

2009

THE LEGISLATIVE ASSEMBLY
FOR THE AUSTRALIAN CAPITAL TERRITORY

(As presented)

(Attorney-General)

Statute Law Amendment Bill 2009

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2009

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FOR THE AUSTRALIAN CAPITAL TERRITORY

(As presented)

(Attorney-General)

Statute Law Amendment Bill 2009

A Bill for

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

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 2009*.

3 **2 Commencement**

4 This Act commences on the 21st 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.

17 **6 Legislation repealed—sch 4**

18 This Act repeals the legislation mentioned in schedule 4.

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

2 (see s 5)

3 **Part 1.1** **Environment Protection Act 1997**

4 **[1.1] New section 164A**

5 *insert*

6 **164A Expiry of notifiable instruments**

7 (1) This section applies to a notifiable instrument under any of the
8 following provisions:

- 9 • section 25 (Consultation on draft environment protection
10 policy);
11 • section 41 (Notification of environmental protection
12 agreements);
13 • section 48 (Consultation on application for environmental
14 authorisation);
15 • section 50 (Notification of grant);
16 • section 59 (Notification of review of environmental
17 authorisations).

18 (2) If the notifiable instrument does not state when the instrument
19 expires, the instrument expires 6 months after the day it is notified.

20 **Explanatory note**

21 The Act requires public notice (by way of notification on the ACT legislation register) of the
22 making of applications for environmental authorisations and the granting or review of
23 environmental authorisations. Environmental authorisations can cover things as diverse as
24 holding outdoor concerts to running pest control operations. Once a notice has been notified or,
25 in the case of applications for authorisations, the period for public consultation has ended, there
26 is little value in the notifications remaining current.

1 While future notices may include expiry clauses, this amendment includes a provision in the
2 Act that automatically expires notices once they have served their purpose. The expired notices
3 will still be available on the legislation register, but will appear under the ‘repealed’ heading.
4 This will ensure that only truly current instruments are included under the ‘current’ heading on
5 the register, making it easier to access them.

6 **Part 1.2** **Mental Health (Treatment and**
7 **Care) Act 1994**

8 **[1.2] New section 140A**

9 *insert*

10 **140A** **Protection of officials from liability**

11 (1) An official is not civilly liable for conduct engaged in honestly and
12 without recklessness—

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

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

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

18 (3) In this section:

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

20 *official* means—

21 (a) the chief psychiatrist; or

22 (b) the care coordinator; or

23 (c) a mental health officer; or

24 (d) an official visitor; or

1 (e) anyone else exercising a function under this Act.

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

5 **Explanatory note**

6 This amendment inserts a standard provision to make it clear that officials exercising functions
7 under the Act are protected from any civil liability that may arise in the proper exercise of those
8 functions.

1 **Schedule 2 Legislation Act 2001**

2 (see s 5)

3 **[2.1] Section 60 (1)**

4 *omit everything before paragraph (a), insert*

5 **60 Correction etc of name of instrument**

6 (1) This section applies if a legislative instrument, or a statutory
7 instrument entered on the register under section 19 (3), is unnamed
8 or the name it gives to itself—

9 **Explanatory note**

10 Section 60 ensures that legislative instruments notified on the legislation register are named
11 correctly, in line with current legislative drafting practice. It provides for names to be added to
12 unnamed instruments and sets out the limited circumstances in which the name of an instrument
13 may be corrected to bring it into line with current legislative drafting practice. Consistent
14 naming of instruments makes them easier for users to find, therefore enhancing access to
15 legislation.

16 The amendment will extend the section to statutory instruments added to the register under
17 section 19 (3) (Contents of register). That section includes provision for certain statutory
18 instruments to be added to the register as ‘additional material’ if the parliamentary counsel
19 considers it is likely to be helpful to users of the register. For example, appointments of public
20 servants to various statutory bodies are generally not notifiable but can be included on the
21 register for public information, where appropriate. The amendment will ensure that the naming
22 conventions for legislative instruments apply also to this additional material.

1 **[2.2] Section 60 (1) (b)**

2 *omit*

3 another legislative instrument

4 *insert*

5 another instrument

6 **Explanatory note**

7 This amendment is consequential on the extension of the application of section 60 to certain
8 statutory instruments by another amendment.

9 **[2.3] Section 60 (1) (c)**

10 *omit*

11 other legislative instruments

12 *insert*

13 other instruments

14 **Explanatory note**

15 This amendment is consequential on the extension of the application of section 60 to certain
16 statutory instruments by another amendment.

17 **[2.4] Section 60 (2)**

18 *omit*

19 the legislative instrument

20 *insert*

21 the instrument

22 **Explanatory note**

23 This amendment is consequential on the extension of the application of section 60 to certain
24 statutory instruments by another amendment.

1 **[2.5] Section 60 (3) and (4)**

2 *omit*

3 a legislative instrument

4 *insert*

5 an instrument

6 **Explanatory note**

7 This amendment is consequential on the extension of the application of section 60 to certain
8 statutory instruments by another amendment.

9 **[2.6] Section 91 (9) (b)**

10 *substitute*

11 (b) the heading of the relevant amending provision of the
12 amending law;

13 **Explanatory note**

14 The existing paragraph refers to the ‘heading of the relevant amending provision of the
15 amending Act’. This amendment remakes the paragraph so that it is consistent with the rest of
16 section 91 (9), which refers to ‘the amending law’.

17 **[2.7] Section 131 (1)**

18 *substitute*

19 (1) In an Act or statutory instrument, a definition of a term that includes
20 the word ‘see’ followed by a reference to a law or instrument (a
21 ***signpost definition***) means the term has the same meaning as the
22 term (or, if the reference includes a reference to the definition of
23 another term, that term) has in the law or instrument, as in force
24 from time to time.

25 **Examples**

26 1 A signpost definition ‘***food***—see section 10.’ in the dictionary to an Act
27 means that the word ‘food’ when used in the Act has the same meaning as it
28 has in section 10, as in force from time to time.

- 1 2 A signpost definition '*injury*—see the *XYZ Act 2001*, dictionary.' in the
2 dictionary to another Act means that the word '*injury*', when used in the
3 other Act, has the same meaning as it has in the definition of *injury* in the
4 *XYZ Act 2001*, dictionary, as in force from time to time.
- 5 3 A signpost definition '*OH&S Council*—see the *XYZ Act 2000*, dictionary,
6 definition of *council*.' means that the expression '*OH&S Council*' has the
7 same meaning as the word '*council*' has in the definition of *council* in the
8 *XYZ Act 2000*, dictionary, as in force from time to time.
- 9 *Note* An example is part of the Act, is not exhaustive and may extend, but
10 does not limit, the meaning of the provision in which it appears
11 (see s 126 and s 132).

12 **Explanatory note**

13 The term 'signpost definition' is not currently defined in the Act, dictionary, part 1. However,
14 it is used in the heading to section 131 and in notes, and in provisions and notes in other Acts.
15 This amendment remakes the subsection to include the words in brackets to make clear that the
16 definition described is a signpost definition.

17 **[2.8] Section 160 (1)**

18 *substitute*

- 19 (1) In an Act or statutory instrument, a reference to a *person* generally
20 includes a reference to a corporation as well as an individual.

21 **Explanatory note**

22 This amendment revises section 160 (1) to make clear that the provision is giving meaning to
23 the term 'person' and to enable a signpost definition for the term to be inserted in the
24 dictionary.

25 **[2.9] Dictionary, part 1, new definitions**

26 *insert*

27 *AS*—see section 164 (1) (References to Australian Standards etc).

28 *AS/NZS*—see section 164 (2) (References to Australian Standards
29 etc).

30 *Australian/New Zealand Standard*—see section 164 (2)
31 (References to Australian Standards etc).

1 *Australian Standard*—see section 164 (1) (References to Australian
2 Standards etc).

3 **Explanatory note**

4 This amendment inserts signpost definitions for terms given meaning by section 164.

5 **[2.10] Dictionary, part 1, new definition of *daily newspaper***

6 *insert*

7 *daily newspaper* means a daily newspaper circulating generally in
8 the ACT.

9 **Explanatory note**

10 This amendment inserts a definition of *daily newspaper* into the Legislation Act, dictionary,
11 part 1 (Meaning of commonly-used terms). Including the term in the Legislation Act will
12 simplify the statute book, as the term is currently used in over 50 Acts and regulations.

13 **[2.11] Dictionary, part 1, definition of *person* and note**

14 *substitute*

15 *person*—see section 160 (References to people generally).

16 **Explanatory note**

17 This amendment is consequential on changes made to section 160 (1) by another amendment.

18 **[2.12] Dictionary, part 1, definition of *registrar of liquor licences***

19 *omit*

20 **Explanatory note**

21 This amendment is consequential on an amendment of the *Liquor Act 1975* made by the *ACT*
22 *Civil and Administrative Tribunal Legislation Amendment Act 2008*, schedule 1,
23 amendment 1.417 omitting divisions 2.1 and 2.2 of that Act. Division 2.2 established the
24 positions of Registrar and Deputy Registrar of Liquor Licences. The amendment replaced those
25 positions with the commissioner for fair trading.

1 **[2.13] Dictionary, part 1, definition of *see***

2 *omit*

3 **Explanatory note**

4 This amendment is consequential on changes made to section 131 (1) by another amendment.

5 **[2.14] Dictionary, part 1, new definition of *signpost definition***

6 *insert*

7 *signpost definition*—see section 131 (Signpost definition).

8 **Explanatory note**

9 This amendment inserts a definition of ‘signpost definition’ to make clear that section 131 is
10 giving meaning to the term ‘signpost definition’.

11 **[2.15] Dictionary, part 1, definition of *sitting day***

12 *substitute*

13 *sitting day*, of the Legislative Assembly, means a period that
14 commences on a day the Assembly meets and continues until the
15 Assembly next adjourns.

16 *Note* A sitting day may continue for 1 or more days.

17 **Explanatory note**

18 This amendment makes the Legislation Act definition of *sitting day* consistent with the practice
19 of the Legislative Assembly.

1 **Schedule 3 Technical amendments**

2 (see s 5)

3 **Part 3.1 Agents Act 2003**

4 **[3.1] Sections 28 (1), 52 (1), 123 (3) and 150 (2)**

5 *omit*

6 daily ACT newspaper

7 *substitute*

8 daily newspaper

9 **Explanatory note**

10 This amendment is consequential on the insertion of a definition of *daily newspaper* in the
11 Legislation Act, dictionary, part 1 by another amendment.

12 **[3.2] Dictionary, note 2**

13 *insert*

- 14 • daily newspaper

15 **Explanatory note**

16 This amendment inserts a new term to assist users and is consequential on the insertion of a
17 definition of *daily newspaper* in the Legislation Act, dictionary, part 1 by another amendment.
18 Dictionary, note 2 is an aid to users which lists examples of terms used in the Act that are
19 defined in the Legislation Act, dictionary, part 1.

20 **[3.3] Dictionary, definition of *daily ACT newspaper***

21 *omit*

22 **Explanatory note**

23 This amendment is consequential on the insertion of a definition of *daily newspaper* in the
24 Legislation Act, dictionary, part 1 by another amendment.

1 **Part 3.2** **Animal Diseases Act 2005**

2 **[3.4] Sections 15 (4) and 19 (3)**

3 *omit*

4 daily newspaper published and circulating in the ACT

5 *substitute*

6 daily newspaper

7 **Explanatory note**

8 This amendment is consequential on the insertion of a definition of *daily newspaper* in the
9 Legislation Act, dictionary, part 1 by another amendment.

10 **[3.5] Dictionary, note 2**

11 *insert*

- 12 • daily newspaper

13 **Explanatory note**

14 This amendment inserts a new term to assist users and is consequential on the insertion of a
15 definition of *daily newspaper* in the Legislation Act, dictionary, part 1 by another amendment.
16 Dictionary, note 2 is an aid to users which lists examples of terms used in the Act that are
17 defined in the Legislation Act, dictionary, part 1.

18 **[3.6] Dictionary, definition of *required media*, paragraph (a)**

19 *omit*

20 daily newspaper circulating generally in the ACT

21 *substitute*

22 daily newspaper

23 **Explanatory note**

24 This amendment is consequential on the insertion of a definition of *daily newspaper* in the
25 Legislation Act, dictionary, part 1 by another amendment.

1 **Part 3.3 Animal Welfare Regulation 2001**

2 **[3.7] Section 6B**

3 *omit*
 4 authorised person
 5 *substitute*
 6 authorisation holder

7 **Explanatory note**

8 This amendment is consequential on the replacement of *authorised person* with *authorisation holder* in the Act.
 9

10 **[3.8] Section 6B (a)**

11 *omit*
 12 Authorised people
 13 *substitute*
 14 Authorisation holders

15 **Explanatory note**

16 This amendment is consequential on the replacement of *authorised person* with *authorisation holder* in the Act.
 17

1 **Part 3.4** **Architects Act 2004**

2 **[3.9] Sections 7 (2), 11 (2), 88 and 93 (2)**

3 *omit*

4 The regulations

5 *substitute*

6 A regulation

7 **Explanatory note**

8 These amendments update language in line with current legislative drafting practice.

9 **[3.10] Sections 8 (2) (a) (i) and 67 (2)**

10 *omit*

11 prescribed under the regulations

12 *substitute*

13 prescribed by regulation

14 **Explanatory note**

15 These amendments update language in line with current legislative drafting practice.

16 **[3.11] Section 57 (2)**

17 *omit*

18 the regulations

19 *substitute*

20 a regulation

21 **Explanatory note**

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

1 **[3.12] Dictionary, definition of *daily ACT newspaper***

2 *omit*

3 **Explanatory note**

4 This amendment omits the definition of a term that is not used in the Act.

5 **[3.13] Further amendments, mentions of *in writing***

6 *omit*

7 , in writing,

8 *in*

- 9 • section 8 (4)
10 • section 87 (2)
11 • section 91 (1)

12 **Explanatory note**

13 This amendment omits words that are now redundant because of the effect of the Legislation
14 Act, section 42 (2), which requires disallowable and notifiable instruments to be in writing.

15 **Part 3.5 Architects Regulation 2004**

16 **[3.14] Section 10 (1)**

17 *omit*

18 daily ACT newspaper

19 *substitute*

20 daily newspaper

21 **Explanatory note**

22 This amendment is consequential on the insertion of a definition of *daily newspaper* in the
23 Legislation Act, dictionary, part 1 by another amendment.

1 **[3.15] Dictionary, note 2**

2 *insert*

- 3 • daily newspaper

4 **Explanatory note**

5 This amendment inserts a new term to assist users and is consequential on the insertion of a
6 definition of *daily newspaper* in the Legislation Act, dictionary, part 1 by another amendment.
7 Dictionary, note 2 is an aid to users which lists examples of terms used in the Act that are
8 defined in the Legislation Act, dictionary, part 1.

9 **[3.16] Dictionary, note 3, 1st dot point**

10 *omit*

11 **Explanatory note**

12 This amendment is consequential on the omission of the definition of *daily ACT newspaper*
13 from the Act, by another amendment.

14 **Part 3.6 Associations Incorporation Act**
15 **1991**

16 **[3.17] Section 92 (1) (b)**

17 *substitute*

18 (b) vest in a fund, authority or institution in Australia mentioned in
19 the *Income Tax Assessment Act 1997* (Cwlth),
20 subdivision 30-B that—

21 (i) has been nominated for this paragraph in the rules of the
22 former association; or

- 1 (ii) if a fund, authority or institution in Australia is not
2 nominated in the rules—has been nominated by special
3 resolution of the former association; or

4 **Explanatory note**

5 This amendment is consequential on the repeal of the *Income Tax Assessment Act 1936* (Cwlth),
6 section 78 (the *repealed provision*) by the *Tax Laws Amendment (Repeal of Inoperative*
7 *Provisions) Act 2006* (Cwlth). The *Income Tax Assessment Act 1997* (Cwlth), subdivision 30-B
8 replaces the repealed provision.

9 **Part 3.7** **Board of Senior Secondary**
10 **Studies Act 1997**

11 **[3.18] Section 8 (1) (i)**

12 *omit*

13 Secondary College Principals' Association

14 *substitute*

15 ACT Principals' Association Inc.

16 **Explanatory note**

17 This amendment is consequential on the amalgamation of the Secondary College Principals'
18 Association with other principals' associations for college, high school and primary school to
19 become the ACT Principals' Association Inc.

1 **Part 3.8** **Building Act 2004**

2 **[3.19] Sections 42A (1)**

3 *omit*

4 specialist building work

5 *substitute*

6 building work

7 **Explanatory note**

8 Under the Act, section 9, *specialist building work* is defined to include building work
9 prescribed by regulation as specialist building work. The *Building Regulation 2004* (the *old*
10 *Regulation*) prescribed specialist building work to include building work that involves handling
11 asbestos, other than bonded asbestos that forms part of a residential building, or disturbing
12 friable asbestos. The old Regulation also prescribed, for the Act, section 6, definition of
13 *building work*, building work that involves handling asbestos or disturbing friable asbestos.
14 The *Building (General) Regulation 2008* (which replaces the old Regulation) contains a similar
15 provision for the Act, section 6, definition of *building work*, however, it no longer prescribes
16 anything for the Act, section 9, definition of *specialist building work*. Consequently, the
17 reference to 'specialist building work' in section 42A (1) has been amended to reflect that
18 change.

1 **[3.20] Section 137 (1)**

2 *omit*

3 daily ACT newspaper

4 *substitute*

5 daily newspaper

6 **Explanatory note**

7 This amendment is consequential on the insertion of a definition of *daily newspaper* in the
8 Legislation Act, dictionary, part 1 by another amendment.

9 **[3.21] Section 137 (3)**

10 *omit*

11 **Explanatory note**

12 This amendment is consequential on the omission of the defined term by another amendment.

13 **[3.22] Dictionary, note 2**

14 *insert*

- 15 • daily newspaper

16 **Explanatory note**

17 This amendment inserts a new term to assist users and is consequential on the insertion of a
18 definition of *daily newspaper* in the Legislation Act, dictionary, part 1 by another amendment.
19 Dictionary, note 2 is an aid to users which lists examples of terms used in the Act that are
20 defined in the Legislation Act, dictionary, part 1.

1 **Part 3.9** **Building and Construction**
2 **Industry Training Levy Act 1999**

3 **[3.23] Section 15, definition of *exempt work*, paragraph (e), note**

4 *substitute*

5 *Note* The *Building (General) Regulation 2008*, s 6 prescribes building
6 work that is exempt from the application of the *Building*
7 *Act 2004*, pt 3 (and pt 5 and pt 6).

8 **Explanatory note**

9 This amendment is consequential on the replacement of the *Building Regulation 2004* with the
10 *Building (General) Regulation 2008*.

11 **Part 3.10** **Building (General) Regulation**
12 **2008**

13 **[3.24] Section 22 (2) (b)**

14 *omit*

15 registrar of liquor licences

16 *substitute*

17 commissioner for fair trading

18 **Explanatory note**

19 This amendment is consequential on an amendment of the *Liquor Act 1975* made by the *ACT*
20 *Civil and Administrative Tribunal Legislation Amendment Act 2008*, schedule 1,
21 amendment 1.417 omitting divisions 2.1 and 2.2 of that Act. Division 2.2 established the
22 positions of Registrar and Deputy Registrar of Liquor Licences. The amendment replaced those
23 positions with the commissioner for fair trading.

1 **[3.25] Dictionary, note 2**

2 *insert*

- 3 • commissioner for fair trading

4 **Explanatory note**

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

8 **Part 3.11 Casino Control Act 2006**

9 **[3.26] Section 69 (2) (b)**

10 *omit*

11 newspaper published daily and circulating in the ACT

12 *substitute*

13 daily newspaper

14 **Explanatory note**

15 This amendment is consequential on the insertion of a definition of *daily newspaper* in the
16 Legislation Act, dictionary, part 1 by another amendment.

17 **[3.27] Dictionary, note 2**

18 *insert*

- 19 • daily newspaper

20 **Explanatory note**

21 This amendment inserts a new term to assist users and is consequential on the insertion of a
22 definition of *daily newspaper* in the Legislation Act, dictionary, part 1 by another amendment.
23 Dictionary, note 2 is an aid to users which lists examples of terms used in the Act that are
24 defined in the Legislation Act, dictionary, part 1.

1 **Part 3.12** **Children and Young People Act**
2 **2008**

3 **[3.28] Section 545 (2) (b)**

4 *omit*

5 tribunal

6 *substitute*

7 ACAT

8 **Explanatory note**

9 This amendment is consequential on an amendment of the *Mental Health (Treatment and Care)*
10 *Act 1994* made by the *ACT Civil and Administrative Tribunal Legislation Amendment Act 2008*,
11 schedule 1, amendment 1.497, which omitted part 3. Part 3 established the Mental Health
12 Tribunal. This amendment replaces the tribunal with the ACAT.

13 **[3.29] Section 816 (5), definition of *operating entity***

14 *omit*

15 **Explanatory note**

16 This amendment is consequential on the inclusion in the Act, dictionary of a revised definition
17 of *operating entity* made by another amendment.

18 **[3.30] Dictionary, definition of *operating entity***

19 *substitute*

20 ***operating entity***, for a detention place, therapeutic protection place
21 or place of care, means—

22 (a) if the Territory operates the place—the chief executive; or

23 (b) in any other case—the entity that operates the place.

24 **Explanatory note**

25 This amendment revises the definition of *operating entity* to clarify that the term is defined in
26 relation to a detention place, as well as a therapeutic protection place or place of care, because
27 the term is used in relation to a detention place in the Act, part 2.3 (Official visitors).

1 **Part 3.13 Civil Law (Wrongs) Act 2002**

2 **[3.31] Schedule 4, section 4.5 (1)**

3 *omit*

4 daily newspaper circulating in the ACT

5 *substitute*

6 daily newspaper

7 **Explanatory note**

8 This amendment is consequential on the insertion of a definition of *daily newspaper* in the
9 Legislation Act, dictionary, part 1 by another amendment.

10 **[3.32] Dictionary, note 2**

11 *insert*

- 12 • daily newspaper

13 **Explanatory note**

14 This amendment inserts a new term to assist users and is consequential on the insertion of a
15 definition of *daily newspaper* in the Legislation Act, dictionary, part 1 by another amendment.
16 Dictionary, note 2 is an aid to users which lists examples of terms used in the Act that are
17 defined in the Legislation Act, dictionary, part 1.

18 **Part 3.14 Clinical Waste Act 1990**

19 **[3.33] Section 15 (2)**

20 *omit*

21 daily newspaper circulating in the ACT

22 *substitute*

23 daily newspaper

24 **Explanatory note**

25 This amendment is consequential on the insertion of a definition of *daily newspaper* in the
26 Legislation Act, dictionary, part 1 by another amendment.

1 **[3.34] Dictionary, note 2**

2 *insert*

- 3 • daily newspaper

4 **Explanatory note**

5 This amendment inserts a new term to assist users and is consequential on the insertion of a
6 definition of *daily newspaper* in the Legislation Act, dictionary, part 1 by another amendment.
7 Dictionary, note 2 is an aid to users which lists examples of terms used in the Act that are
8 defined in the Legislation Act, dictionary, part 1.

9 **Part 3.15 Commissioner for the**
10 **Environment Act 1993**

11 **[3.35] Section 12 (1), note**

12 *substitute*

13 *Note 1* **Function** includes authority, duty and power (see Legislation Act, dict,
14 pt 1).

15 *Note 2* A provision of a law that gives an entity (including a person) a function
16 also gives the entity powers necessary and convenient to exercise the
17 function (see Legislation Act, s 196 and dict, pt 1, def *entity*).

18 **Explanatory note**

19 This amendment inserts standard notes about functions of an entity.

20 **[3.36] Section 12 (3)**

21 *omit*

22 **Explanatory note**

23 Under the existing provision, the commissioner is given the powers necessary and convenient
24 for the performance of the commissioner's functions. This amendment omits the provision
25 because this is dealt with by the note following section 12 (1), inserted by another amendment.

1 **[3.37] Section 19 (7)**

2 *substitute*

3 (7) In this section:

4 *reporting day*, for a reporting period, means the day determined by
5 the Minister under subsection (5) for that period.

6 *reporting period* means the period determined by the Minister under
7 subsection (5).

8 **Explanatory note**

9 The existing definition of *reporting period* includes a reporting period ending on 30 June 2000,
10 and the existing definition of *reporting day* provides that the reporting day for that period is
11 30 November 2000. Under the Act, section 19 (1) the commissioner is required to give the
12 Minister a state of the environment report for each reporting period, not later than the reporting
13 day for the period. This amendment revises the definitions of *reporting day* and *reporting*
14 *period* to omit references to a reporting day and period that are no longer needed.

15 **Part 3.16 Common Boundaries Act 1981**

16 **[3.38] Section 2, definitions**

17 *omit the definitions of*

18 *conference notice*

19 *inquiry*

20 *inquiry notice*

21 **Explanatory note**

22 This amendment omits definitions of terms no longer used in the Act as a consequence of
23 amendments of the Act made by the *ACT Civil and Administrative Tribunal Legislation*
24 *Amendment Act 2008 (No 2)*, schedule 1, part 1.22. Part 1.22 replaced the Small Claims Court
25 with the ACAT and made related amendments.

1 **[3.39] Section 2, definition of *rules***

2 *substitute*

3 *rules* means the rules under the *ACT Civil and Administrative*
4 *Tribunal Act 2008*.

5 **Explanatory note**

6 This amendment updates the definition of *rules* as a consequence of amendments of the Act
7 made by the *ACT Civil and Administrative Tribunal Legislation Amendment Act 2008 (No 2)*,
8 schedule 1, part 1.22. Part 1.22 replaced the Small Claims Court with the ACAT and made
9 related amendments. Rules for the Act are now made under the *ACT Civil and Administrative*
10 *Tribunal Act 2008*.

11 **[3.40] Dictionary, definitions**

12 *omit the definitions of*

13 *conference notice*

14 *inquiry*

15 *inquiry notice*

16 **Explanatory note**

17 This amendment omits signpost definitions of terms no longer used in the Act as a consequence
18 of amendments of the Act made by the *ACT Civil and Administrative Tribunal Legislation*
19 *Amendment Act 2008 (No 2)*, schedule 1, part 1.22. Part 1.22 replaced the Small Claims Court
20 with the ACAT and made related amendments.

21 **Part 3.17 Construction Occupations**
22 **(Licensing) Act 2004**

23 **[3.41] Section 8 (3), definition of *specialist building work***

24 *omit*

25 **Explanatory note**

26 This amendment omits a redundant definition.

1 **[3.42] Dictionary, new definitions**

2 *insert*

3 *building certification service*—see section 9 (2).

4 *building service*—see section 8 (2).

5 *construction service*—see section 6 (2).

6 **Explanatory note**

7 This amendment inserts signpost definitions in the dictionary for definitions that appear
8 elsewhere in the Act.

9 **[3.43] Dictionary, definition of *daily ACT newspaper***

10 *omit*

11 **Explanatory note**

12 This amendment omits the definition of a term that is not used in the Act.

13 **[3.44] Dictionary, new definitions**

14 *insert*

15 *electrical wiring service*—see section 11 (2).

16 *gasfitting service*—see section 12 (2).

17 *plumbing plan certification service*—see section 14 (2).

18 *plumbing service*—see section 13 (2).

19 *sanitary drainage service*—see section 10 (2).

20 **Explanatory note**

21 This amendment inserts signpost definitions in the dictionary for definitions that appear
22 elsewhere in the Act.

1 **Part 3.18** **Consumer Credit**
2 **(Administration) Act 1996**

3 **[3.45] Sections 100 (5) and 101 (4)**

4 *omit*

5 daily newspaper circulating in the ACT

6 *substitute*

7 daily newspaper

8 **Explanatory note**

9 This amendment is consequential on the insertion of a definition of *daily newspaper* in the
10 Legislation Act, dictionary, part 1 by another amendment.

11 **[3.46] Dictionary, note 2**

12 *insert*

- 13
 - daily newspaper

14 **Explanatory note**

15 This amendment inserts a new term to assist users and is consequential on the insertion of a
16 definition of *daily newspaper* in the Legislation Act, dictionary, part 1 by another amendment.
17 Dictionary, note 2 is an aid to users which lists examples of terms used in the Act that are
18 defined in the Legislation Act, dictionary, part 1.

1 **Part 3.19 Coroners Act 1997**

2 **[3.47] Section 38**

3 *omit*

4 daily newspaper published and circulating in the Territory

5 *substitute*

6 daily newspaper

7 **Explanatory note**

8 This amendment is consequential on the insertion of a definition of *daily newspaper* in the
9 Legislation Act, dictionary, part 1 by another amendment.

10 **[3.48] Dictionary, note 2**

11 *insert*

- 12 • daily newspaper

13 **Explanatory note**

14 This amendment inserts a new term to assist users and is consequential on the insertion of a
15 definition of *daily newspaper* in the Legislation Act, dictionary, part 1 by another amendment.
16 Dictionary, note 2 is an aid to users which lists examples of terms used in the Act that are
17 defined in the Legislation Act, dictionary, part 1.

18 **Part 3.20 Court Procedures Act 2004**

19 **[3.49] Section 12, definition of *energy and water consumer*
20 *council***

21 *omit*

22 **Explanatory note**

23 This amendment omits the definition of an entity that no longer exists as a consequence of an
24 amendment of the *Utilities Act 2000* made by the *ACT Civil and Administrative Tribunal*
25 *Legislation Amendment Act 2008 (No 2)*, schedule 1, amendment 1.522. That amendment
26 substituted parts 11 and 12 of the *Utilities Act 2000*. Former part 11 established the Energy and
27 Water Consumer Council.

1 **[3.50] Dictionary, definition of *tribunal***

2 *omit*

3 **Explanatory note**

4 This amendment omits a signpost definition as a consequence of an amendment of the Act
5 made by the *ACT Civil and Administrative Tribunal Legislation Amendment Act 2008*,
6 schedule 1, amendment 1.194, which omitted the definition of *tribunal*.

7 **Part 3.21 Credit Act 1985**

8 **[3.51] Section 86 (3)**

9 *omit*

10 daily newspaper published and circulating in the ACT

11 *substitute*

12 daily newspaper

13 **Explanatory note**

14 This amendment is consequential on the insertion of a definition of *daily newspaper* in the
15 Legislation Act, dictionary, part 1 by another amendment.

16 **[3.52] Dictionary, note 2**

17 *omit*

- 18
 - credit tribunal

19 **Explanatory note**

20 This amendment is consequential on an amendment of the Legislation Act, dictionary, part 1
21 made by the *ACT Civil and Administrative Tribunal Legislation Amendment Act 2008*,
22 schedule 1, amendment 1.410, which omits the definition of *credit tribunal*. That definition
23 was omitted because the *ACT Civil and Administrative Tribunal Legislation Amendment*
24 *Act 2008*, schedule 1, amendment 1.168 also amended the *Consumer Credit (Administration)*
25 *Act 1996* by substituting part 4 and part 5 of that Act. Former part 4 established the credit
26 tribunal. The functions of the tribunal were taken over by the ACAT.

1 **[3.53] Dictionary, note 2**

2 *insert*

- 3 • daily newspaper

4 **Explanatory note**

5 This amendment inserts a new term to assist users and is consequential on the insertion of a
6 definition of *daily newspaper* in the Legislation Act, dictionary, part 1 by another amendment.
7 Dictionary, note 2 is an aid to users which lists examples of terms used in the Act that are
8 defined in the Legislation Act, dictionary, part 1.

9 **Part 3.22 Dangerous Substances**
10 **(Explosives) Regulation 2004**

11 **[3.54] Section 316 (1)**

12 *omit*

13 daily newspaper circulating in the ACT

14 *substitute*

15 daily newspaper

16 **Explanatory note**

17 This amendment is consequential on the insertion of a definition of *daily newspaper* in the
18 Legislation Act, dictionary, part 1 by another amendment.

19 **[3.55] Dictionary, note 2**

20 *insert*

- 21 • daily newspaper

22 **Explanatory note**

23 This amendment inserts a new term to assist users and is consequential on the insertion of a
24 definition of *daily newspaper* in the Legislation Act, dictionary, part 1 by another amendment.
25 Dictionary, note 2 is an aid to users which lists examples of terms used in the Act that are
26 defined in the Legislation Act, dictionary, part 1.

1 **Part 3.23** **Domestic Animals Act 2000**

2 **[3.56] Section 81 (4)**

3 *omit*

4 daily newspaper published and circulating in the ACT

5 *substitute*

6 daily newspaper

7 **Explanatory note**

8 This amendment is consequential on the insertion of a definition of *daily newspaper* in the
9 Legislation Act, dictionary, part 1 by another amendment.

10 **[3.57] Dictionary, note 2**

11 *insert*

- 12 • daily newspaper

13 **Explanatory note**

14 This amendment inserts a new term to assist users and is consequential on the insertion of a
15 definition of *daily newspaper* in the Legislation Act, dictionary, part 1 by another amendment.
16 Dictionary, note 2 is an aid to users which lists examples of terms used in the Act that are
17 defined in the Legislation Act, dictionary, part 1.

1 **Part 3.24 Duties Act 1999**

2 **[3.58] Section 201 (1) (d)**

3 *substitute*

- 4 (d) medical benefits insurance effected by a contract of insurance
5 that is issued by a private health insurer registered under the
6 *Private Health Insurance Act 2007* (Cwlth), part 4.3 and that
7 provides hospital benefits or medical benefits (or both),
8 whether or not other benefits are also provided;

9 **Explanatory note**

10 This amendment is consequential on the replacement of the *National Health Act 1953* (Cwlth),
11 part 6 with the *Private Health Insurance Act 2007* (Cwlth), part 4.3.

12 **[3.59] Section 208 (2)**

13 *substitute*

- 14 (2) Duty payable on an application to register a passenger motor vehicle
15 that has a dutiable value of \$45 000 or more and is constructed
16 primarily for the carriage of not more than 9 occupants is payable on
17 the dutiable value of the vehicle at the determined rate.

18 **Explanatory note**

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

20 **[3.60] New section 208 (4)**

21 *after the notes, insert*

- 22 (4) In this section:
23 *passenger motor vehicle*—
24 (a) includes any of the following:
25 (i) sedan;
26 (ii) station wagon;
27 (iii) coupe;

- 1 (iv) convertible;
- 2 (v) 4-wheel drive vehicle with seats for 4 or more people;
- 3 (vi) 2-wheel drive panel van with seats for 4 or more people;
- 4 (vii) 3-wheel car;
- 5 (viii) forward-control passenger vehicle;
- 6 (ix) small bus (seating not more than 9 people, including the
- 7 driver);
- 8 (x) motor home;
- 9 (xi) snow vehicle; but
- 10 (b) does not include any of the following:
- 11 (i) motorcycle (with or without a sidecar);
- 12 (ii) large bus (seating 10 or more people, including the
- 13 driver);
- 14 (iii) hearse;
- 15 (iv) invalid conveyance.

16 **Explanatory note**

17 This amendment inserts a new definition consequential on the revision of section 208 (2) by
18 another amendment.

19 **[3.61] Section 211 (a)**

20 *substitute*

- 21 (a) both the following paragraphs apply:
- 22 (i) the applicant has served in the Defence Force or in any
- 23 other armed forces of Her Majesty and who, because of
- 24 that service—
- 25 (A) has lost a leg or both arms or has had a leg, or both
- 26 arms, rendered permanently and wholly useless; or

- 1 (B) receives a pension under the *Veterans' Entitlements*
2 *Act 1986* (Cwlth), part 2 and is a veteran (within the
3 meaning of that part) to whom that Act, section 24
4 applies; or
- 5 (C) receives a special rate disability pension under the
6 *Military Rehabilitation and Compensation Act 2004*
7 (Cwlth) or is eligible to make a choice under that
8 Act, section 199;
- 9 (ii) the vehicle is for the applicant's own transportation; or

10 **Explanatory note**

11 This amendment is consequential on the enactment of the *Military Rehabilitation and*
12 *Compensation Act 2004* (Cwlth) which applies to injury, disease or death occurring as a result
13 of service in the Defence Force on or after 1 July 2004. The *Veterans' Entitlements Act 1986*
14 (Cwlth) continues to apply to injuries or illness from eligible service in the Defence Force
15 before 1 July 2004.

16 **[3.62] Dictionary, definition of *Crown lease***

17 *substitute*

18 ***Crown lease*** includes a lease of land granted by or in the name of
19 the Commonwealth or by the Federal Capital Commission.

20 *Note* The Federal Capital Commission was appointed under the *Seat of*
21 *Government (Administration) Act 1924* (Cwlth) (repealed).

22 **Explanatory note**

23 This amendment updates the definition of ***Crown lease*** to include a reference to the repeal of
24 the *Seat of Government (Administration) Act 1924* (Cwlth). That Act was repealed by the *Seat*
25 *of Government (Administration) Act 1930* (Cwlth).

1 **Part 3.25** **Education Act 2004**

2 **[3.63] Sections 83 (5), 85 (4), 87 (3), 88A (3) and 89 (3)**

3 *omit*

4 daily newspaper printed and published in the ACT

5 *substitute*

6 daily newspaper

7 **Explanatory note**

8 This amendment is consequential on the insertion of a definition of *daily newspaper* in the
9 Legislation Act, dictionary, part 1 by another amendment.

10 **[3.64] Dictionary, note 2**

11 *insert*

- 12 • daily newspaper

13 **Explanatory note**

14 This amendment inserts a new term to assist users and is consequential on the insertion of a
15 definition of *daily newspaper* in the Legislation Act, dictionary, part 1 by another amendment.
16 Dictionary, note 2 is an aid to users which lists examples of terms used in the Act that are
17 defined in the Legislation Act, dictionary, part 1.

18 **Part 3.26** **Electricity Safety Act 1971**

19 **[3.65] Section 28 (4)**

20 *omit*

21 daily newspaper circulating generally in the ACT

22 *substitute*

23 daily newspaper

24 **Explanatory note**

25 This amendment is consequential on the insertion of a definition of *daily newspaper* in the
26 Legislation Act, dictionary, part 1 by another amendment.

1 **[3.66] Dictionary, note 2**

2 *insert*

- 3 • daily newspaper

4 **Explanatory note**

5 This amendment inserts a new term to assist users and is consequential on the insertion of a
6 definition of *daily newspaper* in the Legislation Act, dictionary, part 1 by another amendment.
7 Dictionary, note 2 is an aid to users which lists examples of terms used in the Act that are
8 defined in the Legislation Act, dictionary, part 1.

9 **Part 3.27 Emergencies Act 2004**

10 **[3.67] Sections 75 (3) and 115 (1) (b)**

11 *omit*

12 daily newspaper circulating generally in the ACT

13 *substitute*

14 daily newspaper

15 **Explanatory note**

16 This amendment is consequential on the insertion of a definition of *daily newspaper* in the
17 Legislation Act, dictionary, part 1 by another amendment.

18 **[3.68] Dictionary, note 2**

19 *insert*

- 20 • daily newspaper

21 **Explanatory note**

22 This amendment inserts a new term to assist users and is consequential on the insertion of a
23 definition of *daily newspaper* in the Legislation Act, dictionary, part 1 by another amendment.
24 Dictionary, note 2 is an aid to users which lists examples of terms used in the Act that are
25 defined in the Legislation Act, dictionary, part 1.

1 **Part 3.28** **Environment Protection Act 1997**

2 **[3.69] Dictionary, note 2**

3 *insert*

- 4 • daily newspaper

5 **Explanatory note**

6 This amendment inserts a new term to assist users and is consequential on the insertion of a
7 definition of *daily newspaper* in the Legislation Act, dictionary, part 1 by another amendment.
8 Dictionary, note 2 is an aid to users which lists examples of terms used in the Act that are
9 defined in the Legislation Act, dictionary, part 1.

10 **[3.70] Dictionary, definition of *newspaper***

11 *omit*

12 **Explanatory note**

13 This amendment omits a definition made redundant by the insertion of a definition of *daily*
14 *newspaper* in the Legislation Act, dictionary, part 1 by another amendment.

15 **Part 3.29** **Environment Protection**
16 **Regulation 2005**

17 **[3.71] Section 11 (7), note**

18 *omit*

19 **Explanatory note**

20 This amendment is consequential on the insertion of a definition of *daily newspaper* in the
21 Legislation Act, dictionary, part 1 by another amendment.

1 **[3.72] Dictionary, note 2**

2 *insert*

- 3 • daily newspaper

4 **Explanatory note**

5 This amendment inserts a new term to assist users and is consequential on the insertion of a
6 definition of *daily newspaper* in the Legislation Act, dictionary, part 1 by another amendment.
7 Dictionary, note 2 is an aid to users which lists examples of terms used in the Act that are
8 defined in the Legislation Act, dictionary, part 1.

9 **Part 3.30 Fair Trading (Consumer Affairs)**
10 **Act 1973**

11 **[3.73] Section 38 (4) (b)**

12 *omit*

13 daily newspaper published and circulating in the ACT

14 *substitute*

15 daily newspaper

16 **Explanatory note**

17 This amendment is consequential on the insertion of a definition of *daily newspaper* in the
18 Legislation Act, dictionary, part 1 by another amendment.

19 **[3.74] Dictionary, note 2**

20 *insert*

- 21 • daily newspaper

22 **Explanatory note**

23 This amendment inserts a new term to assist users and is consequential on the insertion of a
24 definition of *daily newspaper* in the Legislation Act, dictionary, part 1 by another amendment.
25 Dictionary, note 2 is an aid to users which lists examples of terms used in the Act that are
26 defined in the Legislation Act, dictionary, part 1.

1 **Part 3.31** **Firearms Act 1996**

2 **[3.75] Section 31 (4)**

3 *omit*

4 daily newspaper circulating in the ACT

5 *substitute*

6 daily newspaper

7 **Explanatory note**

8 This amendment is consequential on the insertion of a definition of *daily newspaper* in the
9 Legislation Act, dictionary, part 1 by another amendment.

10 **[3.76] Sections 38 (3) and 52 (7)**

11 *omit*

12 daily newspaper published and circulating in the ACT

13 *substitute*

14 daily newspaper

15 **Explanatory note**

16 This amendment is consequential on the insertion of a definition of *daily newspaper* in the
17 Legislation Act, dictionary, part 1 by another amendment.

18 **[3.77] Dictionary, note 2**

19 *insert*

- 20
 - daily newspaper

21 **Explanatory note**

22 This amendment inserts a new term to assist users and is consequential on the insertion of a
23 definition of *daily newspaper* in the Legislation Act, dictionary, part 1 by another amendment.
24 Dictionary, note 2 is an aid to users which lists examples of terms used in the Act that are
25 defined in the Legislation Act, dictionary, part 1.

1 Part 3.32 Firearms Regulation 2008

2 [3.78] Section 73 (3) (c)

3 *omit*

4 tranquiliser firearm

5 *substitute*

6 powerhead

7 Explanatory note

8 Section 73 deals with permits for the acquisition, possession and use of a powerhead. This
9 amendment corrects an incorrect reference to tranquiliser firearm. Permits for tranquiliser
10 firearms are dealt with under section 72.

11 [3.79] Dictionary, new definition of *reviewable decision*

12 *insert*

13 *reviewable decision*, for part 16 (Notification and review of
14 decisions)—see section 74.

15 Explanatory note

16 This amendment inserts a signpost definition into the dictionary for a term defined for part 16
17 of the Act.

18 Part 3.33 First Home Owner Grant Act 2000

19 [3.80] Dictionary, definition of *Australian citizen*

20 *substitute*

21 *Australian citizen* means a person who is an Australian citizen
22 under the *Australian Citizenship Act 2007* (Cwlth).

23 Explanatory note

24 This amendment is consequential on the repeal of the *Australian Citizenship Act 1948* (Cwlth)
25 and the enactment of the *Australian Citizenship Act 2007* (Cwlth).

1 **Part 3.34** **Gas Safety Act 2000**

2 **[3.81] Dictionary, note 2**

3 *insert*

- 4 • daily newspaper

5 **Explanatory note**

6 This amendment inserts a new term to assist users and is consequential on the insertion of a
7 definition of *daily newspaper* in the Legislation Act, dictionary, part 1 by another amendment.
8 Dictionary, note 2 is an aid to users which lists examples of terms used in the Act that are
9 defined in the Legislation Act, dictionary, part 1.

10 **[3.82] Dictionary, definition of *daily newspaper***

11 *omit*

12 **Explanatory note**

13 This amendment is consequential on the insertion of a definition of *daily newspaper* in the
14 Legislation Act, dictionary, part 1 by another amendment.

15 **Part 3.35** **Gene Technology Act 2003**

16 **[3.83] Divisions 5A.3 and 5A.4 headings**

17 *omit*

18 **Explanatory note**

19 This amendment omits redundant headings.

1 **[3.86] Section 32I (3) (b)**

2 *omit*
3 tribunal
4 *substitute*
5 ACAT

6 **Explanatory note**

7 This amendment is consequential on an amendment of the Act made by the *ACT Civil and*
8 *Administrative Tribunal Legislation Amendment Act 2008*, schedule 1, amendment 1.292,
9 which omitted part 4. Part 4 established the Guardianship and Management of Property
10 Tribunal. The functions of the tribunal were taken over by the ACAT.

11 **Part 3.37 Guardianship and Management**
12 **of Property Regulation 1991**

13 **[3.87] Section 6 (3), definition of *relevant day*, paragraph (c)**

14 *omit*
15 tribunal
16 *substitute*
17 ACAT

18 **Explanatory note**

19 This amendment is consequential on an amendment of the Act made by the *ACT Civil and*
20 *Administrative Tribunal Legislation Amendment Act 2008*, schedule 1, amendment 1.292,
21 which omitted part 4. Part 4 established the Guardianship and Management of Property
22 Tribunal. The functions of the tribunal were taken over by the ACAT.

1 **Part 3.38 Health Professionals Act 2004**

2 **[3.88] Section 100 (3) (b)**

3 *omit*

4 tribunal

5 *substitute*

6 ACAT

7 **Explanatory note**

8 This amendment is consequential on an amendment of the Act made by the *ACT Civil and*
9 *Administrative Tribunal Legislation Amendment Act 2008*, schedule 1, amendment 1.319,
10 which substituted part 7. Former part 7 established the Health Professionals Tribunal. The
11 functions of the tribunal were taken over by the ACAT.

12 **[3.89] Section 109 heading**

13 *substitute*

14 **109 Referral of application by ACAT**

15 **Explanatory note**

16 This amendment is consequential on an amendment of the Act made by the *ACT Civil and*
17 *Administrative Tribunal Legislation Amendment Act 2008*, schedule 1, amendment 1.319,
18 which substituted part 7. Former part 7 established the Health Professionals Tribunal. The
19 functions of the tribunal were taken over by the ACAT.

1 **[3.90] Section 122 (2) (i) (i)**

2 *omit*

3 health professions tribunal

4 *substitute*

5 ACAT

6 **Explanatory note**

7 This amendment is consequential on an amendment of the Act made by the *ACT Civil and*
8 *Administrative Tribunal Legislation Amendment Act 2008*, schedule 1, amendment 1.319,
9 which substituted part 7. Former part 7 established the Health Professions Tribunal. The
10 functions of the tribunal were taken over by the ACAT.

11 **[3.91] Dictionary, new definition of *ground for occupational***
12 ***discipline***

13 *insert*

14 *ground for occupational discipline*, in relation to a health
15 professional—see section 41.

16 **[3.92] Dictionary, definition of *health professional***

17 *substitute*

18 *health professional*—

19 (a) for this Act generally—see section 14; and

20 (b) for part 7 (Occupational discipline—health professionals)—see
21 section 40.

22 **Explanatory note**

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

1 **Part 3.39 Health Professionals Regulation**
2 **2004**

3 **[3.93] Dictionary, new definitions**

4 *insert*

5 *AVBC*, for schedule 12 (Veterinary Surgeons)—see schedule 12,
6 section 12.1.

7 *chiropractor*—

8 (a) for schedule 13 (Chiropractors)—see schedule 13,
9 section 13.1; and

10 (b) for schedule 14 (Osteopaths)—see schedule 14, section 14.1.

11 *close relative*, of a pharmacist, for schedule 5 (Pharmacists)—see
12 schedule 5, section 5.1.

13 *community pharmacy*, for schedule 5 (Pharmacists)—see the
14 *Medicines, Poisons and Therapeutic Goods Act 2008*, dictionary.

15 *dental care provider*, for schedule 6 (Dentists, dental hygienists and
16 dental therapists)—see schedule 6, section 6.1.

17 *dental hygienist*, for schedule 6 (Dentists, dental hygienists and
18 dental therapists)—see schedule 6, section 6.1.

19 *dental procedure*, for schedule 6 (Dentists, dental hygienists and
20 dental therapists)— see schedule 6, section 6.1.

21 *dental therapist*, for schedule 6 (Dentists, dental hygienists and
22 dental therapists)—see schedule 6, section 6.1.

23 *dentist*, for schedule 6 (Dentists, dental hygienists and dental
24 therapists)—see schedule 6, section 6.1.

25 *dentist procedure*, for schedule 6 (Dentists, dental hygienists and
26 dental therapists)—see schedule 6, section 6.1.

- 1 **general dental procedure**, for schedule 6 (Dentists, dental
2 hygienists and dental therapists)—see schedule 6, section 6.1.
- 3 **medical practitioner**, for schedule 2 (Medical practitioners)—see
4 schedule 2, section 2.1A.
- 5 **midwife**, for schedule 4 (Midwives)—see schedule 4, section 4.1.
- 6 **optometrist**, for schedule 11 (Optometrists)—see schedule 11,
7 section 11.1.
- 8 **osteopath**—
- 9 (a) for schedule 13 (Chiropractors)—see schedule 13,
10 section 13.1; and
- 11 (b) for schedule 14 (Osteopaths)—see schedule 14, section 14.1.
- 12 **pharmacist**, for schedule 5 (Pharmacists)—see schedule 5,
13 section 5.1.
- 14 **pharmacy**, for schedule 5 (Pharmacists)—see schedule 5,
15 section 5.1.
- 16 **physiotherapist**, for schedule 10 (Physiotherapists)—see
17 schedule 10, section 10.1.
- 18 **podiatric surgeon**, for schedule 9 (Podiatrists)—see schedule 9,
19 section 9.1.
- 20 **podiatrist**, for schedule 9 (Podiatrists)—see schedule 9, section 9.1.
- 21 **prescribed election voter**, for an election of a prescribed member of
22 a health profession board, for part 2.3 (Elections)—see section 23.
- 23 **prescribed member**, of a health profession board, for part 2.3
24 (Elections)—see section 23.

1 *psychologist*, for schedule 7 (Psychologists)—see schedule 7,
2 section 7.1.

3 **Explanatory note**

4 This amendment inserts signpost definitions in the dictionary for definitions that appear
5 elsewhere in the regulation.

6 **[3.94] Dictionary, definition of *regulatory authority***

7 *substitute*

8 *regulatory authority*, for a schedule, means the regulatory authority,
9 as defined in the first section of the schedule.

10 **Explanatory note**

11 This amendment replaces a signpost definition in the dictionary for a definition that appears in
12 the schedules.

13 **[3.95] Dictionary, new definitions**

14 *insert*

15 *under the supervision of a dentist*, for a procedure carried out by a
16 dental hygienist or dental therapist, for schedule 6 (Dentists, dental
17 hygienists and dental therapists)—see schedule 6, section 6.1.

18 *veterinary surgeon*, for schedule 12 (Veterinary Surgeons)—see
19 schedule 12, section 12.1.

20 **Explanatory note**

21 This amendment inserts signpost definitions in the dictionary for definitions that appear
22 elsewhere in the regulation.

1 **Part 3.40** **Health Records (Privacy and**
2 **Access) Act 1997**

3 **[3.96] Section 32 (3), definition of *excluded provision*, 2nd dot**
4 **point**

5 *omit*

6 **Explanatory note**

7 This amendment omits a reference to the *Magistrates Court Act 1930*, section 275 which was
8 repealed by the *ACT Civil and Administrative Tribunal Legislation Amendment Act 2008*,
9 schedule 1, amendment 1.484.

10 **Part 3.41** **Heritage Act 2004**

11 **[3.97] Dictionary, note 2**

12 *insert*

- 13
 - daily newspaper

14 **Explanatory note**

15 This amendment inserts a new term to assist users and is consequential on the insertion of a
16 definition of *daily newspaper* in the Legislation Act, dictionary, part 1 by another amendment.
17 Dictionary, note 2 is an aid to users which lists examples of terms used in the Act that are
18 defined in the Legislation Act, dictionary, part 1.

19 **[3.98] Dictionary, definition of *daily newspaper***

20 *omit*

21 **Explanatory note**

22 This amendment is consequential on the insertion of a definition of *daily newspaper* in the
23 Legislation Act, dictionary, part 1 by another amendment.

1 **Part 3.42 Housing Assistance Act 2007**

2 **[3.99] Schedule 1, new item 2A**

3 *insert*

2A	25A (2)	register entity as housing provider on conditions	entity
----	---------	---	--------

4 **Explanatory note**

5 This amendment is consequential on amendments by the *Housing Assistance Amendment Act 2008* that inserted new reviewable decisions.

7 **[3.100] Schedule 1, new item 6**

8 *insert*

6	25T	remove housing provider from register	housing provider
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9 **Explanatory note**

10 This amendment is consequential on amendments by the *Housing Assistance Amendment Act 2008* that inserted new reviewable decisions.

1 **Part 3.43** **Independent Competition and**
2 **Regulatory Commission Act 1997**

3 **[3.101] Sections 18 (3) and 24K (3) (b)**

4 *omit*

5 daily newspaper published and circulating in the ACT

6 *substitute*

7 daily newspaper

8 **Explanatory note**

9 This amendment is consequential on the insertion of a definition of *daily newspaper* in the
10 Legislation Act, dictionary, part 1 by another amendment.

11 **[3.102] Dictionary, note 2**

12 *insert*

- 13
 - daily newspaper

14 **Explanatory note**

15 This amendment inserts a new term to assist users and is consequential on the insertion of a
16 definition of *daily newspaper* in the Legislation Act, dictionary, part 1 by another amendment.
17 Dictionary, note 2 is an aid to users which lists examples of terms used in the Act that are
18 defined in the Legislation Act, dictionary, part 1.

1 **Part 3.44** **Intoxicated People (Care and**
2 **Protection) Act 1994**

3 **[3.103] Section 33 (1)**

4 ~~*omit*~~

5 daily newspaper circulating in the ACT

6 ~~*substitute*~~

7 daily newspaper

8 **Explanatory note**

9 This amendment is consequential on the insertion of a definition of *daily newspaper* in the
10 Legislation Act, dictionary, part 1 by another amendment.

11 **[3.104] Dictionary, note 2**

12 ~~*insert*~~

- 13 • daily newspaper

14 **Explanatory note**

15 This amendment inserts a new term to assist users and is consequential on the insertion of a
16 definition of *daily newspaper* in the Legislation Act, dictionary, part 1 by another amendment.
17 Dictionary, note 2 is an aid to users which lists examples of terms used in the Act that are
18 defined in the Legislation Act, dictionary, part 1.

1 **Part 3.45** **Lakes Act 1976**

2 **[3.105] Section 22 (1)**

3 *omit*

4 daily newspaper circulating in the ACT

5 *substitute*

6 daily newspaper

7 **Explanatory note**

8 This amendment is consequential on the insertion of a definition of *daily newspaper* in the
9 Legislation Act, dictionary, part 1 by another amendment.

10 **[3.106] Dictionary, note 2**

11 *insert*

- 12 • daily newspaper

13 **Explanatory note**

14 This amendment inserts a new term to assist users and is consequential on the insertion of a
15 definition of *daily newspaper* in the Legislation Act, dictionary, part 1 by another amendment.
16 Dictionary, note 2 is an aid to users which lists examples of terms used in the Act that are
17 defined in the Legislation Act, dictionary, part 1.

18 **[3.107] Dictionary, definition of *dairy bridge***

19 *omit*

20 **Explanatory note**

21 This amendment omits a definition that is made unnecessary because of a change to the
22 definition of *Lake Burley Griffin* by another amendment.

1 **[3.108] Dictionary, definition of *Lake Burley Griffin***

2 *substitute*

3 ***Lake Burley Griffin*** means the waters of the Molonglo River
4 between Scrivener Dam and Sylvia Curley bridge.

5 **Explanatory note**

6 This amendment is consequential on the change in name of dairy bridge to Sylvia Curley
7 Bridge.

8 **[3.109] Dictionary, new definition of *Sylvia Curley bridge***

9 *insert*

10 ***Sylvia Curley bridge*** means the bridge by which Dairy Road is
11 carried across the Molonglo River.

12 **Explanatory note**

13 This amendment inserts a new definition consequential on the change to the definition of ***Lake***
14 ***Burley Griffin*** by another amendment.

15 **Part 3.46 Land Rent Act 2008**

16 **[3.110] Section 12 (2)**

17 *substitute*

18 (2) The commissioner must give the applicant written notice of—

19 (a) the decision under subsection (1); and

20 (b) if the discount is refused—the reasons for the refusal.

21 **Explanatory note**

22 This amendment revises the provision to omit an unnecessary reference to a written statement
23 and to make it clear that the commissioner must give written notice of the decision under
24 subsection (1) and, if a discount is refused, the reasons for the refusal.

1 **[3.111] Section 32 (1) and note**

2 *substitute*

3 (1) The Minister may determine fees for this Act.

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

6 **Explanatory note**

7 This amendment remakes the subsection and removes the existing reference to the
8 determination being in writing. The reference is unnecessary because Ministerial fee
9 determinations are disallowable instruments, which must be in writing (see Legislation Act,
10 s 42 (2)).

11 **[3.112] Dictionary, new definition of *lessee***

12 *insert*

13 *lessee*, in relation to a proposed land rent lease, for part 3 (Land
14 rent—discount)—see section 9.

15 **Explanatory note**

16 This amendment inserts a signpost definition in the dictionary for a part 3 definition.

17 **Part 3.47 Lands Acquisition Act 1994**

18 **[3.113] Dictionary, note 2**

19 *insert*

- 20
 - daily newspaper

21 **Explanatory note**

22 This amendment inserts a new term to assist users and is consequential on the insertion of a
23 definition of *daily newspaper* in the Legislation Act, dictionary, part 1 by another amendment.
24 Dictionary, note 2 is an aid to users which lists examples of terms used in the Act that are
25 defined in the Legislation Act, dictionary, part 1.

1 **[3.114] Dictionary, definition of *newspaper***

2 *omit*

3 **Explanatory note**

4 This amendment is consequential on the insertion of a definition of *daily newspaper* in the
5 Legislation Act, dictionary, part 1 by another amendment.

6 **Part 3.48 Land Titles Act 1925**

7 **[3.115] Section 62 (5)**

8 *omit*

9 daily newspaper circulating in the ACT

10 *substitute*

11 daily newspaper

12 **Explanatory note**

13 This amendment is consequential on the insertion of a definition of *daily newspaper* in the
14 Legislation Act, dictionary, part 1 by another amendment.

15 **[3.116] Dictionary, note 2**

16 *insert*

- 17 • daily newspaper

18 **Explanatory note**

19 This amendment inserts a new term to assist users and is consequential on the insertion of a
20 definition of *daily newspaper* in the Legislation Act, dictionary, part 1 by another amendment.
21 Dictionary, note 2 is an aid to users which lists examples of terms used in the Act that are
22 defined in the Legislation Act, dictionary, part 1.

1 **Part 3.49** **Legal Profession Act 2006**

2 **[3.117] Section 423 (3) (b)**

3 *omit*

4 disciplinary tribunal

5 *substitute*

6 ACAT

7 **Explanatory note**

8 This amendment is consequential on an amendment of the Act made by the *ACT Civil and*
9 *Administrative Tribunal Legislation Amendment Act 2008*, schedule 1, amendment 1.403,
10 which omitted part 7.2. Part 7.2 established the Legal Practitioners Disciplinary Tribunal. The
11 functions of the tribunal were taken over by the ACAT.

12 **[3.118] Section 425**

13 *omit*

14 tribunal

15 *substitute*

16 ACAT

17 **Explanatory note**

18 This amendment is consequential on an amendment of the Act made by the *ACT Civil and*
19 *Administrative Tribunal Legislation Amendment Act 2008*, schedule 1, amendment 1.403,
20 which omitted part 7.2. Part 7.2 established the Legal Practitioners Disciplinary Tribunal. The
21 functions of the tribunal were taken over by the ACAT.

1 **[3.119] Section 433 (1)**

2 *substitute*

3 (1) If the ACAT finds an Australian legal practitioner guilty of
4 unsatisfactory professional conduct or professional misconduct, the
5 ACAT must order the practitioner to pay costs (including costs of
6 the relevant council and the complainant), unless the ACAT is
7 satisfied that exceptional circumstances exist.

8 **Explanatory note**

9 This amendment is consequential on an amendment of the Act made by the *ACT Civil and*
10 *Administrative Tribunal Legislation Amendment Act 2008*, schedule 1, amendment 1.403,
11 which omitted part 7.2. Part 7.2 established the Legal Practitioners Disciplinary Tribunal. The
12 functions of the tribunal were taken over by the ACAT.

13 **[3.120] Section 433 (4)**

14 *omit*

15 tribunal

16 *substitute*

17 ACAT

18 **Explanatory note**

19 This amendment is consequential on an amendment of the Act made by the *ACT Civil and*
20 *Administrative Tribunal Legislation Amendment Act 2008*, schedule 1, amendment 1.403,
21 which omitted part 7.2. Part 7.2 established the Legal Practitioners Disciplinary Tribunal. The
22 functions of the tribunal were taken over by the ACAT.

23 **[3.121] Chapter 7 heading**

24 *substitute*

25 **Chapter 7 Admissions board**

26 **Explanatory note**

27 This amendment is consequential on another amendment which omits the heading to the Act,
28 part 7.1.

1 **[3.122] Part 7.1 heading**

2 *omit*

3 **Explanatory note**

4 This amendment is consequential on an amendment of the Act made by the *ACT Civil and*
5 *Administrative Tribunal Legislation Amendment Act 2008*, schedule 1, amendment 1.403,
6 which omitted part 7.2. The only remaining part in chapter 7 is part 7.1 (Admissions board).
7 This amendment omits the heading to part 7.1 because it is no longer needed.

8 **[3.123] Section 583 (1)**

9 *omit*

10 daily newspaper circulating in the ACT

11 *substitute*

12 daily newspaper

13 **Explanatory note**

14 This amendment is consequential on the insertion of a definition of *daily newspaper* in the
15 Legislation Act, dictionary, part 1 by another amendment.

16 **[3.124] Dictionary, note 2**

17 *insert*

- 18
 - daily newspaper

19 **Explanatory note**

20 This amendment inserts a new term to assist users and is consequential on the insertion of a
21 definition of *daily newspaper* in the Legislation Act, dictionary, part 1 by another amendment.
22 Dictionary, note 2 is an aid to users which lists examples of terms used in the Act that are
23 defined in the Legislation Act, dictionary, part 1.

1 **Part 3.50 Liquor Act 1975**

2 **[3.125] Sections 32 (2) (c) and 62 (3) (b)**

3 *omit*

4 registrar

5 *substitute*

6 commissioner

7 **Explanatory note**

8 This amendment is consequential on an amendment of the *Liquor Act 1975* made by the *ACT*
9 *Civil and Administrative Tribunal Legislation Amendment Act 2008*, schedule 1,
10 amendment 1.417 omitting divisions 2.1 and 2.2 of that Act. Division 2.2 established the
11 positions of Registrar and Deputy Registrar of Liquor Licences. The amendment replaced those
12 positions with the commissioner for fair trading.

13 **[3.126] Dictionary, new definitions**

14 *insert*

15 *document of identification*, of a person, for division 10.2
16 (Under-age drinking)—see section 151.

17 *driver licence*, for division 10.2 (Under-age drinking)—see
18 section 151.

19 **Explanatory note**

20 This amendment updates the dictionary by including signpost definitions for terms defined for
21 division 10.2.

1 **[3.127] Dictionary, definition of *liquor***

2 *substitute*

3 *liquor*—

4 (a) for this Act generally, means a beverage that contains more
5 than 1.15% by volume of ethyl alcohol; and

6 (b) for division 10.2 (Under-age drinking)—see section 151.

7 **Explanatory note**

8 This amendment adds a signpost definition for the term in division 10.2.

9 **[3.128] Dictionary, definition of *proof of age card***

10 *substitute*

11 *proof of age card*—

12 (a) for this Act generally, means a card issued under
13 section 175 (1); and

14 (b) for division 10.2 (Under-age drinking)—see section 151.

15 **Explanatory note**

16 This amendment adds a signpost definition for the term in division 10.2.

17 **[3.129] Dictionary, new definition of *responsible adult***

18 *insert*

19 *responsible adult*, for another person, for division 10.2 (Under-age
20 drinking)—see section 151.

21 **Explanatory note**

22 This amendment updates the dictionary by including a signpost definition for the term defined
23 for division 10.2.

1 **Part 3.51 Major Events Security Act 2000**

2 **[3.130] Section 6 (1) and (3)**

3 *omit*

4 daily newspaper published and circulating in the ACT

5 *substitute*

6 daily newspaper

7 **Explanatory note**

8 This amendment is consequential on the insertion of a definition of *daily newspaper* in the
9 Legislation Act, dictionary, part 1 by another amendment.

10 **[3.131] Dictionary, note 2**

11 *insert*

- 12 • daily newspaper

13 **Explanatory note**

14 This amendment inserts a new term to assist users and is consequential on the insertion of a
15 definition of *daily newspaper* in the Legislation Act, dictionary, part 1 by another amendment.
16 Dictionary, note 2 is an aid to users which lists examples of terms used in the Act that are
17 defined in the Legislation Act, dictionary, part 1.

1 **Part 3.52** **Medicines, Poisons and**
2 **Therapeutic Goods Act 2008**

3 **[3.132] Section 81 (1) (b)**

4 *substitute*

5 (b) the dealings with regulated substances or regulated therapeutic
6 goods to which the licence relates;

7 **Explanatory note**

8 The existing paragraph provides that in deciding whether an individual is a suitable person to
9 hold a licence, the chief health officer must have regard to 'the dealings to which the licence
10 relates'. However, the term 'deals' is defined in section 19 and section 21 in the context of
11 regulated substances or regulated therapeutic goods and most uses of the term 'dealings' in the
12 Act are to dealings with a regulated substance or therapeutic good (eg s 81 (3) (a) and s 152 (1)
13 (b)). This amendment brings the reference to 'dealings' in the paragraph into line with other
14 uses of the term in the Act by providing the context for the use of the term.

15 **[3.133] Section 83 (2), example 2 for paragraph (a)**

16 *omit*

17 section 93 (Changes affecting suitability to hold licence)

18 *substitute*

19 section 93 (Licensee to keep chief health officer informed)

20 **Explanatory note**

21 This amendment is consequential on the amendment of the heading to section 93 by an
22 amendment in schedule 1.

1 **[3.134] Section 85 (3) (a)**

2 *substitute*

- 3 (a) if a form is approved under section 198 for an application
4 under section 84 (1)—the application does not include the
5 information and any documents required by the application
6 form; or

7 **Explanatory note**

8 This provision refers to a failure to provide information and any documents required by ‘the
9 application form’ for a licence. However, the use of an application form is not otherwise
10 required under the Act unless a form for the application is approved under section 198. This
11 amendment amends the paragraph to add the qualification of ‘if a form is approved under
12 section 198 for an application under section 84 (1)’.

13 **[3.135] Section 88 (1) (a)**

14 *substitute*

- 15 (a) what licence it is or the dealings with regulated substances or
16 regulated therapeutic goods authorised by the licence;

17 **Explanatory note**

18 The existing paragraph provides that a licence must include ‘what licence it is or the dealings
19 authorised by the licence’. However, the term ‘deals’ is defined in section 19 and section 21 in
20 the context of regulated substances or regulated therapeutic goods and most uses of the term
21 ‘dealings’ in the Act are to dealings with a regulated substance or therapeutic good (eg s 81 (3)
22 (a) and s 152 (1) (b)). This amendment brings the reference to ‘dealings’ in the paragraph into
23 line with other uses of the term in the Act by providing the context for the use of the term.

1 **[3.136] Section 89 (b)**

2 *omit*

3 section 93 (Changes affecting suitability to hold licence)

4 *substitute*

5 section 93 (Licensee to keep chief health officer informed)

6 **Explanatory note**

7 This amendment is consequential on the amendment of the heading to section 93 by an
8 amendment in schedule 1.

9 **[3.137] Section 90 (2) (a)**

10 *substitute*

11 (a) a condition about—

12 (i) the supervision of the dealings; and

13 (ii) the security of regulated substances and regulated
14 therapeutic goods and of premises where regulated
15 substances and regulated therapeutic goods are stored;
16 and

17 (iii) the keeping of records about the dealings; and

18 **Explanatory note**

19 The references to ‘dealings’ in existing section 90 (2) (a) (i) and (iii) are amended to refer to
20 ‘the dealings’ to provide a context for the use of the term. The headwords to existing
21 section 90 (2) provide that the chief health officer may include a condition in a licence to ensure
22 that regulated substances and regulated therapeutic goods are properly dealt with under the
23 licence. The revised references to ‘the dealings’ will refer back to the reference to ‘dealt’ in the
24 subsection’s headwords.

25 **[3.138] Section 102 (1) (b)**

26 *omit*

27 **Explanatory note**

28 This amendment omits a redundant provision. The paragraph effectively duplicates
29 section 102 (1) (a).

- 1 **[3.139] Section 135 (3)**
- 2 *substitute*
- 3 (3) If a sample of a substance taken by a medicines and poisons
4 inspector is in the form of separate or severable objects, the
5 inspector—
- 6 (a) may take a number of the objects; and
- 7 (b) if the inspector takes a number of the objects, must—
- 8 (i) divide them into 3 parts each consisting of 1 or more of
9 the objects, or of the severable parts of the objects, and
10 mark and either seal or fasten each part; and
- 11 (ii) deal with the sample under subsection (2) (b) to (d).

12 **Explanatory note**

13 Under the existing provision the word ‘may’ qualifies an inspector’s actions about dividing and
14 dealing with the samples. Once a sample is taken, the procedure for dividing and dealing with
15 the sample should be mandatory. This amendment brings the provision into line with the *Work*
16 *Safety Act 2008*, section 113 (3) which provides that if a sample is taken, it ‘must’ be divided
17 and dealt with in the stated way.

- 18 **[3.140] Section 186 (1) (e) and (f)**
- 19 *substitute*
- 20 (e) the suitability of premises (including vehicles) in relation to
21 dealings with regulated things; and
- 22 (f) the supervision of dealings with regulated things; and

23 **Explanatory note**

24 The existing paragraphs relate to ‘dealings’. However, the term ‘deals’ is defined in section 19
25 and section 21 in the context of regulated substances or regulated therapeutic goods and most
26 uses of the term ‘dealings’ in the Act are to dealings with a regulated substance or therapeutic
27 good (eg s 81 (3) (a) and s 152 (1) (b)). This amendment brings the reference to ‘dealings’ in
28 the paragraph into line with other uses of the term in the Act by providing the context for the
29 use of the term.

1 **[3.141] Sections 520 (5) and 522 (5)**

2 *omit*

3 section 93 (Changes affecting suitability to hold licence)

4 *substitute*

5 section 93 (Licensee to keep chief health officer informed)

6 **Explanatory note**

7 This amendment is consequential on the amendment of the heading to section 93 by an
8 amendment in schedule 1.

9 **Part 3.53 Mental Health (Treatment and**
10 **Care) Act 1994**

11 **[3.142] Sections 24 and 26 (n)**

12 *omit*

13 tribunal

14 *substitute*

15 ACAT

16 **Explanatory note**

17 This amendment is consequential on an amendment of the Act made by the *ACT Civil and*
18 *Administrative Tribunal Legislation Amendment Act 2008*, schedule 1, amendment 1.497,
19 which omitted part 3. Part 3 established the Mental Health Tribunal. The functions of the
20 tribunal were taken over by the ACAT.

1 **Part 3.54 Mercantile Law Act 1962**

2 **[3.143] Section 28 (1)**

3 *omit*

4 daily newspaper published in the ACT

5 *substitute*

6 daily newspaper

7 **Explanatory note**

8 This amendment is consequential on the insertion of a definition of *daily newspaper* in the
9 Legislation Act, dictionary, part 1 by another amendment.

10 **[3.144] Dictionary, note 2**

11 *insert*

- 12 • daily newspaper

13 **Explanatory note**

14 This amendment inserts a new term to assist users and is consequential on the insertion of a
15 definition of *daily newspaper* in the Legislation Act, dictionary, part 1 by another amendment.
16 Dictionary, note 2 is an aid to users which lists examples of terms used in the Act that are
17 defined in the Legislation Act, dictionary, part 1.

18 **Part 3.55 Notaries Public Act 1984**

19 **[3.145] Section 5 (5)**

20 *omit*

21 newspaper circulating daily in the ACT

22 *substitute*

23 daily newspaper

24 **Explanatory note**

25 This amendment is consequential on the insertion of a definition of *daily newspaper* in the
26 Legislation Act, dictionary, part 1 by another amendment.

1 **[3.146] Dictionary, note 2**

2 *insert*

- 3 • daily newspaper

4 **Explanatory note**

5 This amendment inserts a new term to assist users and is consequential on the insertion of a
6 definition of *daily newspaper* in the Legislation Act, dictionary, part 1 by another amendment.
7 Dictionary, note 2 is an aid to users which lists examples of terms used in the Act that are
8 defined in the Legislation Act, dictionary, part 1.

9 **Part 3.56 Partnership Act 1963**

10 **[3.147] Section 43**

11 *omit*

12 daily newspaper published in the ACT

13 *substitute*

14 daily newspaper

15 **Explanatory note**

16 This amendment is consequential on the insertion of a definition of *daily newspaper* in the
17 Legislation Act, dictionary, part 1 by another amendment.

18 **[3.148] Section 101 (2), (3) and (4)**

19 *omit*

20 The regulations

21 *substitute*

22 A regulation

23 **Explanatory note**

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

1 **[3.149] Section 101 (5)**

2 *omit*

3 the regulations

4 *substitute*

5 a regulation

6 **Explanatory note**

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

8 **[3.150] Section 101 (6)**

9 *substitute*

10 (6) A regulation may prescribe—

11 (a) offences for contraventions of a regulation; and

12 (b) maximum penalties of not more than 10 penalty units for
13 offences against a regulation.

14 **Explanatory note**

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

16 **[3.151] Dictionary, note 2**

17 *insert*

- 18 • daily newspaper

19 **Explanatory note**

20 This amendment inserts a new term to assist users and is consequential on the insertion of a
21 definition of *daily newspaper* in the Legislation Act, dictionary, part 1 by another amendment.
22 Dictionary, note 2 is an aid to users which lists examples of terms used in the Act that are
23 defined in the Legislation Act, dictionary, part 1.

1 **[3.152] Dictionary, new definition of registered *information***

2 *insert*

3 *registered information*, for part 6 (Incorporated limited
4 partnerships)—see section 59 (4) (Registration of incorporated
5 limited partnership).

6 **Explanatory note**

7 This amendment inserts a signpost definition in the dictionary for a part 6 definition.

8 **Part 3.57 Payroll Tax Act 1987**

9 **[3.153] Section 2 (2)**

10 *omit*

11 eligible termination payment

12 *substitute*

13 employment termination payment

14 **Explanatory note**

15 This amendment updates language as a consequence of changes made to Commonwealth
16 legislation (see *Income Tax Assessment Act 1997* (Cwlth), s 82-130).

17 **[3.154] Section 2 (2) (i) (ii)**

18 *substitute*

19 (ii) an unused long service leave payment;

20 **Explanatory note**

21 This amendment updates language as a consequence of changes made to Commonwealth
22 legislation (see *Income Tax Assessment Act 1997* (Cwlth), s 83-75).

1 **[3.155] Section 2 (2) (i) (iii)**

2 *omit*

3 *Income Tax Assessment Act 1936* (Cwlth), part 3 (Liability to
4 taxation), division 2 (Income), subdivision AA (Superannuation,
5 termination of employment and kindred payments)

6 *substitute*

7 *Income Tax Assessment Act 1936* (Cwlth), part 3 (Liability to
8 taxation), division 2 (Income), subdivision AA (Non-superannuation
9 entities etc)

10 **Explanatory note**

11 This amendment updates the name of subdivision AA as a consequence of a change in name of
12 the subdivision (see *Superannuation Legislation Amendment (Simplification) Act 2007* (Cwlth),
13 sch 1, pt 2, item 59).

14 **[3.156] Section 2 (4), definition of *annual leave***

15 *substitute*

16 *annual leave*—see the *Income Tax Assessment Act 1997* (Cwlth),
17 section 83-10 (1) (Unused annual leave payment is assessable).

18 **Explanatory note**

19 This amendment is consequential on the omission of the definition of *annual leave* from the
20 *Income Tax Assessment Act 1936* (Cwlth), and its insertion in the *Income Tax Assessment*
21 *Act 1997* (Cwlth).

22 **[3.157] Section 2 (4), definition of *eligible termination payment***

23 *substitute*

24 *employment termination payment*—see the *Income Tax Assessment*
25 *Act 1997* (Cwlth), section 82-130 (What is an *employment*
26 *termination payment*?).

27 **Explanatory note**

28 This amendment is consequential on the substitution of *employment termination payment* for
29 *eligible termination payment* by another amendment.

1 **[3.158] Section 2 (4), definition of *long service leave***

2 *substitute*

3 *unused long service leave payment*—see the *Income Tax*
4 *Assessment Act 1997* (Cwlth), section 83-75 (Meaning of *unused*
5 *long service leave payment*).

6 **Explanatory note**

7 This amendment is consequential on the amendment of section 2 (2) (i) (ii) by another
8 amendment.

9 **[3.159] Dictionary, note 2**

10 *omit*

- 11
 - administrative appeals tribunal

12 **Explanatory note**

13 This amendment is consequential on the repeal of the *Administrative Appeals Tribunal Act 1989*
14 by the *ACT Civil and Administrative Tribunal Act 2008*, section 119. The *Administrative*
15 *Appeals Act 1989* established the Administrative Appeals Tribunal. This amendment omits
16 reference to that tribunal.

17 **Part 3.58 Planning and Development Act**
18 **2007**

19 **[3.160] Dictionary, note 2**

20 *insert*

- 21
 - daily newspaper

22 **Explanatory note**

23 This amendment inserts a new term to assist users and is consequential on the insertion of a
24 definition of *daily newspaper* in the Legislation Act, dictionary, part 1 by another amendment.
25 Dictionary, note 2 is an aid to users which lists examples of terms used in the Act that are
26 defined in the Legislation Act, dictionary, part 1.

1 **[3.161] Dictionary, definition of *completed***

2 *substitute*

3 *completed*—

4 (a) for an EIS—see section 209; and

5 (b) for a s 125-related EIS—see section 209A.

6 **Explanatory note**

7 This amendment amends the definition to insert a signpost definition for the additional meaning
8 of *completed* in section 209A.

9 **[3.162] Dictionary, new definitions**

10 *insert*

11 *single dwelling house lease*, for chapter 9 (Leases and licences)—
12 see section 234.

13 *technical variation*, of a plan of management, for part 10.4 (Plans of
14 management for public land)—see section 318.

15 **Explanatory note**

16 This amendment inserts new signpost definitions in the dictionary for the Act.

17 **Part 3.59 Plant Diseases Act 2002**

18 **[3.163] Dictionary, note 2**

19 *insert*

- 20 • daily newspaper

21 **Explanatory note**

22 This amendment inserts a new term to assist users and is consequential on the insertion of a
23 definition of *daily newspaper* in the Legislation Act, dictionary, part 1 by another amendment.
24 Dictionary, note 2 is an aid to users which lists examples of terms used in the Act that are
25 defined in the Legislation Act, dictionary, part 1.

1 **[3.164] Dictionary, definition of *required media*, paragraph (a)**

2 *substitute*

3 (a) a daily newspaper; and

4 **Explanatory note**

5 This amendment is consequential on the insertion of a definition of *daily newspaper* in the
6 Legislation Act, dictionary, part 1 by another amendment.

7 **Part 3.60 Prohibited Weapons Act 1996**

8 **[3.165] Section 4L (4)**

9 *omit*

10 daily newspaper circulating in the ACT

11 *substitute*

12 daily newspaper

13 **Explanatory note**

14 This amendment is consequential on the insertion of a definition of *daily newspaper* in the
15 Legislation Act, dictionary, part 1 by another amendment.

16 **[3.166] Section 4L (4), new note**

17 *insert*

18 *Note* **Daily newspaper**—see the Legislation Act, dictionary, pt 1.

19 **Explanatory note**

20 This amendment inserts a new note to assist users and is consequential on the insertion of a
21 definition of *daily newspaper* in the Legislation Act, dictionary, part 1 by another amendment.

1 **Part 3.61 Public Health Act 1997**

2 **[3.167] Section 118D (4) (a), 118J (4) (a) and 119 (6)**

3 *omit*

4 daily newspaper published and circulating in the ACT

5 *substitute*

6 daily newspaper

7 **Explanatory note**

8 This amendment is consequential on the insertion of a definition of *daily newspaper* in the
9 Legislation Act, dictionary, part 1 by another amendment.

10 **[3.168] Dictionary, note 2**

11 *insert*

- 12 • daily newspaper

13 **Explanatory note**

14 This amendment inserts a new term to assist users and is consequential on the insertion of a
15 definition of *daily newspaper* in the Legislation Act, dictionary, part 1 by another amendment.
16 Dictionary, note 2 is an aid to users which lists examples of terms used in the Act that are
17 defined in the Legislation Act, dictionary, part 1.

1 **Part 3.62 Racing Act 1999**

2 **[3.169] Section 20 (2)**

3 *substitute*

4 (2) If the Minister acts under subsection (1), the Minister must ensure
5 that, not later than 7 sitting days after the day the Minister takes the
6 action—

7 (a) the Legislative Assembly is told of the action; and

8 (b) a copy of the commission's advice is presented to the
9 Assembly.

10 **Explanatory note**

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

12 **[3.170] Section 48**

13 *substitute*

14 **48 Appeals—filing**

15 An appeal mentioned in section 47 must be filed with the registrar
16 not later than—

17 (a) 7 days after the day the appellant is told of the decision from
18 which the appeal is made; or

19 (b) if the tribunal allows the appeal to be filed by a later time—that
20 time.

21 **Explanatory note**

22 This amendment updates language in accordance with current legislative drafting style.

23 **[3.171] Dictionary, new definitions**

24 *insert*

25 *1987 NSW Act*, for part 5A (Jockeys accident insurance)—see
26 section 61A.

- 1 *1998 NSW Act*, for part 5A (Jockeys accident insurance)—see
2 section 61A.
- 3 *ACT jockey*, for part 5A (Jockeys accident insurance)—see
4 section 61A.
- 5 *applied NSW Acts*, for part 5A (Jockeys accident insurance)—see
6 section 61A.
- 7 *injury*, for part 5A (Jockeys accident insurance)—see section 61A.
- 8 *NSW Acts*, for part 5A (Jockeys accident insurance)—see
9 section 61A.
- 10 *NSW jockey*, for part 5A (Jockeys accident insurance)—see
11 section 61A.
- 12 *Racing NSW*, for part 5A (Jockeys accident insurance)—see the
13 *Thoroughbred Racing Act 1996* (NSW), section 3.
- 14 *special insurance scheme*, for NSW jockeys, for part 5A (Jockeys
15 accident insurance)—see section 61A.

16 **Explanatory note**

17 This amendment inserts signpost definitions in the dictionary for part 5A definitions.

1 **Part 3.63** **Rates Act 2004**

2 **[3.172] Section 45, definition of *pensioner*, paragraph (c)**

3 *substitute*

- 4 (c) a person who has been given a card or other written authority
5 by the Commonwealth that evidences the person's eligibility
6 under the *Veterans' Entitlements Act 1986* (Cwlth) or the
7 *Military Rehabilitation and Compensation Act 2004* (Cwlth) to
8 be given treatment for all injuries suffered, and all diseases
9 contracted, by the person; or

10 **Explanatory note**

11 This amendment is consequential on the enactment of the *Military Rehabilitation and*
12 *Compensation Act 2004* (Cwlth) which applies to injury, disease or death occurring as a result
13 of service in the Defence Force on or after 1 July 2004. The *Veterans' Entitlements Act 1986*
14 (Cwlth) continues to apply to injuries or illness from eligible service in the Defence Force
15 before 1 July 2004.

16 **[3.173] Section 45, definition of *pensioner*, paragraph (f)**

17 *substitute*

- 18 (f) a person who—
- 19 (i) was in a partnership until the death of the person's
20 partner; and
- 21 (ii) would be eligible under the *Veterans' Entitlements*
22 *Act 1986* (Cwlth), section 86 to be given treatment
23 mentioned in paragraph (c) because of the partner's death
24 if the person were the partner's dependant within the
25 meaning of that Act, section 11; or
- 26 (g) a person who—
- 27 (i) was in a partnership until the death of the person's
28 partner; and

- 1 (ii) would be eligible under the *Military Rehabilitation and*
2 *Compensation Act 2004* (Cwlth), section 284 (1) to be
3 given treatment mentioned in paragraph (c) because of
4 the partner's death if the person were the partner's wholly
5 dependant partner within the meaning of that Act,
6 section 5.

7 **Explanatory note**

8 This amendment is consequential on the enactment of the *Military Rehabilitation and*
9 *Compensation Act 2004* (Cwlth) which applies to injury, disease or death occurring as a result
10 of service in the Defence Force on or after 1 July 2004. The *Veterans' Entitlements Act 1986*
11 (Cwlth) continues to apply to injuries or illness from eligible service in the Defence Force
12 before 1 July 2004.

13 **[3.174] Section 45, definition of *pensioner*, note for par (d), (e)**
14 **and (f)**

15 *substitute*

16 *Note for par (d), (e), (f) and (g)*

17 This Act, def *partner* and def *partnership* apply to spouses and civil
18 partners, but also extend to unmarried partners (irrespective of their sex) in
19 ***domestic relationships*** within the meaning of the *Domestic Relationships*
20 *Act 1994*, s 3. From 1 July 2009, the *Military Rehabilitation and*
21 *Compensation Act 2004* (Cwlth), s 5, def *partner* and def ***wholly dependent***
22 ***partner***, the *Social Security Act 1991* (Cwlth), s 4, def *partner* and the
23 *Veterans' Entitlements Act 1986* (Cwlth), s 5E, def *partner* and s 11, def
24 ***dependant*** apply to partners (or former partners) irrespective of their sex.

25 **Explanatory note**

26 This amendment is consequential on the enactment of the *Same-Sex Relationships (Equal*
27 *Treatment in Commonwealth Laws—General Law Reform) Act 2008* (Cwlth), schedule 6, part 2
28 and schedule 15, which amend the definitions of ***partner*** in the *Military Rehabilitation and*
29 *Compensation Act 2004* (Cwlth), the *Social Security Act 1991* (Cwlth) and the *Veterans'*
30 *Entitlement Act 1986* (Cwlth) to include same-sex partners in married or marriage-like
31 relationships.

1 **[3.175] Section 45, definition of *special rate pensioner***

2 *substitute*

3 *special rate pensioner* means a pensioner—

4 (a) who is being paid a pension under the *Veterans' Entitlements*
5 *Act 1986* (Cwlth), part 2 and to whom that Act, section 24
6 applies; or

7 (b) who—

8 (i) is being paid a special rate disability pension under the
9 *Military Rehabilitation and Compensation Act 2004*
10 (Cwlth), chapter 4, part 6; or

11 (ii) is eligible, under that Act, section 199, to make a choice
12 under that Act, chapter 4, part 6.

13 **Explanatory note**

14 This amendment is consequential on the enactment of the *Military Rehabilitation and*
15 *Compensation Act 2004* (Cwlth) which applies to injury, disease or death occurring as a result
16 of service in the Defence Force on or after 1 July 2004. The *Veterans' Entitlements Act 1986*
17 (Cwlth) continues to apply to injuries or illness from eligible service in the Defence Force
18 before 1 July 2004.

1 **Part 3.64** **Roads and Public Places Act**
2 **1937**

3 **[3.176] Section 12G (2) (d)**

4 *omit*
5 within 7 days after
6 *substitute*
7 7 days after the day

8 **Explanatory note**
9 This amendment clarifies a time limit and updates language in line with current legislative
10 drafting practice.

11 **[3.177] Section 12G (3) (b)**

12 *substitute*
13 (b) within 7 days after the day the notice is given, the owner
14 applies for a permit to allow the object to remain in, over or
15 across the public place and that application is refused;

16 **Explanatory note**
17 This amendment clarifies a time limit and updates language in line with current legislative
18 drafting practice.

19 **[3.178] Section 13 (5)**

20 *omit*
21 has effect in relation
22 *substitute*
23 applies

24 **Explanatory note**
25 This amendment updates language in line with current legislative drafting practice.

1 **[3.179] Section 15C (2) (d)**

2 *substitute*

3 (d) the interests of people carrying on business near the place and,
4 in particular, the interests of a person carrying on a business
5 near the place similar to the business carried on by the
6 applicant (if any); and

7 **Explanatory note**

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

9 **[3.180] Section 15D**

10 *omit everything before paragraph (a), substitute*

11 **15D Grant of permit—conditions**

12 The Minister may approve the grant of a permit under section 15C
13 subject to any of the following conditions:

14 **Explanatory note**

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

16 **[3.181] Section 15D (h)**

17 *substitute*

18 (h) the applicant must be insured against the risk of liability that
19 may be incurred because of the object for—

20 (i) death, bodily injury or illness; and

21 (ii) loss of, or damage to, property.

22 **Explanatory note**

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

1 **[3.182] Section 15H (1)**

2 *substitute*

- 3 (1) To ensure that an object a permit relates to is used for the purpose
4 stated in the permit, the permit holder may decide who may use the
5 object and any equipment or services provided for the object.

6 **Explanatory note**

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

8 **[3.183] Section 15M (1) and note**

9 *substitute*

- 10 (1) This section applies if—
- 11 (a) a permit authorising a person to place an object in, over or
12 across a public place expires or is surrendered or cancelled;
13 and
- 14 (b) the object is still in, over or across the public place.
- 15 (1A) The Minister must give the person who held the permit written
16 notice requiring the person to remove the object from the public
17 place within the period stated in the notice.

18 *Note* For the giving of documents, see the Legislation Act, pt 19.5.

- 19 (1B) For subsection (1A), the period must be at least 14 days after the
20 notice is given.

21 **Explanatory note**

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

1 **[3.184] Section 15M (2)**

2 *omit*

3 subsection (1)

4 *substitute*

5 subsection (1A)

6 **Explanatory note**

7 This amendment updates a cross-reference as a consequence of another amendment updating
8 language.

9 **[3.185] Sections 15N (1), 15N (2) and 15P (2) (b)**

10 *omit*

11 section 15M (1)

12 *substitute*

13 section 15M (1A)

14 **Explanatory note**

15 This amendment updates a cross-reference as a consequence of another amendment updating
16 language.

17 **[3.186] Dictionary, definition of *public place***

18 *omit*

19 , and includes every public road

20 **Explanatory note**

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

1 **Part 3.65 Road Transport (Driver**
2 **Licensing) Regulation 2000**

3 **[3.187] Section 138B (2)**

4 *omit*

5 registrar of liquor licences and to public servants assisting the
6 registrar

7 *substitute*

8 commissioner for fair trading and to public servants assisting the
9 commissioner

10 **Explanatory note**

11 This amendment is consequential on an amendment of the *Liquor Act 1975* made by the *ACT*
12 *Civil and Administrative Tribunal Legislation Amendment Act 2008*, schedule 1,
13 amendment 1.417 omitting divisions 2.1 and 2.2 of that Act. Division 2.2 established the
14 positions of Registrar and Deputy Registrar of Liquor Licences. The amendment replaced those
15 positions with the commissioner for fair trading.

16 **[3.188] Dictionary, note 2**

17 *insert*

- 18
 - commissioner for fair trading

19 **Explanatory note**

20 This amendment is consequential on another amendment in this part. Dictionary, note 2 is an
21 aid to users which lists examples of terms used in the Act that are defined in the Legislation
22 Act, dictionary, part 1.

1 **Part 3.66** **Road Transport (Public**
2 **Passenger Services) Regulation**
3 **2002**

4 **[3.189] Section 84F (3)**

5 *omit*

6 daily newspaper published and circulating in the ACT

7 *substitute*

8 daily newspaper

9 **Explanatory note**

10 This amendment is consequential on the insertion of a definition of *daily newspaper* in the
11 Legislation Act, dictionary, part 1 by another amendment.

1 **[3.190] Dictionary, note 2**

2 *insert*

- 3 • daily newspaper

4 **Explanatory note**

5 This amendment inserts a new term to assist users and is consequential on the insertion of a
6 definition of *daily newspaper* in the Legislation Act, dictionary, part 1 by another amendment.
7 Dictionary, note 2 is an aid to users which lists examples of terms used in the Act that are
8 defined in the Legislation Act, dictionary, part 1.

9 **Part 3.67 Sale of Motor Vehicles Act 1977**

10 **[3.191] Sections 11B (2) and 45 (1)**

11 *omit*

12 daily newspaper circulating in the ACT

13 *substitute*

14 daily newspaper

15 **Explanatory note**

16 This amendment is consequential on the insertion of a definition of *daily newspaper* in the
17 Legislation Act, dictionary, part 1 by another amendment.

18 **[3.192] Dictionary, note 2**

19 *insert*

- 20 • daily newspaper

21 **Explanatory note**

22 This amendment inserts a new term to assist users and is consequential on the insertion of a
23 definition of *daily newspaper* in the Legislation Act, dictionary, part 1 by another amendment.
24 Dictionary, note 2 is an aid to users which lists examples of terms used in the Act that are
25 defined in the Legislation Act, dictionary, part 1.

1 **Part 3.68** **Second-hand Dealers Regulation**
2 **2002**

3 **[3.193] Sections 11 (4) and 12 (3)**

4 *omit*

5 daily newspaper published and circulating in the ACT

6 *substitute*

7 daily newspaper

8 **Explanatory note**

9 This amendment is consequential on the insertion of a definition of *daily newspaper* in the
10 Legislation Act, dictionary, part 1 by another amendment.

11 **[3.194] Dictionary, note 2**

12 *insert*

- 13
 - daily newspaper

14 **Explanatory note**

15 This amendment inserts a new term to assist users and is consequential on the insertion of a
16 definition of *daily newspaper* in the Legislation Act, dictionary, part 1 by another amendment.
17 Dictionary, note 2 is an aid to users which lists examples of terms used in the Act that are
18 defined in the Legislation Act, dictionary, part 1.

1 **[3.198] Section 100 (1), note**

2 *substitute*

3 *Note* Decisions are prescribed for this section under the following Acts:

- 4 • *Duties Act 1999*, s 252
- 5 • *Land Rent Act 2008*, s 33
- 6 • *Land Tax Act 2004*, s 38
- 7 • *Rates Act 2004*, s 70.

8 **Explanatory note**

9 This amendment updates cross-references.

10 **[3.199] Section 139 (1) (d) to (j)**

11 *omit*

12 **Explanatory note**

13 This amendment omits paragraphs that are redundant because the substance of those paragraphs
14 are dealt with in section 139 (1) (a) and (b).

15 **[3.200] Dictionary, note 2**

16 *insert*

- 17 • commissioner for fair trading

18 **Explanatory note**

19 This amendment is consequential on another amendment in this part. Dictionary, note 2 is an
20 aid to users which lists examples of terms used in the Act that are defined in the Legislation
21 Act, dictionary, part 1.

1 **Part 3.70 Transplantation and Anatomy**
2 **Act 1978**

3 **[3.201] Section 5**

4 *omit*

5 , in writing,

6 **Explanatory note**

7 This amendment omits the requirement for appointments to be in writing. This requirement is
8 now in the Legislation Act, section 206 (1).

9 **[3.202] Section 5, new notes**

10 *insert*

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

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

17 *Note 3* Certain Ministerial appointments require consultation with an Assembly
18 committee and are disallowable (see Legislation Act, div 19.3.3).

19 **Explanatory note**

20 This amendment inserts standard notes about appointments.

21 **[3.203] Section 14 (5)**

22 *substitute*

23 (5) The Minister must appoint the following to be a committee for this
24 section:

25 (a) a judge of the Supreme Court;

26 (b) a medical practitioner;

1 (c) a social worker or psychologist.

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

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

8 *Note 3* Certain Ministerial appointments require consultation with an Assembly
9 committee and are disallowable (see Legislation Act, div 19.3.3).

10 **Explanatory note**

11 This amendment remakes the subsection to—

- 12 • remove unnecessary reference to appointments being in writing;
13 • update language in line with current legislative drafting practice; and
14 • insert standard notes about appointments.

15 **[3.204] Section 42 (3)**

16 *omit*

17 , in writing,

18 **Explanatory note**

19 This amendment omits the requirement for an authorisation to be in writing. Section 42 (5)
20 provides that an authorisation is a notifiable instrument. Under the Legislation Act, section 14,
21 an instrument is a document so must be in writing.

1 **[3.205] Section 51 (2)**

2 *substitute*

3 (2) A regulation may prescribe—

4 (a) offences for contraventions of a regulation; and

5 (b) maximum penalties of not more than 10 penalty units for
6 offences against a regulation.

7 **Explanatory note**

8 This amendment updates language in accordance with current legislative drafting style.

9 **[3.206] Dictionary, new definition of *parent***

10 *insert*

11 *parent*, for division 2.3 (Donations from children)—see section 12.

12 **Explanatory note**

13 This amendment inserts a signpost definition for division 2.3.

14 **[3.207] Dictionary, definitions of *tissue***

15 *substitute*

16 *tissue*—

17 (a) for this Act generally—includes an organ, or part, of a human
18 body or a substance extracted from, or from a part of, the
19 human body; and

20 (b) for part 2 (Donations of tissue by living persons)—see
21 section 6.

22 **Explanatory note**

23 This amendment combines 2 existing definitions of *tissue* in the dictionary in line with current
24 legislative drafting practice.

1 **Part 3.71** **Tree Protection Act 2005**

2 **[3.208] Sections 49 (4), 49 (6), 53 (4), 56 (4), 56 (6) and 59 (4)**

3 *omit*

4 daily newspaper circulating generally in the ACT

5 *substitute*

6 daily newspaper

7 **Explanatory note**

8 This amendment is consequential on the insertion of a definition of *daily newspaper* in the
9 Legislation Act, dictionary, part 1 by another amendment.

10 **[3.209] Dictionary, note 2**

11 *insert*

- 12 • daily newspaper

13 **Explanatory note**

14 This amendment inserts a new term to assist users and is consequential on the insertion of a
15 definition of *daily newspaper* in the Legislation Act, dictionary, part 1 by another amendment.
16 Dictionary, note 2 is an aid to users which lists examples of terms used in the Act that are
17 defined in the Legislation Act, dictionary, part 1.

18 **Part 3.72** **Trustee Companies Act 1947**

19 **[3.210] Section 15 (1)**

20 *omit*

21 daily newspaper circulating generally in the ACT

22 *substitute*

23 daily newspaper

24 **Explanatory note**

25 This amendment is consequential on the insertion of a definition of *daily newspaper* in the
26 Legislation Act, dictionary, part 1 by another amendment.

1 **[3.211] Dictionary, note 2**

2 *insert*

- 3 • daily newspaper

4 **Explanatory note**

5 This amendment inserts a new term to assist users and is consequential on the insertion of a
6 definition of *daily newspaper* in the Legislation Act, dictionary, part 1 by another amendment.
7 Dictionary, note 2 is an aid to users which lists examples of terms used in the Act that are
8 defined in the Legislation Act, dictionary, part 1.

9 **Part 3.73 Uncollected Goods Act 1996**

10 **[3.212] Sections 7 (3) (b) and 25 (1)**

11 *omit*

12 daily newspaper printed and circulating in the ACT

13 *substitute*

14 daily newspaper

15 **Explanatory note**

16 This amendment is consequential on the insertion of a definition of *daily newspaper* in the
17 Legislation Act, dictionary, part 1 by another amendment.

18 **[3.213] Dictionary, note 2**

19 *insert*

- 20 • daily newspaper

21 **Explanatory note**

22 This amendment inserts a new term to assist users and is consequential on the insertion of a
23 definition of *daily newspaper* in the Legislation Act, dictionary, part 1 by another amendment.
24 Dictionary, note 2 is an aid to users which lists examples of terms used in the Act that are
25 defined in the Legislation Act, dictionary, part 1.

1 **Part 3.74 Utilities Act 2000**

2 **[3.214] Dictionary, note 2**

3 *insert*

- 4 • daily newspaper

5 **Explanatory note**

6 This amendment inserts a new term to assist users and is consequential on the insertion of a
7 definition of *daily newspaper* in the Legislation Act, dictionary, part 1 by another amendment.
8 Dictionary, note 2 is an aid to users which lists examples of terms used in the Act that are
9 defined in the Legislation Act, dictionary, part 1.

10 **[3.215] Dictionary, definition of *daily newspaper***

11 *omit*

12 **Explanatory note**

13 This amendment is consequential on the insertion of a definition of *daily newspaper* in the
14 Legislation Act, dictionary, part 1 by another amendment.

15 **Part 3.75 Utilities (Electricity Restrictions)**
16 **Regulation 2004**

17 **[3.216] Dictionary, note 2**

18 *insert*

- 19 • daily newspaper

20 **Explanatory note**

21 This amendment inserts a new term to assist users and is consequential on the insertion of a
22 definition of *daily newspaper* in the Legislation Act, dictionary, part 1 by another amendment.
23 Dictionary, note 2 is an aid to users which lists examples of terms used in the Act that are
24 defined in the Legislation Act, dictionary, part 1.

1 **[3.217] Further amendments, mentions of *in writing***

2 *omit*

3 , in writing,

4 *in*

5 • section 6 (1)

6 • section 8 (1)

7 • section 9 (1)

8 **Explanatory note**

9 This amendment omits words that are now redundant because of the effect of the Legislation
10 Act, section 42 (2), which requires disallowable and notifiable instruments to be in writing.

11 **Part 3.76 Utilities (Gas Restrictions)**
12 **Regulation 2005**

13 **[3.218] Section 10 (3) (c)**

14 *omit*

15 daily newspaper circulating generally in the ACT

16 *substitute*

17 daily newspaper

18 **Explanatory note**

19 This amendment is consequential on the insertion of a definition of *daily newspaper* in the
20 Legislation Act, dictionary, part 1 by another amendment.

1 **[3.219] Dictionary, note 2**

2 *insert*

- 3 • daily newspaper

4 **Explanatory note**

5 This amendment inserts a new term to assist users and is consequential on the insertion of a
6 definition of *daily newspaper* in the Legislation Act, dictionary, part 1 by another amendment.
7 Dictionary, note 2 is an aid to users which lists examples of terms used in the Act that are
8 defined in the Legislation Act, dictionary, part 1.

9 **[3.220] Further amendments, mentions of *in writing***

10 *omit*

11 , in writing,

12 *in*

- 13 • section 6 (1)
14 • section 8 (1)
15 • section 9 (1)

16 **Explanatory note**

17 This amendment omits words that are now redundant because of the effect of the Legislation
18 Act, section 42 (2), which requires disallowable and notifiable instruments to be in writing.

19 **Part 3.77 Waste Minimisation Act 2001**

20 **[3.221] Sections 10 (1)**

21 *omit*

22 daily newspaper published and circulating in the ACT

23 *substitute*

24 daily newspaper

25 **Explanatory note**

26 This amendment is consequential on the insertion of a definition of *daily newspaper* in the
27 Legislation Act, dictionary, part 1 by another amendment.

1 **[3.222] Section 17 (3)**

2 *omit*

3 daily newspaper circulating in the ACT

4 *substitute*

5 daily newspaper

6 **Explanatory note**

7 This amendment is consequential on the insertion of a definition of *daily newspaper* in the
8 Legislation Act, dictionary, part 1 by another amendment.

9 **[3.223] Dictionary, note 2**

10 *insert*

- 11 • daily newspaper

12 **Explanatory note**

13 This amendment inserts a new term to assist users and is consequential on the insertion of a
14 definition of *daily newspaper* in the Legislation Act, dictionary, part 1 by another amendment.
15 Dictionary, note 2 is an aid to users which lists examples of terms used in the Act that are
16 defined in the Legislation Act, dictionary, part 1.

17 **[3.224] Dictionary, note 2**

18 *omit*

- 19 • environment protection authority

20 **Explanatory note**

21 This amendment omits a term that is no longer used in the Act. Dictionary, note 2 is an aid to
22 users which lists examples of terms used in the Act that are defined in the Legislation Act,
23 dictionary, part 1.

1 **Part 3.78** **Waste Minimisation Regulation**
2 **2001**

3 **[3.225] Section 6 (3)**

4 *omit*

5 daily newspaper published and circulating in the ACT

6 *substitute*

7 daily newspaper

8 **Explanatory note**

9 This amendment is consequential on the insertion of a definition of *daily newspaper* in the
10 Legislation Act, dictionary, part 1 by another amendment.

11 **[3.226] Dictionary, note 2**

12 *insert*

- 13
 - daily newspaper

14 **Explanatory note**

15 This amendment inserts a new term to assist users and is consequential on the insertion of a
16 definition of *daily newspaper* in the Legislation Act, dictionary, part 1 by another amendment.
17 Dictionary, note 2 is an aid to users which lists examples of terms used in the Act that are
18 defined in the Legislation Act, dictionary, part 1.

1 **Part 3.79 Water Resources Act 2007**

2 **[3.227] Section 14 (3) (b)**

3 *omit*

4 daily newspaper circulating generally in the ACT

5 *substitute*

6 daily newspaper

7 **Explanatory note**

8 This amendment is consequential on the insertion of a definition of *daily newspaper* in the
9 Legislation Act, dictionary, part 1 by another amendment.

10 **[3.228] Schedule 1, item 16**

11 *omit*

12 **Explanatory note**

13 The amendment omits an item that incorrectly lists a decision under the Act, section 72
14 (Direction to modify or remove water structure) as being a reviewable decision made by the
15 authority. A decision under section 72 is a decision by the Minister and therefore should not be
16 included in schedule 1.

17 **[3.229] Dictionary, note 2**

18 *insert*

- 19
 - daily newspaper

20 **Explanatory note**

21 This amendment inserts a new term to assist users and is consequential on the insertion of a
22 definition of *daily newspaper* in the Legislation Act, dictionary, part 1 by another amendment.
23 Dictionary, note 2 is an aid to users which lists examples of terms used in the Act that are
24 defined in the Legislation Act, dictionary, part 1.

1 **Part 3.80** **Wills Act 1968**

2 **[3.230] Section 12A (4)**

3 *omit*

4 daily newspaper circulating in the ACT

5 *substitute*

6 daily newspaper

7 **Explanatory note**

8 This amendment is consequential on the insertion of a definition of *daily newspaper* in the
9 Legislation Act, dictionary, part 1 by another amendment.

10 **[3.231] Dictionary, note 2**

11 *insert*

- 12
 - daily newspaper

13 **Explanatory note**

14 This amendment inserts a new term to assist users and is consequential on the insertion of a
15 definition of *daily newspaper* in the Legislation Act, dictionary, part 1 by another amendment.
16 Dictionary, note 2 is an aid to users which lists examples of terms used in the Act that are
17 defined in the Legislation Act, dictionary, part 1.

1 **Schedule 4** **Repeal of redundant notifiable**
2 **instruments**

3 (see s 6)

4 **Part 4.1** **Environment Protection Act 1997**

5 **Explanatory note for sch 4**

6 The Act requires public notice (by way of notification on the ACT legislation register) of the
7 making of applications for environmental authorisations and the granting or review of
8 environmental authorisations. Environmental authorisations can cover things as diverse as
9 holding outdoor concerts to running pest control operations. Once a notice has been notified or,
10 in the case of applications for authorisations, the period for public consultation has ended, there
11 is little value in the notifications remaining current.

12 This schedule repeals notifiable instruments that still appear on the legislation register under the
13 'current' heading but have served their purpose and are no longer needed. The repealed notices
14 will still be available on the legislation register, but will appear under the 'repealed' heading.
15 This will ensure that only truly current instruments are included under the 'current' heading on
16 the register, making it easier to access them.

17 *Environment Protection Notice of Approval of Implementation Plan*
18 *No 47 for Tidbinbilla Nature Reserve (NI1998-21)*

19 *Environment Protection Environmental Authorisations (NI1998-25)*

20 *Environment Protection Environmental Authorisation (NI1998-91)*

21 *Environment Protection Environmental Authorisation and*
22 *Application for Authorisation (NI1998-161)*

23 *Environment Protection Environmental Authorisation (NI1998-189)*

24 *Environment Protection Environmental Authorisation (NI1998-198)*

25 *Environment Protection Environmental Authorisation (NI1998-229)*

26 *Environment Protection Environmental Authorisation (NI1998-277)*

1	<i>Environment Protection Environmental Authorisation (NI1998-297)</i>
2	<i>Environment Protection Environmental Authorisations (NI1999-7)</i>
3	<i>Environment Protection Environmental Authorisation (NI1999-11)</i>
4	<i>Environment Protection Environmental Authorisation (NI1999-36)</i>
5	<i>Environment Protection Environmental Authorisation (NI1999-41)</i>
6	<i>Environment Protection Environmental Authorisations (NI1999-64)</i>
7	<i>Environment Protection Environmental Authorisation (NI1999-68)</i>
8	<i>Environment Protection Environmental Authorisation (NI1999-87)</i>
9	<i>Environment Protection Environmental Authorisation (NI1999-88)</i>
10	<i>Environment Protection Environmental Authorisation (NI1999-95)</i>
11	<i>Environment Protection Environmental Authorisation (NI1999-110)</i>
12	<i>Environment Protection Environmental Authorisations and Annual</i>
13	<i>Review of Environmental Authorisations (NI1999-146)</i>
14	<i>Environment Protection Environmental Authorisation (NI1999-155)</i>
15	<i>Environment Protection Environmental Authorisations and Annual</i>
16	<i>Review of Environmental Authorisations (NI1999-166)</i>
17	<i>Environment Protection Environmental Authorisations and Annual</i>
18	<i>Review of Environmental Authorisations (NI1999-197)</i>
19	<i>Environment Protection Annual Review of Environmental</i>
20	<i>Authorisations (NI1999-208)</i>
21	<i>Environment Protection Environmental Authorisations and Annual</i>
22	<i>Review of Environmental Authorisations (NI1999-245)</i>
23	<i>Environment Protection Environmental Authorisations and Annual</i>
24	<i>Review of Environmental Authorisations (NI1999-250)</i>

1	<i>Environment Protection Application for an Environmental</i>
2	<i>Authorisation, Environmental Authorisation and Annual Review of</i>
3	<i>Environmental Authorisations (NI1999-263)</i>
4	<i>Environment Protection Variation of an Environmental</i>
5	<i>Authorisation and Annual Review of Environmental Authorisations</i>
6	<i>(NI1999-265)</i>
7	<i>Environment Protection Environmental Authorisations and Annual</i>
8	<i>Review of Environmental Authorisations (NI1999-273)</i>
9	<i>Environment Protection Notice (NI2000-17)</i>
10	<i>Environment Protection Environmental Authorisations (NI2000-35)</i>
11	<i>Environment Protection Environmental Authorisations (NI2000-65)</i>
12	<i>Environment Protection Environmental Authorisations (NI2000-71)</i>
13	<i>Environment Protection Environmental Authorisations (NI2000-82)</i>
14	<i>Environment Protection Instrument under subsection 67A (1)</i>
15	<i>(NI2000-83)</i>
16	<i>Environment Protection Environmental Authorisations (NI2000-87)</i>
17	<i>Environment Protection Annual Review of Environmental</i>
18	<i>Authorisations (NI2000-107)</i>
19	<i>Environment Protection Environmental Authorisations</i>
20	<i>(NI2000-112)</i>
21	<i>Environment Protection Environmental Authorisations</i>
22	<i>(NI2000-120)</i>
23	<i>Environment Protection Environmental Authorisations</i>
24	<i>(NI2000-125)</i>
25	<i>Environment Protection Annual Review of Environmental</i>
26	<i>Authorisations (NI2000-136)</i>
27	<i>Environment Protection Environmental Authorisations</i>
28	<i>(NI2000-154)</i>

1	<i>Environment</i>	<i>Protection</i>	<i>Environmental</i>	<i>Authorisations</i>
2	(NI2000-170)			
3	<i>Environment</i>	<i>Protection</i>	<i>Environmental</i>	<i>Authorisations</i>
4	(NI2000-202)			
5	<i>Environment</i>	<i>Protection</i>	<i>Environmental</i>	<i>Authorisations</i>
6	(NI2000-214)			
7	<i>Environment</i>	<i>Protection</i>	<i>Environmental</i>	<i>Authorisations</i>
8	(NI2000-228)			
9	<i>Environment</i>	<i>Protection</i>	<i>Application for Environmental</i>	<i>Authorisations and Annual Review of Environmental Authorisations</i>
10				
11	(NI2000-239)			
12	<i>Environment</i>	<i>Protection</i>	<i>Release of Sustainable Water Action</i>	<i>Management Project (SWAMP) Strategy and Action Plan</i>
13				
14	(NI2000-244)			
15	<i>Environment</i>	<i>Protection</i>	<i>Application for Environmental</i>	<i>Authorisation and Granting of an Environmental Authorisation</i>
16				
17	(NI2000-251)			
18	<i>Environment</i>	<i>Protection</i>	<i>Granting of Environmental Authorisation</i>	
19	(NI2000-253)			
20	<i>Environment</i>	<i>Protection</i>	<i>Annual Review of Environmental</i>	<i>Authorisations and Environmental Authorisations</i>
21				(NI2000-260)
22	<i>Environment</i>	<i>Protection</i>	<i>Environmental Authorisations and Annual</i>	<i>Review of Environmental Authorisations</i>
23				(NI2000-276)
24	<i>Environment</i>	<i>Protection</i>	<i>Application for Environmental</i>	<i>Authorisation and Annual Review of Environmental Authorisations</i>
25				
26	(NI2000-281)			
27	<i>Environment</i>	<i>Protection</i>	<i>Application for Environmental</i>	<i>Authorisation, Annual Review of Environmental Authorisations and</i>
28				<i>Variation of Environmental Authorisation</i>
29				(NI2000-292)

- 1 *Environment Protection Annual Review of Environmental*
2 *Authorisations* (NI2000-295)
- 3 *Environment Protection Application for Environmental*
4 *Authorisation* (NI2000-307)
- 5 *Environment Protection Annual Review of Environmental*
6 *Authorisations* (NI2000-315)
- 7 *Environment Protection Notice of Review of Environmental*
8 *Authorisation 2001* (NI2001-37)
- 9 *Environment Protection (Environmental Authorisation Application*
10 *and Review) Notice 2001* (NI2001-91)
- 11 *Environment Protection (Environmental Authorisation Grant)*
12 *Notice 2001 (No 1)* (NI2001-88)
- 13 *Environment Protection (Environmental Authorisation Grant)*
14 *Notice 2001* (NI2001-127)
- 15 *Environment Protection (Environmental Authorisation Application*
16 *and Environmental Authorisation Grant) Notice 2001* (NI2001-135)
- 17 *Environmental Protection (Environmental Authorisation Grant)*
18 *Notice 2001* (NI2001-137)
- 19 *Environment Protection (Environmental Authorisation Applications,*
20 *Authorisations and Reviews) Notice 2001* (NI2001-145)
- 21 *Environment Protection (Environmental Authorisation Grant)*
22 *Notice 2001* (NI2001-148)
- 23 *Environment Protection (Environmental Authorisation Application,*
24 *Authorisation and Review) Notice 2001* (NI2001-151)
- 25 *Environment Protection (Environmental Authorisation Application,*
26 *Authorisation and Review) Notice 2001* (NI2001-152)
- 27 *Environment Protection (Environmental Authorisation Grant and*
28 *Environmental Authorisation Review) Notice 2001* (NI2001-153)

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- 1 *Environment Protection (Environmental Authorisation Application*
2 *and Environmental Authorisation Grant) Notice 2001 (NI2001-165)*
- 3 *Environment Protection (Environmental Authorisation Application*
4 *and Environmental Authorisation Grant) Notice 2001 (NI2001-171)*
- 5 *Environment Protection (Environmental Authorisation Application,*
6 *Environmental Authorisation Grant and Environmental*
7 *Authorisation Review) Notice 2001 (NI2001-176)*
- 8 *Environment Protection (Environmental Authorisation Grant)*
9 *Notice 2001 (NI2001-187)*
- 10 *Environment Protection (Environmental Authorisation Grant)*
11 *Notice 2001 (NI2001-192)*
- 12 *Environment Protection (Environmental Authorisation Grant)*
13 *Notice 2001 (NI2001-193)*
- 14 *Environment Protection (Environmental Authorisation Grant)*
15 *Notice 2001 (NI2001-212)*
- 16 *Environment Protection (Environmental Authorisation Application*
17 *and Environmental Authorisation Grant) Notice 2001 (NI2001-216)*
- 18 *Environment Protection Application for an Environmental*
19 *Authorisation and Annual Review of Authorisations (NI2001-228)*
- 20 *Environment Protection Agreements and Annual Review of*
21 *Authorisations (NI2001-232)*
- 22 *Environment Protection—Environmental Authorisations and Annual*
23 *Review of Authorisations (NI2001-248)*
- 24 *Environment Protection Agreements, Environmental Authorisations*
25 *and Annual Review of Authorisations (NI2001-261)*
- 26 *Environment Protection Application for an Environmental*
27 *Authorisation, Environmental Authorisations and Annual Review of*
28 *Authorisations (NI2001-295)*

Schedule 4
Part 4.1

Repeal of redundant notifiable instruments
Environment Protection Act 1997

- 1 *Environment Protection Application for an Environmental*
2 *Authorisation and Environmental Authorisation (NI2001-298)*
- 3 *Environment Protection Agreements and Annual Review of*
4 *Authorisations (NI2001-308)*
- 5 *Environmental Authorisations, Notification of Outcomes of Review*
6 *of Environmental Authorisation and Annual Review of*
7 *Environmental Authorisations (NI2001-316)*
- 8 *Environmental Authorisations and Environment Protection*
9 *Agreements (NI2001-344)*

Endnotes

1 Presentation speech

Presentation speech made in the Legislative Assembly on 2009.

2 Notification

Notified under the Legislation Act on 2009.

3 Republications of amended laws

For the latest republication of amended laws, see www.legislation.act.gov.au.

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