b) section 27 (Issue of scientific licences—relevant considerations);
 - (c) section 28 (Import and export licences—relevant considerations);
 - (d) section 30 (Licence conditions and exemptions);
 - (e) section 31 (Licence changes);
 - (f) section 39 (Decision on application).
- (2) The conservator must comply with guidelines issued under this section.
- (3) A guideline under this section is a disallowable instrument.

Note A disallowable instrument must be notified, and presented to the Legislative Assembly, under the *Legislation Act 2001*.

114 Determination of fees

- (1) The Minister may, in writing, determine fees for this Act.

Note The *Legislation Act 2001* contains provisions about the making of determinations and regulations relating to fees (see pt 6.3).

- (2) A determination is a disallowable instrument.

Note A disallowable instrument must be notified, and presented to the Legislative Assembly, under the *Legislation Act 2001*.

[1.1771] Section 115 (1)

after

may

insert

, in writing,

[1.1772] New section 115 (3)

insert

- (3) An approved form is a notifiable instrument.

Note A notifiable instrument must be notified under the *Legislation Act 2001*.

[1.1773] Section 116

substitute

116 Regulation-making power

- (1) The Executive may make regulations for this Act.

Note Regulations must be notified, and presented to the Legislative Assembly, under the *Legislation Act 2001*.

- (2) The regulations may make provision in relation to—

- (a) the sale, transport, storage, processing and handling of fish;
and

- (b) the keeping of records for activities mentioned in paragraph (a); and
- (c) the prevention of damage to a place where fish spawn or are likely to spawn.
- (3) The regulations may also prescribe offences for contraventions of the regulations and prescribe maximum penalties of not more than 10 penalty units for offences against the regulations.

[1.1774] Dictionary, definition of *determined fee*

omit

Part 156 Food Act 1992

[1.1775] Sections 2 and 2A

omit

[1.1776] Section 3, definition of *determined fee*

omit

[1.1777] Section 6 (e)

omit

or the regulations

[1.1778] Section 6, new note

insert

Note A reference to an Act includes a reference to the statutory instruments made or in force under the Act, including regulations (see *Legislation Act 2001*, s 104).

[1.1779] Section 10 (2)

substitute

- (2) Each year the Minister must prepare a written notice stating the name and address of each person currently appointed as an analyst.

- (3) The notice is a notifiable instrument.

Note A notifiable instrument must be notified under the *Legislation Act 2001*.

[1.1780] Section 11

omit

or the regulations

[1.1781] Section 11 (1), new note

insert

Note A reference to an Act includes a reference to the statutory instruments made or in force under the Act, including regulations (see *Legislation Act 2001*, s 104).

[1.1782] Section 25

omit

or the regulations

[1.1783] Section 25, new note

insert

Note A reference to an Act includes a reference to the statutory instruments made or in force under the Act, including regulations (see *Legislation Act 2001*, s 104).

[1.1784] Sections 27 to 29

substitute

27 Codes of practice

- (1) The Minister may, in writing, approve codes of practice for this Act.

Note Power given under an Act to make a statutory instrument (including a code of practice) includes power to amend or repeal the instrument (see *Legislation Act 2001*, s 46 (1)).

- (2) A code of practice may include requirements relating to matters relevant to the safety of food.
- (3) An approved code of practice is a disallowable instrument.

Note 1 A disallowable instrument must be notified, and presented to the Legislative Assembly, under the *Legislation Act 2001*.

Note 2 An amendment or repeal of a code of practice is also a disallowable instrument (see *Legislation Act 2001*, s 46 (2)).

- (4) The Minister must also publish in a daily newspaper circulating in the ACT a notice of each code of practice approved under this section that—
- (a) states when the approval takes effect; and
 - (b) states where copies of the code of practice may be obtained; and
 - (c) contains a statement to the effect that a copy of the code of practice may be inspected during office hours by members of the public at a stated place or places.
- (5) The Minister must ensure that a copy of the code of practice is available for public inspection during office hours at the place or places stated in the notice.
- (6) In subsections (2) and (3):

code of practice includes any instrument, or any provision of an instrument, applied by the code of practice.

[1.1785] Section 31 (a)

omit

[1.1786] Section 31 (e)

omit

; and

[1.1787] Section 31 (f)

omit

[1.1788] Section 31, new notes

insert

Note 1 A fee may be determined under s 82 (Determination of fees) for this section.

Note 2 If a form is approved under s 83 (Approved forms) for an application, the form must be used.

[1.1789] Section 31

renumber paragraphs when Act next republished under Legislation Act 2001

[1.1790] Section 33 (1), new note

insert

Note If a form is approved under s 83 (Approved forms) for a licence, the form must be used.

[1.1791] Section 33 (4)

omit

[1.1792] Section 38

omit

, and on payment of the determined fee,

[1.1793] Section 38, new note

insert

Note A fee may be determined under s 82 (Determination of fees) for this section.

[1.1794] Section 39 (3) (a)

omit

[1.1795] Section 39 (3) (c)

omit

; and

[1.1796] Section 39 (3) (d)

omit

[1.1797] Section 39 (3)

renumber paragraphs when Act next republished under Legislation Act 2001

[1.1798] Section 39 (3), new notes

insert

Note 1 A fee may be determined under s 82 (Determination of fees) for this section.

Note 2 If a form is approved under s 83 (Approved forms) for an application, the form must be used.

[1.1799] Section 42 (1) (c)

omit

or the regulations

[1.1800] Section 42 (1), new note

insert

Note A reference to an Act includes a reference to the statutory instruments made or in force under the Act, including regulations (see *Legislation Act 2001*, s 104).

[1.1801] Section 43 (1) (b)

omit

or the regulations

[1.1802] Section 43 (1), new note

insert

Note A reference to an Act includes a reference to the statutory instruments made or in force under the Act, including regulations (see *Legislation Act 2001*, s 104).

[1.1803] Section 46 (1) (a) and (b)

omit

, the regulations, or an approved code of practice

[1.1804] Section 46 (1), new note

insert

Note A reference to an Act includes a reference to the statutory instruments made or in force under the Act, including regulations and an approved code of practice (see *Legislation Act 2001*, s 104).

[1.1805] Section 48 (2) (d)

omit

; and

[1.1806] Section 48 (2) (e)

omit

[1.1807] Section 48 (2), new note

insert

Note A fee may be determined under s 82 (Determination of fees) for this section.

[1.1808] Section 53 (f) and (m)

omit

or the regulations

[1.1809] Section 53, new note

insert

Note A reference to an Act includes a reference to the statutory instruments made or in force under the Act, including regulations (see *Legislation Act 2001*, s 104).

[1.1810] Section 54 (1)

omit

or the regulations

[1.1811] Section 54 (1), new note

insert

Note A reference to an Act includes a reference to the statutory instruments made or in force under the Act, including regulations (see *Legislation Act 2001*, s 104).

[1.1812] Section 58 (1) (a) (i) and (iii)

omit

or the regulations

[1.1813] Section 58 (1), new note

insert

Note A reference to an Act includes a reference to the statutory instruments made or in force under the Act, including regulations (see *Legislation Act 2001*, s 104).

[1.1814] Section 63

omit

or the regulations

[1.1815] Section 63, new note

insert

Note A reference to an Act includes a reference to the statutory instruments made or in force under the Act, including regulations (see *Legislation Act 2001*, s 104).

[1.1816] Section 65 (1) (a)

omit

or the regulations,

[1.1817] Section 65 (1), new note

insert

Note A reference to an Act includes a reference to the statutory instruments made or in force under the Act, including regulations (see *Legislation Act 2001*, s 104).

[1.1818] Section 68 (2)

omit

or the regulations

[1.1819] Section 68 (2), new note

insert

Note A reference to an Act includes a reference to the statutory instruments made or in force under the Act, including regulations (see *Legislation Act 2001*, s 104).

[1.1820] Section 72 (1)

omit

or the regulations

[1.1821] Section 72 (1), new note

insert

Note A reference to an Act includes a reference to the statutory instruments made or in force under the Act, including regulations (see *Legislation Act 2001*, s 104).

[1.1822] Section 73 (2)

omit

or the regulations

[1.1823] Section 73 (2), new note

insert

Note A reference to an Act includes a reference to the statutory instruments made or in force under the Act, including regulations (see *Legislation Act 2001*, s 104).

[1.1824] Section 74

omit

or the regulations

[1.1825] Section 74, new note

insert

Note A reference to an Act includes a reference to the statutory instruments made or in force under the Act, including regulations (see *Legislation Act 2001*, s 104).

[1.1826] Section 75 (1) (a)

omit

or the regulations

[1.1827] Section 75 (1), new note

insert

Note A reference to an Act includes a reference to the statutory instruments made or in force under the Act, including regulations (see *Legislation Act 2001*, s 104).

[1.1828] Section 76

omit

or the regulations

[1.1829] Section 76, new note

insert

Note A reference to an Act includes a reference to the statutory instruments made or in force under the Act, including regulations (see *Legislation Act 2001*, s 104).

[1.1830] Section 80

omit

or the regulations

[1.1831] Section 80, new note

insert

Note A reference to an Act includes a reference to the statutory instruments made or in force under the Act, including regulations (see *Legislation Act 2001*, s 104).

[1.1832] Section 82

substitute

82 Determination of fees

- (1) The Minister may, in writing, determine fees for this Act.

Note The *Legislation Act 2001* contains provisions about the making of determinations and regulations relating to fees (see pt 6.3).

- (2) A determination is a disallowable instrument.

Note A disallowable instrument must be notified, and presented to the Legislative Assembly, under the *Legislation Act 2001*.

83 Approved forms

- (1) The Minister may, in writing, approve forms for this Act.
- (2) If the Minister approves a form for a particular purpose, the approved form must be used for that purpose.
- (3) An approved form is a notifiable instrument.

Note A notifiable instrument must be notified under the *Legislation Act 2001*.

[1.1833] Section 84

omit everything before subsection (2) (a), substitute

84 Regulation-making power

- (1) The Executive may make regulations for this Act.

Note Regulations must be notified, and presented to the Legislative Assembly, under the *Legislation Act 2001*.

- (2) The regulations may make provision in relation to—

[1.1834] Section 84 (4) and (5)

substitute

- (4) The regulations may also prescribe offences for contraventions of the regulations and prescribe maximum penalties of not more than 10 penalty units for offences against the regulations.

Part 157 Food Regulations 1994

[1.1835] Regulation 2, note 2

omit

as applied by the *Subordinate Laws Act 1989*, s 9

[1.1836] Dictionary, definition of *the Act*

omit

Part 158 Forfeiture of Leases Act 1901

[1.1837] Section 1 (1), new note

insert

Note If a form is approved under s 3 (Approved forms) for a notice, the form must be used.

[1.1838] Section 2, heading

substitute

2 Requirements for notice

[1.1839] Section 2 (1)

substitute

(1) The notice mentioned in section 1 (the *notice*) must be in writing.

[1.1840] Section 2 (2) and (3)

omit

Such notice shall be

substitute

The notice is

[1.1841] Section 2 (4) and (5)

omit

Such notice shall also be

substitute

The notice is also

[1.1842] New section 3

insert

3 Approved forms

- (1) The registrar-general may, in writing, approve forms for this Act.
- (2) If the registrar-general approves a form for a particular purpose, the approved form must be used for that purpose.
- (3) An approved form is a notifiable instrument.

Note A notifiable instrument must be notified under the *Legislation Act 2001*.

- (4) A form in the schedule immediately before the commencement of this section is, after the commencement, taken to be an approved form.
- (5) However, the form need not be notified under the *Legislation Act 2001*.
- (6) Subsections (4) and (5) are laws to which the *Legislation Act 2001*, section 88 (Repeal does not end transitional or validating effect etc) applies.
- (7) Subsections (4) to (6) and this subsection expire 1 year after this section commences.

[1.1843] Schedule

omit

Part 159 Freedom of Information Act 1989

[1.1844] Section 2

omit

[1.1845] Section 4 (1), definition of *enactment*

substitute

enactment means an Act or subordinate law.

[1.1846] Section 4 (6)

omit

[1.1847] Section 4

renumber subsections when Act next republished under Legislation Act 2001

[1.1848] Section 7 (1) (a)

omit

, in a form approved by the Minister

[1.1849] Section 7 (1), new note

insert

Note If a form is approved under s 81 (Approved forms) for a statement under this section, the form must be used.

[1.1850] Section 7 (2)

omit

[1.1851] Section 7

renumber subsections when Act next republished under Legislation Act 2001

[1.1852] Section 14 (1)

omit

accompanied by any application fee in respect of the application

[1.1853] Section 14 (1), new note

insert

Note A fee may be determined under s 80 (Determination of fees and charges) for this section.

[1.1854] Section 14 (5) (b) and (c)

substitute

- (b) an application fee is determined under section 80 (Determination of fees and charges) for the request; and
- (c) the request is not accompanied by the application fee, but is accompanied by an application for remission under section 30 (Remission of application fees) of the application fee;

[1.1855] Section 17 (1)

substitute

- (1) If a request is made under section 14 (2) by a person to an agency or Minister for access to a document of the agency or an official document of the Minister, the person must be given access to the document under this Act.

Note A fee may be determined under s 80 (Determination of fees and charges) for this section.

[1.1856] Section 18 (2)

substitute

- (2) A Minister may, in relation to the Minister or an agency, state, in writing, an address (the *appropriate address*) as the address to which requests made under this Act may be sent or delivered under this section.
- (2A) A statement under subsection (2) is a notifiable instrument.

Note A notifiable instrument must be notified under the *Legislation Act 2001*.

[1.1857] Section 18

renumber subsections when Act next republished under Legislation Act 2001

[1.1858] Section 59 (1)

omit

accompanied by any application fee in respect of the application

[1.1859] Section 59 (1), new note

insert

Note A fee may be determined under s 80 (Determination of fees and charges) for this section.

[1.1860] Section 59 (5) (b) and (c)

substitute

- (b) an application fee is determined under section 80 (Determination of fees and charges) for the request; and
- (c) the request is not accompanied by the application fee, but is accompanied by an application for remission under section 30 (Remission of application fees) of the application fee;

[1.1861] Sections 80 and 81

substitute

80 Determination of fees and charges

- (1) The Minister may, in writing, determine fees for this Act.
- (2) A fee for a service must not vary according to the identity of an applicant or agency.
- (3) If a fee is determined for time spent by an agency or Minister in—
 - (a) searching for or retrieving a document; or

- (b) making, or doing things related to making, a decision on a request for access;

the fee must be a single hourly rate regardless of the classification or designation of the person who does the work.

Note The *Legislation Act 2001* contains provisions about the making of determinations and regulations relating to fees (see pt 6.3).

- (4) A determination under this section is a disallowable instrument.

Note A disallowable instrument must be notified, and presented to the Legislative Assembly, under the *Legislation Act 2001*.

- (5) In this section:

fee includes charge.

81 Approved forms

- (1) The Minister may, in writing, approve forms for this Act.
- (2) In approving a form for section 7 (1), the Minister must have regard, among other things, to the need to assist members of the public to exercise effectively their rights under this Act.
- (3) If the Minister approves a form for a particular purpose, the approved form must be used for that purpose.
- (4) An approved form is a notifiable instrument.

Note A notifiable instrument must be notified under the *Legislation Act 2001*.

82 Regulation-making power

- (1) The Executive may make regulations for this Act.

Note Regulations must be notified, and presented to the Legislative Assembly, under the *Legislation Act 2001*.

- (2) The regulations may make provision in relation to officers who may give decisions on behalf of an agency.

Part 160 Fuels Control Act 1979

[1.1862] Section 11 (1)

omit

by notice published in the *Gazette*

substitute

in writing

[1.1863] Section 11 (2) and (3)

substitute

- (2) A declaration is a notifiable instrument.

Note A notifiable instrument must be notified under the *Legislation Act 2001*.

- (3) Unless it is sooner repealed, a declaration expires 28 days after the day it is notified under the *Legislation Act 2001*.

[1.1864] Section 20

substitute

21 Regulation-making power

The Executive may make regulations for this Act.

Note Regulations must be notified, and presented to the Legislative Assembly, under the *Legislation Act 2001*.

[1.1865] Section 19A

renumber as section 20

Part 161 Gambling and Racing Control Act 1999

[1.1866] Section 2

omit

[1.1867] Section 4 (l)

omit

1984;

substitute

1984.

[1.1868] Section 4 (m)

omit

[1.1869] Section 4, new note

insert

Note A reference to an Act includes a reference to the statutory instruments made or in force under the Act, including regulations (see *Legislation Act 2001*, s 104).

[1.1870] Section 6 (3)

after

may

insert

, in writing,

[1.1871] Section 6 (4)

substitute

(4) A guideline under subsection (3) (a) is a disallowable instrument.

Note A disallowable instrument must be notified, and presented to the Legislative Assembly, under the *Legislation Act 2001*.

[1.1872] Section 35 (3)

omit

manner and form

substitute

way

[1.1873] Section 35 (3), new note

insert

Note If a form is approved under s 53D (Approved forms) for an oath or affirmation, the form must be used.

[1.1874] Section 47 (1)

after

may

insert

, in writing,

[1.1875] Section 47 (2)

substitute

- (2) A rule made under subsection (1) is a disallowable instrument.

Note A disallowable instrument must be notified, and presented to the Legislative Assembly, under the *Legislation Act 2001*.

[1.1876] Section 54

substitute

53D Approved forms

- (1) The commission may, in writing, approve forms for a gaming law.
- (2) If the commission approves a form for a particular purpose, the approved form must be used for that purpose.
- (3) An approved form is a notifiable instrument.

Note A notifiable instrument must be notified under the *Legislation Act 2001*.

- (4) A form in the *Games Wagers and Betting-houses Act 1901*, schedule 2 immediately before the commencement of this section is, after the commencement, taken to be an approved form.

- (5) However, the form need not be notified under the *Legislation Act 2001*.
- (6) Subsections (4) and (5) are laws to which the *Legislation Act 2001*, section 88 (Repeal does not end transitional or validating effect etc) applies.
- (7) Subsections (4) to (6) and this subsection expire 1 year after this section commences.

54 Regulation-making power

- (1) The Executive may make regulations for this Act.

Note Regulations must be notified, and presented to the Legislative Assembly, under the *Legislation Act 2001*.

- (2) The regulations may prescribe offences for contraventions of the regulations and prescribe maximum penalties of not more than 10 penalty units for offences against the regulations.

Part 162 Games Wagers and Betting-houses Act 1901

[1.1877] Section 4 (1), new note

insert

Note If a form is approved under the *Gambling and Racing Control Act 1999*, s 53D (Approved forms) for a special warrant, the form must be used.

[1.1878] Section 4 (3)

omit

[1.1879] Section 15 (1), new note

insert

Note If a form is approved under the *Gambling and Racing Control Act 1999*, s 53D (Approved forms) for a special warrant, the form must be used.

[1.1880] Section 15 (3)

omit

[1.1881] Schedule 2

omit

Part 163 Gaming and Betting Act 1906

[1.1882] Section 8

omit

On

substitute

(1) On

[1.1883] Section 8

omit

any judge of the Supreme Court may

substitute

a judge of the Supreme Court may, in writing,

[1.1884] Section 8

omit

Such declaration shall be in force until rescinded.

[1.1885] New section 8 (2) and (3)

insert

(2) A declaration is a notifiable instrument.

Note A notifiable instrument must be notified under the *Legislation Act 2001*.

(3) A declaration remains in force until rescinded.

[1.1886] Section 9

omit everything before paragraph (a), substitute

9 Rescission of declaration

- (1) A declaration under section 8 may be rescinded by a judge of the Supreme Court, by written order, on application made under subsection (3).
- (2) The order may be made subject to any conditions the judge considers appropriate.
- (3) Application for an order under subsection (1) may be made—

[1.1887] Section 9

omit

Where the application is made by the owner or occupier as aforesaid, notice in writing of intention to make the same shall

substitute

- (4) If the application is made by the owner or occupier, written notice of intention to make the application must

[1.1888] New section 9 (5)

insert

- (5) An order rescinding a declaration is a notifiable instrument.

Note A notifiable instrument must be notified under the *Legislation Act 2001*.

[1.1889] Section 10

omit

[1.1890] Section 12

omit

The form of information for such offence may be in the Form A or B in the Schedule, or to a like effect.

[1.1891] Section 18 (1)

omit

The form of information for an offence against this section shall be in the Form C or D in the Schedule, or to the like effect.

[1.1892] Schedule

omit

Part 164 Gaming Machine Act 1987

[1.1893] Sections 2 and 3

omit

[1.1894] Section 3A

renumber as section 2

[1.1895] Section 4, definition of *determined fee*

omit

[1.1896] Section 14 (2) (h)

omit

; and

[1.1897] Section 14 (2) (i)

omit

[1.1898] Section 14 (1), new note

insert

Note A fee may be determined under s 66 (Determination of fees) for this section.

[1.1899] Section 22 (2) (b)

omit

; and

[1.1900] Section 22 (2) (c)

omit

[1.1901] Section 22 (2), new note

insert

Note A fee may be determined under s 66 (Determination of fees) for this section.

[1.1902] Section 22

renumber paragraphs and subsections when Act next republished under Legislation Act 2001

[1.1903] Section 29

omit

, upon payment of the determined fee,

[1.1904] Section 29, new note

insert

Note A fee may be determined under s 66 (Determination of fees) for this section.

[1.1905] Section 30B (1) (b)

substitute

(b) it is approved, in writing, by the Minister; or

[1.1906] Section 30B (2)

substitute

(2) An approval under subsection (1) (b) is a disallowable instrument.

Note A disallowable instrument must be notified, and presented to the Legislative Assembly, under the *Legislation Act 2001*.

[1.1907] Section 34A (2)

omit

must be in a form approved by the commission and

[1.1908] Section 34A (2) (c)

omit

; and

[1.1909] Section 34A (2) (d)

omit

[1.1910] Section 34A (2), new notes

insert

Note 1 A fee may be determined under s 66 (Determination of fees) for this section.

Note 2 If a form is approved under the *Gambling and Racing Control Act 1999*, s 53D (Approved forms) for an application, the form must be used.

[1.1911] Section 34B (4)

omit

on payment of the appropriate determined fee

[1.1912] Section 34B (4), new note

insert

Note A fee may be determined under s 66 (Determination of fees) for this section.

[1.1913] Section 34C (2)

omit

must be in a form approved by the commission and

[1.1914] Section 34C (2) (c)

omit

; and

[1.1915] Section 34C (2) (d)

omit

[1.1916] Section 34C (2), new notes

insert

Note 1 A fee may be determined under s 66 (Determination of fees) for this section.

Note 2 If a form is approved under the *Gambling and Racing Control Act 1999*, s 53D (Approved forms) for an application, the form must be used.

[1.1917] Section 34D (3)

omit

on payment of the determined fee

[1.1918] Section 34D (3), new note

insert

Note A fee may be determined under s 66 (Determination of fees) for this section.

[1.1919] Section 45A (1A)

substitute

(1A) An application under subsection (1) must include details of the event or events by reference to which linked jackpots are to be payable under each proposed arrangement.

Note A fee may be determined under s 66 (Determination of fees) for this section.

[1.1920] Section 45A

renumber subsections when Act next republished under Legislation Act 2001

[1.1921] Section 45B (1A)

substitute

(1A) An application under subsection (1) must include details of the event or events by reference to which linked jackpots are to be payable under each proposed arrangement.

Note 1 A fee may be determined under s 66 (Determination of fees) for this section.

Note 2 If a form is approved under the *Gambling and Racing Control Act 1999*, s 53D (Approved forms) for an application, the form must be used.

[1.1922] Section 45B

renumber subsections when Act next republished under Legislation Act 2001

[1.1923] Section 45E

omit

accompanied by the determined fee

[1.1924] Section 45E, new note

insert

Note A fee may be determined under s 66 (Determination of fees) for this section.

[1.1925] Section 45G (1)

omit

, and on payment of the determined fee

[1.1926] Section 45G (1), new note

insert

Note A fee may be determined under s 66 (Determination of fees) for this section.

[1.1927] Section 45J (1)

omit

accompanied by the determined fee

[1.1928] Section 45J (1), new note

insert

Note A fee may be determined under s 66 (Determination of fees) for this section.

[1.1929] Section 49

omit

form and

[1.1930] Section 49, new note

insert

Note If a form is approved under the *Gambling and Racing Control Act 1999*, s 53D (Approved forms) for this section, the form must be used.

[1.1931] Section 51B (4)

omit

by instrument

substitute

in writing

[1.1932] Section 51B (5) and (6)

substitute

- (5) A determination under subsection (4) is a disallowable instrument.

Note A disallowable instrument must be notified, and presented to the Legislative Assembly, under the *Legislation Act 2001*.

- (6) Unless a determination is disallowed by the Legislative Assembly, the determination commences—

- (a) 14 days after the last day when it could have been disallowed;
or

- (b) if the determination provides for a later date or time of commencement—on that date or at that time.

[1.1933] Section 52 (1) (eb)

omit

variation

substitute

amendment

[1.1934] Section 58A (5), new note

insert

Note A disallowable instrument must be notified, and presented to the Legislative Assembly, under the *Legislation Act 2001*.

[1.1935] Section 60B (2) to (4)

substitute

- (2) The Minister must, after consultation with Clubs ACT, prepare written guidelines for approving community contributions.
- (3) A guideline under subsection (2) is a disallowable instrument.

Note A disallowable instrument must be notified, and presented to the Legislative Assembly, under the *Legislation Act 2001*.

(commencement: the commencement of section 3 of this Act or immediately after the commencement of the *Gaming Machine Amendment Act 2000*, section 13, whichever is later)

[1.1936] Section 60G (1) (b)

after

determined

insert

, in writing,

(commencement: the commencement of section 3 of this Act or immediately after the commencement of the *Gaming Machine Amendment Act 2000*, section 13, whichever is later)

[1.1937] Section 60G (3), new note

insert

Note A disallowable instrument must be notified, and presented to the Legislative Assembly, under the *Legislation Act 2001*.

(commencement: the commencement of section 3 of this Act or immediately after the commencement of the *Gaming Machine Amendment Act 2000*, section 13, whichever is later)

[1.1938] Sections 66 and 67

substitute

66 Determination of fees

- (1) The Minister may, in writing, determine fees for this Act.

Note The *Legislation Act 2001* contains provisions about the making of determinations and regulations relating to fees (see pt 6.3).

- (2) A determination is a disallowable instrument.

Note A disallowable instrument must be notified, and presented to the Legislative Assembly, under the *Legislation Act 2001*.

67 Regulation-making power

- (1) The Executive may make regulations for this Act.

Note Regulations must be notified, and presented to the Legislative Assembly, under the *Legislation Act 2001*.

- (2) The regulations may prescribe offences for contraventions of the regulations and prescribe maximum penalties of not more than 10 penalty units for offences against the regulations.

[1.1939] Schedule

omit

Part 165 Gaming Machine Regulations

[1.1940] Regulation 2, definition of *the Act*

omit

Part 166 Gas Safety Act 2000

[1.1941] Section 2

substitute

2 Commencement

- (1) Division 2.2 and part 4 commence on a single day fixed by the Minister by notice.
- (2) If division 2.2 and part 4 have not commenced before 20 December 2001, they automatically commence on that date.
- (3) The *Legislation Act 2001*, section 79 (Automatic commencement of postponed law) does not apply to this section.

[1.1942] Section 5

substitute

5 Meaning of *gas safety legislation*

This Act is the *gas safety legislation*.

Note A reference to an Act or statutory instrument includes a reference to the statutory instruments made or in force under the Act or statutory instrument (see *Legislation Act 2001*, s 104).

[1.1943] Section 6

omit

[1.1944] Section 20 (2)

substitute

- (2) For subsection (1), the regulations may apply, adopt or incorporate (with or without change) an instrument, or a provision of an instrument, as in force from time to time.

Note 1 A statutory instrument may also apply, adopt or incorporate (with or without change) a law or instrument (or a provision of a law or instrument) as in force at a particular time (see *Legislation Act 2001*, s 47 (1)).

Note 2 If a statutory instrument applies, adopts or incorporates a law or instrument (or a provision of a law or instrument), the law, instrument or provision may be taken to be a notifiable instrument that must be notified under the *Legislation Act 2001* (see s 47 (2)-(6)).

[1.1945] Section 22 (1)

omit

in the approved form

substitute

made to the chief executive

[1.1946] Section 22 (1), new note

insert

Note If a form is approved under s 68 (Approved forms) for an application, the form must be used.

[1.1947] Section 27 (1)

omit

by notice in the Gazette

substitute

in writing

[1.1948] New section 27 (2A)

insert

(2A) A prohibition is a notifiable instrument.

Note A notifiable instrument must be notified under the *Legislation Act 2001*.

[1.1949] Section 27 (3)

after

must

insert

also

[1.1950] Section 27

renumber subsections when Act next republished under Legislation Act 2001

[1.1951] Part 7

omit

[1.1952] Part 8

renumber as part 7

[1.1953] Section 69

substitute

65 Codes of practice

- (1) The Minister may, in writing, approve codes of practice for this Act.

Note A power given under an Act to make a statutory instrument (including a code of practice) includes power to amend or repeal the instrument (see *Legislation Act 2001*, s 46 (1)).

- (2) A code of practice may set out practices, standards and other matters about—

- (a) the safe installation, connection, repair, maintenance or operation of consumer piping systems or appliances; or
- (b) notifications and certifications on completion of any gasfitting work or appliance work.

- (3) An approved code of practice is a disallowable instrument.

Note 1 A disallowable instrument must be notified, and presented to the Legislative Assembly, under the *Legislation Act 2001*.

Note 2 An amendment or repeal of a code of practice is also a disallowable instrument (see *Legislation Act 2001*, s 46 (2)).

- (4) For the gas safety legislation, a code is relevant to gasfitting or appliance work, a consumer piping system or an appliance if the code purports to apply to it.

- (5) The chief executive must make a copy of each code, and any instrument (or provision of an instrument) applied (with or without change) by the code, available for public inspection during ordinary office hours at the office of the chief executive and at any other place decided by the chief executive.

- (6) In this section:

applied includes adopted and incorporated.

[1.1954] Section 70

renumber as section 66

[1.1955] Section 71

substitute

67 Determination of fees, charges and other amounts

- (1) The Minister may, in writing, determine fees for this Act.

Note The *Legislation Act 2001* contains provisions about the making of determinations and regulations relating to fees (see pt 6.3).

- (2) A determination is a disallowable instrument.

Note A disallowable instrument must be notified, and presented to the Legislative Assembly, under the *Legislation Act 2001*.

- (3) In this section:

fee includes—

- (a) a fee that is a tax; and
- (b) a charge or other amount (whether or not it is a tax).

68 Approved forms

- (1) The Minister may, in writing, approve forms for this Act.

- (2) If the Minister approves a form for a particular purpose, the approved form must be used for that purpose.

- (3) An approved form is a notifiable instrument.

Note A notifiable instrument must be notified under the *Legislation Act 2001*.

[1.1956] Section 72 (1), new note

insert

Note Regulations must be notified, and presented to the Legislative Assembly, under the *Legislation Act 2001*.

[1.1957] Section 72 (3)

substitute

- (3) The regulations may also prescribe offences for contraventions of the regulations and prescribe maximum penalties of not more than 10 penalty units for offences against the regulations.

[1.1958] Section 72

renumber as section 69

Part 167 Gas Supply Act 1998

[1.1959] Section 2

omit

[1.1960] Section 3 (1), definitions of *fee* and *this Act*

omit

[1.1961] Section 5

omit

[1.1962] Section 6 (1)

substitute

- (1) If a person applies to the Minister for an authorisation, the Minister may, in writing, prepare an authorisation of the kind applied for.

Note 1 A fee may be determined under s 62 (Determination of fees) for this section.

Note 2 If a form is approved under s 63 (Approved forms) for an application, the form must be used.

- (1A) Within 2 months of receiving the application, the Minister must issue the authorisation or decide not to issue the authorisation.

[1.1963] Section 41 (1)

substitute

- (1) The gas technical regulator may, in writing, determine qualifications for inspectors.
- (1A) A determination is a notifiable instrument.

Note A notifiable instrument must be notified under the *Legislation Act 2001*.

[1.1964] Sections 60, 64, 65 and 66

omit

[1.1965] Section 61

omit everything before subsection (2) (a), substitute

61 Regulation-making power

- (1) The Executive may make regulations for this Act.

Note Regulations must be notified, and presented to the Legislative Assembly, under the *Legislation Act 2001*.

- (2) The regulations may make provision in relation to—

[1.1966] Section 61 (2) (c)

omit

[1.1967] Section 61 (2) (j)

omit

; and

[1.1968] Section 61 (2) (k)

omit

[1.1969] Section 61 (3) to (6)

substitute

- (3) The regulations may also prescribe offences for contraventions of the regulations and prescribe maximum penalties of not more than 10 penalty units for offences against the regulations.

[1.1970] Section 61

renumber and relocate as section 64

[1.1971] Sections 62 and 63

renumber as sections 60 and 61

[1.1972] New sections 62 and 63

insert

62 Determination of fees

- (1) The Minister may, in writing, determine fees for this Act.

Note The *Legislation Act 2001* contains provisions about the making of determinations and regulations relating to fees (see pt 6.3).

- (2) A determination is a disallowable instrument.

Note A disallowable instrument must be notified, and presented to the Legislative Assembly, under the *Legislation Act 2001*.

63 Approved forms

- (1) The Minister may, in writing, approve forms for this Act.

- (2) If the Minister approves a form for a particular purpose, the approved form must be used for that purpose.

- (3) An approved form is a notifiable instrument.

Note A notifiable instrument must be notified under the *Legislation Act 2001*.

Part 168 Gas Supply Regulations 1999

[1.1973] Regulation 2

omit

[1.1974] Regulation 3, definitions of *Act* and *determined fee*

omit

[1.1975] Regulation 4 (2)

substitute

- (2) A determination is a disallowable instrument.

Note A disallowable instrument must be notified, and presented to the Legislative Assembly, under the *Legislation Act 2001*.

[1.1976] Regulation 18

substitute

18 Certificates of compliance and compliance plates

A certificate of compliance or a compliance plate must be completed by the person responsible for the gasfitting work to which the certificate or plate relates as follows:

- (a) for a certificate—in accordance with the instructions on the certificate;
- (b) for a plate—by inserting the applicable information.

Note If a form is approved under the Act, s 63 (Approved forms) for a certificate of compliance or a compliance plate, the form must be used.

[1.1977] Regulation 25 (2)

omit

and be accompanied by the determined fee

[1.1978] Regulation 25 (2), new note

insert

Schedule 1 Acts and subordinate laws amended and repealed
Part 169 Government Contractual Debts (Interest) Act 1994
Amendment [1.1979]

Note A fee may be determined under the Act, s 62 (Determination of fees) for this regulation.

[1.1979] Regulation 25 (5)

omit

and be accompanied by the determined fee

[1.1980] Regulation 25 (5), new note

insert

Note A fee may be determined under the Act, s 62 (Determination of fees) for this regulation.

[1.1981] Regulation 30 (3)

omit

on payment of the determined fee

[1.1982] Regulation 30 (3), new note

insert

Note A fee may be determined under the Act, s 62 (Determination of fees) for this regulation.

Part 169 **Government Contractual
Debts (Interest) Act 1994**

[1.1983] Section 2

omit

Part 170 **Government Solicitor Act 1989**

[1.1984] Section 2

omit

[1.1985] Section 3, definition of *enactment*

substitute

enactment means an Act or subordinate law.

[1.1986] Section 5 (3) (g)

omit

or a law of the Territory

[1.1987] Section 5 (3)

renumber paragraphs when Act next republished under Legislation Act 2001

[1.1988] New section 5 (4A)

insert

(4A) An authorisation is a notifiable instrument.

Note A notifiable instrument must be notified under the *Legislation Act 2001*.

[1.1989] Section 5 (10)

omit

[1.1990] Section 5

renumber subsections when Act next republished under Legislation Act 2001

[1.1991] Section 7 (a)

substitute

(a) any statutory instrument;

Part 171 **Guardianship and
Management of Property Act
1991**

[1.1992] Section 2

omit

[1.1993] Section 15 (1) (a)

substitute

- (a) is entitled to be paid the fees determined under section 75 (Determination of fees); and

[1.1994] Section 27 (4)

substitute

- (4) If the public trustee examines the accounts and other documents in relation to the management of property by the manager, the manager must pay to the Territory the fee determined under section 75 (Determination of fees) for the examination.

[1.1995] Section 75

substitute

75 Determination of fees

- (1) The Minister may, in writing, determine fees for this Act, including—
- (a) fees payable under section 15 to guardians or managers; and
 - (b) fees payable under section 27 (4) by managers for the examination of accounts and documents by the public trustee.

Note The *Legislation Act 2001* contains provisions about the making of determinations and regulations relating to fees (see pt 6.3).

- (2) A determination is a disallowable instrument.

Note A disallowable instrument must be notified, and presented to the Legislative Assembly, under the *Legislation Act 2001*.

[1.1996] Section 77 (1), new note

insert

Note Regulations must be notified, and presented to the Legislative Assembly, under the *Legislation Act 2001*.

[1.1997] Section 77 (2)

substitute

- (2) The regulations may make provision in relation to the making of applications to the tribunal.
- (3) The regulations may also prescribe offences for contraventions of the regulations and prescribe maximum penalties of not more than 10 penalty units for offences against the regulations.

Part 172 **Guardianship and
Management of Property
Regulations**

[1.1998] Regulations 5 and 7

omit

Part 173 **Gungahlin Development
Authority Act 1996**

[1.1999] Section 2

omit

[1.2000] Section 4

substitute

4 **Development area**

- (1) The Minister may, in writing, declare an area within the Gungahlin central area to be the Gungahlin development area.

Note Power given under an Act to make a statutory instrument (including a declaration) includes power to amend or repeal the instrument (see *Legislation Act 2001*, s 46 (1)).

- (2) A declaration is a notifiable instrument.

Note 1 A notifiable instrument must be notified under the *Legislation Act 2001*.

Schedule 1 Acts and subordinate laws amended and repealed
Part 174 Hawkers Act 1936

Amendment [1.2001]

Note 2 An amendment or repeal of a declaration is also a notifiable instrument (see *Legislation Act 2001*, s 46 (2)).

[1.2001] Section 35 (15)

omit

by instrument

substitute

, in writing,

[1.2002] Section 35 (16)

substitute

(16) A declaration under subsection (15) is a disallowable instrument.

Note A disallowable instrument must be notified, and presented to the Legislative Assembly, under the *Legislation Act 2001*.

[1.2003] Section 41

substitute

41 Regulation-making power

The Executive may make regulations for this Act.

Note Regulations must be notified, and presented to the Legislative Assembly, under the *Legislation Act 2001*.

Part 174 Hawkers Act 1936

[1.2004] Section 2

omit

[1.2005] Section 4 (1)

*omit everything before definition of **authorized officer**, substitute*

In this Act:

[1.2006] Section 4 (2)

omit

[1.2007] Section 6B (1)

omit

by notice published in the *Gazette*, specify

substitute

in writing, declare

[1.2008] Section 6B (3)

omit

notice, being a notice that has not been revoked,

substitute

declaration in force

[1.2009] New section 6B (4)

insert

- (4) A declaration under subsection (1) is a notifiable instrument.

Note A notifiable instrument must be notified under the *Legislation Act 2001*.

[1.2010] Section 10 (1)

omit

security in accordance with Form E, in Schedule 1

substitute

security

[1.2011] Section 10 (1), new note

insert

Note If a form is approved under s 29 (Approved forms) for a security, the form must be used.

[1.2012] Section 10 (2)

omit

in accordance with Form E

[1.2013] Section 10A

omit

[1.2014] Section 11

substitute

11 Duration of licence

The registrar may grant a hawker's licence for 12 months or a shorter period.

[1.2015] Section 12

omit

[1.2016] Section 12A (3)

omit

[1.2017] Section 13

omit

[1.2018] Section 25 (1)

omit

or the Regulations

[1.2019] Section 25 (1), new note

insert

Note A reference to an Act includes a reference to the statutory instruments made or in force under the Act, including regulations (see *Legislation Act 2001*, s 104).

[1.2020] Sections 27B and 28

substitute

28 Determination of fees

- (1) The Minister may, in writing, determine fees for this Act.

Note The *Legislation Act 2001* contains provisions about the making of determinations and regulations relating to fees (see pt 6.3).

- (2) A determination is a disallowable instrument.

Note A disallowable instrument must be notified, and presented to the Legislative Assembly, under the *Legislation Act 2001*.

29 Approved forms

- (1) The Minister may, in writing, approve forms for this Act.

- (2) If the Minister approves a form for a particular purpose, the form must be used for that purpose.

- (3) An approved form is a notifiable instrument.

Note A notifiable instrument must be notified under the *Legislation Act 2001*.

- (4) The form in schedule 1 immediately before the commencement of this section is, after the commencement, taken to be an approved form.

- (5) However, the form need not be notified under the *Legislation Act 2001*.

- (6) Subsections (4) and (5) are laws to which the *Legislation Act 2001*, section 88 (Repeal does not end transitional or validating effect etc) applies.

- (7) Subsections (4) to (6) and this subsection expire 1 year after this section commences.

30 Regulation-making power

- (1) The Executive may make regulations for this Act.

Note Regulations must be notified, and presented to the Legislative Assembly, under the *Legislation Act 2001*.

- (2) The regulations may prescribe offences for contraventions of the regulations and may prescribe maximum penalties of not more than 10 penalty units for offences against the regulations.

[1.2021] Schedule 1

omit

Part 175 Health Act 1993

[1.2022] Section 2

omit

[1.2023] Section 13AC (1)

substitute

- (1) The Minister may, on the written application of a prescribed body, declare in writing that a stated committee established by a prescribed body is an approved private sector quality assurance committee for this part.

[1.2024] New section 13AC (3)

insert

- (3) A declaration under subsection (1) is a notifiable instrument.

Note A notifiable instrument must be notified under the *Legislation Act 2001*.

[1.2025] Section 22

substitute

22 Regulation-making power

The Executive may make regulations for this Act.

Note Regulations must be notified, and presented to the Legislative Assembly, under the *Legislation Act 2001*.

Part 176

Health and Community Care Services Act 1996

[1.2026] Section 2

omit

[1.2027] Section 21 (1) and (2)

substitute

- (1) The Minister may, in writing, appoint an administrator for the period stated in the instrument of appointment.
- (2) An instrument of appointment operates as a revocation of each appointed member.

[1.2028] New section 21 (5) and (6)

insert

- (5) If the Minister appoints an administrator under subsection (1), the Minister must prepare a written notice of the appointment.
- (6) The notice is a notifiable instrument.

Note A notifiable instrument must be notified under the *Legislation Act 2001*.

[1.2029] Section 32

substitute

32 Fees and charges for health and community care services

- (1) The Minister may, in writing, determine fees and charges in relation to the provision of health and community care services.
- (2) A determination is a disallowable instrument.

Note A disallowable instrument must be notified, and presented to the Legislative Assembly, under the *Legislation Act 2001*.

[1.2030] Section 33 (3)

substitute

(3) A determination is a disallowable instrument.

Note A disallowable instrument must be notified, and presented to the Legislative Assembly, under the *Legislation Act 2001*.

[1.2031] Section 34

substitute

34 Regulation-making power

The Executive may make regulations for this Act.

Note Regulations must be notified, and presented to the Legislative Assembly, under the *Legislation Act 2001*.

Part 177 Health Professionals (Special Events Exemptions) Act 2000

[1.2032] Section 3, definition of *special event notice*

substitute

special event declaration means a declaration under section 5 (1).

[1.2033] Section 5 (1)

omit

by notice published in the Gazette

substitute

in writing

[1.2034] Section 5 (2) and (4)

omit

The notice

substitute

A declaration

[1.2035] Section 5 (5) and note

substitute

- (5) A declaration is a notifiable instrument.

Note A notifiable instrument must be notified under the *Legislation Act 2001*.

[1.2036] Sections 9 (2) and 10 (3), (4), (5) and (6)

omit

notice

substitute

declaration

[1.2037] Section 13 (1), new note

insert

Note Regulations must be notified, and presented to the Legislative Assembly, under the *Legislation Act 2001*.

[1.2038] Section 13 (2)

substitute

- (2) The regulations may prescribe offences for contraventions of the regulations and may prescribe maximum penalties of not more than 10 penalty units for offences against the regulations.

Part 178 **Health Professions Boards
(Elections) Act 1980**

[1.2039] Section 2

omit

[1.2040] Section 8 (1)

omit

shall be in accordance with Form 1 in Schedule 1 and

[1.2041] Section 8 (1), new note

insert

Note If a form is approved under s 39 (Approved forms) for a nomination, the form must be used.

[1.2042] Section 11

substitute

11 Declaration of nominated candidate

- (1) As soon as practicable after the date fixed under section 5 (1) (b) in relation to an election, the returning officer must, in writing, declare the name and registered address of each candidate nominated for the election.
- (2) An declaration is a notifiable instrument.

Note A notifiable instrument must be notified under the *Legislation Act 2001*.

[1.2043] Section 12 (1)

omit

shall

substitute

must, in writing

[1.2044] Section 12 (1) (a)

omit

by notice in the *Gazette*,

[1.2045] Section 12 (1) (b)

omit

by notice in writing,

[1.2046] New section 12 (4)

insert

- (4) An instrument under subsection (1) (a) is a notifiable instrument.

Note A notifiable instrument must be notified under the *Legislation Act 2001*.

[1.2047] Section 16 (1) (a)

substitute

- (a) be in accordance with the appropriate form approved under section 39 (Approved forms); and

[1.2048] Section 16 (3)

substitute

- (3) A voting paper envelope must have printed on it a declaration in accordance with the appropriate form approved under section 39 (Approved forms).

[1.2049] Section 25 (1)

omit

shall

substitute

must, in writing

[1.2050] Section 25 (1) (a)

omit

by notice in the *Gazette*,

[1.2051] Section 25 (1) (b)

omit

by notice in writing,

[1.2052] Section 25 (2)

substitute

- (2) A declaration under subsection (1) (a) is a notifiable instrument.

Note A notifiable instrument must be notified under the *Legislation Act 2001*.

- (3) A declaration notified under the *Legislation Act 2001* in relation to an election is, subject to this Act, conclusive evidence of the result of the election.

[1.2053] Section 26 (1)

omit

notification of the result of an election is published in the *Gazette*

substitute

the result of an election is notified under the *Legislation Act 2001*

[1.2054] Section 30 (2) (b)

omit

notice

substitute

declaration

[1.2055] Section 30 (3) (c)

substitute

- (c) be filed in the registry of the Supreme Court within 21 days after the declaration under section 12 (1) (a) or 25 (1) (a) is notified under the *Legislation Act 2001*.

[1.2056] Section 34 (2) (a)

omit

votes or giving or publishing a notice

substitute

votes, giving a notice or notifying a declaration

[1.2057] New section 39

insert

39 Approved forms

- (1) The Minister may, in writing, approve forms for this Act.
- (2) If the Minister approves a form for a particular purpose, the form must be used for that purpose.
- (3) An approved form is a notifiable instrument.

Note A notifiable instrument must be notified under the *Legislation Act 2001*.

- (4) The forms in schedule 1 immediately before the commencement of this section are, after the commencement, taken to be approved forms.
- (5) However, the forms need not be notified under the *Legislation Act 2001*.
- (6) Subsections (4) and (5) are laws to which the *Legislation Act 2001*, section 88 (Repeal does not end transitional or validating effect etc) applies.
- (7) Subsections (4) to (6) and this subsection expire 1 year after this section commences.

[1.2058] Schedule 1

omit

Part 179 Health Professions Boards (Procedures) Act 1981

[1.2059] Section 2

omit

[1.2060] Section 5 (1)

after

appointed

insert

in writing

[1.2061] Section 5 (2)

substitute

- (2) An appointment under subsection (1) is a notifiable instrument.

Note A notifiable instrument must be notified under the *Legislation Act 2001*.

[1.2062] Section 6 (2)

substitute

- (2) As soon as practicable after the election of a deputy chairperson of a board, the chairperson of that board must give to the Minister written notice of the election of the deputy chairperson.

[1.2063] New section 6 (6)

insert

- (6) A notice under subsection (2) is a notifiable instrument.

Note A notifiable instrument must be notified under the *Legislation Act 2001*.

[1.2064] Section 25 (1) (a)

omit

enactment

substitute

law

[1.2065] Section 25 (3)

omit

Part 180 Health Promotion Act 1995

[1.2066] Section 2

omit

[1.2067] Section 31

substitute

31 Regulation-making power

The Executive may make regulations for this Act.

Note Regulations must be notified, and presented to the Legislative Assembly, under the *Legislation Act 2001*.

Part 181 Health Records (Privacy and Access) Act 1997

[1.2068] Section 2

omit

[1.2069] Section 4, definition of *this Act*

omit

[1.2070] Sections 34 to 36

substitute

34 Determination of fees

- (1) The Minister may, in writing, determine fees for this Act.

Note The *Legislation Act 2001* contains provisions about the making of determinations and regulations relating to fees (see pt 6.3).

- (2) A determination is a disallowable instrument.

Note A disallowable instrument must be notified, and presented to the Legislative Assembly, under the *Legislation Act 2001*.

35 Approved forms

- (1) The commissioner may, in writing, approve forms for this Act.
- (2) If the commissioner approves a form for a particular purpose, the form must be used for that purpose.

- (3) An approved form is a notifiable instrument.

Note A notifiable instrument must be notified under the *Legislation Act 2001*.

36 Regulation-making power

- (1) The Executive may make regulations for this Act.

Note Regulations must be notified, and presented to the Legislative Assembly, under the *Legislation Act 2001*.

- (2) The regulations may—

- (a) extend, by not more than 21 days, the time within which something must or may be done for this Act; or
- (b) make provision about the keeping and transfer of health records; or
- (c) prescribe qualifications to be held, or other requirements to be met, by record-keepers in relation to possession or control of health records.

- (3) The regulations may also prescribe offences for contraventions of the regulations and may prescribe maximum penalties of not more than 10 penalty units for offences against the regulations.

[1.2071] Schedule

omit

Part 182 Health Regulation (Maternal Health Information) Act 1998

[1.2072] Section 2

omit

[1.2073] Section 16

substitute

16 Regulation-making power

The Executive may make regulations for this Act.

Note Regulations must be notified, and presented to the Legislative Assembly, under the *Legislation Act 2001*.

Part 183 Maternal Health Information Regulations 1999

[1.2074] Regulation 2

omit

Part 184 Heritage Objects Act 1991

[1.2075] Section 2

omit

[1.2076] Section 4 (1), definition of *determined fee*

omit

[1.2077] Section 4 (1), definition of *Heritage Objects Register*

substitute

heritage objects register means the register of heritage objects approved by the Minister under section 16 (Approval).

Note A reference to a disallowable instrument (including the heritage objects register) includes a reference to the instrument as originally made and as amended (see *Legislation Act 2001*, s 102).

[1.2078] Section 5

omit

in the *Gazette* under

substitute

as required by

[1.2079] Section 8 (4), definition of *defined period*

substitute

defined period means the period beginning on the day the interim register is notified (other than in a newspaper) as required by section 12 (Public notification) and ending at the end of the earlier of—

- (a) the day before—
 - (i) if the interim register is approved under section 16 (Approval)—the date of effect of the register or an approved variation of it; or
 - (ii) if the interim register is refused approval under section 16—the date the refusal is notified (other than in a newspaper) as required by that section; or
- (b) the last day of the period specified in the notification of the interim register as required by section 12 (1) (b).

[1.2080] Section 9 (3)

substitute

- (3) A determination under subsection (2) is a disallowable instrument.

Note A disallowable instrument must be notified, and presented to the Legislative Assembly, under the *Legislation Act 2001*.

[1.2081] Section 12 (1)

omit everything before paragraph (a), substitute

- (1) After preparing an interim heritage objects register, the heritage council must prepare a notice—

[1.2082] New section 12 (1A) and (1B)

insert

- (1A) The notice is a notifiable instrument.

Note A notifiable instrument must be notified under the *Legislation Act 2001*.

- (1B) The heritage council must also publish the notice in a newspaper published and circulating in the ACT.

[1.2083] Section 12

renumber subsections when Act next republished under Legislation Act 2001

[1.2084] Section 13 (1)

omit

is published in the *Gazette* under section 12

substitute

under section 12 is notified under the *Legislation Act 2001*

[1.2085] Section 14 (1) and (2)

substitute

- (1) After the notification of an interim heritage objects register as required by section 12, the heritage council may, in writing, revise the interim register—
- (a) to correct a formal error; or
 - (b) to provide for the removal of a provision of the interim register that would have had the effect of including an entry in the heritage objects register.
- (2) The revision is a notifiable instrument.

Note A notifiable instrument must be notified under the *Legislation Act 2001*.

- (2A) The heritage council must also publish the notice in a newspaper published and circulating in the ACT.

[1.2086] Section 14 (3) and (4)

omit

notice

substitute

revision

[1.2087] Section 14 (6)

omit

(2)

substitute

(2A)

[1.2088] Section 14

renumber subsections when Act next republished under Legislation Act 2001

[1.2089] Section 15

omit

in the *Gazette* under subsection 12 (1)

substitute

under the *Legislation Act 2001*

[1.2090] Section 16 (1)

omit

by instrument

[1.2091] Section 16 (1), new note

insert

Note Power given under an Act to make a statutory instrument (including an approval) includes power to amend or repeal the instrument (see *Legislation Act 2001*, s 46 (1)).

[1.2092] Section 16 (2)

omit

instrument of

[1.2093] New section 16 (4)

insert

- (4) An approval, or a refusal to approve, under subsection (1) is a disallowable instrument.

Note 1 A disallowable instrument must be notified, and presented to the Legislative Assembly, under the *Legislation Act 2001*.

Note 2 An amendment or repeal of an approval is also a disallowable instrument (see *Legislation Act 2001*, s 46 (2)).

[1.2094] Section 18

omit

[1.2095] Section 21 (1)

substitute

- (1) A person may apply to the Minister for approval to conduct a controlled activity.

Note If a form is approved under s 55 (Approved forms) for an application, the form must be used.

[1.2096] Section 22 (1)

omit everything before paragraph (a), substitute

- (1) After receiving an application the Minister must, unless subsection (2) or (3) applies, prepare a notice—

[1.2097] New section 22 (1A) and (1B)

insert

- (1A) The notice is a notifiable instrument.

Note A notifiable instrument must be notified under the *Legislation Act 2001*.

- (1B) The Minister must also publish the notice in a newspaper published and circulating in the ACT.

[1.2098] Section 22

renumber subsections when Act next republished under Legislation Act 2001

[1.2099] Section 44 (4)

substitute

- (4) A copy of a declaration given to a person under subsection (3) (a) must be accompanied by—
- (a) a statement of the effect of the declaration; and
 - (b) a notice in accordance with the requirements of the code of practice in force under the *Administrative Appeals Tribunal Act 1989*, section 25B (1).

Note If a form is approved under s 55 (Approved forms) for a statement, the form must be used.

[1.2100] Section 46 (1) (b)

substitute

- (b) if the publication is accompanied by a statement under section 44 (4) (a) of the effect of the declaration under section 44 (1) relating to the information.

[1.2101] Section 47 (3)

substitute

- (3) A publication to a person of restricted information under this section must be accompanied by a copy of the statement under section 44 (4) (a) of the effect of the declaration under section 44 (1) relating to the information.

[1.2102] Section 48 (2) and (6)

omit

by notice in the *Gazette*

substitute

in writing

[1.2103] New section 48 (7)

insert

- (7) A declaration under subsection (2), or a revocation under subsection (6), is a notifiable instrument.

Note A notifiable instrument must be notified under the *Legislation Act 2001*.

[1.2104] Section 51 (2)

substitute

- (2) On application, the Minister must give the applicant a copy of a document, or any part of a document, to which this subdivision applies, other than any part of the document that—
- (a) contains restricted information; or
 - (b) contains information the subject of a declaration under subsection (3).

Note A fee may be determined under s 54 (Determination of fees) for an application under this subsection.

[1.2105] Sections 52 (2) and (3)

substitute

- (2) On application, the heritage council must give the applicant a copy of a register, or any part of a register, other than any part of the register that contains restricted information.

Note A fee may be determined under s 54 (Determination of fees) for an application under this section.

- (3) On application to the heritage council in relation to an object, the council must, unless the object is listed in a register or proposed, in an interim register, to be listed in the corresponding register, give the applicant a certificate stating—
- (a) whether a declaration in relation to the object is in force under section 42 (1) (a); and

- (b) whether the object has previously been listed in a register or proposed, in an interim register, to be listed in the corresponding register.

[1.2106] Sections 54 and 55

substitute

54 Determination of fees

- (1) The Minister may, in writing, determine fees for this Act.

Note The *Legislation Act 2001* contains provisions about the making of determinations and regulations relating to fees (see pt 6.3).

- (2) A determination is a disallowable instrument.

Note A disallowable instrument must be notified, and presented to the Legislative Assembly, under the *Legislation Act 2001*.

55 Approved forms

- (1) The Minister may, in writing, approve forms for this Act.
- (2) If the Minister approves a form for a particular purpose, the form must be used for that purpose.
- (3) An approved form is a notifiable instrument.

Note A notifiable instrument must be notified under the *Legislation Act 2001*.

56 Regulation-making power

- (1) The Executive may make regulations for this Act.

Note Regulations must be notified, and presented to the Legislative Assembly, under the *Legislation Act 2001*.

- (2) The regulations may also prescribe offences for contraventions of the regulations and may prescribe maximum penalties of not more than 10 penalty units for offences against the regulations.

Part 185 **Holidays Act 1958**

[1.2107] Section 2

omit

[1.2108] Section 3 (1) (b)

omit

by notice published in the *Gazette*

substitute

in writing

[1.2109] Section 3 (1) (b)

omit

the notice

substitute

the declaration

[1.2110] Section 3 (2)

omit

by notice published in the *Gazette* not less than 1 week before that day in that year

substitute

in writing

[1.2111] Section 3 (2A)

substitute

(2A) A declaration under subsection (1) (b) or (2) is a notifiable instrument.

Note A notifiable instrument must be notified under the *Legislation Act 2001*.

- (2B) A declaration under subsection (2) in relation to a day must be notified under the *Legislation Act 2001* not later than 1 week before the day.

[1.2112] Section 3

renumber subsections when Act next republished under Legislation Act 2001

[1.2113] Section 4 (1) (c)

omit

by notice published in the *Gazette*

substitute

in writing

[1.2114] Section 4 (1) (c)

omit

the notice

substitute

the declaration

[1.2115] Section 4 (2)

omit

by notice published in the *Gazette* not less than 1 week before that day in that year

substitute

in writing

[1.2116] New section 4 (3) and (4)

substitute

- (3) A declaration under subsection (1) (c) or (2) is a notifiable instrument.

Note A notifiable instrument must be notified under the *Legislation Act 2001*.

- (4) A declaration under subsection (2) in relation to a day must be notified under the *Legislation Act 2001* not later than 1 week before the day.

Part 186 Hotel School Act 1996

[1.2117] Section 2

omit

[1.2118] Section 30 (2)

substitute

- (2) A determination is a notifiable instrument.

Note A notifiable instrument must be notified under the *Legislation Act 2001*.

[1.2119] Section 37

substitute

37 Regulation-making power

The Executive may make regulations for this Act.

Note Regulations must be notified, and presented to the Legislative Assembly, under the *Legislation Act 2001*.

[1.2120] Part 6 and schedule 3

omit

Part 187 Housing Assistance Act 1987

[1.2121] Section 2

omit

[1.2122] Section 11A

omit

Where

substitute

(1) If

[1.2123] Section 11A (b)

omit

the Commissioner shall cause to be published in the *Gazette*

substitute

the commissioner must prepare a

[1.2124] New section 11A (2)

insert

(2) A notice under subsection (1) (b) is a notifiable instrument.

Note A notifiable instrument must be notified under the *Legislation Act 2001*.

[1.2125] Section 11B (a)

omit everything after

on that date, or on

substitute

the day the relevant notice under section 11A (1) (b) is notified under the *Legislation Act 2001*, whichever is the later; or

[1.2126] Section 11B (b)

substitute

(b) in any other case—the day the relevant notice under section 11A (1) (b) is notified under the *Legislation Act 2001*.

[1.2127] Section 12

substitute

12 Housing assistance programs

- (1) For this Act, the commissioner may, in writing, prepare a housing assistance program (a **program**).

Note Power given under an Act to make a statutory instrument (including a program) includes power to amend or repeal the instrument (see *Legislation Act 2001*, s 46 (1)).

- (2) A program may provide for—
- (a) the housing agreement to apply to it; and
 - (b) the commissioner to determine, in writing, fees payable under the program; and
 - (c) the reconsideration of stated decisions of the commissioner; and
 - (d) application to be made to the administrative appeals tribunal for review of stated decisions of the commissioner under the program.
- (3) A program or an amendment of a program must not be implemented without the Minister's approval under subsection (5).
- (4) The commissioner must not revoke a program without the Minister's approval under subsection (5).
- (5) The Minister may, in writing, approve a program or an amendment or revocation of a program.
- (6) The Minister must have regard to the principles set out in the housing agreement in considering whether to approve—
- (a) a program that provides for the housing agreement to apply to the program; or
 - (b) an amendment of a program if the program, or the program as amended, provides for the housing agreement to apply to the program.
- (7) An approval or amendment of a program—

- (a) must be endorsed on, or have with it, the program to which the approval or amendment relates; and
 - (b) may state any requirements, conditions or directions to which the approval or amendment is subject.
- (8) The housing agreement applies to a program only if the program provides for the housing agreement to apply.
- (9) The following instruments are disallowable instruments:
- (a) a program, if the program has been approved by the Minister;
 - (b) an amendment or revocation of the program, if the amendment or revocation has been approved by the Minister;
 - (c) a determination by the commissioner of fees payable under a program.

Note 1 A disallowable instrument must be notified, and presented to the Legislative Assembly, under the *Legislation Act 2001*.

Note 2 An amendment or repeal of a program is also a disallowable instrument (see *Legislation Act 2001*, s 46 (2)).

[1.2128] Sections 15 (1A)

renumber as section 15 (2)

[1.2129] Section 15 (2)

omit

[1.2130] Sections 23 and 24

omit

Part 188 **Independent Competition and
Regulatory Commission Act
1997**

[1.2131] Section 2

omit

[1.2132] Section 4 (1)

omit

by instrument

substitute

in writing

[1.2133] Section 4 (3)

substitute

- (3) A declaration under subsection (1) is a disallowable instrument.

Note A disallowable instrument must be notified, and presented to the Legislative Assembly, under the *Legislation Act 2001*.

[1.2134] Section 15 (6)

substitute

- (6) If an industry reference is amended or withdrawn, the referring authority must prepare a written notice setting out the reasons for the amendment or withdrawal.
- (7) The referring authority must give a copy of the notice to the commission.
- (8) The notice is a notifiable instrument.

Note A notifiable instrument must be notified under the *Legislation Act 2001*.

[1.2135] Section 16 (1)

omit

by instrument

substitute

in writing

[1.2136] Section 16 (3)

substitute

- (3) A determination under subsection (1) is a disallowable instrument.

Note A disallowable instrument must be notified, and presented to the Legislative Assembly, under the *Legislation Act 2001*.

[1.2137] Section 18 (1)

substitute

- (1) Before giving the referring authority a final report into an investigation on an industry reference, the commission must prepare a notice—
- (a) stating that copies of a draft report into the investigation are available for public inspection and purchase during a stated period of not less than 20 business days at a stated place or places; and
 - (b) inviting interested people to submit written comments about the draft report to the commission at a stated address and within a stated period of not less than 20 business days.
- (1A) The notice is a notifiable instrument.
- Note* A notifiable instrument must be notified under the *Legislation Act 2001*.
- (1B) The commission must also publish the notice in a daily newspaper published and circulating in the ACT.

[1.2138] Section 18

renumber subsections when Act next republished under Legislation Act 2001

[1.2139] Section 19B (3)

substitute

- (3) If the commission accepts the reference, it must prepare a written notice of acceptance that sets out the terms of reference for the investigation.
- (4) The commission must give a copy of the notice to the referring authority.

- (5) The notice is a notifiable instrument.

Note A notifiable instrument must be notified under the *Legislation Act 2001*.

- (6) The commission may also publish information about the reference in any other appropriate way.

[1.2140] Section 19C (3)

substitute

- (3) If the commission accepts the reference, it must prepare a written notice of acceptance that sets out the terms of reference for the investigation.

- (4) The commission must give a copy of the notice to the referring authority.

- (5) The notice is a notifiable instrument.

Note A notifiable instrument must be notified under the *Legislation Act 2001*.

- (6) The commission may also publish information about the reference in any other appropriate way.

[1.2141] Section 19D

substitute

19D Regulatory references initiated by commission

- (1) The commission may initiate a regulatory reference by preparing a written notice that sets out the terms of reference for the investigation.

- (2) The notice is a notifiable instrument.

Note A notifiable instrument must be notified under the *Legislation Act 2001*.

- (3) The commission may publish information about the reference in any appropriate way.

- (4) The commission may only initiate a regulatory reference if it considers that the proposed investigation would be in the public

interest, taking into account the competition policy considerations set out in schedule 1A.

[1.2142] Sections 19F and 19G

substitute

19F Amendment of terms of regulatory reference

- (1) On application by the referring authority for a regulatory reference, the commission must, in writing, amend the terms of reference for the regulatory reference.
- (2) If the commission is the referring authority for a regulatory reference, it may, in writing, amend the terms of reference for the regulatory reference.
- (3) The commission must—
 - (a) if it makes an amendment under subsection (1)—give notice of the amendment to the referring authority and, if the referring authority is not a Minister, to the responsible Minister; or
 - (b) if it makes an amendment under subsection (2)—give notice of the amendment to the responsible Minister.
- (4) An amendment under subsection (1) or (2) is a disallowable instrument.

Note A disallowable instrument must be notified, and presented to the Legislative Assembly, under the *Legislation Act 2001*.

- (5) The commission may publish an amendment in any other appropriate way.
- (6) The commission may publish a special report into the investigation (based on the terms of reference applying immediately before the amendment) after notice of an amendment of the terms of reference has been given under subsection (3).

19G Termination of investigations into regulatory references

- (1) On application by the referring authority for regulatory reference, the commission must, in writing, terminate the investigation.

- (2) If the commission is the referring authority for regulatory reference, it may, in writing, terminate the investigation.
- (3) The commission must—
 - (a) if it makes a termination under subsection (1)—give notice of the amendment to the authority and, if the referring authority is not a Minister, to the responsible Minister; or
 - (b) if it makes a termination under subsection (2)—give notice of the amendment to the responsible Minister.
- (4) A termination under subsection (1) or (2) is a disallowable instrument.

Note A disallowable instrument must be notified, and presented to the Legislative Assembly, under the *Legislation Act 2001*.
- (5) The commission may publish a termination in any other appropriate way.
- (6) The commission may publish a special report into the investigation after notice of the termination of the investigation has been given under subsection (3).

[1.2143] Sections 24E (4) (b) and 24F (3) (b)

substitute

- (b) are not a disallowable instrument.

[1.2144] Section 24K (2)

omit

in a form approved by the commission (stating the grounds of the application)

[1.2145] Section 24K (2), new note

insert

Note If a form is approved under s 57 (Approved forms) for an application, the form must be used.

[1.2146] Section 46 (4)

omit

by

substitute

in

[1.2147] Section 46 (6), new note

insert

Note A disallowable instrument must be notified, and presented to the Legislative Assembly, under the *Legislation Act 2001*.

[1.2148] Section 53 (5)

substitute

- (5) An order served under subsection (1) is a notifiable instrument.

Note A notifiable instrument must be notified under the *Legislation Act 2001*.

[1.2149] Section 57

substitute

57 Approved forms

- (1) The commission may, in writing, approve forms for this Act.
- (2) If the commission approves a form for a particular purpose, the form must be used for that purpose.
- (3) An approved form is a notifiable instrument.

Note A notifiable instrument must be notified under the *Legislation Act 2001*.

58 Regulation-making power

The Executive may make regulations for this Act.

Note Regulations must be notified, and presented to the Legislative Assembly, under the *Legislation Act 2001*.

Part 189 Inebriates Act 1900

[1.2150] Section 1B

omit

An application to enter into a recognizance under this section shall be in the form of Schedule One.

[1.2151] Section 1B

omit

in the form of Schedule Two

[1.2152] Section 1B, new note

insert

Note If a form is approved under s 14E (Approved forms) for a recognisance or certificate, the form must be used.

[1.2153] Section 2A (1)

omit

may establish

substitute

may, in writing, establish

[1.2154] Section 2A (1)

omit

The establishing of any such institution, and a description of the land included within the limits thereof, shall be notified in the Gazette

substitute

(1A) An instrument under subsection (1) is a notifiable instrument

Note A notifiable instrument must be notified under the *Legislation Act 2001*.

[1.2155] Section 2A (3)

omit

three to this Act

substitute

1

[1.2156] Section 2A (3), definition of *this Act*

omit

[1.2157] Section 3E

omit

[1.2158] Section 14, heading

omit

regulations

substitute

rules

[1.2159] Section 14

omit

regulations

substitute

rules

[1.2160] Section 14 (c)

omit

[1.2161] Section 14 (e)

omit

Act;

substitute

Act.

[1.2162] Section 14

omit everything after paragraph (e)

[1.2163] New section 14 (2)

insert

- (2) Rules under subsection (1) are a disallowable instrument.

Note A disallowable instrument must be notified, and presented to the Legislative Assembly, under the *Legislation Act 2001*.

[1.2164] New sections 14D, 14E and 14F

insert

14D Determination of fees

- (1) The Minister may, in writing, determine fees for this Act.

Note The *Legislation Act 2001* contains provisions about the making of determinations and regulations relating to fees (see pt 6.3).

- (2) A determination is a disallowable instrument.

Note A disallowable instrument must be notified, and presented to the Legislative Assembly, under the *Legislation Act 2001*.

14E Approved forms

- (1) The Minister may, in writing, approve forms for this Act.
- (2) If the Minister approves a form for a particular purpose, the form must be used for that purpose.
- (3) An approved form is a notifiable instrument.

Note A notifiable instrument must be notified under the *Legislation Act 2001*.

14F Regulation-making power

- (1) The Executive may make regulations for this Act.

Schedule 1 Acts and subordinate laws amended and repealed
Part 190 Inquiries Act 1991

Amendment [1.2165]

Note Regulations must be notified, and presented to the Legislative Assembly, under the *Legislation Act 2001*.

- (2) The regulations may prescribe offences for contraventions of the regulations and may prescribe maximum penalties of not more than 10 penalty units for offences against the regulations or against rules under section 14.

[1.2165] Section 15 and Schedules 1 and 2

omit

[1.2166] Schedule 3

renumber as schedule 1

[1.2167] Schedule 4

omit

Part 190 Inquiries Act 1991

[1.2168] Section 2

omit

[1.2169] Section 40

substitute

40 Regulation-making power

The Executive may make regulations for this Act.

Note Regulations must be notified, and presented to the Legislative Assembly, under the *Legislation Act 2001*.

Part 191 Inquiries Regulations

[1.2170] *Inquiries Regulations*

repeal

Part 192 Insane Persons and Inebriates (Committal and Detention) Act 1936

[1.2171] Section 2

omit

[1.2172] Section 3, definitions of *the Inebriates Act* and *the Lunacy Act*

omit everything after

such Act

Part 193 Instruments Act 1933

[1.2173] Sections 3 and 5

omit

[1.2174] Section 9 (1), new note

insert

Note A fee may be determined under s 37 (Determination of fees) for registration under this subsection of a bill of sale.

[1.2175] Section 9 (1A)

omit

[1.2176] Section 12

omit

in the manner and according to the form contained in Schedule 2

[1.2177] Section 12, new note

insert

Note If a form is approved under s 38 (Approved forms) for the endorsement under this section of a bill of sale, the form must be used.

[1.2178] Section 13 (2)

omit

shall, on payment of the determined fee, register

substitute

must register

[1.2179] Section 13 (2), new note

insert

Note A fee may be determined under s 37 (Determination of fees) for registration under this subsection of a transfer.

[1.2180] Section 14 (1)

omit

in accordance with the form set out in Part 1 of Schedule 3, or to the like effect,

[1.2181] Section 14 (1), new note

insert

Note If a form is approved under s 38 (Approved forms) for the endorsement of discharge or partial discharge under subsection (1) of a bill of sale, the form must be used.

[1.2182] Section 14 (2)

omit

in accordance with the form set out in Part 2 of Schedule 3, or to the like effect,

[1.2183] Section 14 (2), new note

insert

Note If a form is approved under s 38 (Approved forms) for a memorandum of discharge or partial discharge under subsection (2) of a bill of sale, the form must be used.

[1.2184] Section 17 (1)

omit

(1) In

substitute

In

[1.2185] Section 17 (1)

omit

is made in accordance with or to the effect of the form in Schedule 4, and

[1.2186] Section 17 (1), new notes

insert

Note 1 A fee may be determined under s 37 (Determination of fees) for registration under this section of a lien.

Note 2 If a form is approved under s 38 (Approved forms) for an agreement mentioned in this subsection, the form must be used.

[1.2187] Section 17 (2)

omit

[1.2188] Section 21 (2)

omit

shall, on payment of the determined fee, register

substitute

must register

[1.2189] Section 21 (2), new note

insert

Note A fee may be determined under s 37 (Determination of fees) for registration under this subsection of a transfer.

[1.2190] Section 25 (1)

omit

(1) In

substitute

In

[1.2191] Section 25 (1)

omit

is made in accordance with or to the effect of the form in Schedule 5, and

[1.2192] Section 25 (1), new notes

insert

Note 1 A fee may be determined under s 37 (Determination of fees) for registration under this section of a lien.

Note 2 If a form is approved under s 38 (Approved forms) for an agreement mentioned in this subsection, the form must be used.

[1.2193] Section 25 (2)

omit

[1.2194] Section 27 (1)

omit

(1) Any

substitute

Any

[1.2195] Section 27 (1)

omit

in accordance with the form in Schedule 6

[1.2196] Section 27 (1), new notes

insert

Note 1 A fee may be determined under s 37 (Determination of fees) for registration under this section of stock.

Note 2 If a form is approved under s 38 (Approved forms) for registration of a mortgage of stock under this section, the form must be used.

[1.2197] Section 27 (2)

omit

[1.2198] Section 29 (2)

omit

shall, on payment of the determined fee, register

substitute

must register

[1.2199] Section 29 (2), new note

insert

Note A fee may be determined under s 37 (Determination of fees) for registration under this subsection of a transfer.

[1.2200] Section 32

omit

and on payment of the determined fee

[1.2201] Section 32, new note

insert

Note A fee may be determined under s 37 (Determination of fees) for registration under this subsection of a satisfaction of a mortgage.

[1.2202] Section 35

omit

[1.2203] Section 36 (1)

omit

, on payment of the determined fee,

[1.2204] Section 36 (2)

omit

shall, on payment of the determined fee for each office copy or extract, be

substitute

is

[1.2205] Section 36 (2), new note

insert

Note A fee may be determined under s 37 (Determination of fees) for searching under this section a book, index or register or for the supply under this section of an office copy or extract.

[1.2206] Section 37

substitute

37 Determination of fees

- (1) The Minister may, in writing, determine fees for this Act.

Note The *Legislation Act 2001* contains provisions about the making of determinations and regulations relating to fees (see pt 6.3).

- (2) A determination is a disallowable instrument.

Note A disallowable instrument must be notified, and presented to the Legislative Assembly, under the *Legislation Act 2001*.

[1.2207] Section 38

substitute

38 Approved forms

- (1) The registrar-general may, in writing, approve forms for this Act.

- (2) If the registrar-general approves a form for a particular purpose, the form must be used for that purpose.
- (3) An approved form is a notifiable instrument.
Note A notifiable instrument must be notified under the *Legislation Act 2001*.
- (4) A form in schedules 2 to 6 immediately before the commencement of this section is, after the commencement, taken to be an approved form.
- (5) However, the form need not be notified under the *Legislation Act 2001*.
- (6) Subsections (4) and (5) are laws to which the *Legislation Act 2001*, section 88 (Repeal does not end transitional or validating effect etc) applies.
- (7) Subsections (4) to (6) and this subsection expire 1 year after this section commences.

39 Regulation-making power

The Executive may make regulations for this Act.

Note Regulations must be notified, and presented to the Legislative Assembly, under the *Legislation Act 2001*.

[1.2208] Schedules 1 to 6

omit

Part 194 Insurance Authority Act 2000

[1.2209] Section 2

omit

[1.2210] Section 11 (2), new note

insert

Note A disallowable instrument must be notified, and presented to the Legislative Assembly, under the *Legislation Act 2001*.

[1.2211] Section 35, new note

insert

Note Regulations must be notified, and presented to the Legislative Assembly, under the *Legislation Act 2001*.

[1.2212] Section 36 (4)

substitute

- (4) A declaration under subsection (1) is a disallowable instrument.

Note A disallowable instrument must be notified, and presented to the Legislative Assembly, under the *Legislation Act 2001*.

- (5) Unless a declaration under subsection (1) is disallowed by the Legislative Assembly, the declaration commences—

- (a) on the day after the last day when it could have been disallowed; or
- (b) if the declaration provides for a later date or time of commencement—on that date or at that time.

Part 195 Interactive Gambling Act 1998

[1.2213] Section 2

omit

[1.2214] Section 3, definitions of *approved form* and *determined fee*

omit

[1.2215] Section 9 (1)

omit

by instrument

substitute

, in writing,

[1.2216] Section 9 (3), new note

insert

Note A disallowable instrument must be notified, and presented to the Legislative Assembly, under the *Legislation Act 2001*.

[1.2217] Section 18 (1)

substitute

- (1) A person may apply, in writing, to a licensed provider to be registered as a player.

Note If a form is approved under the Control Act, s 53D (Approved forms) for an application under this subsection, the form must be used.

- (1A) The application must—

- (a) provide evidence of a kind prescribed under the regulations—
 - (i) of the applicant's identity; and
 - (ii) of the applicant's place of residence; and
 - (iii) that the applicant is more than 18 years old; and
- (b) contain a statement that the law of the place where the applicant is does not prevent or disqualify the applicant from playing authorised games with the provider.

[1.2218] Section 18

renumber subsections when Act next republished under Legislation Act 2001

[1.2219] New section 22 (3)

insert

- (3) An exemption scheme approved under this section is a notifiable instrument.

Note A notifiable instrument must be notified under the *Legislation Act 2001*.

[1.2220] Section 23 (1)

omit

by written notice to an exempted provider

substitute

in writing

[1.2221] New section 23 (3) and (4)

insert

- (3) The Minister must give written notice of a cancellation to the exempted provider.
- (4) A cancellation is a notifiable instrument.

Note A notifiable instrument must be notified under the *Legislation Act 2001*.

[1.2222] Section 25

omit

[1.2223] Section 26

substitute

26 Application for interactive gambling licence

- (1) A person may apply to the commission for an interactive gambling licence.

Note 1 A fee may be determined under s 145 (Determination of fees) for an application under this subsection.

Note 2 If a form is approved under the Control Act, s 53D (Approved forms) for an application under this subsection, the form must be used.

- (2) An application by an individual must be accompanied by—
- (a) a written police report about the applicant's character and criminal history (if any); and
 - (b) the imprints of the fingers and palms of both hands of the applicant; and
 - (c) a recent photograph of the applicant's face.

[1.2224] Section 35

substitute

35 Particulars to be included in interactive gambling licence

An interactive gambling licence must contain the following particulars:

- (a) the licensed provider's name;
- (b) the date of issue of the licence;
- (c) the period for which the licence is issued;
- (d) the conditions that the licence is subject to;
- (e) any other particulars prescribed under the regulations.

Note If a form is approved under the Control Act, s 53D (Approved forms) for a licence, the form must be used.

[1.2225] Section 50

substitute

50 Application for key person licence

- (1) An individual may apply to the commission for a key person licence.

Note 1 A fee may be determined under s 145 (Determination of fees) for an application under this subsection.

Note 2 If a form is approved under the Control Act, s 53D (Approved forms) for an application under this subsection, the form must be used.

- (2) An application must be accompanied by—
- (a) a written police report about the applicant's character and criminal history (if any); and
 - (b) the imprints of the fingers and palms of both hands of the applicant; and
 - (c) a recent photograph of the applicant's face; and

- (d) any other document prescribed under the regulations.

[1.2226] Section 53

substitute

53 Particulars to be included in key person licence

A key person licence must contain the following particulars:

- (a) the licensee's name;
- (b) the date of issue of the licence;
- (c) the conditions that the licence is subject to;
- (d) a recent photograph of the applicant's face;
- (e) any other particulars prescribed under the regulations.

Note If a form is approved under the Control Act, s 53D (Approved forms) a licence, the form must be used.

[1.2227] Section 58 (1) (b)

omit

[1.2228] Section 58 (1) (c)

renumber as section 58 (1) (b)

[1.2229] Section 58 (1), new note

insert

Note A fee may be determined under s 145 (Determination of fees) for an application under this subsection.

[1.2230] Section 66

omit

of the commencement by notice in the approved form

substitute

in writing of the commencement

[1.2231] Section 66, new note

insert

Note If a form is approved under the Control Act, s 53D (Approved forms) for a notification under this section, the form must be used.

[1.2232] Section 67 (1)

omit

in the approved form

[1.2233] Section 67 (1), new note

insert

Note If a form is approved under the Control Act, s 53D (Approved forms) for a return under this subsection, the form must be used.

[1.2234] Section 68

omit

of the end of the relationship by notice in the approved form

substitute

in writing of the end of the relationship

[1.2235] Section 68, new note

insert

Note If a form is approved under the Control Act, s 53D (Approved forms) for a notification under this section, the form must be used.

[1.2236] Section 70 (1) (b)

substitute

(b) the appointment is made under an agency agreement that includes any provision required by the commission; and

[1.2237] Section 70 (1), new note

insert

Note If a form is approved under the Control Act, s 53D (Approved forms) for an appointment under an agency agreement, the form must be used.

[1.2238] Section 79 (1) (b)

omit

in the approved form

[1.2239] Section 79 (1), new note

insert

Note If a form is approved under the Control Act, s 53D (Approved forms) for a notification under this subsection, the form must be used.

[1.2240] Section 82 (1)

substitute

- (1) A licensed provider must pay to the commission the fee (the *licence fee*) payable for the licence issued to the provider.

[1.2241] Section 84

omit

in the approved form

[1.2242] Section 84, new note

insert

Note If a form is approved under the Control Act, s 53D (Approved forms) for a return under this section, the form must be used.

[1.2243] Section 85 (1)

omit everything before paragraph (a), substitute

- (1) The Minister may, in writing, determine rules relating to—

[1.2244] Section 85 (2)

substitute

- (2) A determination is a disallowable instrument.

Note A disallowable instrument must be notified, and presented to the Legislative Assembly, under the *Legislation Act 2001*.

[1.2245] Section 102 (1)

omit

in the approved form

[1.2246] Section 102 (1), new notes

insert

Note 1 A fee may be determined under s 145 (Determination of fees) for an application under this section. See also s 102 (9).

Note 2 If a form is approved under the Control Act, s 53D (Approved forms) for an application under this section, the form must be used.

[1.2247] Section 102 (2A)

omit

[1.2248] Section 102 (9)

substitute

- (9) The commission may, on application in writing by an applicant for an order under subsection (1), waive any fee payable for the application for the order.

[1.2249] Section 102 (10)

omit

[1.2250] Section 108 (2), new note

insert

Note If a form is approved under the Control Act, s 53D (Approved forms) for a report under this section, the form must be used.

[1.2251] Section 108 (3)

omit

[1.2252] Section 108

renumber subsections when Act next republished under Legislation Act 2001

[1.2253] Section 125 (1)

omit everything before paragraph (a), substitute

- (1) A licensed provider may apply to the commission—

[1.2254] Section 125 (1), new notes

insert

Note 1 A fee may be determined under s 145 (Determination of fees) for an application or evaluation under this section.

Note 2 If a form is approved under the Control Act, s 53D (Approved forms) for an application under this section, the form must be used.

[1.2255] Section 125 (2)

omit everything after last mention of

commission

substitute

must carry out the evaluation as soon as practicable

[1.2256] Section 145

substitute

145 Determination of fees

- (1) The Minister may, in writing, determine fees for this Act.

Note The *Legislation Act 2001* contains provisions about the making of determinations and regulations relating to fees (see pt 6.3).

- (2) A determination is a disallowable instrument.

Note A disallowable instrument must be notified, and presented to the Legislative Assembly, under the *Legislation Act 2001*.

[1.2257] Sections 147 and 148

substitute

147 Regulation-making power

The Executive may make regulations for this Act.

Note Regulations must be notified, and presented to the Legislative Assembly, under the *Legislation Act 2001*.

**Part 196 Interactive Gambling
Regulations 1998**

[1.2258] Regulation 2

omit

[1.2259] Regulation 3, note

omit

as applied by the *Subordinate Laws Act 1989*, s 9

[1.2260] Regulation 3, definition of *the Act*

omit

Part 197 Interpretation Act 1967

[1.2261] Section 63 (5), definition of *republication*

substitute

republication, of an Act, means a republication of an Act authorised by the parliamentary counsel under the *Legislation Act 2001*.

Note Under the *Legislation Act 2001*, s 130, an Act or subordinate law republished under the *Legislation (Republication) Act 1996* is taken to have been authorised by the parliamentary counsel under the *Legislation Act 2001*.

[1.2262] Schedule 2, clause 6 (1), definition of *British subject*, paragraph (b)

omit

(and the regulations made under that Act for the Part)

[1.2263] Schedule 2, clause 6 (1), definition of *British subject*, new note

insert

Note A reference to an Act includes a reference to the statutory instruments made or in force under the Act, including regulations (see *Legislation Act 2001*, s 104).

[1.2264] Schedule 2, clause 6 (1), definition of *Commonwealth citizen*

omit

(and regulations made under that Act for the Part)

[1.2265] Schedule 2, clause 6 (1), definition of *Commonwealth citizen*, new note

insert

Note A reference to an Act includes a reference to the statutory instruments made or in force under the Act, including regulations (see *Legislation Act 2001*, s 104).

[1.2266] Dictionary, definition of *city area*

substitute

city area means the area that was *the City Area* under the repealed *City Area Leases Act 1936*.

Note A reference to the repealed *City Area Leases Act 1936* is a reference to the *City Area Leases Act 1936* immediately before it was repealed (see *Legislation Act 2001*, s 106).

[1.2267] Dictionary, definition of *Territory plan*

substitute

Territory plan means the Territory plan under the *Land (Planning and Environment) Act 1991*.

Note A reference to the Territory plan includes a reference to the Territory plan as originally made and as amended (see *Legislation Act 2001*, s 102).

Part 198 Intoxicated Persons (Care and Protection) Act 1994

[1.2268] Section 2

omit

[1.2269] Section 31 (1)

substitute

- (1) The Minister may, in writing, make standards for this Act.

[1.2270] Section 31 (2)

omit everything before paragraph (a), substitute

- (2) A standard may make provision in relation to—

[1.2271] New section 31 (3)

insert

- (3) A standard is a disallowable instrument.

Note A disallowable instrument must be notified, and presented to the Legislative Assembly, under the *Legislation Act 2001*.

[1.2272] Section 32

omit

[1.2273] Section 33 (1) (d)

omit

Subordinate Laws Act 1989

substitute

Legislation Act 2001

[1.2274] Section 38

substitute

38 Approved forms

- (1) The Minister may, in writing, approve forms for this Act.
- (2) If the Minister approves a form for a particular purpose, the form must be used for that purpose.
- (3) An approved form is a notifiable instrument.

Note A notifiable instrument must be notified under the *Legislation Act 2001*.

39 Regulation-making power

The Executive may make regulations for this Act.

Note Regulations must be notified, and presented to the Legislative Assembly, under the *Legislation Act 2001*.

2001

THE LEGISLATIVE ASSEMBLY
FOR THE AUSTRALIAN CAPITAL TERRITORY

(As presented)

(Attorney-General)

Legislation (Consequential Amendments) Bill 2001

(in 2 volumes)

Volume 2

Contents

Schedule 1

Acts and subordinate laws amended and repealed—continued

Part 199	Judicial Commissions Act 1994
	to
Part 420	Workers' Compensation Supplementation Fund 1980

2001

THE LEGISLATIVE ASSEMBLY
FOR THE AUSTRALIAN CAPITAL TERRITORY

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(Attorney-General)

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Contents

		Page
1	Name of Act	2
2	Commencement	2
3	Laws amended and repealed	2
4	Application of Legislation Act, s 88	2

		Page
Schedule 1	Acts and subordinate laws amended and repealed	3
Part 1	ACTEW/AGL Partnership Facilitation Act 2000	3
Part 2	Administration Act 1989	6
Part 3	Administration and Probate Act 1929	7
Part 4	Administration (Interstate Agreements) Act 1997	8
Part 5	Administrative Appeals Tribunal Act 1989	9
Part 6	Administrative Decisions (Judicial Review) Act 1989	11
Part 7	Adoption Act 1993	12
Part 8	Adoption Regulations	15
Part 9	Agents Act 1968	18
Part 10	Age of Majority Act 1974	25
Part 11	Anglican Church of Australia Constitutions Act 1902	25
Part 12	Anglican Church of Australia Constitution Act 1961	25
Part 13	Anglican Church of Australia Trust Property Act 1917	26
Part 14	Anglican Church of Australia Trust Property Act 1928	26
Part 15	Animal Diseases Act 1993	27
Part 16	Animal Diseases (Bees) Regulations 2000	34
Part 17	Animal Welfare Act 1992	34
Part 18	Animal Welfare Regulations	40
Part 19	Animal Welfare (Amendment) Act 1997	40
Part 20	Annual Leave Act 1973	40
Part 21	Annual Reports (Government Agencies) Act 1995	42
Part 22	Architects Act 1959	46
Part 23	Artificial Conception Act 1985	48
Part 24	Associations Incorporation Act 1991	49
Part 25	Associations Incorporation Regulations	57
Part 26	Auctioneers Act 1959	57

	Page
Part 27 Auditor-General Act 1996	60
Part 28 Australia and New Zealand Banking Group Limited (NMRB) Act 1991	60
Part 29 Australian-American Educational Foundation Act 1966	61
Part 30 Bail Act 1992	61
Part 31 Bail Regulations	63
Part 32 Bank Mergers Act 1997	63
Part 33 Betting (ACTTAB Limited) Act 1964	63
Part 34 Birth (Equality of Status) Act 1988	65
Part 35 Births, Deaths and Marriages Registration Act 1997	66
Part 36 Births, Deaths and Marriages Registration Regulations	71
Part 37 Blood Donation (Transmittable Diseases) Act 1985	71
Part 38 Board of Senior Secondary Studies Act 1997	72
Part 39 Bookmakers Act 1985	73
Part 40 Bookmakers Regulations	81
Part 41 Boxing Control Act 1993	82
Part 42 Boxing Control Regulations	85
Part 43 Building Act 1972	85
Part 44 Building Regulations 1972	93
Part 45 Building and Construction Industry Training Levy Act 1999	93
Part 46 Bushfire Act 1936	94
Part 47 Bushfire Regulations	99
Part 48 Business Names Act 1963	99
Part 49 Business Names Regulations	104
Part 50 Canberra Advance Bank Limited (Merger) Act 1992	105
Part 51 Canberra Institute of Technology Act 1987	105
Part 52 Canberra Institute of Technology Regulations	107

Contents

		Page
Part 53	Canberra Tourism and Events Corporation Act 1997	107
Part 54	Casino Control Act 1988	107
Part 55	Casino Control Regulations	121
Part 56	Cemeteries Act 1933	121
Part 57	Canberra Public Cemeteries Regulations	125
Part 58	Children and Young People Act 1999	128
Part 59	Children and Young People Regulations 2000	135
Part 60	Chiropractors and Osteopaths Act 1983	135
Part 61	City of Canberra Arms Act 1932	140
Part 62	Classification (Publications, Films and Computer Games) (Enforcement) Act 1995	140
Part 63	Classification (Publications, Films and Computer Games) (Enforcement) Regulations	144
Part 64	Clinical Waste Act 1990	144
Part 65	Collections Act 1959	148
Part 66	Commercial Arbitration Act 1986	149
Part 67	Commissioner for the Environment Act 1993	150
Part 68	Common Boundaries Act 1981	151
Part 69	Community Advocate Act 1991	153
Part 70	Community and Health Services Complaints Act 1993	153
Part 71	Competition Policy Reform Act 1996	155
Part 72	Competition Policy Reform (Savings and Transitional) Regulations	158
Part 73	Construction Practitioners Registration Act 1998	158
Part 74	Construction Practitioners Registration Regulations 1998	161
Part 75	Consumer Credit Act 1995	161
Part 76	Consumer Credit Regulations	162
Part 77	Consumer Credit (Administration) Act 1996	162

	Page
Part 78 Consumer Credit (Administration) Regulations	170
Part 79 Contractors' Debts Act 1897	170
Part 80 Conveyancing Act 1919	174
Part 81 Conveyancing and Law of Property Act 1898	174
Part 82 Co-operative Societies Act 1939	175
Part 83 Co-operatives Societies Regulations 1945	185
Part 84 Coroners Act 1997	186
Part 85 Coroners Regulations	187
Part 86 Credit Act 1985	188
Part 87 Credit Regulations 1985	195
Part 88 Cremation Act 1966	197
Part 89 Crime Prevention Powers Act 1998	200
Part 90 Crimes Act 1900	200
Part 91 Crimes (Forensic Procedures) Regulations 2000	203
Part 92 Crimes (Offences against the Government) Act 1989	204
Part 93 Crown Proceedings Act 1992	204
Part 94 Crown Proceedings Regulations	204
Part 95 Cultural Facilities Corporation Act 1997	204
Part 96 Custodial Escorts Act 1998	205
Part 97 Dangerous Goods Act 1975	205
Part 98 Dangerous Goods Regulations 1978	208
Part 99 Debits Tax Act 1997	209
Part 100 Dental Technicians and Dental Prosthetists Registration Act 1988	212
Part 101 Dentists Act 1931	216
Part 102 Director of Public Prosecutions Act 1990	223
Part 103 Director of Public Prosecutions Regulations	224
Part 104 Disability Services Act 1991	224

Contents

		Page
Part 105	Discrimination Act 1991	225
Part 106	Districts Act 1966	230
Part 107	Domestic Animals Act 2000	230
Part 108	Domestic Relationships Act 1994	232
Part 109	Domestic Violence Act 1986	233
Part 110	Door-to-Door Trading Act 1991	235
Part 111	Door-to-Door Trading Regulations 1991	237
Part 112	Drugs in Sport Act 1999	237
Part 113	Drugs of Dependence Act 1989	238
Part 114	Drugs of Dependence Regulations	245
Part 115	Duties Act 1999	246
Part 116	Earnings (Assignment and Attachment) Act 1966	252
Part 117	Education Act 1937	252
Part 118	Education Services for Overseas Students (Registration and Regulation of Providers) Act 1994	254
Part 119	Education Services for Overseas Students (Registration and Regulation of Providers) Regulations	257
Part 120	Electoral Act 1992	257
Part 121	Electoral Regulations 1993	282
Part 122	Electricity Safety Act 1971	283
Part 123	Electricity Safety Regulations 1971	292
Part 124	Electricity (National Scheme) Act 1997	292
Part 125	Electronic Transactions Act 2001	292
Part 126	Emergency Management Act 1999	292
Part 127	Emergency Management Regulations 1999	295
Part 128	Enclosed Lands Protection Act 1943	295
Part 129	Energy Efficiency Ratings (Sale of Premises) Act 1997	295

	Page
Part 130 Environment Protection Act 1997	296
Part 131 Environment Protection Regulations 1997	314
Part 132 Epidemiological Studies (Confidentiality) Act 1992	317
Part 133 Epidemiological Studies (Confidentiality) Regulations 1992	318
Part 134 Evidence Act 1971	318
Part 135 Evidence Regulations	319
Part 136 Evidence (Miscellaneous Provisions) Act 1991	319
Part 137 Fair Trading Act 1992	319
Part 138 Fair Trading Regulations 1992	320
Part 139 Fair Trading (Consumer Affairs) Act 1973	321
Part 140 Fair Trading (Fuel Prices) Act 1993	329
Part 141 Family Provision Act 1969	330
Part 142 Fertilizers Act 1904	330
Part 143 Financial Agreement Act 1994	332
Part 144 Financial Institutions Duty Act 1987	332
Part 145 Financial Institutions Duty Regulations 1990	333
Part 146 Financial Management Act 1996	333
Part 147 Financial Relations Agreement Act 2000	334
Part 148 Firearms Act 1996	334
Part 149 Firearms Regulations 1997	345
Part 150 Fire Brigade Act 1957	345
Part 151 Fire Brigade Regulations	347
Part 152 Fire Brigade (Administration) Act 1974	348
Part 153 Fire Brigade (Administration) Regulations	349
Part 154 First Home Owner Grant Act 2000	349
Part 155 Fisheries Act 2000	352
Part 156 Food Act 1992	360

Contents

		Page
Part 157	Food Regulations 1994	370
Part 158	Forfeiture of Leases Act 1901	370
Part 159	Freedom of Information Act 1989	372
Part 160	Fuels Control Act 1979	376
Part 161	Gambling and Racing Control Act 1999	376
Part 162	Games Wagers and Betting-houses Act 1901	379
Part 163	Gaming and Betting Act 1906	380
Part 164	Gaming Machine Act 1987	382
Part 165	Gaming Machine Regulations	389
Part 166	Gas Safety Act 2000	390
Part 167	Gas Supply Act 1998	394
Part 168	Gas Supply Regulations 1999	397
Part 169	Government Contractual Debts (Interest) Act 1994	398
Part 170	Government Solicitor Act 1989	398
Part 171	Guardianship and Management of Property Act 1991	399
Part 172	Guardianship and Management of Property Regulations	401
Part 173	Gungahlin Development Authority Act 1996	401
Part 174	Hawkers Act 1936	402
Part 175	Health Act 1993	406
Part 176	Health and Community Care Services Act 1996	407
Part 177	Health Professionals (Special Events Exemptions) Act 2000	408
Part 178	Health Professions Boards (Elections) Act 1980	409
Part 179	Health Professions Boards (Procedures) Act 1981	413
Part 180	Health Promotion Act 1995	414
Part 181	Health Records (Privacy and Access) Act 1997	415
Part 182	Health Regulation (Maternal Health Information) Act 1998	416

		Page
Part 183	Maternal Health Information Regulations 1999	417
Part 184	Heritage Objects Act 1991	417
Part 185	Holidays Act 1958	425
Part 186	Hotel School Act 1996	427
Part 187	Housing Assistance Act 1987	427
Part 188	Independent Competition and Regulatory Commission Act 1997	430
Part 189	Inebriates Act 1900	437
Part 190	Inquiries Act 1991	440
Part 191	Inquiries Regulations	440
Part 192	Insane Persons and Inebriates (Committal and Detention) Act 1936	441
Part 193	Instruments Act 1933	441
Part 194	Insurance Authority Act 2000	447
Part 195	Interactive Gambling Act 1998	448
Part 196	Interactive Gambling Regulations 1998	457
Part 197	Interpretation Act 1967	457
Part 198	Intoxicated Persons (Care and Protection) Act 1994	459
Part 199	Judicial Commissions Act 1994	461
Part 200	Juries Act 1967	461
Part 201	Juries Fees Regulations	463
Part 202	Jurisdiction of Courts (Cross-vesting) Act 1993	463
Part 203	Justices of the Peace Act 1989	465
Part 204	Kingston Foreshore Development Authority Act 1999	465
Part 205	Lakes Act 1976	467
Part 206	Land Acquisition (Northbourne Oval) Act 1996	471
Part 207	Land (Planning and Environment) Act 1991	473
Part 208	Land (Planning and Environment) Regulations 1992	508

Contents

		Page
Part 209	Land (Planning and Environment) (Casino) Regulations	508
Part 210	Lands Acquisition Act 1994	508
Part 211	Lands Acquisition Regulations 1999	515
Part 212	Land Titles Act 1925	515
Part 213	Land Titles (Unit Titles) Act 1970	530
Part 214	Law Officer Act 1992	533
Part 215	Law Reform (Manufacturers Warranties) Act 1977	533
Part 216	Law Reform (Miscellaneous Provisions) Act 1955	534
Part 217	Lay-by Sales Agreements Act 1963	534
Part 218	Legal Aid Act 1977	535
Part 219	Legal Practitioners Act 1970	536
Part 220	Legislation Act 2001	537
Part 221	Legislative Assembly (Broadcasting of Proceedings) Act 1997	538
Part 222	Legislative Assembly (Members' Staff) Act 1989	538
Part 223	Limitation Act 1985	543
Part 224	Liquor Act 1975	543
Part 225	Liquor Regulations 1979	548
Part 226	Listening Devices Act 1992	548
Part 227	Litter Act 1977	549
Part 228	Litter Regulations	551
Part 229	Long Service Leave Act 1976	551
Part 230	Long Service Leave (Building and Construction Industry) Act 1981	553
Part 231	Long Service Leave (Cleaning, Building and Property Services) Act 1999	556
Part 232	Lotteries Act 1964	557
Part 233	Low-alcohol Liquor Subsidies Act 2000	559

		Page
Part 234	Machinery Act 1949	561
Part 235	Boilers and Pressure Vessels Regulations 1954	563
Part 236	Machinery Regulations	563
Part 237	Magistrates Court Act 1930	564
Part 238	Magistrates Court Rules	568
Part 239	Magistrates Court (Civil Jurisdiction) Act 1982	570
Part 240	Magistrates Court (Civil Jurisdiction) Regulations	573
Part 241	Magistrates Court (Civil Jurisdiction) (Solicitors' Costs) Regulations	573
Part 242	Workers' Compensation Rules	573
Part 243	Married Persons (Torts) Act 1968	575
Part 244	Meat Act 1931	576
Part 245	Meat Regulations	578
Part 246	Mediation Act 1997	579
Part 247	Medical Practitioners Act 1930	580
Part 248	Medical Treatment Act 1994	585
Part 249	Mental Health (Treatment and Care) Act 1994	586
Part 250	Mental Health Act 1962	589
Part 251	Mercantile Law Act 1962	589
Part 252	Mutual Recognition (Australian Capital Territory) Act 1992	590
Part 253	National Crime Authority (Territory Provisions) Act 1991	591
Part 254	National Crime Authority (Territory Provisions) Regulations	591
Part 255	National Environment Protection Council Act 1994	591
Part 256	National Exhibition Centre Trust Act 1976	592
Part 257	Native Title Act 1994	594
Part 258	Nature Conservation Act 1980	594

Contents

		Page
Part 259	Nature Conservation Regulations	606
Part 260	Notaries Public Act 1984	606
Part 261	Nudity Act 1976	607
Part 262	Nurses Act 1988	607
Part 263	Oaths and Affirmations Act 1984	614
Part 264	Occupational Health and Safety Act 1989	614
Part 265	Occupational Health and Safety Regulations 1991	622
Part 266	Occupational Health and Safety (Certification of Plant Users and Operators) Regulations 2000	624
Part 267	Occupational Health and Safety (Manual Handling) Regulations	625
Part 268	Olympic Events Security Act 2000	625
Part 269	Ombudsman Act 1989	627
Part 270	Ombudsman Regulations	628
Part 271	Optometrists Act 1956	628
Part 272	Parental Leave (Private Sector Employees) Act 1992	632
Part 273	Parole Act 1976	632
Part 274	Parole Orders (Transfer) Act 1983	633
Part 275	Partnership Act 1963	634
Part 276	Pawnbrokers Act 1902	634
Part 277	Payroll Tax Act 1987	636
Part 278	Periodic Detention Act 1995	636
Part 279	Periodic Detention Regulations 1995	639
Part 280	Perpetuities and Accumulations Act 1985	640
Part 281	Pharmacy Act 1931	640
Part 282	Physiotherapists Act 1977	645
Part 283	Plant Diseases Act 1934	649
Part 284	Plant Diseases Regulations	653

		Page
Part 285	Plumbers, Drainers and Gasfitters Board Act 1982	654
Part 286	Podiatrists Act 1994	656
Part 287	Poisons Act 1933	661
Part 288	Poisons Regulations 1933	663
Part 289	Poisons and Drugs Act 1978	664
Part 290	Poisons and Drugs Regulations 1993	667
Part 291	Pool Betting Act 1964	667
Part 292	Pounds Act 1928	668
Part 293	Pounds Regulations	672
Part 294	Presbyterian Church (Proposals for Union with other Churches) Act 1972	674
Part 295	Presbyterian Church Trust Property Act 1971	674
Part 296	Prisoners (International Transfer) Act 1999	675
Part 297	Prisoners' Interstate Leave Act 1997	675
Part 298	Prisoners (Interstate Transfer) Act 1993	676
Part 299	Proceeds of Crime Act 1991	677
Part 300	Proceeds of Crime Regulations	678
Part 301	Prohibited Weapons Act 1996	679
Part 302	Prohibited Weapons Regulations	680
Part 303	Prostitution Act 1992	682
Part 304	Prostitution Regulations	684
Part 305	Protection Orders (Reciprocal Arrangements) Act 1992	685
Part 306	Psychologists Act 1994	686
Part 307	Public Access to Government Contracts Act 2000	690
Part 308	Public Baths and Public Bathing Act 1956	690
Part 309	Public Baths and Public Bathing Regulations	693
Part 310	Public Health Act 1997	693

Contents

		Page
Part 311	Public Health Regulations 2000	706
Part 312	Public Health (Prohibited Drugs) Act 1957	710
Part 313	Public Interest Disclosure Act 1994	711
Part 314	Public Place Names Act 1989	712
Part 315	Public Roads Act 1902	713
Part 316	Public Sector Management Act 1994	716
Part 317	Public Trustee Act 1985	720
Part 318	Racecourses Act 1935	721
Part 319	Racing Act 1999	722
Part 320	Radiation Act 1983	724
Part 321	Rates and Land Rent (Relief) Act 1970	727
Part 322	Rates and Land Rent (Relief) Regulations	728
Part 323	Rates and Land Tax Act 1926	728
Part 324	Recovery of Lands Act 1929	736
Part 325	Referendum (Machinery Provisions) Act 1994	737
Part 326	Registrar-General Act 1993	740
Part 327	Registration of Deeds Act 1957	741
Part 328	Remand Centres Act 1976	743
Part 329	Remand Centres Regulations 1976	745
Part 330	Removal of Prisoners Act 1968	745
Part 331	Remuneration Tribunal Act 1995	746
Part 332	Residential Tenancies Act 1997	747
Part 333	Residential Tenancies Regulations	753
Part 334	Road Transport (Alcohol and Drugs) Act 1977	753
Part 335	Road Transport (Alcohol and Drugs) Regulations 2000	757
Part 336	Road Transport (Dimensions and Mass) Act 1990	757

		Page
Part 337	Road Transport (Dimensions and Mass) Regulations 2000	760
Part 338	Road Transport (Driver Licensing) Act 1999	760
Part 339	Road Transport (Driver Licensing) Regulations 2000	763
Part 340	Road Transport (General) Act 1999	766
Part 341	Road Transport (Bus Services) Regulations 2000	772
Part 342	Road Transport (General) Regulations 2000	772
Part 343	Road Transport (Hire Vehicle Services) Regulations 2000	773
Part 344	Road Transport (Offences) Regulations 2000	773
Part 345	Road Transport (Taxi Services) Regulations 2000	774
Part 346	Road Transport (Third-Party Insurance) Regulations 2000	775
Part 347	Road Transport (Safety and Traffic Management) Act 1999	775
Part 348	Road Transport (Safety and Traffic Management) Regulations 2000	776
Part 349	Road Transport (Vehicle Registration) Act 1999	778
Part 350	Road Transport (Vehicle Registration) Regulations 2000	780
Part 351	Roman Catholic Church Property Trust Act 1937	782
Part 352	Royal Commissions Act 1991	783
Part 353	Sale of Goods Act 1954	785
Part 354	Sale of Goods (Vienna Convention) Act 1987	785
Part 355	Sale of Motor Vehicles Act 1977	785
Part 356	Sale of Motor Vehicles Regulations	792
Part 357	Salvation Army Property Trust Act 1934	793
Part 358	Scaffolding and Lifts Act 1912	793
Part 359	Scaffolding and Lifts Regulations 1950	795
Part 360	Schools Authority Act 1976	795

Contents

		Page
Part 361	Schools Authority Regulations	796
Part 362	Second-hand Dealers and Collectors Act 1906	796
Part 363	Sexually Transmitted Diseases Act 1956	797
Part 364	Smoke-free Areas (Enclosed Public Places) Act 1994	798
Part 365	Smoke-free Areas (Enclosed Public Places) Regulations 1994	802
Part 366	Spent Convictions Act 2000	802
Part 367	Stadiums Authority Act 2000	803
Part 368	Standard Time and Summer Time Act 1972	804
Part 369	State Bank of South Australia (Transfer of Undertaking) Act 1994	804
Part 370	Statutory Appointments Act 1994	805
Part 371	Stock Act 1991	805
Part 372	Superannuation (Legislative Assembly Members) Act 1991	809
Part 373	Supervised Injecting Place Trial Act 1999	809
Part 374	Supervision of Offenders (Community Service Orders) Act 1985	811
Part 375	Supreme Court Act 1933	811
Part 376	Supreme Court (Remuneration) Regulations	813
Part 377	Surveyors Act 2001	813
Part 378	Taxation Administration Act 1999	815
Part 379	Tenancy Tribunal Act 1994	820
Part 380	Territory Owned Corporations Act 1990	822
Part 381	Territory Superannuation Provision Protection Act 2000	823
Part 382	Testamentary Guardianship Act 1984	824
Part 383	Tobacco Act 1927	824
Part 384	Tobacco Regulations 1991	829
Part 385	Trade Measurement Act 1991	829

	Page
Part 386	Trade Measurement (Measuring Instruments) Regulations 1991
	832
Part 387	Trade Measurement (Miscellaneous) Regulations
	832
Part 388	Trade Measurement (Pre-packed Articles) Regulations 1991
	832
Part 389	Trade Measurement (Weighbridges) Regulations
	833
Part 390	Trade Measurement (Administration) Act 1991
	835
Part 391	Transplantation and Anatomy Act 1978
	837
Part 392	Trans-Tasman Mutual Recognition Act 1997
	839
Part 393	Trans-Tasman Mutual Recognition (Temporary Exemptions) Regulations
	841
Part 394	Trespass on Territory Land Act 1932
	841
Part 395	Trustee Act 1925
	842
Part 396	Trustee Companies Act 1947
	843
Part 397	Tuberculosis Act 1950
	845
Part 398	Unclaimed Moneys Act 1950
	847
Part 399	Uncollected Goods Act 1996
	851
Part 400	Uniting Church in Australia Act 1977
	852
Part 401	Unit Titles Act 2001
	852
Part 402	University of Canberra Act 1989
	856
Part 403	University of Canberra Regulations
	857
Part 404	Unlawful Games Act 1984
	857
Part 405	Utilities Act 2000
	858
Part 406	Veterinary Surgeons Act 1965
	866
Part 407	Victims of Crime Act 1994
	871
Part 408	Victims of Crime Regulations 2000
	871
Part 409	Victims of Crime (Financial Assistance) Act 1983
	873
Part 410	Victims of Crime (Financial Assistance) Regulations
	875
Part 411	Vocational Education and Training Act 1995
	875

Contents

		Page
Part 412	Vocational Education and Training Regulations	879
Part 413	Water and Sewerage Act 2000	879
Part 414	Water and Sewerage Regulations 2001	881
Part 415	Water Resources Act 1998	881
Part 416	Wills Act 1968	891
Part 417	Witness Protection Act 1996	892
Part 418	Workers' Compensation Act 1951	895
Part 419	Workers' Compensation Regulations	901
Part 420	Workers' Compensation Supplementation Fund Act 1980	902

Part 199

Judicial Commissions Act 1994

[1.2275] Section 2

omit

[1.2276] Section 43 (3)

substitute

- (3) A summons must be served on a person in the way prescribed under the regulations.

[1.2277] Section 62

substitute

62 Approved forms

- (1) The Attorney-General may, in writing, approve forms for this Act.
- (2) If the Attorney-General approves a form for a particular purpose, the form must be used for that purpose.
- (3) An approved form is a notifiable instrument.

Note A notifiable instrument must be notified under the *Legislation Act 2001*.

63 Regulation-making power

The Executive may make regulations for this Act.

Note Regulations must be notified, and presented to the Legislative Assembly, under the *Legislation Act 2001*.

Part 200

Juries Act 1967

[1.2278] Section 6 (1)

omit

- (1)

[1.2279] Section 6 (2)

omit

[1.2280] Section 23

omit

shall be in accordance with schedule 1, form 1 and

[1.2281] Section 23, new note

insert

Note If a form is approved under the *Supreme Court Act 1933*, s 75 (Approved forms) for a jury precept under this section, the form must be used.

[1.2282] Section 24 (10)

omit

in accordance with schedule 1, form 2

[1.2283] Section 24 (10), new note

insert

Note If a form is approved under the *Supreme Court Act 1933*, s 75 (Approved forms) for a summons under this subsection, the form must be used.

[1.2284] Section 42B (1)

omit

in accordance with schedule 1, form 3

[1.2285] Section 42B (1), new note

insert

Note If a form is approved under the *Supreme Court Act 1933*, s 75 (Approved forms) for a warrant under this subsection, the form must be used.

[1.2286] Sections 45, 46 and 47 (2)

omit

schedule 2

substitute

schedule 1

[1.2287] Section 52

substitute

52 Regulation-making power

The Executive may make regulations for this Act.

Note Regulations must be notified, and presented to the Legislative Assembly, under the *Legislation Act 2001*.

[1.2288] Schedule 1

omit

[1.2289] Schedule 2

renumber as schedule 1

Part 201 Juries Fees Regulations

[1.2290] Regulation 2

omit

Part 202 Jurisdiction of Courts (Cross-vesting) Act 1993

[1.2291] Section 15

substitute

15 Suspension of Act and revocation of suspension

- (1) The Executive may, if a declaration has not been made under section 16, declare in writing that the operation of this Act is suspended on a stated day (the *suspension day*).

- (2) However, the Executive may make the declaration only if the Attorney-General has given notice of his or her intention to seek the making of such a declaration to the Commonwealth and each other State (other than a State in relation to which a declaration under section 17 is in force) not earlier than 6 months before the suspension day.

- (3) The declaration is a notifiable instrument.

Note A notifiable instrument must be notified under the *Legislation Act 2001*.

- (4) This Act ceases to be in force on the suspension day.

- (5) The Executive may, in writing, revoke a declaration under subsection (1).

- (6) The revocation is a notifiable instrument.

- (7) This Act again comes into force on the revocation of the declaration.

16 Cessation of Act

- (1) If the Executive is satisfied that the Acts of the Commonwealth and the other States relating to cross-vesting of jurisdiction are not effective to invest the Supreme Court with, or confer on that court, jurisdiction of the Federal Court, the Family Court or a Supreme Court of another State or a Territory, the Executive may, in writing, declare that this Act ceases to be in force from a stated day (the *cessation day*).

- (2) The declaration is a notifiable instrument.

Note A notifiable instrument must be notified under the *Legislation Act 2001*.

- (3) This Act ceases to be in force on the cessation day.

17 Cessation of Act in relation to Commonwealth etc

- (1) If the Executive is satisfied that an Act of the Commonwealth or another State relating to cross-vesting of jurisdiction has been repealed, rendered inoperative, suspended or altered in a substantial way, the Executive may, in writing, declare that this Act ceases to

be in force in relation to the Commonwealth, State or Territory (the ***relevant jurisdiction***) on a stated day (the ***cessation day***).

- (2) The declaration is a notifiable instrument.

Note A notifiable instrument must be notified under the *Legislation Act 2001*.

- (3) This Act ceases to be in force in relation to the relevant jurisdiction on the cessation day.

- (4) If the Executive is subsequently satisfied that—

- (a) an Act of the relevant jurisdiction relating to cross-vesting of jurisdiction is in force; and
- (b) the terms of that Act substantially correspond to this Act;

the Executive may, in writing, declare that this Act applies in relation to the relevant jurisdiction on a stated day (the ***reapplication day***).

- (5) The declaration is a notifiable instrument.
- (6) This Act again applies in relation to the relevant jurisdiction on and from the reapplication day.

Part 203 **Justices of the Peace Act 1989**

[1.2292] Section 2

omit

Part 204 **Kingston Foreshore Development Authority Act 1999**

[1.2293] Section 2

omit

[1.2294] Section 4 (2)

omit

by signed instrument notified in the Gazette

substitute

in writing

[1.2295] New section 4 (3)

insert

- (3) A variation under subsection (2) is a notifiable instrument.

Note A notifiable instrument must be notified under the *Legislation Act 2001*.

[1.2296] Section 27 (1), definition of *equivalent law*, paragraph (c)

omit

subsection (2)

substitute

section 27A

[1.2297] Section 27 (1)

omit

- (1)

[1.2298] Section 27 (2) and (3)

omit

[1.2299] New section 27A

insert

27A Declaration of Commonwealth laws not equivalent laws

- (1) The Treasurer may, in writing, declare that a provision of a Commonwealth law is not an equivalent law for the authority.

(2) A declaration is a disallowable instrument.

Note A disallowable instrument must be notified, and presented to the Legislative Assembly, under the *Legislation Act 2001*.

[1.2300] Section 40 (1)

omit

or the regulations

[1.2301] Section 40 (1), new note

insert

Note A reference to an Act includes a reference to the statutory instruments made or in force under the Act, including regulations (see *Legislation Act 2001*, s 104).

[1.2302] Section 45

substitute

45 Regulation-making power

The Executive may make regulations for this Act.

Note Regulations must be notified, and presented to the Legislative Assembly, under the *Legislation Act 2001*.

[1.2303] Section 48

omit

Part 205 Lakes Act 1976

[1.2304] Sections 2 and 3

omit

[1.2305] Section 4 (1), definitions of *foreshores* and *Lake Ginninderra*

omit

Schedule 2

substitute

schedule 1

[1.2306] Section 4 (1), definition of *this Act*

omit

[1.2307] Section 4 (1), new note

insert

Note A reference to an Act includes a reference to the statutory instruments made or in force under the Act, including regulations (see *Legislation Act 2001*, s 104).

[1.2308] Section 4 (4)

omit

[1.2309] Section 5

substitute

5 Declaration of area as lake

- (1) The Minister may, in writing, declare an area to be a lake for this Act.
- (2) A declaration is a notifiable instrument.

Note A notifiable instrument must be notified under the *Legislation Act 2001*.

[1.2310] Section 5A

omit

[1.2311] Section 19 (1)

omit

and upon payment of the prescribed fee

[1.2312] Section 19 (1), new note

insert

Note A fee may be determined under s 54 (Determination of fees) for an application under this subsection.

[1.2313] Section 25 (1)

omit

, on payment of the prescribed fee,

[1.2314] Section 25 (1), new note

insert

Note A fee may be determined under s 54 (Determination of fees) for a permit or renewal under this section.

[1.2315] Section 25 (1A)

omit

on payment of the prescribed fee

[1.2316] Section 25

renumber subsections when Act next republished under Legislation Act 2001

[1.2317] Section 26 (1) (c)

omit

on payment of the determined fee—

[1.2318] Section 26 (1), new note

insert

Note A fee may be determined under s 54 (Determination of fees) for an authorisation under this subsection.

[1.2319] Section 29 (1)

omit

upon payment of the prescribed fee and

[1.2320] Section 29 (1), new note

insert

Note A fee may be determined under s 54 (Determination of fees) for an application under this subsection.

[1.2321] Section 54

substitute

54 Determination of fees

- (1) The Minister may, in writing, determine fees for this Act.

Note The *Legislation Act 2001* contains provisions about the making of determinations and regulations relating to fees (see pt 6.3).

- (2) A determination is a disallowable instrument.

Note A disallowable instrument must be notified, and presented to the Legislative Assembly, under the *Legislation Act 2001*.

55 Approved forms

- (1) The Minister may, in writing, approve forms for this Act.
- (2) If the Minister approves a form for a particular purpose, the form must be used for that purpose.
- (3) An approved form is a notifiable instrument.

Note A notifiable instrument must be notified under the *Legislation Act 2001*.

56 Regulation-making power

- (1) The Executive may make regulations for this Act.

Note Regulations must be notified, and presented to the Legislative Assembly, under the *Legislation Act 2001*.

- (2) The regulations may make provision in relation to—
- (a) the equipment to be carried on boats using a lake; and
 - (b) the qualifications of people navigating power boats on a lake.

- (3) The regulations may also prescribe offences for contraventions of the regulations and prescribe maximum penalties of not more than 10 penalty units for offences against the regulations.

[1.2322] Schedule 1

omit

[1.2323] Schedule 2

renumber as schedule 1

Part 206 **Land Acquisition**
 (Northbourne Oval) Act 1996

[1.2324] Section 2

omit

[1.2325] Section 4 (1)

omit

by notice published in the *Gazette*

substitute

in writing

[1.2326] New section 4 (1A)

insert

- (1A) A declaration is a notifiable instrument.

Note A notifiable instrument must be notified under the *Legislation Act 2001*.

[1.2327] Section 4 (2)

omit

On the publication in the *Gazette* of a notice under subsection (1)

substitute

On the notification under the *Legislation Act 2001* of the declaration

[1.2328] Section 4

renumber subsections when Act next republished under Legislation Act 2001

[1.2329] Sections 5 and 6

omit

publication in the *Gazette* of a notice

substitute

notification under the *Legislation Act 2001* of a declaration

[1.2330] Section 7

omit

a notice

substitute

the declaration

[1.2331] Section 8 (1)

omit

publication in the *Gazette* of a notice

substitute

notification under the *Legislation Act 2001* of a declaration

[1.2332] Sections 9 and 10

omit everything after

on the day

substitute

the declaration of the acquisition under section 4 (1) was notified under the *Legislation Act 2001*

Part 207 Land (Planning and Environment) Act 1991

[1.2333] Section 2

omit

[1.2334] Section 4, definition of *determined fee*

omit

[1.2335] Section 4, definitions of *land management agreement* and *plan*

substitute

land management agreement means an agreement under section 186C.

Note A reference to an instrument (including a land management agreement) includes a reference to the instrument as originally made and as amended (see *Legislation Act 2001*, s 102).

plan means the Territory plan.

Note A reference to an instrument (including the plan) includes a reference to the instrument as originally made and as amended (see *Legislation Act 2001*, s 102).

[1.2336] Section 9 (3), definition of *defined period*

omit

commencing on the date the draft plan variation is notified in the Gazette under section 19 and terminating at the expiration of the day before—

substitute

beginning on the day when the draft plan variation is notified under the *Legislation Act 2001* (see section 19 (Public consultation—notification)) and ending at the end of the day before—

[1.2337] Section 9

renumber subsections when Act next republished under Legislation Act 2001

[1.2338] Section 17 (3)

omit everything after 2nd mention of

authority

substitute

must give written notice to the heritage council no later than 28 days before the day (the ***intended notification day***), stated in the notice, when the authority intends to notify the relevant draft plan variation under the *Legislation Act 2001* (see section 19 (Public consultation—notification)).

[1.2339] Section 17 (4)

substitute

- (4) In preparing a draft plan variation mentioned in subsection (3), the authority must consider any written response given by the heritage council within 7 days before the intended notification day.

[1.2340] Section 19

substitute

19 Public consultation—notification

- (1) Before submitting a draft plan variation to the Executive, the authority must prepare a notice (a ***consultation notice***)—
- (a) stating that copies of the draft plan variation and the background papers are available for public inspection and purchase during a stated period of not less than 15 business days at stated places; and
 - (b) inviting interested people to give written comments about the draft variation to the authority at a stated address during a stated period of not less than 15 business days; and

- (c) stating that copies of written comments about the draft variation, given in response to the invitation in paragraph (b) or otherwise, or received from the national authority, will be made available for public inspection for a period of 15 business days after the end of the period mentioned in paragraph (b), at stated places; and
 - (d) complying with section 19A (as applicable).
- (2) The authority may, in writing (by an *extension notice*), extend or further extend the consultation period mentioned in subsection (1) (a) or (b).
 - (3) An extension notice may be given after the end of the period to be extended.
 - (4) The following are notifiable instruments:
 - (a) the consultation notice;
 - (b) any extension notice.

Note A notifiable instrument must be notified under the *Legislation Act 2001*.

- (5) The authority must also publish the consultation notice and any extension notice in a daily newspaper.
- (6) This section does not apply in relation to a draft plan variation that has been revised by the authority in accordance with a direction under section 26 (1) (b) (Executive powers).

19A Public consultation—notice of interim effect etc

- (1) A consultation notice under section 19 must state—
 - (a) whether or not section 9 (Effect of draft plan variation) applies in relation to the draft variation; and
 - (b) either—
 - (i) if the draft variation would vary the heritage places register—that section 11 (Draft heritage places register and variations—lack of effect) applies; or

- (ii) if the draft variation would not vary the heritage places register—that section 11 does not apply.
- (2) A consultation notice that states that section 9 applies must also state—
 - (a) for section 9 (1) (b), a period not longer than 1 year that is the maximum period during which the draft variation is to have interim effect; and
 - (b) the effect of section 9.
- (3) A consultation notice that states that section 11 applies must state the effect of that section.

19B Public consultation—availability of draft plan variation etc

- (1) The authority must make copies of the draft plan variation and the background papers mentioned in a consultation notice under section 19 (1) (Public consultation—notification) available for public inspection and purchase during office hours during the period, and at the places, stated in the notice.
- (2) The authority may, at the request of a person who has provided written comments in relation to a draft plan variation, exclude from each copy of the draft plan variation or background papers made available under subsection (1) information that would identify the person if, in the authority's opinion based on reasonable grounds, it would not be in the public interest for the information to be published.
- (3) If, in the authority's opinion, it would not be in the public interest for part of the draft plan variation or of any background paper to be published, the authority must exclude that part from each copy of the document made available under subsection (1).
- (4) If part of the draft plan variation or a background paper is excluded from the copies of the document made available for public inspection or purchase under subsection (1), each copy of the

document must include a statement to the effect that an unspecified part of the document has been excluded in the public interest.

19C Draft plan variations to correct formal errors

- (1) This section applies if, on application by the authority, the Executive is satisfied that a draft plan variation—
 - (a) has the sole purpose of correcting a formal error in the plan; or
 - (b) would, if approved, not affect the rights of anyone in a prejudicial way.
- (2) The Executive may, by written notice to the authority, exempt the authority from complying with sections 19 (Public consultation—notification) and 19B (Public consultation—availability of draft plan variation etc) in relation to the draft plan variation.
- (3) If the Executive gives notice to the authority under subsection (2), the authority must obtain such information about the public attitudes to the draft plan variation as is reasonable in the circumstances.

[1.2341] Section 22 (1)

after

the authority may

insert

, in writing

[1.2342] Section 22 (1) (a)

after

variation;

insert

or

[1.2343] Section 22 (1) (b) and (c)

omit

by notice published in the Gazette

[1.2344] Section 22 (2) and (2A)

substitute

- (2) A deferral or withdrawal of a draft plan variation must include a statement of the effect of section 9 (Effect of draft plan variation) in relation to the deferral or withdrawal.
- (2A) A deferral or withdrawal of a draft plan variation is a notifiable instrument.

Note A notifiable instrument must be notified under the *Legislation Act 2001*.

- (2B) The authority must also publish a deferral or withdrawal of a draft plan variation in a daily newspaper on the same day, or as soon as practicable after the day, the deferral or withdrawal is notified under the *Legislation Act 2001*.

[1.2345] Section 22 (5)

substitute

- (5) If the authority defers a draft plan variation, on the day stated in the deferral, or as soon as practicable after the event mentioned in the deferral, the authority must prepare a notice stating—
 - (a) that the draft plan variation is revived; and
 - (b) the effect of section 9 in relation to the revival.
- (6) The notice under subsection (5) is a notifiable instrument.

Note A notifiable instrument must be notified under the *Legislation Act 2001*.

- (7) The authority must also publish the notice in a daily newspaper as soon as practicable after preparing it.

[1.2346] Section 22

renumber subsections when Act next republished under Legislation Act 2001

[1.2347] Section 24 (2)

substitute

- (2) The authority must prepare a written notice stating that the documents mentioned in subsection (1) are available for public inspection.

- (3) The notice is a notifiable instrument.

Note A notifiable instrument must be notified under the *Legislation Act 2001*.

- (4) The authority must also publish the notice in a daily newspaper.

- (5) The authority must make copies of the documents mentioned in subsection (1) available for public inspection during office hours during the period, and at the places, stated in the notice.

[1.2348] Section 26 (1) (b) (v) and (vi)

omit

by notice published in the Gazette

substitute

in writing

[1.2349] Section 26 (3)

omit

notice

substitute

deferral or withdrawal directed

[1.2350] Section 26 (4) and (5)

substitute

- (4) The following are notifiable instruments:

(a) an Executive direction under subsection (1) (b);

(b) a deferral directed under subsection (1) (b) (v);

(c) a withdrawal directed under subsection (1) (b) (vi).

Note A notifiable instrument must be notified under the *Legislation Act 2001*.

- (5) The authority must also publish a deferral or withdrawal directed under subsection (1) (b) (v) or (vi) in a daily newspaper on the same day, or as soon as practicable after, the deferral or withdrawal is notified under the *Legislation Act 2001*.

[1.2351] Section 28

omit everything before paragraph (b), substitute

28 Notice of revival of deferred draft plan variation

- (1) If the authority defers a draft plan variation as directed under section 26 (1) (b) (v) (Executive powers), on the day stated in the deferral, or as soon as practicable after the event mentioned in the deferral, the authority must—
- (a) prepare a notice stating—
- (i) that the draft plan variation is revived; and
 - (ii) the effect of section 9 (Effect of draft plan variation) in relation to the revival; and
 - (iii) the effect of any revision under section 22 (4) (Revision, deferral or withdrawal of draft plan variations); and

[1.2352] New section 28 (2) and (3)

insert

- (2) A notice under subsection (1) (a) is a notifiable instrument.

Note A notifiable instrument must be notified under the *Legislation Act 2001*.

- (3) The authority must also publish the notice in a daily newspaper.

[1.2353] Section 29 (4)

omit

shall be deemed

substitute

is taken

[1.2354] Section 29 (5)

omit

shall, for the purposes of subsections (3) and (4), be deemed

substitute

is taken, for subsections (3) and (4),

[1.2355] Section 29 (6)

omit everything after

the Minister

substitute

must, in writing, fix a day when the plan variation is to commence.

Note An instrument under this subsection is a **commencement notice** (see *Legislation Act 2001*, s 11). A commencement notice must be notified under the *Legislation Act 2001*.

[1.2356] New section 29 (6A), (6B) and (6C)

insert

- (6A) The Minister must publish in a daily newspaper details of—
- (a) the commencement notice under subsection (6); and
 - (b) where copies of the plan variation may be inspected or purchased.
- (6B) The Minister must make copies of the plan variation available for inspection or purchase during office hours at the places, and during the period, published in the newspaper under subsection (6A) (b).
- (6C) A plan variation notified under subsection (6) commences on the day fixed by the notice.

[1.2357] Section 29

renumber subsections when Act next republished under Legislation Act 2001

[1.2358] Section 29 (7) to (10)

substitute

30 Rejection of plan variation by Legislative Assembly

- (1) This section applies if a plan variation is completely rejected under section 29 (3) (Consideration of plan variation by Legislative Assembly), or taken to be completely rejected under section 29 (4).
- (2) The plan variation does not come into force if this section applies.
- (3) The Minister must prepare a notice stating that the plan variation has been rejected.
- (4) The notice is a notifiable instrument.

Note A notifiable instrument must be notified under the *Legislation Act 2001*.

- (5) The authority must also publish the notice in a daily newspaper.

30A Partial rejection of plan variation by Legislative Assembly

- (1) This section applies if a plan variation is partly rejected under section 29 (3) (Consideration of plan variation by Legislative Assembly), or taken to be partly rejected under section 29 (4).
- (2) A provision of a plan variation does not come into force if—
 - (a) it is rejected by the Legislative Assembly under section 29 (3) or (4); or
 - (b) it is withdrawn under subsection (3) (b).
- (3) The Minister must, in relation to each provision of the plan that is not rejected under section 29 (3) or (4), in writing—
 - (a) fix a day when the provision (an *approved provision*) is to commence; or
 - (b) withdraw the provision.

Note An instrument under par (a) is a **commencement notice** (see *Legislation Act 2001*, s 11). A commencement notice must be notified under the *Legislation Act 2001*.

- (4) A withdrawal under subsection (3) (b) is a notifiable instrument.

Note A notifiable instrument must be notified under the *Legislation Act 2001*.

- (5) An approved provision commences on the day fixed by the commencement notice under subsection (3) (a).

30B Partial rejection of plan variation—newspaper publication etc

- (1) The Minister must publish in a daily newspaper details of—
- (a) a commencement notice under section 30A (3) (a) for a provision (an **approved provision**); or
 - (b) a withdrawal notice under section 30A (3) (b).
- (2) The details of a commencement notice published under subsection (1) (a) for an approved provision must include details of where, and for what period, copies of the provision may be inspected or purchased.
- (3) The Minister must make copies of each approved provision available for inspection or purchase during office hours at the place or places, and during the period, mentioned in subsection (2).

[1.2359] Section 30

omit

[1.2360] Section 32 (1)

omit

by notice published in the Gazette

substitute

in writing

[1.2361] Section 32 (2)

omit

notice

substitute

variation of the plan

[1.2362] Section 32 (4)

substitute

- (4) A variation of the plan under subsection (1) is a notifiable instrument.

Note A notifiable instrument must be notified under the *Legislation Act 2001*.

[1.2363] Section 32 (5)

omit everything before paragraph (a), substitute

- (5) Within 7 days after a variation of the plan under subsection (1) is notified under the *Legislation Act 2001*, the authority must publish a notice in a daily newspaper that—

[1.2364] Section 32 (5) (a)

omit

by the notice under subsection (1)

[1.2365] Section 32 (5) (b)

omit

notice under subsection (1)

substitute

variation

[1.2366] Section 32 (5) (c)

omit

the date on which

substitute

when

[1.2367] Section 32

renumber subsections when Act next republished under Legislation Act 2001

[1.2368] Section 37 (3A) and (4)

substitute

(3A) A direction under subsection (1) is a notifiable instrument.

Note A notifiable instrument must be notified under the *Legislation Act 2001*.

(4) A direction under subsection (1) must be notified under the *Legislation Act 2001* within 14 days after it is made.

(5) If a direction under subsection (1) is not notified as required by subsection (4), the direction is taken to be repealed.

[1.2369] Section 37

renumber subsections when Act next republished under Legislation Act 2001

[1.2370] Section 52 (1), new definition of *interim heritage places register*

insert

interim heritage places register means a proposed heritage places register, or an interim variation to the heritage places register, notified under the *Legislation Act 2001* (see section 60 (Public notification)), as revised, if at all, under section 62 (Revision of interim register).

[1.2371] Section 52 (1), definition of *interim variation*

omit

section 60

substitute

the *Legislation Act 2001* (see section 60 (Public notification))

[1.2372] Section 53

omit

[1.2373] Section 55 (3)

substitute

(3) In this section:

defined period means the period beginning on the day the interim heritage places register is notified (other than in a newspaper) as required by section 60 (Public notification) and ending at the end of the earlier of—

- (a) the day before the heritage register prepared in consideration of the interim register commences under section 29 (6) (Consideration of plan variation by Legislative Assembly) or 30A (5) (Partial rejection of plan variation by Legislative Assembly); or
- (b) the last day of the period specified in the notification of the interim register as required by section 60 (1) (b).

[1.2374] Section 60 (1)

omit

shall cause to be published in the Gazette, and in a daily newspaper, a notice—

substitute

must prepare a written notice—

[1.2375] New section 60 (1A) and (1B)

insert

(1A) A notice under subsection (1) is a notifiable instrument.

Note A notifiable instrument must be notified under the *Legislation Act 2001*.

- (1B) The heritage council must also publish the notice under subsection (1) in a daily newspaper.

[1.2376] Section 60

renumber subsections when Act next republished under Legislation Act 2001

[1.2377] Section 61 (1)

omit

a notice is published in the Gazette under section 60 in relation to an interim heritage places register

substitute

an interim heritage places register is notified (other than in a newspaper) as required by section 60 (Public notification)

[1.2378] Section 62 (1)

omit

by notice published in the *Gazette*

substitute

in writing

[1.2379] Section 62 (1)

omit everything after last mention of

heritage places register

[1.2380] New section 62 (1A)

insert

- (1A) A revision under subsection (1) is a notifiable instrument.

Note A notifiable instrument must be notified under the *Legislation Act 2001*.

[1.2381] Section 62 (2) to (4)

omit

notice

substitute

revision

[1.2382] Section 62

renumber subsections when Act next republished under Legislation Act 2001

[1.2383] Section 63 (2) and (3) (a)

omit

in the Gazette under subsection 60 (1)

substitute

(other than in a newspaper) as required by section 60 (Public notification)

[1.2384] Section 69 (1)

omit

shall

substitute

must, in writing

[1.2385] Section 69 (1) (b)

omit everything before subparagraph (i), substitute

(b) declare that the place is not to be registered, and give written notice of the declaration to—

[1.2386] Section 69 (5)

substitute

(5) The following are notifiable instruments:

(a) a direction under subsection (1) (a);

(b) a declaration under subsection (1) (b).

Note A notifiable instrument must be notified under the *Legislation Act 2001*.

- (6) A direction or declaration must be notified under the *Legislation Act 2001* within 14 days after it is made.

[1.2387] Section 73 (1)

omit

shall

substitute

must, in writing

[1.2388] Section 73 (1) (b)

substitute

- (b) declare that the place is not to be registered, and give written notice of the declaration to—
- (i) the lessee and the occupier of the land where the place was discovered; and
 - (ii) any relevant Aboriginal organisation.

[1.2389] Section 73 (5)

substitute

- (5) The following are notifiable instruments:
- (a) a direction under subsection (1) (a);
 - (b) a declaration under subsection (1) (b).

Note A notifiable instrument must be notified under the *Legislation Act 2001*.

- (6) A direction or declaration must be notified under the *Legislation Act 2001* within 14 days after it is made.

[1.2390] Section 88 (2)

omit

accompanied by the determined fee,

[1.2391] Section 88 (2), new note

insert

Note A fee may be determined under s 287 (Determination of fees) for this subsection.

[1.2392] Section 89 (2) and (3)

omit

accompanied by the determined fee,

[1.2393] Section 89 (2), new note

insert

Note A fee may be determined under s 287 (Determination of fees) for this subsection and subsection (3).

[1.2394] Section 93 (2) and (3)

substitute

(2) A direction is a notifiable instrument.

Note A notifiable instrument must be notified under the *Legislation Act 2001*.

(3) A direction must be notified under the *Legislation Act 2001* within 14 days after it is made.

[1.2395] Section 116 (1)

omit

, together with the determined fee

[1.2396] Section 116 (1), new note

insert

Note A fee may be determined under s 287 (Determination of fees) for this subsection.

[1.2397] Section 117 (1)

omit

he or she shall cause to be published in the Gazette, and in a daily newspaper, a notice

substitute

the Environment Minister must prepare a written notice

[1.2398] Section 117 (1A)

substitute

- (1A) The Environment Minister may, in writing, extend or further extend the period stated in the notice.

[1.2399] New section 117 (1C) and (1D)

insert

- (1C) The following are notifiable instruments:

- (a) a notice under subsection (1);
- (b) an extension or further extension under subsection (1A).

Note A notifiable instrument must be notified under the *Legislation Act 2001*.

- (1D) The authority must also publish a notice under subsection (1), or an extension or further extension under subsection (1A), in a daily newspaper.

[1.2400] Section 117 (2) (b)

omit

on payment by the person of the determined fee.

substitute

on request.

Note A fee may be determined under s 287 (Determination of fees) for par (b).

[1.2401] Section 117

renumber subsections when Act next republished under Legislation Act 2001

[1.2402] Section 123 (3)

omit

he or she shall cause to be published in the Gazette, and in a daily newspaper, a notice

substitute

that Minister must prepare a written notice

[1.2403] New section 123 (3A) and (3B)

insert

(3A) The notice is a notifiable instrument.

Note A notifiable instrument must be notified under the *Legislation Act 2001*.

(3B) The Minister who prepared the notice must also publish it in a daily newspaper.

[1.2404] Section 123

renumber subsections when Act next republished under Legislation Act 2001

[1.2405] Section 125 (1)

omit

shall cause to be published in the Gazette, and in a daily newspaper, a notice

substitute

must prepare a written notice

[1.2406] New section 125 (1A) and (1B)

insert

(1A) The notice approved by the Environment Minister is a notifiable instrument.

Note A notifiable instrument must be notified under the *Legislation Act 2001*.

- (1B) The proponent must also publish the notice approved by the Environment Minister in a daily newspaper.

[1.2407] Section 125

renumber subsections when Act next republished under Legislation Act 2001

[1.2408] Section 128 (3)

omit

Minister

substitute

Environment Minister

[1.2409] Section 128 (3)

omit everything after

places

substitute

determined, in writing, by the Environment Minister.

[1.2410] New section 128 (4) and (5)

insert

- (4) The determination is a notifiable instrument.

Note A notifiable instrument must be notified under the *Legislation Act 2001*.

- (5) The Environment Minister must also publish the determination in a daily newspaper.

[1.2411] Section 132 (2)

substitute

- (2) After an assessment is finished, the relevant Minister must make copies of the assessment, together with copies of any documents mentioned in subsection (1) (c), available to the public during office

hours at places stated in a written notice prepared by the relevant Minister.

- (3) The notice under subsection (2) is a notifiable instrument.

Note A notifiable instrument must be notified under the *Legislation Act 2001*.

- (4) The relevant Minister must also publish the notice under subsection (2) in a daily newspaper.

[1.2412] Section 134 (1)

omit

by instrument—

substitute

in writing (by an *exemption*)—

[1.2413] Section 134 (2) to (4)

substitute

- (2) An exemption is a disallowable instrument.

Note A disallowable instrument must be notified, and presented to the Legislative Assembly, under the *Legislation Act 2001*.

- (3) The *Legislation Act 2001*, chapter 7 (Presentation, amendment and disallowance of subordinate laws and disallowable instruments) applies to an exemption as if each reference in that chapter to 6 sitting days were a reference to 5 sitting days.

- (4) Subject to any disallowance under the *Legislation Act 2001*, chapter 7, the exemption commences—

- (a) on the day after the 5th sitting day after the day it is presented to the Legislative Assembly under that chapter; or
- (b) if the exemption provides for a later date or time of commencement—on that date or at that time.

[1.2414] Section 134 (5) and (6)

omit

instrument of

[1.2415] Section 138 (3)

omit

by notice published in the Gazette

substitute

in writing

[1.2416] New section 138 (4)

insert

- (4) A variation of terms of reference is a notifiable instrument.

Note A notifiable instrument must be notified under the *Legislation Act 2001*.

[1.2417] Section 139

omit

The relevant Minister in relation to an inquiry shall cause to be published a notice in the Gazette specifying—

substitute

- (1) The relevant Minister for an inquiry must, in writing, determine—

[1.2418] New section 139 (2)

insert

- (2) A determination is a notifiable instrument.

Note A notifiable instrument must be notified under the *Legislation Act 2001*.

[1.2419] Section 141 (2)

substitute

- (2) After a report is completed, the relevant Minister must make copies of the report available to the public during office hours at places stated in a written notice prepared by the relevant Minister.
- (3) The notice is a notifiable instrument.

Note A notifiable instrument must be notified under the *Legislation Act 2001*.

- (4) The relevant Minister must also publish the notice in a daily newspaper.

[1.2420] Section 144

omit

At

substitute

- (1) At

[1.2421] Section 144

omit

shall cause to be published in the Gazette, and in a daily newspaper,

substitute

must prepare

[1.2422] New section 144 (2) and (3)

insert

- (2) The notice is a notifiable instrument.

Note A notifiable instrument must be notified under the *Legislation Act 2001*.

- (3) The presiding member must also publish the notice in a daily newspaper.

[1.2423] Section 161 (1), new note

insert

Note A fee may be determined under s 287 (Determination of fees) for this subsection.

[1.2424] Section 161 (5)

omit

by instrument

substitute

in writing

[1.2425] Section 161 (6), new note

insert

Note A disallowable instrument must be notified, and presented to the Legislative Assembly, under the *Legislation Act 2001*.

[1.2426] Section 161

renumber subsections when Act next republished under Legislation Act 2001

[1.2427] Section 162

omit

[1.2428] Sections 163 (4), 164 (3), 167 (1) and 178 (3)

omit

by instrument

substitute

in writing

[1.2429] Sections 163 (5), 164 (4), 167 (2), 171 (4), 171A (4), 172 (4) and 178 (4), new note

insert

Note A disallowable instrument must be notified, and presented to the Legislative Assembly, under the *Legislation Act 2001*.

[1.2430] Sections 171 (2), 171A (2) and 172 (2)

after

determination

insert

, in writing,

[1.2431] Section 179 (1)

omit

and payment of the determined fee

[1.2432] Section 179 (1), new note

insert

Note A fee may be determined under s 287 (Determination of fees) for this subsection.

[1.2433] Section 179

renumber subsections when Act next republished under Legislation Act 2001

[1.2434] Section 180 (3)

after last mention of

Minister

insert

, in writing,

[1.2435] Section 180 (4), new note

insert

Note A disallowable instrument must be notified, and presented to the Legislative Assembly, under the *Legislation Act 2001*.

[1.2436] Sections 186 (1A)

after

may

insert

, in writing,

[1.2437] Section 186 (1B), new note

insert

Note A disallowable instrument must be notified, and presented to the Legislative Assembly, under the *Legislation Act 2001*.

[1.2438] Section 186C (2) (a)

after

Minister

insert

under section 287A (Approved forms)

[1.2439] Section 186C (5)

omit

[1.2440] Section 195 (2) and (3)

substitute

- (2) The conservator may, in writing, determine management objectives for an area of public land reserved for a purpose mentioned in schedule 1.

Note A power given under an Act to make a statutory instrument (including a determination of management objectives) includes power to amend or repeal the instrument (see *Legislation Act 2001*, s 46 (1)).

- (3) A determination of management objectives is a disallowable instrument.

Note 1 A disallowable instrument must be notified, and presented to the Legislative Assembly, under the *Legislation Act 2001*.

Note 2 An amendment or repeal of a determination of management objectives is also a disallowable instrument (see *Legislation Act 2001*, s 46 (2)).

[1.2441] Section 200 (3)

omit

notice published in the Gazette and in a daily newspaper

substitute

written notice prepared by the conservator

[1.2442] New section 200 (5) and (6)

insert

- (5) A notice under subsection (3) is a notifiable instrument.

Note A notifiable instrument must be notified under the *Legislation Act 2001*.

- (6) The conservator must also publish the notice in a daily newspaper.

[1.2443] Section 204

omit

On

substitute

- (1) On

[1.2444] Section 204 (a)

omit

by instrument

substitute

in writing

[1.2445] Section 204 (b) (iv) and (v)

omit

by notice published in the Gazette

substitute

in writing

[1.2446] New section 204 (2)

insert

- (2) The following are notifiable instruments:
- (a) a deferral directed under subsection (1) (b) (iv);
 - (b) a withdrawal directed under subsection (1) (b) (v).

Note A notifiable instrument must be notified under the *Legislation Act 2001*.

[1.2447] Section 205

omit

paragraph 204 (b)

substitute

section 204 (1) (b)

[1.2448] Section 205 (b)

omit

subparagraph 204 (b) (i) or (ii)

substitute

section 204 (1) (b) (i) or (ii)

[1.2449] Section 206

substitute

206 Notice of revival of deferred draft plan of management

- (1) If the conservator defers a draft plan of management as directed under section 204 (1) (b) (iv) (Minister's powers), on the day stated in the deferral, or as soon as possible after the event mentioned in the deferral, the conservator must prepare a written notice stating that the draft plan of management is revived.

- (2) A notice is a notifiable instrument.

Note A notifiable instrument must be notified under the *Legislation Act 2001*.

- (3) The conservator must also publish the notice in a daily newspaper.

[1.2450] Section 207 (1), new note

insert

Note A disallowable instrument must be notified, and presented to the Legislative Assembly, under the *Legislation Act 2001*.

[1.2451] Section 207 (2) and (3)

substitute

- (2) The *Legislation Act 2001*, chapter 7 (Presentation, amendment and disallowance of subordinate laws and disallowable instruments) applies to a plan of management as if each reference in that chapter to 6 sitting days were a reference to 5 sitting days.
- (3) Subject to any disallowance under the *Legislation Act 2001*, chapter 7, the plan of management commences—
 - (a) on the day after the 5th sitting day after the day it is presented to the Legislative Assembly under that chapter; or
 - (b) if the plan provides for a later date or time of commencement—on that date or at that time.

[1.2452] Section 210 (2) (b) (iii)

omit

; and

[1.2453] Section 210 (2) (c)

omit

[1.2454] Section 210 (2), new note

insert

Note A fee may be determined under s 287 (Determination of fees) for this subsection.

[1.2455] Section 217 (2) (b) (iii)

omit

; and

[1.2456] Section 217 (2) (c)

omit

[1.2457] Section 217 (2), new note

insert

Note A fee may be determined under s 287 (Determination of fees) for this subsection.

[1.2458] Section 226 (1)

substitute

- (1) An application for approval must be signed by the applicant and given to the Minister.

Note 1 A fee may be determined under s 287 (Determination of fees) for this subsection.

Note 2 If a form is approved under s 287A (Approved forms) for an application, the form must be used.

[1.2459] Section 226 (2)

omit

executed

substitute

signed

[1.2460] Section 226 (2B)

omit

executes

substitute

signs

[1.2461] Section 226

renumber subsections when Act next republished under Legislation Act 2001

[1.2462] Section 227 (2) (b)

omit

on payment of the determined fee,

[1.2463] Section 227 (2), new note

insert

Note A fee may be determined under s 287 (Determination of fees) for par (b).

[1.2464] Section 227

renumber subsections when Act next republished under Legislation Act 2001

[1.2465] Section 229A, heading

substitute

229A Who is to decide applications?

[1.2466] Section 229A (1) and (2)

substitute

- (1) For this section, the Minister may, in writing, determine classes of applications that are to be referred to the commissioner for decision.
- (2) A determination under subsection (1) is a disallowable instrument.

Note A disallowable instrument must be notified, and presented to the Legislative Assembly, under the *Legislation Act 2001*.

[1.2467] Section 229A (3) and (4)

omit

prescribed

substitute

determined

[1.2468] Section 229A (3), (4) and (6)

omit

determination

substitute

decision

[1.2469] Section 229A (5), (7) (d) and (8)

omit

determine

substitute

decide

[1.2470] Section 229A (6)

omit

determined

substitute

decided

[1.2471] Section 229A (7) (c)

omit

[1.2472] New section 229A (7A) and (7B)

insert

(7A) A notice under subsection (6) is a notifiable instrument.

Note A notifiable instrument must be notified under the *Legislation Act 2001*.

(7B) The notice must be notified under the *Legislation Act 2001* within 21 days after it is made.

[1.2473] Section 229A

*renumber subsections and paragraphs when Act next republished
under Legislation Act 2001*

[1.2474] Section 232, new note

insert

Note If a form is approved under s 287A (Approved forms) for a notice under par (a) or (b), the form must be used.

[1.2475] Section 232 (5)

omit

[1.2476] Section 254 (1)

omit

by instrument

substitute

in writing

[1.2477] Section 254 (5)

omit

An instrument made

substitute

A declaration

[1.2478] Section 254 (5), new note

insert

Note A disallowable instrument must be notified, and presented to the Legislative Assembly, under the *Legislation Act 2001*.

[1.2479] Section 256 (2)

substitute

- (2) An application under subsection (1) must state the grounds on which the order is sought.

Note If a form is approved under s 287A (Approved forms) for an application, the form must be used.

[1.2480] Section 282 (3)

omit

for the *Subordinate Laws Act 1989*

[1.2481] Section 282 (3), new note

insert

Note A disallowable instrument must be notified, and presented to the Legislative Assembly, under the *Legislation Act 2001*.

[1.2482] Section 282 (4)

substitute

- (4) An exemption under subsection (1) or (2) that relates to a development mentioned in subsection (2) may be conditional.

[1.2483] Sections 287 and 288

substitute

287 Determination of fees

- (1) The Minister may, in writing, determine fees for this Act.

Note The *Legislation Act 2001* contains provisions about the making of determinations and regulations relating to fees (see pt 6.3).

- (2) A determination is a disallowable instrument.

Note A disallowable instrument must be notified, and presented to the Legislative Assembly, under the *Legislation Act 2001*.

287A Approved forms

- (1) The Minister may, in writing, approve forms for this Act.
- (2) If the Minister approves a form for a particular purpose, the approved form must be used for that purpose.
- (3) A form approved for section 186C (Land management agreements) is a disallowable instrument.

Note A disallowable instrument must be notified, and presented to the Legislative Assembly, under the *Legislation Act 2001*.

- (4) Any other approved form is a notifiable instrument.

Note A notifiable instrument must be notified under the *Legislation Act 2001*.

288 Regulation-making power

- (1) The Executive may make regulations for this Act.

Note Regulations must be notified, and presented to the Legislative Assembly, under the *Legislation Act 2001*.

- (2) The regulations may prescribe offences for contraventions of the regulations and prescribe maximum penalties of not more than 10 penalty units for offences against the regulations.

Part 208 Land (Planning and Environment) Regulations 1992

[1.2484] Regulation 2 (1), definition of Act

omit

Part 209 Land (Planning and Environment) (Casino) Regulations

[1.2485] *Land (Planning and Environment) (Casino) Regulations*

repeal

Part 210 Lands Acquisition Act 1994

[1.2486] Section 2

omit

[1.2487] Section 3, definition of *compensation claim form*

omit

[1.2488] Section 20

substitute

20 Publication of pre-acquisition declarations

- (1) As soon as practicable after making a pre-acquisition declaration, the Executive must—
 - (a) publish a copy of the declaration in a daily newspaper; and
 - (b) give a copy of the declaration to the registrar-general.
- (2) A pre-acquisition declaration is a notifiable instrument.

Note A notifiable instrument must be notified under the *Legislation Act 2001*.

[1.2489] Section 21 (5)

substitute

- (5) A certificate is a notifiable instrument.

Note A notifiable instrument must be notified under the *Legislation Act 2001*.

- (5A) The Executive may also publish a copy of the certificate in a daily newspaper.

[1.2490] Section 21

renumber subsections when Act next republished under Legislation Act 2001

[1.2491] Section 25

substitute

25 Notification of confirmation of pre-acquisition declaration etc

- (1) An instrument under section 24 (1) that confirms or varies a pre-acquisition declaration is a disallowable instrument.

Note A disallowable instrument must be notified, and presented to the Legislative Assembly, under the *Legislation Act 2001*.

- (2) The *Legislation Act 2001*, chapter 7 (Presentation, amendment and disallowance of subordinate laws and disallowable instruments) applies to the instrument as if each reference in that chapter to 6 sitting days were a reference to 3 sitting days.

(3) If the instrument is taken to be repealed under the *Legislation Act 2001*, chapter 7, the Executive must give written notice to everyone to whom a copy of the declaration was given under this part.

(4) A notice under subsection (3) is a notifiable instrument.

Note A notifiable instrument must be notified under the *Legislation Act 2001*.

[1.2492] Section 33 (3)

substitute

(3) The declaration is a notifiable instrument.

Note A notifiable instrument must be notified under the *Legislation Act 2001*.

(3A) The Executive must also publish a copy of the declaration in a daily newspaper.

[1.2493] Section 33 (4)

omit

publication in the *Gazette* of a copy of the declaration

substitute

notification of the declaration under the *Legislation Act 2001*

[1.2494] Section 33

renumber subsections when Act next republished under Legislation Act 2001

[1.2495] Section 34 (1) (b)

substitute

- (b) the requirements of sections 19 (6), 20, 28, 29 and 30 (1) have been complied with in relation to the declaration; and
- (c) the requirements of the *Legislation Act 2001* (as affected by section 25 (2) of this Act) have been complied with in relation to the declaration;

[1.2496] Section 34 (3) and (4)

substitute

- (3) If, because of 1 or more applications for reconsideration, the declaration has been confirmed or varied by an instrument under section 24 (1) (Reconsideration of pre-acquisition declaration), then, unless the instrument is disallowed by the Legislative Assembly, the declaration (as confirmed or varied) becomes absolute on the day after the last day when the instrument could have been disallowed by the Legislative Assembly.

[1.2497] Section 38

omit

publication in the *Gazette*

substitute

notification under the *Legislation Act 2001*

[1.2498] Section 38 (c)

substitute

- (c) a compensation claim form approved under section 118 (Approved forms) for section 56 (Claims for compensation).

[1.2499] Section 40 (1)

omit

by notice published in the *Gazette*

substitute

in writing

[1.2500] New section 40 (1A)

insert

- (1A) A variation is a notifiable instrument.

Note A notifiable instrument must be notified under the *Legislation Act 2001*.

[1.2501] Section 40 (2) (a)

substitute

- (a) if the declaration has been notified under the *Legislation Act 2001*—this part has effect as if the declaration had been notified as varied;

[1.2502] Section 40

renumber subsections when Act next republished under Legislation Act 2001

[1.2503] Section 41

omit

publication in the *Gazette* of a copy of a declaration under subsection 33 (1) or of a notice varying such a declaration

substitute

notification under the *Legislation Act 2001* of a declaration under section 33 (1) (Acquisition by compulsory process) or a variation under section 40 (1) (Correction of compulsory acquisition declarations)

[1.2504] Section 56 (2) (a)

omit

[1.2505] Section 56 (2) (b) and (c)

renumber as section 56 (2) (a) and (b)

[1.2506] Section 56 (2), new note

insert

Note If a form is approved under s 118 (Approved forms) for a claim, the form must be used.

[1.2507] Section 82 (2) (a)

omit

[1.2508] Section 82 (2) (b) to (d)

renumber as section 82 (2) (a) to (c)

[1.2509] Section 82 (2), new note

insert

Note If a form is approved under s 118 (Approved forms) for a claim, the form must be used.

[1.2510] Section 103, heading

substitute

103 Extinguishment of easements

[1.2511] Section 103 (1)

omit

by notice published in the *Gazette*

substitute

in writing (by an *extinguishment notice*)

[1.2512] New section 103 (1A)

insert

(1A) An extinguishment notice is a notifiable instrument.

Note A notifiable instrument must be notified under the *Legislation Act 2001*.

[1.2513] Section 103 (2)

omit

A notice

substitute

An extinguishment notice

[1.2514] Section 103 (3)

omit

notice extinguishing the easement

substitute

extinguishment notice

[1.2515] Section 103

renumber subsections when Act next republished under Legislation Act 2001

[1.2516] Section 104 (2) (b)

omit

[1.2517] Section 104 (2), new note

insert

Note A fee may be determined under section 117 (Determination of fees) for the grant, under the regulations, of a lease, licence, permit or other authority.

[1.2518] Section 104 (2) (c) and (d)

renumber as section 104 (2) (b) and (c)

[1.2519] Section 117

substitute

117 Determination of fees

- (1) The Minister may, in writing, determine fees for this Act.

Note The *Legislation Act 2001* contains provisions about the making of determinations and regulations relating to fees (see pt 6.3).

- (2) A determination is a disallowable instrument.

Note A disallowable instrument must be notified, and presented to the Legislative Assembly, under the *Legislation Act 2001*.

118 Approved forms

- (1) The Minister may, in writing, approve forms for this Act.

- (2) If the Minister approves a form for a particular purpose, the approved form must be used for that purpose.
- (3) An approved form is a notifiable instrument.

Note A notifiable instrument must be notified under the *Legislation Act 2001*.

119 Regulation-making power

The Executive may make regulations for this Act.

Note Regulations must be notified, and presented to the Legislative Assembly, under the *Legislation Act 2001*.

Part 211 Lands Acquisition Regulations 1999

[1.2520] Regulations 2 and 3

omit

Part 212 Land Titles Act 1925

[1.2521] Section 2

omit

[1.2522] Section 3

substitute

3 Continuing application of Real Property Act (NSW) to certain land

If land was under the repealed *Real Property Act 1900* (NSW) on 20 May 1925, that Act continues to apply to the land until it is under this Act.

Note The *Land Titles Act 1925*, s 3 (Repeal) (originally the *Real Property Ordinance 1925*, s 3) commenced on 21 May 1925.

[1.2523] Section 6 (1), definitions of *approved form* and *determined fee*

omit

[1.2524] Section 6 (3) (a)

after

addition;

insert

and

[1.2525] Section 6 (3) (b)

substitute

(b) the instrument is in the form (if any) approved under section 140 (Approved forms); and

[1.2526] Section 6 (3) (c)

omit

; or

substitute

; and

[1.2527] Section 17 (2)

omit

and after payment of the determined fee,

[1.2528] Section 17 (2), new note

insert

Note A fee may be determined under s 139 (Determination of fees, charges and other amounts) for delivery of 1 part of a grant to the grantee.

[1.2529] Section 18 (2), new note

insert

Note If a form is approved under s 140 (Approved forms) for an application to bring land under this Act, the form must be used.

[1.2530] Section 22

omit

in the *Gazette*, and

[1.2531] Section 22

omit

the advertisement in the *Gazette*

substitute

notification of the application under the *Legislation Act 2001* (see section 24 (Notice of application to be published))

[1.2532] Section 23 (1)

omit 1st mention of

in the *Gazette*,

[1.2533] Section 23 (1)

omit

from the date of the first of the advertisements in the *Gazette*

substitute

after the date of the earliest of the *Gazette* advertisements, or notification of the application under the *Legislation Act 2001* (see section 24 (Notice of application to be published)), whichever is earlier

[1.2534] Section 24

omit

The Registrar-General

substitute

- (1) The registrar-general

[1.2535] New section 24 (2)

insert

- (2) The notice of the application is a notifiable instrument.

Note A notifiable instrument must be notified under the *Legislation Act 2001*.

[1.2536] Section 30 (1), new note

insert

Note If a form is approved under s 140 (Approved forms) for a caveat, the form must be used.

[1.2537] Section 38 (1)

substitute

- (1A) This section applies to land in the Territory that is under the *Real Property Act 1900* (NSW) (**RPA land**).

- (1) The registrar-general may, in writing, declare that RPA land described in the declaration is, by force of the declaration, brought under this Act.

[1.2538] Section 38 (3)

substitute

- (2A) A declaration under subsection (1) is a notifiable instrument.

Note A notifiable instrument must be notified under the *Legislation Act 2001*.

- (3) On notification under the *Legislation Act 2001* of the declaration, the land described in the declaration is under this Act.

[1.2539] Section 38 (4)

omit

specify in the notice

substitute

state in the declaration

[1.2540] Section 38

renumber subsections when Act next republished under Legislation Act 2001

[1.2541] Section 44 (1)

omit

shall be in a form approved by the Registrar-General, and

[1.2542] Section 44, new notes

insert

Note 1 A fee may be determined under s 139 (Determination of fees, charges and other amounts) for the issue of a certificate of title.

Note 2 If a form is approved under s 140 (Approved forms) for a certificate of title, the form must be used.

[1.2543] Section 50 (3)

omit

party dealing

substitute

party intending to register the dealing

[1.2544] Section 50 (3)

omit everything after

may require

substitute

the party to prepare a notice of intention to register the dealing

[1.2545] New section 50 (4) and (5)

insert

(4) A notice under subsection (3) is a notifiable instrument.

Note A notifiable instrument must be notified under the *Legislation Act 2001*.

- (5) The party intending to register the dealing must also publish the notice in a newspaper or newspapers, as required (if at all) by the registrar-general.

[1.2546] Section 50A (1), new note

insert

Note If a form is approved under s 140 (Approved forms) for a certificate or notice, the form must be used.

[1.2547] Section 62A (1), new note

insert

Note A fee may be determined under s 139 (Determination of fees, charges and other amounts) for the issue of a new certificate of title.

[1.2548] Section 64 (1), new notes

insert

Note 1 A fee may be determined under s 139 (Determination of fees, charges and other amounts) for the deposit of a map or plan.

Note 2 If a form is approved under s 140 (Approved forms) for a map or plan, the form must be used.

[1.2549] Section 64 (1A), new note

insert

Note A fee may be determined under s 139 (Determination of fees, charges and other amounts) for providing stationery.

[1.2550] Section 65

substitute

65 Certified copies of the register

On application, the registrar-general must give the applicant a certified copy of any part of the register.

Note A fee may be determined under s 139 (Determination of fees, charges and other amounts) for a certified copy of a part of the register.

[1.2551] Section 66 (1)

omit

, on payment of the determined fee,

[1.2552] Section 66 (1), new note

insert

Note A fee may be determined under s 139 (Determination of fees, charges and other amounts) for inspection of the register.

[1.2553] Section 67, new note

insert

Note A fee may be determined under s 139 (Determination of fees, charges and other amounts) for providing an uncertified copy of a part of the register.

[1.2554] Section 68 (1), new note

insert

Note A fee may be determined under s 139 (Determination of fees, charges and other amounts) for a request for registration.

[1.2555] Section 68 (2)

substitute

- (2) This section does not apply to a case for which express provision is made by this Act or any other law.

[1.2556] Section 73 (1), new notes

insert

Note 1 A fee may be determined under s 139 (Determination of fees, charges and other amounts) for lodgment of a memorandum of transfer.

Note 2 If a form is approved under s 140 (Approved forms) for a memorandum, the form must be used.

[1.2557] Section 82 (1), new notes

insert

Note 1 A fee may be determined under s 139 (Determination of fees, charges and other amounts) for lodgment of a lease.

Note 2 If a form is approved under s 140 (Approved forms) for a lease, the form must be used.

[1.2558] Section 86 (1), new notes

insert

Note 1 A fee may be determined under s 139 (Determination of fees, charges and other amounts) for lodgment of a memorandum of surrender.

Note 2 If a form is approved under s 140 (Approved forms) for a memorandum, the form must be used.

[1.2559] Section 87B (2) and (3)

substitute

(2) If the resumption or withdrawal is brought about by the Territory on behalf of the Commonwealth, a Minister may prepare a notice of the resumption or withdrawal.

(3) The notice is a notifiable instrument.

Note A notifiable instrument must be notified under the *Legislation Act 2001*.

[1.2560] Section 87C (1), new notes

insert

Note 1 A fee may be determined under s 139 (Determination of fees, charges and other amounts) for lodgment of a memorandum of variation.

Note 2 If a form is approved under s 140 (Approved forms) for a memorandum, the form must be used.

[1.2561] Section 88 (1), new notes

insert

Note 1 A fee may be determined under s 139 (Determination of fees, charges and other amounts) for lodgment of a sublease.

Note 2 If a form is approved under s 140 (Approved forms) for a sublease, the form must be used.

[1.2562] Section 92 (1), new notes

insert

Note 1 A fee may be determined under s 139 (Determination of fees, charges and other amounts) for lodgment of a memorandum of mortgage or encumbrance.

Note 2 If a form is approved under s 140 (Approved forms) for a memorandum of mortgage or encumbrance (see s (2)), the form must be used.

[1.2563] Section 92A (2), new notes

insert

Note 1 A fee may be determined under s 139 (Determination of fees, charges and other amounts) for lodgment of a memorandum of variation.

Note 2 If a form is approved under s 140 (Approved forms) for a memorandum, the form must be used.

[1.2564] Section 98 (1)

omit

require notice to be published once in the *Gazette* and in such newspapers as the Registrar-General thinks fit,

substitute

prepare a notice

[1.2565] Section 98 (1)

omit

the publication in the *Gazette*

substitute

notification of the offer under the *Legislation Act 2001*

[1.2566] New section 98 (1A) and (1B)

insert

(1A) An offer under subsection (1) is a notifiable instrument.

Note A notifiable instrument must be notified under the *Legislation Act 2001*.

- (1B) The registrar-general must also publish the offer in a newspaper or newspapers.

[1.2567] Section 98

renumber subsections when Act next republished under Legislation Act 2001

[1.2568] Section 101 (1), new notes

insert

Note 1 A fee may be determined under s 139 (Determination of fees, charges and other amounts) for lodgment of a discharge of mortgage or encumbrance.

Note 2 If a form is approved under s 140 (Approved forms) for a discharge, the form must be used.

[1.2569] Section 101A (1), new notes

insert

Note 1 A fee may be determined under s 139 (Determination of fees, charges and other amounts) for lodgment of a memorandum of variation of mortgage.

Note 2 If a form is approved under s 140 (Approved forms) for a memorandum, the form must be used.

[1.2570] Section 101A (2)

omit everything after

mortgage

[1.2571] Section 103 (3) (a)

omit

on payment of the determined fee

[1.2572] Section 103 (3), new note

insert

Note A fee may be determined under s 139 (Determination of fees, charges and other amounts) for lodgment of a discharge of mortgage by court order.

[1.2573] Section 103A (1), new notes

insert

Note 1 A fee may be determined under s 139 (Determination of fees, charges and other amounts) for lodgment of a memorandum of provisions.

Note 2 If a form is approved under s 140 (Approved forms) for a memorandum, the form must be used.

[1.2574] Section 103B (1), new notes

insert

Note 1 A fee may be determined under s 139 (Determination of fees, charges and other amounts) for lodgment of a memorandum of easement.

Note 2 If a form is approved under s 140 (Approved forms) for a memorandum, the form must be used.

[1.2575] Section 103C (2), new notes

insert

Note 1 A fee may be determined under s 139 (Determination of fees, charges and other amounts) for lodgment of an application for transfer.

Note 2 If a form is approved under s 140 (Approved forms) for an application, the form must be used.

[1.2576] Section 103E (1), new notes

insert

Note 1 A fee may be determined under s 139 (Determination of fees, charges and other amounts) for lodgment of a memorandum of extinguishment of easement.

Note 2 If a form is approved under s 140 (Approved forms) for a memorandum, the form must be used.

[1.2577] Section 103F (1), new notes

insert

- Note 1* A fee may be determined under s 139 (Determination of fees, charges and other amounts) for lodgment of a memorandum of variation of easement.
- Note 2* If a form is approved under s 140 (Approved forms) for a memorandum, the form must be used.

[1.2578] Section 103G (1), new notes

insert

- Note 1* A fee may be determined under s 139 (Determination of fees, charges and other amounts) for lodgment of a memorandum of incorporeal right.
- Note 2* If a form is approved under s 140 (Approved forms) for a memorandum, the form must be used.

[1.2579] Section 103H (1), new notes

insert

- Note 1* A fee may be determined under s 139 (Determination of fees, charges and other amounts) for lodgment of a memorandum of extinguishment of incorporeal right.
- Note 2* If a form is approved under s 140 (Approved forms) for a memorandum, the form must be used.

[1.2580] Section 104A (1) (a)

omit

[1.2581] Section 104A (1) (b) and (c)

renumber as section 104A (1) (a) and (b)

[1.2582] Section 104A (1), new notes

insert

- Note 1* A fee may be determined under s 139 (Determination of fees, charges and other amounts) for lodgment of a caveat.
- Note 2* If a form is approved under s 140 (Approved forms) for a caveat, the form must be used.

[1.2583] Section 107 (1)

omit

, on payment of the determined fee,

[1.2584] Section 107 (1), new notes

insert

Note 1 A fee may be determined under s 139 (Determination of fees, charges and other amounts) for lodgment of an application to remove a caveat.

Note 2 If a form is approved under s 140 (Approved forms) for an application, the form must be used.

[1.2585] Section 108D

omit

[1.2586] Section 131 (1)

omit

(1)

[1.2587] Section 131 (1), new notes

insert

Note 1 A fee may be determined under s 139 (Determination of fees, charges and other amounts) for lodgment of a revocation of power of attorney.

Note 2 If a form is approved under s 140 (Approved forms) for a revocation, the form must be used.

[1.2588] Section 132 (2), new notes

insert

Note 1 A fee may be determined under s 139 (Determination of fees, charges and other amounts) for lodgment of an application for transmission on bankruptcy or insolvency.

Note 2 If a form is approved under s 140 (Approved forms) for an application, the form must be used.

[1.2589] Section 135 (2), new notes

insert

- Note 1* A fee may be determined under s 139 (Determination of fees, charges and other amounts) for lodgment of an application for transmission on death of proprietor.
- Note 2* If a form is approved under s 140 (Approved forms) for an application, the form must be used.

[1.2590] Section 138B, new note

insert

- Note* A fee may be determined under s 139 (Determination of fees, charges and other amounts) for lodgment of a declaration.

[1.2591] Part XV

substitute

Part 15 Fees and forms

139 Determination of fees, charges and other amounts

- (1) The Minister may, in writing, determine fees, charges or other amounts for this Act or the *Land Titles (Unit Titles) Act 1970*, or in relation to the exercise of any function of the registrar-general relating to the register that is not expressly provided for in either of those Acts.

Examples—matters for which the Minister may determine fees etc

- 1 Lodgment of any document affecting land, or any other document, whether or not expressly provided for in any Act.
- 2 Issue or acceptance of any document or form (whether approved or otherwise) by the registrar-general in the exercise of a function of the registrar-general in relation to the register, whether or not the function is expressly provided for in any Act.
- 3 Inspection of the register.
- 4 Inspection of a document held by the registrar-general that affects land.
- 5 Examination by the registrar-general of a document printed without the registrar-general's seal.

Note The *Legislation Act 2001* contains provisions about the making of determinations and regulations relating to fees, charges and other amounts (see pt 6.3).

- (2) A determination is a disallowable instrument.

Note A disallowable instrument must be notified, and presented to the Legislative Assembly, under the *Legislation Act 2001*.

140 Approved forms

- (1) The registrar-general may, in writing, approve forms for this Act or the *Land Titles (Unit Titles) Act 1970*.
- (2) Without limiting subsection (1), the registrar-general may, in writing, approve forms for any document (including an application and a memorandum) that may be registered or entered on the register, whether or not the registration or entry is expressly provided for in this or any other Act.
- (3) If the registrar-general approves a form for a particular purpose, the approved form must be used for that purpose.
- (4) An approved form is a notifiable instrument.

Note A notifiable instrument must be notified under the *Legislation Act 2001*.

[1.2592] Part XVIII

omit

[1.2593] Section 164A (1)

omit

, and on payment of the determined fee,

[1.2594] Section 164A (1), new note

insert

Note A fee may be determined under s 139 (Determination of fees, charges and other amounts) for an application to hold a document.

[1.2595] Section 165 (1) (a)

after

issued

insert

, approved or otherwise sanctioned

[1.2596] Section 165 (1) (b)

omit

issued or sanctioned

substitute

approved or otherwise sanctioned

[1.2597] Section 179

substitute

179 Regulation-making power

The Executive may make regulations for this Act.

Note Regulations must be notified, and presented to the Legislative Assembly, under the *Legislation Act 2001*.

[1.2598] Schedules 2 and 3

omit

**Part 213 Land Titles (Unit Titles) Act
1970**

[1.2599] Section 6, new notes

insert

Note 1 Fees may be determined under the Land Titles Act, s 139 (Determination of fees, charges and other amounts) for this Act.

Note 2 Forms may be approved under the Land Titles Act, s 140 (Approved forms) for this Act.

[1.2600] Section 8

substitute

8 Formal requirements for units plans

A units plan must be prepared in accordance with the requirements set out in schedule 1.

(commencement: the commencement of section 3 of this Act or immediately after the commencement of the provisions of the *Unit Titles Act 2001* mentioned in section 2 (2) of that Act, whichever is later)

[1.2601] Section 9 (1) (a)

omit

in a form approved by the registrar-general

(commencement: the commencement of section 3 of this Act or immediately after the commencement of the provisions of the *Unit Titles Act 2001* mentioned in section 2 (2) of that Act, whichever is later)

[1.2602] Section 9 (1) (d)

omit

(in a form approved by the registrar-general)

(commencement: the commencement of section 3 of this Act or immediately after the commencement of the provisions of the *Unit Titles Act 2001* mentioned in section 2 (2) of that Act, whichever is later)

[1.2603] Section 11 (1) (b)

omit

, in a form approved by the registrar-general,

(commencement: the commencement of section 3 of this Act or immediately after the commencement of the provisions of the *Unit Titles Act 2001* mentioned in section 2 (2) of that Act, whichever is later)

[1.2604] Section 11 (1) (c)

omit

, in a form approved by the registrar-general

(commencement: the commencement of section 3 of this Act or immediately after the commencement of the provisions of the *Unit Titles Act 2001* mentioned in section 2 (2) of that Act, whichever is later)

[1.2605] Sections 11C (1) and 11D (1)

omit

(1)

(commencement: the commencement of section 3 of this Act or immediately after the commencement of the provisions of the *Unit Titles Act 2001* mentioned in section 2 (2) of that Act, whichever is later)

[1.2606] Sections 11C (2) and 11D (2)

omit

(commencement: the commencement of section 3 of this Act or immediately after the commencement of the provisions of the *Unit Titles Act 2001* mentioned in section 2 (2) of that Act, whichever is later)

[1.2607] Section 21

omit

, in a form approved by the registrar-general,

(commencement: the commencement of section 3 of this Act or immediately after the commencement of the provisions of the *Unit*

Titles Act 2001 mentioned in section 2 (2) of that Act, whichever is later)

Part 214 Law Officer Act 1992

[1.2608] Sections 6 to 8

substitute

6 Regulation-making power

The Executive may make regulations for this Act.

Note Regulations must be notified, and presented to the Legislative Assembly, under the *Legislation Act 2001*.

Part 215 Law Reform (Manufacturers Warranties) Act 1977

[1.2609] Section 2

omit

[1.2610] Section 10

substitute

10 Approved forms

- (1) The Minister may, in writing, approve forms for this Act.

Example

A form of written warranty to be given by a manufacturer, including how the warranty is to be printed.

- (2) If the Minister approves a form for a particular purpose, the approved form must be used for that purpose.
- (3) An approved form is a notifiable instrument.

Note A notifiable instrument must be notified under the *Legislation Act 2001*.

- (4) If the Minister approves a form of written warranty to be given by a manufacturer, a manufacturer must not give a written warranty otherwise than in accordance with the approved form.

Maximum penalty (subsection (4)): 10 penalty units.

11 Regulation-making power

- (1) The Executive may make regulations for this Act.

Note Regulations must be notified, and presented to the Legislative Assembly, under the *Legislation Act 2001*.

- (2) The regulations may prescribe offences for contraventions of the regulations and prescribe maximum penalties of not more than 10 penalty units for offences against the regulations.

Part 216 Law Reform (Miscellaneous Provisions) Act 1955

[1.2611] Sections 13A (4) and 19 (4)

omit

Interpretation Act 1967, section 42

substitute

Legislation Act 2001, section 88 (Repeal does not end transitional or validating effect etc)

Part 217 Lay-by Sales Agreements Act 1963

[1.2612] Section 2

omit

[1.2613] Section 20

substitute

20 Regulation-making power

- (1) The Executive may make regulations for this Act.

Note Regulations must be notified, and presented to the Legislative Assembly, under the *Legislation Act 2001*.

- (2) The regulations may prescribe offences for contraventions of the regulations and prescribe maximum penalties of not more than 10 penalty units for offences against the regulations.

Part 218 Legal Aid Act 1977

[1.2614] Sections 2 and 3

omit

[1.2615] Section 25 (1)

omit everything after

duty lawyer services

substitute

, must be made to the commission in writing.

Note If a form is approved under s 99 (Approved forms) for this subsection, the form must be used (but see s (2)).

[1.2616] Section 25 (2)

substitute

- (2) The commission may, in special circumstances, treat an application that is not in the form approved under section 99 (Approved forms) as having been properly made.

[1.2617] Section 99

substitute

99 Approved forms

- (1) The commission may, in writing, approve forms for this Act.

(2) If the commission approves a form for a particular purpose, the approved form must be used for that purpose.

(3) An approved form is a notifiable instrument.

Note A notifiable instrument must be notified under the *Legislation Act 2001*.

100 Regulation-making power

The Executive may make regulations for this Act.

Note Regulations must be notified, and presented to the Legislative Assembly, under the *Legislation Act 2001*.

Part 219 Legal Practitioners Act 1970

[1.2618] Section 24

omit

An

substitute

(1) An

[1.2619] New section 24 (2)

insert

(2) The form of the application is a notifiable instrument.

Note A notifiable instrument must be notified under the *Legislation Act 2001*.

[1.2620] Section 191D (2) (a)

omit

and any regulations made under the Act

[1.2621] Section 191D (2), new note

insert

Note A reference to an Act includes a reference to the statutory instruments made or in force under the Act, including regulations (see *Legislation Act 2001*, s 104).

[1.2622] Section 202

substitute

202 Regulation-making power

The Executive may make regulations for this Act.

Note Regulations must be notified, and presented to the Legislative Assembly, under the *Legislation Act 2001*.

Part 220 Legislation Act 2001

[1.2623] New section 122A

insert

122A Application of s 47 (2) and (3)

- (1) If, immediately before the commencement of this section, a statutory instrument makes provision about a matter by applying a law or instrument, or a provision of a law or instrument, as in force a particular time or from time to time, section 47 (2) and (3) do not apply to the statutory instrument in relation to the law, instrument or provision.
- (2) In subsection (1):
applying—see section 47 (6).
instrument—see section 47 (6).
law—see section 47 (6).
- (3) Subsections (1) and (2) are a law to which section 88 (Repeal does not end transitional or validating effect etc) applies.
- (4) This section expires 3 years after it commences.

[1.2624] Section 125 (1)

omit

or the *Legislation (Consequential Provisions) Act 2001*

Schedule 1 Acts and subordinate laws amended and repealed
Part 221 Legislative Assembly (Broadcasting of Proceedings) Act 1997
Amendment [1.2625]

substitute

, the *Legislation (Consequential Provisions) Act 2001* or the *Legislation (Consequential Amendments) Act 2001*.

[1.2625] Schedule 1, part 1, table, new items 59 and 60

insert

59	<i>Scaffolding and Lifts Act 1912</i>	1912 No 38 (NSW)
60	<i>Dangerous Goods Act 1975</i>	1975 No 68 (NSW)

[1.2626] Schedule 1, part 2, table, items 1 and 6

omit

[1.2627] Schedule 1, part 2, table, items 2 to 5

renumber as items 1 to 4

Part 221 **Legislative Assembly
(Broadcasting of Proceedings)
Act 1997**

[1.2628] Section 2

omit

Part 222 **Legislative Assembly
(Members' Staff) Act 1989**

[1.2629] Section 4

omit

The

substitute

(1) The

[1.2630] New section 4 (2)

insert

- (2) A determination is a disallowable instrument.

Note A disallowable instrument must be notified, and presented to the Legislative Assembly, under the *Legislation Act 2001*.

[1.2631] New section 5 (3)

insert

- (3) An approval or determination under subsection (2) is a disallowable instrument.

Note A disallowable instrument must be notified, and presented to the Legislative Assembly, under the *Legislation Act 2001*.

[1.2632] Section 6 (2)

after

may

insert

, in writing,

(commencement: the commencement of section 3 of this Act or immediately after the commencement of the *Legislative Assembly (Members' Staff) Amendment Act 2001*, whichever is later)

[1.2633] Section 6 (3)

substitute

- (3) A determination under subsection (2) is a disallowable instrument.

Note A disallowable instrument must be notified, and presented to the Legislative Assembly, under the *Legislation Act 2001*.

(commencement: the commencement of section 3 of this Act or immediately after the commencement of the *Legislative Assembly (Members' Staff) Amendment Act 2001*, whichever is later)

[1.2634] New section 8 (7)

insert

- (7) A direction under subsection (6) is a disallowable instrument.

Note A disallowable instrument must be notified, and presented to the Legislative Assembly, under the *Legislation Act 2001*.

[1.2635] New section 10 (3)

insert

- (3) An approval or determination under subsection (2) is a disallowable instrument.

Note A disallowable instrument must be notified, and presented to the Legislative Assembly, under the *Legislation Act 2001*.

[1.2636] Section 11 (2)

after

may

insert

, in writing,

(commencement: the commencement of section 3 of this Act or immediately after the commencement of the *Legislative Assembly (Members' Staff) Amendment Act 2001*, whichever is later)

[1.2637] Section 11 (3)

substitute

- (3) A determination under subsection (2) is a disallowable instrument.

Note A disallowable instrument must be notified, and presented to the Legislative Assembly, under the *Legislation Act 2001*.

(commencement: the commencement of section 3 of this Act or immediately after the commencement of the *Legislative Assembly (Members' Staff) Amendment Act 2001*, whichever is later)

[1.2638] New section 13 (6)

insert

- (6) A direction under subsection (5) is a disallowable instrument.

Note A disallowable instrument must be notified, and presented to the Legislative Assembly, under the *Legislation Act 2001*.

[1.2639] Section 13CA

omit

The

substitute

- (1) The

[1.2640] New section 13CA (2)

insert

- (2) A determination is a disallowable instrument.

Note A disallowable instrument must be notified, and presented to the Legislative Assembly, under the *Legislation Act 2001*.

[1.2641] New section 13CB (4)

insert

- (4) An approval or determination under subsection (3) is a disallowable instrument.

Note A disallowable instrument must be notified, and presented to the Legislative Assembly, under the *Legislation Act 2001*.

[1.2642] New section 13CC (7A)

insert

- (7A) A direction under subsection (7) is a disallowable instrument.

Note A disallowable instrument must be notified, and presented to the Legislative Assembly, under the *Legislation Act 2001*.

[1.2643] Section 13CC

renumber subsections when Act next republished under Legislation Act 2001

[1.2644] New section 13CE (4)

insert

- (4) An approval or determination under subsection (3) is a disallowable instrument.

Note A disallowable instrument must be notified, and presented to the Legislative Assembly, under the *Legislation Act 2001*.

[1.2645] New section 13CF (6A)

insert

- (6A) A direction under subsection (6) is a disallowable instrument.

Note A disallowable instrument must be notified, and presented to the Legislative Assembly, under the *Legislation Act 2001*.

[1.2646] Section 13CF

renumber subsections when Act next republished under Legislation Act 2001

[1.2647] Section 13D

omit

[1.2648] Section 15

substitute

15 Regulation-making power

The Executive may make regulations for this Act.

Note Regulations must be notified, and presented to the Legislative Assembly, under the *Legislation Act 2001*.

Part 223 Limitation Act 1985

[1.2649] Sections 2 and 3 and schedule

omit

Part 224 Liquor Act 1975

[1.2650] Section 33 (1)

substitute

- (1) The board must, in writing, make a manual (the *licensing standards manual*, or *manual*).

[1.2651] New section 33 (5)

insert

- (5) The manual is a disallowable instrument.

Note A disallowable instrument must be notified, and presented to the Legislative Assembly, under the *Legislation Act 2001*.

[1.2652] Sections 34 to 36

substitute

34 Amendment and repeal of manual

- (1) With the Minister's written approval, the board may, in writing, amend or repeal the manual.
- (2) An amendment or repeal is a disallowable instrument.

Note A disallowable instrument must be notified, and presented to the Legislative Assembly, under the *Legislation Act 2001*.

(commencement: the commencement of section 3 of this Act or immediately after the commencement of the amendments of the *Liquor Act 1975* made by the *Justice and Community Safety Legislation Amendment Act 2001*, whichever is later)

[1.2653] Section 57 (1)

substitute

- (1) If the relevant decision-maker agrees to the issue of a licence to an applicant, the registrar must issue the licence.

Note A fee may be determined under s 179 (Determination of fees) for the issue of a licence.

[1.2654] Section 57 (3)

renumber as section 57 (2)

(commencement: the commencement of section 3 of this Act or immediately after the commencement of the amendments of the *Liquor Act 1975* made by the *Justice and Community Safety Legislation Amendment Act 2001*, whichever is later)

[1.2655] Section 59 (1) to (1B)

substitute

- (1) The registrar must renew a licence on a written application by the licensee made while the licence is in force.

Note A fee may be determined under s 179 (Determination of fees) for the renewal of a licence.

(commencement: the commencement of section 3 of this Act or immediately after the commencement of the amendments of the *Liquor Act 1975* made by the *Justice and Community Safety Legislation Amendment Act 2001*, whichever is later)

[1.2656] Section 61 (1) (b)

substitute

- (b) the fee determined under section 179 (Determination of fees) is being paid by instalments under the determination and the licensee fails to pay an instalment in accordance with the determination.

(commencement: the commencement of section 3 of this Act or immediately after the commencement of the amendments of the

Liquor Act 1975 made by the Justice and Community Safety Legislation Amendment Act 2001, whichever is later)

[1.2657] Section 63 (1), new note

insert

Note A fee may be determined under s 179 (Determination of fees) for the transfer of a licence.

(commencement: the commencement of section 3 of this Act or immediately after the commencement of the amendments of the *Liquor Act 1975* made by the *Justice and Community Safety Legislation Amendment Act 2001*, whichever is later)

[1.2658] Section 63 (5)

omit

[1.2659] Section 63 (6) to (8)

renumber as section 63 (5) to (7)

[1.2660] Section 107

substitute

107 Application for permit

A person may apply to the registrar for a permit.

Note A fee may be determined under s 179 (Determination of fees) for the issue of a permit.

(commencement: the commencement of section 3 of this Act or immediately after the commencement of the amendments of the *Liquor Act 1975* made by the *Justice and Community Safety Legislation Amendment Act 2001*, whichever is later)

[1.2661] Section 113

omit

for the purposes of section 107

substitute

under section 179 (Determination of fees) for an application for a permit

[1.2662] Section 175 (2)

substitute

- (2) An application for a proof of age card must be in the form approved by the road transport authority.

Note A fee may be determined under s 179 (Determination of fees) for the issue of a proof of age card.

- (3) A form approved by the road transport authority is a notifiable instrument.

Note A notifiable instrument must be notified under the *Legislation Act 2001*.

(commencement: the commencement of section 3 of this Act or immediately after the commencement of the amendments of the *Liquor Act 1975* made by the *Justice and Community Safety Legislation Amendment Act 2001*, whichever is later)

[1.2663] Sections 179 to 181

substitute

179 Determination of fees

- (1) The Minister may, in writing, determine fees for this Act.

Note The *Legislation Act 2001* contains provisions about the making of determinations and regulations relating to fees (see pt 6.3).

- (2) A determination is a disallowable instrument.

Note A disallowable instrument must be notified, and presented to the Legislative Assembly, under the *Legislation Act 2001*.

180 Approved forms

- (1) The registrar may, in writing, approve forms for this Act.
- (2) If the registrar approves a form for a particular purpose, the approved form must be used for that purpose.

- (3) An approved form is a notifiable instrument.

Note A notifiable instrument must be notified under the *Legislation Act 2001*.

181 Regulation-making power

The Executive may make regulations for this Act.

Note Regulations must be notified, and presented to the Legislative Assembly, under the *Legislation Act 2001*.

(commencement: the commencement of section 3 of this Act or immediately after the commencement of the amendments of the *Liquor Act 1975* made by the *Justice and Community Safety Legislation Amendment Act 2001*, whichever is later)

[1.2664] Dictionary, definition of *determined fee*

omit

(commencement: the commencement of section 3 of this Act or immediately after the commencement of the amendments of the *Liquor Act 1975* made by the *Justice and Community Safety Legislation Amendment Act 2001*, whichever is later)

[1.2665] Dictionary, definition of *licensing standards manual* (or *manual*)

substitute

licensing standards manual—see section 33.

Note A reference to an instrument (including the licensing standards manual) includes a reference to the instrument as originally made and as amended (see *Legislation Act 2001*, s 102).

(commencement: the commencement of section 3 of this Act or immediately after the commencement of the amendments of the *Liquor Act 1975* made by the *Justice and Community Safety Legislation Amendment Act 2001*, whichever is later)

[1.2666] Dictionary, new definition of *manual*

insert

manual means the licensing standards manual (see section 33).

(commencement: the commencement of section 3 of this Act or immediately after the commencement of the amendments of the *Liquor Act 1975* made by the *Justice and Community Safety Legislation Amendment Act 2001*, whichever is later)

Part 225 **Liquor Regulations 1979**

[1.2667] Regulation 2, definition of Act

omit

Part 226 **Listening Devices Act 1992**

[1.2668] Section 2, definition of *this Act*

omit

[1.2669] Section 2, new note

insert

Note A reference to an Act includes a reference to the statutory instruments made or in force under the Act, including regulations (see *Legislation Act 2001*, s 104).

[1.2670] Section 14 (2)

substitute

- (2) Subject to any disallowance under the *Legislation Act 2001*, chapter 7 (Presentation, amendment and disallowance of subordinate laws and disallowable instruments), a regulation providing for an exemption commences—
- (a) on the day after the 6th sitting day after the day it is presented to the Legislative Assembly under that chapter; or
 - (b) if the regulations provide for a later date or time of commencement—on that date or at that time.

[1.2671] Section 15

substitute

15 Regulation-making power

- (1) The Executive may make regulations for this Act.

Note Regulations must be notified, and presented to the Legislative Assembly, under the *Legislation Act 2001*.

- (2) The regulations may prescribe offences for contraventions of the regulations and prescribe maximum penalties of not more than 10 penalty units for offences against the regulations.

Part 227 Litter Act 1977

[1.2672] Section 2, definition of *administrative charge*, paragraph (a)

substitute

- (a) the amount determined as the administrative charge by the Minister under section 12 (Determination of fees); or

[1.2673] Section 10 (3)

omit

shall be in a form approved by the chief executive and shall

substitute

must

[1.2674] Section 10 (3), new note

insert

Note If a form is approved under s 13 (Approved forms) for a notice, the form must be used.

[1.2675] Section 10 (3) and (4)

renumber as section 10 (2) and (3)

[1.2676] Section 10A (2)

omit

shall be in a form approved by the chief executive and shall

substitute

must

[1.2677] Section 10A (2), new note

insert

Note If a form is approved under s 13 (Approved forms) for a notice, the form must be used.

[1.2678] Sections 11C and 12

substitute

12 Determination of fees

- (1) The Minister may, in writing, determine fees for this Act, including an administrative charge.

Note The *Legislation Act 2001* contains provisions about the making of determinations and regulations relating to fees (see pt 6.3).

- (2) A determination is a disallowable instrument.

Note A disallowable instrument must be notified, and presented to the Legislative Assembly, under the *Legislation Act 2001*.

13 Approved forms

- (1) The chief executive may, in writing, approve forms for this Act.
- (2) If the chief executive approves a form for a particular purpose, the approved form must be used for that purpose.
- (3) An approved form is a notifiable instrument.

Note A notifiable instrument must be notified under the *Legislation Act 2001*.

14 Regulation-making power

- (1) The Executive may make regulations for this Act.

Note Regulations must be notified, and presented to the Legislative Assembly, under the *Legislation Act 2001*.

- (2) The regulations may prescribe offences for contraventions of the regulations and prescribe maximum penalties for offences against this Act or the regulations of not more than 10 penalty units.

Part 228 Litter Regulations

[1.2679] Regulations 2 and 3

omit

Part 229 Long Service Leave Act 1976

[1.2680] Section 13 (2)

omit

and the regulations

[1.2681] Section 13 (2), new note

insert

Note A reference to an Act includes a reference to the statutory instruments made or in force under the Act, including regulations (see *Legislation Act 2001*, s 104).

[1.2682] Section 13D (1)

before 1st mention of

complaint

insert

written

[1.2683] Section 13D (1), new note

insert

Note If a form is approved under s 17 (Approved forms) for a complaint, the form must be used.

[1.2684] Section 13D (3)

omit

[1.2685] Section 13D (4) to (6)

renumber as section 13D (3) to (5)

[1.2686] Sections 13J and 13K

omit

or the regulations

[1.2687] Sections 13J and 13K, new note

insert

Note A reference to an Act includes a reference to the statutory instruments made or in force under the Act, including regulations (see *Legislation Act 2001*, s 104).

[1.2688] Section 18

substitute

17 Approved forms

- (1) The registrar may, in writing, approve forms for this Act.
- (2) If the registrar approves a form for a particular purpose, the approved form must be used for that purpose.
- (3) An approved form is a notifiable instrument.

Note A notifiable instrument must be notified under the *Legislation Act 2001*.

18 Regulation-making power

The Executive may make regulations for this Act.

Note Regulations must be notified, and presented to the Legislative Assembly, under the *Legislation Act 2001*.

Part 230 Long Service Leave (Building and Construction Industry) Act 1981

[1.2689] Section 2

omit

[1.2690] Section 37A (1) (a)

substitute

(a) on receipt of a written notice from a person; and

[1.2691] Section 37A (1), new note

insert

Note If a form is approved under s 65 (Approved forms) for a notice, the form must be used.

[1.2692] Section 37A (2)

omit

[1.2693] Section 37A (3) and (4)

renumber as section 37A (2) and (3)

[1.2694] Section 38 (1) (b)

omit

prescribed

substitute

defined

[1.2695] Section 38 (3)

substitute

(3) For subsection (1) (b):

defined amount, for a period of 2 months, means an amount equal to—

- (a) 2.5% of the total of the amounts of ordinary remuneration paid or payable to the registered contractor during the 2 months for the performance by the contractor of building and construction work; or
 - (b) another percentage of that total, if determined by the Minister in writing, on the recommendation of the board.
- (4) A determination is a notifiable instrument.

Note A notifiable instrument must be notified under the *Legislation Act 2001*.

[1.2696] Section 62 (1)

omit

another Territory

substitute

a State

[1.2697] Section 62 (1)

omit

, by notice published in the *Gazette*,

substitute

in writing

[1.2698] New section 62 (1A)

insert

- (1A) A declaration is a notifiable instrument.

Note A notifiable instrument must be notified under the *Legislation Act 2001*.

[1.2699] Section 62

renumber subsections when Act next republished under Legislation Act 2001

[1.2700] Section 64, heading

omit

and Territories

[1.2701] Section 64

omit

or another Territory

[1.2702] Section 64

omit

or Territory

[1.2703] Section 66

substitute

65 Approved forms

- (1) The registrar may, in writing, approve forms for this Act.
- (2) If the registrar approves a form for a particular purpose, the approved form must be used for that purpose.
- (3) An approved form is a notifiable instrument.

Note A notifiable instrument must be notified under the *Legislation Act 2001*.

66 Regulation-making power

The Executive may make regulations for this Act.

Note Regulations must be notified, and presented to the Legislative Assembly, under the *Legislation Act 2001*.

Part 231

Long Service Leave (Cleaning, Building and Property Services) Act 1999

[1.2704] Section 41 (1), new note

insert

Note If a form is approved under s 64A (Approved forms) for an application, the form must be used.

[1.2705] Section 41 (2)

omit

[1.2706] Section 41 (3) and (4)

renumber as section 41 (2) and (3)

[1.2707] New section 64A

insert

64A Approved forms

- (1) The registrar may, in writing, approve forms for this Act.
- (2) If the registrar approves a form for a particular purpose, the approved form must be used for that purpose.
- (3) An approved form is a notifiable instrument.

Note A notifiable instrument must be notified under the *Legislation Act 2001*.

[1.2708] Section 65, new note

insert

Note Regulations must be notified, and presented to the Legislative Assembly, under the *Legislation Act 2001*.

Part 232 Lotteries Act 1964

[1.2709] Sections 2 and 3

omit

[1.2710] Section 4 (1), definition of *determined fee*

omit

[1.2711] Sections 4 and 4A

renumber as sections 2 and 4

[1.2712] Section 6 (1) (c) (i)

substitute

- (i) the total value of the prizes does not exceed an amount determined in writing by the commission; and

[1.2713] New section 6 (1A)

insert

- (1A) A determination under subsection (1) (c) (i) is a disallowable instrument.

Note A disallowable instrument must be notified, and presented to the Legislative Assembly, under the *Legislation Act 2001*.

[1.2714] Section 6 (3)

omit

[1.2715] Section 6

renumber paragraphs and subsections when Act next republished under Legislation Act 2001

[1.2716] Section 7 (1)

after

apply

insert

in writing

[1.2717] Section 7 (1), new note

insert

Note A fee may be determined under s 18A (Determination of fees) for an application.

[1.2718] Section 7 (1A)

omit

[1.2719] Sections 7AA and 7A

substitute

7A Variation of approval

A person who has been granted approval to conduct a lottery under section 7 may apply in writing to the commission for variation of the approval.

Note A fee may be determined under s 18A (Determination of fees) for an application.

[1.2720] Section 18A

substitute

18A Determination of fees

- (1) The commission may, in writing, determine fees for this Act.

Note The *Legislation Act 2001* contains provisions about the making of determinations and regulations relating to fees (see pt 6.3).

- (2) A determination is a disallowable instrument.

Note A disallowable instrument must be notified, and presented to the Legislative Assembly, under the *Legislation Act 2001*.

[1.2721] Sections 20 and 21

substitute

20 Regulation-making power

The Executive may make regulations for this Act.

Note Regulations must be notified, and presented to the Legislative Assembly, under the *Legislation Act 2001*.

[1.2722] Schedule

omit

Part 233 Low-alcohol Liquor Subsidies Act 2000

[1.2723] Section 2

omit

[1.2724] Section 11 (1), new note

insert

Note If a form is approved under s 61 (Approved forms) for an application, the form must be used.

[1.2725] Section 11 (2)

omit

[1.2726] Section 11 (3) to (5)

renumber as section 11 (2) to (4)

[1.2727] Section 15 (1), new note

insert

Note If a form is approved under s 61 (Approved forms) for an application, the form must be used.

[1.2728] Section 15 (2)

omit

[1.2729] Section 15 (3) to (5)

renumber as section 15 (2) to (4)

[1.2730] Section 52 (4), new note

insert

Note If a form is approved under s 61 (Approved forms) for a notice, the form must be used.

[1.2731] Section 52 (6)

omit

[1.2732] Section 54 (1), new note

insert

Note If a form is approved under s 61 (Approved forms) for a notice, the form must be used.

[1.2733] Section 54 (3)

omit

[1.2734] Section 54 (4)

omit

approved form

substitute

notice

[1.2735] Section 54 (4)

renumber as section 54 (3)

[1.2736] Section 61

substitute

61 Approved forms

- (1) The commissioner may, in writing, approve forms for this Act.

- (2) If the commissioner approves a form for a particular purpose, the approved form must be used for that purpose.
- (3) An approved form is a notifiable instrument.

Note A notifiable instrument must be notified under the *Legislation Act 2001*.

62 Regulation-making power

The Executive may make regulations for this Act.

Note Regulations must be notified, and presented to the Legislative Assembly, under the *Legislation Act 2001*.

Part 234 Machinery Act 1949

[1.2737] Section 2, definition of *this Act*

omit

[1.2738] Section 2, new note

insert

Note A reference to an Act includes a reference to the statutory instruments made or in force under the Act, including regulations (see *Legislation Act 2001*, s 104).

[1.2739] Sections 4A, 4B and 5

substitute

5 Determination of fees

- (1) The Minister may, in writing, determine fees for this Act.

Note The *Legislation Act 2001* contains provisions about the making of determinations and regulations relating to fees (see pt 6.3).

- (2) A determination is a disallowable instrument.

Note A disallowable instrument must notified, and presented to the Legislative Assembly, under the *Legislation Act 2001*.

6 Approved forms

- (1) The Minister may, in writing, approve forms for this Act.
- (2) If the Minister approves a form for a particular purpose, the approved form must be used for that purpose.
- (3) An approved form is a notifiable instrument.

Note A notifiable instrument must be notified under the *Legislation Act 2001*.

7 Regulation-making power

- (1) The Executive may make regulations for this Act.

Note Regulations must be notified, and presented to the Legislative Assembly, under the *Legislation Act 2001*.

- (2) The regulations may make provision in relation to—
 - (a) regulating the installation, use and operation of machinery; and
 - (b) securing the safety of people and property from injury or damage arising out of the installation, use or operation of machinery; and
 - (c) the registration, inspection and testing of machinery; and
 - (d) requiring licences or certificates to be held for the installation, use, operation, inspection or testing of machinery, and the granting, suspension and cancellation of licences and certificates; and
 - (e) the precautions to be taken to secure the safety of people employed at or in relation to machinery; and
 - (f) the functions (including powers of entry) of the chief inspector and inspectors; and
 - (g) prohibiting the employment of anyone younger than the prescribed age in relation to any prescribed machinery.
- (3) The regulations may also prescribe offences for contraventions of the regulations and prescribe maximum penalties of not more than 10 penalty units for offences against the regulations.

Part 235 Boilers and Pressure Vessels Regulations 1954

[1.2740] Regulation 2, note 2

omit

, as applied by the *Subordinate Laws Act 1989*, s 9

[1.2741] Regulation 23

omit

[1.2742] Dictionary, definition of *the Act*

omit

Part 236 Machinery Regulations

[1.2743] Regulation 2

omit

[1.2744] Regulation 4, definition of *the Act*

omit

[1.2745] Regulation 6 (1)

omit

by notice in the *Gazette*

substitute

in writing

[1.2746] Regulation 6 (1) and (2)

omit

the notice

substitute

the exemption

[1.2747] New regulation 6 (3)

insert

- (3) An instrument under subregulation (1) is a notifiable instrument.

Note A notifiable instrument must be notified under the *Legislation Act 2001*.

Part 237 Magistrates Court Act 1930

[1.2748] Section 5 (1), definition of *approved form*

substitute

approved form means a form approved under section 256 (Forms).

[1.2749] Section 10P (1)

omit

Schedule 2

substitute

schedule 1

[1.2750] Section 18

omit

as are notified in the Gazette

substitute

as are determined, in writing, by the Minister

[1.2751] Section 19 (2)

omit

column 2 of Schedule 1 to the *Interpretation Act 1967*

substitute

the *Legislation Act 2001*, schedule 1, column 2

[1.2752] Section 166B

omit

Where

substitute

(1) If

[1.2753] Section 166B

omit

by notice published in the Gazette

substitute

in writing

[1.2754] New section 166B (2)

insert

(2) A declaration is a notifiable instrument.

Note A notifiable instrument must be notified under the *Legislation Act 2001*.

[1.2755] Section 191, heading

omit

in the form in sch 3

substitute

in approved form

[1.2756] Section 191

omit

with the form in Schedule 3

substitute

with the approved form

[1.2757] Section 206A

omit

form 1 in Schedule 1

substitute

the approved form

[1.2758] Section 206K (2) (a)

omit

form 1A in Schedule 1

substitute

the approved form

[1.2759] Section 206K (2) (b)

omit

form 1B in Schedule 1

substitute

the approved form

[1.2760] Section 248A (3), new note

insert

Note A disallowable instrument must be notified, and presented to the Legislative Assembly, under the *Legislation Act 2001*.

[1.2761] Section 248B (3)

omit

[1.2762] Section 256 (2)

renumber as section 256 (4)

[1.2763] Section 256 (1) and (1A)

substitute

- (1) A form approved under subsection (5), or a form to the like effect, may be used for the purposes to which it applies, and an instrument in such a form is sufficient in law.
- (2) However, a form approved under subsection (5) (other than the notice to defendant form, the notice of intention to defend form or the plea of guilty form) may be adapted to suit the purposes for which the form is to be used.
- (3) Substantial compliance is required with the notice to defendant form, the notice of intention to defend form or the plea of guilty form.

[1.2764] Section 256 (3) to (7)

substitute

- (5) The Minister may, in writing, approve forms for this Act.
- (6) If the Minister approves a form for a particular purpose, the approved form must be used for that purpose.
- (7) An approved form is a notifiable instrument.

Note A notifiable instrument must be notified under the *Legislation Act 2001*.

- (8) A form in schedule 1 or 2 or the rules that had not been superseded by an approved form immediately before the commencement of this subsection is, after the commencement, taken to be an approved form.
- (9) However, a form mentioned in subsection (8) need not be notified under the *Legislation Act 2001*.
- (10) Subsections (8) and (9) are laws to which the *Legislation Act 2001*, section 88 (Repeal does not end transitional or validating effect etc) applies.
- (11) Subsections (8) to (10) and this subsection expire 1 year after this section commences.

[1.2765] Section 258

omit everything before paragraph (a), substitute

258 Power to make rules or regulations

- (1) The Executive may make rules or regulations for this Act.

Note Rules and regulations must be notified, and presented to the Legislative Assembly, under the *Legislation Act 2001*.

- (2) The rules or regulations may make provision in relation to—

[1.2766] Section 258 (d)

omit

[1.2767] Section 258 (g)

omit

[1.2768] Section 258 (a) to (h), as amended

renumber as section 258 (2) (a) to (d)

[1.2769] Schedule 1

omit

[1.2770] Schedule 2

renumber as schedule 1

[1.2771] Schedule 3

omit

Part 238 Magistrates Court Rules

[1.2772] Rule 3 (1)

omit

- (1)

[1.2773] Rule 3 (1), definition of *the Act*

omit

[1.2774] Rule 3 (2)

omit

[1.2775] Rule 4

omit

Forms 1 and 2

substitute

the appropriate form approved under the Act, section 256 (Forms)

[1.2776] Part 12, heading

omit

[1.2777] Rule 71

omit

Form 16

substitute

the form approved under the Act, section 256 (Forms)

[1.2778] Rule 97B (2)

omit

[1.2779] Rule 97B (4)

omit

Form 21, with such variations as circumstances may require

substitute

the form approved under the Act, section 256 (Forms)

[1.2780] Rule 99

omit

[1.2781] The Schedules, heading

omit

[1.2782] First schedule

omit

Part 239 **Magistrates Court (Civil
Jurisdiction) Act 1982**

[1.2783] Section 2

omit

[1.2784] Section 3 (1), definition of *approved form*

omit

[1.2785] Section 3 (5)

omit

[1.2786] Section 394 (1)

omit

(1) In

substitute

In

[1.2787] Section 394 (2) and (3)

omit

[1.2788] New section 394A

insert

394A Explanatory material in forms etc

Explanatory material in a form approved under section 471 (Approved forms) for this part, or in a notice otherwise required in a proceeding, does not affect the law applying to proceedings.

[1.2789] Section 399 (2)

omit

Schedule 3

substitute

schedule 1

[1.2790] Section 452

omit

in Schedule 2

[1.2791] Section 471

substitute

471 Approved forms

- (1) The Minister may, in writing, approve forms for this Act (other than rules made under section 497 (Rule-making power)).
- (2) If the Minister approves a form for a particular purpose, the approved form must be used for that purpose.
- (3) An approved form is a notifiable instrument.

Note A notifiable instrument must be notified under the *Legislation Act 2001*.

- (4) In this Act, other than in part 22 (Small Claims Court) or rules made under section 497, a reference to a form by a number is a reference to an approved form made under this section so numbered.
- (5) In part 22, a reference to a form by number is a reference to an approved form made under this section headed 'Small Claims Court' so numbered.

- (6) If there is not an approved form made under this section for a document to be filed in a proceeding (other than a proceeding to which rules made under section 497 apply), the document must be in a form acceptable to the registrar.
- (7) A form in schedule 1 or 2 that had not been superseded by an approved form immediately before the commencement of this section is, after the commencement, taken to be an approved form made under this section.
- (8) However, a form mentioned in subsection (7) need not be notified under the *Legislation Act 2001*.
- (9) Subsections (7) and (8) are laws to which the *Legislation Act 2001*, section 88 (Repeal does not end transitional or validating effect etc) applies.
- (10) Subsections (7) to (9) and this subsection expire 1 year after this section commences.

[1.2792] Sections 497 and 498

substitute

497 Rule-making power

The Executive may make rules for the *Worker's Compensation Act 1951*.

Note Rules must be notified, and presented to the Legislative Assembly, under the *Legislation Act 2001*.

498 Regulation-making power

The Executive may make regulations for this Act.

Note Regulations must be notified, and presented to the Legislative Assembly, under the *Legislation Act 2001*.

[1.2793] Schedules 1 and 2

omit

[1.2794] Schedule 3

renumber as schedule 1

Part 240 **Magistrates Court (Civil
Jurisdiction) Regulations**

[1.2795] Regulation 2

omit

[1.2796] Regulation 6 (1)

omit 1st mention of

by the registrar

substitute

under the Act, section 471 (Approved forms)

Part 241 **Magistrates Court (Civil
Jurisdiction) (Solicitors'
Costs) Regulations**

**[1.2797] Regulation 2, definitions of *Supreme Court Rules* and
*the Act***

omit

Part 242 **Workers' Compensation Rules**

[1.2798] Rule 5

*omit everything before definition of **committee**, substitute*

5 **Definitions for rules**

In these rules:

[1.2799] Rule 5 (1), definition of *the Act*

substitute

the Act means the *Workers' Compensation Act 1951*.

[1.2800] Rule 5 (2) and (3)

omit

[1.2801] Rules 66 and 67

omit

[1.2802] Rule 81

omit

[1.2803] Rule 88, heading

substitute

88 Approved forms, or like forms, to be used

[1.2804] Rule 88 (1)

omit

The forms in the First Schedule to these Rules

substitute

Approved forms

[1.2805] New rule 89

insert

89 Approved forms

- (1) The Minister may, in writing, approve forms for these rules.
- (2) If the Minister approves a form for a particular purpose, the approved form must be used for that purpose.
- (3) An approved form is a notifiable instrument.

Note A notifiable instrument must be notified under the *Legislation Act 2001*.

- (4) In these rules, a reference to a form by number is a reference to an approved form so numbered.
- (5) If there is not an approved form made under these rules for a document to be filed in a proceeding to which these rules apply, the document must be in a form acceptable to the registrar.
- (6) A form in the first schedule immediately before the commencement of this rule is, after the commencement, taken to be an approved form.
- (7) However, a form mentioned in subrule (6) need not be notified under the *Legislation Act 2001*.
- (8) Subrules (6) and (7) are laws to which the *Legislation Act 2001*, section 88 (Repeal does not end transitional or validating effect etc) applies.
- (9) Subrules (6) to (8) and this subrule expire 1 year after this rule commences.

[1.2806] Heading to the schedules

omit

[1.2807] First schedule

omit

[1.2808] Third and fourth schedules

omit

Part 243 **Married Persons (Torts) Act**
1968

[1.2809] Section 2

omit

Part 244 Meat Act 1931

[1.2810] Section 15 (1) (i)

omit

by notice in the *Gazette*

substitute

, in writing,

[1.2811] Section 15 (2) to (4)

renumber as section 15 (3) to (5)

[1.2812] New section 15 (2)

insert

(2) A declaration under subsection (1) (i) is a notifiable instrument.

Note A notifiable instrument must be notified under the *Legislation Act 2001*.

[1.2813] Section 18 (1) (c)

omit

or the regulations

[1.2814] Section 18 (1), new note

insert

Note A reference to an Act includes a reference to the statutory instruments made or in force under the Act, including regulations (see *Legislation Act 2001*, s 104).

[1.2815] Section 18 (3)

omit

or the regulations

[1.2816] Sections 19B and 19C

substitute

19B Determination of fees

- (1) The Minister may, in writing, determine fees for this Act.

Note The *Legislation Act 2001* contains provisions about the making of determinations and regulations relating to fees (see pt 6.3).

- (2) A determination is a disallowable instrument.

Note A disallowable instrument must be notified, and presented to the Legislative Assembly, under the *Legislation Act 2001*.

[1.2817] Section 20

omit everything before paragraph (a), substitute

20 Regulation-making power

- (1) The Executive may make regulations for this Act.

Note Regulations must be notified, and presented to the Legislative Assembly, under the *Legislation Act 2001*.

- (2) The regulations may make provision in relation to—

[1.2818] Section 20 (b)

omit

consumption;

substitute

consumption.

[1.2819] Section 20 (c) and (d)

omit

[1.2820] New section 20 (3)

insert

- (3) The regulations may also prescribe offences for contraventions of the regulations and prescribe maximum penalties of not more than 10 penalty units for offences against the regulations.

Part 245 **Meat Regulations**

[1.2821] Regulation 2

omit

[1.2822] Regulation 5 (1)

omit

accompanied by the determined fee

[1.2823] Regulation 5 (1), new note

insert

Note A fee may be determined under the Act, s 19B (Determination of fees) for this regulation.

[1.2824] Regulation 5 (4)

omit

upon payment of the determined fee in respect of each renewal

[1.2825] Regulation 5 (4), new note

insert

Note A fee may be determined under the Act, s 19B (Determination of fees) for this regulation.

[1.2826] Regulation 5 (5)

substitute

- (5) If an application for a permit or the renewal of a permit is refused, any fee paid for the application must be refunded.

[1.2827] Regulation 5 (1A) to (5)

renumber as regulation 5 (2) to (6)

[1.2828] Regulation 6 (2)

omit

by notice published in the *Gazette*

substitute

in writing

[1.2829] Regulation 6 (4)

omit

by notice published in the *Gazette*

substitute

in writing

[1.2830] New regulation 6 (5)

insert

- (5) An approval under subregulation (2) or (4) is a notifiable instrument.

Note A notifiable instrument must be notified under the *Legislation Act 2001*.

[1.2831] Schedule

omit

Part 246 Mediation Act 1997

[1.2832] Section 2

omit

[1.2833] Section 4 (1)

after

may

insert

, in writing,

[1.2834] Section 4 (2)

after

may

insert

, in writing,

[1.2835] Section 4 (3), new note

insert

Note A disallowable instrument must be notified, and presented to the Legislative Assembly, under the *Legislation Act 2001*.

[1.2836] Section 13

substitute

13 Regulation-making power

- (1) The Executive may make regulations for this Act.

Note Regulations must be notified, and presented to the Legislative Assembly, under the *Legislation Act 2001*.

- (2) The regulations may prescribe requirements to be complied with by an approved agency.
- (3) The regulations may also prescribe offences for contraventions of the regulations and prescribe maximum penalties of not more than 10 penalty units for offences against the regulations.

Part 247 Medical Practitioners Act 1930

[1.2837] Section 2

omit

[1.2838] Section 3 (2)

omit

[1.2839] Section 19 (2)

substitute

- (2) The applicant must give the board a completed application form.

Note 1 A fee may be determined under s 58 (Determination of fees) for an application.

Note 2 If a form is approved under s 58A (Approved forms) for an application, the form must be used.

[1.2840] Section 21 (a)

substitute

- (a) complies with this Act; and

[1.2841] Section 22

omit

[1.2842] Section 26 (3)

substitute

- (3) If a certificate issued under subsection (1) to a registered medical practitioner has been stolen, lost or destroyed, the board must, on application by the registered medical practitioner, issue a duplicate certificate.

Note A fee may be determined under s 58 (Determination of fees) for this section.

[1.2843] Section 26

renumber subsections when Act next republished under Legislation Act 2001

[1.2844] Section 28 (3), new note

insert

Note A fee may be determined under s 58 (Determination of fees) for this section.

[1.2845] Section 28 (4) and (5)

omit

[1.2846] Part 3, division 4, heading

substitute

Division 3.4 Annual registration fees

[1.2847] Section 32, heading

substitute

32 Annual registration fee

[1.2848] Section 32 (1)

substitute

- (1) On or before 30 September in each year, a registered medical practitioner must pay to the Territory the annual registration fee determined under section 58 (Determination of fees) for the year.

[1.2849] Section 34 (1) and (2)

substitute

- (1) A person whose registration has been cancelled for failure to pay the annual registration fee determined under section 58 (Determination of fees) for a year is entitled to be re-registered if the person gives the board a completed application form and pays the fee.

Note If a form is approved under s 58A (Approved forms) for an application, the form must be used.

[1.2850] Section 34 (3) to (5)

renumber as section 34 (2) to (4)

[1.2851] Section 35 (1) (b)

omit

or the regulations

[1.2852] Section 35 (1), new note

insert

Note A reference to an Act includes a reference to the statutory instruments made or in force under the Act, including regulations (see *Legislation Act 2001*, s 104).

[1.2853] Section 43 (1)

omit

The Chairperson may, if he or she thinks fit, cause a notice

substitute

The chairperson may prepare written notice

[1.2854] Section 43 (1)

omit

, to be published in the *Gazette*

[1.2855] New section 43 (2)

insert

- (2) The notice is a notifiable instrument.

Note A notifiable instrument must be notified under the *Legislation Act 2001*.

[1.2856] Section 43 (2)

omit everything before paragraph (a), substitute

- (3) The notice must not be notified until—

[1.2857] Section 56 (1)

substitute

- (1) A person may inspect, or obtain a certified copy of, an entry in the register.

Note A fee may be determined under s 58 (Determination of fees) for this section.

[1.2858] Section 57

omit

The Board shall

substitute

- (1) The board must

[1.2859] Section 57

omit

cause to be published in the *Gazette* a

substitute

prepare a written

[1.2860] New section 57 (2)

insert

- (2) The notice is a notifiable instrument.

Note A notifiable instrument must be notified under the *Legislation Act 2001*.

[1.2861] Section 58

substitute

58 Determination of fees

- (1) The Minister may, in writing, determine fees for this Act.

Note The *Legislation Act 2001* contains provisions about the making of determinations and regulations relating to fees (see pt 6.3).

- (2) A determination is a disallowable instrument.

Note A disallowable instrument must be notified, and presented to the Legislative Assembly, under the *Legislation Act 2001*.

58A Approved forms

- (1) The board may, in writing, approve forms for this Act.

- (2) If the board approves a form for a particular purpose, the approved form must be used for that purpose.
- (3) An approved form is a notifiable instrument.

Note A notifiable instrument must be notified under the *Legislation Act 2001*.

[1.2862] Section 60

substitute

60 Regulation-making power

The Executive may make regulations for this Act.

Note Regulations must be notified, and presented to the Legislative Assembly, under the *Legislation Act 2001*.

Part 248 Medical Treatment Act 1994

[1.2863] Section 2

omit

[1.2864] Section 24

substitute

24 Regulation-making power

The Executive may make regulations for this Act.

Note Regulations must be notified, and presented to the Legislative Assembly, under the *Legislation Act 2001*.

[1.2865] Part IV

omit

Part 249 Mental Health (Treatment and Care) Act 1994

[1.2866] Section 2

omit

[1.2867] Section 4, definition of *determined fee*

omit

[1.2868] Section 13 (1), new note

insert

Note If a form is approved under s 146A (Approved forms) for an application, the form must be used.

[1.2869] Section 14 (1), new note

insert

Note If a form is approved under s 146A (Approved forms) for an application, the form must be used.

[1.2870] Section 14 (2A)

omit

[1.2871] Section 32 (3) (c)

omit

in a form approved by the Minister

[1.2872] Section 32 (3), new note

insert

Note If a form is approved under s 146A (Approved forms) for an application, the form must be used.

[1.2873] Section 41 (2), new note

insert

Note If a form is approved under s 146A (Approved forms) for a seclusion register, the form must be used.

[1.2874] Section 41 (4)

omit

[1.2875] Section 41 (5)

renumber as section 41 (4)

[1.2876] Section 48 (1)

omit

by notice in the *Gazette*

substitute

in writing

[1.2877] Section 48 (2)

substitute

- (2) An approval under subsection (1) (a) is a notifiable instrument.

Note A notifiable instrument must be notified under the *Legislation Act 2001*.

- (3) An approval under subsection (1) (b) is a disallowable instrument.

Note A disallowable instrument must be notified, and presented to the Legislative Assembly, under the *Legislation Act 2001*.

[1.2878] Section 90 (5) (a)

omit

[1.2879] Section 90 (5) (b) to (ca)

renumber as section 90 (5) (a) to (c)

[1.2880] Section 90 (5) (d)

omit

in the prescribed form

Note If a form is approved under s 146A (Approved forms) for a summons, the form must be used.

[1.2881] Section 122A (5), new note

insert

Note If a form is approved under s 146A (Approved forms) for a record, the form must be used.

[1.2882] Section 122A (6)

omit

[1.2883] Section 125 (2)

omit

together with the determined fee

[1.2884] Section 125 (2), new note

insert

Note A fee may be determined under s 146 (Determination of fees) for this section.

[1.2885] Section 126 (3)

omit

together with the determined fee

[1.2886] Section 126 (3), new note

insert

Note A fee may be determined under s 146 (Determination of fees) for this section.

[1.2887] Sections 146 to 147

substitute

146 Determination of fees

- (1) The Minister may, in writing, determine fees for this Act.

Note The *Legislation Act 2001* contains provisions about the making of determinations and regulations relating to fees (see pt 6.3).

- (2) A determination is a disallowable instrument.

Note A disallowable instrument must be notified, and presented to the Legislative Assembly, under the *Legislation Act 2001*.

146A Approved forms

- (1) The Minister may, in writing, approve forms for this Act.
- (2) If the Minister approves a form for a particular purpose, the approved form must be used for that purpose.
- (3) An approved form is a notifiable instrument.

Note A notifiable instrument must be notified under the *Legislation Act 2001*.

147 Regulation-making power

The Executive may make regulations for this Act.

Note Regulations must be notified, and presented to the Legislative Assembly, under the *Legislation Act 2001*.

Part 250 Mental Health Act 1962

[1.2888] Section 8

substitute

8 Regulation-making power

The Executive may make regulations for this Act.

Note Regulations must be notified, and presented to the Legislative Assembly, under the *Legislation Act 2001*.

Part 251 Mercantile Law Act 1962

[1.2889] Section 3

omit

[1.2890] The Schedule

omit

Part 252 Mutual Recognition (Australian Capital Territory) Act 1992

[1.2891] Section 2

omit

[1.2892] Section 3

substitute

3 Expiry of Act

- (1) The Chief Minister may, in writing, fix a day on which this Act expires.
- (2) If the Chief Minister fixes a day under subsection (1), this Act expires on that day.
- (3) An instrument under subsection (1) is a notifiable instrument.

Note A notifiable instrument must be notified under the *Legislation Act 2001*.

[1.2893] Section 6

omit

For the purposes of

substitute

- (1) For

[1.2894] Section 6

omit

by notice in the *Gazette*

substitute

in writing

[1.2895] New section 6 (2)

insert

- (2) An approval is a notifiable instrument.

Note A notifiable instrument must be notified under the *Legislation Act 2001*.

**Part 253 National Crime Authority
(Territory Provisions) Act 1991**

[1.2896] Section 31

substitute

31 Regulation-making power

The Executive may make regulations for this Act.

Note Regulations must be notified, and presented to the Legislative Assembly, under the *Legislation Act 2001*.

**Part 254 National Crime Authority
(Territory Provisions)
Regulations**

[1.2897] Regulations 2 and 3

omit

**Part 255 National Environment
Protection Council Act 1994**

[1.2898] Section 2

omit

[1.2899] Section 4

substitute

4 Words and expressions used in Cwlth Act

A word or expression used in the Commonwealth Act has the same meaning in this Act.

[1.2900] Section 13

omit

by instrument

[1.2901] Section 62, heading

substitute

62 Regulation-making power

[1.2902] Section 62

omit

the purposes of

[1.2903] Section 62, new note

insert

Note Regulations must be notified, and presented to the Legislative Assembly, under the *Legislation Act 2001*.

**Part 256 National Exhibition Centre
Trust Act 1976**

[1.2904] Section 28

omit everything before paragraph (a), substitute

28 Power to make by-laws

- (1) The trust may, under its common seal and with the Minister's approval, make by-laws for this Act in relation to the management and control of the National Exhibition Centre.

Note By-laws must be notified, and presented to the Legislative Assembly, under the *Legislation Act 2001*.

- (2) The by-laws may make provision in relation to—

[1.2905] Section 28 (1) (c)

omit

Centre; and

substitute

Centre.

[1.2906] Section 28 (1) (d)

omit

[1.2907] Section 28 (2)

substitute

- (2) The by-laws may prescribe offences for contraventions of the by-laws and prescribe maximum penalties of not more than 1 penalty unit for offences against the by-laws.

[1.2908] Section 31

substitute

31 Regulation-making power

The Executive may make regulations for this Act.

Note Regulations must be notified, and presented to the Legislative Assembly, under the *Legislation Act 2001*.

Part 257 Native Title Act 1994

[1.2909] Section 2

omit

Part 258 Nature Conservation Act 1980

[1.2910] Section 15S (1), new note

insert

Note Power given under an Act to make a statutory instrument (including the draft nature conservation strategy) includes power to amend or repeal the instrument (see *Legislation Act 2001*, s 46 (1)).

[1.2911] Section 15T

omit

[1.2912] Sections 15U, 15V and 15W

substitute

15U Public notification of draft nature conservation strategy

- (1) If the conservator prepares a draft nature conservation strategy, the conservator must also prepare a written notice—
 - (a) stating that copies of the draft strategy are available for inspection during office hours at a place stated in the notice; and
 - (b) inviting interested people to make written comments about the draft strategy to the conservator at the place, and within the period (the *consultation period*), stated in the notice.
- (2) The consultation period must be at least 21 days after the day the notice is notified under the *Legislation Act 2001*.
- (3) The notice is a notifiable instrument.

Note A notifiable instrument must be notified under the *Legislation Act 2001*.

- (4) The conservator must also publish the notice in a newspaper.
- (5) During the consultation period, the conservator must make copies of the draft nature conservation strategy available for inspection in accordance with the notice.
- (6) In this section:

draft nature conservation strategy includes a draft nature conservation strategy that has been revised under section 15V.

15V Confirmation, revision, deferral or withdrawal of draft nature conservation strategy

- (1) After the end of the consultation period for a draft nature conservation strategy, the conservator may, in writing—
 - (a) confirm the draft strategy; or
 - (b) revise the draft strategy; or
 - (c) defer the submission of the draft strategy to the Minister until a stated date or the happening of a stated event; or
 - (d) withdraw the draft strategy.
- (2) An instrument under subsection (1) (c) or (d) is a notifiable instrument.

Note A notifiable instrument must be notified under the *Legislation Act 2001*.

- (3) In deciding whether to confirm, revise, defer or withdraw a draft nature conservation strategy under this section, the conservator must consider the comments (if any) made to the conservator about the draft strategy during the consultation period.
- (4) If a draft nature conservation strategy is deferred under this section, as soon as practicable after the date, or the happening of the event, stated in the instrument of deferral, the conservator must prepare a written notice stating that the draft strategy is revived.
- (5) The notice is a notifiable instrument.

Note A notifiable instrument must be notified under the *Legislation Act 2001*.

15W Submission or resubmission of draft nature conservation strategy to Minister

- (1) If the conservator—
- (a) confirms a draft nature conservation strategy; or
 - (b) prepares a notice under section 15V stating that a draft nature conservation strategy is revived;

the conservator must submit the draft nature conservation strategy to the Minister for approval, together with a written report setting out the issues raised in the written comments (if any) received by the conservator about the draft strategy during the consultation period.

- (2) If a draft nature conservation strategy is deferred under section 15X (Minister's powers in relation to draft nature conservation strategy), as soon as practicable after the date, or the happening of the event, stated in the instrument of deferral, the conservator must prepare a written notice stating the draft strategy is revived.
- (3) The notice is a notifiable instrument.

Note A notifiable instrument must be notified under the *Legislation Act 2001*.

- (4) If the conservator—
- (a) gives effect to a direction of the Minister under section 15X in relation to a draft nature conservation strategy (other than a direction to defer resubmission of the draft strategy or to withdraw it); or
 - (b) prepares a notice under subsection (2) in relation to a draft strategy;

the conservator must resubmit the draft strategy to the Minister for approval.

- (5) In this section:

draft nature conservation strategy includes a draft nature conservation strategy that has been revised under section 15V.

[1.2913] Section 15X, heading

substitute

15X Minister's powers in relation to draft nature conservation strategy

[1.2914] Section 15X

omit everything before paragraph (a), substitute

15X Draft strategy or variations—powers of Ministers

- (1) If a draft nature conservation strategy is submitted or resubmitted to the Minister for approval, the Minister must—

[1.2915] Section 15X (b) (v) and (vi)

substitute

- (v) defer, by written notice, resubmission of the draft strategy to the Minister;
- (vi) withdraw the draft strategy by written notice; or

[1.2916] New section 15X (2) and (3)

insert

- (2) A draft nature conservation strategy approved under this section is a disallowable instrument.

Note 1 A disallowable instrument must be notified, and presented to the Legislative Assembly, under the *Legislation Act 2001*.

Note 2 An amendment or repeal of a draft nature conservation strategy is also a disallowable instrument (see *Legislation Act 2001*, s 46 (2)).

- (3) A notice under subsection (1) (b) (v) or (vi) is a notifiable instrument.

Note A notifiable instrument must be notified under the *Legislation Act 2001*.

[1.2917] Section 15Y

substitute

15Y Notice of rejection of draft nature conservation strategy

- (1) If the Minister rejects a draft nature conservation strategy under section 15X, the Minister must prepare a written notice stating that the draft strategy has been rejected.
- (2) The notice is a notifiable instrument.
Note A notifiable instrument must be notified under the *Legislation Act 2001*.
- (3) The Minister must also publish the notice in a newspaper.

[1.2918] Section 15Z

substitute

15Z Commencement of nature conservation strategy etc

- (1) To the extent that they have not been disallowed under the *Legislation Act 2001*, the provisions of an instrument prepared for the purposes of section 15S (1) (including any revision of the instrument) become the text of the nature conservation strategy for the Territory (the *strategy*).
- (2) As soon as practicable after the provisions of an instrument become the text of the strategy, or variation of the strategy, the Minister must, in writing, fix a day when the strategy or variation is to commence.

Note An instrument under this subsection is a *commencement notice* (see *Legislation Act 2001*, s 11). A commencement notice must be notified under the *Legislation Act 2001*.

[1.2919] Section 16 (1) and (2)

omit

by instrument

insert

in writing

[1.2920] Section 16 (3)

renumber as section 16 (4)

[1.2921] New section 16 (3)

insert

- (3) A declaration under this section is a disallowable instrument.

Note A disallowable instrument must be notified, and presented to the Legislative Assembly, under the *Legislation Act 2001*.

[1.2922] Section 17 (1)

omit

by instrument

substitute

in writing

[1.2923] New section 17 (3)

insert

- (3) A declaration under this section is a disallowable instrument.

Note A disallowable instrument must be notified, and presented to the Legislative Assembly, under the *Legislation Act 2001*.

[1.2924] Section 18 (1)

substitute

- (1) The committee must, in writing, specify criteria for assessing whether the committee should recommend the making of a declaration under section 21 (Declaration of species, community or process).

[1.2925] New section 18 (3)

insert

- (3) An instrument under this section is a disallowable instrument.

Note A disallowable instrument must be notified, and presented to the Legislative Assembly, under the *Legislation Act 2001*.

[1.2926] Section 19

substitute

19 Guidelines for dealing with applications for declarations

- (1) The committee must, in writing, specify guidelines for the procedures to be followed by the committee in relation to making a decision on an application under section 22 (Request to Committee to recommend making of declaration).
- (2) An instrument under this section is a disallowable instrument.

Note A disallowable instrument must be notified, and presented to the Legislative Assembly, under the *Legislation Act 2001*.

[1.2927] Section 21 (4)

substitute

- (4) If the Minister accepts a recommendation under this section, the Minister must, in writing, make the declaration recommended.
- (5) A declaration under this section is a disallowable instrument.

Note A disallowable instrument must be notified, and presented to the Legislative Assembly, under the *Legislation Act 2001*.

[1.2928] New section 22 (5)

insert

- (5) A form approved for this section is a notifiable instrument.

Note A notifiable instrument must be notified under the *Legislation Act 2001*.

[1.2929] Section 23A

omit

[1.2930] Section 23B

substitute

23B Public notification of draft action plan

- (1) If the conservator prepares a draft action plan, the conservator must also prepare a written notice—
 - (a) stating that copies of the draft action plan are available for inspection during office hours at a place stated in the notice; and
 - (b) inviting interested people to make written comments about the draft action plan to the conservator at the place, and within the period (the *consultation period*), stated in the notice.
- (2) The consultation period must be at least 21 days after the day the notice is notified under the *Legislation Act 2001*.
- (3) The notice is a notifiable instrument.

Note A notifiable instrument must be notified under the *Legislation Act 2001*.
- (4) The conservator must also publish the notice in a newspaper.
- (5) During the consultation period, the conservator must make copies of the draft action plan available for inspection in accordance with the notice.

[1.2931] Section 23C

substitute

23C Preparation of action plan

- (1) After the end of the consultation period for a draft action plan for a species, ecological community or process, the conservator may prepare an action plan for the species, ecological community or process.
- (2) In preparing the action plan, the conservator must consider the comments (if any) received by the conservator about the draft plan during the consultation period.
- (3) An action plan is a disallowable instrument.

Note A disallowable instrument must be notified, and presented to the Legislative Assembly, under the *Legislation Act 2001*.

[1.2932] Section 23D

omit

[1.2933] Part 2, division 5

omit

[1.2934] Section 45AA (1) and (2)

omit

by instrument

insert

in writing

[1.2935] Section 45AA (4), new note

insert

Note A disallowable instrument must be notified, and presented to the
Legislative Assembly, under the *Legislation Act 2001*.

[1.2936] Section 50 (1)

omit

by instrument

insert

in writing

[1.2937] Section 50 (2), new note

insert

Note A disallowable instrument must be notified, and presented to the
Legislative Assembly, under the *Legislation Act 2001*.

[1.2938] Section 53A

substitute

53A Entry to reserved areas

If, when asked by a conservation officer, a person fails to pay a fee payable by the person for entry into a reserved area, the person must not enter the area.

Maximum penalty: 20 penalty units.

[1.2939] Section 61 (1)

substitute

- (1) An application for a licence must be given to the conservator.

Note 1 If a form is approved under s 80B (Approved forms) for an application, the form must be used.

Note 2 A fee may be determined under s 83A (Determination of fees) for this section.

[1.2940] Section 64 (2)

omit

, by instrument, determine or vary

substitute

, in writing, determine

[1.2941] Section 64 (4), new note

insert

Note A disallowable instrument must be notified, and presented to the Legislative Assembly, under the *Legislation Act 2001*.

[1.2942] Section 74AA, definition of *relevant amount*, paragraph (b)

omit

the determined fee

substitute

the fee determined under section 83A (Determination of fees) for section 74AC

[1.2943] Section 74AB (2) (e) (ii)

omit

determined fee

substitute

the fee determined under section 83A (Determination of fees) for section 74AC

[1.2944] Section 74AB (2), new note

insert

Note If a form is approved under s 80B (Approved forms) for an infringement notice, the form must be used.

[1.2945] Section 74AC (2) (f)

omit

determined fee

substitute

fee determined under section 83A (Determination of fees) for this section

[1.2946] Section 74AC (2), new note

insert

Note If a form is approved under s 80B (Approved forms) for a final infringement notice, the form must be used.

[1.2947] Section 80A (9)

omit

or the regulations

[1.2948] Section 80A (9), new note

insert

Note A reference to an Act includes a reference to the statutory instruments made or in force under the Act, including regulations (see *Legislation Act 2001*, s 104).

[1.2949] Section 80B, heading

substitute

80B Approved forms

[1.2950] New section 80B (3)

insert

- (3) An approved form is a notifiable instrument.

Note A notifiable instrument must be notified under the *Legislation Act 2001*.

[1.2951] Section 83A

after

may

insert

, in writing,

[1.2952] Section 83A (1), new note

insert

Note The *Legislation Act 2001* contains provisions about the making of determinations and regulations relating to fees (see pt 6.3).

[1.2953] Section 83A (2), new note

insert

Note A disallowable instrument must be notified, and presented to the Legislative Assembly, under the *Legislation Act 2001*.

[1.2954] Section 84 (1), new note

insert

Note Regulations must be notified, and presented to the Legislative Assembly, under the *Legislation Act 2001*.

[1.2955] Section 84 (2) and (3)

substitute

- (2) The regulations may provide for the imposition of fees to be charged for access to reserved areas.
- (3) The regulations may also prescribe offences for contraventions of the regulations and prescribe maximum penalties of not more than 10 penalty units for offences against the regulations.

[1.2956] Dictionary, new definition of *consultation period*

insert

consultation period—

- (a) for a draft nature conservation strategy—see section 15U (1);
or
- (b) for a draft action plan—see section 23B (1).

[1.2957] Dictionary, definition of *determined fee*

omit

Part 259 **Nature Conservation
Regulations**

[1.2958] Regulation 2

omit

Part 260 **Notaries Public Act 1984**

[1.2959] Section 18

omit

Part 261 Nudity Act 1976

[1.2960] Sections 2 and 3

substitute

2 Prescribed areas

- (1) The Minister may, in writing, declare an area to be a prescribed area.
- (2) A declaration is a notifiable instrument.

Note A notifiable instrument must be notified under the *Legislation Act 2001*.

3 Publication of declaration in newspaper

- (1) Within 7 days after making a declaration under section 2, the Minister must publish a copy of the declaration in a newspaper circulating in the ACT.
- (2) A declaration is not invalid if the Minister does not comply with subsection (1).

Part 262 Nurses Act 1988

[1.2961] Section 2

omit

[1.2962] Section 3 (1), definition of *determined fee*

omit

[1.2963] Section 15 (2)

substitute

- (2) A person authorised by the board for this section may grant interim registration in accordance with this section to an applicant for registration.

Note A fee may be determined under s 86 (Determination of fees) for this section.

[1.2964] Section 21 (2)

substitute

- (2) The applicant must give the board a completed application form.

Note 1 A fee may be determined under s 86 (Determination of fees) for this section.

Note 2 If a form is approved under s 86A (Approved forms) for an application, the form must be used.

[1.2965] Section 23 (a)

substitute

- (a) complies with this Act; and

[1.2966] Section 24

omit

[1.2967] Section 28 (7)

substitute

- (7) If a certificate issued under subsection (1) to a registered nurse has been stolen, lost or destroyed, the board must, on application by the registered nurse, issue a duplicate certificate.

Note A fee may be determined under s 86 (Determination of fees) for this section.

[1.2968] Section 28

renumber subsections when Act next republished under the Legislation Act 2001

[1.2969] Section 30 (2), new note

insert

Note A fee may be determined under s 86 (Determination of fees) for this section.

[1.2970] Section 30 (4)

omit

[1.2971] Part 4, division 4, heading

substitute

Division 4.4 Annual registration fees

[1.2972] Section 34, heading

substitute

34 Annual registration fee

[1.2973] Section 34 (1)

substitute

- (1) On or before 1 April in each year, a registered nurse must pay to the Territory the annual registration fee determined under section 86 (Determination of fees) for the year.

[1.2974] Section 36 (1)

substitute

- (1) A person whose registration has been cancelled for failure to pay the annual registration fee determined under section 86 (Determination of fees) for a year is entitled to be re-registered if the person gives the board a completed application form and pays the fee.

Note If a form is approved under s 86A (Approved forms) for this section, the form must be used.

[1.2975] Section 39 (2)

substitute

- (2) A person authorised by the board for this section may grant an applicant for enrolment interim enrolment in accordance with this section.

Note A fee may be determined under s 86 (Determination of fees) for this section.

[1.2976] Section 45 (2)

substitute

- (2) The applicant must give the board a completed application form.

Note 1 A fee may be determined under s 86 (Determination of fees) for this section.

Note 2 If a form is approved under s 86A (Approved forms) for an application, the form must be used.

[1.2977] Section 48

omit

[1.2978] Section 52 (6)

substitute

- (6) If a certificate issued under subsection (1) to an enrolled nurse has been stolen, lost or destroyed, the board must, on application by the enrolled nurse, issue a duplicate certificate.

Note A fee may be determined under s 86 (Determination of fees) for this section.

[1.2979] Section 52

renumber subsections when Act next republished under the Legislation Act 2001

[1.2980] Section 54 (4)

omit

[1.2981] Part 5, division 4, heading

substitute

Division 5.4 Annual registration fees

[1.2982] Section 58, heading

substitute

58 Annual registration fee

[1.2983] Section 58 (1)

substitute

- (1) On or before 1 April in each year, an enrolled nurse must pay to the Territory the annual registration fee determined under section 86 (Determination of fees) for the year.

[1.2984] Section 60 (1)

substitute

- (1) A person whose enrolment has been cancelled for failure to pay the annual registration fee determined under section 86 (Determination of fees) for a year is entitled to be re-enrolled if the person gives the board a completed application and pays the fee.

Note If a form is approved under s 86A (Approved forms) for this section, the form must be used.

[1.2985] Section 61 (1) (e)

omit

or the regulations

[1.2986] Section 61, new note

insert

Note A reference to an Act includes a reference to the statutory instruments made or in force under the Act, including regulations (see *Legislation Act 2001*, s 104).

[1.2987] Section 82

omit

The chairperson may, if he or she thinks fit, cause a

substitute

- (1) The chairperson may prepare written

[1.2988] Section 82

omit

, to be published in the Gazette

[1.2989] New section 82 (2)

insert

- (2) The notice is a notifiable instrument.

Note A notifiable instrument must be notified under the *Legislation Act 2001*.

[1.2990] Section 84 (1)

substitute

- (1) A person may inspect, or obtain a certified copy of, an entry in the register.

Note A fee may be determined under s 86 (Determination of fees) for this section.

[1.2991] Section 85

omit

The board shall

substitute

- (1) The board must

[1.2992] Section 85

omit

cause to be published in the *Gazette*, a list

substitute

prepare a written notice

[1.2993] New section 85 (2)

insert

- (2) The notice is a notifiable instrument.

Note A notifiable instrument must be notified under the *Legislation Act 2001*.

[1.2994] Sections 86 and 87

substitute

86 Determination of fees

- (1) The Minister may, in writing, determine fees for this Act.

Note The *Legislation Act 2001* contains provisions about the making of determinations and regulations relating to fees (see pt 6.3).

- (2) A determination is a disallowable instrument.

Note A disallowable instrument must be notified, and presented to the Legislative Assembly, under the *Legislation Act 2001*.

86A Approved forms

- (1) The board may, in writing, approve forms for this Act.
- (2) If the board approves a form for a particular purpose, the approved form must be used for that purpose.
- (3) An approved form is a notifiable instrument.

Note A notifiable instrument must be notified under the *Legislation Act 2001*.

87 Regulation-making power

- (1) The Executive may make regulations for this Act.

Note Regulations must be notified, and presented to the Legislative Assembly, under the *Legislation Act 2001*.

- (2) The regulations may make provision in relation to—
 - (a) the control of the professional conduct of registered nurses and the practice of nursing; and
 - (b) the control of the conduct of enrolled nurses in the course of their employment.
- (3) The regulations may also prescribe offences for contraventions of the regulations and prescribe maximum penalties of not more than 10 penalty units for offences against the regulations.

[1.2995] Section 88

omit

[1.2996] Schedule

omit

**Part 263 Oaths and Affirmations Act
1984**

[1.2997] Sections 2 and 3

omit

**Part 264 Occupational Health and
Safety Act 1989**

[1.2998] Section 5 (1), definition of *approved code of practice*

substitute

approved code of practice means a code of practice approved under section 87 (Codes of practice).

[1.2999] Section 5 (1), definition of *determined fee*

omit

[1.3000] Section 5 (2)

omit

and the regulations

[1.3001] Section 5 (2), new note

insert

Note A reference to an Act includes a reference to the statutory instruments made or in force under the Act, including regulations (see *Legislation Act 2001*, s 104).

[1.3002] Section 5 (5)

omit

and the regulations

[1.3003] Section 6 (1)

omit

by notice in the Gazette

substitute

in writing

[1.3004] Section 6 (1) (a)

omit

and the regulations

[1.3005] Section 6 (1), new note

insert

Note A reference to an Act includes a reference to the statutory instruments made or in force under the Act, including regulations (see *Legislation Act 2001*, s 104).

[1.3006] Section 6 (2)

substitute

(2) A declaration is a disallowable instrument.

Note A disallowable instrument must be notified, and presented to the Legislative Assembly, under the *Legislation Act 2001*.

[1.3007] Section 7 (1)

omit

may by instrument

substitute

may, in writing,

[1.3008] Section 7 (2)

substitute

(2) An exemption is a disallowable instrument.

Note A disallowable instrument must be notified, and presented to the Legislative Assembly, under the *Legislation Act 2001*.

[1.3009] Section 10 (2) (a)

omit

, the regulations

[1.3010] Section 10 (2) (e)

omit

and regulations under that Act

[1.3011] Section 10 (2), new note

insert

Note A reference to an Act includes a reference to the statutory instruments made or in force under the Act, including regulations (see *Legislation Act 2001*, s 104).

[1.3012] Section 30 (2)

omit

, the regulations

[1.3013] Section 30 (2), new note

insert

Note A reference to an Act includes a reference to the statutory instruments made or in force under the Act, including regulations (see *Legislation Act 2001*, s 104).

[1.3014] Section 39 (5)

substitute

(5) A declaration under subsection (2) is a notifiable instrument.

Note A notifiable instrument must be notified under the *Legislation Act 2001*.

[1.3015] Section 50 (3) (b)

omit

and the regulations apply

substitute

applies

[1.3016] Section 50 (3), new note

insert

Note A reference to an Act includes a reference to the statutory instruments made or in force under the Act, including regulations (see *Legislation Act 2001*, s 104).

[1.3017] Section 84 (1)

substitute

- (1) A request to the review authority for the review of a reviewable decision must be in writing.

Note A fee may be determined under s 96A (Determination of fees) for this section.

[1.3018] Section 85 (3) (a)

omit

, and the form of such a notice

[1.3019] Section 85 (3) (b)

omit

a report of

substitute

notice of

[1.3020] Section 85 (3) (b)

omit

, and the form of such a report

[1.3021] Section 87 (1) to (4)

substitute

- (1) The Minister may, in writing, approve a code of practice for providing practical guidance to employers, self-employed persons and employees.

Note Power given under an Act to make a statutory instrument (including a code of practice) includes power to amend or repeal the instrument (see *Legislation Act 2001*, s 46 (1)).

- (2) Before approving a proposed code of practice, the Minister must—
- (a) refer the proposed code to the council for its consideration; and
 - (b) take into account any relevant recommendation made by the council.
- (3) An approved code of practice may consist of any code, standard, rule, specification or provision relating to occupational health and safety and may apply, adopt or incorporate a law or instrument, or a provision of a law or instrument, as in force from time to time.

Note 1 A statutory instrument may also apply, adopt or incorporate (with or without change) a law or instrument (or a provision of a law or instrument) as in force at a particular time (see *Legislation Act 2001*, s 47 (1)).

Note 2 If a statutory instrument applies, adopts or incorporates a law or instrument (or a provision of a law or instrument), the law, instrument or provision may be taken to be a notifiable instrument that must be notified under the *Legislation Act 2001* (see s 47 (2)-(6)).

- (4) A code of practice approved under subsection (1) is a disallowable instrument.

Note 1 A disallowable instrument must be notified, and presented to the Legislative Assembly, under the *Legislation Act 2001*.

Note 2 An amendment or repeal of a code of practice approved under subsection (1) is also a disallowable instrument (see *Legislation Act 2001*, s 46 (2)).

[1.3022] Section 96 (1)

omit

and the regulations

[1.3023] Section 96 (1), new note

insert

Note A reference to an Act includes a reference to the statutory instruments made or in force under the Act, including regulations (see *Legislation Act 2001*, s 104).

[1.3024] Section 96A

substitute

96A Determination of fees

- (1) The Minister may, in writing, determine fees for this Act.

Note The *Legislation Act 2001* contains provisions about the making of determinations and regulations relating to fees (see pt 6.3).

- (2) A determination is a disallowable instrument.

Note A disallowable instrument must be notified, and presented to the Legislative Assembly, under the *Legislation Act 2001*.

[1.3025] Section 96B and 96C

renumber as section 96C and 96D

[1.3026] New section 96B

insert

96B Approved forms

- (1) The Minister may, in writing, approve forms for this Act.
- (2) If the Minister approves a form for a particular purpose, the approved form must be used for that purpose.
- (3) An approved form is a notifiable instrument.

Note A notifiable instrument must be notified under the *Legislation Act 2001*.

- (4) A form approved under the regulations immediately before the commencement of this section is, after the commencement, taken to be an approved form.
- (5) However, the form need not be notified under the *Legislation Act 2001*.
- (6) Subsections (4) and (5) are laws to which the *Legislation Act 2001*, section 88 (Repeal does not end transitional or validating effect etc) applies.
- (7) Subsections (4) to (6) and this subsection expire 1 year after this section commences.

[1.3027] Section 97 (1)

substitute

- (1) The Executive may make regulations for this Act.

Note Regulations must be notified, and presented to the Legislative Assembly, under the *Legislation Act 2001*.

[1.3028] Section 97 (2)

omit

Without limiting the generality of subsection (1), the

substitute

The

[1.3029] Section 97 (2) (g)

omit

and the fees payable for the issue, variation or transfer of the licences

[1.3030] Section 97 (2) (ga)

omit

and the fees payable for the issue or variation of those certificates

[1.3031] Section 97 (2) (v)

omit

made; and

substitute

made.

[1.3032] Section 97 (2) (w)

omit

[1.3033] Section 97 (3)

renumber as section 97 (4)

[1.3034] New section 97 (3)

insert

- (3) The regulations may also prescribe offences for contraventions of the regulations and prescribe maximum penalties of not more than 10 penalty units for offences against the regulations.

[1.3035] Further amendments

omit

or the regulations

in the following provisions

- section 5 (4)
- section 7 (1)
- section 8
- section 30 (1) (b)
- section 48 (3) (a)
- section 49
- section 51 (1) (a) and (b) and (8) (d)

- section 60
- section 62 (1) and (3)
- section 65 (1)
- section 66 (1)
- section 67 (a)
- section 74
- section 76 (1) (a) and (b) and (6) (c)
- section 77 (5) (c)
- section 88 (1)
- section 91
- section 93 (1) to (4)
- sections 94 and 95
- section 96 (1)

Part 265 Occupational Health and Safety Regulations 1991

[1.3036] Regulation 2, note

omit

as applied by the *Subordinate Laws Act 1989*, s 9

[1.3037] Regulation 2, definition of *the Act*

omit

[1.3038] Regulation 6 (1), new note

insert

Note If a form is approved under the Act, s 96B (Approved forms) for the notice, the form must be used.

[1.3039] Regulation 6 (2)

omit

[1.3040] Regulation 6 (3) and (4)

renumber as regulation 6 (2) and (3)

[1.3041] Regulation 9 (3)

substitute

- (3) An approval under subregulation (1) is a disallowable instrument.

Note A disallowable instrument must be notified, and presented to the Legislative Assembly, under the *Legislation Act 2001*.

[1.3042] Regulation 13 (1) (c) and (d)

substitute

- (c) state the name, business address and telephone number of the blaster.

Note A fee may be determined under the Act, s 96A (Determination of fees) for this regulation.

[1.3043] Regulation 19 (4), new note

insert

Note A fee may be determined under the Act, s 96A (Determination of fees) for this regulation.

[1.3044] Regulation 19 (5)

omit

[1.3045] Regulation 21 (1) (a) (iv)

substitute

- (iv) against the Act or the *Dangerous Goods Act 1975*; or

[1.3046] Regulation 21 (1), new note

insert

Schedule 1 Acts and subordinate laws amended and repealed
Part 266 Occupational Health and Safety (Certification of Plant Users and Operators) Regulations 2000

Amendment [1.3047]

Note A reference to an Act includes a reference to the statutory instruments made or in force under the Act, including regulations (see *Legislation Act 2001*, s 104).

Part 266 Occupational Health and Safety (Certification of Plant Users and Operators) Regulations 2000

[1.3047] Regulation 3, note 2

omit

as applied by the *Subordinate Laws Act 1989*, s 9

[1.3048] Regulation 4

substitute

4 Application for assessment to do scheduled work

An application for assessment to do scheduled work must be given to an assessor.

Note A fee may be determined under the Act, s 96A (Determination of fees) for this regulation.

[1.3049] Regulation 11 (2)

substitute

- (2) The application must be accompanied by the notice of satisfactory assessment.

Note A fee may be determined under the Act, s 96A (Determination of fees) for this regulation.

[1.3050] Regulation 20 (2) and (3)

substitute

- (2) An application to vary a certificate of accreditation must be accompanied by the certificate.

Note A fee may be determined under the Act, s 96A (Determination of fees) for this regulation.

[1.3051] Regulation 27 (2) (b)

substitute

- (b) if the assessor has been convicted or found guilty of an offence against the Act or a corresponding law; or

Note A reference to an Act or law includes a reference to the statutory instruments made or in force under the Act or law, including regulations (see *Legislation Act 2001*, s 104).

[1.3052] Regulation 36

omit

Part 267 **Occupational Health and
Safety (Manual Handling)
Regulations**

[1.3053] Regulation 2

omit

Part 268 **Olympic Events Security Act
2000**

[1.3054] Section 4 (4), new note

insert

Note A disallowable instrument must be notified, and presented to the Legislative Assembly, under the *Legislation Act 2001*.

(commencement: the commencement of section 3 of this Act or immediately after the commencement of the *Olympic Events Security Amendment Act 2001*, whichever is later)

[1.3055] Section 6 (1)

substitute

- (1) At least 7 days before the date of the event described in a declaration, notice of the making of the declaration must be published in a daily newspaper published and circulating in the ACT.

[1.3056] Section 6 (3)

omit

[1.3057] Section 6 (4)

renumber as section 6 (3)

[1.3058] Section 6 (5)

substitute

- (4) Unless sooner revoked, a declaration expires on the date, and at the time (if any), stated in, or worked out in accordance with, the declaration.

[1.3059] Section 18 (1)

omit

under section 6 of the *Subordinate Laws Act 1989*

substitute

under the *Legislation Act 2001*

[1.3060] Section 18 (2)

omit everything before paragraph (a), substitute

- (2) Despite the *Legislation Act 2001*, section 84 (Saving of operation of repealed and amended laws)—

[1.3061] Section 19

omit

the purposes of

Part 269 Ombudsman Act 1989

[1.3062] Section 2

omit

[1.3063] Section 5 (2) (ea)

omit

Division 3.2 (Requirements for regulatory impact statements) of the
Subordinate Laws Act 1989

substitute

the *Legislation Act 2001*, part 5.2 (Requirements for regulatory
impact statements)

[1.3064] Sections 37 and 38

substitute

37 Determination of fees and witness expenses etc

- (1) The Minister may, in writing, determine—
 - (a) fees and expenses payable to witnesses appearing before the
ombudsman; or
 - (b) matters connected with those fees and expenses.
- (2) A determination is a notifiable instrument.

Note A notifiable instrument must be notified under the *Legislation Act 2001*.

38 Regulation-making power

The Executive may make regulations for this Act.

Note Regulations must be notified, and presented to the Legislative
Assembly, under the *Legislation Act 2001*.

Part 270 Ombudsman Regulations

[1.3065] Regulation 1A

omit

Part 271 Optometrists Act 1956

[1.3066] Section 2

omit

[1.3067] Section 3 (1), definition of *determined fee*

omit

[1.3068] Section 11 (2)

substitute

- (2) A person authorised by the board for this section may grant interim registration in accordance with this section to an applicant for registration.

Note A fee may be determined under s 55 (Determination of fees) for this section.

[1.3069] Section 17 (2)

substitute

- (2) The applicant must give the board a completed application form.

Note 1 A fee may be determined under s 55 (Determination of fees) for this section.

Note 2 If a form is approved under s 55A (Approved forms) for an application, the form must be used.

[1.3070] Section 19 (a)

substitute

- (a) complies with this Act; and

[1.3071] Section 20

omit

[1.3072] Section 24 (4)

substitute

- (4) If a certificate issued under subsection (1) to a registered optometrist has been stolen, lost or destroyed, the board must, on application by the registered optometrist, issue a duplicate certificate.

Note A fee may be determined under s 55 (Determination of fees) for this section.

[1.3073] Part 3, division 4, heading

substitute

Division 3.4 Annual registration fees

[1.3074] Section 28, heading

substitute

28 Annual registration fee

[1.3075] Section 28 (1)

substitute

- (1) On or before 1 July in each year, a registered optometrist must pay to the Territory the annual registration fee determined under section 55 (Determination of fees) for the year.

[1.3076] Section 30 (1) and (2)

substitute

- (1) A person whose registration has been cancelled for failure to pay the annual registration fee determined under section 55 (Determination of fees) for a year is entitled to be re-registered if the person gives the board a completed application form and pays the fee.

Note If a form is approved under s 55A (Approved forms) for an application, the form must be used.

[1.3077] Section 30 (3) to (5)

renumber as section 30 (2) to (4)

[1.3078] Section 32

substitute

32 Publication of names etc of registered optometrists

- (1) As soon as practicable after 1 July in each year, the board must prepare a written notice containing the names and professional address (or addresses) of the optometrists registered on that day.
- (2) The notice is a notifiable instrument.

Note A notifiable instrument must be notified under the *Legislation Act 2001*.

[1.3079] Section 33 (2), new note

insert

Note A fee may be determined under s 55 (Determination of fees) for this section.

[1.3080] Section 33 (3)

omit

[1.3081] Section 34 (1) (e)

omit

or the regulations

[1.3082] Section 34 (1), new note

insert

Note A reference to an Act includes a reference to the statutory instruments made or in force under the Act, including regulations (see *Legislation Act 2001*, s 104).

[1.3083] Section 51 (1)

omit

The Chairperson may, if the Chairperson thinks fit, cause a notice

substitute

The chairperson may prepare written notice

[1.3084] Section 51 (1)

omit

, to be published in the *Gazette*

[1.3085] New section 51 (2)

insert

- (2) The notice is a notifiable instrument.

Note A notifiable instrument must be notified under the *Legislation Act 2001*.

[1.3086] Section 51 (2)

omit everything before paragraph (a), substitute

- (3) The notice must not be notified until—

[1.3087] Section 55

substitute

55 Determination of fees

- (1) The Minister may, in writing, determine fees for this Act.

Note The *Legislation Act 2001* contains provisions about the making of determinations and regulations relating to fees (see pt 6.3).

- (2) A determination is a disallowable instrument.

Note A disallowable instrument must be notified, and presented to the Legislative Assembly, under the *Legislation Act 2001*.

55A Approved forms

- (1) The board may, in writing, approve forms for this Act.
- (2) If the board approves a form for a particular purpose, the approved form must be used for that purpose.
- (3) An approved form is a notifiable instrument.

Note A notifiable instrument must be notified under the *Legislation Act 2001*.

[1.3088] Section 56 (1) and (2)

substitute

- (1) A person may inspect, or obtain a certified copy of, an entry in the register.

Note A fee may be determined under s 55 (Determination of fees) for this section.

[1.3089] Section 56 (3) and (4)

renumber as section 56 (2) and (3)

[1.3090] Section 57

substitute

57 Regulation-making power

The Executive may make regulations for this Act.

Note Regulations must be notified, and presented to the Legislative Assembly, under the *Legislation Act 2001*.

Part 272 Parental Leave (Private Sector Employees) Act 1992

[1.3091] Section 2

omit

Part 273 Parole Act 1976

[1.3092] Sections 2 and 3

omit

[1.3093] Section 28

substitute

28 Regulation-making power

The Executive may make regulations for this Act.

Note Regulations must be notified, and presented to the Legislative Assembly, under the *Legislation Act 2001*.

Part 274 Parole Orders (Transfer) Act 1983

[1.3094] Section 2

omit

[1.3095] Section 3, definition of *corresponding law*

omit

notice

substitute

declaration

[1.3096] Section 4

omit

The Minister may, by notice in the *Gazette*

substitute

- (1) The Minister may, in writing

[1.3097] New section 4 (2)

insert

- (2) A declaration is a notifiable instrument.

Note A notifiable instrument must be notified under the *Legislation Act 2001*.

Part 275 Partnership Act 1963

[1.3098] Section 43

omit

An advertisement in the *Gazette*, or in a daily newspaper published in the Territory,

substitute

A notice published in a daily newspaper published in the ACT

Part 276 Pawnbrokers Act 1902

[1.3099] Section 6 (1)

substitute

- (1) An individual who is 18 years or older may apply to the Magistrates Court for a licence.
- (2) The applicant must give the court—
 - (a) the application and a copy of the application; and
 - (b) if the applicant is not the holder of a licence—references from 3 qualified people about the applicant's character and suitability to hold a licence.

Note 1 A fee may be determined under the *Magistrates Court Act 1930*, s 248A (Determination of fees) for an application.

Note 2 If a form is approved under s 47 (Approved forms) for an application, the form must be used.

[1.3100] Section 6 (2)

renumber as section 6 (3)

[1.3101] Section 8 (1)

omit

and the Registrar shall issue a licence to the applicant in accordance with the form in Schedule 2

[1.3102] Section 8 (1), new note

insert

Note If a form is approved under s 47 (Approved forms) for a licence, the form must be used.

[1.3103] New section 47

insert

47 Approved forms

- (1) The Minister may, in writing, approve forms for this Act.
- (2) If the Minister approves a form for a particular purpose, the approved form must be used for that purpose.
- (3) An approved form is a notifiable instrument.

Note A notifiable instrument must be notified under the *Legislation Act 2001*.

- (4) A form in schedules 1 and 2 immediately before the commencement of this section is, after the commencement, taken to be an approved form.
- (5) However, the form need not be notified under the *Legislation Act 2001*.
- (6) Subsections (4) and (5) are laws to which the *Legislation Act 2001*, section 88 (Repeal does not end transitional or validating effect etc) applies.
- (7) Subsections (4) to (6) and this subsection expire 1 year after this section commences.

[1.3104] Schedules 1 and 2

omit

Part 277 Payroll Tax Act 1987

[1.3105] Section 2

omit

[1.3106] Section 9 (2)

substitute

- (2) An instrument under subsection (1) (i) is a disallowable instrument.

Note A disallowable instrument must be notified, and presented to the Legislative Assembly, under the *Legislation Act 2001*.

[1.3107] Section 16 (2) (a)

omit

, in a form approved by the commissioner

[1.3108] Section 16 (2), new note

insert

Note If a form is approved under the *Taxation Administration Act 1999*, s 139C (Approved forms) for a return, the form must be used.

[1.3109] Section 22

substitute

21 Regulation-making power

The Executive may make regulations for this Act.

Note Regulations must be notified, and presented to the Legislative Assembly, under the *Legislation Act 2001*.

Part 278 Periodic Detention Act 1995

[1.3110] Section 3 (1), new definition of *standing orders*

insert

standing orders means the orders and instructions in force under section 58 (Standing orders).

[1.3111] Section 27 (1)

substitute

- (1) The director or manager of a detention centre may, subject to any regulations made for this subsection, give directions (not inconsistent with this Act) to any detainee for the purpose of securing the enforcement or observance of this Act.

Note A reference to an Act includes a reference to the statutory instruments made or in force under the Act, including regulations, rules and orders (see *Legislation Act 2001*, s 104).

[1.3112] Section 28A (3)

substitute

- (3) Subsection (2) is a law to which the *Legislation Act 2001*, section 88 (Repeal does not end transitional or validation effect etc) applies.

[1.3113] Section 35 (5)

substitute

- (5) It is a defence to the prosecution of a detainee for an offence against a provision of this Act concerning the good order, discipline and security of a detention centre if the detainee establishes that—
- (a) the detainee was obeying a direction or instruction given to the detainee under this Act; and
 - (b) the detainee could not comply with the provision at the same time that the detainee was obeying the direction or instruction.

Note A reference to an Act includes a reference to the statutory instruments made or in force under the Act, including regulations, rules and orders (see *Legislation Act 2001*, s 104).

[1.3114] Section 38

substitute

38 Authorisation to conduct tests

- (1) The director may, in writing, authorise an officer to carry out a test prescribed under section 23 (1) if the officer has—
 - (a) undergone a course approved by the Minister as a course for the instruction of officers in the carrying out of the test; and
 - (b) completed the course to the satisfaction of the director.
- (2) An authorisation is a notifiable instrument.

Note A notifiable instrument must be notified under the *Legislation Act 2001*.

[1.3115] Section 42

substitute

42 Declaration of detention centres

- (1) The Minister may, in writing, declare a place to be a detention centre.
- (2) A declaration is a notifiable instrument.

Note A notifiable instrument must be notified under the *Legislation Act 2001*.

[1.3116] Section 43 (1)

substitute

- (1) Subject to this Act, the manager is responsible for—
 - (a) the management, good order, discipline and security of a detention centre; and
 - (b) the welfare and conduct of detainees.

Note A reference to an Act includes a reference to the statutory instruments made or in force under the Act, including regulations, rules and orders (see *Legislation Act 2001*, s 104).

[1.3117] Section 60

substitute

60 Regulation-making power

- (1) The Executive may make regulations for this Act.

Note Regulations must be notified, and presented to the Legislative Assembly, under the *Legislation Act 2001*.

- (2) The regulations may make provision in relation to—

- (a) the powers and duties of officers; and
- (b) misconduct by detainees at detention centres or other places where detainees may be directed to perform work; and
- (c) the health, welfare and living conditions of detainees at detention centres or at other places where detainees may be directed to perform work; and
- (d) the good order, discipline and security of detention centres.

- (3) The regulations may also prescribe offences for contraventions of the regulations and prescribe maximum penalties of not more than 10 penalty units for offences against the regulations.

Part 279 Periodic Detention Regulations 1995

[1.3118] Regulations 2 and 3

substitute

2 Meaning of *authorised analyst*

In these regulations:

authorised analyst means a person who may analyse urine samples under regulation 7A (Authorisation of analysts).

Note A definition applies except so far as the contrary intention appears (see the *Interpretation Act 1967*, s 11G).

Part 280 Perpetuities and Accumulations Act 1985

[1.3119] Sections 21 and 22

omit

Part 281 Pharmacy Act 1931

[1.3120] Section 2 (1), definition of *determined fee*

omit

[1.3121] Section 9 (1) (b) (i)

omit

and published in the *Gazette*

[1.3122] New section 9 (4)

insert

- (4) A determination under subsection (1) (b) (i) is a notifiable instrument.

Note A notifiable instrument must be notified under the *Legislation Act 2001*.

[1.3123] Section 12 (2)

substitute

- (2) A person authorised by the board for this section may grant interim registration in accordance with this section to an applicant for registration.

Note A fee may be determined under s 57 (Determination of fees) for this section.

[1.3124] Section 18 (2)

substitute

- (2) The applicant must give the board a completed application form.

Note 1 A fee may be determined under s 57 (Determination of fees) for this section.

Note 2 If a form is approved under s 57A (Approved forms) for an application, the form must be used.

[1.3125] Section 20 (a)

substitute

(a) complies with this Act; and

[1.3126] Section 21

omit

[1.3127] Part 3, division 4, heading

substitute

Division 3.4 Annual registration fees

[1.3128] Section 28, heading

substitute

28 Annual registration fee

[1.3129] Section 28 (1)

substitute

- (1) On or before 31 October in each year, a registered pharmacist must pay to the Territory the annual registration fee determined under section 57 (Determination of fees) for the year.

[1.3130] Section 30 (1) and (2)

substitute

- (1) A person whose registration has been cancelled for failure to pay the annual registration fee determined under section 57 (Determination of fees) for a year is entitled to be re-registered if the person gives the board a completed application form and pays the fee.

Note If a form is approved under s 57A (Approved forms) for an application, the form must be used.

[1.3131] Section 30 (3) to (5)

renumber as section 30 (2) to (4)

[1.3132] Section 31 (3)

substitute

- (3) If a certificate issued under subsection (1) to a registered pharmacist has been stolen, lost or destroyed, the board must, on application by the registered pharmacist, issue a duplicate certificate.

Note A fee may be determined under s 57 (Determination of fees) for this section.

[1.3133] Section 31

renumber subsections when Act next republished under Legislation Act 2001

[1.3134] Section 33 (2)

omit

Subject to subsection (3), the

substitute

The

[1.3135] Section 33 (2), new note

insert

Note A fee may be determined under s 57 (Determination of fees) for this section.

[1.3136] Section 33 (3)

omit

[1.3137] Section 34

substitute

34 Publication of names etc of registered pharmacists

- (1) As soon as practicable after 31 October in each year, the board must prepare a written notice containing the names and professional address (or addresses) of the pharmacists registered on that day.
- (2) The notice is a notifiable instrument.

Note A notifiable instrument must be notified under the *Legislation Act 2001*.

[1.3138] Section 35 (k)

omit

or the regulations

[1.3139] Section 35, new note

insert

Note A reference to an Act includes a reference to the statutory instruments made or in force under the Act, including regulations (see *Legislation Act 2001*, s 104).

[1.3140] Section 44 (1)

omit

The Chairperson may, if he or she thinks fit, cause notice

substitute

The chairperson may prepare written notice

[1.3141] Section 44 (1)

omit

, to be published in the *Gazette*

[1.3142] New section 44 (2)

insert

- (2) The notice is a notifiable instrument.

Note A notifiable instrument must be notified under the *Legislation Act 2001*.

[1.3143] Section 44 (2)

omit everything before paragraph (a), substitute

- (3) The notice must not be notified until—

[1.3144] Section 56 (1)

substitute

- (1) A person may inspect, or obtain a certified copy of, an entry in the register.

Note A fee may be determined under s 57 (Determination of fees) for this section.

[1.3145] Section 57

substitute

57 Determination of fees

- (1) The Minister may, in writing, determine fees for this Act.

Note The *Legislation Act 2001* contains provisions about the making of determinations and regulations relating to fees (see pt 6.3).

- (2) A determination is a disallowable instrument.

Note A disallowable instrument must be notified, and presented to the Legislative Assembly, under the *Legislation Act 2001*.

57A Approved forms

- (1) The board may, in writing, approve forms for this Act.
- (2) If the board approves a form for a particular purpose, the approved form must be used for that purpose.
- (3) An approved form is a notifiable instrument.

Note A notifiable instrument must be notified under the *Legislation Act 2001*.

[1.3146] Section 60

substitute

60 Regulation-making power

- (1) The Executive may make regulations for this Act.

Note Regulations must be notified, and presented to the Legislative Assembly, under the *Legislation Act 2001*.

- (2) The regulations may make provision in relation to the construction, conduct and equipment of premises where the business of a pharmacy is carried on.
- (3) The regulations may also prescribe offences for contraventions of the regulations and prescribe maximum penalties of not more than 10 penalty units for offences against the regulations.

Part 282 Physiotherapists Act 1977

[1.3147] Section 2

omit

[1.3148] Section 3 (1), definition of *determined fee*

omit

[1.3149] Section 11 (2)

substitute

- (2) A person authorised by the board for this section may grant interim registration in accordance with this section to an applicant for registration.

Note A fee may be determined under s 54 (Determination of fees) for this section.

[1.3150] Section 17 (2)

substitute

- (2) The applicant must give a completed application form to a person authorised by the board for this section.

Note 1 A fee may be determined under s 54 (Determination of fees) for this section.

Note 2 If a form is approved under s 55 (Approved forms) for an application, the form must be used.

[1.3151] Section 19 (a)

substitute

(a) complies with this Act; and

[1.3152] Section 20

omit

[1.3153] Section 24 (2), new note

insert

Note A fee may be determined under s 54 (Determination of fees) for this section.

[1.3154] Section 24 (3)

omit

[1.3155] Part 3, division 4, heading

substitute

Division 3.4 Annual registration fees

[1.3156] Section 25, heading

substitute

25 Annual registration fee

[1.3157] Section 25 (1)

substitute

- (1) On or before 1 September in each year, a registered physiotherapist must pay to the Territory the annual registration fee determined under section 54 (Determination of fees) for the year.

[1.3158] Section 27 (1)

substitute

- (1) A person whose registration has been cancelled for failure to pay the annual registration fee determined under section 54 (Determination of fees) for a year is entitled to be re-registered if the person gives the board a completed application form and pays the fee.

Note If a form is approved under s 55 (Approved forms) for an application, the form must be used.

[1.3159] Section 28 (4)

substitute

- (4) If a certificate issued under subsection (1) to a registered physiotherapist has been stolen, lost or destroyed, the board must, on application by the registered physiotherapist, issue a duplicate certificate.

Note A fee may be determined under s 54 (Determination of fees) for this section.

[1.3160] Section 33 (e)

omit

or the regulations

[1.3161] Section 33, new note

insert

Note A reference to an Act includes a reference to the statutory instruments made or in force under the Act, including regulations (see *Legislation Act 2001*, s 104).

[1.3162] Section 50 (1)

omit

The Chairperson may, if he or she thinks fit, cause a notice

substitute

The chairperson may prepare written notice

[1.3163] Section 50 (1)

omit

, to be published in the *Gazette*

[1.3164] New section 50 (2)

insert

- (2) The notice is a notifiable instrument.

Note A notifiable instrument must be notified under the *Legislation Act 2001*.

[1.3165] Section 50 (2)

omit everything before paragraph (a), substitute

- (3) The notice must not be notified until—

[1.3166] Section 51

substitute

51 Publication of names etc of registered physiotherapists

- (1) As soon as practicable after 1 September in each year, the board must prepare a written notice containing the names and professional address (or addresses) of the physiotherapists registered on that day.
- (2) The notice is a notifiable instrument.

Note A notifiable instrument must be notified under the *Legislation Act 2001*.

[1.3167] Section 52 (1)

substitute

- (1) A person may inspect, or obtain a certified copy of, an entry in the register.

Note A fee may be determined under s 54 (Determination of fees) for this section.

[1.3168] Sections 54 and 55

substitute

54 Determination of fees

- (1) The Minister may, in writing, determine fees for this Act.

Note The *Legislation Act 2001* contains provisions about the making of determinations and regulations relating to fees (see pt 6.3).

- (2) A determination is a disallowable instrument.

Note A disallowable instrument must be notified, and presented to the Legislative Assembly, under the *Legislation Act 2001*.

55 Approved forms

- (1) The board may, in writing, approve forms for this Act.
- (2) If the board approves a form for a particular purpose, the approved form must be used for that purpose.
- (3) An approved form is a notifiable instrument.

Note A notifiable instrument must be notified under the *Legislation Act 2001*.

56 Regulation-making power

- (1) The Executive may make regulations for this Act.

Note Regulations must be notified, and presented to the Legislative Assembly, under the *Legislation Act 2001*.

- (2) The regulations may make provision in relation to treatment that is taken to be physiotherapy for this Act.

Part 283 Plant Diseases Act 1934

[1.3169] Section 2

omit

[1.3170] Section 5 (1), definitions of *Disease*, *Fruit*, *Insect*, *Pest* and *Vegetables*

substitute

disease, in relation to plants, means a disease, pest, virus or condition declared, in writing, by the Minister to be a disease, and includes any such disease at any stage of its development.

fruit—

- (a) means the edible fructification of any plant, and a plant or plant product declared, in writing, by the Minister to be a fruit; and
- (b) includes all or any part of the seed, nut, skin, peel or shell of any such fruit.

insect—

- (a) means—
 - (i) any form of animal life, within the biological classification Insecta, having a segmented body and paired jointed appendages (including, for example, an ant, bee, beetle, bug, butterfly, earwig, flea, fly, gnat, grasshopper, leaf-hopper, louse, locust, scale insect, termite or thrips); or
 - (ii) any form of animal life, within the biological classification Arachnida (including, for example, a spider, mite or tick); or
 - (iii) any other animal species declared, in writing, by the Minister to be an insect; and
- (b) includes any such insect in any stage of development.

pest means any member of the animal or plant kingdom declared, in writing, by the Minister to be a pest, and includes any such pest in any stage of development.

vegetables—

- (a) means—
 - (i) asparagus, beetroot, cauliflowers, celery, chillies, cucumber, pumpkins, rhubarb, squashes, marrows, tomatoes and potatoes; or
 - (ii) the edible parts of herbaceous or other plants commonly used for food; or
 - (iii) a plant or plant product declared, in writing, by the Minister to be a vegetable; and

- (b) includes all or any part of the seed, skin, peel or shell of any such vegetable.

[1.3171] Section 5 (1), definition of *This Act*

omit

[1.3172] Section 5 (1), new note

insert

Note A reference to an Act includes a reference to the statutory instruments made or in force under the Act, including regulations (see *Legislation Act 2001*, s 104).

[1.3173] New section 5 (3)

insert

- (3) A declaration under subsection (1) is a notifiable instrument.

Note A notifiable instrument must be notified under the *Legislation Act 2001*.

[1.3174] Section 6

omit

The Minister may, by notice in the *Gazette*—

substitute

- (1) The Minister may, in writing—

[1.3175] Section 6 (e)

omit

to specify in the notice

[1.3176] New section 6 (2)

insert

- (2) An instrument under subsection (1) is a notifiable instrument.

Note A notifiable instrument must be notified under the *Legislation Act 2001*.

[1.3177] Section 6A

substitute

6A Approval of insecticides

- (1) The Minister may, in writing, declare a preparation to be an approved insecticide in relation to a pest.
- (2) A declaration is a notifiable instrument.

Note A notifiable instrument must be notified under the *Legislation Act 2001*.

[1.3178] Section 13

substitute

13 Determination of fees

- (1) The Minister may, in writing, determine fees for this Act.

Note The *Legislation Act 2001* contains provisions about the making of determinations and regulations relating to fees (see pt 6.3).

- (2) A determination is a disallowable instrument.

Note A disallowable instrument must be notified, and presented to the Legislative Assembly, under the *Legislation Act 2001*.

14 Approved forms

- (1) The Minister may, in writing, approve forms for this Act.
- (2) If the Minister approves a form for a particular purpose, the approved form must be used for that purpose.
- (3) An approved form is a notifiable instrument.

Note A notifiable instrument must be notified under the *Legislation Act 2001*.

[1.3179] Section 13A

renumber as section 15

[1.3180] Section 14

omit everything before paragraph (a), substitute

16 Regulation-making power

- (1) The Executive may make regulations for this Act.

Note Regulations must be notified, and presented to the Legislative Assembly, under the *Legislation Act 2001*.

- (2) The regulations may make provision in relation to—

[1.3181] Section 14 (ea) to (g)

substitute

- (f) the packing and grading of fruit and vegetables; and
- (g) cases, packages and coverings used, or intended to be used, as containers for fruit.
- (3) The regulations may also prescribe offences for contraventions of the regulations and prescribe maximum penalties of not more than 10 penalty units for offences against the regulations.

Part 284 Plant Diseases Regulations

[1.3182] Regulation 3 (1)

omit

- (1) In these regulations, unless the contrary intention appears—

substitute

In these regulations:

Note A definition applies except so far as the contrary intention appears (see *Interpretation Act 1967*, s 11G).

[1.3183] Regulation 3 (2)

omit

Part 285 Plumbers, Drainers and Gasfitters Board Act 1982

[1.3184] Section 2

omit

[1.3185] Section 3, definition of *determined fee*

omit

[1.3186] Section 23 (4)

substitute

- (4) A person may inspect, or obtain a copy of, an entry in the register.

Note A fee may be determined under s 46 (Determination of fees) for this section.

[1.3187] Section 24 (2)

substitute

- (2) The application must be in writing.

Note 1 A fee may be determined under s 46 (Determination of fees) for this section.

Note 2 If a form is approved under s 47 (Approved forms) for an application, the form must be used.

[1.3188] Section 25 (2) (b) (ii)

omit

5 years; and

substitute

5 years.

Note 1 A fee may be determined under s 46 (Determination of fees) for this section.

Note 2 If a form is approved under s 47 (Approved forms) for an application, the form must be used.

[1.3189] Section 25 (2) (c)

omit

[1.3190] Section 27 (1)

omit

by notice published in the *Gazette*

substitute

in writing

[1.3191] New section 27 (3)

insert

- (3) A declaration under subsection (1) is a notifiable instrument.

Note A notifiable instrument must be notified under the *Legislation Act 2001*.

[1.3192] Section 29A

substitute

29A Renewal of licences

- (1) The holder of a licence may apply to the board for renewal of the licence before the licence expires.

Note 1 A fee may be determined under s 46 (Determination of fees) for this section.

Note 2 If a form is approved under s 47A (Approved forms) for an application, the form must be used.

- (2) If the holder of the licence applies for the renewal of the licence in accordance with this Act, the board must renew the licence for 1 year or 5 years.

[1.3193] Sections 45A and 46

substitute

46 Determination of fees

- (1) The Minister may, in writing, determine fees for this Act.

Note The *Legislation Act 2001* contains provisions about the making of determinations and regulations relating to fees (see pt 6.3).

- (2) A determination is a disallowable instrument.

Note A disallowable instrument must be notified, and presented to the Legislative Assembly, under the *Legislation Act 2001*.

47 Approved forms

- (1) The board may, in writing, approve forms for this Act.
- (2) If the board approves a form for a particular purpose, the approved form must be used for that purpose.
- (3) An approved form is a notifiable instrument.

Note A notifiable instrument must be notified under the *Legislation Act 2001*.

48 Regulation-making power

The Executive may make regulations for this Act.

Note Regulations must be notified, and presented to the Legislative Assembly, under the *Legislation Act 2001*.

Part 286 Podiatrists Act 1994

[1.3194] Section 2

omit

[1.3195] Section 3 (1), definition of *determined fee*

omit

[1.3196] Section 11 (2)

substitute

- (2) A person authorised by the board for this section may grant interim registration in accordance with this section to an applicant for registration.

Note A fee may be determined under s 54 (Determination of fees) for this section.

[1.3197] Section 17 (2)

substitute

- (2) The applicant must give the board a completed application form.

Note 1 A fee may be determined under s 54 (Determination of fees) for this section.

Note 2 If a form is approved under s 54A (Approved forms) for an application, the form must be used.

[1.3198] Section 19 (a)

substitute

- (a) complies with this Act; and

[1.3199] Section 20

omit

[1.3200] Section 24 (4)

substitute

- (4) If a certificate issued under subsection (1) to a registered podiatrist has been stolen, lost or destroyed, the board must, on application by the registered podiatrist, issue a duplicate certificate.

Note A fee may be determined under s 54 (Determination of fees) for this section.

[1.3201] Section 26 (2), new note

insert

Note A fee may be determined under s 54 (Determination of fees) for this section.

[1.3202] Section 26 (3)

omit

[1.3203] Part 3, division 4, heading

substitute

Division 3.4 Annual registration fees

[1.3204] Section 27, heading

substitute

27 Annual registration fee

[1.3205] Section 27 (1)

substitute

- (1) On or before 1 March in each year, a registered podiatrist must pay to the Territory the annual registration fee determined under section 54 (Determination of fees) for the year.

[1.3206] Section 29 (1)

substitute

- (1) A person whose registration has been cancelled for failure to pay the annual registration fee determined under section 54 (Determination of fees) for a year is entitled to be re-registered if the person gives the board a completed application form and pays the fee.

Note If a form is approved under s 54A (Approved forms) for an application, the form must be used.

[1.3207] Section 33 (e)

omit

or the regulations

[1.3208] Section 33, new note

insert

Note A reference to an Act includes a reference to the statutory instruments made or in force under the Act, including regulations (see *Legislation Act 2001*, s 104).

[1.3209] Section 46 (1)

omit

The Chairperson may, if he or she thinks fit, cause notice

substitute

The chairperson may prepare written notice

[1.3210] Section 46 (1)

omit

, to be published in the *Gazette*

[1.3211] New section 46 (2)

insert

- (2) The notice is a notifiable instrument.

Note A notifiable instrument must be notified under the *Legislation Act 2001*.

[1.3212] Section 46 (2)

omit everything before paragraph (a), substitute

- (3) The notice must not be notified until—

[1.3213] Section 50 (1)

substitute

- (1) A person may inspect, or obtain a certified copy of, an entry in the register.

Note A fee may be determined under s 54 (Determination of fees) for this section.

[1.3214] Section 51

substitute

51 Publication of names etc of registered podiatrists

- (1) As soon as practicable after 1 March in each year, the board must prepare a written notice containing the names and professional address (or addresses) of the podiatrists registered on that day.
- (2) The notice is a notifiable instrument.

Note A notifiable instrument must be notified under the *Legislation Act 2001*.

[1.3215] Sections 54 and 55

substitute

54 Determination of fees

- (1) The Minister may, in writing, determine fees for this Act.

Note The *Legislation Act 2001* contains provisions about the making of determinations and regulations relating to fees (see pt 6.3).

- (2) A determination is a disallowable instrument.

Note A disallowable instrument must be notified, and presented to the Legislative Assembly, under the *Legislation Act 2001*.

54A Approved forms

- (1) The board may, in writing, approve forms for this Act.
- (2) If the board approves a form for a particular purpose, the approved form must be used for that purpose.
- (3) An approved form is a notifiable instrument.

Note A notifiable instrument must be notified under the *Legislation Act 2001*.

55 Regulation-making power

- (1) The Executive may make regulations for this Act.

Note Regulations must be notified, and presented to the Legislative Assembly, under the *Legislation Act 2001*.

- (2) The regulations may make provision in relation to treatment that is taken to be podiatry for this Act.

Part 287 Poisons Act 1933

[1.3216] Section 2, note

omit

Note

substitute

Note 1

[1.3217] Section 2, new note

insert

Note 2 A reference to an Act includes a reference to the statutory instruments made or in force under the Act, including regulations (see *Legislation Act 2001*, s 104).

[1.3218] Section 2, definitions of *determined fee* and *this Act*

omit

[1.3219] Section 5 (1)

omit

, on payment of the determined fee,

[1.3220] Section 5 (1), new note

insert

Note A fee may be determined under s 20 (Determination of fees) for this section.

[1.3221] Section 10 (1)

omit

may declare

substitute

may, in writing, declare

[1.3222] Section 10 (3), new note

insert

Note A disallowable instrument must be notified, and presented to the Legislative Assembly, under the *Legislation Act 2001*.

[1.3223] Section 20

substitute

20 Determination of fees

- (1) The Minister may, in writing, determine fees for this Act.

Note The *Legislation Act 2001* contains provisions about the making of determinations and regulations relating to fees (see pt 6.3).

- (2) A determination is a disallowable instrument.

Note A disallowable instrument must be notified, and presented to the Legislative Assembly, under the *Legislation Act 2001*.

20A Approved forms

- (1) The Minister may, in writing, approve forms for this Act.
- (2) If the Minister approves a form for a particular purpose, the approved form must be used for that purpose.
- (3) An approved form is a notifiable instrument.

Note A notifiable instrument must be notified under the *Legislation Act 2001*.

[1.3224] Section 22 (1), new note

insert

Note Regulations must be notified, and presented to the Legislative Assembly, under the *Legislation Act 2001*.

[1.3225] Section 22 (2)

omit

with respect to

substitute

in relation to

[1.3226] Section 22 (2) (f)

omit

and forms

[1.3227] Section 22 (2) (k)

omit

methylated spirit;

substitute

methylated spirit.

[1.3228] Section 22 (2) (l)

substitute

- (3) The regulations may also prescribe offences for contraventions of the regulations and prescribe maximum penalties of not more than 10 penalty units for offences against the regulations.

Part 288 Poisons Regulations 1933

[1.3229] Regulation 2, note

substitute

Note A definition applies except so far as the contrary intention appears (see *Interpretation Act 1967*, s 11G).

[1.3230] Regulation 2, definition of *the Act*

omit

[1.3231] Regulation 3

omit

Part 289 Poisons and Drugs Act 1978

[1.3232] Section 2, definition of *determined fee*

omit

[1.3233] Section 13 (2) (c) (i) (B)

omit

that process; and

substitute

the process.

[1.3234] Section 13 (2) (c) (ii)

omit

[1.3235] Section 13 (2), new note

insert

Note A fee may be determined under s 47 (Determination of fees) for this section.

[1.3236] Section 21

substitute

21 Renewal of licences

- (1) A licensee may apply in writing to the Minister for the renewal of the licence before the licence expires.

Note 1 A fee may be determined under s 47 (Determination of fees) for this section.

Note 2 If a form is approved under s 47A (Approved forms) for an application, the form must be used.

- (2) If the licensee applies for the renewal of the licence in accordance with this Act, the Minister must renew the licence.

[1.3237] Section 25 (2) (c) (iii)

omit

approving officer; and

substitute

approving officer.

[1.3238] Section 25 (2) (c) (iv)

omit

[1.3239] Section 25 (2), new note

insert

Note A fee may be determined under s 47 (Determination of fees) for this section.

[1.3240] Section 31 (2) (d)

substitute

(d) be accompanied by a written statement supporting the application signed by the approving officer.

[1.3241] Section 31 (2), new note

insert

Note A fee may be determined under s 47 (Determination of fees) for this section.

[1.3242] Section 40 (3)

omit

by the Minister, by notice in the Gazette

substitute

in writing, by the Minister

[1.3243] New section 40 (5)

insert

- (5) A declaration under subsection (3) is a notifiable instrument.

Note A notifiable instrument must be notified under the *Legislation Act 2001*.

[1.3244] Section 46 (2), new note

insert

Note A disallowable instrument must be notified, and presented to the Legislative Assembly, under the *Legislation Act 2001*.

[1.3245] Section 47

substitute

47 Determination of fees

- (1) The Minister may, in writing, determine fees for this Act.

Note The *Legislation Act 2001* contains provisions about the making of determinations and regulations relating to fees (see pt 6.3).

- (2) A determination is a disallowable instrument.

Note A disallowable instrument must be notified, and presented to the Legislative Assembly, under the *Legislation Act 2001*.

47A Approved forms

- (1) The Minister may, in writing, approve forms for this Act.
- (2) If the Minister approves a form for a particular purpose, the approved form must be used for that purpose.
- (3) An approved form is a notifiable instrument.

Note A notifiable instrument must be notified under the *Legislation Act 2001*.

[1.3246] Section 49, new note

insert

Note Regulations must be notified, and presented to the Legislative Assembly, under the *Legislation Act 2001*.

Part 290 Poisons and Drugs Regulations 1993

[1.3247] Regulation 2

omit

Part 291 Pool Betting Act 1964

[1.3248] Section 2

omit

[1.3249] Section 6 (1), new note

insert

Note If a form is approved under the *Gambling and Racing Control Act 1999*, s 53D (Approved forms) for an application, the form must be used.

[1.3250] Section 6

renumber subsections when Act next republished under Legislation Act 2001

[1.3251] Section 13A (2)

substitute

- (2) For this section, the ***prescribed percentage***, in relation to an amount payable under a law of a State, is—
- (a) if a percentage is determined, in writing, by the commission in relation to such an amount for this section—the determined percentage; or
 - (b) in any other case—50%.
- (3) A determination is a disallowable instrument.

Note A disallowable instrument must be notified, and presented to the Legislative Assembly, under the *Legislation Act 2001*.

[1.3252] Section 15

substitute

15 Regulation-making power

The Executive may make regulations for this Act.

Note Regulations must be notified, and presented to the Legislative Assembly, under the *Legislation Act 2001*.

Part 292 Pounds Act 1928

[1.3253] Sections 2 and 3

omit

[1.3254] Section 5 (1)

omit

- (1) In this Act, unless the contrary intention appears—

substitute

In this Act:

Note A definition applies except so far as the contrary intention appears (see *Interpretation Act 1967*, s 11G).

[1.3255] Section 5 (1), new definitions

insert

driving charges, in relation to cattle, means the charges determined under section 39 (Determination of fees, charges and rates) for leading, conveying or driving the cattle to a pound.

sustenance fees, in relation to cattle, means the fees determined under section 39 (Determination of fees, charges and rates) for feeding and maintaining the cattle.

trespass rates, in relation to cattle, means the rates determined under section 39 for compensation for a trespass committed by the cattle.

[1.3256] Section 5 (2)

omit

[1.3257] Sections 6 and 7

omit

[1.3258] Sections 10, 11 and 13

omit

[1.3259] Section 16

substitute

16 Pound book and register of brands

- (1) A poundkeeper must keep a pound book and a register of brands.

Note If a form is approved under s 40 (Approved forms) for a pound book or register of brands, the form must be used.

- (2) A person may inspect, or obtain a certified copy of, an entry in the pound book or register.

Note A fee may be determined under s 39 (Determination of fees, charges and rates) for this subsection.

[1.3260] Section 18 (3)

omit

such charges as

substitute

the total amount that

[1.3261] Sections 19, 20 and 21

substitute

19 Return of trespassing cattle

- (1) An occupier of land on which cattle are trespassing may return the cattle to the owner, including by sending the cattle to a convenient place near the home of the owner.
- (2) The occupier may require the owner to pay the driving charges (as if the cattle had been impounded) and trespass rates applying to the cattle.
- (3) If driving charges or trespass rates have not been determined under section 39 (Determination of fees, charges and rates), the occupier may require the owner to pay the reasonable costs of returning the cattle and reasonable compensation for the trespass committed by the cattle, as appropriate.
- (4) An amount that the occupier requires the owner to pay is a debt owing by the owner to the occupier.

20 Occupier may hold trespassing cattle

- (1) An occupier of land on which cattle are trespassing may hold the cattle and give notice of the fact to the owner of the cattle.
- (2) The notice must state where the cattle are and require the owner to remove the cattle.
- (3) If the cattle are not removed within 24 hours of the notice being given to the owner, the occupier must impound the cattle.
- (4) The occupier may require the owner to pay the trespass rates applying to the cattle and reasonable costs of giving the notice.
- (5) If trespass rates have not been determined under section 39 (Determination of fees, charges and rates), the occupier may require the owner to pay, in addition to the reasonable costs of giving the notice, reasonable compensation for the trespass committed by the cattle.
- (6) An amount that the occupier requires the owner to pay is a debt owing by the owner to the occupier.

[1.3262] Section 24

substitute

24 Return of cattle to owner

- (1) The section applies if an occupier of land on which cattle are trespassing takes possession of the cattle for the purpose of impounding them.
- (2) If the owner of the cattle or a person acting on the owner's behalf pays or tenders payment of the driving charges and trespass rates applying to the cattle, the occupier must give the cattle to the owner or the person acting on the owner's behalf.

[1.3263] Section 27 (1)

omit

accompanied by the determined fee

[1.3264] Section 27 (1), new note

insert

Note A fee may be determined under s 39 (Determination of fees, charges and rates) for this subsection.

[1.3265] Sections 39 and 41

substitute

39 Determination of fees, charges and rates

- (1) The Minister may, in writing, determine fees, charges and rates for this Act.

Note The *Legislation Act 2001* contains provisions about the making of determinations and regulations relating to fees, charges and other amounts (see pt 6.3).

- (2) A determination is a disallowable instrument.

Note A disallowable instrument must be notified, and presented to the Legislative Assembly, under the *Legislation Act 2001*.

40 Approved forms

- (1) The Minister may, in writing, approve forms for this Act.
- (2) If the Minister approves a form for a particular purpose, the approved form must be used for that purpose.
- (3) An approved form is a notifiable instrument.

Note A notifiable instrument must be notified under the *Legislation Act 2001*.

- (4) A form prescribed under the regulations immediately before the commencement of this section is, after the commencement, taken to be an approved form.
- (5) However, the form need not be notified under the *Legislation Act 2001*.
- (6) Subsections (4) and (5) are laws to which the *Legislation Act 2001*, section 88 (Repeal does not end transitional or validating effect etc) applies.
- (7) Subsections (4) to (6) and this subsection expire 1 year after this section commences.

41 Regulation-making power

The Executive may make regulations for this Act.

Note Regulations must be notified, and presented to the Legislative Assembly, under the *Legislation Act 2001*.

Part 293 Pounds Regulations

[1.3266] Regulation 3

substitute

2 Meaning of *authorised officer*

In these regulations:

authorised officer, in relation to a function under these regulations, means a public servant authorised, in writing, by the Minister to exercise the function.

Note A definition applies except so far as the contrary intention appears (see *Interpretation Act 1967*, s 11G).

[1.3267] Regulations 11 and 12

omit

[1.3268] Regulation 13 (3)

omit

in accordance with Form 2

[1.3269] Regulation 13 (3), new note

insert

Note If a form is approved under the Act, s 40 (Approved forms) for a receipt, the form must be used.

[1.3270] Regulations 14 and 15

substitute

14 Pound book

- (1) The poundkeeper must enter in the pound book the particulars required by the Act of each impounding and dealing with impounded cattle.
- (2) The entries must be made as soon as practicable after the impounding or dealing.
- (3) However, a poundkeeper must not make an entry in the pound book if the subject matter of the entry is in dispute.

15 Registration of brands

A poundkeeper must register a brand or mark if asked in writing to do so by the owner of cattle.

Schedule 1 Acts and subordinate laws amended and repealed
Part 294 Presbyterian Church (Proposals for Union with
other Churches) Act 1972

Amendment [1.3271]

Note A fee may be determined under the Act, s 39 (Determination of fees, charges and rates) for this subregulation.

[1.3271] Regulations 19 and 25

omit

[1.3272] The schedule

omit

Part 294 **Presbyterian Church
(Proposals for Union with
other Churches) Act 1972**

[1.3273] Section 10

substitute

10 Regulation-making power

The Executive may make regulations for this Act.

Note Regulations must be notified, and presented to the Legislative Assembly, under the *Legislation Act 2001*.

Part 295 **Presbyterian Church Trust
Property Act 1971**

[1.3274] Section 2

substitute

2 Application of Legislation Act

The *Legislation Act 2001* does not apply to instruments made by the general assembly or the trust.

Part 296 **Prisoners (International Transfer) Act 1999**

[1.3275] Section 2

omit

[1.3276] Section 10

substitute

10 Regulation-making power

The Executive may make regulations for this Act.

Note Regulations must be notified, and presented to the Legislative Assembly, under the *Legislation Act 2001*.

Part 297 **Prisoners' Interstate Leave Act 1997**

[1.3277] Section 2

omit

[1.3278] Section 4 (1)

omit

by notice published in the Gazette

substitute

in writing

[1.3279] New section 4 (3)

insert

(3) A declaration under subsection (1) is a notifiable instrument.

Note A notifiable instrument must be notified under the *Legislation Act 2001*.

[1.3280] Section 18

substitute

18 Regulation-making power

The Executive may make regulations for this Act.

Note Regulations must be notified, and presented to the Legislative Assembly, under the *Legislation Act 2001*.

**Part 298 Prisoners (Interstate Transfer)
Act 1993**

[1.3281] Section 2

omit

[1.3282] Section 3 (1), definition of *interstate law*

substitute

interstate law means a law that is declared under section 5 (1) to be an interstate law for this Act.

[1.3283] Section 5 (1)

omit

by notice published in the *Gazette*

substitute

in writing

[1.3284] New section 5 (3)

insert

(3) A declaration under subsection (1) is a notifiable instrument.

Note A notifiable instrument must be notified under the *Legislation Act 2001*.

[1.3285] Section 34

substitute

34 Regulation-making power

The Executive may make regulations for this Act.

Note Regulations must be notified, and presented to the Legislative Assembly, under the *Legislation Act 2001*.

Part 299 Proceeds of Crime Act 1991

[1.3286] Section 2

omit

[1.3287] Section 21 (9)

omit

, as prescribed,

[1.3288] Section 21 (9), new note

insert

Note If a form is approved under s 95 (Approved forms) for an application, the form must be used.

[1.3289] Section 29 (8)

omit

, as prescribed,

[1.3290] Section 29 (8), new note

insert

Note If a form is approved under s 95 (Approved forms) for an application, the form must be used.

[1.3291] Section 95

substitute

95 Approved forms

(1) The Minister may, in writing, approve forms for this Act.

(2) If the Minister approves a form for a particular purpose, the approved form must be used for that purpose.

(3) An approved form is a notifiable instrument.

Note A notifiable instrument must be notified under the *Legislation Act 2001*.

(4) A form prescribed under the regulations immediately before the commencement of this section is, after the commencement, taken to be an approved form.

(5) However, the form need not be notified under the *Legislation Act 2001*.

(6) Subsections (4) and (5) are laws to which the *Legislation Act 2001*, section 88 (Repeal does not end transitional or validating effect etc) applies.

(7) Subsections (4) to (6) and this subsection expire 1 year after this section commences.

96 Regulation-making power

The Executive may make regulations for this Act.

Note Regulations must be notified, and presented to the Legislative Assembly, under the *Legislation Act 2001*.

Part 300 Proceeds of Crime Regulations

[1.3292] Regulations 2 and 13

omit

[1.3293] Schedule 2

omit

Part 301 Prohibited Weapons Act 1996

[1.3294] Section 2

omit

[1.3295] Section 4

omit

or the regulations

[1.3296] Section 4, new note

insert

Note A reference to an Act includes a reference to the statutory instruments made or in force under the Act, including regulations and permits (see *Legislation Act 2001*, s 104).

[1.3297] Section 5 (1)

omit

a permit or the regulations

substitute

this Act

[1.3298] Section 6

omit

a permit or the regulations

substitute

this Act

[1.3299] Section 18

substitute

18 Approved forms

- (1) The Minister may, in writing, approve forms for this Act.

(2) If the Minister approves a form for a particular purpose, the approved form must be used for that purpose.

(3) An approved form is a notifiable instrument.

Note A notifiable instrument must be notified under the *Legislation Act 2001*.

(4) A form approved under the regulations immediately before the commencement of this section is, after the commencement, taken to be an approved form.

(5) However, the form need not be notified under the *Legislation Act 2001*.

(6) Subsections (4) and (5) are laws to which the *Legislation Act 2001*, section 88 (Repeal does not end transitional or validating effect etc) applies.

(7) Subsections (4) to (6) and this subsection expire 1 year after this section commences.

19 Regulation-making power

(1) The Executive may make regulations for this Act.

Note Regulations must be notified, and presented to the Legislative Assembly, under the *Legislation Act 2001*.

(2) The regulations may prescribe offences for contraventions of the regulations and prescribe maximum penalties of not more than 10 penalty units for offences against the regulations.

Part 302 Prohibited Weapons Regulations

[1.3300] Regulation 2

omit

[1.3301] Regulation 3, definition of Act

omit

[1.3302] Regulation 7 (1)

omit

by notice in writing published in the *Gazette*

substitute

in writing

[1.3303] Regulation 7 (5)

substitute

- (5) A declaration under subregulation (1) is a disallowable instrument.

Note A disallowable instrument must be notified, and presented to the Legislative Assembly, under the *Legislation Act 2001*.

[1.3304] Regulation 8 (1)

omit

by notice in writing published in the *Gazette*

substitute

in writing

[1.3305] Regulation 8 (4)

substitute

- (4) A declaration under subregulation (1) is a disallowable instrument.

Note A disallowable instrument must be notified, and presented to the Legislative Assembly, under the *Legislation Act 2001*.

[1.3306] Regulation 10 (5) (a)

omit

in a form approved by the Registrar

[1.3307] Regulation 10 (5), new note

insert

Note If a form is approved under the Act, s 18 (Approved forms) for the register, the form must be used.

[1.3308] Regulation 12 (2) (a)

omit

in a form approved by the Registrar

[1.3309] Regulation 12 (2) (b)

omit

form

substitute

way

[1.3310] Regulation 12 (2), new note

insert

Note If a form is approved under the Act, s 18 (Approved forms) for the register, the form must be used.

Part 303 Prostitution Act 1992

[1.3311] Section 2

omit

[1.3312] Section 7 (2) and (2A)

substitute

- (2) A notice to be provided by an operator under subsection (1) or (1B) must contain the following particulars in relation to the brothel or escort agency:
- (a) its business name (if any) and address;
 - (b) the name and home address of the person in day-to-day control of the business;

- (c) if the owner is an individual—the owner’s name and home address;
- (d) if the owner is a corporation—
 - (i) its name and business address; and
 - (ii) the name and home address of each director and each shareholder.

Note A fee may be determined under s 21 (Determination of fees) for this section.

[1.3313] Section 7

renumber subsections when Act next republished under Legislation Act 2001

[1.3314] Section 21

substitute

21 Determination of fees

- (1) The Minister may, in writing, determine fees for this Act.

Note The *Legislation Act 2001* contains provisions about the making of determinations and regulations relating to fees (see pt 6.3).

- (2) A determination is a disallowable instrument.

Note A disallowable instrument must be notified, and presented to the Legislative Assembly, under the *Legislation Act 2001*.

[1.3315] Section 22

substitute

22 Regulation-making power

- (1) The Executive may make regulations for this Act.

Note Regulations must be notified, and presented to the Legislative Assembly, under the *Legislation Act 2001*.

- (2) The regulations may make provision in relation to the following matters:

- (a) the cleanliness of brothels;
 - (b) the provision, use and laundering of towels and other items of linen;
 - (c) hygiene standards for swimming pools, spa baths and sexual aids used in brothels;
 - (d) provision of, and hygiene standards for, showers and washing and toilet facilities in brothels;
 - (e) the disposal of prophylactics used in brothels;
 - (f) the inspection of brothels and escort agencies to ensure compliance with this Act;
 - (g) the provision of information relating to sexually transmitted diseases to prostitutes employed at brothels or from escort agencies and to clients;
 - (h) safeguarding the health of clients and prostitutes employed at brothels and from escort agencies;
 - (i) the provision of assistance to prostitutes in gaining access to job retraining, job skills improvement schemes and further education;
 - (j) the size, form and content of advertisements relating to brothels and escort agencies.
- (3) The regulations may also prescribe offences for contraventions of the regulations and prescribe maximum penalties of not more than 10 penalty units for offences against the regulations.

Part 304 Prostitution Regulations

[1.3316] Regulations 2 and 3

omit

Part 305

Protection Orders (Reciprocal Arrangements) Act 1992

[1.3317] Section 2

omit

[1.3318] Section 4 (2)

substitute

- (2) The application must be accompanied by the recognised order.

Note If a form is approved under s 12 (Approved forms) for an application, the form must be used.

[1.3319] Section 4 (3)

omit

paragraph (2) (b)

substitute

subsection (2)

[1.3320] Section 12

substitute

12 Approved forms

- (1) The registrar may, in writing, approve forms for this Act.
- (2) If the registrar approves a form for a particular purpose, the approved form must be used for that purpose.
- (3) An approved form is a notifiable instrument.

Note A notifiable instrument must be notified under the *Legislation Act 2001*.

13 Regulation-making power

The Executive may make regulations for this Act.

Note Regulations must be notified, and presented to the Legislative Assembly, under the *Legislation Act 2001*.

Part 306 Psychologists Act 1994

[1.3321] Section 2

omit

[1.3322] Section 3 (1), definition of *determined fee*

omit

[1.3323] Section 11 (2)

substitute

- (2) A person authorised by the board for this section may grant interim registration in accordance with this section to an applicant for registration.

Note A fee may determined under s 55 (Determination of fees) for this section.

[1.3324] Section 17 (2)

substitute

- (2) The applicant must give the board a completed application form.

Note 1 A fee may determined under s 55 (Determination of fees) for this section.

Note 2 If a form is approved under s 56 (Approved forms) for an application, the form must be used.

[1.3325] Section 19 (a)

substitute

- (a) complies with this Act; and

[1.3326] Section 20

omit

[1.3327] Section 24 (2), new note

insert

Note A fee may determined under s 55 (Determination of fees) for this section.

[1.3328] Section 24 (3)

omit

[1.3329] Part 3, division 4, heading

substitute

Division 3.4 Annual registration fees

[1.3330] Section 25, heading

substitute

25 Annual registration fee

[1.3331] Section 25 (1)

substitute

- (1) On or before 1 August in each year, a registered psychologist must pay to the Territory the annual registration fee determined under section 55 (Determination of fees) for the year.

[1.3332] Section 27 (1) and (2)

substitute

- (1) A person whose registration has been cancelled for failure to pay the annual registration fee determined under section 55 (Determination of fees) for a year is entitled to be re-registered if the person gives the board a completed application form and pays the fee.

Note If a form is approved under s 56 (Approved forms) for an application, the form must be used.

[1.3333] Section 27 (3) and (4)

renumber as section 27 (2) and (3)

[1.3334] Section 28 (4)

substitute

- (4) If a certificate issued under subsection (1) to a registered psychologist has been stolen, lost or destroyed, the board must, on application by the registered psychologist, issue a duplicate certificate.

Note A fee may determined under s 55 (Determination of fees) for this section.

[1.3335] Section 33 (e)

omit

or the regulations

[1.3336] Section 33, new note

insert

Note A reference to an Act includes a reference to the statutory instruments made or in force under the Act, including regulations (see *Legislation Act 2001*, s 104).

[1.3337] Section 39 (1)

omit

The chairperson may, if he or she thinks fit, cause a notice

substitute

The chairperson may prepare written notice

[1.3338] Section 39 (1)

omit

, to be published in the *Gazette*

[1.3339] New section 39 (2)

insert

- (2) The notice is a notifiable instrument.

Note A notifiable instrument must be notified under the *Legislation Act 2001*.

[1.3340] Section 39 (2)

omit everything before paragraph (a), substitute

- (3) The notice must not be notified until—

[1.3341] Section 51 (1)

substitute

- (1) A person may inspect, or obtain a certified copy of, an entry in the register.

Note A fee may determined under s 55 (Determination of fees) for this section.

[1.3342] Section 52

substitute

52 Publication of names etc of registered psychologists

- (1) As soon as practicable after 1 August in each year, the board must prepare a written notice containing the names and professional address (or addresses) of the psychologists registered on that day.
- (2) The notice is a notifiable instrument.

Note A notifiable instrument must be notified under the *Legislation Act 2001*.

[1.3343] Sections 55 and 56

substitute

55 Determination of fees

- (1) The Minister may, in writing, determine fees for this Act.

Note The *Legislation Act 2001* contains provisions about the making of determinations and regulations relating to fees (see pt 6.3).

- (2) A determination is a disallowable instrument.

Note A disallowable instrument must be notified, and presented to the Legislative Assembly, under the *Legislation Act 2001*.

56 Approved forms

- (1) The board may, in writing, approve forms for this Act.
- (2) If the board approves a form for a particular purpose, the approved form must be used for that purpose.
- (3) An approved form is a notifiable instrument.

Note A notifiable instrument must be notified under the *Legislation Act 2001*.

57 Regulation-making power

The Executive may make regulations for this Act.

Note Regulations must be notified, and presented to the Legislative Assembly, under the *Legislation Act 2001*.

Part 307 Public Access to Government Contracts Act 2000

[1.3344] Section 2

omit

[1.3345] Section 17, new note

insert

Note Regulations must be notified, and presented to the Legislative Assembly, under the *Legislation Act 2001*.

Part 308 Public Baths and Public Bathing Act 1956

[1.3346] Sections 2 to 4

omit

[1.3347] Section 10, heading

substitute

10 Entitlement to admission

[1.3348] Section 10 (1)

substitute

- (1) A person is not entitled to be admitted to a public bath unless the person has paid the appropriate fee determined under section 37 (Determination of fees) for this section.

[1.3349] Section 10 (2) (b)

omit

charge

substitute

fee

[1.3350] Section 10 (3)

omit

charge

substitute

fee

[1.3351] Section 11 (2)

omit

, in his or her discretion and upon payment by the applicant of such charge, if any, as he or she determines,

[1.3352] Section 11 (2), new note

insert

Note A fee may determined under s 37 (Determination of fees) for this section.

[1.3353] Section 13 (1), new note

insert

Note A fee may determined under s 37 (Determination of fees) for this section.

[1.3354] Section 13A

omit

[1.3355] Section 37

substitute

37 Determination of fees

- (1) The Minister may, in writing, determine fees for this Act.

Note The *Legislation Act 2001* contains provisions about the making of determinations and regulations relating to fees (see pt 6.3).

- (2) A determination is a disallowable instrument.

Note A disallowable instrument must be notified, and presented to the Legislative Assembly, under the *Legislation Act 2001*.

38 Regulation-making power

- (1) The Executive may make regulations for this Act.

Note Regulations must be notified, and presented to the Legislative Assembly, under the *Legislation Act 2001*.

- (2) The regulations may make provision for regulating—

- (a) bathing in public baths or in a public place; and
- (b) the use of public baths and public bathing conveniences.

- (3) The regulations may also prescribe offences for contraventions of the regulations and prescribe maximum penalties of not more than 10 penalty units for offences against the regulations.

Part 309 Public Baths and Public Bathing Regulations

[1.3356] Regulation 2

omit

Part 310 Public Health Act 1997

[1.3357] Section 7 (1)

omit

by instrument

substitute

in writing

[1.3358] Section 7 (3)

substitute

- (3) An appointment under subsection (1) is a disallowable instrument.

Note A disallowable instrument must be notified, and presented to the
Legislative Assembly, under the *Legislation Act 2001*.

[1.3359] Section 7 (4)

omit

by instrument

substitute

in writing

[1.3360] Section 7 (4)

omit

the instrument

substitute

the suspension

[1.3361] Section 7 (5)

substitute

(5) A suspension is a disallowable instrument.

Note A disallowable instrument must be notified, and presented to the Legislative Assembly, under the *Legislation Act 2001*.

[1.3362] Section 7 (6)

omit

by instrument

substitute

in writing

[1.3363] Section 7 (6) (a)

substitute

(a) after the last day when the suspension could have been disallowed under the *Legislation Act 2001*, the suspension has not been disallowed; and

[1.3364] Section 7 (6) (b)

omit

instrument of

[1.3365] Section 18 (1)

omit

by instrument

substitute

in writing

[1.3366] Section 18 (6), notes 1 to 3

relocate to subsection (5)

[1.3367] Section 18 (6), new note

insert

Note A disallowable instrument must be notified, and presented to the Legislative Assembly, under the *Legislation Act 2001*.

[1.3368] Section 19

omit

[1.3369] Section 22 (4), new note

insert

Note A disallowable instrument must be notified, and presented to the Legislative Assembly, under the *Legislation Act 2001*.

[1.3370] Section 23 (1), new notes

insert

Note 1 A fee may determined under s 137 (Determination of fees) for this section.

Note 2 If a form is approved under s 137A (Approved forms) for an application, the form must be used.

[1.3371] Section 23 (2)

omit

[1.3372] Section 23 (3) to (5)

renumber as section 23 (2) to (4)

[1.3373] Section 25 (1), new notes

insert

Note 1 A fee may determined under s 137 (Determination of fees) for this section.

Note 2 If a form is approved under s 137A (Approved forms) for an application, the form must be used.

[1.3374] Section 25 (2)

omit

[1.3375] Section 25 (3) to (5)

renumber as section 25 (2) to (4)

[1.3376] Section 29 (2) (a)

substitute

- (a) be signed by the applicant; and

[1.3377] Section 29 (2) (e) and (f)

substitute

- (e) for premises that, at the date of the application, have not been completed or are being altered—be accompanied by a copy of the relevant plans and specifications.

Note 1 A fee may determined under s 137 (Determination of fees) for this section.

Note 2 If a form is approved under s 137A (Approved forms) for an application, the form must be used.

[1.3378] Section 31

substitute

31 Activity licence—form

An activity licence must state the following:

- (a) the name of the licensee;
- (b) the licensed public health risk activity;
- (c) the licensed premises;
- (d) the term for which the licence is granted;
- (e) any conditions to which the licence is subject.

Note If a form is approved under s 137A (Approved forms) for a licence, the form must be used.

[1.3379] Section 33 (2)

substitute

- (2) An application for the renewal of an activity licence must be in writing signed by the licensee.

Note A fee may determined under s 137 (Determination of fees) for this section.

[1.3380] Section 36 (2)

substitute

- (2) An application must be—
- (a) signed by each joint applicant; and
 - (b) accompanied by the licence.

Note 1 A fee may determined under s 137 (Determination of fees) for this section.

Note 2 If a form is approved under s 137A (Approved forms) for an application, the form must be used.

[1.3381] Section 42D (4), new note

insert

Note A disallowable instrument must be notified, and presented to the Legislative Assembly, under the *Legislation Act 2001*.

[1.3382] Section 42E (1), new notes

insert

Note 1 A fee may determined under s 137 (Determination of fees) for this section.

Note 2 If a form is approved under s 137A (Approved forms) for an application, the form must be used.

[1.3383] Section 42E (2)

omit

[1.3384] Section 42E (3) to (5)

renumber as section 42E (2) to (4)

[1.3385] Section 42G (1), new notes

insert

Note 1 A fee may determined under s 137 (Determination of fees) for this section.

Note 2 If a form is approved under s 137A (Approved forms) for an application, the form must be used.

[1.3386] Section 42G (2)

omit

[1.3387] Section 42G (3) to (5)

renumber as section 42G (2) to (4)

[1.3388] Section 43 (2)

substitute

(2) An application must—

- (a) be signed by the applicant; and
- (b) state the public health risk procedure.

Note 1 A fee may determined under s 137 (Determination of fees) for this section.

Note 2 If a form is approved under s 137A (Approved forms) for an application, the form must be used.

[1.3389] Section 46

substitute

46 Procedure licence—form

A procedure licence must state—

- (a) the name of the licensee; and
- (b) the licensed public health risk procedure; and
- (c) any conditions to which the licence is subject.

Note If a form is approved under s 137A (Approved forms) for a licence, the form must be used.

[1.3390] Section 47

omit

determined fee

substitute

fee determined under section 137 (Determination of fees) for this section

[1.3391] Section 48 (4)

omit

determined fee

substitute

appropriate fee

[1.3392] Section 56F (1), new notes

insert

Note 1 A fee may determined under s 137 (Determination of fees) for this section.

Note 2 If a form is approved under s 137A (Approved forms) for an application, the form must be used.

[1.3393] Section 56F (2)

omit

[1.3394] Section 56F (3)

renumber as section 56F (2)

[1.3395] Section 56H

omit everything before paragraph (b) (i), substitute

56H Registration—certificate

A registration certificate must include the following information:

[1.3396] Section 56H (b) (i) to (viii)

renumber as section 56H (a) to (h)

[1.3397] Section 56H, new note

insert

Note If a form is approved under s 137A (Approved forms) for a registration certificate, the form must be used.

[1.3398] Section 56K (2)

substitute

- (2) The application must be in writing signed by the registered person.

Note A fee may determined under s 137 (Determination of fees) for this section.

[1.3399] Section 56M (2)

substitute

- (2) The application must be accompanied by the registration certificate.

Note 1 A fee may determined under s 137 (Determination of fees) for this section.

Note 2 If a form is approved under s 137A (Approved forms) for an application, the form must be used.

[1.3400] Section 60 (3) (d) and (e)

substitute

- (d) nominate a date on or after which an inspection may be made.

Note A fee may determined under s 137 (Determination of fees) for this section.

[1.3401] Section 65 (3) (d) and (e)

substitute

(d) nominate a date on or after which an inspection may be made.

Note A fee may determined under s 137 (Determination of fees) for this section.

[1.3402] Section 72 (3) (d) and (e)

substitute

(d) nominate a date on or after which an inspection may be made.

Note A fee may determined under s 137 (Determination of fees) for this section.

[1.3403] Section 100 (1)

omit

by instrument

substitute

in writing

[1.3404] Section 100 (3), new note

insert

Note A disallowable instrument must be notified, and presented to the Legislative Assembly, under the *Legislation Act 2001*.

[1.3405] Section 101 (1)

omit

by instrument

substitute

in writing

[1.3406] Section 101 (3), new note

insert

Note A disallowable instrument must be notified, and presented to the Legislative Assembly, under the *Legislation Act 2001*.

[1.3407] Section 117 (3) (d) and (e)

substitute

- (d) nominate a date on or after which an inspection may be made.

Note A fee may determined under s 137 (Determination of fees) for this section.

[1.3408] Section 118A

substitute

118A Public health alerts

- (1) This section applies if the chief health officer considers it necessary to take action under this section—
- (a) to protect the public from a public health risk; or
- (b) to provide a rapid response to a public health risk.
- (2) The chief health officer may prepare a written notice (the ***public health alert***) about the risk and precautions that may be taken by the public to deal with the risk.
- (3) The public health alert is a notifiable instrument.

Note A notifiable instrument must be notified under the *Legislation Act 2001*.

- (4) The chief health officer may also publish the public health alert in other ways.

[1.3409] Section 118D

substitute

118D Water processing health risk—public warning by utility

- (1) This section applies if a water utility has reasonable grounds for believing that an imminent serious risk to public health is likely to arise because of the processing of drinking water by it.
- (2) The water utility must—

- (a) tell the chief health officer as soon as possible about the risk;
and
- (b) prepare a written notice (the *public risk notice*) alerting the public to the risk; and
- (c) notify the public risk notice under the *Legislation Act 2001*.

Maximum penalty: 2 000 penalty units.

- (3) The public risk notice is a notifiable instrument.

Note A notifiable instrument must be notified under the *Legislation Act 2001*.

- (4) The water utility must also—

- (a) publish the public risk notice in a daily newspaper published and circulating in the ACT; and
- (b) take all other reasonable measures to alert the public to the risk.

Maximum penalty: 2 000 penalty units.

[1.3410] Section 118J

substitute

118J Sewage processing health risk—public warning by utility

- (1) This section applies if a sewerage utility has reasonable grounds for believing that an imminent serious risk to public health is likely to arise because of the processing of sewage by it.
- (2) The sewerage utility must—
 - (a) tell the chief health officer as soon as possible about the risk;
and
 - (b) prepare a written notice (the *public risk notice*) alerting the public to the risk; and
 - (c) notify the public risk notice under the *Legislation Act 2001*.

Maximum penalty: 2 000 penalty units.

- (3) The public risk notice is a notifiable instrument.

Note A notifiable instrument must be notified under the *Legislation Act 2001*.

- (4) The sewerage utility must also—

- (a) publish the public risk notice in a daily newspaper published and circulating in the ACT; and
- (b) take all other reasonable measures to alert the public to the risk.

Maximum penalty: 2 000 penalty units.

[1.3411] Section 119 (5)

substitute

- (5) A declaration under subsection (1) and an extension under subsection (4) are notifiable instruments.

Note A notifiable instrument must be notified under the *Legislation Act 2001*.

- (6) The Minister must publish an emergency declaration, and any extension of the period of a declaration, in a daily newspaper published and circulating in the ACT as soon as practicable after it is made.

[1.3412] Section 133 (1)

omit

by instrument

substitute

in writing

[1.3413] Section 133 (3), new note

insert

Note A disallowable instrument must be notified, and presented to the Legislative Assembly, under the *Legislation Act 2001*.

[1.3414] Section 137

substitute

137 Determination of fees

- (1) The Minister may, in writing, determine fees for this Act.

Note The *Legislation Act 2001* contains provisions about the making of determinations and regulations relating to fees (see pt 6.3).

- (2) A determination is a disallowable instrument.

Note A disallowable instrument must be notified, and presented to the Legislative Assembly, under the *Legislation Act 2001*.

137A Approved forms

- (1) The Minister may, in writing, approve forms for this Act.

- (2) If the Minister approves a form for a particular purpose, the approved form must be used for that purpose.

- (3) An approved form is a notifiable instrument.

Note A notifiable instrument must be notified under the *Legislation Act 2001*.

[1.3415] Section 138 (1), new note

insert

Note Regulations must be notified, and presented to the Legislative Assembly, under the *Legislation Act 2001*.

[1.3416] Section 138 (3)

substitute

- (3) The regulations may also prescribe offences for contraventions of the regulations and prescribe maximum penalties for offences against the regulations of not more than—

- (a) for a person who is not a utility—10 penalty units; or
(b) for a utility—400 penalty units.

[1.3417] Dictionary, definition of *this Act*

omit

**Part 311 Public Health Regulations
2000**

[1.3418] Regulation 2

omit

[1.3419] Regulation 4 (2)

omit

by instrument

substitute

in writing

[1.3420] Regulation 4 (3), new note

insert

Note A disallowable instrument must be notified, and presented to the Legislative Assembly, under the *Legislation Act 2001*.

[1.3421] Regulation 5 (2)

omit

by instrument

substitute

in writing

[1.3422] Regulation 5 (3), new note

insert

Note A disallowable instrument must be notified, and presented to the Legislative Assembly, under the *Legislation Act 2001*.

[1.3423] Regulation 26 (4)

omit

by instrument

substitute

in writing

[1.3424] Regulation 26 (6), new note

insert

Note A disallowable instrument must be notified, and presented to the Legislative Assembly, under the *Legislation Act 2001*.

[1.3425] Regulation 42 (1)

omit

a notice in the form approved by the chief health officer

substitute

written notice

[1.3426] Regulation 42 (1), new note

insert

Note If a form is approved under the Act, s 137A (Approved forms) for a notice, the form must be used.

[1.3427] Regulation 43 (1)

omit

a notice in the form approved by the chief health officer

substitute

written notice

[1.3428] Regulation 43 (1), new note

insert

Note If a form is approved under the Act, s 137A (Approved forms) for a notice, the form must be used.

[1.3429] Regulation 51 (2)

omit

by instrument

substitute

in writing

[1.3430] Regulation 51 (3), new note

insert

Note A disallowable instrument must be notified, and presented to the Legislative Assembly, under the *Legislation Act 2001*.

[1.3431] Regulation 52 (1)

omit

by instrument

substitute

in writing

[1.3432] Regulation 52 (2), new note

insert

Note A disallowable instrument must be notified, and presented to the Legislative Assembly, under the *Legislation Act 2001*.

[1.3433] Regulation 53 (1)

omit

by instrument

substitute

in writing

[1.3434] Regulation 53 (2), new note

insert

Note A disallowable instrument must be notified, and presented to the Legislative Assembly, under the *Legislation Act 2001*.

[1.3435] Regulation 70 (2), new note

insert

Note If a form is approved under the Act, s 137A (Approved forms) for an application, the form must be used.

[1.3436] Regulation 70 (3)

omit

[1.3437] Regulation 70 (4) to (6)

renumber as regulation 70 (3) to (5)

[1.3438] Regulation 80 (1)

omit

(1)

[1.3439] Regulation 80 (1), new note

insert

Note If a form is approved under the Act, s 137A (Approved forms) for an application, the form must be used.

[1.3440] Regulation 80 (2)

omit

[1.3441] Regulation 81 (1)

omit

(1)

[1.3442] Regulation 81 (1), new note

insert

Schedule 1 Acts and subordinate laws amended and repealed
Part 312 Public Health (Prohibited Drugs) Act 1957
Amendment [1.3443]

Note If a form is approved under the Act, s 137A (Approved forms) for an application, the form must be used.

[1.3443] Regulation 81 (2)

omit

[1.3444] Regulation 84 (1)

omit

in the approved form

[1.3445] Regulation 84 (1), new note

insert

Note If a form is approved under the Act, s 137A (Approved forms) for a certificate of registration, the form must be used.

[1.3446] Part 8

omit

[1.3447] Dictionary, definition of *approved form*

omit

[1.3448] Dictionary, definition of *disallowable instrument*

omit

[1.3449] Dictionary, definition of *immunisation record*

substitute

immunisation record means a record of immunisation in a form approved under the Act, section 137A (Approved forms).

Part 312 **Public Health (Prohibited
Drugs) Act 1957**

[1.3450] Section 7

substitute

7 Regulation-making power

The Executive may make regulations for this Act.

Note Regulations must be notified, and presented to the Legislative Assembly, under the *Legislation Act 2001*.

Part 313 Public Interest Disclosure Act 1994

[1.3451] Section 2

omit

[1.3452] Section 3 (1)

omit

(1) In this Act

substitute

In this Act

[1.3453] Section 3 (2)

omit

[1.3454] New section 3A

insert

3A Declaration of Territory instrumentalities

(1) The Minister may, in writing, declare that a body is or is not a Territory instrumentality for this Act.

(2) A declaration is a notifiable instrument.

Note A notifiable instrument must be notified under the *Legislation Act 2001*.

[1.3455] Section 33 (2) (a)

omit

or the regulations

[1.3456] Section 33 (2), new note

insert

Note A reference to an Act includes a reference to the statutory instruments made or in force under the Act, including regulations (see *Legislation Act 2001*, s 104).

[1.3457] Section 38

substitute

38 Regulation-making power

The Executive may make regulations for this Act.

Note Regulations must be notified, and presented to the Legislative Assembly, under the *Legislation Act 2001*.

[1.3458] Sections 39 and 40

omit

Part 314 Public Place Names Act 1989

[1.3459] Section 2

omit

[1.3460] Section 4

omit

The Minister may, by notice published in the *Gazette*

substitute

- (1) The Minister may, in writing

[1.3461] New section 4 (2)

insert

- (2) A determination is a disallowable instrument.

Note A disallowable instrument must be notified, and presented to the Legislative Assembly, under the *Legislation Act 2001*.

[1.3462] Section 5

omit

Part 315 Public Roads Act 1902

[1.3463] Heading before section 1

omit

[1.3464] Heading before section 18

omit

[1.3465] Section 18

omit

The Minister may, by notification in the *Gazette*

substitute

- (1) The Minister may, in writing

[1.3466] New section 18 (2)

insert

- (2) A declaration is a notifiable instrument.

Note A notifiable instrument must be notified under the *Legislation Act 2001*.

[1.3467] Heading before section 19

omit

[1.3468] Section 19 (1)

substitute

- (1) If the Minister is of the opinion that a road should be closed, completely or partly, the Minister may prepare a written notice to that effect and send a copy of the notice by post to each owner or occupier of land with frontage to the road or part whose name and address is known.

[1.3469] New section 19 (3) and (4)

insert

- (3) A notice is a notifiable instrument.

Note A notifiable instrument must be notified under the *Legislation Act 2001*.

- (4) The Minister must also publish a notice in a local newspaper.

[1.3470] Section 20 (1)

omit

by notification in the *Gazette*

substitute

in writing

[1.3471] New section 20 (3)

insert

- (3) A notice under subsection (1) is a notifiable instrument.

Note A notifiable instrument must be notified under the *Legislation Act 2001*.

[1.3472] Heading before section 23

omit

[1.3473] Section 25 (1)

substitute

- (1) If a road has been re-marked under section 23, the Minister may prepare a notice setting out generally the extent and direction of the road.

[1.3474] Section 25 (2)

omit

Such

substitute

The

[1.3475] Section 25 (4)

substitute

- (3) The notice is a notifiable instrument.

Note A notifiable instrument must be notified under the *Legislation Act 2001*.

- (4) The Minister must also publish the notice in a local newspaper.

- (5) After considering the objections (if any) received in accordance with the notice, the Minister may approve the plan, in writing, with or without change.

- (6) The road as re-marked according to the plan as approved is taken to be the original road.

- (7) The approval under subsection (5) is a notifiable instrument.

Note A notifiable instrument must be notified under the *Legislation Act 2001*.

[1.3476] Heading before section 35

omit

[1.3477] Section 35

substitute

35 Backdating of limitations etc

- (1) The Minister may, in writing, limit, correct or alter a notice under this Act and, if the Minister does so, the limitation, correction or alteration relates back to the date of the original notice unless otherwise stated in the notice.

- (2) A limitation, correction or alteration is a notifiable instrument.

Note A notifiable instrument must be notified under the *Legislation Act 2001*.

Part 316 Public Sector Management Act 1994

[1.3478] Section 2

omit

[1.3479] Section 3 (1)

omit

- (1) In this Act, unless the contrary intention appears—

substitute

In this Act:

[1.3480] Section 3 (1), definition of *Territory instrumentality*, paragraph (c)

omit

subsection (2)

substitute

section 3A

[1.3481] Section 3 (2)

omit

[1.3482] New section 3A

insert

3A Declaration of Territory instrumentalities

- (1) The Minister may, in writing, declare that a body is or is not a Territory instrumentality for this Act.
- (2) A declaration is a notifiable instrument.

Note A notifiable instrument must be notified under the *Legislation Act 2001*.

[1.3483] Section 13 (3)

substitute

- (3) An instrument under subsection (1) is a notifiable instrument.

Note A notifiable instrument must be notified under the *Legislation Act 2001*.

[1.3484] Section 14 (1)

omit

The Chief Minister may, from time to time, by notice in the *Gazette*

substitute

- (1) The Chief Minister may, in writing

[1.3485] New section 14 (2)

insert

- (2) An instrument under subsection (1) is a notifiable instrument.

Note A notifiable instrument must be notified under the *Legislation Act 2001*.

[1.3486] Section 18 (2)

substitute

- (2) An appointment is a notifiable instrument.

Note A notifiable instrument must be notified under the *Legislation Act 2001*.

- (3) However, subsection (2) does not apply to the appointment if the *Statutory Appointments Act 1994*, section 4 applies to the appointment.

Note Under the *Statutory Appointments Act 1994* the appointment is a disallowable instrument (see that Act, s 5).

[1.3487] Section 97 (2)

substitute

- (2) The commissioner may, in writing, declare that an examination applies to officers included in a stated class of officers.

- (2A) A declaration is a notifiable instrument.

Note A notifiable instrument must be notified under the *Legislation Act 2001*.

[1.3488] Section 97 (3) (b)

substitute

- (b) an examination applies to that class of officers under a declaration under subsection (2);

[1.3489] Section 97

renumber subsections when Act next republished under Legislation Act 2001

[1.3490] Section 251 (1)

substitute

- (1) The commissioner may, with the Chief Minister's written approval, make management standards for this Act.

[1.3491] Section 251 (2)

omit everything before paragraph (a), substitute

- (2) The management standards may make provision with respect to—

[1.3492] Section 251 (3)

omit

[1.3493] New section 251 (9)

insert

- (9) A management standard is a disallowable instrument.

Note A disallowable instrument must be notified, and presented to the Legislative Assembly, under the *Legislation Act 2001*.

[1.3494] Section 251

renumber subsections when Act next republished under Legislation Act 2001

[1.3495] Sections 252 and 253

omit

[1.3496] Section 255

substitute

255 Legislation Act, ch 9 modified

This Part applies despite the *Legislation Act 2001*, chapter 9 (Repeal and amendment of laws).

(commencement: the commencement of section 3 of this Act or immediately after the commencement of the provision of the *Public Sector Management Amendment Act 2001* that inserts new section 255 into the *Public Sector Management Act 1994*, whichever is later)

[1.3497] Schedule 3, new section 60Q (1) (b)

omit

and the regulations

[1.3498] Schedule 3, new section 60Q (1), new note

insert

Note A reference to an Act includes a reference to the statutory instruments made or in force under the Act, including regulations (see *Legislation Act 2001*, s 104).

[1.3499] Schedule 3, new section 91B

omit

or the regulations

[1.3500] Schedule 3, new section 91B (1), new note

insert

Note A reference to an Act includes a reference to the statutory instruments made or in force under the Act, including regulations (see *Legislation Act 2001*, s 104).

Part 317 Public Trustee Act 1985

[1.3501] Section 2

omit

[1.3502] Section 22 (1)

omit

the purposes of

[1.3503] Section 28 (1) (a)

omit

the purposes of

[1.3504] Section 59A (4) to (6)

substitute

- (4) The management fee must be the amount determined by, or worked out in accordance with the rate or scale determined by, the Minister for this section.
- (5) A determination is a disallowable instrument.

Note A disallowable instrument must be notified, and presented to the Legislative Assembly, under the *Legislation Act 2001*.

[1.3505] Section 59A (7) and (8)

renumber as section 59A (6) and (7)

[1.3506] Section 61 (9) and (10)

substitute

- (9) The management fee must be the amount determined by, or worked out in accordance with the rate or scale determined by, the Minister for this section.
- (10) A determination is a disallowable instrument.

Note A disallowable instrument must be notified, and presented to the Legislative Assembly, under the *Legislation Act 2001*.

[1.3507] Section 75

substitute

75 Determination of fees and charges

- (1) The Minister may, in writing, determine fees and charges for this Act.

Note The *Legislation Act 2001* contains provisions about the making of determinations and regulations relating to fees and charges (see pt 6.3).

- (2) A determination is a disallowable instrument.

Note A disallowable instrument must be notified, and presented to the Legislative Assembly, under the *Legislation Act 2001*.

[1.3508] Section 76

substitute

76 Regulation-making power

The Executive may make regulations for this Act.

Note Regulations must be notified, and presented to the Legislative Assembly, under the *Legislation Act 2001*.

Part 318 Racecourses Act 1935

[1.3509] Section 2

omit

[1.3510] Section 7 (1)

substitute

- (1) The Minister may issue a licence in relation to a racecourse on the terms and conditions the Minister considers appropriate.

Note A fee may be determined under section 10 (Determination of fees) for this section.

[1.3511] Section 7A (1)

substitute

- (1) The Minister may issue a special licence for the holding of a race-meeting on any day or days on a racecourse not licensed under section 7.

Note A fee may be determined under section 10 (Determination of fees) for this section.

[1.3512] Section 10

substitute

10 Determination of fees

- (1) The Minister may, in writing, determine fees for this Act.

Note The *Legislation Act 2001* contains provisions about the making of determinations and regulations relating to fees (see pt 6.3).

- (2) A determination is a disallowable instrument.

Note A disallowable instrument must be notified, and presented to the Legislative Assembly, under the *Legislation Act 2001*.

Part 319 Racing Act 1999

[1.3513] Section 2

omit

[1.3514] Section 3, definition of *penalty unit*

omit

[1.3515] Section 19 (3)

substitute

- (3) Rules made or adopted by the racing club under this section are not subordinate laws under the *Legislation Act 2001*.

[1.3516] Section 25 (3)

substitute

- (3) Rules made by the harness club under this section are not subordinate laws under the *Legislation Act 2001*.

[1.3517] Section 31 (3)

substitute

- (3) Rules made by the greyhound club under this section are not subordinate laws under the *Legislation Act 2001*.

[1.3518] Section 34 (8) (a)

substitute

- (a) is a disallowable instrument; and

[1.3519] Section 34 (8), new note

insert

Note A disallowable instrument must be notified, and presented to the Legislative Assembly, under the *Legislation Act 2001*.

[1.3520] Section 36 (3) (a)

substitute

- (a) is a disallowable instrument; and

[1.3521] Section 36 (3), new note

insert

Note A disallowable instrument must be notified, and presented to the Legislative Assembly, under the *Legislation Act 2001*.

[1.3522] Section 45 (2)

substitute

- (2) A rule made under this section is a disallowable instrument.

Note A disallowable instrument must be notified, and presented to the Legislative Assembly, under the *Legislation Act 2001*.

[1.3523] Section 65

omit

[1.3524] Section 66, heading

substitute

66 Regulation-making power

[1.3525] Section 66 (1)

substitute

- (1) The Executive may make regulations for this Act.

Note Regulations must be notified, and presented to the Legislative Assembly, under the *Legislation Act 2001*.

Part 320 Radiation Act 1983

[1.3526] Sections 2 and 3

omit

[1.3527] Section 5 (1), definition of *determined fee*

omit

[1.3528] Section 28 (c)

omit

Chairperson; and

substitute

chairperson.

[1.3529] Section 28 (d)

omit

[1.3530] Section 29 (3)

omit

by notice in the *Gazette*

substitute

in writing

[1.3531] New section 29 (4)

insert

- (4) A declaration is a notifiable instrument.

Note A notifiable instrument must be notified under the *Legislation Act 2001*.

[1.3532] Section 31 (2)

substitute

- (2) On application by the licensee before the licence expires, the licence must be renewed for the period of not longer than 5 years decided by the council.

Note A fee may be determined under s 77 (Determination of fees) for this section.

[1.3533] Section 48 (5) (d)

omit

shielded; and

substitute

shielded.

[1.3534] Section 48 (5) (e)

omit

[1.3535] Section 50 (2)

substitute

- (2) On application by the person issued with the certificate before the registration expires, the registration must be renewed for the period of not longer than 5 years decided by the council.

Note A fee may be determined under s 77 (Determination of fees) for this section.

[1.3536] Section 73 (1)

omit everything after paragraph (k), substitute

the council must prepare a notice containing particulars of the decision.

[1.3537] New section 73 (4)

insert

- (4) A notice under subsection (1) is a notifiable instrument.

Note A notifiable instrument must be notified under the *Legislation Act 2001*.

[1.3538] Section 77

substitute

77 Determination of fees

- (1) The Minister may, in writing, determine fees for this Act.

Note The *Legislation Act 2001* contains provisions about the making of determinations and regulations relating to fees (see pt 6.3).

- (2) A determination is a disallowable instrument.

Note A disallowable instrument must be notified, and presented to the Legislative Assembly, under the *Legislation Act 2001*.

[1.3539] Section 79

substitute

78 Regulation-making power

The Executive may make regulations for this Act.

Note Regulations must be notified, and presented to the Legislative Assembly, under the *Legislation Act 2001*.

Part 321 **Rates and Land Rent (Relief)** **Act 1970**

[1.3540] Section 18

omit

Where notice of

substitute

- (1) If notice of

[1.3541] New section 18 (2)

insert

- (2) A form of memorandum of discharge approved by the registrar-general is a notifiable instrument.

Note A notifiable instrument must be notified under the *Legislation Act 2001*.

[1.3542] Section 23 (1)

after

Minister may

insert

, in writing,

[1.3543] Section 23 (4)

substitute

- (4) A determination under subsection (1) is a notifiable instrument.

Note A notifiable instrument must be notified under the *Legislation Act 2001*.

[1.3544] Section 24, new note

insert

Note Regulations must be notified, and presented to the Legislative Assembly, under the *Legislation Act 2001*.

Part 322 Rates and Land Rent (Relief) Regulations

[1.3545] Regulation 2

omit

Part 323 Rates and Land Tax Act 1926

[1.3546] Section 4, definition of *determined fee*

omit

[1.3547] Section 8 (2)

omit

[1.3548] Section 15 (5) (a), new note

insert

Note The Minister determines the discount rate under subsection (11).

[1.3549] Section 15 (11)

substitute

- (11) The Minister may, in writing, determine the discount rate for subsection (5) (a).

[1.3550] Section 15 (12), new note

insert

Note A disallowable instrument must be notified, and presented to the Legislative Assembly, under the *Legislation Act 2001*.

[1.3551] Section 17

substitute

17 Notice of rates in arrears

- (1) If rates payable in relation to a parcel of rateable land have been in arrears for at least 1 year, the commissioner may give notice, by

letter addressed to the owner of the parcel at the owner's last-known home address, that the rates are in arrears.

- (2) At any time after giving the notice, the commissioner may declare, in writing, that the rates for the parcel are in arrears.
- (3) A declaration is a notifiable instrument.

Note A notifiable instrument must be notified under the *Legislation Act 2001*.

[1.3552] Section 18 (1)

substitute

- (1) If rates payable in relation to a parcel of rateable land that is unoccupied, and any interest payable in relation to the rates, are not paid within 30 days after a declaration is made in relation to the rates under section 17, the commissioner may—
 - (a) take possession of the land; and
 - (b) hold the land against anyone; and
 - (c) lease the land for not longer than 7 years.

[1.3553] Section 19 (3) and (4)

renumber as section 19 (4) and (5)

[1.3554] Section 19 (1) and (2)

substitute

- (1) This section applies to a parcel of land held by the owner under a lease from the Commonwealth for a term of years, if rates payable in relation to the parcel are in arrears, or any interest payable in relation to the rates is in arrears, for at least 1 year after notification of a declaration made under section 17 (Notice of rates in arrears) in relation to the rates.
- (2) The commissioner may apply to a court of competent jurisdiction for an order for the sale of all or part of the parcel if the parcel is occupied or, if the parcel is unoccupied, instead of taking action under section 18.

- (3) On hearing the application, the court, if satisfied by affidavit or otherwise that rates mentioned in the declaration in relation to the parcel are payable, or any interest payable in relation to the rates is payable, and was in arrears for at least 1 year when the declaration was made, and that everything required by section 17 to be done has been done, must—
- (a) order the sale by public auction of the parcel, or as much of the parcel as will be sufficient to pay—
 - (i) the rates in arrears (including the rates in arrears when the declaration was made as well as any rates that are in arrears at the time of the hearing of the application) and any interest payable in relation to the rates; and
 - (ii) costs and expenses in relation to the declaration, the application and the sale; and
 - (b) order that the proceeds be paid into court; and
 - (c) order that the title to the parcel be transferred to the purchaser free from mortgages and encumbrances.

[1.3555] Section 21

substitute

21 Properties in a declaration may be included in 1 application

- (1) This section applies to a declaration under section 17 (Notice of rates in arrears) if the declaration relates to parcels of land that belong to different owners or to parcels mentioned in notices given at different times.
- (2) The commissioner may make a single application under section 19 (Sale of land for nonpayment of rates) in relation to the parcels and, if the commissioner makes a single application, the court may make the orders about apportionment of rates, interest, costs and expenses in relation to the parcels, or part of them, that the court considers just.

[1.3556] Section 22 (3)

substitute

- (3) If an amount of rates is taken, under subsection (2), to have become due, the person liable to pay the amount is liable to pay to the Territory, in addition to the amount, interest calculated in accordance with subsection (4) at the rate determined, in writing, by the Minister.

[1.3557] Section 22 (6), new note

insert

Note A disallowable instrument must be notified, and presented to the Legislative Assembly, under the *Legislation Act 2001*.

[1.3558] Section 22EF

omit

, in a form approved by the commissioner,

[1.3559] Section 22EF, new note

insert

Note If a form is approved under s 38 (Approved forms) for an identity card, the form must be used.

[1.3560] Section 22F

substitute

22F Notice of land tax arrears

- (1) If land tax payable in relation to a parcel of land has been in arrears for at least 1 year, the commissioner may give notice, by letter addressed to the owner of the parcel at the owner's last-known home address, that the land tax is in arrears.
- (2) At any time after giving the notice, the commissioner may declare, in writing, that the land tax for the parcel to which the notice relates is in arrears.
- (3) A declaration is a notifiable instrument.

Note A notifiable instrument must be notified under the *Legislation Act 2001*.

[1.3561] Section 22G

omit

‘rateable property’

substitute

‘rateable land’

[1.3562] Section 22GE (1A), new note

insert

Note A fee may be determined under s 36 (Determination of fees) for this section.

[1.3563] Section 22GE (1B)

omit

[1.3564] Section 22GK (2) (a)

substitute

(a) be in writing; and

[1.3565] Section 22GK (2) (d) (i)

omit

[1.3566] Section 22GK (2) (d) (ii) and (iii)

renumber as section 22GK (2) (d) (i) and (ii)

[1.3567] Section 22GK (2), new notes

insert

Note 1 A fee may be determined under s 36 (Determination of fees) for this section.

Note 2 If a form is approved under s 38 (Approved forms) for an application, the form must be used.

[1.3568] Section 22GV (2), new note

insert

Note A fee may be determined under s 36 (Determination of fees) for this section.

[1.3569] Section 22GV (2A)

omit

[1.3570] Section 23 (2)

omit

, in a form approved by the commissioner,

[1.3571] Section 23 (2), new note

insert

Note If a form is approved under s 38 (Approved forms) for the notice, the form must be used.

[1.3572] Section 28 (1)

omit

by notice published in the Gazette

substitute

, in writing,

[1.3573] Section 28 (2)

omit

by notice published in the Gazette

substitute

in writing

[1.3574] New section 28 (3)

insert

(3) A exemption under this section is a notifiable instrument.

Note A notifiable instrument must be notified under the *Legislation Act 2001*.

[1.3575] Section 28B (1) (a)

substitute

(a) at a rate determined, in writing, by the Minister; and

[1.3576] Section 28B (2)

substitute

(2) A determination under subsection (1) (a) is a disallowable instrument.

Note A disallowable instrument must be notified, and presented to the Legislative Assembly, under the *Legislation Act 2001*.

[1.3577] Section 28C (2), new note

insert

Note A fee may be determined under s 36 (Determination of fees) for this section.

[1.3578] Section 28C (2A)

omit

[1.3579] Section 29 (1), new note

insert

Note A fee may be determined under s 36 (Determination of fees) for this section.

[1.3580] Section 29 (1A)

omit

[1.3581] Section 30 (2), new note

insert

Note A fee may be determined under s 36 (Determination of fees) for this section.

[1.3582] Section 30 (2A)

omit

[1.3583] Section 36

substitute

36 Determination of fees

- (1) The Minister may, in writing, determine fees for this Act.

Note The *Legislation Act 2001* contains provisions about the making of determinations and regulations relating to fees (see pt 6.3).

- (2) A determination is a disallowable instrument.

Note A disallowable instrument must be notified, and presented to the Legislative Assembly, under the *Legislation Act 2001*.

[1.3584] Section 48

substitute

38 Approved forms

- (1) The commissioner may, in writing, approve forms for this Act.
- (2) If the commissioner approves a form for a particular purpose, the approved form must be used for that purpose.
- (3) An approved form is a notifiable instrument.

Note A notifiable instrument must be notified under the *Legislation Act 2001*.

39 Regulation-making power

The Executive may make regulations for this Act.

Note Regulations must be notified, and presented to the Legislative Assembly, under the *Legislation Act 2001*.

Part 324 Recovery of Lands Act 1929

[1.3585] Sections 3,4, 5 and 7

omit

in the Schedule to this Act

[1.3586] New section 12

insert

12 Approved forms

- (1) The Minister may, in writing, approve forms for this Act.
- (2) If the Minister approves a form for a particular purpose, the approved form must be used for that purpose.
- (3) An approved form is a notifiable instrument.

Note A notifiable instrument must be notified under the *Legislation Act 2001*.

- (4) In this Act, a reference to a form by a letter is a reference to an approved form identified with the letter.
- (5) A form in the schedule immediately before the commencement of this section is, after the commencement, taken to be an approved form.
- (6) However, the form need not be notified under the *Legislation Act 2001*.
- (7) Subsections (5) and (6) are laws to which the *Legislation Act 2001*, section 88 (Repeal does not end transitional or validating effect etc) applies.
- (8) Subsections (5) to (7) and this subsection expire 1 year after this section commences.

[1.3587] The Schedule

omit

Part 325 Referendum (Machinery Provisions) Act 1994

[1.3588] Section 2

omit

[1.3589] Section 7 (2)

omit

by notice in the *Gazette*

substitute

, in writing,

[1.3590] New section 7 (3)

insert

(3) An instrument under subsection (2) is a notifiable instrument.

Note A notifiable instrument must be notified under the *Legislation Act 2001*.

[1.3591] Section 11 (1) (d)

omit

in the approved form

[1.3592] Section 11 (1) (d), new note

insert

Note If a form is approved under section 20 (Approved forms) for an official mark, the form must be used.

[1.3593] Section 14 (4) (b)

substitute

(b) as soon as practicable after the count is concluded, the commissioner must prepare a notice setting out the numbers so counted and declaring the result of the referendum.

[1.3594] New section 14 (5)

insert

- (5) A notice under subsection (4) (b) is a notifiable instrument.

Note A notifiable instrument must be notified under the *Legislation Act 2001*.

[1.3595] Section 16 (3) (a)

substitute

- (a) without limiting the Electoral Act, section 256, as applied, the validity of a referendum is taken to be in dispute if the notice of the voting at the referendum, prepared under section 14 (4) (b), is called into question; and

[1.3596] Section 20

substitute

20 Approved forms

- (1) The commissioner may, in writing, approve forms for this Act.
(2) If the commissioner approves a form for a particular purpose, the approved form must be used for that purpose.
(3) An approved form is a notifiable instrument.

Note A notifiable instrument must be notified under the *Legislation Act 2001*.

21 Regulation-making power

- (1) The Executive may make regulations for this Act.

Note Regulations must be notified, and presented to the Legislative Assembly, under the *Legislation Act 2001*.

- (2) The regulations may make provision, not inconsistent with a referendum law, in relation to matters relevant to a particular referendum or to referendums generally, including the following matters:

- (a) the printing of ballot papers;

- (b) the appointment of scrutineers;
 - (c) scrutiny procedures, including the formality of ballot papers;
 - (d) people entitled to dispute referendums.
- (3) The regulations may also prescribe offences for contraventions of the regulations and prescribe maximum penalties of not more than 10 penalty units for offences against the regulations.

[1.3597] Schedule, part 3, substituted section 220 (1)

omit

in the approved form

[1.3598] Schedule, part 3, substituted section 220 (1), new note

insert

Note If a form is approved under s 340A (Approved forms) for a return, the form must be used.

[1.3599] Schedule, part 3, substituted section 224 (3)

omit

in an approved form,

[1.3600] Schedule, part 3, substituted section 224 (3), new note

insert

Note If a form is approved under s 340A (Approved forms) for a return, the form must be used.

[1.3601] Schedule, part 4, modifications of section 275 (1) to (4)

substitute

Section 275

substitute the following modification

275 Effect of declarations

- (1) If the court declares a referendum void, another referendum must be held on a Saturday chosen in writing by the Executive.
- (2) The Executive may only choose a Saturday that is at least 36 days, and not later than 90 days, after the day the choice is made.
- (3) An instrument under subsection (1) is a notifiable instrument.

Note A notifiable instrument must be notified under the *Legislation Act 2001*.

- (4) If a declaration is made by the court under section 265 (b) or (c) that has the effect of altering the result of a referendum, the commissioner must prepare a written notice—
 - (a) setting out the effect of the declaration of the court in relation to—
 - (i) the number of votes in favour of each referendum option; and
 - (ii) the number of votes opposed to each referendum option; and
 - (iii) the total number of informal ballot papers; and
 - (b) declaring the result of the referendum in accordance with the declaration of the court.
- (5) A notice is a notifiable instrument.

Note A notifiable instrument must be notified under the *Legislation Act 2001*.

- (6) A declaration by the court mentioned in subsection (1) or (4) takes effect at the end of the day the declaration is made.

Part 326 Registrar-General Act 1993

[1.3602] Section 2

omit

[1.3603] Section 5 (2)

substitute

- (2) The Minister must, in writing, approve the design of the official seal.
- (3) An approval under subsection (2) is a notifiable instrument.
Note A notifiable instrument must be notified under the *Legislation Act 2001*.
- (4) If a design of the official seal was published in the Gazette before the commencement of this subsection, the design is taken to have been approved by the Minister for this section.
- (5) Subsection (4) is a law to which the *Legislation Act 2001*, section 88 (Repeal does not end transitional or validating effect etc) applies.
- (6) Subsections (4), (5) and this subsection expire 1 year after this section commences.

Part 327 **Registration of Deeds Act**
1957

[1.3604] Section 2, definition of *determined fee*

omit

[1.3605] Section 4 (1)

omit

, upon payment of the determined fee,

[1.3606] Section 4 (1), new note

insert

Note A fee may be determined under s 8 (Determination of fees) for this section.

[1.3607] Section 7

omit

(1)

[1.3608] Section 7

omit

and upon payment of the determined fee for every page included in the certified copy

[1.3609] Section 7

omit

, in accordance with the Form in the First Schedule,

[1.3610] Section 7, new notes

insert

Note 1 A fee may be determined under s 8 (Determination of fees) for this section.

Note 2 If a form is approved under s 9 (Approved forms) for an application, the form must be used.

[1.3611] Section 8

substitute

8 Determination of fees

(1) The Minister may, in writing, determine fees for this Act.

Note The *Legislation Act 2001* contains provisions about the making of determinations and regulations relating to fees (see pt 6.3).

(2) A determination is a disallowable instrument.

Note A disallowable instrument must be notified, and presented to the Legislative Assembly, under the *Legislation Act 2001*.

9 Approved forms

(1) The registrar-general may, in writing, approve forms for this Act.

(2) If the registrar-general approves a form for a particular purpose, the approved form must be used for that purpose.

- (3) An approved form is a notifiable instrument.

Note A notifiable instrument must be notified under the *Legislation Act 2001*.

[1.3612] Schedule

omit

Part 328 Remand Centres Act 1976

[1.3613] Section 2

omit

[1.3614] Section 4

substitute

4 Declaration of remand centres

- (1) The Minister may, in writing, declare an area of land to be a remand centre.
- (2) A declaration is a disallowable instrument.

Note A disallowable instrument must be notified, and presented to the Legislative Assembly, under the *Legislation Act 2001*.

[1.3615] Section 5 (3) and (5)

omit

by instrument in writing published in the *Gazette*

substitute

in writing

[1.3616] New section 5 (6)

insert

- (6) A declaration or extension under this section is a notifiable instrument.

Note A notifiable instrument must be notified under the *Legislation Act 2001*.

[1.3617] Section 9

omit

the regulations and standing orders,

[1.3618] Section 9, new note

insert

Note A reference to an Act includes a reference to the statutory instruments made or in force under the Act, including regulations and the standing orders (see *Legislation Act 2001*, s 104).

[1.3619] Section 29

omit everything before paragraph (a), substitute

29 Regulation-making power

- (1) The Executive may make regulations for this Act.

Note Regulations must be notified, and presented to the Legislative Assembly, under the *Legislation Act 2001*.

- (2) The regulations may make provision in relation to—

[1.3620] Section 29 (d) (ix)

omit

; and

[1.3621] Section 29 (e)

omit

[1.3622] New section 29 (3)

insert

- (3) The regulations may also prescribe offences for contraventions of the regulations and prescribe maximum penalties of not more than 10 penalty units for offences against the regulations.

Part 329 **Remand Centres Regulations 1976**

[1.3623] Regulation 2, definition of *the Act*

omit

[1.3624] Regulation 4 (1) (b)

omit

, these Regulations and the standing orders

[1.3625] Regulation 4 (1), new note

insert

Note A reference to an Act includes a reference to the statutory instruments made or in force under the Act, including regulations and the standing orders (see *Legislation Act 2001*, s 104).

[1.3626] Regulation 4 (2) (b)

omit

, these Regulations or the standing orders

Part 330 **Removal of Prisoners Act 1968**

[1.3627] Section 2

omit

[1.3628] Section 12

substitute

12 Approved forms

- (1) The Minister may, in writing, approve forms for this Act.
- (2) If the Minister approves a form for a particular purpose, the approved form must be used for that purpose.
- (3) An approved form is a notifiable instrument.

Note A notifiable instrument must be notified under the *Legislation Act 2001*.

13 Regulation-making power

The Executive may make regulations for this Act.

Note Regulations must be notified, and presented to the Legislative Assembly, under the *Legislation Act 2001*.

Part 331 Remuneration Tribunal Act 1995

[1.3629] Section 2

omit

[1.3630] Section 10 (4)

substitute

- (4) An instrument under subsection (1) (w) is a notifiable instrument.

Note A notifiable instrument must be notified under the *Legislation Act 2001*.

- (5) An instrument under subsection (1) (w) must be notified under the *Legislation Act 2001* within 14 days after the day the instrument is given to the tribunal.

[1.3631] Section 20

substitute

20 Determination of fees and allowances of members

- (1) The Chief Minister may, in writing, determine the fees and allowances payable to members.
- (2) A determination is a disallowable instrument.

Note A disallowable instrument must be notified, and presented to the Legislative Assembly, under the *Legislation Act 2001*.

Part 332 Residential Tenancies Act 1997

[1.3632] Section 3 (1), definition of *termination notice*

omit

in accordance with the prescribed terms

substitute

in the form approved under section 133 (Approved forms—Minister)

[1.3633] Section 25

omit

shall be in a form approved by the Minister and shall

substitute

must

[1.3634] Section 25, new note

insert

Note If a form is approved under s 133 (Approved forms—Minister) for a notice, the form must be used.

[1.3635] Section 29 (2)

omit

shall be in a form approved by the Minister and shall

substitute

must

[1.3636] Section 29, new note

insert

Note If a form is approved under s 133 (Approved forms—Minister) for a report, the form must be used.

[1.3637] Section 32 (1), new note

insert

Note If a form is approved under s 133 (Approved forms—Minister) for an application, the form must be used.

[1.3638] Section 32 (3)

omit

[1.3639] Section 36 (b)

substitute

- (b) if a tenant notifies the lessor in the form approved under section 133 (Approved forms—Minister) for a termination notice, and vacates the premises in accordance with the notice;

[1.3640] Sections 47 (1) (b), 48 (1) (b), 49 (1) (b) and 54 (1) (c)

omit

in the prescribed form

[1.3641] Section 58 (1) (b)

substitute

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

[1.3642] Section 58 (2)

omit

in accordance with the prescribed terms

substitute

in the form approved under section 133 (Approved forms—Minister) for a termination notice

[1.3643] Section 59 (1) (b)

substitute

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

[1.3644] Section 60 (1)

omit

in the prescribed form

substitute

in the form approved under section 133 (Approved forms—Minister) for a termination notice

[1.3645] Section 60 (2)

omit

prescribed form

substitute

approved form

[1.3646] Section 64 (1), new note

insert

Note If a form is approved under s 133 (Approved forms—Minister) for a notice, the form must be used.

[1.3647] Section 64 (2)

omit

[1.3648] Section 64 (3)

renumber as section 64 (2)

[1.3649] Section 65 (2)

omit

premises in the prescribed form

substitute

premises in the form approved under section 133 (Approved forms—Minister)

[1.3650] Section 65 (2)

omit

given in the prescribed form

substitute

given in the approved form

[1.3651] Section 65 (2) (a)

omit

give notice in the prescribed form

substitute

give notice in the approved form

[1.3652] Section 73 (2) (a)

substitute

(a) be in writing; and

[1.3653] Section 73 (2), new note

insert

Note If a form is approved under s 133 (Approved forms—Minister) for an application, the form must be used.

[1.3654] Section 102

omit

or the regulations

[1.3655] Section 102 (g)

omit

and the regulations

[1.3656] Section 102, new note

insert

Note A reference to an Act includes a reference to the statutory instruments made or in force under the Act, including regulations (see *Legislation Act 2001*, s 104).

[1.3657] Section 103 (1), new note

insert

Note If a form is approved under s 123A (Approved forms—registrar) for an application, the form must be used.

[1.3658] Section 103 (4)

omit

[1.3659] Section 103 (5)

renumber as section 103 (4)

[1.3660] Section 104 (f) (ii)

substitute

- (i) vacated in accordance with a termination notice that was not in the form approved under section 133 (Approved forms—Minister) for a termination notice;

[1.3661] Section 120

omit

or the regulations

[1.3662] Section 120, new note

insert

Note A reference to an Act includes a reference to the statutory instruments made or in force under the Act, including regulations (see *Legislation Act 2001*, s 104).

[1.3663] New section 123A

insert

123A Approved forms—registrar

- (1) The registrar may, in writing, approve forms in relation to proceedings before the tribunal.
- (2) If the registrar approves a form for a particular purpose, the approved form must be used for that purpose.
- (3) An approved form is a notifiable instrument.

Note A notifiable instrument must be notified under the Legislation Act 2001.

[1.3664] Section 133

substitute

133 Approved forms—Minister

- (1) The Minister may, in writing, approve forms for this Act (other than in relation to proceedings before the tribunal).
- (2) If the Minister approves a form for a particular purpose, the approved form must be used for that purpose.
- (3) An approved form is a notifiable instrument.

Note A notifiable instrument must be notified under the *Legislation Act 2001*.

- (4) A form prescribed under the regulations immediately before the commencement of this section is, after the commencement, taken to be an approved form.
- (5) However, the form need not be notified under the *Legislation Act 2001*.
- (6) Subsections (4) and (5) are laws to which the *Legislation Act 2001*, section 88 (Repeal does not end transitional or validating effect etc) applies.
- (7) Subsections (4) to (6) and this subsection expire 1 year after this section commences.

[1.3665] Section 136 (1), new note

insert

Note Regulations must be notified, and presented to the Legislative Assembly, under the *Legislation Act 2001*.

[1.3666] Section 136 (2)

omit everything before paragraph (a), substitute

- (2) The regulations may make provision in relation to the following:

Part 333 Residential Tenancies Regulations

[1.3667] Regulations 2, 3 and 8

omit

[1.3668] Schedule

omit

Part 334 Road Transport (Alcohol and Drugs) Act 1977

[1.3669] Part 1, note

omit

and the regulations made under it form

substitute

(including the regulations) forms

[1.3670] New section 4B (3) and (4)

insert

- (3) The Minister may, in writing, declare a motor vehicle to be a Commonwealth vehicle.
- (4) A declaration is a notifiable instrument.

Note A notifiable instrument must be notified under the *Legislation Act 2001*.

[1.3671] Section 4B (3), definition of *Commonwealth vehicle*, paragraph (b)

substitute

(b) is declared under subsection (3) to be a Commonwealth vehicle.

[1.3672] Section 4B (3)

renumber as section 4B (5)

[1.3673] Section 5 (1) and (2)

omit

by written notice

substitute

in writing

[1.3674] New section 5 (3)

insert

(3) An approval under this section is a notifiable instrument.

Note A notifiable instrument must be notified under the *Legislation Act 2001*.

[1.3675] Section 6 (1) and (2)

omit

by written notice

substitute

in writing

[1.3676] New section 6 (3)

insert

(3) An authorisation or appointment under this section is a notifiable instrument.

Note A notifiable instrument must be notified under the *Legislation Act 2001*.

[1.3677] Section 7

omit

[1.3678] Section 42

omit

or the regulations

[1.3679] Section 42 (1), new note

insert

Note A reference to an Act includes a reference to the statutory instruments made or in force under the Act, including regulations (see *Legislation Act 2001*, s 104).

[1.3680] Section 42A

omit

or the regulations

[1.3681] Section 42A (1), new note

insert

Note A reference to an Act includes a reference to the statutory instruments made or in force under the Act, including regulations (see *Legislation Act 2001*, s 104).

[1.3682] Section 42B (1)

omit

and the regulations

[1.3683] Section 42B (1), new note

insert

Note A reference to an Act includes a reference to the statutory instruments made or in force under the Act, including regulations (see *Legislation Act 2001*, s 104).

[1.3684] Section 42B (2)

omit

or the regulations

[1.3685] Section 44 (1)

after

may

insert

, in writing,

[1.3686] Section 44 (2)

substitute

- (2) An approval may be given subject to the conditions (if any) stated in the approval.
- (3) A condition of an approval may require the person in charge of the program to report to the registrar of the court about the progress of people the court has ordered to undertake the program.
- (4) Subsection (3) does not limit the conditions that may be imposed on an approval.
- (5) An approval is a notifiable instrument.

Note A notifiable instrument must be notified under the *Legislation Act 2001*.

[1.3687] Section 44A

omit

[1.3688] Section 50

omit

, instrument made under an Act

[1.3689] Section 50, new note

insert

Note A reference to an Act includes a reference to the statutory instruments made or in force under the Act, including regulations (see *Legislation Act 2001*, s 104).

[1.3690] Section 51, new note

insert

Note Regulations must be notified, and presented to the Legislative Assembly, under the *Legislation Act 2001*.

Part 335 Road Transport (Alcohol and Drugs) Regulations 2000

[1.3691] Regulation 3

omit

Part 336 Road Transport (Dimensions and Mass) Act 1990

[1.3692] Part 1, note

omit

and the regulations made under it form

substitute

(including the regulations) forms

[1.3693] Sections 31A to 31C

substitute

31A Exemptions

- (1) The Minister may, in writing, exempt a vehicle or combination from a provision of part 2 (Dimensions and design of vehicles) or part 3 (Loads and equipment).
- (2) The Minister may, in writing, exempt a person from section 37 (Use of trailer with articulated vehicle).
- (3) In deciding whether to give an exemption under this section, the Minister must have regard to the matters mentioned in section 31 (a)

and (d), as if the reference in section 31 (a) to a permit were a reference to an exemption.

- (4) Subsection (3) does not limit the matters to which the Minister may have regard.
- (5) An exemption under this section may be given subject to the conditions (if any) stated in the exemption.
- (6) The conditions may include conditions mentioned in section 30 (Issue of permit subject to conditions).
- (7) An exemption under this section is a disallowable instrument.

Note A disallowable instrument must be notified, and presented to the Legislative Assembly, under the *Legislation Act 2001*.

- (8) Within 21 days after the exemption is notified under the *Legislation Act 2001*, the exemption must also be notified in a daily newspaper circulating in the ACT.

[1.3694] Section 50 (3) (a)

after

approved

insert

, in writing,

[1.3695] Section 50 (3) (a)

omit

by notice in the Gazette

[1.3696] Section 57 (2) and (2A)

omit

by notice in the Gazette

substitute

in writing

[1.3697] Section 57 (3)

substitute

- (3) A determination under this section is a disallowable instrument.

Note A disallowable instrument must be notified, and presented to the Legislative Assembly, under the *Legislation Act 2001*.

[1.3698] Section 57

renumber subsections when Act next republished under Legislation Act 2001

[1.3699] Section 58, new note

insert

Note Regulations must be notified, and presented to the Legislative Assembly, under the *Legislation Act 2001*.

[1.3700] Dictionary, definition of *exemption notice*

substitute

exemption means an exemption in force under section 31A (Exemption notices).

[1.3701] Dictionary, definitions of *the regulations* and *this Act* (or *the Act*)

omit

[1.3702] Further amendments

omit

notice

in the following provisions

- section 27 (1)
- section 33 (3)
- section 34 (2)
- section 35 (2)
- section 36 (3)

- section 40A

Part 337 **Road Transport (Dimensions and Mass) Regulations 2000**

[1.3703] Regulation 3

omit

Part 338 **Road Transport (Driver Licensing) Act 1999**

[1.3704] Part 1, note

omit

and the regulations made under it form

substitute

(including the regulations) forms

[1.3705] Section 3, note

omit

and the regulations under this Act establish

substitute

(including the regulations) establishes

[1.3706] Section 14 (2)

omit

by notice

substitute

in writing

[1.3707] Section 14 (3)

omit

by notice

substitute

in writing

[1.3708] Section 14 (4)

omit

a notice

substitute

an instrument

[1.3709] Section 14 (5) and (6)

substitute

- (5) An offence is recognised under this section on the day the instrument recognising the offence is notified under the *Legislation Act 2001* or, if a later day or time is provided in the instrument, on the later day or at the later time.
- (6) A revocation or amendment under subsection (3) takes effect on the day the instrument making the revocation or amendment is notified under the *Legislation Act 2001* or, if a later day or time is provided in the instrument, on the later day or at the later time.

[1.3710] Section 14 (8)

substitute

- (8) An instrument under subsection (2) or (3) is a disallowable instrument.

Note A disallowable instrument must be notified, and presented to the Legislative Assembly, under the *Legislation Act 2001*.

[1.3711] Section 26

substitute

26 Regulation-making power

- (1) The Executive may make regulations for this Act.

Note Regulations must be notified, and presented to the Legislative Assembly, under the *Legislation Act 2001*.

- (2) The regulations may prescribe offences for contraventions of the regulations and prescribe maximum penalties of not more than 20 penalty units for offences against the regulations.

[1.3712] Section 28 (1)

omit

Without limiting section 26 (General regulation-making power), the
substitute

The

[1.3713] Section 36

omit

, instrument made under an Act

[1.3714] Section 36, new note

insert

Note A reference to an Act includes a reference to the statutory instruments made or in force under the Act (see *Legislation Act 2001*, s 104).

[1.3715] Dictionary, definitions of *the regulations* and *this Act* (or *the Act*)

omit

Part 339 Road Transport (Driver Licensing) Regulations 2000

[1.3716] Regulation 3, note 2

omit

as applied by the *Subordinate Laws Act 1989*, s 9

[1.3717] Regulation 4 (1), note

omit

(as applied by the *Subordinate Laws Act 1989*, s 9)

[1.3718] Regulation 26 (1)

after

may

insert

, in writing,

[1.3719] Regulation 26 (2)

substitute

(2) An approval is a notifiable instrument.

Note A notifiable instrument must be notified under the *Legislation Act 2001*.

[1.3720] Regulation 38A (1)

after

may

insert

, in writing,

[1.3721] Regulation 38A (2)

substitute

(2) An approval is a notifiable instrument.

Note A notifiable instrument must be notified under the *Legislation Act 2001*.

[1.3722] Regulation 65 (1)

after

may

insert

, in writing,

[1.3723] Regulation 65 (2)

substitute

- (2) An approval is a notifiable instrument.

Note A notifiable instrument must be notified under the *Legislation Act 2001*.

[1.3724] Regulation 93 (1)

after

may

insert

, in writing,

[1.3725] Regulation 93 (3)

substitute

- (3) An exemption under this regulation is a notifiable instrument.

Note A notifiable instrument must be notified under the *Legislation Act 2001*.

[1.3726] Regulation 118 (1)

after

may

insert

, in writing,

[1.3727] Regulation 118 (2)

substitute

- (2) A code of practice approved under subregulation (1) is a disallowable instrument.

Note A disallowable instrument must be notified, and presented to the Legislative Assembly, under the *Legislation Act 2001*.

[1.3728] Regulation 119 (1)

after

must

insert

, in writing,

[1.3729] Regulation 119 (2)

substitute

- (2) Standards approved under this regulation are a notifiable instrument.

Note A notifiable instrument must be notified under the *Legislation Act 2001*.

[1.3730] Regulation 122 (1)

after

may

insert

, in writing,

[1.3731] Regulation 122 (2)

substitute

- (2) An approval is a notifiable instrument.

Note A notifiable instrument must be notified under the *Legislation Act 2001*.

[1.3732] Dictionary, definition of *the Act*

omit

Part 340 **Road Transport (General) Act
1999**

[1.3733] Part 1, note

omit

and the regulations made under it form

substitute

(including the regulations) forms

[1.3734] Section 5 (2), note

omit

and regulations

[1.3735] Section 6 (g) and (h)

substitute

(g) any other Act or any regulations prescribed under the regulations for this section.

[1.3736] Section 6, new note

insert

Note A reference to an Act includes a reference to the statutory instruments made or in force under the Act, including regulations (see *Legislation Act 2001*, s 104).

[1.3737] Section 7

omit

[1.3738] Section 9, note

substitute

Note The expression **subordinate law** is defined in the *Legislation Act 2001*, section 8 (1) to mean a regulation, rule or by-law (whether or not legislative in nature) made under an Act, another subordinate law, or power given by an Act or subordinate law and also power given otherwise by law.

[1.3739] Section 12 (3)

substitute

(3) A declaration under subsection (1) is a disallowable instrument.

Note A disallowable instrument must be notified, and presented to the Legislative Assembly, under the *Legislation Act 2001*.

[1.3740] Section 13 (3)

substitute

- (3) A declaration under subsection (1) is a disallowable instrument.

Note A disallowable instrument must be notified, and presented to the Legislative Assembly, under the *Legislation Act 2001*.

[1.3741] Section 14 (4) and (5)

substitute

- (4) If the Australian Transport Council terminates an emergency order, the Minister must, in writing, declare that the order has been terminated with effect from the time when the council terminated the order.

- (5) A declaration under subsection (4) is a notifiable instrument.

Note A notifiable instrument must be notified under the *Legislation Act 2001*.

- (6) An order under subsection (1) is a disallowable instrument.

Note A disallowable instrument must be notified, and presented to the Legislative Assembly, under the *Legislation Act 2001*.

[1.3742] Section 15

omit

[1.3743] Section 32 (3)

substitute

- (3) A guideline under subsection (1) is a disallowable instrument.

Note A disallowable instrument must be notified, and presented to the Legislative Assembly, under the *Legislation Act 2001*.

[1.3744] Section 59 (2)

omit

approved form

substitute

form approved under section 225 (Approved forms) for this subsection

[1.3745] Section 96 (1), new note

insert

Note The *Legislation Act 2001* contains provisions about the making of determinations and regulations relating to fees (see pt 6.3).

[1.3746] Section 96 (3) to (5)

substitute

- (3) A determination is a disallowable instrument.

Note A disallowable instrument must be notified, and presented to the Legislative Assembly, under the *Legislation Act 2001*.

[1.3747] Section 96 (6)

renumber as section 96 (4)

[1.3748] Sections 97, 98 and 99

omit

[1.3749] Section 102 (3) (b)

substitute

- (b) the number of defined rights would not exceed the maximum number of defined rights determined by the Minister under subsection (4).
- (4) The Minister may, in writing, determine the maximum number of defined rights that may be issued.
- (5) A determination under subsection (4) is a notifiable instrument.

Note A notifiable instrument must be notified under the *Legislation Act 2001*.

[1.3750] Section 106 (5) and (6)

renumber as section 106 (7) and (8)

[1.3751] Section 106 (4)

substitute

- (4) The road transport authority must not issue a taxi operator's licence if the number of taxi operator's licences would exceed the number of taxi operator's licences determined by the Minister under subsection (5).
- (5) The Minister may, in writing, determine the maximum number of taxi operator's licences that may be issued.
- (6) A determination under subsection (5) is a notifiable instrument.

Note A notifiable instrument must be notified under the *Legislation Act 2001*.

[1.3752] Section 107

substitute

107 Limitation on number of restricted taxi operator's licences (MTA s 27E)

- (1) After consulting with a representative of an organisation that the Minister is satisfied represents the holders of taxi operator's licences, the Minister may determine, in writing, the number of restricted taxi operator's licences that may be issued.
- (2) A determination is a notifiable instrument.

Note A notifiable instrument must be notified under the *Legislation Act 2001*.

[1.3753] Section 115 (2)

substitute

- (2) A determination under subsection (1) is a disallowable instrument.

Note A disallowable instrument must be notified, and presented to the Legislative Assembly, under the *Legislation Act 2001*.

[1.3754] Section 120 (4) and (5)

renumber as section 120 (6) and (7)

[1.3755] Section 120 (3)

substitute

- (3) The road transport authority must not issue a private hire car operator's licence if the number of private hire car operator's licences would exceed 22 or, if a higher number of private hire car operator's licences is determined by the Minister under subsection (4), that higher number.
- (4) The Minister may, in writing, determine the maximum number (more than 22) of private hire car operator's licences that may be issued.
- (5) A determination under subsection (4) is a notifiable instrument.

Note A notifiable instrument must be notified under the *Legislation Act 2001*.

[1.3756] Section 213 (1)

after

may

insert

, in writing,

[1.3757] Section 213 (3)

substitute

- (3) A guideline under subsection (1) is a disallowable instrument.

Note A disallowable instrument must be notified, and presented to the Legislative Assembly, under the *Legislation Act 2001*.

[1.3758] Section 225 (1)

after

may

insert

, in writing,

[1.3759] New section 225 (3)

insert

- (3) An approved form is a notifiable instrument.

Note A notifiable instrument must be notified under the *Legislation Act 2001*.

[1.3760] Section 233 (1)

substitute

- (1) The Executive may make regulations for this Act.

Note Regulations must be notified, and presented to the Legislative Assembly, under the *Legislation Act 2001*.

[1.3761] Section 233 (3)

substitute

- (3) The regulations may also prescribe offences for contraventions of the regulations and prescribe maximum penalties of not more than 20 penalty units for offences against the regulations.

[1.3762] Dictionary, definitions of *the regulations* and *this Act* (or *the Act*)

omit

**Part 341 Road Transport (Bus Services)
Regulations 2000**

[1.3763] Regulation 2

omit

[1.3764] Regulation 3, note 2

omit

as applied by the *Subordinate Laws Act 1989*, s 9

[1.3765] Regulation 4 (1), note

omit

Schedule 1 Acts and subordinate laws amended and repealed
Part 342 Road Transport (General) Regulations 2000
Amendment [1.3766]

(as applied by the *Subordinate Laws Act 1989*, s 9)

[1.3766] Dictionary, definition of *the Act*

omit

**Part 342 Road Transport (General)
Regulations 2000**

[1.3767] Regulation 3, note 2

omit

as applied by the *Subordinate Laws Act 1989*, s 9

[1.3768] Regulation 4 (1), note

omit

and *Subordinate Laws Act 1989*, s 9

[1.3769] Dictionary, definition of *the Act*

omit

**Part 343 Road Transport (Hire Vehicle
Services) Regulations 2000**

[1.3770] Regulation 3, note 2

omit

as applied by the *Subordinate Laws Act 1989*, s 9

[1.3771] Regulation 4 (1), note

omit

(as applied by the *Subordinate Laws Act 1989*, s 9)

[1.3772] Dictionary, definition of *the Act*

omit

Part 344 **Road Transport (Offences)** **Regulations 2000**

[1.3773] Regulation 3, note 2

omit

, as applied by the *Subordinate Laws Act 1989*, s 9

[1.3774] Regulation 4, note

omit

(as applied by the *Subordinate Laws Act 1989*, s 9)

[1.3775] Regulation 20 (4), new note

insert

Note A disallowable instrument must be notified, and presented to the Legislative Assembly, under the *Legislation Act 2001*.

[1.3776] Regulation 21 (5), new note

insert

Note A disallowable instrument must be notified, and presented to the Legislative Assembly, under the *Legislation Act 2001*.

[1.3777] Schedule 1, part 4, items 13, 17.13 and 18.13, column 3

omit

notice

[1.3778] Dictionary, definition of *the Act*

omit

Part 345 **Road Transport (Taxi** **Services) Regulations 2000**

[1.3779] Regulation 3, note 2

omit

as applied by the *Subordinate Laws Act 1989*, s 9

[1.3780] Regulation 4 (1), note

omit

(as applied by the *Subordinate Laws Act 1989*, s 9)

[1.3781] Regulation 6 (3), new note

insert

Note A disallowable instrument must be notified, and presented to the Legislative Assembly, under the *Legislation Act 2001*.

[1.3782] Regulation 57 (2)

after

approved

insert

, in writing,

[1.3783] Regulation 57 (4)

substitute

(4) A standard approved for this regulation is a disallowable instrument.

Note A disallowable instrument must be notified, and presented to the Legislative Assembly, under the *Legislation Act 2001*.

[1.3784] Dictionary, definition of *the Act*

omit

Part 346 Road Transport (Third-Party Insurance) Regulations 2000

[1.3785] Regulation 3, note 2

omit

as applied by the *Subordinate Laws Act 1989*, s 9

[1.3786] Regulation 4 (1), note

omit

(as applied by the *Subordinate Laws Act 1989*, s 9)

[1.3787] Dictionary, definition of *the Act*

omit

Part 347 **Road Transport (Safety and
Traffic Management) Act 1999**

[1.3788] Part 1, note

omit

and the regulations made under it form

substitute

(including the regulations) forms

[1.3789] Section 33 (1) and (2)

substitute

- (1) The Executive may make regulations for this Act.

Note Regulations must be notified, and presented to the Legislative Assembly, under the *Legislation Act 2001*.

- (2) The regulations may prescribe offences for contraventions of the regulations and prescribe maximum penalties of not more than 30 penalty units for offences against the regulations.

[1.3790] Section 44

omit

, instrument made under an Act

[1.3791] Section 44, new note

insert

Schedule 1 Acts and subordinate laws amended and repealed
Part 348 Road Transport (Safety and Traffic Management) Regulations 2000
Amendment [1.3792]

Note A reference to an Act includes a reference to the statutory instruments made or in force under the Act (see *Legislation Act 2001*, s 104).

[1.3792] Dictionary, definitions of *the regulations* and *this Act* (or *the Act*)

omit

Part 348 Road Transport (Safety and Traffic Management) Regulations 2000

[1.3793] Regulation 3, note 2

omit

as applied by the *Subordinate Laws Act 1989*, s 9

[1.3794] Regulation 4 (1), note

omit

(as applied by the *Subordinate Laws Act 1989*, s 9)

[1.3795] Regulation 7 (1)

omit

and these regulations

[1.3796] Regulation 7 (1), new note

insert

Note A reference to an Act includes a reference to the statutory instruments made or in force under the Act, including regulations (see *Legislation Act 2001*, s 104).

[1.3797] Regulation 66 (1)

after

may

insert

, in writing

[1.3798] Regulation 66 (2)

substitute

- (2) An approval or declaration is a disallowable instrument.

Note A disallowable instrument must be notified, and presented to the Legislative Assembly, under the *Legislation Act 2001*.

[1.3799] Regulation 89 (1)

after

may

insert

, in writing,

[1.3800] Regulation 89 (3)

substitute

- (3) A code of practice is a disallowable instrument.

Note A disallowable instrument must be notified, and presented to the Legislative Assembly, under the *Legislation Act 2001*.

[1.3801] Regulation 90 (2) (a) and (b)

substitute

- (a) be published on or before the day when the code of practice commences; and
- (b) state when the code of practice commences; and

[1.3802] Regulation 90 (2) (c) (ii)

substitute

- (ii) the code of practice is subject to disallowance by the Legislative Assembly under the *Legislation Act 2001*.

[1.3803] Regulation 90 (3) and (4)

omit

[1.3804] Regulation 128 (2)

substitute

- (2) To remove any doubt, this chapter is a law to which the *Legislation Act 2001*, section 88 (Repeal does not end transitional or validating effect etc) applies.

[1.3805] Dictionary, definition of *the Act*

omit

Part 349 Road Transport (Vehicle Registration) Act 1999

[1.3806] Part 1, note

omit

and the regulations made under it form

substitute

(including the regulations) forms

[1.3807] Section 13 (1) and (2)

substitute

- (1) The Executive may make regulations for this Act.

Note Regulations must be notified, and presented to the Legislative Assembly, under the *Legislation Act 2001*.

- (2) The regulations may prescribe offences for contraventions of the regulations and prescribe maximum penalties of not more than 20 penalty units for offences against the regulations.

[1.3808] Section 14 (1)

omit

Without limiting section 13, the

substitute

The

[1.3809] Section 15 (1)

omit

Without limiting section 13 (General regulation-making power), the

substitute

The

[1.3810] Section 32

omit

, instrument made under an Act

[1.3811] Section 32, new note

insert

Note A reference to an Act includes a reference to the statutory instruments made or in force under the Act (see *Legislation Act 2001*, s 104).

[1.3812] Dictionary, definitions of *the regulations* and *this Act* (or *the Act*)

omit

**Part 350 Road Transport (Vehicle
Registration) Regulations 2000**

[1.3813] Regulation 3, note 2

omit

as applied by the *Subordinate Laws Act 1989*, s 9

[1.3814] Regulation 5 (1), note

omit

(as applied by the *Subordinate Laws Act 1989*, s 9)

[1.3815] Regulation 31 (5), new note

insert

Note A disallowable instrument must be notified, and presented to the Legislative Assembly, under the *Legislation Act 2001*.

[1.3816] Regulation 47

substitute

47 Determination of non-standard registration numbers

- (1) The road transport authority may, in writing, determine that a number is a non-standard registration number.
- (2) A determination is a notifiable instrument.

Note A notifiable instrument must be notified under the *Legislation Act 2001*.

[1.3817] Regulation 51

substitute

51 Dimensions, layout etc of numberplates

- (1) The road transport authority may, in writing, determine the dimensions, layout and other characteristics with which numberplates must comply.
- (2) A determination is a notifiable instrument.

Note A notifiable instrument must be notified under the *Legislation Act 2001*.

[1.3818] Regulation 68 (12), new note

insert

Note A disallowable instrument must be notified, and presented to the Legislative Assembly, under the *Legislation Act 2001*.

[1.3819] Regulation 88 (2) and (3)

substitute

- (2) The road transport authority may, in writing, determine the dimensions, layout and other characteristics with which trader's plates must comply.
- (3) A determination is a notifiable instrument.

Note A notifiable instrument must be notified under the *Legislation Act 2001*.

[1.3820] Regulation 114 (3) (b)

after

approved

insert

, in writing,

[1.3821] Regulation 114 (4)

substitute

- (4) An approval under subregulation (3) (b) is a notifiable instrument.

Note A notifiable instrument must be notified under the *Legislation Act 2001*.

[1.3822] Regulation 116 (1) (a)

after

authority

insert

, in writing,

[1.3823] Regulation 116 (2)

substitute

- (2) A determination under subregulation (1) (a) is a notifiable instrument.

Note A notifiable instrument must be notified under the *Legislation Act 2001*.

[1.3824] Regulation 153

substitute

153 Minister may determine maximum fees for inspections

- (1) The Minister may, in writing, determine the maximum fees that are payable to a proprietor of approved premises for inspecting or testing vehicles for these regulations.
- (2) A determination is a notifiable instrument.

Note A notifiable instrument must be notified under the *Legislation Act 2001*.

[1.3825] Dictionary, definition of the Act

omit

**Part 351 Roman Catholic Church
Property Trust Act 1937**

[1.3826] New section 2A

insert

2A Application of Legislation Act

The *Legislation Act 2001* does not apply to instruments made by the trust.

Part 352 Royal Commissions Act 1991

[1.3827] Section 2

omit

[1.3828] Section 5

omit

The Executive

substitute

- (1) The Executive

[1.3829] Section 5

omit

by instrument published in the *Gazette*

substitute

in writing

[1.3830] New section 5 (2)

insert

- (2) An appointment is a notifiable instrument.

Note A notifiable instrument must be notified under the *Legislation Act 2001*.

[1.3831] Section 13 (1)

after

may

insert

, in writing,

[1.3832] Section 13 (2)

substitute

- (2) If the Executive makes a determination under subsection (1), the commission must conduct the inquiry in accordance with the terms of reference.
- (3) A determination under subsection (1) is a notifiable instrument.

Note A notifiable instrument must be notified under the *Legislation Act 2001*.

[1.3833] Section 34 (3)

substitute

- (3) A summons must be served on a person in the way prescribed under the regulations.

Note If a form is approved under s 51 (Approved forms) for a summons, the form must be used.

[1.3834] Section 51

substitute

51 Approved forms

- (1) The Minister may, in writing, approve forms for this Act.
- (2) If the Minister approves a form for a particular purpose, the approved form must be used for that purpose.
- (3) An approved form is a notifiable instrument.

Note A notifiable instrument must be notified under the *Legislation Act 2001*.

52 Regulation-making power

The Executive may make regulations for this Act.

Note Regulations must be notified, and presented to the Legislative Assembly, under the *Legislation Act 2001*.

Part 353 Sale of Goods Act 1954

[1.3835] Sections 2 and 4

omit

**Part 354 Sale of Goods (Vienna
Convention) Act 1987**

[1.3836] Section 2

omit

[1.3837] Section 7 (1)

omit

and published in the *Gazette*

substitute

for this Act

[1.3838] New section 7 (2)

insert

- (2) A notice issued by the Minister for this Act is a notifiable instrument.

Note A notifiable instrument must be notified under the *Legislation Act 2001*.

Part 355 **Sale of Motor Vehicles Act
1977**

[1.3839] Sections 14 (1) and 14D (1)

omit

, on payment by the applicant of the determined fee and the contribution referred to in section 59 (Contributions to the compensation fund by dealers),

[1.3840] Section 14D (1), new note

insert

Note A fee or charge may be determined under s 91 (Determination of fees and charges) for this subsection or subsection (2).

[1.3841] Section 14D (2)

omit

, upon payment of the determined fee and the contribution referred to in section 59 (Contributions to the compensation fund by dealers),

[1.3842] Section 24 (1), definition of *defect notice*

omit

by the registrar

substitute

under section 93 (Approved forms)

(commencement: the commencement of section 3 of this Act or immediately after the commencement of the amendment of the *Sale of Motor Vehicles Act 1977*, section 24 (1) made by the *Justice and Community Safety Legislation Amendment Act 2001*, whichever is later)

[1.3843] Section 25 (6) (a)

omit

by notice published in the *Gazette*

substitute

in writing

[1.3844] New section 25 (6A)

insert

(6A) A declaration is a notifiable instrument.

Note A notifiable instrument must be notified under the *Legislation Act 2001*.

[1.3845] Section 25 (7)

omit

by the registrar

substitute

under section 93 (Approved forms)

(commencement: the commencement of section 3 of this Act or immediately after the commencement of the amendment of the *Sale of Motor Vehicles Act 1977*, section 25 (7) (other than the amendment of the penalty) made by the *Justice and Community Safety Legislation Amendment Act 2001*, whichever is later)

[1.3846] Section 25

renumber subsections when Act next republished under Legislation Act 2001

[1.3847] Section 25A (5) (c)

omit

by notice published in the *Gazette*

substitute

in writing

[1.3848] Section 25A (6)

renumber as section 25A (7)

[1.3849] New section 25A (6)

insert

- (6) A declaration under subsection (5) (c) is a notifiable instrument.

Note A notifiable instrument must be notified under the *Legislation Act 2001*.

[1.3850] Section 25B (2)

omit

by the registrar

substitute

under section 93 (Approved forms)

(commencement: the commencement of section 3 of this Act or immediately after the commencement of the amendment of the *Sale of Motor Vehicles Act 1977*, section 25B (2) made by the *Justice and Community Safety Legislation Amendment Act 2001*, whichever is later)

[1.3851] Section 32I (1)

substitute

- (1) A provision of an agreement or contract that purports to exclude, limit or modify the operation of this part or the NSW Act has no effect.

Schedule 1 Acts and subordinate laws amended and repealed
Part 355 Sale of Motor Vehicles Act 1977

Amendment [1.3852]

Note A reference to an Act includes a reference to the statutory instruments made or in force under the Act, including regulations (see *Legislation Act 2001*, s 104).

[1.3852] Section 59

omit

[1.3853] Section 66, definition of *relevant amount*, paragraph (b)

omit

determined fee

substitute

fee determined under section 91 (Determination of fees and charges)
for a final infringement notice

[1.3854] Section 70 (2)

omit

shall be in a form approved by the registrar, and shall

substitute

must

[1.3855] Section 70 (2), new note

insert

Note If a form is approved under s 93 (Approved forms) for an infringement notice, the form must be used.

[1.3856] Section 70A (2)

omit

shall be in a form approved by the registrar, and shall

substitute

must

[1.3857] Section 70A (2) (d) and (g) (ii)

omit

determined fee

substitute

fee determined under section 91 (Determination of fees and charges)
for a final infringement notice

[1.3858] Section 70A (2), new note

insert

Note If a form is approved under s 93 (Approved forms) for an infringement notice, the form must be used.

[1.3859] Sections 72 and 78

omit

, upon payment of the determined fee,

[1.3860] Sections 72 and 78, new note

insert

Note A fee may be determined under s 91 (Determination of fees and charges) for this section.

[1.3861] Section 80

substitute

80 List of licensed dealers

- (1) As soon as practicable after 30 June in each year, the registrar must prepare a list showing, in alphabetical order, the names of the licensees on that date and their place or places of business.
- (2) A list under subsection (1) is a notifiable instrument.

Note A notifiable instrument must be notified under the *Legislation Act 2001*.

[1.3862] Section 89A (8)

substitute

- (8) If the registrar grants an authorisation in relation to the business of a deceased licensee, the licence held by the deceased licensee immediately before his or her death is taken to revive in favour of the applicant as if the licence had been issued to the applicant under section 14 (Issue of licences) for the period decided under subsection (5).

Note A fee may be determined under s 91 (Determination of fees and charges) for this section.

[1.3863] Sections 90A and 91

substitute

91 Determination of fees and charges

- (1) The Minister may, in writing, determine fees and charges for this Act.

Note The *Legislation Act 2001* contains provisions about the making of determinations and regulations relating to fees and charges (see pt 6.3).

- (2) Without limiting subsection (1), the Minister may determine the charge payable as contribution to the compensation fund in relation to the issue of a licence to a dealer or the renewal of a licence held by a dealer.

- (3) A determination is a disallowable instrument.

Note A disallowable instrument must be notified, and presented to the Legislative Assembly, under the *Legislation Act 2001*.

92 Exemption of vehicles from Act

- (1) The Minister may, in writing, declare that a vehicle is not a motor vehicle for this Act.

- (2) A declaration is a notifiable instrument.

Note A notifiable instrument must be notified under the *Legislation Act 2001*.

93 Approved forms

- (1) The registrar may, in writing, approve forms for this Act.

- (2) If the registrar approves a form for a particular purpose, the approved form must be used for that purpose.
- (3) An approved form is a notifiable instrument.

Note A notifiable instrument must be notified under the *Legislation Act 2001*.

(commencement: the commencement of section 3 of this Act or immediately after the commencement of the provision of the *Justice and Community Safety Legislation Amendment Act 2001* that inserts new sections 90A and 91 into the *Sale of Motor Vehicles Act 1977*, whichever is later)

[1.3864] Section 92

substitute

94 Regulation-making power

The Executive may make regulations for this Act.

Note Regulations must be notified, and presented to the Legislative Assembly, under the *Legislation Act 2001*.

(commencement: the commencement of section 3 of this Act or immediately after the commencement of the provision of the *Justice and Community Safety Legislation Amendment Act 2001* that inserts new section 92 into the *Sale of Motor Vehicles Act 1977*, whichever is later)

[1.3865] Dictionary, definition of *determined fee*

omit

(commencement: the commencement of section 3 of this Act or immediately after the commencement of the provision of the *Justice and Community Safety Legislation Amendment Act 2001* that inserts the dictionary into the *Sale of Motor Vehicles Act 1977*, whichever is later)

[1.3866] Dictionary, definition of *motor vehicle*

omit

by notice in the *Gazette*

substitute

under section 92

(commencement: the commencement of section 3 of this Act or immediately after the commencement of the provision of the *Justice and Community Safety Legislation Amendment Act 2001* that inserts the dictionary into the *Sale of Motor Vehicles Act 1977*, whichever is later)

Part 356 **Sale of Motor Vehicles Regulations**

[1.3867] Regulation 2

omit

Part 357 **Salvation Army Property Trust Act 1934**

[1.3868] Section 10

omit

notification in the *Gazette*,

substitute

certificate

Part 358 **Scaffolding and Lifts Act 1912**

[1.3869] Section 6 (1)

omit

by notice in the *Gazette*

substitute

in writing

[1.3870] New section 6 (2)

insert

- (2) A direction under subsection (1) is a notifiable instrument.

Note A notifiable instrument must be notified under the *Legislation Act 2001*.

[1.3871] Section 20

substitute

20 Approved forms

- (1) The Minister may, in writing, approve forms for this Act.
- (2) If the Minister approves a form for a particular purpose, the approved form must be used for that purpose.
- (3) An approved form is notifiable instrument.

Note A notifiable instrument must be notified under the *Legislation Act 2001*.

[1.3872] Section 21 (1)

substitute

- (1) The Minister may, in writing, determine fees for this Act.

Note The *Legislation Act 2001* contains provisions about the making of determinations and regulations relating to fees (see pt 6.3).

[1.3873] Section 21 (3) to (5)

substitute

- (3) A determination is a disallowable instrument.

Note A disallowable instrument must be notified, and presented to the Legislative Assembly, under the *Legislation Act 2001*.

[1.3874] Sections 22 and 23

omit

[1.3875] Section 24 (1), new note

insert

Note Regulations must be notified, and presented to the Legislation Assembly, under the *Legislation Act 2001*.

[1.3876] Section 24 (4)

omit

create offences for contravention

substitute

also prescribe offences for contraventions

[1.3877] Section 28 (3)

omit

[1.3878] Section 29 (2)

substitute

- (2) This part is a law to which the *Legislation Act 2001*, section 88 (Repeal does not end transitional or validating effect etc) applies.

Part 359 Scaffolding and Lifts Regulations 1950

[1.3879] Regulation 3, definition of *the Act*

omit

Part 360 Schools Authority Act 1976

[1.3880] Section 2

omit

[1.3881] Section 7B (1)

omit

by notice published in the *Gazette*

substitute

in writing

[1.3882] New section 7B (3)

insert

- (3) A determination under subsection (1) is a notifiable instrument.

Note A notifiable instrument must be notified under the *Legislation Act 2001*.

[1.3883] Section 57

substitute

57 Regulation-making power

- (1) The Executive may make regulations for this Act.

Note Regulations must be notified, and presented to the Legislative Assembly, under the *Legislation Act 2001*.

- (2) The regulations may make provision in relation to—

- (a) the conduct of elections for part 7; and
- (b) the setting aside of an election for part 7 and the conduct of a new election; and
- (c) appeals to the administrative appeals tribunal against decisions made under the regulations in relation to an election for part 7.

Part 361 Schools Authority Regulations

[1.3884] Regulation 2 (1), definition of *the Act*

omit

Part 362 Second-hand Dealers and Collectors Act 1906

[1.3885] Sections 17 to 20

substitute

17 Determination of fees and charges

- (1) The Minister may, in writing, determine fees and charges for this Act.

Note The *Legislation Act 2001* contains provisions about the making of determinations and regulations relating to fees and charges (see pt 6.3).

- (2) A determination is a disallowable instrument.

Note A disallowable instrument must be notified, and presented to the Legislative Assembly, under the *Legislation Act 2001*.

18 Approved forms

- (1) The commissioner may, in writing, approve forms for this Act.
- (2) An approved form may include a consent for a police officer to make inquiries about any criminal record of—
 - (a) the applicant; or
 - (b) if the applicant is a corporation—the applicant and each executive officer of the applicant.
- (3) If the commissioner approves a form for a particular purpose, the approved form must be used for that purpose.
- (4) An approved form is a notifiable instrument.

Note A notifiable instrument must be notified under the *Legislation Act 2001*.

19 Regulation-making power

- (1) The Executive may make regulations for this Act.

Note Regulations must be notified, and presented to the Legislative Assembly, under the *Legislation Act 2001*.

- (2) The regulations may authorise the chief police officer to give written directions to licensed second-hand dealers imposing requirements with which they must comply for section 6 (Records of second-hand dealers).

(commencement: the commencement of section 3 of this Act or immediately after the commencement of the provision of the *Justice and Community Safety Legislation Amendment Act 2001* that inserts new part 4 into the *Second-hand Dealers and Collectors Act 1906*, whichever is later)

Part 363 Sexually Transmitted Diseases Act 1956

[1.3886] Section 2

omit

[1.3887] Section 21

substitute

21 Approved forms

- (1) The Minister may, in writing, approve forms for this Act.
- (2) If the Minister approves a form for a particular purpose, the approved form must be used for that purpose.
- (3) An approved form is a notifiable instrument.

Note A notifiable instrument must be notified under the *Legislation Act 2001*.

22 Regulation-making power

- (1) The Executive may make regulations for this Act.

Note Regulations must be notified, and presented to the Legislative Assembly, under the *Legislation Act 2001*.

- (2) The regulations may prescribe offences for contraventions of the regulations and prescribe maximum penalties of not more than 10 penalty units for offences against the regulations.

Part 364 Smoke-free Areas (Enclosed Public Places) Act 1994

[1.3888] Section 2, definition of *determined fee*

omit

[1.3889] Section 5 (5) (a)

substitute

- (a) 90 days after the day they are notified under the *Legislation Act 2001*; or

[1.3890] Section 7 (1)

omit

(1)

[1.3891] Section 7 (1), new notes

insert

Note 1 A fee may be determined under s 22 (Determination of fees) for this section.

Note 2 If a form is approved under s 23 (Approved forms) for an application, the form must be used.

[1.3892] Section 7 (2)

omit

[1.3893] Section 8 (1)

omit

section 7 and subject to this section

substitute

this Act

[1.3894] Section 8 (3) (b) (ii)

omit

; and

[1.3895] Section 8 (3) (c)

omit

[1.3896] Section 9 (1)

omit

determined fee

substitute

annual fee determined under section 22 (Determination of fees)

[1.3897] Section 9 (5)

omit

determined

substitute

annual

[1.3898] Section 13 (2)

omit

and the regulations

[1.3899] Section 13 (2), new note

insert

Note A reference to an Act includes a reference to the statutory instruments made or in force under the Act, including regulations (see *Legislation Act 2001*, s 104).

[1.3900] Section 14 (4)

omit

or the regulations

[1.3901] Section 14 (4), new note

insert

Note A reference to an Act includes a reference to the statutory instruments made or in force under the Act, including regulations (see *Legislation Act 2001*, s 104).

[1.3902] Section 18 (2)

omit

or the regulations

[1.3903] Section 18 (2), new note

insert

Note A reference to an Act includes a reference to the statutory instruments made or in force under the Act, including regulations (see *Legislation Act 2001*, s 104).

[1.3904] Sections 22 and 23

substitute

22 Determination of fees

- (1) The Minister may, in writing, determine fees for this Act.

Note The *Legislation Act 2001* contains provisions about the making of determinations and regulations relating to fees (see pt 6.3).

- (2) Without limiting subsection (1) a determination may provide for the amount of a fee to be worked out using a formula that has as a component the area of the public place for which a fee is payable.
- (3) A determination is a disallowable instrument.

Note A disallowable instrument must be notified, and presented to the Legislative Assembly, under the *Legislation Act 2001*.

23 Approved forms

- (1) The Minister may, in writing, approve forms for this Act.

- (2) If the Minister approves a form for a particular purpose, the approved form must be used for that purpose.
- (3) An approved form is a notifiable instrument.

Note A notifiable instrument must be notified under the *Legislation Act 2001*.

24 Regulation-making power

- (1) The Executive may make regulations for this Act.

Note Regulations must be notified, and presented to the Legislative Assembly, under the *Legislation Act 2001*.

- (2) The regulations may make provision in relation to—
 - (a) the display of signs in enclosed public places about smoking; and
 - (b) the content, dimensions and location of the signs; and
 - (c) the requirements to be complied with by occupiers of enclosed public places to facilitate compliance with this Act.
- (3) The regulations may also prescribe offences for contraventions of the regulations and prescribe maximum penalties of not more than 10 penalty units for offences against the regulations.

Part 365 Smoke-free Areas (Enclosed Public Places) Regulations 1994

[1.3905] Regulation 3, definition of Act

omit

[1.3906] Regulation 3, note

omit

as applied by the *Subordinate Laws Act 1989*, s 9

Part 366 Spent Convictions Act 2000

[1.3907] Section 2

omit

[1.3908] Section 16

omit

or statutory instrument

[1.3909] Section 16, new note

insert

Note A reference to an Act includes a reference to the statutory instruments made or in force under the Act, including regulations (see *Legislation Act 2001*, s 104).

[1.3910] Section 23 (1), new note

insert

Note Regulations must be notified, and presented to the Legislative Assembly, under the *Legislation Act 2001*.

Part 367 Stadiums Authority Act 2000

[1.3911] Section 2

omit

[1.3912] Section 37, new note

insert

Note Regulations must be notified, and presented to the Legislative Assembly, under the *Legislation Act 2001*.

[1.3913] Section 38 (1) and (2)

omit

instrument

substitute

declaration

[1.3914] Section 38 (5)

substitute

- (5) A declaration under subsection (1) is a disallowable instrument.

Note A disallowable instrument must be notified, and presented to the Legislative Assembly, under the *Legislation Act 2001*.

- (6) Unless a declaration is disallowed by the Legislative Assembly, the declaration commences—

- (a) on the day after the last day when it could have been disallowed; or
- (b) if the declaration provides for a later date or time of commencement—on that date or at that time.

Part 368 **Standard Time and Summer
Time Act 1972**

[1.3915] Section 2

omit

[1.3916] Section 5A

substitute

5A Declaration of daylight saving period

- (1) The Minister may, in writing, declare a period to be a daylight saving period for this Act.
- (2) A declaration is a notifiable instrument.

Note A notifiable instrument must be notified under the *Legislation Act 2001*.

[1.3917] Section 6

omit

, Act of the State of New South Wales in its application to the Territory, regulation, by-law, rule, notice or order

[1.3918] Section 6, new note

insert

Note A reference to an Act includes a reference to the statutory instruments made or in force under the Act, including regulations (see *Legislation Act 2001*, s 104).

Part 369 **State Bank of South Australia
(Transfer of Undertaking) Act
1994**

[1.3919] Section 2

omit

Part 370 **Statutory Appointments Act
1994**

[1.3920] Section 2

omit

[1.3921] Section 5

omit

for the purposes of section 10 of the *Subordinate Laws Act 1989*

[1.3922] Section 5, new note

insert

Note A disallowable instrument must be notified, and presented to the Legislative Assembly, under the *Legislation Act 2001*.

Part 371 Stock Act 1991

[1.3923] Sections 2 and 3

omit

[1.3924] Section 4 (1), definition of *determined fee*

omit

[1.3925] Section 13 (1)

omit

by instrument

substitute

in writing

[1.3926] Section 13 (2)

substitute

(2) A determination is a disallowable instrument.

Note A disallowable instrument must be notified, and presented to the Legislative Assembly, under the *Legislation Act 2001*.

[1.3927] Section 16 (2)

omit

shall be in a form approved by the controller and shall

substitute

must

[1.3928] Section 16 (2), new note

insert

Note If a form is approved under s 43 (Approved forms) for a return, the form must be used.

[1.3929] Section 24 (a)

omit

in a form approved by the controller

[1.3930] Section 24 (d)

omit

prescribed; and

substitute

prescribed.

[1.3931] Section 24 (e)

omit

[1.3932] Section 24, new notes

insert

Note 1 A fee may be determined under s 42 (Determination of fees) for this section.

Note 2 If a form is approved under s 43 (Approved forms) for an application, the form must be used.

[1.3933] Section 25 (2), new note

insert

Note If a form is approved under s 43 (Approved forms) for a certificate, the form must be used.

[1.3934] Section 25 (3)

omit

[1.3935] Section 25 (4)

renumber as section 25 (3)

[1.3936] Section 31 (1)

after

apply

insert

in writing

[1.3937] Section 31 (1), new notes

insert

Note 1 A fee may be determined under s 42 (Determination of fees) for this section.

Note 2 If a form is approved under s 43 (Approved forms) for an application, the form must be used.

[1.3938] Section 31 (2)

omit

[1.3939] Section 31 (3) to (5)

renumber as section 31 (2) to (4)

[1.3940] Section 31 (6)

substitute

- (5) A person must not, without reasonable excuse, contravene subsection (4).

Maximum penalty: 10 penalty units.

[1.3941] Section 33 (1), new note

insert

Note If a form is approved under s 43 (Approved forms) for a permit, the form must be used.

[1.3942] Section 33 (3)

omit

[1.3943] Section 33 (4) and (5)

renumber as section 31 (3) and (4)

[1.3944] Section 39 (1)

omit

31 (4)

substitute

31 (3)

[1.3945] Sections 42 and 44

substitute

42 Determination of fees

- (1) The Minister may, in writing, determine fees for this Act.

Note The *Legislation Act 2001* contains provisions about the making of determinations and regulations relating to fees (see pt 6.3).

- (2) A determination is a disallowable instrument.

Note A disallowable instrument must be notified, and presented to the Legislative Assembly, under the *Legislation Act 2001*.

43 Approved forms

- (1) The Minister may, in writing, approve forms for this Act.
- (2) If the Minister approves a form for a particular purpose, the approved form must be used for that purpose.
- (3) An approved form is a notifiable instrument.

Note A notifiable instrument must be notified under the *Legislation Act 2001*.

44 Regulation-making power

- (1) The Executive may make regulations for this Act.

Note Regulations must be notified, and presented to the Legislative Assembly, under the *Legislation Act 2001*.

- (2) The regulations may prescribe offences for contraventions of the regulations and prescribe maximum penalties of not more than 10 penalty units for offences against the regulations.

Part 372 **Superannuation (Legislative Assembly Members) Act 1991**

[1.3946] Section 2

omit

[1.3947] Section 23

substitute

23 Regulation-making power

The Executive may make regulations for this Act.

Note Regulations must be notified, and presented to the Legislative Assembly, under the *Legislation Act 2001*.

Part 373 **Supervised Injecting Place Trial Act 1999**

[1.3948] Section 5 (1)

omit

by notice in the Gazette

substitute

in writing

[1.3949] Section 5 (3)

substitute

(3) A declaration is a notifiable instrument.

Note A notifiable instrument must be notified under the *Legislation Act 2001*.

[1.3950] Section 5 (4)

after

must

insert

also

[1.3951] Section 6 (1)

omit

by notice in the Gazette

substitute

in writing

[1.3952] New section 6 (3)

insert

(3) A declaration under this section is a notifiable instrument.

Note A notifiable instrument must be notified under the *Legislation Act 2001*.

[1.3953] Section 19 (1) (b)

omit

, the regulations

[1.3954] Section 19 (1), new note

insert

Note A reference to an Act includes a reference to the statutory instruments made or in force under the Act, including regulations (see *Legislation Act 2001*, s 104).

[1.3955] Section 32, new note

insert

Note Regulations must be notified, and presented to the Legislative Assembly, under the *Legislation Act 2001*.

Part 374 **Supervision of Offenders
(Community Service Orders)
Act 1985**

[1.3956] Section 2

omit

Part 375 **Supreme Court Act 1933**

[1.3957] Section 37(1)

omit

by notice in writing published in the Gazette

substitute

in writing

[1.3958] Section 37 (1) (c)

substitute

(c) the general purposes of this Act.

Note A reference to an Act includes a reference to the statutory instruments made or in force under the Act, including regulations and rules (see *Legislation Act 2001*, s 104).

[1.3959] Section 37 (3), new note

insert

Note A disallowable instrument must be notified, and presented to the Legislative Assembly, under the *Legislation Act 2001*.

[1.3960] Section 37A (3)

omit

[1.3961] Section 45 (4)

omit

and the rules of court

[1.3962] Section 45 (4), new note

insert

Note A reference to an Act includes a reference to the statutory instruments made or in force under the Act, including regulations and rules (see *Legislation Act 2001*, s 104).

[1.3963] Section 67A (10)

substitute

- (10) Subject to any order of the court, an order making, varying or revoking a declaration is a notifiable instrument.

Note A notifiable instrument must be notified under the *Legislation Act 2001*.

[1.3964] Section 68 (1)

omit

by instrument

[1.3965] Section 75

substitute

75 Approved forms

- (1) The registrar may, in writing, approve forms for use in relation to the court.
- (2) If the registrar approves a form for a particular purpose, the approved form must be used for that purpose.
- (3) An approved form is a notifiable instrument.

Note A notifiable instrument must be notified under the *Legislation Act 2001*.

- (4) A form in the *Juries Act 1967*, schedule 1 immediately before the commencement of this section is, after the commencement, taken to be an approved form.
- (5) However, the form need not be notified under the *Legislation Act 2001*.

- (6) Subsections (4) and (5) are laws to which the *Legislation Act 2001*, section 88 (Repeal does not end transitional or validating effect etc) applies.
- (7) Subsections (4) to (6) and this subsection expire 1 year after this section commences.

76 Regulation-making power

The Executive may make regulations for this Act.

Note Regulations must be notified, and presented to the Legislative Assembly, under the *Legislation Act 2001*.

Part 376 Supreme Court (Remuneration) Regulations

[1.3966] Regulation 2

omit

Part 377 Surveyors Act 2001

[1.3967] Section 4, definition of *this Act*

omit

[1.3968] Section 4, note

omit

Note

substitute

Note 1

[1.3969] Section 4, new note

insert

Note 2 A reference to an Act includes a reference to the statutory instruments made or in force under the Act, including regulations (see *Legislation Act 2001*, s 104).

[1.3970] Section 38 (5), new note

insert

Note A disallowable instrument must be notified, and presented to the Legislative Assembly, under the *Legislation Act 2001*.

[1.3971] Sections 46, 47 and 48

substitute

46 Determination of fees

- (1) The Minister may, in writing, determine fees for this Act.

Note The *Legislation Act 2001* contains provisions about the making of determinations and regulations relating to fees (see pt 6.3).

- (2) A determination is a disallowable instrument.

Note A disallowable instrument must be notified, and presented to the Legislative Assembly, under the *Legislation Act 2001*.

[1.3972] New section 51 (3)

insert

- (3) An approved form is a notifiable instrument.

Note A notifiable instrument must be notified under the *Legislation Act 2001*.

[1.3973] Section 52 (1), new note

insert

Note Regulations must be notified, and presented to the Legislative Assembly, under the *Legislation Act 2001*.

[1.3974] Section 52 (2)

omit

In particular, the regulations

substitute

The regulations

Part 378 Taxation Administration Act 1999

[1.3975] Section 2

omit

[1.3976] Section 3 (1), definition of *determined fee*

omit

[1.3977] Section 14 (1), new note

insert

Note If a form is approved under s 139C (Approved forms) for a notice of assessment, the form must be used.

[1.3978] Section 14 (5)

omit

[1.3979] Section 26 (2) (b)

omit

published in the *Gazette*

substitute

in writing

[1.3980] New section 26 (4)

insert

(4) An order under subsection (2) (b) is a notifiable instrument.

Note A notifiable instrument must be notified under the *Legislation Act 2001*.

[1.3981] Section 26

renumber subsections when Act next republished under Legislation Act 2001

[1.3982] Section 38

omit

[1.3983] Section 39, new note

insert

Note If a form is approved under s 139C (Approved forms) for the return, the form must be used.

[1.3984] Section 42 (1)

omit

by notice published in the *Gazette*

substitute

in writing

[1.3985] Section 42 (4)

substitute

- (4) An approval under this section is a disallowable instrument.

Note A disallowable instrument must be notified, and presented to the Legislative Assembly, under the *Legislation Act 2001*.

[1.3986] Section 43 (3)

substitute

- (3) An application for an approval under this section must be made to the commissioner.

Note If a form is approved under s 139C (Approved forms) for an application, the form must be used.

[1.3987] Section 80 (1)

omit

in a form approved by the commissioner

[1.3988] Section 80 (1), new note

insert

Note If a form is approved under s 139C (Approved forms) for the identity card, the form must be used.

[1.3989] Section 95 (3)

omit

and form

[1.3990] Section 95 (3), new note

insert

Note If a form is approved under s 139C (Approved forms) for an oath or affirmation, the form must be used.

[1.3991] Section 100 (2)

substitute

- (2) An objection must be accompanied by the fee (if any) determined under section 139A (Determination of fees) for the objection.

[1.3992] Section 103 (4), new note

insert

Note If a form is approved under s 139C (Approved forms) for the notice, the form must be used.

[1.3993] Section 103 (6)

omit

[1.3994] Section 105 (1), new note

insert

Note If a form is approved under s 139C (Approved forms) for the notice, the form must be used.

[1.3995] Section 105 (3)

omit

[1.3996] Section 139 (1)

omit

by notice in the *Gazette*

substitute

in writing

[1.3997] Section 139 (2)

substitute

- (2) A determination under subsection (1) is a disallowable instrument.

Note A disallowable instrument must be notified, and presented to the Legislative Assembly, under the *Legislation Act 2001*.

[1.3998] Section 139A

substitute

139A Determination of fees

- (1) The Minister may, in writing, determine fees for this Act.

Note The *Legislation Act 2001* contains provisions about the making of determinations and regulations relating to fees (see pt 6.3).

- (2) A determination is a disallowable instrument.

Note A disallowable instrument must be notified, and presented to the Legislative Assembly, under the *Legislation Act 2001*.

[1.3999] New section 139C

insert

139C Approved forms

- (1) The commissioner may, in writing, approve forms for this Act or any other tax law.
- (2) If the commissioner approves a form for a particular purpose, the approved form must be used for that purpose.
- (3) An approved form is a notifiable instrument.

Note A notifiable instrument must be notified under the *Legislation Act 2001*.

[1.4000] Section 140

substitute

140 Regulation-making power

- (1) The Executive may make regulations for this Act.

Note Regulations must be notified, and presented to the Legislative Assembly, under the *Legislation Act 2001*.

- (2) The regulations may prescribe offences for contraventions of the regulations and prescribe maximum penalties of not more than 20 penalty units for offences against the regulations.

[1.4001] Sections 141 to 143

omit

section 41 of the *Interpretation Act 1967*

substitute

the *Legislation Act 2001*, section 84 (Saving of operation of repealed and amended laws)

[1.4002] Section 144 (2)

substitute

- (2) Sections 141 to 143 are laws to which the *Legislation Act 2001*, section 88 (Repeal does not end transitional or validating effect etc) applies.

Part 379 Tenancy Tribunal Act 1994

[1.4003] Section 12 (2)

substitute

- (2) A referral must identify the parties to the lease.

Note If a form is approved under s 82A (Approved forms) for a referral, the form must be used.

[1.4004] Section 12 (3)

omit

approved form

substitute

referral

[1.4005] Sections 13 (2) and 28 (2) (a)

omit

form of

[1.4006] Section 37

omit

or the regulations

[1.4007] Section 37, new note

insert

Note A reference to an Act includes a reference to the statutory instruments made or in force under the Act, including regulations (see *Legislation Act 2001*, s 104).

[1.4008] Section 53 (1), new note

insert

Note If a form is approved under s 82A (Approved forms) for an application, the form must be used.

[1.4009] Section 53 (4)

omit

[1.4010] Section 53 (5)

renumber as section 53 (4)

[1.4011] Section 75 (1)

substitute

- (1) The Minister may, in writing, approve a code of practice relating to leases.

Note Power given under an Act to make a statutory instrument (including a code of practice) includes power to amend or repeal the instrument (see *Legislation Act 2001*, s 46 (1)).

[1.4012] Section 76

substitute

76 Disallowable instruments

A code approved under section 75 is a disallowable instrument.

Note 1 A disallowable instrument must be notified, and presented to the Legislative Assembly, under the *Legislation Act 2001*.

Note 2 An amendment or repeal of a code is also a disallowable instrument (see *Legislation Act 2001*, s 46 (2)).

[1.4013] Section 77

substitute

77 Newspaper notice

- (1) If a code is approved under section 75 (Approval), the commissioner must publish in a newspaper published and circulating in the ACT notice of the approval on or before the day the approval commences.
- (2) The notice must—
- (a) state when the code commences; and
 - (b) contain a statement to the effect that the code is subject to disallowance by the Legislative Assembly under the *Legislation Act 2001*.

[1.4014] New section 82A

insert

82A Approved forms

- (1) The registrar may, in writing, approve forms for this Act.

(2) If the registrar approves a form for a particular purpose, the approved form must be used for that purpose.

(3) An approved form is a notifiable instrument.

Note A notifiable instrument must be notified under the *Legislation Act 2001*.

[1.4015] Section 83, new note

insert

Note Regulations must be notified, and presented to the Legislative Assembly, under the *Legislation Act 2001*.

Part 380 Territory Owned Corporations Act 1990

[1.4016] Section 34

substitute

34 Regulation-making power

The Executive may make regulations for this Act.

Note Regulations must be notified, and presented to the Legislative Assembly, under the *Legislation Act 2001*.

Part 381 Territory Superannuation Provision Protection Act 2000

[1.4017] Section 14 (2), new note

insert

Note A disallowable instrument must be notified, and presented to the Legislative Assembly, under the *Legislation Act 2001*.

[1.4018] Section 14 (3)

substitute

- (3) Unless an authorisation is disallowed by the Legislative Assembly, the authorisation commences—
- (a) on the day after the last day when it could have been disallowed; or
 - (b) if the authorisation provides for a later date or time of commencement—on that date or at that time.

[1.4019] Section 16 (1)

substitute

- (1) The Treasurer may make superannuation management guidelines for this Act.

[1.4020] Section 16 (2), new note

insert

Note A disallowable instrument must be notified, and presented to the Legislative Assembly, under the *Legislation Act 2001*.

[1.4021] Dictionary, definition of *Superannuation management guidelines*

substitute

superannuation management guidelines means the guidelines made under section 16 (Superannuation management guidelines).

Part 382 **Testamentary Guardianship
Act 1984**

[1.4022] Section 11

omit

Part 383 **Tobacco Act 1927**

[1.4023] Section 2, note

substitute

Note 1 A definition applies except so far as the contrary intention appears (see *Interpretation Act 1967*, s 11G).

Note 2 A reference to an Act includes a reference to the statutory instruments made or in force under the Act, including regulations (see *Legislation Act 2001*, s 104).

[1.4024] Section 2, definition of *this Act*

omit

[1.4025] Section 23 (3)

omit

by notice published in the Gazette

substitute

in writing

[1.4026] Section 23 (4) and (5)

omit

A notice under subsection (3)

substitute

An exemption

[1.4027] Section 23 (5), new note

insert

Note A disallowable instrument must be notified, and presented to the Legislative Assembly, under the *Legislation Act 2001*.

[1.4028] Section 28 (4)

omit

by notice published in the Gazette

substitute

in writing

[1.4029] Section 28 (5) and (6)

omit

A notice under subsection (4)

substitute

An exemption

[1.4030] Section 28 (6), new note

insert

Note A disallowable instrument must be notified, and presented to the Legislative Assembly, under the *Legislation Act 2001*.

[1.4031] Section 43, definitions of *approved form* and *determined fee*

omit

[1.4032] Section 47 (1) and (2)

substitute

- (1) A person may apply to the registrar for a wholesale tobacco merchant's licence or a retail tobacconist's licence.

Note 1 A fee may be determined under s 70 (Determination of fees) for this section.

Note 2 If a form is approved under s 70A (Approved forms) for an application, the form must be used.

- (2) The applicant must give the registrar any additional information or documents that the registrar, in writing, requires the applicant to give to decide the application or for the administration of this Act.

[1.4033] Section 47 (3)

omit

[1.4034] Section 47 (4)

omit

subsection (2)

substitute

this Act

[1.4035] Section 47 (5)

substitute

- (5) A licence must state the premises that are to be used in relation to the business in relation to which the licence is granted.

Note If a form is approved under s 70A (Approved forms) for a licence, the form must be used.

[1.4036] Section 47 (7)

substitute

- (7) If the holder or any of the holders of a tobacco licence asks the registrar in writing to amend the details of the premises stated in the licence, the registrar must amend the details.

Note 1 A fee may be determined under s 70 (Determination of fees) for this section.

Note 2 If a form is approved under s 70A (Approved forms) for this section, the form must be used.

[1.4037] Section 47

renumber subsections when Act next republished under Legislation Act 2001

[1.4038] Section 51 (1), new notes

insert

Note 1 A fee may be determined under s 70 (Determination of fees) for this section.

Note 2 If a form is approved under s 70A (Approved forms) for the request, the form must be used.

[1.4039] Section 51 (2) and (3)

substitute

- (2) The licensee must give the registrar any additional information or documents that the registrar, in writing, requires the licensee to give to decide the application or for the administration of this Act.
- (3) The licensee must give the application, and any additional information or documents, to the registrar at least 7 days before the licence is to expire.

[1.4040] Section 70, heading

substitute

70 Determination of fees

[1.4041] New section 70 (1A)

insert

- (1A) The Minister may, in writing, determine fees for this Act (including this part).

Note The *Legislation Act 2001* contains provisions about the making of determinations and regulations relating to fees (see pt 6.3).

[1.4042] Section 70 (3), new note

insert

Note A disallowable instrument must be notified, and presented to the Legislative Assembly, under the *Legislation Act 2001*.

[1.4043] Section 70

renumber subsections when Act next republished under Legislation Act 2001

[1.4044] New section 72A

insert

72A Approved forms

- (1) The Minister may, in writing, approve forms for this Act.
- (2) If the Minister approves a form for a particular purpose, the approved form must be used for that purpose.

Schedule 1 Acts and subordinate laws amended and repealed
Part 384 Tobacco Regulations 1991

Amendment [1.4045]

- (3) An approved form is a notifiable instrument.

Note A notifiable instrument must be notified under the *Legislation Act 2001*.

[1.4045] Section 73 (1), new note

insert

Note Regulations must be notified, and presented to the Legislative Assembly, under the *Legislation Act 2001*.

[1.4046] Section 73 (2)

omit

Without limiting subsection (1), the

substitute

The

[1.4047] Section 73 (4)

substitute

- (4) The regulations may also prescribe offences for contraventions of the regulations and prescribe maximum penalties of not more than 10 penalty units for offences against the regulations.

Part 384 Tobacco Regulations 1991

[1.4048] Regulations 2 and 3

omit

Part 385 Trade Measurement Act 1991

[1.4049] Section 41

substitute

41 Recognition of permits under corresponding laws

- (1) A permit that is the equivalent of a permit under this division, and is in force under a corresponding law, has effect in the ACT as if it were a permit under this division.
- (2) However, subsection (1) does not apply to a permit if the Minister directs, in writing, that it is not to apply.
- (3) A direction is a notifiable instrument.

Note A notifiable instrument must be notified under the *Legislation Act 2001*.

[1.4050] Section 44 (1)

omit

made in a form approved by the administering authority

[1.4051] Section 44 (1), new notes

insert

Note 1 A fee may be determined under the Administration Act, s 12 (Determination of fees) for this section.

Note 2 If a form is approved under the Administration Act, s 17 (Approved forms) for an application, the form must be used.

[1.4052] Section 44 (3)

omit

(commencement: the commencement of section 3 of this Act or immediately after the commencement of the amendments of the *Trade Measurement Act 1991* made by the *Justice and Community Safety Legislation Amendment Act 2001*, whichever is later)

[1.4053] Section 44 (4)

renumber as section 44 (3)

(commencement: the commencement of section 3 of this Act or immediately after the commencement of the amendments of the *Trade Measurement Act 1991* made by the *Justice and Community Safety Legislation Amendment Act 2001*, whichever is later)

[1.4054] Section 52

omit

prescribed under the Administration Act

substitute

determined under the Administration Act, section 12 (Determination of fees)

[1.4055] Section 81 (1), new note

insert

Note Regulations must be notified, and presented to the Legislative Assembly, under the *Legislation Act 2001*.

(commencement: the commencement of section 3 of this Act or immediately after the commencement of the amendments of the *Trade Measurement Act 1991* made by the *Justice and Community Safety Legislation Amendment Act 2001*, whichever is later)

[1.4056] Section 81 (3) and (4)

substitute

- (3) The regulations may also prescribe offences for contraventions of the regulations and prescribe maximum penalties of not more than 20 penalty units for offences against the regulations.

(commencement: the commencement of section 3 of this Act or immediately after the commencement of the amendments of the *Trade Measurement Act 1991* made by the *Justice and Community Safety Legislation Amendment Act 2001*, whichever is later)

[1.4057] Dictionary, new note

insert

Note A reference to an Act includes a reference to the statutory instruments made or in force under the Act, including regulations (see *Legislation Act 2001*, s 104).

(commencement: the commencement of section 3 of this Act or immediately after the commencement of the amendments of the

Trade Measurement Act 1991 made by the Justice and Community Safety Legislation Amendment Act 2001, whichever is later)

[1.4058] Dictionary, definition of *this Act*

omit

(commencement: the commencement of section 3 of this Act or immediately after the commencement of the amendments of the *Trade Measurement Act 1991* made by the *Justice and Community Safety Legislation Amendment Act 2001*, whichever is later)

**Part 386 Trade Measurement
(Measuring Instruments)
Regulations 1991**

[1.4059] Regulation 2, definition of *the Act*

omit

**Part 387 Trade Measurement
(Miscellaneous) Regulations**

[1.4060] Regulation 2

omit

**Part 388 Trade Measurement (Pre-
packed Articles) Regulations
1991**

[1.4061] Regulation 2, definition of *the Act*

omit

[1.4062] Regulation 11 (2) (b)

omit

by notice published in the *Gazette*
substitute
in writing

[1.4063] New regulation 11 (3)

insert

- (3) An exemption is a notifiable instrument.

Note A notifiable instrument must be notified under the *Legislation Act 2001*.

[1.4064] Regulation 13 (3) (d)

omit
by notice published in the *Gazette*
substitute
in writing

[1.4065] New regulation 13 (4)

before the table, insert

- (4) A declaration under subsection (3) (d) is a notifiable instrument.

Note A notifiable instrument must be notified under the *Legislation Act 2001*.

[1.4066] Regulation 31 (a)

omit
or these Regulations

[1.4067] Regulation 31, new note

insert

Note A reference to an Act includes a reference to the statutory instruments made or in force under the Act, including regulations (see *Legislation Act 2001*, s 104).

Part 389

Trade Measurement (Weighbridges) Regulations

[1.4068] Regulation 2

omit

[1.4069] Regulation 3, definition of *the Act*

omit

[1.4070] Regulation 15 (1)

substitute

- (1) A licensee may apply to the administering authority for a certificate of suitability for a weighbridge.

Note 1 A fee may be determined under the Administration Act, s 12 (Determination of fees) for this section.

Note 2 If a form is approved under the Administration Act, s 17 (Approved forms) for an application, the form must be used.

[1.4071] Regulation 17 (1)

omit

, on payment of the fee prescribed under the Administration Act for a duplicate certificate,

[1.4072] Regulation 17 (1), new note

insert

Note A fee may be determined under the Administration Act, s 12 (Determination of fees) for this section.

[1.4073] Regulation 18 (2)

substitute

- (2) The administering authority may terminate a suspension after a further examination of the weighbridge by an inspector.

Note A fee may be determined under the Administration Act, s 12 (Determination of fees) for this section.

[1.4074] Regulation 18 (5)

substitute

- (5) The administering authority may, instead of suspending a certificate, impose conditions under which the certificate will continue in force, including a condition requiring a further examination of the weighbridge.

Note A fee may be determined under the Administration Act, s 12 (Determination of fees) for this section.

[1.4075] Regulation 21

omit

and these Regulations

[1.4076] Regulation 21, new note

insert

Note A reference to an Act includes a reference to the statutory instruments made or in force under the Act, including regulations (see *Legislation Act 2001*, s 104).

[1.4077] Regulation 23 (1)

substitute

- (1) A licensee must provide tare mass books and measurement tickets at each weighbridge made available under the authority of the licence.

Note If a form is approved under the Administration Act, s 17 (Approved forms) for the tare mass books or measurement tickets, the form must be used.

[1.4078] Schedules 2 and 3

omit

Part 390 **Trade Measurement (Administration) Act 1991**

[1.4079] Section 3 (1), definition of *trade measurement legislation*

substitute

trade measurement legislation means this Act or the Measurement Act.

[1.4080] Section 3 (1), new notes

insert

Note 1 A definition applies except so far as the contrary intention appears (see *Interpretation Act 1967*, s 11G).

Note 2 A reference to an Act includes a reference to the statutory instruments made or in force under the Act, including regulations (see *Legislation Act 2001*, s 104).

[1.4081] Part 3, heading

substitute

Part 3 **Fees**

[1.4082] Sections 10 and 11

omit

[1.4083] Section 12 (1)

substitute

- (1) The Minister may, in writing, determine fees for the trade measurement legislation.

Note The *Legislation Act 2001* contains provisions about the making of determinations and regulations relating to fees (see pt 6.3).

[1.4084] Section 12 (2), new note

insert

Note A disallowable instrument must be notified, and presented to the Legislative Assembly, under the *Legislation Act 2001*.

[1.4085] Section 18

substitute

17 Approved forms

- (1) The administering authority may, in writing, approve forms for the trade measurement legislation.
- (2) If the administering authority approves a form for a particular purpose, the approved form must be used for that purpose.
- (3) An approved form is a notifiable instrument.

Note A notifiable instrument must be notified under the *Legislation Act 2001*.

- (4) A form prescribed under the regulations made under the Measurement Act immediately before the commencement of this section is, after the commencement, taken to be an approved form.
- (5) However, the form need not be notified under the *Legislation Act 2001*.
- (6) Subsections (4) and (5) are laws to which the *Legislation Act 2001*, section 88 (Repeal does not end transitional or validating effect etc) applies.
- (7) Subsections (4) to (6) and this subsection expire 1 year after this section commences.

18 Regulation-making power

The Executive may make regulations for the trade measurement legislation.

Note Regulations must be notified, and presented to the Legislative Assembly, under the *Legislation Act 2001*.

Part 391 Transplantation and Anatomy Act 1978

[1.4086] Section 42 (1)

omit

by notice published in the Gazette

substitute

in writing

[1.4087] Section 42 (2)

substitute

- (2) An authorisation under subsection (1) may provide that a school of anatomy is authorised only for the teaching and study of the anatomy of a specified part of the human body.

[1.4088] Section 42 (3)

omit

by notice published in the Gazette

substitute

in writing

[1.4089] Section 42 (3)

omit last mention of

notice

substitute

authorisation

[1.4090] Section 42 (4)

substitute

- (4) A place specified in an authorisation under subsection (3) is taken to be a school of anatomy for this Act.

Note A reference to an Act includes a reference to the statutory instruments made or in force under the Act, including regulations (see *Legislation Act 2001*, s 104).

- (5) An authorisation under this section is a notifiable instrument.

Note A notifiable instrument must be notified under the *Legislation Act 2001*.

[1.4091] Section 43 (1)

omit

for and

[1.4092] Section 43 (2)

substitute

- (2) Regulations making provision in relation to a matter mentioned in subsection (1) (b), (c), (e) or (f) apply only to a school of anatomy for which an authorisation under section 42 is in force.

[1.4093] Section 51

substitute

51 Regulation-making power

- (1) The Executive may make regulations for this Act.

Note Regulations must be notified, and presented to the Legislative Assembly, under the *Legislation Act 2001*.

- (2) The regulations may prescribe offences for contraventions of the regulations and prescribe maximum penalties of not more than 10 penalty units for offences against the regulations.

Part 392

Trans-Tasman Mutual Recognition Act 1997

[1.4094] Section 2

omit

[1.4095] Section 3

substitute

3 Termination of Act

- (1) The Chief Minister may, in writing, fix a day when this Act is to expire.
- (2) The day must not be earlier than 12 months after the day the instrument is notified under the *Legislation Act 2001*.
- (3) This Act expires on the day fixed by the Chief Minister.
- (4) An instrument under subsection (1) is a notifiable instrument.

Note A notifiable instrument must be notified under the *Legislation Act 2001*.

[1.4096] Sections 6 and 7

substitute

6 Approval of amendments of Cwlth Act

- (1) For section 5 (2), the Chief Minister may, in writing, approve the terms of amendments of the Commonwealth Act.
- (2) An approval is a notifiable instrument.

Note A notifiable instrument must be notified under the *Legislation Act 2001*.

6A Endorsement of Cwlth regulations

- (1) The Chief Minister may, in writing, endorse a proposed Commonwealth regulation for the Commonwealth Act, section 44, 45, 47, 48 or 49.
- (2) An endorsement is a notifiable instrument.

Schedule 1	Acts and subordinate laws amended and repealed
Part 393	Trans-Tasman Mutual Recognition (Temporary Exemptions) Regulations

Amendment [1.4097]

Note A notifiable instrument must be notified under the *Legislation Act 2001*.

7 Presentation of certain instruments to Legislative Assembly

The Chief Minister must present each of the following instruments to the Legislative Assembly within 5 sitting days after the day it is notified under the *Legislation Act 2001*:

- (a) an instrument under section 3 (Termination of Act) fixing a day when this Act is to expire;
- (b) an approval under section 6 of the terms of amendments of the Commonwealth Act;
- (c) an endorsement under section 6A of a proposed Commonwealth regulation.

Part 393 Trans-Tasman Mutual Recognition (Temporary Exemptions) Regulations

[1.4097] *Trans-Tasman Mutual Recognition (Temporary Exemptions) Regulations*

repeal

Part 394 Trespass on Territory Land Act 1932

[1.4098] Section 2

omit

[1.4099] Section 8A (3)

omit

specified by the Minister, by notice in the *Gazette*,

substitute

declared, in writing, by the Minister

[1.4100] New section 8A (10)

insert

(10) A declaration under subsection (3) is a notifiable instrument.

Note A notifiable instrument must be notified under the *Legislation Act 2001*.

[1.4101] Section 8C (1) (c)

substitute

(c) is not within an area to which a declaration in force under section 8A (3) applies.

[1.4102] Schedule

omit

Part 395 Trustee Act 1925

[1.4103] Part 3, division 6, note

omit

Note

substitute

Note to division

[1.4104] Part 3, division 6, note

omit

Interpretation Act 1967, s 49

substitute

Legislation Act 2001, s 96

[1.4105] Part 3, division 6, note

omit

Interpretation Act 1967, s 49 (3)

substitute

Legislation Act 2001, s 96 (3)

[1.4106] Section 94

substitute

94 Reference to order made under s 94B

In section 94E, the reference to an order made by the Supreme Court under section 94B is, if the order is appealed against, a reference to the order as confirmed or varied, or the order substituted, on appeal.

[1.4107] Section 94D

omit

Part 396 Trustee Companies Act 1947

[1.4108] Section 3, definition of *financial institution*, paragraph (e)

substitute

- (e) a corporation declared under section 3 (Declaration of financial institution) to be a financial institution.

[1.4109] Section 3

renumber as section 2

[1.4110] New section 3

insert

3 Declaration of financial institution

- (1) The Minister may, in writing, declare that a corporation is a financial institution.
- (2) A declaration is a notifiable instrument.

Note A notifiable instrument must be notified under the *Legislation Act 2001*.

[1.4111] Section 31 (1)

omit

a statutory declaration in accordance with the form contained in Schedule 2

substitute

a declaration, verified by statutory declaration

[1.4112] Section 31 (1), new note

insert

Note If a form is approved under s 34A (Approved forms) for a declaration, the form must be used.

[1.4113] New section 34A

insert

34A Approved forms

- (1) The Minister may, in writing, approve forms for this Act.
- (2) If the Minister approves a form for a particular purpose, the approved form must be used for that purpose.
- (3) An approved form is a notifiable instrument.

Note A notifiable instrument must be notified under the *Legislation Act 2001*.

- (4) A form in schedule 2 immediately before the commencement of this section is, after the commencement, taken to be an approved form.
- (5) However, the form need not be notified under the *Legislation Act 2001*.
- (6) Subsections (4) and (5) are laws to which the *Legislation Act 2001*, section 88 (Repeal does not end transitional or validating effect etc) applies.
- (7) Subsections (4) to (6) and this subsection expire 1 year after this section commences.

[1.4114] Section 35

substitute

35 Regulation-making power

- (1) The Executive may make regulations for this Act.

Note Regulations must be notified, and presented to the Legislative Assembly, under the *Legislation Act 2001*.

- (2) The regulations may prescribe offences for contraventions of the regulations and prescribe maximum penalties of not more than 10 penalty units for offences against the regulations.

[1.4115] Schedule 1, heading

substitute

Schedule 1

(see s 2)

[1.4116] Schedule 2

omit

Part 397 Tuberculosis Act 1950

[1.4117] Section 6

substitute

6 Declaration requiring examination of lungs

- (1) The Minister may, in writing, declare that people over 14 years old living in the ACT must have a radiological examination of their lungs.
- (2) A declaration must state the time and place for the examination.
- (3) A declaration is a notifiable instrument.

Note A notifiable instrument must be notified under the *Legislation Act 2001*.

- (4) A declaration does not apply to a person who holds a doctor's certificate certifying that the person has had, not earlier than 3 months before the day the declaration is notified under the *Legislation Act 2001*, a radiological examination of the person's lungs and that the person did not have tuberculosis.

6A Compliance with declaration

- (1) A person to whom a declaration under section 6 (Declaration requiring examination of lungs) applies must comply with the declaration.

Maximum penalty: 10 penalty units.

- (2) A parent, guardian or anyone else in charge of a person under 18 years old to whom a declaration under section 6 applies must take reasonable steps to ensure that the person complies with the declaration.

Maximum penalty: 10 penalty units.

[1.4118] Section 8

substitute

8 If person cannot attend examination

- (1) This section applies if—
- (a) a person is required by a declaration or notice under this Act to have a radiological examination; and
 - (b) the chief health officer is satisfied that it is impracticable for the person to have the examination—
 - (i) at the place required by the declaration or notice; or
 - (ii) because of the person's health.
- (2) The person is taken to comply with the declaration or notice if the person has the examination done by a doctor nominated by the chief health officer during the period required by the declaration or notice.

- (3) If the person (the *young person*) is under 18 years old, a parent, guardian or anyone else in charge of the young person is taken to comply with his or her obligation under this Act if he or she takes reasonable steps to ensure that the young person has the examination done by a doctor nominated by the chief health officer during the period required by the declaration or notice.

[1.4119] Section 13

substitute

13 Regulation-making power

- (1) The Executive may make regulations for this Act.

Note Regulations must be notified, and presented to the Legislative Assembly, under the *Legislation Act 2001*.

- (2) The regulations may prescribe offences for contraventions of the regulations and prescribe maximum penalties of not more than 10 penalty units for offences against the regulations.

Part 398 Unclaimed Moneys Act 1950

[1.4120] Section 3, definition of *corresponding law*

substitute

corresponding law means a law of a State or another Territory declared under section 3 (Declaration of corresponding law) to be a law that corresponds with this Act.

[1.4121] Section 3

renumber as section 2

[1.4122] New section 3

insert

3 Declaration of corresponding law

- (1) The Minister may, in writing, declare that a law of a State or another Territory is a law that corresponds with this Act.
- (2) A declaration is a notifiable instrument.

Note A notifiable instrument must be notified under the *Legislation Act 2001*.

[1.4123] Section 7 (1)

omit

in the form set out in the First Schedule to this Act,

[1.4124] Section 7 (1), new note

insert

Note If a form is approved under s 35 (Approved forms) for the register, the form must be used.

[1.4125] Section 8

substitute

8 Publication of register

- (1) This section applies if, under section 7 (1), particulars of unclaimed moneys have been entered in a register kept by a company in relation to a year.
- (2) The company must prepare a written notice setting out the particulars entered in the register in relation to the year.
- (3) The notice under subsection (2) is a notifiable instrument.

Note A notifiable instrument must be notified under the *Legislation Act 2001*.

- (4) A copy of the notice, verified by a statutory declaration made by an officer of the company, must be given to the registrar-general.

Note If a form is approved under s 35 (Approved forms) for the statutory declaration, the form must be used.

- (5) The notice must be notified under the *Legislation Act 2001*, and the copy given to the registrar-general, no later than the last day of March in the next year.
- (6) The company must also prepare a notice setting out the particulars entered in the register in relation to the year in relation to each amount of unclaimed moneys of more than \$10.
- (7) The notice under subsection (6) must be published in a newspaper published in the ACT no later than the last day of March in the next year.

[1.4126] Section 9, heading

substitute

9 Failure to compile and publish register

[1.4127] Section 10 (1)

substitute

- (1) All unclaimed moneys that have been entered in a register kept by a company under section 7 (Register of unclaimed moneys to be kept), and that have not been paid by the company to the person entitled to the money within 1 year after the day the notice under section 8 (2) containing particulars of the entry is notified under the *Legislation Act 2001*, must be paid by the company to the Territory within 1 month after the end of the year.

[1.4128] Section 20 (1)

omit

in the form approved by the Minister

[1.4129] Section 20 (1), new note

insert

Note If a form is approved under s 35 (Approved forms) for the statement, the form must be used.

[1.4130] Section 20 (4)

omit

[1.4131] Section 20

renumber subsections when Act next republished under Legislation Act 2001

[1.4132] Section 23 (1)

omit

(1)

[1.4133] Section 23 (2)

omit

[1.4134] Section 23, new note

insert

Note If a form is approved under s 35 (Approved forms) for an application, the form must be used.

[1.4135] Section 28 (1)

omit

in the form approved by the Minister

[1.4136] Section 28 (1), new note

insert

Note If a form is approved under s 35 (Approved forms) for a statement, the form must be used.

[1.4137] Section 28 (4)

omit

[1.4138] Section 28

renumber subsections when Act next republished under Legislation Act 2001

[1.4139] Section 31 (1)

omit

(1)

[1.4140] Section 31 (2)

omit

[1.4141] Section 31, new note

insert

Note If a form is approved under s 35 (Approved forms) for an application, the form must be used.

[1.4142] New sections 34 and 35

insert

34 Determination of fees

- (1) The Minister may, in writing, determine fees for this Act.

Note The *Legislation Act 2001* contains provisions about the making of determinations and regulations relating to fees (see pt 6.3).

- (2) A determination is a disallowable instrument.

Note A disallowable instrument must be notified, and presented to the Legislative Assembly, under the *Legislation Act 2001*.

35 Approved forms

- (1) The Minister may, in writing, approve forms for this Act.

- (2) If the Minister approves a form for a particular purpose, the approved form must be used for that purpose.

- (3) An approved form is a notifiable instrument.

Note A notifiable instrument must be notified under the *Legislation Act 2001*.

[1.4143] Heading to the schedules

omit

[1.4144] First and second schedules

omit

Part 399 Uncollected Goods Act 1996

[1.4145] Section 2

omit

[1.4146] Section 17

substitute

17 Retention areas

- (1) The Minister may, in writing, declare that an area of land is a retention area for this division.

- (2) A declaration is a notifiable instrument.

Note A notifiable instrument must be notified under the *Legislation Act 2001*.

- (3) Goods that are on an area of land when the land is declared to be a retention area are, for this division, taken to have been placed in the retention area under section 14 (1) (a) (i).

[1.4147] Section 38, new note

insert

Note Regulations must be notified, and presented to the Legislative Assembly, under the *Legislation Act 2001*.

**Part 400 Uniting Church in Australia
Act 1977**

[1.4148] Sections 2 and 3

omit

Part 401 Unit Titles Act 2001

[1.4149] Section 17 (1), note

substitute

Note 1 A fee may be determined under s 179 (Determination of fees) for this section.

Note 2 If a form is approved under s 180 (Approved forms) for an application, the form must be used.

(commencement: the commencement of section 3 of this Act or immediately after the commencement of the *Unit Titles Act 2001*, section 17, whichever is later)

[1.4150] Section 20 (5) (a)

after

determined

insert

, in writing,

(commencement: the commencement of section 3 of this Act or immediately after the commencement of the *Unit Titles Act 2001*, section 20, whichever is later)

[1.4151] Section 20 (6)

substitute

- (6) A determination under subsection (5) (a) is a disallowable instrument.

Note A disallowable instrument must be notified, and presented to the Legislative Assembly, under the *Legislation Act 2001*.

(commencement: the commencement of section 3 of this Act or immediately after the commencement of the *Unit Titles Act 2001*, section 20, whichever is later)

[1.4152] Section 24 (2)

omit

in a form approved by the Minister

(commencement: the commencement of section 3 of this Act or immediately after the commencement of the *Unit Titles Act 2001*, section 24, whichever is later)

[1.4153] Section 24 (2), new note

insert

Note If a form is approved under s 180 (Approved forms) for a bond, the form must be used.

(commencement: the commencement of section 3 of this Act or immediately after the commencement of the *Unit Titles Act 2001*, section 24, whichever is later)

[1.4154] Sections 29 (1), note and 30 (1), note

substitute

Note 1 A fee may be determined under s 179 (Determination of fees) for this section.

Note 2 If a form is approved under s 180 (Approved forms) for an application, the form must be used.

(commencement: the commencement of section 3 of this Act or immediately after the commencement of the *Unit Titles Act 2001*, section 29, whichever is later)

[1.4155] Section 75 (1)

omit

in the form approved by the Minister

(commencement: the commencement of section 3 of this Act or immediately after the commencement of the *Unit Titles Act 2001*, section 75, whichever is later)

[1.4156] Section 75 (1), new note

insert

Note If a form is approved under s 180 (Approved forms) for a unit title certificate, the form must be used.

(commencement: the commencement of section 3 of this Act or immediately after the commencement of the *Unit Titles Act 2001*, section 75, whichever is later)

[1.4157] Section 78 (3)

after

by the registrar-general

insert

under the *Land Titles Act 1925*

(commencement: the commencement of section 3 of this Act or immediately after the commencement of the *Unit Titles Act 2001*, section 78, whichever is later)

[1.4158] Section 100 (1)

omit

in the form approved by the Minister

(commencement: the commencement of section 3 of this Act or immediately after the commencement of the *Unit Titles Act 2001*, section 100, whichever is later)

[1.4159] Section 100 (1), new note

insert

Note If a form is approved under s 180 (Approved forms) for a notice, the form must be used.

(commencement: the commencement of section 3 of this Act or immediately after the commencement of the *Unit Titles Act 2001*, section 100, whichever is later)

[1.4160] Sections 146 (1), note, 149 (1), note, 154 (4), note and 160 (1), note

substitute

Note 1 A fee may be determined under s 179 (Determination of fees) for this section.

Note 2 If a form is approved under s 180 (Approved forms) for an application, the form must be used.

(commencement: the commencement of section 3 of this Act or immediately after the commencement of the *Unit Titles Act 2001*, section 146, whichever is later)

[1.4161] Sections 179 to 181

substitute

179 Determination of fees

- (1) The Minister may, in writing, determine fees for this Act (other than fees that this Act provides are to be fixed by owners corporations).

Note The *Legislation Act 2001* contains provisions about the making of determinations and regulations relating to fees (see pt 6.3).

- (2) A determination is a disallowable instrument.

Note A disallowable instrument must be notified, and presented to the Legislative Assembly, under the *Legislation Act 2001*.

180 Approved forms

- (1) The Minister may, in writing, approve forms for this Act.
- (2) If the Minister approves a form for a particular purpose, the approved form must be used for that purpose.
- (3) An approved form is a notifiable instrument.

Note A notifiable instrument must be notified under the *Legislation Act 2001*.

181 Regulation-making power

The Executive may make regulations for this Act.

Note Regulations must be notified, and presented to the Legislative Assembly, under the *Legislation Act 2001*.

(commencement: the commencement of section 3 of this Act or immediately after the commencement of the *Unit Titles Act 2001*, section 179, whichever is later)

Part 402 University of Canberra Act 1989

[1.4162] Section 2

omit

[1.4163] Section 40 (1)

substitute

- (1) The council may make statutes for this Act.

[1.4164] Section 40 (2)

omit everything before paragraph (a), substitute

- (2) The council may make statutes with respect to the following matters:

[1.4165] Section 42 (2) and (3)

substitute

- (2) A statute that has been approved by the Executive is a disallowable instrument.

Note A disallowable instrument must be notified, and presented to the Legislative Assembly, under the *Legislation Act 2001*.

- (3) A statute that has been approved by the Executive has the force of law from the day the statute is notified under the *Legislation Act 2001*.

[1.4166] Section 42 (6)

omit

Part 403 University of Canberra Regulations

[1.4167] Regulations 2 and 3

omit

[1.4168] Regulation 4

renumber as regulation 2

Part 404 Unlawful Games Act 1984

[1.4169] Section 2

omit

[1.4170] Section 10

substitute

10 Regulation-making power

The Executive may make regulations for this Act.

Note Regulations must be notified, and presented to the Legislative Assembly, under the *Legislation Act 2001*.

Part 405 Utilities Act 2000

[1.4171] Section 18

substitute

18 Declaration of non-franchise customers

- (1) The Minister may, in writing, declare a person to be a non-franchise customer in relation to the supply of electricity, gas or water to premises.

Note Power given under an Act to make a statutory instrument includes power to make different provision for different categories, eg different classes of people or premises (see *Legislation Act 2001*, s 48).

- (2) A declaration is a notifiable instrument.

Note A notifiable instrument must be notified under the *Legislation Act 2001*.

- (3) A declaration is a disallowable instrument if it is expressed to apply in relation to a person's use of—

- (a) less than 160 MW.h of electricity at premises in a year; or
- (b) less than 1 TJ of gas at premises in a year.

Note A disallowable instrument must be notified, and presented to the Legislative Assembly, under the *Legislation Act 2001*.

[1.4172] Section 19 (5)

substitute

- (5) A direction is a disallowable instrument.

Note A disallowable instrument must be notified, and presented to the Legislative Assembly, under the *Legislation Act 2001*.

[1.4173] Section 20 (2)

omit

or the regulations

[1.4174] Section 20 (2), new note

insert

Note A reference to an Act includes a reference to the statutory instruments made or in force under the Act, including regulations (see *Legislation Act 2001*, 104).

[1.4175] Section 22 (1)

substitute

- (1) The Minister may, in writing, exempt a person from the requirement for a licence in relation to a utility service.

Note Power given under an Act to make a statutory instrument includes power to make different provision for different categories, eg different classes of people or services (see *Legislation Act 2001*, s 48).

[1.4176] Section 22 (3)

substitute

- (3) A exemption is a disallowable instrument.

[1.4177] Section 22 , new note

insert

Note 3 A disallowable instrument must be notified, and presented to the Legislative Assembly, under the *Legislation Act 2001*.

[1.4178] Section 34

substitute

34 Applications for certain licence decisions

An application for any of the following must be made to ICRC:

- (a) the grant of a licence;
- (b) ICRC's agreement to the transfer of a licence;
- (c) the variation of a licence;
- (d) an exemption from compliance with a licence condition.

Note 1 A fee may be determined under s 229 (Determination of fees) for this section.

Note 2 If a form is approved under section 229A (Approved forms—ICRC) for an application, the form must be used.

[1.4179] Section 39 (5), new note

insert

Note A disallowable instrument must be notified, and presented to the Legislative Assembly, under the *Legislation Act 2001*.

[1.4180] Section 52 (1)

omit everything before paragraph (a), substitute

- (1) ICRC must prepare a written notice of each of the following matters as soon as practicable after it happens:

[1.4181] New section 52 (3)

insert

- (3) The notice is a notifiable instrument.

Note A notifiable instrument must be notified under the *Legislation Act 2001*.

[1.4182] Section 53 (3) (b)

substitute

- (b) make a copy of all or any part of the document, during ordinary office hours, at ICRC's office.

Note A fee may be determined under s 229 (Determination of fees) for par (b).

[1.4183] Section 55 (4)

substitute

- (4) An industry code may apply, adopt or incorporate (with or without change) an instrument, or a provision of an instrument, as in force from time to time.

Note 1 A statutory instrument may also apply, adopt or incorporate (with or without change) a law or instrument (or a provision of a law or instrument) as in force at a particular time (see *Legislation Act 2001*, s 47 (1)).

Note 2 If a statutory instrument applies, adopts or incorporates a law or instrument (or a provision of a law or instrument), the law, instrument or provision may be taken to be a notifiable instrument that must be notified under the *Legislation Act 2001* (see s 47 (2)-(6)).

[1.4184] Section 62

substitute

62 Notification and disallowance of codes etc

Each of the following is a disallowable instrument:

- (a) an industry code approved under section 58 (Approved codes);

- (b) an industry code determined under section 59 (Determined codes);
- (c) the variation of an industry code approved or determined under section 61 (Variation).

Note A disallowable instrument must be notified, and presented to the Legislative Assembly, under the *Legislation Act 2001*.

[1.4185] Section 63 (3)

substitute

- (3) A person may inspect, or make a copy of, all or part of a document mentioned in subsection (2).

Note A fee may be determined under s 229 (Determination of fees) for this subsection.

[1.4186] Section 65 (c) and (d)

substitute

- (c) the Minister must make copies of each technical code available for public inspection in accordance with section 63 (Public access).

[1.4187] Section 67 (2)

substitute

- (2) The chief executive may, in writing, determine the qualifications to be held by technical inspectors.
- (2A) A determination under subsection (2) is a notifiable instrument.

Note A notifiable instrument must be notified under the *Legislation Act 2001*.

[1.4188] Section 67

renumber subsections when Act next republished under Legislation Act 2001

[1.4189] Section 70 (4)

substitute

- (4) As soon as practicable after a direction is given, the chief executive must prepare a written statement about the direction and the reasons for it.
- (5) The direction and statement are notifiable instruments.

Note A notifiable instrument must be notified under the *Legislation Act 2001*.

[1.4190] Section 91

substitute

91 Notification and application of terms etc

Each of the following is a notifiable instrument:

- (a) the terms of a standard customer contract approved under section 89 (Approval of terms) or determined under section 90 (Determination of terms);
- (b) a variation of a standard customer contract approved or determined under section 93 (Variation of terms).

Note A notifiable instrument must be notified under the *Legislation Act 2001*.

[1.4191] Section 121 (2) to (5)

substitute

- (2) The Minister may, in writing, declare that this section applies to network facilities.

Note Power given under an Act to make a statutory instrument includes power to make different provision for different categories, eg declarations in relation to different classes of network facilities or that apply by reference to stated exceptions (see *Legislation Act 2001*, s 48).

- (3) A declaration must include sufficient particulars to identify the facilities to which the declaration applies.
- (4) A declaration is a notifiable instrument.

Note A notifiable instrument must be notified under the *Legislation Act 2001*.

[1.4192] Section 122 (4)

substitute

- (4) To ensure the proper provision of utility services, the Minister may, in writing, determine conditions for the exercise of a right given by subsection (3) (c).
- (4A) The right is exercisable only in accordance with the determined conditions.
- (4B) A determination under subsection (4) is a notifiable instrument.

Note A notifiable instrument must be notified under the *Legislation Act 2001*.

[1.4193] Section 122

renumber subsections when Act next republished under Legislation Act 2001

[1.4194] Section 203 (2) to (4)

substitute

- (2) A direction to a particular person must be given to the person in writing.
- (3) A direction to people generally is a notifiable instrument.

Note A notifiable instrument must be notified under the *Legislation Act 2001*.

[1.4195] Section 226 (a)

omit

or the regulations

[1.4196] Section 226, new note

insert

Note A reference to an Act includes a reference to the statutory instruments made or in force under the Act, including regulations (see *Legislation Act 2001*, 104).

[1.4197] Section 229

substitute

229 Determination of fees

- (1) This section does not apply to an annual licence fee.
- (2) ICRC may, in writing, determine fees for this Act.

Note The *Legislation Act 2001* contains provisions about the making of determinations and regulations relating to fees (see pt 6.3).

- (3) A determination is a disallowable instrument.

Note A disallowable instrument must be notified, and presented to the Legislative Assembly, under the *Legislation Act 2001*.

229A Approved forms—ICRC

- (1) ICRC may, in writing, approve forms in relation to its functions under this Act.
- (2) If ICRC approves a form for a particular purpose, the approved form must be used for that purpose.
- (3) An approved form is a notifiable instrument.

Note A notifiable instrument must be notified under the *Legislation Act 2001*.

229B Approved forms—Minister

- (1) The Minister may, in writing, approve forms for this Act except in relation to ICRC's functions under this Act.
- (2) If the Minister approves a form for a particular purpose, the approved form must be used for that purpose.
- (3) An approved form is a notifiable instrument.

Note A notifiable instrument must be notified under the *Legislation Act 2001*.

[1.4198] Section 234, heading

substitute

234 Regulation-making power

[1.4199] Section 234 (1), new note

insert

Note Regulations must be notified, and presented to the Legislative Assembly, under the *Legislation Act 2001*.

[1.4200] Section 234 (3)

substitute

- (3) The regulations may also prescribe offences for contraventions of the regulations and prescribe maximum penalties of not more than 10 penalty units for offences against the regulations.

[1.4201] Division 16.1

omit

[1.4202] Dictionary, definition of *determined fee*

omit

[1.4203] Dictionary, definition of *industry code*

substitute

industry code, for a utility service, means an industry code approved or determined under part 4 (Industry codes) that applies to the service.

[1.4204] Dictionary, definition of *related law*

substitute

related law means the ICRC Act.

Note A reference to an Act includes a reference to the statutory instruments made or in force under the Act, including regulations (see *Legislation Act 2001*, 104).

[1.4205] Dictionary, definition of *technical code*

substitute

technical code, for a utility service, means a technical code approved or determined under part 5 (Technical regulation) that applies to the service.

Part 406 Veterinary Surgeons Act 1965

[1.4206] Section 2

omit

[1.4207] Section 3 (1), definition of *determined fee*

omit

[1.4208] Section 13 (2)

substitute

- (2) A person authorised by the board for this section may grant interim registration in accordance with this section to an applicant for registration.

Note A fee may be determined under s 58 (Determination of fees) for this section.

[1.4209] Section 19 (2)

substitute

- (2) The applicant must give the board a completed application form.

Note 1 A fee may be determined under s 58 (Determination of fees) for this section.

Note 2 If a form is approved under s 59 (Approved forms) for an application, the form must be used.

[1.4210] Section 21 (a)

substitute

- (a) complies with this Act; and

[1.4211] Section 22

omit

[1.4212] Section 28 (5)

substitute

- (5) If a certificate issued under subsection (1) to a person has been stolen, lost or destroyed, the board must, on application by the person, issue a duplicate certificate.

Note A fee may be determined under s 58 (Determination of fees) for this section.

[1.4213] Section 30 (2), new note

insert

Note A fee may be determined under s 58 (Determination of fees) for this section.

[1.4214] Section 30 (3)

omit

[1.4215] Section 30

renumber subsections when Act next republished under Legislation Act 2001

[1.4216] Part 3, division 4, heading

substitute

Division 3.4 Annual registration fees

[1.4217] Section 36, heading

substitute

36 Annual registration fee payable by registered veterinary surgeon

[1.4218] Section 36 (1)

substitute

- (1) On or before 1 July in each year, a registered veterinary surgeon must pay to the Territory the annual registration fee determined under section 58 (Determination of fees) for the year.

[1.4219] Section 37, heading

substitute

**37 Annual registration fee payable by registered specialist
veterinary surgeon**

[1.4220] Section 37 (1)

substitute

- (1) On or before 1 July in each year, a registered specialist veterinary surgeon must pay to the Territory the annual registration fee determined under section 58 (Determination of fees) for the year.

[1.4221] Section 39 (1)

substitute

- (1) A person whose registration has been cancelled for failure to pay the annual registration fee determined under section 58 (Determination of fees) for a year is entitled to be re-registered if the person gives the board a completed application form and pays the fee.

Note If a form is approved under s 59 (Approved forms) for an application, the form must be used.

[1.4222] Section 40 (1) (e)

omit

or the regulations

[1.4223] Section 40 (1) (e)

insert

Note A reference to an Act includes a reference to the statutory instruments made or in force under the Act, including regulations (see *Legislation Act 2001*, s 104).

[1.4224] Section 47 (1)

omit

The Chairperson may, if he or she thinks fit, cause a notice

substitute

The chairperson may prepare a written notice

[1.4225] Section 47 (1)

omit

, to be published in the *Gazette*

[1.4226] New section 47 (2)

insert

- (2) The notice is a notifiable instrument.

Note A notifiable instrument must be notified under the *Legislation Act 2001*.

[1.4227] Section 47 (2)

omit everything before paragraph (a), substitute

- (3) The notice must not be notified until—

[1.4228] Section 49

substitute

49 Publication of names etc of registered veterinary surgeons

- (1) As soon as practicable after 1 July in each year, the board must prepare a written notice containing the names and professional address (or addresses) of the veterinary surgeons registered on that day.
- (2) The notice is a notifiable instrument.

Note A notifiable instrument must be notified under the *Legislation Act 2001*.

[1.4229] Section 57 (1) and (2)

substitute

- (1) A person may inspect, or obtain a certified copy of, an entry in the register of veterinary surgeons or the register of specialist veterinary surgeons.

Note A fee may be determined under s 58 (Determination of fees) for this section.

[1.4230] Section 57 (3)

renumber as section 57 (2)

[1.4231] Sections 58 and 59

substitute

58 Determination of fees

- (1) The Minister may, in writing, determine fees for this Act.

Note The *Legislation Act 2001* contains provisions about the making of determinations and regulations relating to fees (see pt 6.3).

- (2) A determination is a disallowable instrument.

Note A disallowable instrument must be notified, and presented to the Legislative Assembly, under the *Legislation Act 2001*.

59 Approved forms

- (1) The board may, in writing, approve forms for this Act.
- (2) If the board approves a form for a particular purpose, the approved form must be used for that purpose.
- (3) An approved form is a notifiable instrument.

Note A notifiable instrument must be notified under the *Legislation Act 2001*.

60 Regulation-making power

The Executive may make regulations for this Act.

Note Regulations must be notified, and presented to the Legislative Assembly, under the *Legislation Act 2001*.

Part 407 Victims of Crime Act 1994

[1.4232] Section 2

omit

[1.4233] Section 23, new note

insert

Note Regulations must be notified, and presented to the Legislative Assembly, under the *Legislation Act 2001*.

Part 408 **Victims of Crime Regulations
2000**

[1.4234] Regulation 2

omit

[1.4235] Regulation 3, note 2

omit

as applied by the *Subordinate Laws Act 1989*, s 9

[1.4236] Regulation 4, note

omit

(as applied by *Subordinate Laws Act 1989*, s 9)

[1.4237] Regulation 8, note 1

omit

, as applied by the *Subordinate Laws Act 1989*, s 9

[1.4238] Regulations 8, note 2 and 11, note

omit

as applied by the *Subordinate Laws Act 1989*, s 9

[1.4239] Regulations 50 and 51

substitute

50 Determination of fees for services provided by approved service providers

- (1) The Minister may, in writing, determine the fees that are payable for services provided to an eligible victim under these regulations by an approved service provider.
- (2) A determination is a disallowable instrument.

Note A disallowable instrument must be notified, and presented to the Legislative Assembly, under the *Legislation Act 2001*.

51 Approved forms

- (1) The Minister may, in writing, approve forms for these regulations.
- (2) If the Minister approves a form for a particular purpose, the approved form must be used for that purpose.
- (3) An approved form is a notifiable instrument.

Note A notifiable instrument must be notified under the *Legislation Act 2001*.

Part 409 Victims of Crime (Financial Assistance) Act 1983

[1.4240] Section 15

omit

and the regulations made under that Act

[1.4241] Section 15, new note

insert

Note A reference to an Act includes a reference to the statutory instruments made or in force under the Act, including regulations (see *Legislation Act 2001*, s 104).

[1.4242] Section 20

omit

and the regulations made under that Act

[1.4243] Section 20, new note

insert

Note A reference to an Act includes a reference to the statutory instruments made or in force under the Act, including regulations (see *Legislation Act 2001*, s 104).

[1.4244] Section 25

omit

and the regulations made under that Act

[1.4245] Section 25, new note

insert

Note A reference to an Act includes a reference to the statutory instruments made or in force under the Act, including regulations (see *Legislation Act 2001*, s 104).

[1.4246] Section 27 (1) (b)

omit

[1.4247] Section 27 (1) (c)

renumber as section 27 (1) (b)

[1.4248] Section 27 (1), new note

insert

Note If a form is approved under s 73 (Approved forms) for an application, the form must be used.

[1.4249] Section 73

substitute

73 Approved forms

- (1) The Minister may, in writing, approve forms for this Act.
- (2) If the Minister approves a form for a particular purpose, the approved form must be used for that purpose.

- (3) An approved form is a notifiable instrument.

Note A notifiable instrument must be notified under the *Legislation Act 2001*.

- (4) A form in the schedule immediately before the commencement of this section is, after the commencement, taken to be an approved form.
- (5) However, the form need not be notified under the *Legislation Act 2001*.
- (6) Subsections (4) and (5) are laws to which the *Legislation Act 2001*, section 88 (Repeal does not end transitional or validating effect etc) applies.
- (7) Subsections (4) to (6) and this subsection expire 1 year after this section commences.

73A Regulation-making power

The Executive may make regulations for this Act.

Note Regulations must be notified, and presented to the Legislative Assembly, under the *Legislation Act 2001*.

[1.4250] Section 79 (2)

omit

Interpretation Act 1967, section 42

substitute

Legislation Act 2001, section 88

Part 410 Victims of Crime (Financial Assistance) Regulations

[1.4251] Regulation 2

omit

[1.4252] Regulation 3, note

substitute

Note A definition applies except so far as the contrary intention appears (see *Interpretation Act 1967*, s 11G).

[1.4253] Regulation 3, definition of Act

omit

Part 411 Vocational Education and Training Act 1995

[1.4254] Section 2

omit

[1.4255] Section 4 (1), definition of *determined fee*

omit

[1.4256] Section 16 (1A), new notes

insert

Note 1 A fee may be determined under s 66 (Determination of fees) for this section.

Note 2 If a form is approved under s 67 (Approved forms) for an application, the form must be used.

[1.4257] Section 16 (2)

omit

[1.4258] Section 16 (1A)

renumber as section 16 (2)

[1.4259] Section 18 (1), new notes

insert

Note 1 A fee may be determined under s 66 (Determination of fees) for this section.

Note 2 If a form is approved under s 67 (Approved forms) for an application, the form must be used.

[1.4260] Section 18 (1)

omit

(1)

[1.4261] Section 18 (2)

omit

[1.4262] Section 25

omit

The

substitute

(1) The

[1.4263] Section 25, new note

insert

Note Power given under an Act to make a statutory instrument (including a determination) includes power to amend or repeal the instrument (see *Legislation Act 2001*, s 46 (1)).

[1.4264] New section 25 (2)

insert

(2) A determination is a notifiable instrument.

Note 1 A notifiable instrument must be notified under the *Legislation Act 2001*.

Note 2 An amendment or repeal of a determination is also a notifiable instrument (see *Legislation Act 2001*, s 46 (2)).

[1.4265] Section 26

omit

The

substitute

(1) The

[1.4266] Section 26

omit

, or is no longer,

[1.4267] Section 26, new note

insert

Note Power given under an Act to make a statutory instrument (including a determination) includes power to amend or repeal the instrument (see *Legislation Act 2001*, s 46 (1)).

[1.4268] New section 26 (2)

insert

(2) A determination is a notifiable instrument.

Note A notifiable instrument must be notified under the *Legislation Act 2001*.

Note 2 An amendment or repeal of a determination is also a notifiable instrument (see *Legislation Act 2001*, s 46 (2)).

[1.4269] Section 27

omit

[1.4270] Section 51 (3)

omit

[1.4271] Section 51 (4) and (5)

renumber as section 51 (3) and (4)

[1.4272] Sections 66 to 68

substitute

66 Determination of fees

(1) The Minister may, in writing, determine fees for this Act.

Note The *Legislation Act 2001* contains provisions about the making of determinations and regulations relating to fees (see pt 6.3).

- (2) A determination is a disallowable instrument.

Note A disallowable instrument must be notified, and presented to the Legislative Assembly, under the *Legislation Act 2001*.

67 Approved forms

- (1) The council may, in writing, approve forms for this Act.
- (2) If the council approves a form for a particular purpose, the approved form must be used for that purpose.
- (3) An approved form is a notifiable instrument.

Note A notifiable instrument must be notified under the *Legislation Act 2001*.

68 Regulation-making power

The Executive may make regulations for this Act.

Note Regulations must be notified, and presented to the Legislative Assembly, under the *Legislation Act 2001*.

Part 412 Vocational Education and Training Regulations

[1.4273] Regulations 2 and 3

omit

[1.4274] Regulation 4

renumber as regulation 2

Part 413 Water and Sewerage Act 2000

[1.4275] Section 2

omit

[1.4276] Section 3, note 2

omit

as applied by the *Subordinate Laws Act 1989*, s 9

[1.4277] Section 16 (3)

substitute

- (3) A site plan must be drawn in accordance with AS1100 on a scale of not less than 1:200.

Note If a form is approved under s 48 (Approved forms) for a site plan, the form must be used.

[1.4278] Section 16 (7), definition of *minor works notice*

substitute

minor works notice means a notice that certifies that the work was completed in accordance with the regulations.

Note If a form is approved under s 48 (Approved forms) for a notice, the form must be used.

[1.4279] Section 45

substitute

45 Determination of fees

- (1) The Minister may, in writing, determine fees for this Act.

Note The *Legislation Act 2001* contains provisions about the making of determinations and regulations relating to fees (see pt 6.3).

- (2) A determination is a disallowable instrument.

Note A disallowable instrument must be notified, and presented to the Legislative Assembly, under the *Legislation Act 2001*.

[1.4280] Sections 46 and 47

omit

[1.4281] Section 48

substitute

48 Approved forms

- (1) The chief executive may, in writing, approve forms for this Act.
- (2) If the chief executive approves a form for a particular purpose, the approved form must be used for that purpose.
- (3) An approved form is a notifiable instrument.

Note A notifiable instrument must be notified under the *Legislation Act 2001*.

[1.4282] Section 49 (1), new note

insert

Note Regulations must be notified, and presented to the Legislative Assembly, under the *Legislation Act 2001*.

[1.4283] Section 49 (3) and (4)

substitute

- (3) The regulations may make provision about a matter by applying, adopting or incorporating (with or without change) a standard, or a provision of a standard, as in force from time to time.

Note 1 A statutory instrument may also apply, adopt or incorporate (with or without change) a law or instrument (or a provision of a law or instrument) as in force at a particular time (see *Legislation Act 2001*, s 47 (1)).

Note 2 If a statutory instrument applies, adopts or incorporates a law or instrument (or a provision of a law or instrument), the law, instrument or provision may be taken to be a notifiable instrument that must be notified under the *Legislation Act 2001* (see s 47 (2)-(6)).

- (4) The regulations may also prescribe offences for contraventions of the regulations and prescribe maximum penalties of not more than 10 penalty units for offences against the regulations.

Part 414 Water and Sewerage Regulations 2001

[1.4284] Regulation 2

omit

[1.4285] Regulation 4, note

omit

as applied by the *Subordinate Laws Act 1989*, s 9

[1.4286] Dictionary, definition of *the Act*

omit

Part 415 Water Resources Act 1998

[1.4287] Section 4, definition of *determined fee*

omit

[1.4288] Section 6 (1)

omit everything before paragraph (a), substitute

- (1) After preparing draft guidelines under section 5, the authority must prepare a written notice—

[1.4289] Section 6 (1) (c)

omit

publication of the notice

substitute

notification of the notice under the *Legislation Act 2001*

[1.4290] New section 6 (1A) and (1B)

insert

- (1A) The notice is a notifiable instrument.

Note A notifiable instrument must be notified under the *Legislation Act 2001*.

- (1B) The authority must also publish the notice in a daily newspaper as soon as practicable after preparing the notice.

[1.4291] Section 6

renumber subsections when Act next republished under Legislation Act 2001

[1.4292] Section 9

omit

On

substitute

- (1) On

[1.4293] Section 9 (a)

omit

by notice in the Gazette

substitute

in writing

[1.4294] New section 9 (2)

insert

- (2) Guidelines approved under this section are a disallowable instrument.

Note A disallowable instrument must be notified, and presented to the Legislative Assembly, under the *Legislation Act 2001*.

[1.4295] Section 11

substitute

11 Commencement of environmental flow guidelines

Unless environmental flow guidelines approved by the Minister are disallowed by the Legislative Assembly, the guidelines commence—

- (a) on the day after the last day when they could have been disallowed; or
- (b) if the guidelines provide for a later date or time of commencement—on that date or at that time.

[1.4296] Section 20

substitute

20 Preparation of management plan

The authority must prepare a draft management plan for the water resources of the Territory.

Note Power given under an Act to make a statutory instrument (including the management plan) includes power to amend or repeal the instrument (see *Legislation Act 2001*, s 46 (1)).

[1.4297] Section 21 (1)

omit everything before paragraph (a), substitute

- (1) After preparing a draft management plan, the authority must prepare a written notice—

[1.4298] Section 21 (1) (c)

omit

publication of the notice

substitute

notification of the notice under the *Legislation Act 2001*

[1.4299] New section 21 (1A) and (1B)

insert

(1A) The notice is a notifiable instrument.

Note A notifiable instrument must be notified under the *Legislation Act 2001*.

(1B) The authority must also publish the notice in a daily newspaper.

[1.4300] Section 21

renumber subsections when Act next republished under Legislation Act 2001

[1.4301] Section 22

substitute

22 Formal changes

- (1) Section 21 does not apply to an amendment of a management plan that is for the sole purpose of making changes of a formal nature.
- (2) If the authority makes such an amendment, the authority must prepare a written notice of the amendment.
- (3) The notice is a notifiable instrument.

Note A notifiable instrument must be notified under the *Legislation Act 2001*.

- (4) The authority must also publish the notice in a daily newspaper.

[1.4302] Section 24

omit

On

substitute

- (1) On

[1.4303] Section 24 (a)

omit

by notice in the Gazette

substitute

in writing

[1.4304] New section 24 (2)

insert

- (2) A management plan approved under this section is a disallowable instrument.

Note 1 A disallowable instrument must be notified, and presented to the Legislative Assembly, under the *Legislation Act 2001*.

Note 2 An amendment or repeal of a management plan is also a disallowable instrument (see *Legislation Act 2001*, s 46 (2)).

[1.4305] Section 26

substitute

26 Commencement of management plan

Unless a management plan approved by the Minister is disallowed by the Legislative Assembly, the plan commences—

- (a) on the day after the last day when it could have been disallowed; or
- (b) if the plan provides for a later date or time of commencement—on that date or at that time.

[1.4306] Section 28 (6)

omit

on payment of the determined fee,

[1.4307] Section 28 (6), new note

insert

Note A fee may be determined under s 78 (Determination of fees) for this section.

[1.4308] Section 28 (8)

substitute

- (8) The Minister must prepare a written notice of the making of the grant.

[1.4309] New section 28 (8A) and (8B)

insert

(8A) The notice is a notifiable instrument.

Note A notifiable instrument must be notified under the *Legislation Act 2001*.

(8B) The notice must be notified under the *Legislation Act 2001* no later than 14 days after the making of the grant.

[1.4310] Section 28

renumber subsections when Act next republished under Legislation Act 2001

[1.4311] Section 34 (1)

omit

notice in the Gazette

substitute

written notice

[1.4312] Section 34 (2)

substitute

(2) The notice is a notifiable instrument.

Note A notifiable instrument must be notified under the *Legislation Act 2001*.

(2A) The authority must also—

- (a) publish the notice in a daily newspaper; and
- (b) give notice in writing to each licence holder who is affected by the notice.

(2B) The notice expires on the date (not later than 12 months after the notice is notified under the *Legislation Act 2001*) provided by the notice.

[1.4313] Section 34 (4)

omit

[1.4314] Section 34

renumber subsections when Act next republished under Legislation Act 2001

[1.4315] Section 35 (1), new notes

insert

Note 1 A fee may be determined under s 78 (Determination of fees) for this section.

Note 2 If a form is approved under s 78A (Approved forms) for an application or licence to take water, the form must be used.

[1.4316] Section 35 (2) and (7)

omit

[1.4317] Section 35

renumber subsections when Act next republished under Legislation Act 2001

[1.4318] Section 39 (2), new notes

insert

Note 1 A fee may be determined under s 78 (Determination of fees) for this section.

Note 2 If a form is approved under s 78A (Approved forms) for an application, the form must be used.

[1.4319] Section 39 (3)

omit

[1.4320] Section 39

renumber subsections when Act next republished under Legislation Act 2001

[1.4321] Section 44 (1), new notes

insert

Note 1 A fee may be determined under s 78 (Determination of fees) for this section.

Note 2 If a form is approved under s 78A (Approved forms) for an application, the form must be used.

[1.4322] Section 44 (2)

omit

[1.4323] Section 44

renumber subsections when Act next republished under Legislation Act 2001

[1.4324] Section 47 (2), new notes

insert

Note 1 A fee may be determined under s 78 (Determination of fees) for this section.

Note 2 If a form is approved under s 78A (Approved forms) for an application, the form must be used.

[1.4325] Section 47 (3)

omit

[1.4326] Section 47

renumber subsections when Act next republished under Legislation Act 2001

[1.4327] Section 50

substitute

50 Notification of grants etc

- (1) If the authority grants or varies a licence or permit, the authority must prepare written notice of the making of the grant or variation.
- (2) The notice must include a statement of places where particulars of the licences or permits may be inspected.
- (3) The notice is a notifiable instrument.

Note A notifiable instrument must be notified under the *Legislation Act 2001*.

- (4) The authority must also publish the notice in a daily newspaper.

[1.4328] Section 69 (1), new notes

insert

Note 1 A fee may be determined under s 78 (Determination of fees) for this section.

Note 2 If a form is approved under s 78A (Approved forms) for an application, the form must be used.

[1.4329] Section 69 (3)

omit

[1.4330] Section 69

renumber subsections when Act next republished under Legislation Act 2001

[1.4331] Section 71

omit

[1.4332] Section 78 (1) and (2)

substitute

- (1) The Minister may, in writing, determine fees for this Act.

Note The *Legislation Act 2001* contains provisions about the making of determinations and regulations relating to fees (see pt 6.3).

- (2) A determination is a disallowable instrument.

Note A disallowable instrument must be notified, and presented to the Legislative Assembly, under the *Legislation Act 2001*.

[1.4333] Section 78 (4)

omit

[1.4334] Section 78 (5)

renumber as section 78 (4)

[1.4335] New section 78A

insert

78A Approved forms

- (1) The authority may, in writing, approve forms for this Act.
- (2) If the authority approves a form for a particular purpose, the approved form must be used for that purpose.
- (3) An approved form is a notifiable instrument.

Note A notifiable instrument must be notified under the *Legislation Act 2001*.

[1.4336] Section 79

substitute

79 Regulation-making power

- (1) The Executive may make regulations for this Act.

Note Regulations must be notified, and presented to the Legislative Assembly, under the *Legislation Act 2001*.

- (2) The regulations may make provision in relation to—
 - (a) anything by applying, adopting or incorporating (with or without change) any instrument, or any provision of an instrument, as in force from time to time; and
 - (b) the transfer of licences; and
 - (c) the way the quantity of water that may be taken by a person under this Act is assessed; and
 - (d) the keeping of records and the provision of information to the authority; and
 - (e) the regulation of the taking of water.

Note 1 A statutory instrument may also apply, adopt or incorporate (with or without change) a law or instrument (or a provision of a law or instrument) as in force at a particular time (see *Legislation Act 2001*, s 47 (1)).

Note 2 If a statutory instrument applies, adopts or incorporates a law or instrument (or a provision of a law or instrument), the law, instrument or provision may be taken to be a notifiable instrument that must be notified under the *Legislation Act 2001* (see s 47 (2)-(6)).

- (3) The regulations may also prescribe offences for contraventions of the regulations and prescribe maximum penalties of not more than 10 penalty units for offences against the regulations.

[1.4337] Part 10

omit

Part 416 Wills Act 1968

[1.4338] Section 3

omit

Part 417 Witness Protection Act 1996

[1.4339] Section 2

omit

[1.4340] Section 3, definition of *approved authority*, paragraph (d) (ii)

substitute

- (i) is declared under section 3A (Declaration of approved authority) to be an approved authority for this Act.

[1.4341] Section 3, definition of *complementary witness protection law*, paragraph (b)

omit

by the Minister by notice published in the *Gazette*

substitute

under section 3B (Declaration of complementary witness protection law)

[1.4342] Section 3, definition of *witness*, paragraph (a) (ii)

omit

by the Minister by notice published in the *Gazette*

substitute

under section 3C (Declaration of authority for s 3, def of *witness*)

[1.4343] New sections 3A, 3B and 3C

insert

3A Declaration of approved authority

- (1) The Minister may, in writing, declare that an authority or body of the Commonwealth, a State or another Territory is an approved authority for this Act.
- (2) A declaration is a notifiable instrument.

Note A notifiable instrument must be notified under the *Legislation Act 2001*.

3B Declaration of complementary witness protection law

- (1) The Minister may, in writing, declare that a law of the Commonwealth, a State or another Territory is a complementary witness protection law for this Act.
- (2) A declaration is a notifiable instrument.

Note A notifiable instrument must be notified under the *Legislation Act 2001*.

3C Declaration of authority for s 3, def of *witness*

- (1) The Minister may, in writing, declare an authority to be an authority to which section 3, definition of *witness*, paragraph (a) applies.
- (2) A declaration is a notifiable instrument.

Note A notifiable instrument must be notified under the *Legislation Act 2001*.

[1.4344] Section 14 (1) (b)

omit

in a form approved by the Chief Police Officer

substitute

in writing

[1.4345] Section 14 (1), new note

insert

Note If a form is approved under s 29 (Approved forms) for a permission, the form must be used.

[1.4346] Section 14 (5)

omit

[1.4347] Section 14

renumber subsections when Act next republished under Legislation Act 2001

[1.4348] Section 26

omit

The Minister may, by notice in the *Gazette*,

substitute

- (1) The Minister may, in writing,

[1.4349] New section 26 (2)

insert

- (2) An authorisation is a notifiable instrument.

Note A notifiable instrument must be notified under the *Legislation Act 2001*.

[1.4350] Section 29

substitute

29 Approved forms

- (1) The Minister may, in writing, approve forms for this Act.
- (2) If the Minister approves a form for a particular purpose, the approved form must be used for that purpose.
- (3) An approved form is a notifiable instrument.

Note A notifiable instrument must be notified under the *Legislation Act 2001*.

30 Regulation-making power

The Executive may make regulations for this Act.

Note Regulations must be notified, and presented to the Legislative Assembly, under the *Legislation Act 2001*.

Part 418 Workers' Compensation Act 1951

[1.4351] Section 2

omit

[1.4352] Section 3, definition of *approved form*

omit

[1.4353] Section 3, definition of *defined offence*

substitute

defined offence means—

- (a) an offence against this Act; or
- (b) an offence against the *Crimes Act 1900*, part 8 (Aiding and abetting, accessories, attempts, incitement and conspiracy) in relation to an offence against this Act.

Note A reference to an Act includes a reference to the statutory instruments made or in force under the Act, including regulations (see *Legislation Act 2001*, s 104).

[1.4354] Section 3, definition of *determined fee*

omit

[1.4355] Section 6A (1)

omit

by notice published in the *Gazette*

substitute

in writing

[1.4356] New section 6A (1A)

insert

(1A) A declaration is a notifiable instrument.

Note A notifiable instrument must be notified under the *Legislation Act 2001*.

[1.4357] Section 6A

renumber subsections when Act next republished under Legislation Act 2001

[1.4358] Section 6B

omit

The Minister may, by notice in the *Gazette*

substitute

(1) The Minister may, in writing

[1.4359] New section 6B (2)

insert

(2) A determination is a notifiable instrument.

Note A notifiable instrument must be notified under the *Legislation Act 2001*.

[1.4360] Section 15F (1)

substitute

- (1) After consulting with the council, the Minister may, in writing, approve a protocol relating to occupational rehabilitation.

Note Power given under an Act to make a statutory instrument (including the approval of a protocol) includes power to amend or repeal the instrument (see *Legislation Act 2001*, s 46 (1)).

[1.4361] New section 15F (1A)

insert

- (1A) A protocol approved under subsection (1) is a disallowable instrument.

Note 1 A disallowable instrument must be notified, and presented to the Legislative Assembly, under the *Legislation Act 2001*.

Note 2 An amendment or repeal of a protocol is also a disallowable instrument (see *Legislation Act 2001*, s 46 (2)).

[1.4362] Section 15F

renumber subsections when Act next republished under Legislation Act 2001

[1.4363] Section 15G

omit

[1.4364] Section 15H

omit

making an instrument

substitute

approving a protocol

[1.4365] Section 16 (2)

after

may

insert

, in writing,

[1.4366] New section 16 (2A)

insert

(2A) An approval is a notifiable instrument.

Note A notifiable instrument must be notified under the *Legislation Act 2001*.

[1.4367] Section 16

renumber subsections when Act next republished under Legislation Act 2001

[1.4368] Section 17 (1)

omit

, accompanied by the determined fee

[1.4369] Section 17 (1), new note

insert

Note A fee may be determined under s 28 (Determination of fees) for this section.

[1.4370] Section 17C (1)

omit

, accompanied by the determined fee

[1.4371] Section 17C (1), new note

insert

Note A fee may be determined under s 28 (Determination of fees) for this section.

[1.4372] Section 18B (1)

after

may

insert

, in writing,

[1.4373] Section 18B (3)

substitute

- (3) An appointment is a notifiable instrument.

Note A notifiable instrument must be notified under the *Legislation Act 2001*.

[1.4374] Section 21 (2)

omit

determined by the Minister under subsection (4)

substitute

approved by the Minister under section 29 (Approved forms) for the notice

[1.4375] Section 21 (4)

omit

[1.4376] Section 21 (5)

omit

in accordance with Forms 1 and 2 in Schedule 1 to the regulations

substitute

approved by the Minister under section 29 (Approved forms)

[1.4377] Section 21

renumber subsections when Act next republished under Legislation Act 2001

[1.4378] Section 26G, new definition of *determined fee*

insert

determined fee means the fee determined under section 28 (Determination of fees) for this part.

[1.4379] Section 26H (2)

omit everything before paragraph (a), substitute

- (2) An infringement notice must—

[1.4380] Section 26H (2), new note

insert

Note If a form is approved under s 29 (Approved forms) for an infringement notice, the form must be used.

[1.4381] Section 26J (2)

omit everything before paragraph (a), substitute

- (2) A final infringement notice must—

[1.4382] Section 27C

omit

[1.4383] Section 28

substitute

28 Determination of fees

- (1) The Minister may, in writing, determine fees for this Act.

Note The *Legislation Act 2001* contains provisions about the making of determinations and regulations relating to fees (see pt 6.3).

- (2) A determination is a disallowable instrument.

Note A disallowable instrument must be notified, and presented to the Legislative Assembly, under the *Legislation Act 2001*.

29 Approved forms

- (1) The Minister may, in writing, approve forms for this Act.

- (2) If the Minister approves a form for a particular purpose, the approved form must be used for that purpose.

- (3) An approved form is a notifiable instrument.

Note A notifiable instrument must be notified under the *Legislation Act 2001*.

- (4) A form prescribed under the regulations immediately before the commencement of this section is, after the commencement, taken to be an approved form.
- (5) However, the form need not be notified under the *Legislation Act 2001*.
- (6) Subsections (4) and (5) are laws to which the *Legislation Act 2001*, section 88 (Repeal does not end transitional or validating effect etc) applies.
- (7) Subsections (4) to (6) and this subsection expire 1 year after this section commences.

30 Regulation-making power

- (1) The Executive may make regulations for this Act.

Note Regulations must be notified, and presented to the Legislative Assembly, under the *Legislation Act 2001*.

- (2) The regulations may make provision in relation to—
 - (a) the procedure in relation to the medical examination of injured workers; and
 - (b) the duties of medical referees appointed under this Act; and
 - (c) fees and expenses to be paid for medical examinations or medical treatment; and
 - (d) the procedure in relation to compulsory insurance and approval of insurance companies.
- (3) The regulations may also prescribe offences for contraventions of the regulations and prescribe maximum penalties of not more than 10 penalty units for offences against the regulations.

[1.4384] Section 29

renumber as section 31

[1.4385] Schedule 4, clause 6A

omit

the Regulations and the Rules of Court,

[1.4386] Schedule 4, clause 6A, new note

insert

Note A reference to an Act includes a reference to the statutory instruments made or in force under the Act, including regulations and rules of court (see *Legislation Act 2001*, s 104).

Part 419 Workers' Compensation Regulations

[1.4387] Regulation 2

omit

[1.4388] Regulation 3

omit

Form 1

substitute

the appropriate claim form approved under the Act, section 29
(Approved forms)

[1.4389] Regulation 4

omit

Form 2

substitute

the appropriate claim form approved under the Act, section 29
(Approved forms)

[1.4390] Regulation 6

omit

Form 3

substitute

the report form approved under the Act, section 29 (Approved forms)

[1.4391] Schedule 1

omit

Part 420 **Workers' Compensation
Supplementation Fund Act
1980**

[1.4392] Section 22 (3)

omit

determined by the Minister by notice published in the *Gazette*

substitute

determined, in writing, by the Minister

[1.4393] New section 22 (3A)

insert

(3A) A determination is a notifiable instrument.

Note A notifiable instrument must be notified under the *Legislation Act 2001*.

[1.4394] Section 22

renumber subsections when Act next republished under Legislation Act 2001

[1.4395] Section 43

substitute

43 Regulation-making power

The Executive may make regulations for this Act.

Note Regulations must be notified, and presented to the Legislative Assembly, under the *Legislation Act 2001*.

Endnote

Penalty units

The *Interpretation Act 1967*, s 33AA deals with the meaning of offence penalties that are expressed in penalty units.