

2008

THE LEGISLATIVE ASSEMBLY  
FOR THE AUSTRALIAN CAPITAL TERRITORY

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(As presented)

(Attorney-General)

## Statute Law Amendment Bill 2008

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(As presented)

(Attorney-General)

## **Statute Law Amendment Bill 2008**

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### **A Bill for**

An Act to amend certain legislation for the purpose of statute law revision

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

1     **1           Name of Act**

2                   This Act is the *Statute Law Amendment Act 2008*.

3     **2           Commencement**

4                   This Act commences on the 14th day after its notification day.

5           *Note*     The naming and commencement provisions automatically commence on  
6                   the notification day (see Legislation Act, s 75 (1)).

7     **3           Purpose**

8                   The purpose of this Act is to improve the quality of the statute law  
9                   of the Territory by amending legislation for the purpose of statute  
10                  law revision.

11    **4           Notes**

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

13           *Note*     See the Legislation Act, s 127 (1), (4) and (5) for the legal status of  
14                  notes.

15    **5           Legislation amended—schs 1–3**

16                  This Act amends the legislation mentioned in schedules 1 to 3.

1 **Schedule 1** **Minor amendments**

2 (see s 5)

3 **Part 1.1** **Animal Diseases Act 2005**

4 **[1.1] Section 21 (e)**

5 *substitute*

- 6 (e) if there are restrictions on sale in the ACT of an animal, animal  
7 product or other thing that has, at any time during a stated period,  
8 been in the area—those restrictions; and

9 **Explanatory note**

10 Section 21 sets out the matters that must be included in a quarantine declaration under  
11 section 19 or section 20. This amendment makes paragraph (e) more precise by ensuring that if  
12 there are no restrictions on sale, the declaration does not need to include anything about  
13 restrictions on sale.

14 **Part 1.2** **Cemeteries and Crematoria Act**  
15 **2003**

16 **[1.2] Section 9 (3) (b)**

17 *substitute*

- 18 (b) any other charitable purpose approved by the Minister.

19 **Explanatory note**

20 Section 9 (3) establishes a perpetual care trust for the maintenance of cemeteries and crematoria  
21 (see section 9 (3) (a)) and for any other purpose approved by the Minister (see section 9 (3) (b)).  
22 This amendment confirms that the Minister may approve only charitable purposes.

1    **[1.3]        New section 16C**

2                    *in division 2.2, insert*

3    **16C        Dissolution of perpetual care trusts**

4            (1) This section applies if a perpetual care trust is dissolved.

5            (2) The amount remaining after payment of any debts and expenses of  
6            the trust must be transferred to another perpetual care trust, or  
7            another fund, that is—

8                    (a) established for a charitable purpose; and

9                    (b) endorsed as exempt from income tax under the *Income Tax*  
10                    *Assessment Act 1997* (Cwlth), subdivision 50-B (Endorsing  
11                    charitable entities as exempt from income tax).

12    **Explanatory note**

13            This amendment provides for the distribution of the assets of a perpetual care trust if the trust is  
14            dissolved.

15    **Part 1.3                    Government Procurement**  
16                                    **Act 2001**

17    **[1.4]        Section 11**

18                    *omit*

19                    7

20                    *substitute*

21                    9

22    **Explanatory note**

23            This amendment is consequential on another amendment that increases the membership of the  
24            Government Procurement Board to 9 members.



1 **[1.5] Section 11 (c) and (d)**

2 *substitute*

3 (c) 3 public employee members;

4 (d) 4 non-public employee members.

5 **Explanatory note**

6 This amendment increases the membership of the Government Procurement Board to  
7 9 members, comprising 5 public employee members (including the chair and deputy chair) and  
8 4 non-public employee members.

9 **Part 1.4 Legal Profession Act 2006**

10 **[1.6] Section 249 (1) and (2)**

11 *substitute*

12 (1) The costs of an examination are payable—

13 (a) for an examination under section 241 (1)—by the law practice  
14 that appointed the external examiner; and

15 (b) for an examination under section 241 (2)—out of the fidelity  
16 fund.

17 (2) However, for an examination under section 241 (2), the licensing  
18 body may decide—

19 (a) that all or part of the costs of the examination are payable by  
20 the law practice to the licensing body; and

1                            (b) the amount payable.

2            **Explanatory note**

3            This amendment corrects the *Legal Profession Act 2006*, section 249 (1) in relation to the costs  
4            of an external examination under that Act, subdivision 3.1.3.2 (External examinations). If a law  
5            practice appoints an external examiner under the *Legal Profession Act 2006*, section 241 (1) to  
6            examine its trust records, the law practice must pay the costs of the examination. However, if  
7            the licensing body appoints an external examiner under the *Legal Profession Act 2006*,  
8            section 241 (2) to examine a law practice's trust records, the costs of the examination are  
9            payable out of the fidelity fund. The amount paid out of the fidelity fund is a debt owing to the  
10            licensing body by the law practice that has been examined.

11            The *Legal Profession Regulation 2007* was amended on 1 April 2008 to include a modification  
12            of the *Legal Profession Act 2006* to achieve the same effect as proposed section 249 (1). The  
13            modification will expire on the commencement of this Act, section 5.

14            To date, no claims for costs of an examination under section 241 (1) to be paid out of the  
15            fidelity fund have been made under section 249 (1).

16            Section 249 (2) is consequentially amended to make it clear that it applies to an examination  
17            under section 241 (2). The amendment also omits the existing note, which is not needed for  
18            section 249 (2).

1 **Schedule 2            Legislation Act 2001**

2 (see s 5)

3 **[2.1]            Dictionary, part 1, definition of *territory authority***

4 *substitute*

5 *territory authority* means a body established for a public purpose  
6 under an Act, but does not include a body declared by regulation not  
7 to be a territory authority.

8 **Explanatory note**

9 This amendment makes clear that, for a body to be a territory authority, it must be established  
10 under an Act for a public purpose.

1        **Schedule 3            Technical amendments**

2        (see s 5)

3        **Part 3.1                Adoption Act 1993**

4        **[3.1]            Section 4 (1), definition of *adoption order***

5                    *substitute*

6                    *adoption order* means an order for the adoption of a child under  
7                    section 9.

8        **Explanatory note**

9        This amendment remakes the definition as a consequence of other amendments omitting  
10        redundant references to provisions of repealed laws.

11       **[3.2]            Section 4 (1), definitions of *charitable organisation, child,***  
12       ***general consent and instrument of consent***

13                    *substitute*

14                    *charitable organisation* means a body carried on for a charitable,  
15                    benevolent, philanthropic or religious purpose, other than a body  
16                    carried on for the financial benefit of its members.

17                    *child* means an individual who is—

- 18                    (a) under 18 years old; or  
19                    (b) 18 years or older but for whom an adoption order is sought or  
20                    has been made.

21                    *general consent* means a general consent under section 29 (2).

22                    *instrument of consent* means an instrument of consent to an  
23                    adoption under section 30.

24        **Explanatory note**

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

1 **[3.3] Section 4 (1), definition of *interim order***

2 *substitute*

3 *interim order* means an order under section 50.

4 **Explanatory note**

5 This amendment remakes the definition as a consequence of other amendments omitting  
6 redundant references to provisions of repealed laws.

7 **[3.4] Section 4 (1), definitions of *limited consent* and *principal***  
8 ***officer***

9 *substitute*

10 *limited consent* means a limited consent under section 29 (3).

11 *principal officer*, for a private adoption agency, means the person  
12 stated as its principal officer in—

13 (a) its application for approval under section 81; or

14 (b) its latest notification to the chief executive under section 83.

15 **Explanatory note**

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

17 **[3.5] Section 4 (1), definition of *relative***

18 *substitute*

19 *relative*, of a child, means a grandparent, brother, sister, uncle or  
20 aunt of the child, whether or not the relationship is—

21 (a) traced through birth or depends on adoption; or

22 (b) for a brother or sister—of the whole blood or half-blood.

23 **Explanatory note**

24 This amendment remakes the definition to incorporate the substance of existing section 4 (2)  
25 (which is omitted by another amendment) in an updated form as paragraphs (a) and (b) of the  
26 definition.

1    **[3.6]            Section 4 (1), definition of *repealed laws***

2                    *omit*

3    **Explanatory note**

4    This amendment is consequential on the omission, by other amendments, of redundant  
5    references to repealed laws.

6    **[3.7]            Section 4 (1), definitions (as amended)**

7                    *relocate to dictionary*

8    **Explanatory note**

9    This amendment relocates the definitions to a new dictionary that is inserted by another  
10   amendment.

11   **[3.8]            Section 4, remainder**

12                    *substitute*

13   **2                Dictionary**

14                    The dictionary at the end of this Act is part of this Act.

15                    *Note 1*    The dictionary at the end of this Act defines certain terms used in this  
16                    Act, and includes references (*signpost definitions*) to other terms  
17                    defined elsewhere in this Act.

18                    For example, the signpost definition '*adoptive relative*, for part 5  
19                    (Access to information)—see section 58.' means that the term '*adoptive*  
20                    relative' is defined in that section.

21                    *Note 2*    A definition in the dictionary (including a signpost definition) applies to  
22                    the entire Act unless the definition, or another provision of the Act,  
23                    provides otherwise or the contrary intention otherwise appears (see  
24                    Legislation Act, s 155 and s 156 (1)).



1    **[3.11]    Section 35 (1), new note**

2                    *insert*

3                    *Note*        See approved form 3.31 (Application for dispensing with consent to  
4                    adoption), approved under the *Court Procedures Act 2004*, s 8.

5    **Explanatory note**

6    This amendment inserts a note to help users of the legislation find the relevant approved form  
7    under the *Court Procedures Act 2004*.

8    **[3.12]    New section 44 (6)**

9                    *insert*

10                  (6) In this section:

11                    *repealed laws* means the following Acts or the Ordinances repealed  
12                    by any of the following Acts:

- 13                    (a) *Adoption of Children Act 1965*;
- 14                    (b) *Adoption of Children Act 1974*;
- 15                    (c) *Adoption of Children (Amendment) Act 1979*;
- 16                    (d) *Adoption of Children (Amendment) Act 1983*;
- 17                    (e) *Adoption of Children (Amendment) Act 1988*;
- 18                    (f) *Adoption of Children (Amendment) Act 1991*.

19    **Explanatory note**

20    This amendment is consequential on the omission, by another amendment, of the definition of  
21    *repealed laws* in the general interpretation provision. As a consequence of the omission of  
22    redundant references to repealed laws in other amendments, section 44 (4) is the only provision  
23    that refers to repealed laws.



1 **[3.13] Section 120**

2 *omit*

3 **Explanatory note**

4 This amendment omits a transitional provision which is redundant because of the Legislation  
5 Act, section 88 (Repeal does not end effect of transitional laws etc).

6 Existing section 120 (1) deals with orders and proceedings made or begun before the  
7 commencement of the Act.

8 Existing section 120 (2) deals with consents for adoption given before the commencement of  
9 the Act.

10 Existing section 120 (3) and (4) deals with the application of the Act, section 43 and section 44  
11 to an adoption order made under the repealed laws and the effect of disposition of property in  
12 relation to an adoption order made under the repealed laws.

13 **[3.14] New dictionary**

14 *insert*

15 **Dictionary**

16 (see s 2)

17 *Note 1* The Legislation Act contains definitions and other provisions relevant to  
18 this Act.

19 *Note 2* For example, the Legislation Act, dict, pt 1, defines the following terms:

- 20 • administrative appeals tribunal  
21 • administrative unit  
22 • chief executive (see s 163)  
23 • contravene  
24 • document  
25 • domestic partner (see s 169 (1))  
26 • Executive  
27 • file  
28 • function  
29 • instrument (see s 14)  
30 • proceeding

- 1                            • Supreme Court.
- 2                    *adoptive relative*, for part 5 (Access to information)—see  
3                    section 58.
- 4                    *associated person*, for part 5 (Access to information)—see  
5                    section 58.
- 6                    *birth parent*, for part 5 (Access to information)—see section 58.
- 7                    *birth relative*, for part 5 (Access to information)—see section 58.
- 8                    *country*, for part 4 (Recognition of adoptions)—see section 53.
- 9                    *identifying information*, for part 5 (Access to information)—see  
10                   section 58.
- 11                   *information*, for part 5 (Access to information)—see section 58.
- 12                   *relevant authority*, for part 5 (Access to information)—see  
13                   section 58.

14                   **Explanatory note**

15                   This amendment inserts a new dictionary in accordance with current drafting practice. It  
16                   includes signpost definitions for terms that are not included in the existing interpretation  
17                   section.

18                   **Part 3.2                    Animal Diseases Regulation 2006**

19                   **[3.15]            Section 34 (2) (b)**

- 20                    *omit*
- 21                    reasonably suspects
- 22                    *insert*
- 23                    suspects on reasonable grounds

24                   **Explanatory note**

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

1 **[3.16] Section 35 (2)**

2 *omit*

3 reasonably believes

4 *insert*

5 believes on reasonable grounds

6 **Explanatory note**

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

8 **Part 3.3 Animal Welfare Act 1992**

9 **[3.17] Section 42 (1)**

10 *substitute*

11 (1) The animal ethics committee must give a person who holds an  
12 authorisation an identity certificate stating the person's name and  
13 that the person is an authorisation holder.

14 *Note* If a form is approved under s 110A for an identity certificate, the form  
15 must be used.

16 **Explanatory note**

17 This amendment is consequential on the replacement of *authorised person* with *authorisation*  
18 *holder* by another amendment.

19 **[3.18] Section 42 (6)**

20 *substitute*

21 (6) For this section, if a person holds more than 1 authorisation, the  
22 person *stops being an authorisation holder* only if each  
23 authorisation that the person holds is suspended or cancelled, or has  
24 been surrendered, under this Act.

25 **Explanatory note**

26 This amendment is consequential on the replacement of *authorised person* with *authorisation*  
27 *holder* by another amendment.

1    **[3.19]    Section 75**

2                    *substitute*

3    **75            Protection from liability**

4            (1) A person is not personally liable for conduct done honestly and  
5            without recklessness—

6                    (a) in the exercise of a function under this part; or

7                    (b) in the reasonable belief that the conduct was in the exercise of  
8                    a function under this part.

9            (2) Any liability that would, apart from this section, attach to the person  
10            attaches instead to the Territory.

11           (3) In this section:

12                    *conduct* means an act or an omission to do an act.

13    **Explanatory note**

14    This amendment replaces the current indemnity provision with a protection from liability  
15    provision in line with current legislative drafting practice.

16    **[3.20]    New section 78 (1A)**

17                    *before section 78 (1), insert*

18           (1A) This section applies to a person holding any of the following  
19           positions:

20                    (a) inspector (other than a police officer);

21                    (b) authorised officer;

22                    (c) the authority;

23                    (d) delegate of the authority with any delegated powers of an  
24                    inspector.

25    **Explanatory note**

26    This amendment inserts a new provision consequential on the omission of the definition of  
27    *authorised person* in section 78 by another amendment.

1 **[3.21] Section 78 (1)**

2 *omit*

3 an authorised person

4 *substitute*

5 the person

6 **Explanatory note**

7 This amendment omits the reference to ‘authorised person’ as a consequence of the omission of  
8 the definition of *authorised person* in section 78 by another amendment.

9 **[3.22] Section 78 (3)**

10 *omit*

11 an authorised person

12 *substitute*

13 a person to whom this section applies

14 **Explanatory note**

15 This amendment omits the reference to ‘authorised person’ as a consequence of the omission of  
16 the definition of *authorised person* in section 78 by another amendment.

17 **[3.23] Section 78 (5)**

18 *omit*

19 **Explanatory note**

20 This amendment omits the definition of *authorised person* to help distinguish references to  
21 people to whom section 78 applies from references to ‘authorised officers’ appointed under  
22 section 77 and authorisation holders under the Act generally.

1    **[3.24]    Dictionary, new definition of *authorisation holder***

2                    *insert*

3                    *authorisation holder* means the holder of an authorisation.

4    **Explanatory note**

5    This amendment is consequential on the replacement of *authorised person* with *authorisation*  
6    *holder* by another amendment.

7    **[3.25]    Dictionary, definition of *authorised person***

8                    *omit*

9    **Explanatory note**

10   This amendment is consequential on the replacement of *authorised person* with *authorisation*  
11   *holder* by another amendment.

12   **[3.26]    Further amendments, mentions of *authorised person* etc**

column 1 item	column 2 provision	column 3 <i>omit</i>	column 4 <i>substitute</i>
1	section 25 (2)	authorised person	authorisation holder
2	section 42 heading	<b>authorised people</b>	<b>authorisation holders</b>
3	section 42 (3)	An authorised person	A person who is an authorisation holder
4	section 42 (4)	authorised person	authorisation holder
5	section 43 heading	<b>Authorised people</b>	<b>Authorisation holders</b>
6	section 43	authorised person	authorisation holder
7	section 44 (1) (a)	authorised person	authorisation holder
8	section 44 (1) (b)	the person's	the holder's

<b>column 1 item</b>	<b>column 2 provision</b>	<b>column 3 omit</b>	<b>column 4 substitute</b>
9	section 45 heading	<b>Authorised person</b>	<b>Authorisation holder</b>
10	section 45 (1)	authorised person	authorisation holder
11	section 45 (1)	the person's	the holder's
12	section 45 (1)	the person	the authorisation holder
13	section 46	authorised person	authorisation holder
14	section 48 (1)	authorised person	authorisation holder
15	section 73A, definition of <i>regulatory body</i>	authorised person	authorisation holder
16	section 73B (2), definition of <i>relevant provision</i>	authorised person	authorisation holder
17	section 73B (2), definition of <i>relevant section</i>	authorised person	authorisation holder
18	section 73F (2)	authorised person's	authorisation holder's
19	dictionary, definition of <i>animal ethics committee</i>	authorised person	authorisation holder

1 **Explanatory note**

- 2 These amendments are to provide for more precise references to the holders of research or  
3 teaching authorisations, and to help distinguish them from references to authorised officers  
4 appointed under section 77.





1 **[3.29] Section 74 (2) (d)**

2 *substitute*

3 (d) if the member becomes bankrupt, executes a personal  
4 insolvency agreement or otherwise applies to take the benefit  
5 of any law for the relief of bankrupt or insolvent debtors.

6 **Explanatory note**

7 This amendment brings the paragraph into line with the concept of personal insolvency  
8 agreement under the *Bankruptcy Act 1966* (Cwlth). Under that Act, personal insolvency  
9 agreements have replaced the concepts of deed of assignment, deed of arrangement and  
10 composition.

11 **Part 3.5 Associations Incorporation**  
12 **Regulation 1991**

13 **[3.30] Schedule 1, section 20 (3) and (4)**

14 *omit*

15 **Explanatory note**

16 These provisions are redundant. The Legislation Act, section 199 (5) provides that the exercise  
17 of a function of a body is not affected only because of vacancies in the body's membership. The  
18 Legislation Act, section 212 provides that an appointment, or anything done under an  
19 appointment, is not invalid only because of a defect or irregularity in the appointment.

1    **[3.31]    Schedule 1, section 37**

2                    *substitute*

3    **37            Service of notice**

4                    For these rules, the association may serve a notice on a member by  
5                    sending it by post to the member at the member's address shown in  
6                    the register of members.

7                    *Note*        For how documents may be served, see the Legislation Act, pt 19.5.

8    **Explanatory note**

9                    This amendment brings the section into line with current legislative drafting practice. In  
10                    particular, it omits subsection (2), which dealt with how a document under subsection (1) may  
11                    be served, and replaces it with a standard note about service of documents.

12    **Part 3.6                    Auditor-General Act 1996**

13    **[3.32]    Section 37**

14                    *substitute*

15    **37            Protection of auditor-general etc from liability**

16                    (1) A protected person is not personally liable for conduct done  
17                    honestly and without recklessness—

18                    (a) in the exercise of a function under this Act or another law; or

19                    (b) in the reasonable belief that the conduct was in the exercise of  
20                    a function under this Act or another law.

21                    (2) Any liability that would, apart from this section, attach to the  
22                    protected person attaches instead to the Territory.

1 (3) In this section:

2 *conduct* means an act or an omission to do an act.

3 *protected person* means a person who is or has been—

4 (a) the auditor-general; or

5 (b) a member of the staff of the auditor-general.

6 **Explanatory note**

7 This amendment replaces the current indemnity provision with a protection from liability  
8 provision in line with current legislative drafting practice.

9 **[3.33] Schedule 1, section 5 (2)**

10 *substitute*

11 (2) The Executive must remove the auditor-general from office if the  
12 auditor-general becomes bankrupt, executes a personal insolvency  
13 agreement or otherwise applies to take the benefit of any law for the  
14 relief of bankrupt or insolvent debtors.

15 **Explanatory note**

16 This amendment brings the paragraph into line with the concept of personal insolvency  
17 agreement under the *Bankruptcy Act 1966* (Cwlth). Under that Act, personal insolvency  
18 agreements have replaced the concepts of deed of assignment, deed of arrangement and  
19 composition.

20 **[3.34] Further amendments, mentions of *shall***

21 *omit*

22 shall

23 *substitute*

24 must

25 *in*

- 26 • section 4  
27 • section 6

- 1                    • section 8 (first mention)
- 2                    • section 11
- 3                    • section 13
- 4                    • section 18
- 5                    • section 23
- 6                    • sections 29 to 31
- 7                    • schedule 1, section 1
- 8                    • schedule 1, section 5

9                    **Explanatory note**

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

11                   **[3.35] Further amendments, mentions of *shall***

12                   *omit*

13                   shall

14                   *substitute*

15                   may

16                   *in*

- 17                   • section 8 (2nd mention)
- 18                   • section 12
- 19                   • section 22

20                   **Explanatory note**

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

1 **Part 3.7** **Board of Senior Secondary**  
2 **Studies Act 1997**

3 **[3.36] Section 17 (2), new examples**

4 *insert*

5 **Examples**

6 a phone link, a satellite link, an internet or intranet link

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

10 **Explanatory note**

11 This amendment updates examples in line with current legislative drafting practice.

12 **Part 3.8** **Boxing Control Act 1993**

13 **[3.37] Section 8 (5)**

14 *substitute*

15 (5) Compliance with the code of practice (if any) is a condition of an  
16 approval.

17 **Explanatory note**

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

19 **[3.38] Section 18 (1) (c)**

20 *omit*

21 **Explanatory note**

22 This amendment omits a reference to a decision that the Minister cannot make under the Act,  
23 section 8 (1).



1 **Part 3.11** **Civil Law (Sale of Residential**  
2 **Property) Act 2003**

3 **[3.41] Section 19 (1) (c) and (2)**

4 *omit*

5 the report

6 *substitute*

7 the statement or report

8 **Explanatory note**

9 This amendment makes the terminology of section 19 (1) (c) and (2) consistent with  
10 section 19 (1) (b), which refers to a statement or report under section 9 (1) (h) (ii), (iii) or (iv).

11 **Part 3.12** **Civil Law (Wrongs) Act 2002**

12 **[3.42] Schedule 4, section 4.43 (1) (e)**

13 *substitute*

14 (e) becomes bankrupt, executes a personal insolvency agreement  
15 or otherwise applies to take the benefit of any law for the relief  
16 of bankrupt or insolvent debtors; or

17 **Explanatory note**

18 This amendment brings the paragraph into line with the concept of personal insolvency  
19 agreement under the *Bankruptcy Act 1966* (Cwlth). Under that Act, personal insolvency  
20 agreements have replaced the concepts of deed of assignment, deed of arrangement and  
21 composition.





- 1 (a) suspend the licence for a stated period of not longer than  
2 6 months; or  
3 (b) cancel the licence.  
4 (3) The suspension or cancellation of the licence takes effect—  
5 (a) on the day the notice of the suspension or cancellation is given  
6 to the licensee; or  
7 (b) if a later day is stated in the notice—the later day.  
8 (4) This section is subject to section 24.

9 **Explanatory note**

10 This amendment restructures the section to bring it more closely into line with current  
11 legislative drafting practice.

12 **[3.46] Section 25**

13 *substitute*

14 **25 Emergency suspension**

- 15 (1) This section applies if—  
16 (a) a licensee—  
17 (i) is found guilty of an offence under this Act; or  
18 (ii) contravenes a condition of the licence; or  
19 (iii) contravenes a requirement in the manual; and  
20 (b) the controller believes on reasonable grounds that it is  
21 necessary, to prevent or remove an imminent risk of death,  
22 serious illness or serious injury to a person (whether identified  
23 or not), to suspend the licence.

1            (2) The controller may, by written notice to the licensee, suspend the  
2            licence for a stated period of not longer than 6 months.

3            (3) The suspension takes effect on the day the notice is given to the  
4            licensee.

5            **Explanatory note**

6            This amendment restructures the section to bring it more closely into line with current  
7            legislative drafting practice.

8            **[3.47]    Section 27 (1) (d) and (e)**

9            *substitute*

10            (d) under section 23 (2) (a) or section 25 (2) to suspend a licence;  
11            or

12            (e) under section 23 (2) (b) to cancel a licence.

13            **Explanatory note**

14            This amendment is consequential on other amendments.

15            **[3.48]    Section 37 (1)**

16            *omit*

17            with such assistance and by such force as is necessary and  
18            reasonable

19            *substitute*

20            with any assistance and force that is necessary and reasonable

21            **Explanatory note**

22            This amendment brings the section more closely into line with current legislative drafting  
23            practice.

1 **[3.49] Dictionary, definition of *clinical waste***

2 *substitute*

3 *clinical waste* means any of the following, other than waste the  
4 treatment of which is completed in accordance with the manual:

- 5 (a) waste consisting of a catheter, hypodermic needle, intravenous  
6 set, pipette or scalpel;
- 7 (b) waste consisting of any other instrument or object that has been  
8 used in the taking of blood, the testing, processing or handling  
9 of blood or blood products, the investigation of human or  
10 animal diseases or in analysis or research that involves the use  
11 of tissue or fluid specimens, whether human or animal;
- 12 (c) sanitary waste that originates from or has been in contact with  
13 a person who has a transmissible notifiable condition within  
14 the meaning of the *Public Health Act 1997*;
- 15 (d) waste resulting from the investigation or analysis of tissue or  
16 fluid specimens, whether human or animal;
- 17 (e) biological or chemical waste resulting from the investigation of  
18 human or animal diseases;
- 19 (f) waste derived from a prescribed activity, being waste that  
20 includes or included human blood, or animal blood in any form  
21 other than food waste;
- 22 (g) human or animal tissue or body fluids, removed during surgery  
23 or an autopsy;
- 24 (h) waste consisting of a cytotoxic substance or waste that is, or is  
25 likely to be, contaminated by a cytotoxic substance;
- 26 (i) waste consisting of anything that has been in contact with  
27 waste mentioned in a previous paragraph;
- 28 (j) waste derived from the preparation of a human body for burial  
29 or cremation;



- 1 (a) fails to appear before the arbitrator or umpire when required by  
2 subpoena or the arbitrator or umpire; or
- 3 (b) as a witness, fails to do any of the following when required by  
4 the arbitrator or umpire:
- 5 (i) take an oath;
- 6 (ii) make an affidavit;
- 7 (iii) answer a question;
- 8 (iv) produce a document or thing;
- 9 (v) any other thing.
- 10 (1A) On the hearing of the application, the court may order the person to  
11 attend before the court—
- 12 (a) for examination; or
- 13 (b) to produce the document or thing; or
- 14 (c) to do the relevant thing.

15 **Explanatory note**

16 This amendment restructures the provision to bring it more closely into line with current  
17 legislative drafting practice.

18 **[3.53] Section 18 (2)**

19 *omit*

20 subsection (1)

21 *insert*

22 subsection (1A)

23 **Explanatory note**

24 This amendment updates a cross-reference, consequential on the insertion of a new subsection  
25 by another amendment.

- 1    **[3.54]    Section 18 (3)**
- 2            *substitute*
- 3            (3) Subsection (4) applies if a party to an arbitration agreement—
- 4                (a) fails to attend before the umpire or arbitrator for examination
- 5                when required by subpoena or the arbitrator or umpire; or
- 6                (b) fails to comply with a requirement of the arbitrator or umpire
- 7                within a stated time or, if no time is stated, a reasonable time.
- 8            (4) The umpire or arbitrator may continue an arbitration proceeding in a
- 9            case mentioned in subsection (3) if, in a similar default in a
- 10           proceeding before the Supreme Court, the court could continue the
- 11           proceeding.

12    **Explanatory note**

13    This amendment restructures the provision to bring it more closely into line with current

14    legislative drafting practice.

- 15    **[3.55]    Section 34 (4)**
- 16            *omit*
- 17            thereupon the arbitrator or umpire shall
- 18            *substitute*
- 19            on receiving the application, the arbitrator or umpire must

20    **Explanatory note**

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

- 22    **[3.56]    Dictionary, note 2, new dot point**
- 23            *insert*
- 24                • oath

25    **Explanatory note**

26    This amendment inserts a new term to assist users. Dictionary note 2 is an aid to users which

27    lists examples of terms used in the Act that are defined in the Legislation Act, dictionary, part 1.

1 **Part 3.15** **Community Title Act 2001**

2 **[3.57] Section 8 (5)**

3 *substitute*

- 4 (5) The documents that comprise the scheme must comply with any  
5 requirement prescribed by regulation.

6 **Explanatory note**

7 This amendment brings the subsection into line with current legislative drafting practice.

8 **[3.58] Dictionary, definition of *scheme***

9 *substitute*

10 *scheme*—

- 11 (a) for this Act generally—means a community title scheme; and  
12 (b) for division 12.2—see section 88.

13 **Explanatory note**

14 This amendment brings the structure of the definition into line with current legislative drafting  
15 practice.

16 **Part 3.16** **Construction Occupations**  
17 **(Licensing) Act 2004**

18 **[3.59] Section 54 (1) (d)**

19 *substitute*

- 20 (d) if the licensee is an individual—the licensee has executed a  
21 personal insolvency agreement;

22 **Explanatory note**

23 This amendment brings the paragraph into line with the concept of personal insolvency  
24 agreement under the *Bankruptcy Act 1966* (Cwlth). Under that Act, personal insolvency  
25 agreements have replaced the concepts of deed of assignment, deed of arrangement and  
26 composition.





1 **[3.63] Dictionary, note 2, new dot point**

2 *insert*

- 3 • lawyer

4 **Explanatory note**

5 This amendment is consequential on other amendments in this part. Dictionary note 2 is an aid  
6 to users that lists examples of terms used in the Act that are defined in the Legislation Act,  
7 dictionary, part 1.

8 **[3.64] Further amendments, references to *legal practitioner***

9 *omit*

10 legal practitioner

11 *substitute*

12 lawyer

13 *in*

- 14 • section 29 (c)  
15 • section 83  
16 • section 98 (2)  
17 • section 111 (2) (b)  
18 • section 113 (3) (b)  
19 • section 114 (3) (b) (ii)

20 **Explanatory note**

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



1 **[3.67] Section 5 (1)**

2 *omit*

3 at the time of service of the notice of debt

4 *substitute*

5 when the notice of debt is served

6 **Explanatory note**

7 This amendment brings the subsection into line with current legislative drafting practice.

8 **[3.68] Section 9 heading**

9 *substitute*

10 **9 Attachment after notice of proceeding**

11 **Explanatory note**

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

13 **[3.69] Section 9 (1)**

14 *omit*

15 issues an originating process

16 *substitute*

17 starts a proceeding

18 **Explanatory note**

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

1    **[3.70]    Section 9**

2            *omit*

3            action

4            *substitute*

5            proceeding

6    **Explanatory note**

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

8    **[3.71]    Section 10 heading**

9            *substitute*

10   **10        Application for leave to serve notice of proceeding**

11   **Explanatory note**

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

13   **[3.72]    Section 10 (1)**

14            *omit*

15            action

16            *substitute*

17            proceeding

18   **Explanatory note**

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

20   **[3.73]    Dictionary, definition of *amount of the debt***

21            *omit*

22   **Explanatory note**

23   This amendment is consequential on the remaking of section 4 (1) by another amendment.

1 **Part 3.19** **Crimes (Child Sex Offenders) Act**  
2 **2005**

3 **[3.74] Section 75 (1) (b)**

4 *omit*

5 reasonably satisfied

6 *substitute*

7 satisfied on reasonable grounds

8 **Explanatory note**

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

10 **Part 3.20** **Crimes (Sentence**  
11 **Administration) Act 2005**

12 **[3.75] Section 187 (3), examples**

13 *substitute*

14 **Examples**

15 a phone link, a satellite link, an internet or intranet link

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

19 **Explanatory note**

20 This amendment updates examples in line with current legislative drafting practice.

1 **Part 3.21 Cultural Facilities Corporation**  
2 **Act 1997**

3 **[3.76] Section 9, new note**

4 *insert*

5 *Note* An appointment of a governing board member is an appointment under  
6 this section (see *Financial Management Act 1996*, s 78 (5) (b)).

7 **Explanatory note**

8 This amendment inserts a standard note to assist users of legislation.

9 **Part 3.22 Dangerous Substances Act 2004**

10 **[3.77] Section 138 (3)**

11 *substitute*

12 (3) If a sample of a substance taken by an inspector is in the form of  
13 separate or severable objects, the inspector may—

14 (a) take a number of the objects; and

15 (b) divide them into 3 parts each consisting of 1 or more of the  
16 objects, or of the severable parts of the objects, and mark and  
17 either seal or fasten each part; and

18 (c) deal with the sample under subsection (2) (b) to (d).

19 **Explanatory note**

20 This amendment restructures the subsection so that the introductory words clearly apply to all  
21 3 paragraphs.

1 **Part 3.23** **Duties Act 1999**

2 **[3.78] Section 52 (1) (c) and (3), definition of *R***

3 *omit*

4 section 299

5 *substitute*

6 section 300

7 **Explanatory note**

8 This amendment is consequential on the reordering of the *Planning and Development Act 2007*,  
9 sections 299 and 300 by other amendments.

10 **[3.79] Part 3.6 heading**

11 *substitute*

12 **Part 3.6** **Voluntary transfers under**  
13 **Financial Sector (Business**  
14 **Transfer and Group Restructure)**  
15 **Act 1999 (Cwlth)**

16 **Explanatory note**

17 This amendment is consequential on the renaming of the *Financial Sector (Transfers of*  
18 *Business) Act 1999 (Cwlth)* as the *Financial Sector (Business Transfer and Group Restructure)*  
19 *Act 1999 (Cwlth)* by the *Financial Sector Legislation Amendment (Restructures) Act 2007*  
20 (Cwlth), schedule 3, item 3.

1    **[3.80]    Section 115A, definition of FS (TB) Act**

2                    *substitute*

3                    **FS (BTGR) Act** means the *Financial Sector (Business Transfer and*  
4                    *Group Restructure) Act 1999* (Cwlth).

5    **Explanatory note**

6    This amendment is consequential on the renaming of the *Financial Sector (Transfers of*  
7    *Business) Act 1999* (Cwlth) as the *Financial Sector (Business Transfer and Group Restructure)*  
8    *Act 1999* (Cwlth) by the *Financial Sector Legislation Amendment (Restructures) Act 2007*  
9    (Cwlth), schedule 3, item 3.

10   **[3.81]    Section 115A**

11                    *omit*

12                    FS (TB) Act

13                    *insert*

14                    FS (BTGR) Act

15   **Explanatory note**

16   This amendment is consequential on the substitution of a new definition of the Act by another  
17   amendment.

18   **[3.82]    Section 115B**

19                    *omit*

20                    FS (TB) Act

21                    *insert*

22                    FS (BTGR) Act

23   **Explanatory note**

24   This amendment is consequential on the substitution of a new definition of the Act by another  
25   amendment.



1 **[3.83] Dictionary, definition of *FS (TB) Act***

2 *substitute*

3 ***FS (BTGR) Act***, for part 3.6 (Voluntary transfers under Financial  
4 Sector (Business Transfer and Group Restructure) Act 1999  
5 (Cwlth))—see section 115A.

6 **Explanatory note**

7 This amendment is consequential on the substitution of a new definition of the Act by another  
8 amendment.

9 **[3.84] Further amendments, references to Financial Sector**  
10 **(Transfers of Business) Act 1999 (Cwlth)**

11 *omit*

12 Financial Sector (Transfers of Business) Act 1999 (Cwlth)

13 *substitute*

14 Financial Sector (Business Transfer and Group Restructure)  
15 Act 1999 (Cwlth)

16 *in*

- 17 • dictionary, definition of *asset*  
18 • dictionary, definition of *business*  
19 • dictionary, definition of *receiving body*  
20 • dictionary, definition of *voluntary transfer*

21 **Explanatory note**

22 This amendment is consequential on the substitution of a new definition of the Act by another  
23 amendment.



1 **Part 3.25** **Exhibition Park Corporation**  
2 **Act 1976**

3 **[3.88] Section 8, new note**

4 *insert*

5 *Note* An appointment of a governing board member is an appointment under  
6 this section (see *Financial Management Act 1996*, s 78 (5) (b)).

7 **Explanatory note**

8 This amendment inserts a standard note to assist users of legislation.

9 **[3.89] Section 12 heading**

10 *substitute*

11 **12 Profits of corporation**

12 **Explanatory note**

13 This amendment omits a redundant cross-reference to ‘trust’ and replaces it with ‘corporation’.  
14 The Act (formerly the *National Exhibition Centre Trust Act 1976*) was amended by the  
15 *Financial Management Legislation Amendment Act 2005* to establish the Exhibition Park  
16 Corporation and to make consequential changes, including to the name of the Act.

17 **Part 3.26** **Financial Management Act 1996**

18 **[3.90] Section 97 (2), examples**

19 *substitute*

20 **Examples**

21 a phone link, a satellite link, an internet or intranet link

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

25 **Explanatory note**

26 This amendment updates examples in line with current legislative drafting practice.

1      **Part 3.27                      Food Act 2001**

2      **[3.91]      Section 76 (3)**

3                      *substitute*

4                      (3) If a sample of food taken by an authorised officer is in the form of  
5                      separate or severable objects, the authorised officer may—

6                      (a) take a number of the objects; and

7                      (b) divide them into 3 parts each consisting of 1 or more of the  
8                      objects, or of the severable parts of the objects, and mark and  
9                      either seal or fasten each part; and

10                      (c) deal with the sample under subsection (2) (b) to (d).

11      **Explanatory note**

12      This amendment restructures the subsection so that the introductory words apply to all  
13      3 paragraphs.

14      **Part 3.28                      Gambling and Racing Control**  
15    **Act 1999**

16      **[3.92]      Section 11, new note**

17                      *insert*

18                      *Note*      An appointment of a governing board member is an appointment under  
19                      this section (see *Financial Management Act 1996*, s 78 (5) (b)).

20      **Explanatory note**

21      This amendment inserts a standard note to assist users of legislation.

1 **[3.93] Dictionary, definition of *gaming officer***

2 *substitute*

3 *gaming officer*—

4 (a) for this Act generally—means any of the following:

5 (i) a member of the governing board;

6 (ii) any other authorised officer;

7 (iii) anyone else engaged (whether as an officer or employee  
8 or otherwise) in the administration or enforcement of a  
9 gaming law; and

10 (b) for division 4.4 (Secrecy)—see section 34.

11 **Explanatory note**

12 This amendment amends the definition of *gaming officer* to include a signpost definition in the  
13 dictionary about the extended meaning of *gaming officer* in division 4.4.

14 **Part 3.29 Gaming Machine Act 2004**

15 **[3.94] Section 20 (3) (b)**

16 *substitute*

17 (b) the individual is an undischarged bankrupt or has obligations  
18 under a personal insolvency agreement or, at any time in the  
19 last 5 years—

20 (i) was an undischarged bankrupt; or

21 (ii) executed a personal insolvency agreement; or

- 1                            (iii) applied to take the benefit of any law for the relief of  
2                            bankrupt or insolvent debtors;

3    **Explanatory note**

4    This amendment brings the paragraph into line with the concept of personal insolvency  
5    agreement under the *Bankruptcy Act 1966* (Cwlth). Under that Act, personal insolvency  
6    agreements have replaced the concepts of deed of assignment, deed of arrangement and  
7    composition.

8    **Part 3.30                            Gas Safety Act 2000**

9    **[3.95]    Section 30 (3) and (4)**

10                            *substitute*

11                            (3) A person is not personally liable for conduct done honestly and  
12                            without recklessness—

13                                    (a) in the exercise of a function under this section; or

14                                    (b) in the reasonable belief that the conduct was in the exercise of  
15                                    a function under this section.

16                            (4) Any liability that would, apart from this section, attach to the person  
17                            attaches instead to the Territory.

18                            (5) In this section:

19                                    *conduct* means an act or an omission to do an act.

20    **Explanatory note**

21    This amendment brings the language and structure of the subsections more closely into line  
22    with current legislative drafting practice.

1 **Part 3.31** **Guardianship and Management**  
2 **of Property Act 1991**

3 **[3.96] Section 59 (2), new notes**

4 *insert*

5 *Note 1* For the making of appointments (including acting appointments), see  
6 the Legislation Act, pt 19.3.

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

11 **Explanatory note**

12 This amendment adds standard notes about appointments.

13 **Part 3.32** **Health Professionals**  
14 **Regulation 2004**

15 **[3.97] Section 101 (1), new examples**

16 *insert*

17 **Examples**

18 a phone link, a satellite link, an internet or intranet link

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

22 **Explanatory note**

23 This amendment updates examples in line with current legislative drafting practice.





1 **Part 3.35 Interactive Gambling Act 1998**

2 **[3.100] Section 39 (1) (h)**

3 *substitute*

4 (h) the licensed provider is bankrupt, has executed a personal  
5 insolvency agreement or otherwise taken, or applied to take,  
6 advantage of any law relating to bankruptcy; or

7 **Explanatory note**

8 This amendment brings the paragraph into line with the concept of personal insolvency  
9 agreement under the *Bankruptcy Act 1966* (Cwlth). Under that Act, personal insolvency  
10 agreements have replaced the concepts of deed of assignment, deed of arrangement and  
11 composition.

12 **Part 3.36 Juries Act 1967**

13 **[3.101] Section 22, new note**

14 *insert*

15 *Note* See approved form 1 (Jury precept), approved under the *Court*  
16 *Procedures Act 2004*, s 8.

17 **Explanatory note**

18 This amendment inserts a note to help users of the legislation find the relevant approved form  
19 under the *Court Procedures Act 2004*.

20 **[3.102] Section 26, new note**

21 *insert*

22 *Note* See approved form 2 (Jury summons), approved under the *Court*  
23 *Procedures Act 2004*, s 8.

24 **Explanatory note**

25 This amendment inserts a note to help users of the legislation find the relevant approved form  
26 under the *Court Procedures Act 2004*.



1 **Part 3.38** **Long Service Leave (Building**  
2 **and Construction Industry) Act**  
3 **1981**

4 **[3.107] Section 13, new note**

5 *insert*

6 *Note* An appointment of a governing board member is an appointment under  
7 this section (see *Financial Management Act 1996*, s 78 (5) (b)).

8 **Explanatory note**

9 This amendment inserts a standard note to assist users of legislation.

10 **[3.108] Section 74 (2), definition of *designated day***

11 *substitute*

12 *designated day* means—

- 13 (a) if the registered worker is taking long service leave—the day  
14 the leave begins; and  
15 (b) if the registered worker is being paid instead of taking long  
16 service leave—the day the payment is made.

17 **Explanatory note**

18 This amendment brings the definition of *designated day* into line with the *Long Service Leave*  
19 (*Contract Cleaning Industry) Act 1999*, section 78 (2) (the corresponding provision in that Act).

1       **Part 3.39**                               **Long Service Leave (Contract**  
2   **Cleaning Industry) Act 1999**

3       **[3.109] Section 15, new note**

4                       *insert*

5                       *Note*       An appointment of a governing board member is an appointment under  
6                               this section (see *Financial Management Act 1996*, s 78 (5) (b)).

7       **Explanatory note**

8       This amendment inserts a standard note to assist users of legislation.

9       **[3.110] Section 78 (2)**

10                      *substitute*

11                      (2) In this section:

12                               ***D*** means the number of days service credited to the registered  
13                               worker in the workers register to which the payment relates.

14                               ***designated day*** means—

- 15                               (a) if the registered worker is taking long service leave—the day  
16   the leave begins; and
- 17                               (b) if the registered worker is being paid instead of taking long  
18   service leave—the day the payment is made.

19                               ***R*** is the highest of the weekly averages of the ordinary remuneration  
20                               received by the registered worker during each of the following  
21                               periods that applies to the worker:

- 22                               (a) the most recent 2 quarters of service as a registered worker  
23   before the designated day;
- 24                               (b) the most recent 4 quarters of service as a registered worker  
25   before the designated day;
- 26                               (c) the most recent 20 quarters of service as a registered worker  
27   before the designated day;

1 (d) the most recent 40 quarters of service as a registered worker  
2 before the designated day.

3 **Example—*R***

4 Henry has worked in the cleaning industry for 7 years. The periods in  
5 paragraphs (a), (b) and (c) apply to Henry because he has completed more than  
6 20 quarters (or 5 years), but less than 40 quarters (or 10 years), relevant service.

7 Henry's average weekly income for the 2 quarters before the designated day is  
8 \$283. His weekly averages for the 4 and 20 quarters before the designated day  
9 are \$427 and \$375, respectively. Accordingly, ***R*** is \$427 because it is the highest  
10 of the weekly averages.

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

14 **Explanatory note**

15 This amendment replaces *employee* with *worker* to bring it into line with the rest of the Act. It  
16 also brings the definition of *designated day* into line with the *Long Service Leave (Building and*  
17 *Construction Industry) Act 1981*, section 74 (2) (the corresponding provision in that Act), which  
18 is being amended by another amendment.

19 **[3.111] Section 79 (1) (a)**

20 *omit*

21 contractor

22 *substitute*

23 worker

24 **Explanatory note**

25 This amendment replaces *contractor* with *worker* to be consistent with the terminology of the  
26 Act.

1    **[3.112]    Section 79 (4), definition of *designated day***

2                    *omit*

3                    77

4                    *substitute*

5                    78

6    **Explanatory note**

7    This amendment corrects a cross-reference.

8    **Part 3.40                    Nature Conservation Act 1980**

9    **[3.113]    Dictionary, definitions of *serious harm***

10                   *substitute*

11                   *serious harm*—

12                   (a) to a reserved area—

13                        (i) for division 8.2 (Clearing native vegetation in reserved  
14                        areas)—see section 75; and

15                        (ii) for division 8.3 (Damaging land in reserved areas)—see  
16                        section 84; and

17                   (b) to a person—see the Criminal Code, dictionary.

18    **Explanatory note**

19    This amendment combines 2 existing definitions of *serious harm* in the dictionary in line with  
20    current legislative drafting practice.

1 **Part 3.41** **Occupational Health and Safety**  
2 **(Certification of Plant Users and**  
3 **Operators) Regulation 2000**

4 **[3.114] Section 12 (2) (b)**

5 *omit*

6 reasonably believes

7 *insert*

8 believes on reasonable grounds

9 **Explanatory note**

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

11 **Part 3.42** **Ombudsman Act 1989**

12 **[3.115] Section 6A**

13 *substitute*

14 **6A** **Discretion to refer complaint to another statutory**  
15 **office-holder**

16 (1) This section applies if—

17 (a) the ombudsman forms the opinion that the action to which a  
18 complaint under this Act relates is such that—

19 (i) a complaint about the action, or an application or request  
20 for the action to be investigated or reviewed, could have  
21 been made to a statutory office-holder other than the  
22 ombudsman; and

23 (ii) the matter could be more conveniently or effectively  
24 dealt with by the statutory office-holder; and

- 1                            (iii) it would otherwise be appropriate in all the circumstances  
2                            for the complaint to be referred to the statutory  
3                            office-holder; and
- 4                            (b) the statutory office-holder consents to the reference.
- 5                            (2) The ombudsman may decide not to investigate, or further  
6                            investigate, the action.
- 7                            (3) If the ombudsman decides not to investigate, or further investigate,  
8                            the action, the ombudsman must refer the complaint, together with  
9                            any relevant documents or information in the ombudsman's  
10                            possession or control, to the statutory office-holder.
- 11                            (4) In this section:
- 12                            *statutory office-holder* means the holder of an office established by  
13                            a law of the Territory, the Commonwealth, a State or another  
14                            Territory.

15                            **Explanatory note**

16                            This amendment restructures the section in line with current legislative drafting practice to  
17                            improve its clarity and readability. In particular, it ensures that existing section (1) (d), see new  
18                            section (1) (b), follows on from the section's headwords.

19                            **[3.116] Section 6B heading**

20                            *substitute*

21                            **6B Mandatory referral of complaints to other entities**

22                            **Explanatory note**

23                            This amendment updates the heading to make it more explanatory and to bring it into line with  
24                            the heading to section 6A.



1 **Part 3.43** **Planning and Development**  
2 **Act 2007**

3 **[3.117] Section 28 (1) (a) (ix)**

4 *substitute*

- 5 (ix) whether the Minister has decided to establish an inquiry  
6 panel to inquire about an EIS for the development  
7 proposal to which the application relates;

8 *Note* Inquiry panels are established under pt 8.3.

9 **Explanatory note**

10 This amendment makes it clear that the panel mentioned in the provision is an inquiry panel  
11 established under the Act, part 8.3 (see the new signpost definition of *inquiry panel* which is  
12 inserted into section 228 (1) by another amendment) and brings the reference to the panel in the  
13 existing subparagraph into line with other references in the Act to inquiry panels (eg see  
14 s 209 (1) (c)).

15 **[3.118] Section 30 (1) (p)**

16 *omit*

17 if a panel conducts an inquiry

18 *substitute*

19 if an inquiry panel inquires

20 **Explanatory note**

21 This amendment makes it clear that the panel mentioned in the provision is an inquiry panel  
22 established under the Act, part 8.3 (see the new signpost definition of *inquiry panel* which is  
23 inserted into section 228 (1) by another amendment) and brings the reference to the panel in the  
24 existing paragraph into line with other references in the Act to inquiry panels (eg see  
25 s 209 (1) (c)).



1 **[3.122] Section 207 (2), definition of *defined decision*,**  
2 **paragraphs (a) and (b)**

3 *substitute*

4 (a) to direct that an EIS be prepared; or

5 (b) to establish an inquiry panel to inquire about the EIS.

6 *Note* Inquiry panels are established under pt 8.3.

7 **Explanatory note**

8 This amendment brings the reference to an environmental impact statement in existing  
9 paragraph (a) into line with similar references in chapter 8 to the term. The term 'EIS' is  
10 defined in section 208.

11 Paragraph (b) is amended to make it clear that the panel mentioned in the provision is an  
12 inquiry panel established under the Act, part 8.3 (see the new signpost definition of *inquiry*  
13 *panel* which is inserted into section 228 (1) by another amendment) and brings the reference to  
14 the panel in the existing paragraph into line with other references in the Act to inquiry panels  
15 (eg see s 209 (1) (c)).

16 **[3.123] Section 209 (1) (b)**

17 *substitute*

18 (b) the Minister has not decided to establish an inquiry panel to  
19 inquire about the EIS; or

20 **Explanatory note**

21 This amendment makes it clear that the panel mentioned in the provision is an inquiry panel  
22 established under the Act, part 8.3 (see the new signpost definition of *inquiry panel* which is  
23 inserted into section 228 (1) by another amendment) and brings the reference to the panel in the  
24 existing paragraph into line with other references in the Act to inquiry panels (eg see  
25 s 209 (1) (c)).

1    **[3.124]    Section 212 (1), new note**

2                    *insert*

3                    *Note*        If a form is approved under s 425 for the application, the form must be  
4                    used.

5    **Explanatory note**

6    This amendment inserts a note to assist users of the Act to make it clear that if a form is  
7    approved for an application under the section, the form must be used.

8    **[3.125]    Section 226 (1) (c)**

9                    *substitute*

10                   (c) the Minister decides not to establish an inquiry panel to inquire  
11                   about the EIS.

12    **Explanatory note**

13    This amendment makes it clear that the panel mentioned in the provision is an inquiry panel  
14    established under the Act, part 8.3 (see the new signpost definition of *inquiry panel* which is  
15    inserted into section 228 (1) by another amendment) and brings the reference to the panel in the  
16    existing paragraph into line with other references in the Act to inquiry panels (eg see  
17    s 209 (1) (c)).

18    **[3.126]    Section 228 (1) (a) and (b) and note**

19                    *substitute*

20                    (a) decide whether to establish a panel (an *inquiry panel*) to  
21                    inquire about the EIS; and

22                    (b) if the Minister decides to establish an inquiry panel—tell the  
23                    planning and land authority about the decision.

24                    *Note*        If the Minister decides not to establish an inquiry panel and not to  
25                    present the EIS to the Legislative Assembly, the Minister must give the  
26                    planning and land authority written notice of the decision (see s 226).

27    **Explanatory note**

28    This amendment inserts a new signpost definition of *inquiry panel* for the Act.

1 **[3.127] Section 228 (2)**

2 *omit*

3 a panel to conduct an inquiry

4 *substitute*

5 an inquiry panel to inquire

6 **Explanatory note**

7 This amendment makes it clear that the panel mentioned in the provision is an inquiry panel  
8 established under the Act, part 8.3 (see the new signpost definition of *inquiry panel* which is  
9 inserted into section 228 (1) by another amendment) and brings the reference to the panel in the  
10 existing paragraph into line with other references in the Act to inquiry panels (eg see  
11 s 209 (1) (c)).

12 **[3.128] Section 228 (3)**

13 *omit*

14 must establish a panel to conduct an inquiry

15 *substitute*

16 must establish an inquiry panel to inquire

17 **Explanatory note**

18 This amendment is consequential on the insertion into section 228 (1) of a new signpost  
19 definition of *inquiry panel* by another amendment.

20 **[3.129] Section 228 (4)**

21 *substitute*

22 (4) If the Minister establishes an inquiry panel to inquire about an EIS,  
23 the Minister must, in writing—

24 (a) prepare terms of reference for the inquiry; and

1                    (b) give notice of the inquiry to the proponent of the development  
2                    proposal to which the EIS relates.

3                    *Note*            The power to prepare terms of reference for the inquiry includes the  
4                    power to amend or repeal the terms of reference (see Legislation Act,  
5                    s 46).

6                    **Explanatory note**

7                    This amendment simplifies language consequent on the insertion into section 228 (1) of a new  
8                    signpost definition of *inquiry panel* by another amendment and makes it clear that the reference  
9                    to ‘the proponent’ in existing section (4) (b) is to the proponent of the development proposal to  
10                    which the EIS relates.

11                   **[3.130] Section 230 (1)**

12                   *substitute*

13                   (1) This section applies if the Minister establishes an inquiry panel to  
14                   inquire about an EIS.

15                   **Explanatory note**

16                   This amendment makes it clear that the panel mentioned in the provision is an inquiry panel  
17                   established under the Act, part 8.3 (see the new signpost definition of *inquiry panel* which is  
18                   inserted into section 228 (1) by another amendment) and brings the reference to the panel in the  
19                   existing subsection into line with other references in the Act to inquiry panels (eg see  
20                   s 209 (1) (c)).

21                   **[3.131] Section 283 (3) (a)**

22                   *omit*

23                   Minister

24                   *substitute*

25                   planning and land authority

26                   **Explanatory note**

27                   This amendment is for the paragraph to refer correctly to the approved form for land  
28                   management agreements being approved by the planning and land authority under section 425.

1 **[3.132] Section 299**

2 *renumber as section 300*

3 **Explanatory note**

4 This amendment, and the next, reorder existing sections 299 and 300 in line with the more  
5 typical sequence of events: ie the surrender or termination of a lease happening before any  
6 associated refund.

7 **[3.133] Section 300**

8 *relocate as section 299*

9 **Explanatory note**

10 This amendment, and the previous, reorder existing sections 299 and 300 in line with the more  
11 typical sequence of events: ie the surrender or termination of a lease happening before any  
12 associated refund.

**Schedule 3**      Technical amendments  
**Part 3.43**      Planning and Development Act 2007

Amendment [3.134]

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1 **[3.134] Schedule 1, items 37 to 39**

2 *substitute*

37	decision under s 299 (2) to refuse to accept the surrender of a lease, or part of land comprised in lease	planning and land authority	person surrendering lease or part of land comprised in lease	
38	decision under s 299 (2) to accept the surrender of a lease, or part of land comprised in lease, subject to a condition	planning and land authority	person surrendering lease or part of land comprised in lease	
39	decision under s 300 to refuse to authorise payment of prescribed amount for surrendered or terminated lease	planning and land authority	person surrendering lease or whose lease is terminated	

3 **Explanatory note**

4 This amendment is consequential on the reordering of sections 299 and 300 by other amendments.



1 **[3.135] Dictionary, new definition of *inquiry panel***

2 *insert*

3 *inquiry panel*—see section 228 (1) (a).

4 **Explanatory note**

5 This amendment is consequential on the insertion into section 228 (1) of a new signpost  
6 definition of *inquiry panel* by another amendment.

7 **Part 3.44 Planning and Development**  
8 **Regulation 2008**

9 **[3.136] Section 70, definition of *inquiry panel***

10 *omit*

11 **Explanatory note**

12 This amendment is consequential on the insertion into the *Planning and Development Act 2007*,  
13 section 228 (1) of a new signpost definition of *inquiry panel* by another amendment.

14 **[3.137] Section 210 heading**

15 *substitute*

16 **210 Amount of refund on surrender or termination of certain**  
17 **leases—Act, s 300 (2)**

18 **Explanatory note**

19 This amendment is consequential on the reordering of the *Planning and Development Act 2007*,  
20 sections 299 and 300 by other amendments.

1    **[3.138]    Section 211 heading**

2                    *substitute*

3    **211            Limitations for refund on surrender or termination of**  
4                    **leases—Act, s 300 (3)**

5    **Explanatory note**

6    This amendment is consequential on the reordering of the *Planning and Development Act 2007*,  
7    sections 299 and 300 by other amendments.

8    **[3.139]    Dictionary, note 3, new dot point**

9                    *insert*

- 10                            •    inquiry panel

11    **Explanatory note**

12    This amendment is consequential on the insertion into the *Planning and Development Act 2007*,  
13    section 228 (1) of a new signpost definition of *inquiry panel* by another amendment.

14    **[3.140]    Dictionary, definition of *inquiry panel***

15                    *omit*

16    **Explanatory note**

17    This amendment is consequential on the insertion into the *Planning and Development Act 2007*,  
18    section 228 (1) of a new signpost definition of *inquiry panel* by another amendment.

19    **Part 3.45                    Public Trustee Act 1985**

20    **[3.141]    Section 25 (7) (b)**

21                    *substitute*

22                    (b) money payable as compensation under the *Workers*  
23                                    *Compensation Act 1951* by way of a weekly payment.

24    **Explanatory note**

25    This amendment is consequential on the omission of the *Workers Compensation Act 1951*,  
26    schedule 1, clause 9A by a previous amendment of that Act.

1 **[3.142] Section 54D (2), examples**

2 *substitute*

3 **Examples**

4 a phone link, a satellite link, an internet or intranet link

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

8 **Explanatory note**

9 This amendment updates examples in line with current legislative drafting practice.

10 **Part 3.46 Race and Sports Bookmaking**  
11 **Act 2001**

12 **[3.143] Dictionary, new definitions of *agent*, *betting dispute* and**  
13 ***bookmaker***

14 *insert*

15 *agent*, for division 6.2 (Betting disputes referred to commission)—  
16 see section 56.

17 *betting dispute*, for division 6.2 (Betting disputes referred to  
18 commission)—see section 56.

19 *bookmaker*, for division 6.2 (Betting disputes referred to  
20 commission)—see section 56.

21 **Explanatory note**

22 This amendment inserts signpost definitions in the dictionary for division 6.2 definitions.



1                    *protected person* means a person who is, or has been—

2                    (a) the registrar-general; or

3                    (b) the deputy registrar-general.

4                    **Explanatory note**

5                    This amendment brings the language and structure of the provision more closely into line with  
6                    current legislative drafting practice.

7                    **Part 3.49                    Remuneration Tribunal Act 1995**

8                    **[3.146]    Section 4 (2), new notes**

9                    *insert*

10                    *Note 1*    For the making of appointments (including acting appointments), see  
11                    the Legislation Act, pt 19.3.

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

16                    **Explanatory note**

17                    This amendment adds standard notes about appointments.

18                    **[3.147]    Section 4 (3)**

19                    *substitute*

20                    (3) An appointment must be for a term of not longer than 5 years.

21                    *Note*    A person may be reappointed to a position if the person is eligible to be  
22                    appointed to the position (see Legislation Act, s 208 and dict, pt 1,  
23                    def *appoint*).

24                    **Explanatory note**

25                    This amendment updates language in line with current legislative drafting practice and adds a  
26                    standard note about appointments.



1 **[3.151] Section 49 (3)**

2 *substitute*

3 (3) Subsection (3A) applies if—

4 (a) the tenant is, in the tribunal’s opinion, reasonably likely to pay  
5 the rent that has become payable as well as pay future rent as it  
6 becomes payable; and

7 (b) the tenant agrees to pay the rent that has become payable, and  
8 undertakes to pay future rent as it becomes payable, as required  
9 by the tribunal.

10 (3A) Instead of making a termination and possession order under  
11 subsection (1), the tribunal may order (***conditional termination and***  
12 ***possession order***) that if the tenant fails to pay the rent that has  
13 become payable, or future rent as it becomes payable, as required by  
14 the tribunal—

15 (a) the tenancy terminates at a stated hour on the day after the day  
16 when any rent becomes payable and is not paid; and

17 (b) the lessor becomes entitled to possession of the premises and  
18 all rent payable is payable immediately.

19 **Explanatory note**

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

21 **[3.152] Section 112 (1) and (2)**

22 *substitute*

23 (1) The president must be a magistrate appointed by the Minister.

24 *Note 1* For the making of appointments (including acting appointments), see  
25 the Legislation Act, pt 19.3.

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





1 **[3.156] Section 116 (3) and (4)**

2 *omit*

3 **Explanatory note**

4 This amendment omits the requirement for appointments and ending of appointments to be in  
5 writing. This requirement is now in the Legislation Act, section 206 (1) and section 208.

6 **[3.157] Section 119**

7 *omit*

8 **Explanatory note**

9 This amendment omits a provision about deputy registrars. Section 114 already deals with  
10 deputy registrars.

11 **[3.158] Section 123A (2), new note**

12 *insert*

13 *Note* For other provisions about forms, see the Legislation Act, section 255.

14 **Explanatory note**

15 This amendment inserts a standard note about forms.

16 **Part 3.51 Road Transport (Driver**  
17 **Licensing) Regulation 2000**

18 **[3.159] Dictionary, note 3, new dot point**

19 *insert*

- 20
  - public vehicle

21 **Explanatory note**

22 This amendment inserts a term in the list of terms used in the regulation that are defined in the  
23 *Road Transport (Driver Licensing) Act 1999*.

1    **[3.160]    Dictionary, definition of *public vehicle***

2                    *omit*

3    **Explanatory note**

4    This amendment omits the definition of *public vehicle*, which is defined by reference to the  
5    *Road Transport (General) Act 1999*, section 158. That section is in the *Road Transport*  
6    *(General) Act 1999*, part 10, which is to be omitted by the *Road Transport (Third-party*  
7    *Insurance) Act 2008*. The *Road Transport (Driver Licensing) Act 1999*, dictionary currently  
8    defines *public vehicle* by reference to the *Road Transport (Public Passenger Services)*  
9    *Act 2001*. Consequently, another amendment inserts the term ‘public vehicle’ in the dictionary,  
10   note 3. That note lists terms used in the regulation that are defined in the *Road Transport*  
11   *(Driver Licensing) Act 1999*.

12    **Part 3.52                    Road Transport (General)**  
13                                    **Regulation 2000**

14    **[3.161]    Section 29 (2)**

15                    *omit*

16                    reasonably believes

17                    *insert*

18                    believes on reasonable grounds

19    **Explanatory note**

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

1 **Part 3.53** **Spent Convictions Act 2000**

2 **[3.162] Section 19 (6)**

3 *omit*

4 Section 6

5 *insert*

6 Section 16

7 **Explanatory note**

8 This amendment corrects a cross-reference.

9 **Part 3.54** **Superannuation (Legislative**  
10 **Assembly Members) Act 1991**

11 **[3.163] Sections 8 and 9**

12 *substitute*

13 **8 Chair of board**

14 The Speaker or, in the absence of the Speaker, the Deputy Speaker  
15 is the chair of the board.

16 **9 Secretary of board**

17 The chief executive of the administrative unit responsible for the  
18 *Financial Management Act 1996* is the secretary of the board.

19 **Explanatory note**

20 This amendment updates these sections in line with current drafting practice. In particular:

- 21 • ‘chair’ rather than ‘chairperson’ is used in section 8;
- 22 • section 8 is clarified by omitting the reference to ‘where applicable’ and substituting ‘in  
23 the absence of the Speaker’ for consistency with section 7;
- 24 • the redundant reference to ‘under Treasurer’ in section 9 is updated.

1    **[3.164]    Sections 10 and 11**

2            *omit*

3            chairperson

4            *substitute*

5            chair

6    **Explanatory note**

7    This amendment is consequential on the remaking of section 9 and section 10 by another  
8    amendment.

9    **Part 3.55                            Supervised Injecting Place Trial**  
10    **Act 1999**

11    **[3.165]    Section 11 (2)**

12            *omit*

13            *Crimes Act 1900*, part 9

14            *substitute*

15            Criminal Code, section 717 (Accessory after the fact)

16    **Explanatory note**

17    This amendment updates a cross-reference to the *Crimes Act 1900*, part 9 (which dealt only  
18    with the offence of being an accessory after the fact in relation to an offence). That part was  
19    omitted by the *Criminal Code (Administration of Justice Offences) Amendment Act 2005*.

1 **[3.166] Section 22 (2) (a)**

2 *substitute*

3 (a) becomes bankrupt, executes a personal insolvency agreement  
4 or otherwise applies to take the benefit of any law for the relief  
5 of bankrupt or insolvent debtors; or

6 **Explanatory note**

7 This amendment brings the paragraph into line with the concept of personal insolvency  
8 agreement under the *Bankruptcy Act 1966* (Cwlth). Under that Act, personal insolvency  
9 agreements have replaced the concepts of deed of assignment, deed of arrangement and  
10 composition.

11 **Part 3.56 Territory Records Act 2002**

12 **[3.167] Section 36 (b)**

13 *substitute*

14 (b) if the director becomes bankrupt, executes a personal  
15 insolvency agreement or otherwise applies to take the benefit  
16 of any law for the relief of bankrupt or insolvent debtors; or

17 **Explanatory note**

18 This amendment brings the paragraph into line with the concept of personal insolvency  
19 agreement under the *Bankruptcy Act 1966* (Cwlth). Under that Act, personal insolvency  
20 agreements have replaced the concepts of deed of assignment, deed of arrangement and  
21 composition.



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1 **Part 3.58 Utilities Act 2000**

2 **[3.170] Section 180**

3 *substitute*

4 **180 Protection of council members etc from liability**

5 (1) A protected person is not personally liable for conduct engaged in  
6 honestly and without recklessness—

7 (a) in the exercise of a function of the council under this Act; or

8 (b) in the reasonable belief that the conduct was in the exercise of  
9 a function under this Act.

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

12 (2) Any liability that would, apart from this section, attach to a  
13 protected person attaches instead to the Territory.

14 (3) In this section:

15 *conduct* means an act or an omission to do an act.

16 *protected person* means a person who is, or has been—

17 (a) a member of the council; or

18 (b) the registrar; or

19 (c) a public servant acting under an arrangement mentioned in  
20 section 179.

21 **Explanatory note**

22 This amendment brings the language and structure of the provision more closely into line with  
23 current legislative drafting practice.

1 **Part 3.59** **Victims of Crime (Financial**  
2 **Assistance) Act 1983**

3 **[3.171] Section 67 heading**

4 *substitute*

5 **67 Extended meaning of *convicted*—pt 5**

6 **Explanatory note**

7 This amendment corrects the heading.

8 **[3.172] Dictionary, definitions of *amount of financial assistance,***  
9 ***applicant, application, assisted person, convicted,***  
10 ***conviction, defendant, notice of objection, order for***  
11 ***restriction, provisional order for restriction, recovery***  
12 ***proceedings and related crime***

13 *substitute*

14 *amount of financial assistance*, if section 5 (References to  
15 applications and awards made on behalf of other people) applies—  
16 see section 5 (2) (c).

17 *applicant*, if section 5 (References to applications and awards made  
18 on behalf of other people) applies—see section 5 (2) (a).

19 *application*—

20 (a) for this Act generally—means an application to the Magistrates  
21 Court for an award of financial assistance under this Act; and

22 (b) if section 5 (References to applications and awards made on  
23 behalf of other people) applies—see section 5 (2) (b).

24 *assisted person*, for part 4 (Recovery of financial assistance)—see  
25 section 52.



- 1            **convicted**, of an offence—
- 2            (a) if section 6 (References to convictions—finding of proof
- 3            without proceeding to conviction) applies—see
- 4            section 6 (2) (a); and
- 5            (b) for part 5 (Compensation levy)—see section 67.
- 6            **conviction**, if section 6 (References to convictions—finding of proof
- 7            without proceeding to conviction) applies—see section 6 (2) (b).
- 8            **defendant**, for part 4 (Recovery of financial assistance)—see
- 9            section 52.
- 10          **notice of objection**, for part 4 (Recovery of financial assistance)—
- 11          see section 52.
- 12          **order for restitution**, for part 4 (Recovery of financial assistance)—
- 13          see section 52.
- 14          **provisional order for restitution**, for part 4 (Recovery of financial
- 15          assistance)—see section 52.
- 16          **recovery proceedings**, for part 4 (Recovery of financial
- 17          assistance)—see section 52.
- 18          **related crime**, for part 4 (Recovery of financial assistance)—see
- 19          section 52.

20          **Explanatory note**

21          This amendment revises definitions to correct references to the relevant provisions.

## 1 Part 3.60 Victims of Crime Regulation 2000

### 2 [3.173] Section 11 (3) (b)

3 *substitute*

- 4 (b) if the member becomes bankrupt, executes a personal  
5 insolvency agreement or otherwise applies to take the benefit  
6 of any law for the relief of bankrupt or insolvent debtors; or

#### 7 Explanatory note

8 This amendment brings the paragraph into line with the concept of personal insolvency  
9 agreement under the *Bankruptcy Act 1966* (Cwlth). Under that Act, personal insolvency  
10 agreements have replaced the concepts of deed of assignment, deed of arrangement and  
11 composition.

## 12 Part 3.61 Witness Protection Act 1996

### 13 [3.174] Section 27

14 *substitute*

#### 15 27 Protection from liability

- 16 (1) A person is not personally liable for conduct engaged in honestly  
17 and without recklessness—  
18 (a) in the exercise of a function under this Act; or  
19 (b) in the reasonable belief that the conduct was in the exercise of  
20 a function under this Act.

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

- 23 (2) Any liability that would, apart from this section, attach to the person  
24 attaches instead to the Territory.

1 (3) In this section:

2 *conduct* means an act or an omission to do an act.

3 **Explanatory note**

4 This amendment brings the language and structure of the provision more closely into line with  
5 current legislative drafting practice.

6 **Part 3.62 Workers Compensation Act 1951**

7 **[3.175] Schedule 3, section 3.18 (2), examples**

8 *substitute*

9 **Examples**

10 a phone link, a satellite link, an internet or intranet link

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

14 **Explanatory note**

15 This amendment updates examples in line with current legislative drafting practice.

16 **Part 3.63 Workers Compensation**  
17 **Regulation 2002**

18 **[3.176] Section 40 (2)**

19 *omit*

20 reasonably believes

21 *insert*

22 believes on reasonable grounds

23 **Explanatory note**

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

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## Endnotes

**1 Presentation speech**

Presentation speech made in the Legislative Assembly on 2008.

**2 Notification**

Notified under the Legislation Act on 2008.

**3 Republications of amended laws**

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

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