

2009

THE LEGISLATIVE ASSEMBLY  
FOR THE AUSTRALIAN CAPITAL TERRITORY

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(As presented)

(Attorney-General)

## Statute Law Amendment Bill 2009 (No 2)

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THE LEGISLATIVE ASSEMBLY  
FOR THE AUSTRALIAN CAPITAL TERRITORY

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(As presented)

(Attorney-General)

## **Statute Law Amendment Bill 2009 (No 2)**

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### **A Bill for**

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

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

1     **1           Name of Act**

2           This Act is the *Statute Law Amendment Act 2009 (No 2)*.

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17    **6           Legislation repealed—sch 4**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** **ACT Civil and Administrative**  
4 **Tribunal (Transitional Provisions)**  
5 **Regulation 2009**

6 **[1.1] Section 67 (1)**

7 *omit*

8 sections

9 *substitute*

10 section

11 **Explanatory note**

12 This amendment is consequential on the amendment of section 67 (1) by another amendment.

13 **[1.2] Section 67 (1)**

14 *omit*

15 **301B Modification—Construction Occupations (Licensing)**  
16 **Act 2004**

17 (1) The *Construction Occupations (Licensing) Act 2004* is modified as  
18 set out in the ACAT (TP) Regulation, schedule 1.

19 (2) This section and the ACAT (TP) Regulation, schedule 1 expire on  
20 the day the ACAT (TP) Regulation expires.

21 (3) In this section:

22 *ACAT (TP) Regulation* means the *ACT Civil and Administrative*  
23 *Tribunal (Transitional Provisions) Regulation 2009*.

1 **301C Modification—Construction Occupations (Licensing)**  
2 **Regulation 2004**

3 (1) The *Construction Occupations (Licensing) Regulation 2004* is  
4 modified as set out in the ACAT (TP) Regulation, schedule 2.

5 (2) This section and the ACAT (TP) Regulation, schedule 2 expire on  
6 the day the ACAT (TP) Regulation expires.

7 (3) In this section:

8 *ACAT (TP) Regulation* means the *ACT Civil and Administrative*  
9 *Tribunal (Transitional Provisions) Regulation 2009*.

10 **Explanatory note**

11 This amendment omits modified section 301B and modified section 301C from the *ACT Civil*  
12 *and Administrative Tribunal Act 2008* and is consequential on other amendments that  
13 substantively incorporate the modifications into the *Construction Occupations (Licensing)*  
14 *Act 2004* and the *Construction Occupations (Licensing) Regulation 2004*. Section 301B  
15 modified the *Construction Occupations (Licensing) Act 2004*, and section 301C modified the  
16 *Construction Occupations (Licensing) Regulation 2004*. Both sections 301B and 301C are due  
17 to expire on 2 February 2010. This amendment ensures that the modifications will instead  
18 expire on the commencement of this Act, section 5, when the substantive provisions take effect.

19 **[1.3] Schedule 1**

20 *omit*

21 **Explanatory note**

22 This amendment removes schedule 1 and is consequential on the omission, by another  
23 amendment, of the modified provisions contained in schedule 1.

24 **[1.4] Schedule 2**

25 *omit*

26 **Explanatory note**

27 This amendment removes schedule 2 and is consequential on the omission, by another  
28 amendment, of the modified provision contained in schedule 2.

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## 1 Part 1.2 Casino Control Act 2006

### 2 [1.5] Section 75 (3) (h)

3 *substitute*

4 (h) the level of supervision that is appropriate and reasonable for a  
5 casino employee in relation to the employee's prescribed  
6 functions;

7 (ha) job descriptions (including responsibilities) of casino  
8 employees;

#### 9 Explanatory note

10 This amendment provides that control procedures under section 75 must include operational  
11 details in relation to supervision for casino employees, and applies the job description  
12 requirement to licensed staff (ie casino employees) only.

### 13 [1.6] New section 76 (4) (f)

14 *insert*

15 (f) tell the casino licensee that a further stated reasonable time is  
16 needed to consider the proposed change.

#### 17 Explanatory note

18 This amendment gives the commission the option of taking time additional to the 1 week  
19 allowed at present, to consider proposed changes to control procedures before the changes are  
20 automatically approved under subsection (6).

### 21 [1.7] Section 100 (1) and (2)

22 *substitute*

23 (1) A casino official commits an offence if—

24 (a) the official conducts, or allows someone else to conduct, an  
25 authorised game in the casino; and

26 (b) a condition is included in the declaration of the authorised  
27 game under section 95; and

Amendment [1.8]

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- 1 (c) the game is not conducted in accordance with the condition.
- 2 Maximum penalty:
- 3 (a) for the casino licensee—100 penalty units; and
- 4 (b) for a casino employee—20 penalty units.
- 5 (2) A casino official commits an offence if—
- 6 (a) the official conducts, or allows someone else to conduct, an
- 7 authorised game in the casino; and
- 8 (b) either—
- 9 (i) there are no approved rules for the authorised game under
- 10 section 96; or
- 11 (ii) the game is not conducted in accordance with the rules
- 12 approved under section 96 (including any amendment of
- 13 the rules under section 97).
- 14 Maximum penalty:
- 15 (a) for the casino licensee—100 penalty units; and
- 16 (b) for a casino employee—20 penalty units.
- 17 (3) An offence against this section is a strict liability offence.

18 **Explanatory note**

19 This amendment makes clear that games must not be conducted except in accordance with  
20 approved rules.

21 **[1.8] Section 105 (2)**

22 *omit*

23 **Explanatory note**

24 The effect of this amendment is to prohibit casino employees from accepting gratuities for any  
25 service they provide at the casino.

1 **[1.9] Section 110 (2) (a) (ii)**

2 *substitute*

- 3 (ii) an EFTPOS facility (other than an EFTPOS debit facility  
4 that is used only for payment for food or beverages); or

5 **Explanatory note**

6 This amendment will make it possible for casino patrons to pay for food or beverages using an  
7 EFTPOS debit facility. The prohibition on the casino operator providing for cash advances to  
8 be taken from an EFTPOS facility remains.

9 **Part 1.3 Children and Young People**  
10 **Act 2008**

11 **[1.10] Section 863 (2)**

12 *omit everything after*

13 the child or young person,

14 *substitute*

15 or his or her family members—

- 16 (a) under this Act; or  
17 (b) for a criminal proceeding under another territory law; or  
18 (c) for the administration of a sentence or order under another  
19 territory law.

20 **Examples—par (c)**

- 21 1 administration of a sentence under the *Crimes (Sentence Administration)*  
22 *Act 2005*  
23 2 administration of a mental health order under the *Mental Health (Treatment*  
24 *and Care) Act 1994*

1                             3   administration of a treatment order under the *Drugs of Dependence Act 1989*

2   **Explanatory note**

3   This amendment provides that a care team for a child or young person can include someone  
4   who is responsible for coordinating or delivering a service or care to the child or young person,  
5   or his or her family members, in relation to the administration of a sentence or order.

6   **Part 1.4                             Construction Occupations**  
7   **(Licensing) Act 2004**

8   **[1.11]   Section 56 (1)**

9                             *substitute*

10             (1) If the registrar believes on reasonable grounds that a ground for  
11             occupational discipline exists in relation to a licensee, the registrar  
12             may—

13                     (a) apply to the ACAT for an occupational discipline order in  
14                     relation to the licensee; or

15                     (b) take the following disciplinary action:

16                             (i) reprimand the licensee;

17                             (ii) require the licensee, or, if the licensee is a corporation or  
18                             partnership, a nominee of the licensee, to complete a  
19                             stated course of training to the satisfaction of the registrar  
20                             or another stated person;

- 1 (iii) impose a condition on the licence, or amend an existing  
2 condition.

3 **Explanatory note**

4 This amendment allows the registrar under the *Construction Occupations (Licensing) Act 2004*  
5 to continue to exercise the registrar's disciplinary powers as an alternative to commencing  
6 occupational discipline proceedings in the ACAT.

7 The *Construction Occupations (Licensing) Act 2004* was amended on 2 February 2009 by the  
8 *ACT Civil and Administrative Tribunal (Transitional Provisions) Regulation 2009* to include  
9 section 56 (1) as a modification. The modification was necessary because of amendments made  
10 to the *Construction Occupations (Licensing) Act 2004* by the *ACT Civil and Administrative*  
11 *Tribunal Act 2008*. This amendment enables the modification to be substantively incorporated  
12 into the *Construction Occupations (Licensing) Act 2004* before the modification expires on  
13 2 February 2010.

14 **[1.12] Section 123 (1) (a)**

15 *substitute*

- 16 (a) if satisfied that a ground for occupational discipline exists in  
17 relation to the complaint—
- 18 (i) do both of the following:
- 19 (A) apply to the ACAT for an occupational discipline  
20 order in relation to the licensee;
- 21 (B) tell the complainant in writing that the application  
22 has been made; or
- 23 (ii) take the following disciplinary action:
- 24 (A) reprimand the licensee or former licensee;

**Schedule 1**  
**Part 1.5**

Minor amendments  
Constructions Occupations (Licensing) Regulation 2004

Amendment [1.13]

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- 1 (B) require the licensee, or, if the licensee is a  
2 corporation or partnership, a nominee of the  
3 licensee, to complete a stated course of training to  
4 the satisfaction of the registrar or another stated  
5 person;
- 6 (C) impose a condition on the licence, or amend an  
7 existing condition; or

8 **Explanatory note**

9 This amendment allows the registrar under the *Construction Occupations (Licensing) Act 2004*  
10 to continue to exercise the registrar's disciplinary powers as an alternative to commencing  
11 occupational discipline proceedings in the ACAT.

12 The *Construction Occupations (Licensing) Act 2004* was amended on 2 February 2009 by the  
13 *ACT Civil and Administrative Tribunal (Transitional Provisions) Regulation 2009* to include  
14 section 123 (1) (a) as a modification. The modification was necessary because of amendments  
15 made to the *Construction Occupations (Licensing) Act 2004* by the *ACT Civil and*  
16 *Administrative Tribunal Act 2008*. This amendment enables the modification to be substantively  
17 incorporated into the *Construction Occupations (Licensing) Act 2004* before the modification  
18 expires on 2 February 2010.

19 **Part 1.5** **Constructions Occupations**  
20 **(Licensing) Regulation 2004**

21 **[1.13] Schedule 4, new item 13A**

22 *insert*

13A	Act, 56 (1) (b)	take disciplinary action	licensee
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23 **Explanatory note**

24 This amendment allows for administrative review of the registrar's decision to take disciplinary  
25 action against a licensee under the *Construction Occupations (Licensing) Act 2004*,  
26 section 56 (1) (b).



1 The *Construction Occupations (Licensing) Regulation 2004* was amended on 2 February 2009  
2 by the *ACT Civil and Administrative Tribunal (Transitional Provisions) Regulation 2009* to  
3 include this amendment as a modification. The modification was necessary because of  
4 amendments made to the *Construction Occupations (Licensing) Act 2004* and the *Construction*  
5 *Occupations (Licensing) Regulation 2004* by the *ACT Civil and Administrative Tribunal*  
6 *Act 2008*. This amendment enables the modification to be substantively incorporated into the  
7 *Construction Occupations (Licensing) Regulation 2004* before the modification expires on  
8 2 February 2010.

## 9 **Part 1.6** **Gaming Machine Act 2004**

### 10 **[1.14] Section 158**

11 *substitute*

#### 12 **158 Audit of financial statements etc**

- 13 (1) A licensee must, as soon as practicable (but not later than 6 months)  
14 after the end of each financial year—
- 15 (a) if the licensee's gross revenue for the year is at least  
16 \$200 000—
- 17 (i) ensure that the licensee's financial statements for the year  
18 are audited by a qualified accountant; and
- 19 (ii) ensure that the audited financial statements identify the  
20 licensee's gross revenue during the year; and
- 21 (b) if the licensee's gross revenue for the year is less than  
22 \$200 000—
- 23 (i) prepare an income and expenditure statement for the year  
24 that identifies the licensee's gross revenue during the  
25 year; and
- 26 (ii) certify that the statement is true; and

Amendment [1.15]

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1                    (c) give the commission a copy of the audited financial statements  
2                    or certified income and expenditure statement.

3                    *Note*     **Gross revenue**—see the dictionary.

4                    (2) The audited financial statements or certified income and expenditure  
5                    statement must be accompanied by—

6                    (a) if the licensee is a club—a report stating the number of club  
7                    members at the end of the relevant financial year and, if  
8                    different classes of members exist, the number of members in  
9                    each class; and

10                    **Examples—classes of member**

11                    life member, social member, voting member

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

15                    (b) any other details the commission requires in writing.

16                    **Explanatory note**

17                    This amendment removes the requirement for smaller licensees (ie those with an annual gaming  
18                    machine revenue of less than \$200 000) to have gaming machine accounts audited. Smaller  
19                    licensees will still be required to provide the commission with certified income and expenditure  
20                    statements for the financial year. It also introduces the requirement that club membership  
21                    information be presented by class in the membership report if different classes of members  
22                    exist.

23                    **Part 1.7                    Gaming Machine Regulation 2004**

24                    **[1.15]     Section 17 (2)**

25                    *substitute*

26                    (2) The club secretary must, at the same time, give the commission a  
27                    copy of the following documents:

28                    (a) the notice proposed to be published under section 18 (a);

29                    (b) the notice proposed to be displayed under section 18 (b);

1 (c) all documents mentioned in section 20 (a) to (e).

2 **Explanatory note**

3 This amendment streamlines processes by obliging the secretary to give the commission a copy  
4 of all documents mentioned in section 20, not just those mentioned in section 20 (c) as at  
5 present.

6 **[1.16] Section 19 (3)**

7 *substitute*

8 (3) In this section:

9 *ballot document* means a document mentioned in section 17 (2).

10 **Explanatory note**

11 This amendment is consequential on the amendment of section 17 (2) by another amendment.

12 **[1.17] New section 20 (2)**

13 *after the note, insert*

14 (2) A notice under subsection (1) (c) may include a recommendation  
15 that members vote in a particular way on the question.

16 **Explanatory note**

17 This amendment allows the club to recommend how members vote.

18 **[1.18] Section 21**

19 *after*

20 club secretary

21 *insert*

22 (or, if there is an alternative person under section 22A for the club,  
23 the alternative person)

24 **Explanatory note**

25 This amendment gives functions under the section to someone other than the secretary if  
26 section 22A applies. New section 22A is inserted by another amendment.

Amendment [1.19]

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1 **[1.19] Section 22**

2 *substitute*

3 **22 Counting votes for ballot**

4 (1) The club secretary (or, if there is an alternative person under  
5 section 22A for the club, the alternative person) must work out the  
6 result of the ballot and, as soon as practicable after working out the  
7 result—

8 (a) display the result at each premises to which the ballot relates;  
9 and

10 (b) give the commission written notice of the result.

11 (2) A vote must not be counted in the ballot if—

12 (a) the secretary receives the voting paper after the voting close  
13 date; or

14 (b) the member voting has already voted in the ballot; or

15 (c) the vote has been made by someone other than a voting  
16 member.

17 **Explanatory note**

18 This amendment gives the vote counting function under the section to another person if one has  
19 been decided under section 22A, inserted by another amendment.

20 **[1.20] New sections 22A and 22B**

21 *insert*

22 **22A Alternative person**

23 The commission may decide that a person other than the secretary  
24 may exercise functions under section 21 or section 22 for a club.

1 **22B Supervisory role of commission**

2 (1) The commission may attend when functions are exercised under  
3 section 21 or section 22 or may check that the functions have been  
4 properly exercised.

5 (2) If the commission considers that a function has not been properly  
6 exercised, the commission may direct that the function be properly  
7 exercised.

8 **Explanatory note**

9 This amendment inserts new sections 22A and 22B. The new provisions introduce the  
10 procedure for someone other than the secretary to exercise functions under sections 21 and 22,  
11 and gives the commission a supervisory role in ensuring that the functions are properly  
12 exercised. The combined effect of the new provisions and the amendments to sections 21 and  
13 22 will be to enhance the transparency of the voting process.

14 **Part 1.8 Medicines, Poisons and**  
15 **Therapeutic Goods Act 2008**

16 **[1.21] Section 88 (1)**

17 *omit*

18 A licence must include the following information:

19 *substitute*

20 A licence must be in writing and include the following information:

21 **Explanatory note**

22 This amendment revises the subsection to make it explicit that a licence must be in writing.

- 1 **[1.22] Section 93**
- 2 *omit everything before subsection (2), substitute*
- 3 **93 Licensee to keep chief health officer informed**
- 4 (1) This section applies if a licence-holder believes that there will be a
- 5 change (the *anticipated change*) to anything stated in—
- 6 (a) the licence; or
- 7 (b) the application for the licence; or
- 8 (c) an application to amend the licence.
- 9 *Note* Failure to comply with this section contravenes a condition of the
- 10 licence (see s 89 (b)).

11 **Explanatory note**

12 This amendment substitutes a new section heading and adds new section 93 (1) (b). The new

13 section heading better reflects the operation of the section. The new paragraph requires a

14 licence-holder to tell the chief health officer about a change to a material particular in the

15 application for the licence that might affect the basis on which it was issued, eg a change in the

16 nominated individual for the supervision of dealings with regulated substances under the

17 licence or to the security arrangements for the licensed premises. The examples of changes in

18 section 93 indicate that the section was intended to include changes to matters in licence

19 applications.

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1 **Part 1.9** **Public Sector Management**  
2 **Act 1994**

3 **[1.23] Section 56 (1) (a)**

4 *substitute*

- 5 (a) an industrial agreement is in force in relation to an officer  
6 holding an office having that classification, and the agreement  
7 states the salary payable in relation to offices having that  
8 classification; or

9 **Explanatory note**

10 This amendment replaces a reference to the approval of classifications under management  
11 standards with a reference to industrial agreements. This reflects the fact that classifications are  
12 now set out in industrial agreements.

13 **[1.24] Dictionary, definition of *non-appellable promotion*,**  
14 **paragraph (b)**

15 *substitute*

- 16 (b) a classification equivalent to a classification mentioned in  
17 paragraph (a), other than a classification for an office for  
18 appointment to which teaching qualifications are required.

19 **Explanatory note**

20 This amendment removes a redundant reference to the prescribing of classifications under  
21 management standards which are now set out in industrial agreements.

## Schedule 2      Legislation Act 2001

(see s 5)

### [2.1]      Dictionary, part 1, new definition of *bankrupt or personally insolvent*

*insert*

*bankrupt or personally insolvent*—an individual is *bankrupt or personally insolvent* if the individual—

(a) under the *Bankruptcy Act 1966* (Cwlth)—

(i) is bankrupt; or

(ii) is a party to a debt agreement as a debtor; or

(iii) is a party to a personal insolvency agreement as a debtor and the obligations created by the agreement remain undischarged; or

(iv) authorises a controlling trustee to control the individual's property, whether or not the individual has entered into a personal insolvency agreement as a debtor; or

(b) has a status under a law of a foreign country substantially similar to an individual mentioned in paragraph (a); or

(c) otherwise applies to take the benefit of any law for the relief of bankrupt or insolvent debtors.

#### Explanatory note

This amendment inserts a new definition of *bankrupt or personally insolvent*, establishing a single term to cover the range of circumstances by which an individual may be considered bankrupt or insolvent under the *Bankruptcy Act 1966* (Cwlth). The definition also covers individuals who have a substantially similar status in a foreign country. Paragraph (c) covers any other circumstances of bankruptcy or insolvency of individuals not expressly stated in the preceding paragraphs.



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**[2.2] Dictionary, part 1, definition of *gazette***

*substitute*

*gazette* means—

- (a) the Australian Capital Territory Gazette; or
- (b) for a notice or other information that must or may be notified or published in the *gazette* under the *Public Sector Management Act 1994*—an internet site approved by the commissioner for public administration.

**Explanatory note**

This amendment changes the definition of *gazette* to include an approved internet site to enable employment notices and related material to be published on the internet.

**[2.3] Dictionary, part 1, new definition of *home address***

*insert*

*home address*, for an individual, means the address of the place where the individual usually lives.

**Explanatory note**

This amendment inserts a definition of *home address*, a commonly-used term. The insertion of the definition in the Legislation Act, dictionary, part 1, will avoid its unnecessary duplication in Acts and statutory instruments.

1        **Schedule 3            Technical amendments**

2        (see s 5)

3        **Part 3.1                Animal Diseases Act 2005**

4        **[3.1]            Section 42 (1) (b) (v)**

5                *omit*

6                residential addresses

7                *substitute*

8                home addresses

9        **Explanatory note**

10       This amendment replaces a reference to a ‘residential’ address with ‘home’ address as the  
11       standard term to be used in ACT legislation to refer to the place where a person normally lives.

12       **[3.2]            Section 70 (6)**

13                *omit*

14       **Explanatory note**

15       This amendment omits the definition of the term *home address* and is consequential on the  
16       insertion of a definition of *home address* into the Legislation Act, dictionary, part 1, by another  
17       amendment.

18       **[3.3]            Dictionary, note 2**

19                *insert*

- 20                                •    home address

21       **Explanatory note**

22       This amendment is consequential on the insertion into the Legislation Act, dictionary, part 1, of  
23       a definition of *home address*, by another amendment.

1 **Part 3.2 Architects Act 2004**

2 **[3.4] Section 9 (4) (a)**

3 *substitute*

4 (a) the individual is bankrupt or personally insolvent;

5 **Explanatory note**

6 This amendment is consequential on the insertion into the Legislation Act, dictionary, part 1, of  
7 a definition of *bankrupt or personally insolvent*, by another amendment.

8 **[3.5] Section 20 (1) (a)**

9 *substitute*

10 (a) the person becomes bankrupt or personally insolvent; or

11 **Explanatory note**

12 This amendment is consequential on the insertion into the Legislation Act, dictionary, part 1, of  
13 a definition of *bankrupt or personally insolvent*, by another amendment.

14 **[3.6] Section 74 (2) (d)**

15 *substitute*

16 (d) if the member becomes bankrupt or personally insolvent.

17 **Explanatory note**

18 This amendment is consequential on the insertion into the Legislation Act, dictionary, part 1, of  
19 a definition of *bankrupt or personally insolvent*, by another amendment.

20 **[3.7] Dictionary, note 2**

21 *insert*

- 22 • bankrupt or personally insolvent

23 **Explanatory note**

24 This amendment is consequential on the insertion into the Legislation Act, dictionary, part 1, of  
25 a definition of *bankrupt or personally insolvent*, by another amendment.

1      **Part 3.3**                              **Associations Incorporation**  
2    **Act 1991**

3      **[3.8]      Section 66 (a)**

4                              *omit*

5                              residential address

6                              *substitute*

7                              home address

8      **Explanatory note**

9      This amendment replaces ‘residential address’ with ‘home address’ as the standard term to be  
10     used in ACT legislation to refer to the place where a person normally lives.

11     **[3.9]      Dictionary, note 2**

12                              *insert*

- 13    •      home address

14     **Explanatory note**

15     This amendment is consequential on the insertion into the Legislation Act, dictionary, part 1, of  
16     a definition of *home address*, by another amendment.

17     **Part 3.4**                              **Auditor-General Act 1996**

18     **[3.10]      Schedule 1, section 1.4 (2)**

19                              *substitute*

- 20                              (2) The Executive must remove the auditor-general from office if the  
21                              auditor-general becomes bankrupt or personally insolvent.

22     **Explanatory note**

23     This amendment is consequential on the insertion into the Legislation Act, dictionary, part 1, of  
24     a definition of *bankrupt or personally insolvent*, by another amendment.

1 **[3.11] Dictionary, note 2**

2 *insert*

- 3 • bankrupt or personally insolvent

4 **Explanatory note**

5 This amendment is consequential on the insertion into the Legislation Act, dictionary, part 1, of  
6 a definition of *bankrupt or personally insolvent*, by another amendment.

7 **Part 3.5 Births, Deaths and Marriages**  
8 **Registration Regulation 1998**

9 **[3.12] Section 10 (a)**

10 *substitute*

- 11 (a) the name and last home address of the deceased;

12 *Note* **Home address** is defined in the Legislation Act, dict, pt 1.

13 **Explanatory note**

14 This amendment replaces ‘residential address’ with ‘home address’ as the standard term to be  
15 used in ACT legislation to refer to the place where a person normally lives, and adds a new  
16 note.

17 **[3.13] Section 12 (a)**

18 *substitute*

- 19 (a) the name and last home address of the deceased;

20 *Note* **Home address** is defined in the Legislation Act, dict, pt 1.

21 **Explanatory note**

22 This amendment replaces ‘residential address’ with ‘home address’ as the standard term to be  
23 used in ACT legislation to refer to the place where a person normally lives, and adds a new  
24 note.

1      **Part 3.6                      Casino Control Act 2006**

2      **[3.14]      Section 76 (2) (b)**

3                      *omit*

4                      made

5                      *substitute*

6                      given

7      **Explanatory note**

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

9      **Part 3.7                      Charitable Collections Act 2003**

10      **[3.15]      Section 23 (4) (a) (ii)**

11                      *substitute*

12                              (ii) the person is bankrupt or personally insolvent; or

13      **Explanatory note**

14      This amendment is consequential on the insertion into the Legislation Act, dictionary, part 1, of  
15      a definition of *bankrupt or personally insolvent*, by another amendment.

16      **[3.16]      Dictionary, note 2**

17                      *insert*

- 18                              • bankrupt or personally insolvent

19      **Explanatory note**

20      This amendment is consequential on the insertion into the Legislation Act, dictionary, part 1, of  
21      a definition of *bankrupt or personally insolvent*, by another amendment.

1 **Part 3.8** **Children and Young People**  
2 **Act 2008**

3 **[3.17] Section 822 (6)**

4 *omit*

5 **Explanatory note**

6 This amendment omits the definition of the term *home address* and is consequential on the  
7 insertion of a definition of *home address* into the Legislation Act, dictionary, part 1, by another  
8 amendment.

9 **[3.18] Dictionary, note 2**

10 *insert*

- 11
  - home address

12 **Explanatory note**

13 This amendment is consequential on the insertion into the Legislation Act, dictionary, part 1, of  
14 a definition of *home address*, by another amendment.

15 **[3.19] Dictionary, new definition of *parent***

16 *insert*

17 *parent*—see section 16 (2).

18 **Explanatory note**

19 This amendment inserts a signpost definition to definitional matter in accordance with current  
20 drafting practice.

1 **Part 3.9 Civil Law (Wrongs) Act 2002**

2 **[3.20] Schedule 4, section 4.43 (1) (e)**

3 *substitute*

4 (e) becomes bankrupt or personally insolvent; or

5 **Explanatory note**

6 This amendment is consequential on the insertion into the Legislation Act, dictionary, part 1, of  
7 a definition of *bankrupt or personally insolvent*, by another amendment.

8 **[3.21] Dictionary, note 2**

9 *insert*

- 10 • bankrupt or personally insolvent  
11 • home address

12 **Explanatory note**

13 This amendment is consequential on the insertion into the Legislation Act, dictionary, part 1, of  
14 definitions of *bankrupt or personally insolvent* and *home address*, by other amendments.

15 **Part 3.10 Construction Occupations**  
16 **(Licensing) Act 2004**

17 **[3.22] Section 48 (2) (b)**

18 *substitute*

19 (b) becomes bankrupt or personally insolvent.

20 **Explanatory note**

21 This amendment is consequential on the insertion into the Legislation Act, dictionary, part 1, of  
22 a definition of *bankrupt or personally insolvent*, by another amendment.



1 **[3.23] Section 91 (3) (a)**

2 *after*

3 in relation to

4 *insert*

5 which

6 **Explanatory note**

7 This amendment inserts a missing word.

8 **[3.24] Dictionary, note 2**

9 *insert*

- 10
  - bankrupt or personally insolvent

11 **Explanatory note**

12 This amendment is consequential on the insertion into the Legislation Act, dictionary, part 1, of  
13 a definition of *bankrupt or personally insolvent*, by another amendment.

14 **Part 3.11 Construction Occupations**  
15 **(Licensing) Regulation 2004**

16 **[3.25] Section 5 (d) (ii)**

17 *omit*

18 residential address

19 *substitute*

20 home address

21 **Explanatory note**

22 This amendment replaces 'residential address' with 'home address' as the standard term to be  
23 used in ACT legislation to refer to the place where a person normally lives.

1    **[3.26]    Dictionary, note 2**

2            *substitute*

3            *Note 2*    For example, the Legislation Act, dictionary, pt 1, defines the following  
4            terms:

- 5                    • Act
- 6                    • home address.

7    **Explanatory note**

8    This amendment is consequential on the insertion into the Legislation Act, dictionary, part 1, of  
9    a definition of *home address*, by another amendment.

10    **Part 3.12                    Consumer Credit**  
11                                    **(Administration) Act 1996**

12    **[3.27]    Section 24AB (1) (a) (i)**

13            *substitute*

- 14                    (i) becomes bankrupt or personally insolvent; or

15    **Explanatory note**

16    This amendment is consequential on the insertion into the Legislation Act, dictionary, part 1, of  
17    a definition of *bankrupt or personally insolvent*, by another amendment.

18    **[3.28]    Section 55AB (1) (a) (i)**

19            *substitute*

- 20                    (i) becomes bankrupt or personally insolvent; or

21    **Explanatory note**

22    This amendment is consequential on the insertion into the Legislation Act, dictionary, part 1, of  
23    a definition of *bankrupt or personally insolvent*, by another amendment.

1 **[3.29] Dictionary, note 2**

2 *insert*

- 3 • bankrupt or personally insolvent

4 **Explanatory note**

5 This amendment is consequential on the insertion into the Legislation Act, dictionary, part 1, of  
6 a definition of *bankrupt or personally insolvent*, by another amendment.

7 **Part 3.13 Consumer Credit**  
8 **(Administration) Regulation 1996**

9 **[3.30] Section 5 (a) (ii)**

10 *omit*

11 residential address

12 *substitute*

13 home address

14 **Explanatory note**

15 This amendment replaces ‘residential address’ with ‘home address’ as the standard term to be  
16 used in ACT legislation to refer to the place where a person normally lives.

1 **Part 3.14 Cooperatives Regulation 2003**

2 **[3.31] Section 19 (c) (iii)**

3 *omit*

4 full residential address

5 *substitute*

6 home address

7 **Explanatory note**

8 This amendment replaces a reference to a ‘residential address’ with a reference to a ‘home  
9 address’ as the standard term to be used in ACT legislation to refer to the place where a person  
10 normally lives. It also omits the adjective ‘full’ which is superfluous to the meaning of the  
11 address and is consistent with current drafting practice.

12 **[3.32] Sections 32, 34 and 38**

13 *omit*

14 residential address

15 *substitute*

16 home address

17 **Explanatory note**

18 These amendments replace ‘residential address’ with ‘home address’ as the standard term to be  
19 used in ACT legislation to refer to the place where a person normally lives.

20 **[3.33] Dictionary, note 2**

21 *insert*

- 22 • home address

23 **Explanatory note**

24 This amendment is consequential on the insertion into the Legislation Act, dictionary, part 1, of  
25 a definition of *home address*, by another amendment.

1 **Part 3.15** **Court Procedures Rules 2006**

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

3 *insert*

- 4 • home address

5 **Explanatory note**

6 This amendment is consequential on the insertion into the Legislation Act, dictionary, part 1, of  
7 a definition of *home address*, by another amendment.

8 **Part 3.16** **Crimes (Restorative Justice)**  
9 **Act 2004**

10 **[3.35] Section 12, definition of *commission*, note**

11 *substitute*

12 *Note* *Offence* is defined to include an offence that is alleged to have been  
13 committed. *Offender* is defined in similar terms. See definitions of  
14 *offence* and *offender* in this section.

15 **Explanatory note**

16 This amendment corrects the note by adding a missing word.

17 **[3.36] Section 25 (d) and (e)**

18 *substitute*

19 (d) that no-one is under an obligation to take part, or continue to  
20 take part, in restorative justice after it has started; and

21 (e) if the offender has not entered a plea for the offence—that the  
22 acceptance of responsibility for the commission of the offence  
23 by the offender for the purpose of restorative justice does not  
24 prevent the offender from pleading not guilty to the offence;  
25 and

26 **Explanatory note**

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

1 **Part 3.17**                      **Dangerous Substances Act 2004**

2 **[3.37] Section 138 (3)**

3                      *substitute*

- 4                      (3) If a sample of a substance taken by an inspector is in the form of  
5                      separate or severable objects, the 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 **[3.38] Section 155 (7)**

19                      *omit*

20 **Explanatory note**

21 This amendment omits the definition of the term *home address* and is consequential on the  
22 insertion of a definition of *home address* into the Legislation Act, dictionary, part 1, by another  
23 amendment.

1 **[3.39] Dictionary, note 2**

2 *insert*

- 3 • home address

4 **Explanatory note**

5 This amendment is consequential on the insertion into the Legislation Act, dictionary, part 1, of  
6 a definition of *home address*, by another amendment.

7 **Part 3.18 Dangerous Substances**  
8 **(Explosives) Regulation 2004**

9 **[3.40] Dictionary, note 2**

10 *insert*

- 11 • home address

12 **Explanatory note**

13 This amendment is consequential on the insertion into the Legislation Act, dictionary, part 1, of  
14 a definition of *home address*, by another amendment.

15 **[3.41] Dictionary, definition of *identification papers*,**  
16 **paragraph (b)**

17 *omit*

18 residential address

19 *substitute*

20 home address

21 **Explanatory note**

22 This amendment replaces ‘residential address’ with ‘home address’ as the standard term to be  
23 used in ACT legislation to refer to the place where a person normally lives.

- 1 **[3.42] Dictionary, definition of *identification papers*, example**  
2 **and note**
- 3 *substitute*
- 4 **Example—identification papers**  
5 a proof of age card under the *Liquor Act 1975*, s 175, together with a bank  
6 statement showing the cardholder’s home address
- 7 *Note* An example is part of the regulation, is not exhaustive and may extend,  
8 but does not limit, the meaning of the provision in which it appears (see  
9 Legislation Act, s 126 and s 132).
- 10 **Explanatory note**  
11 This amendment replaces the reference to ‘residential address’ with ‘home address’ in the  
12 example. It is consequential upon the replacement of ‘residential address’ with ‘home address’  
13 in ACT legislation, as well as the insertion into the Legislation Act, dictionary, part 1, of a  
14 definition of *home address*, by other amendments.

15 **Part 3.19 Dangerous Substances (General)**  
16 **Regulation 2004**

- 17 **[3.43] Dictionary, note 2**
- 18 *insert*
- 19 • home address
- 20 **Explanatory note**  
21 This amendment is consequential on the insertion into the Legislation Act, dictionary, part 1, of  
22 a definition of *home address*, by another amendment.



1 **[3.44] Dictionary, definition of *identification papers*,**  
2 **paragraph (b)**

3 *omit*

4 residential address

5 *substitute*

6 home address

7 **Explanatory note**

8 This amendment replaces ‘residential address’ with ‘home address’ as the standard term to be  
9 used in ACT legislation to refer to the place where a person normally lives.

10 **Part 3.20 Domestic Animals**  
11 **Regulation 2001**

12 **[3.45] Dictionary, note 2**

13 *insert*

- 14 • home address

15 **Explanatory note**

16 This amendment is consequential on the insertion into the Legislation Act, dictionary, part 1, of  
17 a definition of *home address*, by another amendment.

1        **Part 3.21                            Domestic Relationships Act 1994**

2        **[3.46]        Section 13 (2)**

3                            *omit*

4                            if it were granted.

5                            *substitute*

6                            would be caused to the respondent if leave were granted.

7        **Explanatory note**

8        This amendment corrects an error. The intended effect of the provision is that the relative  
9        hardships of the applicant and respondent be considered in deciding whether the leave should  
10        be granted.

11       **Part 3.22                            Duties Act 1999**

12       **[3.47]        Section 51 (2)**

13                            *omit everything after paragraph (c), substitute*

14                            the duty chargeable on the new lease is the amount of duty that  
15                            would have been chargeable on the new lease under part 2.3 less the  
16                            amount of duty that would have been chargeable under part 2.3 on  
17                            the grant of a Crown lease over the land that was comprised in the  
18                            development lease, if the Crown lease had been granted on the same  
19                            terms as the new lease.

20       **Explanatory note**

21        This amendment updates language.

1 **[3.48] Section 65**

2 *substitute*

3 **65 Transfer of land under Fair Work (Registered**  
4 **Organisations) Act**

5 Duty of \$20 is chargeable on a transfer of land made in accordance  
6 with the *Fair Work (Registered Organisations) Act 2009* (Cwlth),  
7 section 82.

8 **Explanatory note**

9 This amendment updates a cross-reference as a consequence of amendments to the *Workplace*  
10 *Relations Act 1996* (Cwlth). The *Fair Work (Transitional Provisions and Consequential*  
11 *Amendments) Act 2009* (Cwlth) amended the name of the *Workplace Relations Act 1996*  
12 (Cwlth) to the *Fair Work (Registered Organisations) Act 2009* and made other amendments.

13 **[3.49] Section 70 (e)**

14 *substitute*

15 (e) made in accordance with the *Fair Work (Registered*  
16 *Organisations) Act 2009* (Cwlth), section 84.

17 **Explanatory note**

18 This amendment updates a cross-reference as a consequence of amendments to the *Workplace*  
19 *Relations Act 1996* (Cwlth). The *Fair Work (Transitional Provisions and Consequential*  
20 *Amendments) Act 2009* (Cwlth) amended the name of the *Workplace Relations Act 1996*  
21 (Cwlth) to the *Fair Work (Registered Organisations) Act 2009* and made other amendments.

1    **[3.50]    Section 215**

2            *substitute*

3    **215       Organisations registered under Fair Work (Registered**  
4            **Organisations) Act**

5            Duty under this chapter is not chargeable on an application to  
6            register a motor vehicle made by an organisation registered under  
7            the *Fair Work (Registered Organisations) Act 2009* (Cwlth) if the  
8            registration is to happen in accordance with that Act, section 85.

9    **Explanatory note**

10          This amendment updates a cross-reference as a consequence of amendments to the *Workplace*  
11          *Relations Act 1996* (Cwlth). The *Fair Work (Transitional Provisions and Consequential*  
12          *Amendments) Act 2009* (Cwlth) amended the name of the *Workplace Relations Act 1996*  
13          (Cwlth) to the *Fair Work (Registered Organisations) Act 2009* and made other amendments.

14    **[3.51]    Section 217 (3)**

15            *substitute*

16          (3) In this section:

17            ***historic vehicle***—see the *Road Transport (Vehicle Registration)*  
18            *Regulation 2000*, dictionary.

19            ***veteran vehicle***—see the *Road Transport (Vehicle Registration)*  
20            *Regulation 2000*, dictionary.

21            ***vintage vehicle***—see the *Road Transport (Vehicle Registration)*  
22            *Regulation 2000*, dictionary.

23    **Explanatory note**

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

1 **Part 3.23** **Electricity (Greenhouse Gas**  
2 **Emissions) Regulation 2004**

3 **[3.52] Section 29 (1) (d)**

4 *substitute*

5 (d) the person becomes bankrupt or personally insolvent;

6 **Explanatory note**

7 This amendment is consequential on the insertion into the Legislation Act, dictionary, part 1, of  
8 a definition of *bankrupt or personally insolvent*, by another amendment.

9 **[3.53] Dictionary, note 2**

10 *insert*

- 11 • bankrupt or personally insolvent

12 **Explanatory note**

13 This amendment is consequential on the insertion into the Legislation Act, dictionary, part 1, of  
14 a definition of *bankrupt or personally insolvent*, by another amendment.

15 **Part 3.24** **Electricity Safety Act 1971**

16 **[3.54] Section 14 (5) (b)**

17 *substitute*

18 (b) for an individual—the person becomes bankrupt or personally  
19 insolvent.

20 **Explanatory note**

21 This amendment is consequential on the insertion into the Legislation Act, dictionary, part 1, of  
22 a definition of *bankrupt or personally insolvent*, by another amendment.

1    **[3.55]    Section 52 (6)**

2                    *omit*

3    **Explanatory note**

4    This amendment omits the definition of the term *home address* and is consequential on the  
5    insertion of a definition of *home address* into the Legislation Act, dictionary, part 1, by another  
6    amendment.

7    **[3.56]    Dictionary, note 2**

8                    *insert*

- 9                                    •    bankrupt or personally insolvent  
10                                   •    home address

11   **Explanatory note**

12   This amendment is consequential on the insertion into the Legislation Act, dictionary, part 1, of  
13   definitions of *bankrupt or personally insolvent* and *home address*, by other amendments.

14   **Part 3.25                    Emergencies Act 2004**

15   **[3.57]    Section 113 (7)**

16                    *omit*

17   **Explanatory note**

18   This amendment omits the definition of the term *home address* and is consequential on the  
19   insertion of a definition of *home address* into the Legislation Act, dictionary, part 1, by another  
20   amendment.

21   **[3.58]    Section 132 (c) (i)**

22                    *substitute*

23                    (i) becomes bankrupt or personally insolvent; or

24   **Explanatory note**

25   This amendment is consequential on the insertion into the Legislation Act, dictionary, part 1, of  
26   a definition of *bankrupt or personally insolvent*, by another amendment.

1 **[3.59] Section 196 (7), definition of *home address***

2 *omit*

3 **Explanatory note**

4 This amendment omits the definition of the term *home address* and is consequential on the  
5 insertion of a definition of *home address* into the Legislation Act, dictionary, part 1, by another  
6 amendment.

7 **[3.60] Schedule 1, section 1.8 (5) (b)**

8 *substitute*

9 (b) the *Road Transport (Third-Party Insurance) Act 2008*,  
10 chapter 2 (Compulsory third-party insurance (CTP insurance));

11 **Explanatory note**

12 This amendment updates a cross-reference. The provision being replaced refers to the *Road*  
13 *Transport (General) Act 1999*, part 10 which has been omitted and the operation of the part  
14 incorporated in the *Road Transport (Third Party Insurance) Act 2008*.

15 **[3.61] Dictionary, note 2**

16 *insert*

- 17 • bankrupt or personally insolvent  
18 • home address

19 **Explanatory note**

20 This amendment is consequential on the insertion into the Legislation Act, dictionary, part 1, of  
21 definitions of *bankrupt or personally insolvent* and *home address*, by other amendments.

1            **Part 3.26                          Enclosed Lands Protection**  
2    **Act 1943**

3            **[3.62]     Section 6 (1)**

4                         *omit*

5                         residential address

6                         *substitute*

7                         home address

8            **Explanatory note**

9            This amendment replaces ‘residential address’ with ‘home address’ as the standard term to be  
10           used in ACT legislation to refer to the place where a person normally lives.

11           **[3.63]     Dictionary, note 2**

12                        *insert*

- 13    •     home address

14           **Explanatory note**

15           This amendment is consequential on the insertion into the Legislation Act, dictionary, part 1, of  
16           a definition of *home address*, by another amendment.



1 **Part 3.27 Environment Protection Act 1997**

2 **[3.64] Section 67A (1)**

3 *substitute*

- 4 (1) The Minister may, in writing, declare a licence, authorisation,  
5 permit, notice or approval issued, granted or given under a law of a  
6 State or another Territory to conduct a class of activity specified in  
7 schedule 1, section 1.2 to be a recognised environmental  
8 authorisation to which this division applies.

9 **Explanatory note**

10 This amendment updates language in line with current legislative drafting practice and corrects  
11 a cross-reference.

12 **[3.65] Section 67A (as amended)**

13 *in part 8, relocate after section 67*

14 **Explanatory note**

15 This amendment reorders existing sections 67A and 67 in line with the usual sequence of  
16 provisions and, because section 67A applies to the whole of division 8.2, it more properly  
17 belongs at the end of the division.

18 **Part 3.28 Fertilisers Act 1904**

19 **[3.66] Section 1**

20 *substitute*

21 **1 Name of Act**

22 This Act is the *Fertilisers (Labelling and Sale) Act 1904*.

23 **Explanatory note**

24 This amendment changes the name of the Act to better reflect the scope of the Act.

1      **Part 3.29                      Financial Management Act 1996**

2      **[3.67]      Dictionary, definition of *outcomes***

3                                  *omit*

4      **Explanatory note**

5      This amendment omits a redundant definition. The term does not appear elsewhere in the Act.

6      **[3.68]      Dictionary, new definition of *the Territory***

7                                  *insert*

8                                  *the Territory*, for division 3.1 (Financial reports of the Territory)—  
9                                  see section 21.

10     **Explanatory note**

11     This amendment inserts a new signpost definition of *the Territory* in the dictionary for  
12     division 3.1.

13     **Part 3.30                      Firearms Act 1996**

14     **[3.69]      Section 254 (1) (c)**

15                                  *omit*

16                                  residential address

17                                  *substitute*

18                                  home address

19     **Explanatory note**

20     This amendment replaces ‘residential address’ with ‘home address’ as the standard term to be  
21     used in ACT legislation to refer to the place where a person normally lives.

1 **[3.70] Dictionary, note 2**

2 *insert*

- 3 • home address

4 **Explanatory note**

5 This amendment is consequential on the insertion into the Legislation Act, dictionary, part 1, of  
6 a definition of *home address*, by another amendment.

7 **Part 3.31 Firearms Regulation 2008**

8 **[3.71] Dictionary, note 2**

9 *insert*

- 10 • home address

11 **Explanatory note**

12 This amendment is consequential on the insertion into the Legislation Act, dictionary, part 1, of  
13 a definition of *home address*, by another amendment.

14 **[3.72] Dictionary, definition of *home address***

15 *omit*

16 **Explanatory note**

17 This amendment omits the definition of the term *home address* and is consequential on the  
18 insertion of a definition of *home address* into the Legislation Act, dictionary, part 1, by another  
19 amendment.

20 **Part 3.32 Fisheries Act 2000**

21 **[3.73] Section 64 (6)**

22 *omit*

23 **Explanatory note**

24 This amendment omits the definition of the term *home address* and is consequential on the  
25 insertion of a definition of *home address* into the Legislation Act, dictionary, part 1, by another  
26 amendment.

1    **[3.74]    Dictionary, note 2**

2                    *insert*

- 3                            •    home address

4    **Explanatory note**

5    This amendment is consequential on the insertion into the Legislation Act, dictionary, part 1, of  
6    a definition of *home address*, by another amendment.

7    **Part 3.33                    Food Act 2001**

8    **[3.75]    Section 76 (3)**

9                    *substitute*

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

12                    (a) may take a number of the objects; and

13                    (b) if the authorised officer takes a number of the objects, must—

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

17                            (ii) deal with the sample under subsection (2) (b) to (d).

18    **Explanatory note**

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

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1 **Part 3.34** **Government Procurement**  
2 **Act 2001**

3 **[3.76] Section 3A**

4 *substitute*

5 **3A Application of Act to land sales etc**

6 This Act does not apply to the grant of a licence or lease of land, or  
7 the sale of a lease of land, under the *Planning and Development*  
8 *Act 2007*.

9 **Explanatory note**

10 This amendment updates the section consequent on the repeal of the *Land (Planning and*  
11 *Environment) Act 1991* and the *Planning and Land Act 2002* by the *Planning and Development*  
12 *Act 2007*.

13 **[3.77] Section 16 (3) (b) (i)**

14 *substitute*

15 (i) becomes bankrupt or personally insolvent; or

16 **Explanatory note**

17 This amendment is consequential on the insertion into the Legislation Act, dictionary, part 1, of  
18 a definition of *bankrupt or personally insolvent*, by another amendment.

19 **[3.78] Dictionary, note 2**

20 *insert*

- 21
  - bankrupt or personally insolvent

22 **Explanatory note**

23 This amendment is consequential on the insertion into the Legislation Act, dictionary, part 1, of  
24 a definition of *bankrupt or personally insolvent*, by another amendment.

1 **Part 3.35** **Guardianship and Management**  
2 **of Property Act 1991**

3 **[3.79] Section 12 (4)**

4 *substitute*

5 (4) In this section:

6 *corresponding law* means a law of a State or of another Territory, or  
7 a law of a prescribed country, that corresponds, or substantially  
8 corresponds, to this Act.

9 **Explanatory note**

10 This amendment brings the subsection into line with current drafting practice. In particular, it  
11 updates the definition to bring it into line with section 32A, definition of *protected person*,  
12 paragraph (b) (ii).

13 **[3.80] Section 32B (1)**

14 *omit*

15 are a *health attorney*

16 *substitute*

17 is a *health attorney*

18 **Explanatory note**

19 This amendment corrects a grammatical error.

1 **Part 3.36** **Hawkers Act 2003**

2 **[3.81] Section 4 (b)**

3 *substitute*

4 (b) the operation of a public passenger service under the *Road*  
5 *Transport (Public Passenger Services) Act 2001*;

6 **Explanatory note**

7 This amendment omits a cross-reference to the *Road Transport General Act 1999*, part 10 that  
8 has been repealed.

9 **Part 3.37** **Hemp Fibre Industry Facilitation**  
10 **Act 2004**

11 **[3.82] Section 16 (b)**

12 *substitute*

13 (b) is bankrupt or personally insolvent.

14 **Explanatory note**

15 This amendment is consequential on the insertion into the Legislation Act, dictionary, part 1, of  
16 a definition of *bankrupt or personally insolvent*, by another amendment.

17 **[3.83] Section 18 (b)**

18 *substitute*

19 (b) is bankrupt or personally insolvent; or

20 **Explanatory note**

21 This amendment is consequential on the insertion into the Legislation Act, dictionary, part 1, of  
22 a definition of *bankrupt or personally insolvent*, by another amendment.

1    **[3.84]    Section 37 (b)**

2                    *substitute*

3                    (b) if the licensee is an individual—the licensee is bankrupt or  
4                    personally insolvent;

5    **Explanatory note**

6    This amendment is consequential on the insertion into the Legislation Act, dictionary, part 1, of  
7    a definition of *bankrupt or personally insolvent*, by another amendment.

8    **[3.85]    Dictionary, note 2**

9                    *insert*

- 10                    • bankrupt or personally insolvent

11    **Explanatory note**

12    This amendment is consequential on the insertion into the Legislation Act, dictionary, part 1, of  
13    a definition of *bankrupt or personally insolvent*, by another amendment.

14    **[3.86]    Dictionary, definition of *affected by bankruptcy action***

15                    *omit*

16    **Explanatory note**

17    This amendment is consequential on the insertion into the Legislation Act, dictionary, part 1, of  
18    a definition of *bankrupt or personally insolvent*, by another amendment.

19    **Part 3.38                    Heritage Act 2004**

20    **[3.87]    Section 85 (6)**

21                    *omit*

22    **Explanatory note**

23    This amendment omits the definition of the term *home address* and is consequential on the  
24    insertion of a definition of *home address* into the Legislation Act, dictionary, part 1, by another  
25    amendment.



1 **[3.88] Dictionary, note 2**

2 *insert*

- 3 • home address

4 **Explanatory note**

5 This amendment is consequential on the insertion into the Legislation Act, dictionary, part 1, of  
6 a definition of *home address*, by another amendment.

7 **Part 3.39 Housing Assistance Act 2007**

8 **[3.89] Section 6 heading**

9 *substitute*

10 **6 Objects of Act**

11 **Explanatory note**

12 This amendment brings the heading into line with current drafting practice.

13 **[3.90] Section 32 (5), definition of *unleased territory land***

14 *substitute*

15 *unleased territory land* means territory land that is not leased under  
16 the *Planning and Development Act 2007* or the *Unit Titles Act 2001*.

17 **Explanatory note**

18 This amendment updates the definition consequent on the repeal of the *Land (Planning and*  
19 *Environment) Act 1991* by the *Planning and Development Act 2007*.

20 **[3.91] Section 33 (2) (f), note 2**

21 *substitute*

22 *Note 2* See also the *Planning and Development Act 2007*, s 312 for the  
23 recovery of land from a former licensee.

24 **Explanatory note**

25 This amendment updates the note consequent on the repeal of the *Land (Planning and*  
26 *Environment) Act 1991* by the *Planning and Development Act 2007*.

1    **[3.92]    Section 36 (1)**

2            *omit*

3            a departmental banking account or territory banking account within  
4            the meaning of the *Financial Management Act 1996*

5            *substitute*

6            a departmental banking account, or territory banking account, within  
7            the meaning of the *Financial Management Act 1996*

8    **Explanatory note**

9    The subsection relates to amounts paid to or by the housing commissioner for the *Housing*  
10 *Assistance Act 2007*. Both of the terms ‘departmental banking account’ and ‘territory banking  
11 account’ are defined in the *Financial Management Act 1996*. This amendment makes it clear  
12 that the reference to ‘within the meaning of’ applies to both of these terms.

13 **[3.93]    Dictionary, note 2**

14            *omit*

- 15                            •    commissioner for revenue

16 **Explanatory note**

17 This amendment omits a redundant term in the note. The term does not appear elsewhere in the  
18 Act.

19 **[3.94]    Dictionary, note 2**

20            *omit*

- 21                            •    human rights commission

22 **Explanatory note**

23 This amendment omits a redundant term in the note. The term does not appear elsewhere in the  
24 Act.

1 **Part 3.40 Interactive Gambling Act 1998**

2 **[3.95] Section 39 (1) (h)**

3 *substitute*

4 (h) the licensed provider is bankrupt or personally insolvent; or

5 **Explanatory note**

6 This amendment is consequential on the insertion into the Legislation Act, dictionary, part 1, of  
7 a definition of *bankrupt or personally insolvent*, by another amendment.

8 **[3.96] Dictionary, note 2**

9 *insert*

- 10 • bankrupt or personally insolvent

11 **Explanatory note**

12 This amendment is consequential on the insertion into the Legislation Act, dictionary, part 1, of  
13 a definition of *bankrupt or personally insolvent*, by another amendment.

14 **Part 3.41 Interactive Gambling**  
15 **Regulation 1998**

16 **[3.97] Section 5 (b)**

17 *omit*

18 residential address

19 *substitute*

20 home address

21 **Explanatory note**

22 This amendment replaces 'residential address' with 'home address' as the standard term to be  
23 used in ACT legislation to refer to the place where a person normally lives.

1    **[3.98]    Dictionary, note 2**

2                    *insert*

- 3                                    •    home address

4    **Explanatory note**

5    This amendment is consequential on the insertion into the Legislation Act, dictionary, part 1, of  
6    a definition of *home address*, by another amendment.

7    **Part 3.42                    Intoxicated People (Care and**  
8                                    **Protection) Act 1994**

9    **[3.99]    Section 15 (3), definition of *name and address*,**  
10                                   **paragraph (b)**

11                    *omit*

12                    residential address

13                    *substitute*

14                    home address

15    **Explanatory note**

16    This amendment replaces ‘residential address’ with ‘home address’ as the standard term to be  
17    used in ACT legislation to refer to the place where a person normally lives.

18    **[3.100]    Dictionary, note 2**

19                    *insert*

- 20                                    •    home address

21    **Explanatory note**

22    This amendment is consequential on the insertion into the Legislation Act, dictionary, part 1, of  
23    a definition of *home address*, by another amendment.

1 **Part 3.43** **Leases (Commercial and Retail)**  
2 **Act 2001**

3 **[3.101] Section 23 (3) and note**

4 *substitute*

- 5 (3) For this section, if the lessor has a mortgagee, lessor's costs include  
6 any fee for, or incidental to obtaining, the mortgagee's consent to  
7 the lease.

8 *Note* If the lessor requires the lease to be registered, the lessor must pay the  
9 costs under s (2) also.

10 **Explanatory note**

11 This amendment omits the reference to stamp duty in lessor's costs. The requirement to stamp  
12 commercial leases has been abolished.

13 **[3.102] Section 25 (a)**

14 *substitute*

- 15 (a) if the lease is not to be registered—within 21 days after the  
16 lease is signed by the lessor and tenant; or

17 **Explanatory note**

18 This amendment amends the starting point for the 21-day period for a lessor to give a copy of a  
19 lease to a tenant to omit the reference to stamping the lease. The requirement to stamp  
20 commercial leases has been abolished.

1            **Part 3.44                                  Legal Profession Act 2006**

2            **[3.103]    Section 290 (5)**

3                            *omit*

4                            residential address

5                            *substitute*

6                            home address

7            **Explanatory note**

8            This amendment replaces ‘residential address’ with ‘home address’ as the standard term to be  
9            used in ACT legislation to refer to the place where a person normally lives.

10           **[3.104]    Section 533 (6)**

11                           *omit*

12           **Explanatory note**

13           This amendment omits the definition of the term *home address* and is consequential on the  
14           insertion of a definition of *home address* into the Legislation Act, dictionary, part 1, by another  
15           amendment.

16           **[3.105]    Dictionary, note 2**

17                           *insert*

- 18                                • home address

19           **Explanatory note**

20           This amendment is consequential on the insertion into the Legislation Act, dictionary, part 1, of  
21           a definition of *home address*, by another amendment.

1 **Part 3.45** **Limitation Act 1985**

2 **[3.106] Section 49 (2)**

3 *omit*

4 residential address

5 *substitute*

6 home address

7 **Explanatory note**

8 This amendment replaces ‘residential address’ with ‘home address’ as the standard term to be  
9 used in ACT legislation to refer to the place where a person normally lives.

10 **[3.107] Dictionary, note 2**

11 *insert*

- 12 • home address

13 **Explanatory note**

14 This amendment is consequential on the insertion into the Legislation Act, dictionary, part 1, of  
15 a definition of *home address*, by another amendment.

16 **Part 3.46** **Liquor Act 1975**

17 **[3.108] Section 30 (1) (c)**

18 *substitute*

- 19 (c) subject to subsection (3), require the young person to give the  
20 young person’s name, home address and age to the inspector or  
21 officer; and

22 **Explanatory note**

23 This amendment replaces ‘address’ with ‘home address’ as the standard term to be used in ACT  
24 legislation to refer to the place where a person normally lives, and updates language in line with  
25 current drafting practice.

1    **[3.109]    Section 69 etc**

2            *omit*  
3            residential address  
4            *substitute*  
5            home address

6            *in*  
7            • section 69  
8            • section 73  
9            • section 74 (1) (a)  
10          • section 132

11    **Explanatory note**

12    These amendments replace ‘residential address’ with ‘home address’ as the standard term to be  
13    used in ACT legislation to refer to the place where a person normally lives.

14    **[3.110]    Dictionary, note 2**

15            *insert*  
16            • home address

17    **Explanatory note**

18    This amendment is consequential on the insertion into the Legislation Act, dictionary, part 1, of  
19    a definition of *home address*, by another amendment.

20    **Part 3.47                            Litter Act 2004**

21    **[3.111]    Section 17 (6)**

22            *omit*

23    **Explanatory note**

24    This amendment omits the definition of the term *home address* and is consequential on the  
25    insertion of a definition of *home address* into the Legislation Act, dictionary, part 1, by another  
26    amendment.



1 **[3.112] Dictionary, note 2**

2 *insert*

- 3 • home address

4 **Explanatory note**

5 This amendment is consequential on the insertion into the Legislation Act, dictionary, part 1, of  
6 a definition of *home address*, by another amendment.

7 **Part 3.48 Magistrates Court Act 1930**

8 **[3.113] Section 117, definition of *home address***

9 *omit*

10 **Explanatory note**

11 This amendment omits the definition of the term *home address* and is consequential on the  
12 insertion of a definition of *home address* into the Legislation Act, dictionary, part 1, by another  
13 amendment.

14 **[3.114] Dictionary, note 2**

15 *insert*

- 16 • home address

17 **Explanatory note**

18 This amendment is consequential on the insertion into the Legislation Act, dictionary, part 1, of  
19 a definition of *home address*, by another amendment.

20 **[3.115] Dictionary, definition of *home address***

21 *omit*

22 **Explanatory note**

23 This amendment omits the definition of the term *home address* and is consequential on the  
24 insertion of a definition of *home address* into the Legislation Act, dictionary, part 1, by another  
25 amendment.



1 **[3.119] Section 64 (4) (a)**

2 *omit*

3 residential address

4 *substitute*

5 home address

6 **Explanatory note**

7 This amendment replaces ‘residential address’ with ‘home address’ as the standard term to be  
8 used in ACT legislation to refer to the place where a person normally lives.

9 **[3.120] Dictionary, note 2**

10 *insert*

- 11 • home address

12 **Explanatory note**

13 This amendment is consequential on the insertion into the Legislation Act, dictionary, part 1, of  
14 a definition of *home address*, by another amendment.

15 **Part 3.51 Medicines, Poisons and**  
16 **Therapeutic Goods**  
17 **Regulation 2008**

18 **[3.121] Section 612 (1) (a)**

19 *omit*

20 residential address

21 *substitute*

22 home address

23 **Explanatory note**

24 This amendment replaces ‘residential address’ with ‘home address’ as the standard term to be  
25 used in ACT legislation to refer to the place where a person normally lives.

1    **[3.122]    Dictionary, note 2**

2                    *insert*

- 3                                    •    home address

4    **Explanatory note**

5    This amendment is consequential on the insertion into the Legislation Act, dictionary, part 1, of  
6    a definition of *home address*, by another amendment.

7    **Part 3.52                    Motor Sport (Public Safety)**  
8                                    **Act 2006**

9    **[3.123]    Section 12 (1)**

10                    *omit*

11                    residential address

12                    *substitute*

13                    home address

14    **Explanatory note**

15    This amendment replaces ‘residential address’ with ‘home address’ as the standard term to be  
16    used in ACT legislation to refer to the place where a person normally lives.

17    **[3.124]    Dictionary, note 2**

18                    *insert*

- 19                                    •    home address

20    **Explanatory note**

21    This amendment is consequential on the insertion into the Legislation Act, dictionary, part 1, of  
22    a definition of *home address*, by another amendment.

1 **Part 3.53** **National Environment Protection**  
2 **Council Act 1994**

3 **[3.125] Section 44 (2) (c)**

4 *substitute*

5 (c) becomes bankrupt or personally insolvent; or

6 **Explanatory note**

7 This amendment is consequential on the insertion into the Legislation Act, dictionary, part 1, of  
8 a definition of *bankrupt or personally insolvent*, by another amendment.

9 **[3.126] Dictionary, note 2**

10 *insert*

- 11 • bankrupt or personally insolvent

12 **Explanatory note**

13 This amendment is consequential on the insertion into the Legislation Act, dictionary, part 1, of  
14 a definition of *bankrupt or personally insolvent*, by another amendment.

15 **Part 3.54** **Occupational Health and Safety**  
16 **Act 1989**

17 **[3.127] Section 103 (6)**

18 *omit*

19 **Explanatory note**

20 This amendment omits the definition of the term *home address* and is consequential on the  
21 insertion of a definition of *home address* into the Legislation Act, dictionary, part 1, by another  
22 amendment.

1    **[3.128]    Dictionary, note 2**

2                    *insert*

- 3                            •    home address

4    **Explanatory note**

5    This amendment is consequential on the insertion into the Legislation Act, dictionary, part 1, of  
6    a definition of *home address*, by another amendment.

7    **Part 3.55                    Pest Plants and Animals**  
8                                    **Act 2005**

9    **[3.129]    Section 36 (6)**

10                    *omit*

11    **Explanatory note**

12    This amendment omits the definition of the term *home address* and is consequential on the  
13    insertion of a definition of *home address* into the Legislation Act, dictionary, part 1, by another  
14    amendment.

15    **[3.130]    Dictionary, note 2**

16                    *insert*

- 17                            •    home address

18    **Explanatory note**

19    This amendment is consequential on the insertion into the Legislation Act, dictionary, part 1, of  
20    a definition of *home address*, by another amendment.

1 **Part 3.56** **Planning and Development Act**  
2 **2007**

3 **[3.131] Section 250 (4)**

4 *omit*

5 residential address

6 *substitute*

7 home address

8 **Explanatory note**

9 This amendment replaces ‘residential address’ with ‘home address’ as the standard term to be  
10 used in ACT legislation to refer to the place where a person normally lives.

11 **[3.132] Section 393 (6)**

12 *omit*

13 **Explanatory note**

14 This amendment omits the definition of the term *home address* and is consequential on the  
15 insertion of a definition of *home address* into the Legislation Act, dictionary, part 1, by another  
16 amendment.

17 **[3.133] Dictionary, note 2**

18 *insert*

- 19
  - home address

20 **Explanatory note**

21 This amendment is consequential on the insertion into the Legislation Act, dictionary, part 1, of  
22 a definition of *home address*, by another amendment.

1            **Part 3.57                          Prostitution Act 1992**

2            **[3.134]    Dictionary, note 2**

3                            *insert*

- 4    • home address

5            **Explanatory note**

6            This amendment is consequential on the insertion into the Legislation Act, dictionary, part 1, of  
7            a definition of *home address*, by another amendment.

8            **Part 3.58                          Public Sector Management  
9    Act 1994**

10           **[3.135]    Section 3A (1)**

11                            *omit*

12                            , in writing,

13           **Explanatory note**

14           This amendment omits text that is redundant. Because the declaration is a notifiable  
15           instrument, it must be in writing.

16           **[3.136]    Section 13 (1)**

17                            *omit*

18                            may, from time to time, in writing—

19                            *substitute*

20                            may—

21           **Explanatory note**

22           This amendment omits redundant text because under the Legislation Act, section 42 (3) a power  
23           to make an instrument may be exercised from time to time. Also, because the instrument is a  
24           notifiable instrument, it must be in writing.



1 **[3.137] Section 14 (1)**

2 *omit*

3 , in writing

4 **Explanatory note**

5 This amendment omits text that is redundant. Because the instrument is a notifiable instrument,  
6 it must be in writing.

7 **[3.138] Section 25 (4)**

8 *omit*

9 , in writing,

10 **Explanatory note**

11 This amendment omits text that is redundant. Because the declaration is a notifiable  
12 instrument, it must be in writing.

13 **[3.139] Section 28 (3) (d)**

14 *omit*

15 , being a day

16 **Explanatory note**

17 This amendment omits redundant text.

18 **[3.140] Section 67, notes**

19 *omit*

20 **Explanatory note**

21 This amendment omits redundant notes which refer to provisions of the Act that related to  
22 Totalcare and the fire and emergency services. The relevant provisions expired on  
23 31 December 2005 and 30 June 2006, respectively.

1    **[3.141]    Section 72 (3) (d)**

2                    *omit*

3                    , being a day

4    **Explanatory note**

5    This amendment omits redundant text.

6    **[3.142]    Section 97 (2)**

7                    *omit*

8                    , in writing,

9    **Explanatory note**

10   This amendment omits text that is redundant.    Because the declaration is a notifiable  
11   instrument, it must be in writing.

12   **[3.143]    Section 114 (a) and (b)**

13                    *omit*

14                    , whether before or after the commencement of this section,

15   **Explanatory note**

16   This amendment omits redundant transitional text.

17   **[3.144]    Section 117 (1)**

18                    *omit*

19                    , whether before or after the commencement of this subsection,

20   **Explanatory note**

21   This amendment omits redundant transitional text.

1 **Part 3.59** **Public Trustee Act 1985**

2 **[3.145] Section 74 (2) (b)**

3 *omit*

4 residential address

5 *substitute*

6 home address

7 **Explanatory note**

8 This amendment replaces ‘residential address’ with ‘home address’ as the standard term to be  
9 used in ACT legislation to refer to the place where a person normally lives.

10 **[3.146] Dictionary, note 2**

11 *insert*

- 12 • home address

13 **Explanatory note**

14 This amendment is consequential on the insertion into the Legislation Act, dictionary, part 1, of  
15 a definition of *home address*, by another amendment.

16 **Part 3.60** **Rates Act 2004**

17 **[3.147] Section 75 (2) (a)**

18 *omit*

19 residential address

20 *substitute*

21 home address

22 **Explanatory note**

23 This amendment replaces ‘residential address’ with ‘home address’ as the standard term to be  
24 used in ACT legislation to refer to the place where a person normally lives.

1    **[3.148]    Dictionary, note 2**

2                    *insert*

- 3                                    •    home address

4    **Explanatory note**

5    This amendment is consequential on the insertion into the Legislation Act, dictionary, part 1, of  
6    a definition of *home address*, by another amendment.

7    **Part 3.61                    Road Transport (Driver**  
8                                    **Licensing) Regulation 2000**

9    **[3.149]    Dictionary, note 2**

10                    *insert*

- 11                                    •    home address

12    **Explanatory note**

13    This amendment is consequential on the insertion into the Legislation Act, dictionary, part 1, of  
14    a definition of *home address*, by another amendment.

15    **[3.150]    Dictionary, definition of *home address***

16                    *omit*

17    **Explanatory note**

18    This amendment omits the definition of the term *home address* and is consequential on the  
19    insertion of a definition of *home address* into the Legislation Act, dictionary, part 1, by another  
20    amendment.

1 **Part 3.62** **Road Transport (General)**  
2 **Act 1999**

3 **[3.151] Dictionary, note 2**

4 *insert*

- 5 • home address

6 **Explanatory note**

7 This amendment is consequential on the insertion into the Legislation Act, dictionary, part 1, of  
8 a definition of *home address*, by another amendment.

9 **[3.152] Dictionary, definition of *home address***

10 *omit*

11 **Explanatory note**

12 This amendment omits the definition of the term *home address* and is consequential on the  
13 insertion of a definition of *home address* into the Legislation Act, dictionary, part 1, by another  
14 amendment.

15 **Part 3.63** **Road Transport (Public**  
16 **Passenger Services) Act 2001**

17 **[3.153] Section 121 (6)**

18 *omit*

19 **Explanatory note**

20 This amendment omits the definition of the term *home address* and is consequential on the  
21 insertion of a definition of *home address* into the Legislation Act, dictionary, part 1, by another  
22 amendment.

1    **[3.154]    Dictionary, note 2**

2                    *insert*

- 3                                    •    home address

4    **Explanatory note**

5    This amendment is consequential on the insertion into the Legislation Act, dictionary, part 1, of  
6    a definition of *home address*, by another amendment.

7    **Part 3.64                    Road Transport (Public**  
8                                    **Passenger Services)**  
9                                    **Regulation 2002**

10   **[3.155]    Sections 88, 173 and 238**

11                    *omit*

12                    residential address

13                    *substitute*

14                    home address

15   **Explanatory note**

16   These amendments replace ‘residential address’ with ‘home address’ as the standard term to be  
17   used in ACT legislation to refer to the place where a person normally lives.

18   **[3.156]    Dictionary, note 2**

19                    *insert*

- 20                                    •    home address

21   **Explanatory note**

22   This amendment is consequential on the insertion into the Legislation Act, dictionary, part 1, of  
23   a definition of *home address*, by another amendment.

1 **[3.157] Dictionary, definition of *home address***

2 *omit*

3 **Explanatory note**

4 This amendment omits the definition of the term *home address* and is consequential on the  
5 insertion of a definition of *home address* into the Legislation Act, dictionary, part 1, by another  
6 amendment.

7 **Part 3.65 Road Transport (Vehicle**  
8 **Registration) Act 1999**

9 **[3.158] Dictionary, definition of *garage address***

10 *substitute*

11 *garage address*, of a vehicle, means—

12 (a) if the vehicle is normally kept at a depot or base of operations  
13 when not in use—the main depot or base of operations of the  
14 vehicle; or

15 (b) if the vehicle is normally kept at a place (other than a depot or  
16 base of operations) when not in use—the place where the  
17 vehicle is normally kept.

18 **Explanatory note**

19 This amendment simplifies the definition of *garage address* and removes references in the  
20 definition that are not necessary for the administration of the vehicle registration scheme.

21 **[3.159] Dictionary, new definition of *GCM***

22 *insert*

23 *GCM*—see *gross combination mass*.

24 **Explanatory note**

25 This amendment adds a signpost definition to another definition in the dictionary.

1    **[3.160]    Dictionary, definition of *GCM* (or *gross combination***  
2            ***mass*)**

3            *omit*

4            ***GCM* (or *gross combination mass*)**

5            *substitute*

6            ***gross combination mass* (or *GCM*)**

7    **Explanatory note**

8    This amendment is consequential on the insertion into the Act, dictionary, of a signpost  
9    definition for ***GCM***, by another amendment.

10   **[3.161]    Dictionary, new definition of *GVM***

11            *insert*

12            ***GVM***—see ***gross vehicle mass***.

13   **Explanatory note**

14   This amendment adds a signpost definition to another definition in the dictionary.

15   **[3.162]    Dictionary, definition of *GVM* (or *gross vehicle mass*)**

16            *omit*

17            ***GVM* (or *gross vehicle mass*)**

18            *substitute*

19            ***gross vehicle mass* (or *GVM*)**

20   **Explanatory note**

21   This amendment is consequential on the insertion into the Act, dictionary, of a signpost  
22   definition for ***GVM***, by another amendment.



1 **[3.163] Dictionary, definition of *home address***

2 *omit*

3 **Explanatory note**

4 This amendment omits the definition of *home address* and is consequential on a modification of  
5 the definition of *garage address* in the *Road Transport (Vehicle Registration) Act 1999* (the  
6 Act) by another amendment. The definition of *home address* is no longer needed because the  
7 modification of *garage address* removes the only occurrence of *home address* in the Act.

8 **Part 3.66 Road Transport (Vehicle**  
9 **Registration) Regulation 2000**

10 **[3.164] Section 28 (a)**

11 *substitute*

12 (a) for an individual seeking to be recorded (or on whose behalf an  
13 agent is seeking to be recorded) as the registered operator of  
14 the registrable vehicle—the individual’s identity and home  
15 address; and

16 (aa) for a corporation seeking to be recorded (or on whose behalf an  
17 agent is seeking to be recorded) as the registered operator of  
18 the registrable vehicle—the corporation’s identity and business  
19 address; and

20 **Explanatory note**

21 This amendment brings the structure of the provision in line with current drafting practice. This  
22 amendment also clarifies the particulars required of a corporation applying for registration of a  
23 registrable vehicle, eg information about its business address. The definition of *business*  
24 *address* is inserted by another amendment.

1    **[3.165]    Section 28, note**

2                    *omit*

3    **Explanatory note**

4    This amendment omits a redundant note. The note referred to a definition of *home address* for  
5    a corporation. The term *home address* is no longer used in relation to corporations. The  
6    amendment is consequential on the insertion into the Legislation Act, dictionary, part 1, of a  
7    definition of *home address*, by another amendment.

8    **[3.166]    Section 34 (c)**

9                    *substitute*

10                    (c) if the registered operator is an individual—the individual’s  
11                    name, home address, and address for the service of notices (if  
12                    any); and

13                    (ca) if the registered operator is a corporation—the corporation’s  
14                    name, business address, and address for the service of notices  
15                    (if any); and

16    **Explanatory note**

17    This amendment brings the structure of the provision in line with current drafting practice. This  
18    amendment also clarifies the particulars that the road transport authority must record in the  
19    registrable vehicles register if a corporation applies for registration of a registrable vehicle eg a  
20    business address. The definition of *business address* is inserted by another amendment.

21    **[3.167]    Section 34, note**

22                    *omit*

23    **Explanatory note**

24    This amendment omits a redundant note. The note referred to a definition of *home address* for  
25    a corporation. The term *home address* is no longer used in relation to corporations. The  
26    amendment is consequential on the insertion into the Legislation Act, dictionary, part 1, of a  
27    definition of *home address*, by another amendment.

1 **[3.168] Section 69 (1) (b)**

2 *substitute*

3 (b) the operator is an individual and the individual has changed his  
4 or her name or home address or address for service of notices;  
5 or

6 (c) the operator is a corporation and the corporation has changed  
7 its name or business address or address for service of notices.

8 **Explanatory note**

9 This amendment brings the structure of the provision in line with current drafting practice. This  
10 amendment also clarifies the obligation of a corporate registered operator of a registered vehicle  
11 to tell the road transport authority about changes in the operator's circumstances eg a change in  
12 business address. The definition of *business address* is inserted by another amendment.

13 **[3.169] Section 69 (1), note**

14 *omit*

15 **Explanatory note**

16 This amendment omits a redundant note. The note referred to a definition of *home address* for  
17 a corporation. The term *home address* is no longer used in relation to corporations. The  
18 amendment is consequential on the insertion into the Legislation Act, dictionary, part 1, of a  
19 definition of *home address*, by another amendment.

1    **[3.170]    Section 72 (1) (c)**

2            *substitute*

3            (c) if the operator is an individual—the individual’s name, home  
4            address, and address for the service of notices (if any); and

5            (ca) if the operator is a corporation—the corporation’s name,  
6            business address, and address for the service of notices (if  
7            any); and

8    **Explanatory note**

9    This amendment brings the structure of the provision in line with current drafting practice. This  
10    amendment also clarifies matters about which the road transport authority may request evidence  
11    from a corporate registered operator eg the operator’s business address. The definition of  
12    *business address* is inserted by another amendment.

13    **[3.171]    Dictionary, note 2**

14            *insert*

- 15            • home address

16    **Explanatory note**

17    This amendment is consequential on the insertion into the Legislation Act, dictionary, part 1, of  
18    a definition of *home address*, by another amendment.

19    **[3.172]    Dictionary, new definition of *business address***

20            *insert*

21            *business address*, for a corporation, includes the address of the  
22            corporation’s registered office.

23    **Explanatory note**

24    This amendment inserts an extending definition of *business address* into the dictionary to  
25    provide that that term includes a corporation’s registered office.

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

2 **[3.173] Sections 10 and 11**

3 *omit*

4 residential address and any other addresses

5 *substitute*

6 home address and any other address

7 **Explanatory note**

8 These amendments replace references to ‘residential address’ with ‘home address’ as the  
9 standard term to be used in ACT legislation to refer to the place where a person normally lives,  
10 and update language in line with current drafting practice.

11 **[3.174] Sections 11B and 45**

12 *omit*

13 residential address

14 *substitute*

15 home address

16 **Explanatory note**

17 These amendments replace ‘residential address’ with ‘home address’ as the standard term to be  
18 used in ACT legislation to refer to the place where a person normally lives.

19 **[3.175] Section 46 (2) (b)**

20 *substitute*

21 (b) state the current home address of the new executive officer and  
22 any other home address of the officer in the last 3 years; and

23 **Explanatory note**

24 This amendment replaces ‘residential address’ with ‘home address’ as the standard term to be  
25 used in ACT legislation to refer to the place where a person normally lives, and updates  
26 language in line with current drafting practice.

1    **[3.176]    Section 70F (7)**

2                    *omit*

3    **Explanatory note**

4    This amendment omits the definition of the term *home address* and is consequential on the  
5    insertion of a definition of *home address* into the Legislation Act, dictionary, part 1, by another  
6    amendment.

7    **[3.177]    Section 89A (2) (c) (iii)**

8                    *omit*

9                    residential address and any other addresses

10                   *substitute*

11                   home address and any other address

12    **Explanatory note**

13    This amendment replaces ‘residential address’ with ‘home address’ as the standard term to be  
14    used in ACT legislation to refer to the place where a person normally lives, and updates  
15    language in line with current drafting practice.

16    **[3.178]    Dictionary, note 2**

17                    *insert*

- 18                    •    home address

19    **Explanatory note**

20    This amendment is consequential on the insertion into the Legislation Act, dictionary, part 1, of  
21    a definition of *home address*, by another amendment.

1 **Part 3.68** **Second-hand Dealers Act 1906**

2 **[3.179] Dictionary, note 2**

3 *insert*

- 4 • home address

5 **Explanatory note**

6 This amendment is consequential on the insertion into the Legislation Act, dictionary, part 1, of  
7 a definition of *home address*, by another amendment.

8 **Part 3.69** **Second-hand Dealers**  
9 **Regulation 2002**

10 **[3.180] Schedule 2, part 2.2, item 9, column 3, paragraph (b),**  
11 **examples**

12 *substitute*

13 1 a rates notice

14 2 a registration certificate for a dog

15 **Explanatory note**

16 This amendment brings the examples into line with current drafting practice by removing  
17 references to specific ACT government entities that may change over time. In particular, a  
18 redundant reference to the former Department of Urban Services is removed from example 2.

19 **[3.181] Dictionary, note 2**

20 *insert*

- 21 • home address

22 **Explanatory note**

23 This amendment is consequential on the insertion into the Legislation Act, dictionary, part 1, of  
24 a definition of *home address*, by another amendment.

1      **Part 3.70                      Stock Act 2005**

2      **[3.182]      Section 52 (6)**

3                      *omit*

4      **Explanatory note**

5      This amendment omits the definition of the term *home address* and is consequential on the  
6      insertion of a definition of *home address* into the Legislation Act, dictionary, part 1, by another  
7      amendment.

8      **[3.183]      Dictionary, note 2**

9                      *insert*

- 10                              •      home address

11      **Explanatory note**

12      This amendment is consequential on the insertion into the Legislation Act, dictionary, part 1, of  
13      a definition of *home address*, by another amendment.

14      **Part 3.71                      Supervised Injecting Place Trial**  
15    **Act 1999**

16      **[3.184]      Section 22 (2) (a)**

17                      *substitute*

- 18                              (a)      becomes bankrupt or personally insolvent; or

19      **Explanatory note**

20      This amendment is consequential on the insertion into the Legislation Act, dictionary, part 1, of  
21      a definition of *bankrupt or personally insolvent*, by another amendment.



1 **[3.185] Dictionary, note 2**

2 *insert*

- 3 • bankrupt or personally insolvent

4 **Explanatory note**

5 This amendment is consequential on the insertion into the Legislation Act, dictionary, part 1, of  
6 a definition of *bankrupt or personally insolvent*, by another amendment.

7 **Part 3.72 Taxation Administration Act 1999**

8 **[3.186] Section 117 (4)**

9 *omit*

10 residential address

11 *substitute*

12 home address

13 **Explanatory note**

14 This amendment replaces ‘residential address’ with ‘home address’ as the standard term to be  
15 used in ACT legislation to refer to the place where a person normally lives.

16 **[3.187] Dictionary, note 2**

17 *insert*

- 18 • home address

19 **Explanatory note**

20 This amendment is consequential on the insertion into the Legislation Act, dictionary, part 1, of  
21 a definition of *home address*, by another amendment.

1            **Part 3.73                            Territory Records Act 2002**

2            **[3.188]    Section 36 (b)**

3                            *substitute*

4                            (b) if the director becomes bankrupt or personally insolvent; or

5            **Explanatory note**

6            This amendment is consequential on the insertion into the Legislation Act, dictionary, part 1, of  
7            a definition of *bankrupt or personally insolvent*, by another amendment.

8            **[3.189]    Dictionary, note 2**

9                            *insert*

- 10                            • bankrupt or personally insolvent

11            **Explanatory note**

12            This amendment is consequential on the insertion into the Legislation Act, dictionary, part 1, of  
13            a definition of *bankrupt or personally insolvent*, by another amendment.

14            **Part 3.74                            Terrorism (Extraordinary  
15    Temporary Powers) Act 2006**

16            **[3.190]    Section 38 (7)**

17                            *omit*

18            **Explanatory note**

19            This amendment omits the definition of the term *home address* and is consequential on the  
20            insertion of a definition of *home address* into the Legislation Act, dictionary, part 1, by another  
21            amendment.

1 **[3.191] Dictionary, note 2**

2 *insert*

- 3 • home address

4 **Explanatory note**

5 This amendment is consequential on the insertion into the Legislation Act, dictionary, part 1, of  
6 a definition of *home address*, by another amendment.

7 **Part 3.75 Tobacco Act 1927**

8 **[3.192] Section 39 (6)**

9 *omit*

10 **Explanatory note**

11 This amendment omits the definition of the term *home address* and is consequential on the  
12 insertion of a definition of *home address* into the Legislation Act, dictionary, part 1, by another  
13 amendment.

14 **[3.193] Dictionary, note 2**

15 *insert*

- 16 • home address

17 **Explanatory note**

18 This amendment is consequential on the insertion into the Legislation Act, dictionary, part 1, of  
19 a definition of *home address*, by another amendment.

1            **Part 3.76                            Trade Measurement Act 1991**

2            **[3.194]    Section 65 (c)**

3                            *omit*

4                            residential address

5                            *substitute*

6                            home address

7            **Explanatory note**

8            This amendment replaces ‘residential address’ with ‘home address’ as the standard term to be  
9            used in ACT legislation to refer to the place where a person normally lives.

10           **[3.195]    Dictionary, note 2**

11                            *insert*

- 12    •    home address

13           **Explanatory note**

14           This amendment is consequential on the insertion into the Legislation Act, dictionary, part 1, of  
15           a definition of *home address*, by another amendment.

16           **Part 3.77                            Trade Measurement (Measuring  
17    Instruments) Regulation 1991**

18           **[3.196]    Section 20 (b)**

19                            *omit*

20                            residential address

21                            *insert*

22                            home address

23           **Explanatory note**

24           This amendment replaces ‘residential address’ with ‘home address’ as the standard term to be  
25           used in ACT legislation to refer to the place where a person normally lives.

1 **[3.197] Dictionary, note 2**

2 *insert*

- 3 • home address

4 **Explanatory note**

5 This amendment is consequential on the insertion into the Legislation Act, dictionary, part 1, of  
6 a definition of *home address*, by another amendment.

7 **Part 3.78 Trade Measurement**  
8 **(Weighbridges) Regulation 1991**

9 **[3.198] Section 26 (b)**

10 *omit*

11 residential address

12 *insert*

13 home address

14 **Explanatory note**

15 This amendment replaces ‘residential address’ with ‘home address’ as the standard term to be  
16 used in ACT legislation to refer to the place where a person normally lives.

17 **[3.199] Dictionary, note 2**

18 *insert*

- 19 • home address

20 **Explanatory note**

21 This amendment is consequential on the insertion into the Legislation Act, dictionary, part 1, of  
22 a definition of *home address*, by another amendment.

1 **Part 3.79 Training and Tertiary Education**  
2 **Act 2003**

3 **[3.200] Section 13 (2) (d)**

4 *substitute*

5 (d) if the member becomes bankrupt or personally insolvent.

6 **Explanatory note**

7 This amendment is consequential on the insertion into the Legislation Act, dictionary, part 1, of  
8 a definition of *bankrupt or personally insolvent*, by another amendment.

9 **[3.201] Dictionary, note 2**

10 *insert*

- 11 • bankrupt or personally insolvent

12 **Explanatory note**

13 This amendment is consequential on the insertion into the Legislation Act, dictionary, part 1, of  
14 a definition of *bankrupt or personally insolvent*, by another amendment.

15 **Part 3.80 Tree Protection Act 2005**

16 **[3.202] Section 91 (6)**

17 *omit*

18 **Explanatory note**

19 This amendment omits the definition of the term *home address* and is consequential on the  
20 insertion of a definition of *home address* into the Legislation Act, dictionary, part 1, by another  
21 amendment.

1 **[3.203] Dictionary, note 2**

2 *insert*

- 3 • home address

4 **Explanatory note**

5 This amendment is consequential on the insertion into the Legislation Act, dictionary, part 1, of  
6 a definition of *home address*, by another amendment.

7 **Part 3.81 Unit Titles Act 2001**

8 **[3.204] Section 55C (1) (c)**

9 *substitute*

- 10 (c) if the person becomes bankrupt or personally insolvent; or

11 **Explanatory note**

12 This amendment is consequential on the insertion into the Legislation Act, dictionary, part 1, of  
13 a definition of *bankrupt or personally insolvent*, by another amendment.

14 **[3.205] Section 550 (1) (c)**

15 *substitute*

- 16 (c) if the service contractor becomes bankrupt or personally  
17 insolvent; or

18 **Explanatory note**

19 This amendment is consequential on the insertion into the Legislation Act, dictionary, part 1, of  
20 a definition of *bankrupt or personally insolvent*, by another amendment.

21 **[3.206] Dictionary, note 2**

22 *insert*

- 23 • bankrupt or personally insolvent

24 **Explanatory note**

25 This amendment is consequential on the insertion into the Legislation Act, dictionary, part 1, of  
26 a definition of *bankrupt or personally insolvent*, by another amendment.

1 **Part 3.82** **Victims of Crime Act 1994**

2 **[3.207] Section 4 (i)**

3 *omit*

4 residential address

5 *insert*

6 home address

7 **Explanatory note**

8 This amendment replaces ‘residential address’ with ‘home address’ as the standard term to be  
9 used in ACT legislation to refer to the place where a person normally lives.

10 **[3.208] Dictionary, note 2**

11 *insert*

- 12 • home address

13 **Explanatory note**

14 This amendment is consequential on the insertion into the Legislation Act, dictionary, part 1, of  
15 a definition of *home address*, by another amendment.

16 **Part 3.83** **Victims of Crime Regulation 2000**

17 **[3.209] Section 11 (3) (b)**

18 *substitute*

19 (b) if the member becomes bankrupt or personally insolvent; or

20 **Explanatory note**

21 This amendment is consequential on the insertion into the Legislation Act, dictionary, part 1, of  
22 a definition of *bankrupt or personally insolvent*, by another amendment.



1 **[3.210] Dictionary, note 2**

2 *insert*

- 3 • bankrupt or personally insolvent

4 **Explanatory note**

5 This amendment is consequential on the insertion into the Legislation Act, dictionary, part 1, of  
6 a definition of *bankrupt or personally insolvent*, by another amendment.

7 **Part 3.84 Waste Minimisation Act 2001**

8 **[3.211] Section 36 (6)**

9 *omit*

10 **Explanatory note**

11 This amendment omits the definition of the term *home address* and is consequential on the  
12 insertion of a definition of *home address* into the Legislation Act, dictionary, part 1, by another  
13 amendment.

14 **[3.212] Dictionary, note 2**

15 *omit*

- 16 • environment protection authority

17 **Explanatory note**

18 This amendment omits a redundant term in the note. The term does not appear elsewhere in the  
19 Act.

20 **[3.213] Dictionary, note 2**

21 *insert*

- 22 • home address

23 **Explanatory note**

24 This amendment is consequential on the insertion into the Legislation Act, dictionary, part 1, of  
25 a definition of *home address*, by another amendment.

## 1      **Part 3.85                      Water Resources Act 2007**

### 2      **[3.214]      Section 84 (6)**

3                      *omit*

#### 4      **Explanatory note**

5      This amendment omits the definition of the term *home address* and is consequential on the  
6      insertion of a definition of *home address* into the Legislation Act, dictionary, part 1, by another  
7      amendment.

### 8      **[3.215]      Dictionary, note 2**

9                      *insert*

- 10                                      •      home address

#### 11      **Explanatory note**

12      This amendment is consequential on the insertion into the Legislation Act, dictionary, part 1, of  
13      a definition of *home address*, by another amendment.

## 14      **Part 3.86                      Workers Compensation Act 1951**

### 15      **[3.216]      Section 8 (3)**

16                      *omit*

17                                      , in writing,

#### 18      **Explanatory note**

19      This amendment omits text that is redundant. Because the determination is a notifiable  
20      instrument, it must be in writing.

### 21      **[3.217]      Section 76 (4), definition of *public ruling***

22                      *substitute*

23                                      *public ruling*—see the *Taxation Administration Act 1953* (Cwlth),  
24                                      schedule 1, section 358-5 (What is a public ruling?).

#### 25      **Explanatory note**

26      This amendment updates a cross-reference.

1 **[3.218] Further amendments, mentions of *in writing***

2 *omit*

3 , in writing,

4 *in*

- 5 • section 110 (1)
- 6 • section 188 (1)
- 7 • section 208 (1)
- 8 • section 221 (1)
- 9 • section 222 (1)

10 **Explanatory note**

11 This amendment omits text that is redundant. Because the instruments under the sections (other  
12 than section 188) are disallowable or notifiable instruments, they must be in writing.  
13 Section 188 deals with an appointment, which under the Legislation Act, section 206 (1), must  
14 be in writing.

15 **Part 3.87 Work Safety Act 2008**

16 **[3.219] Section 88 (6)**

17 *omit*

18 **Explanatory note**

19 This amendment omits the definition of the term *home address* and is consequential on the  
20 insertion of a definition of *home address* into the Legislation Act, dictionary, part 1, by another  
21 amendment.

22 **[3.220] Section 192 (2) (a)**

23 *substitute*

24 (a) has become bankrupt or personally insolvent; or

25 **Explanatory note**

26 This amendment is consequential on the insertion into the Legislation Act, dictionary, part 1, of  
27 a definition of *bankrupt or personally insolvent*, by another amendment.

1    **[3.221]    Section 203 (2)**

2                    *substitute*

3                    (2) The Executive must remove the commissioner from office if the  
4                    commissioner becomes bankrupt or personally insolvent.

5    **Explanatory note**

6    This amendment is consequential on the insertion into the Legislation Act, dictionary, part 1, of  
7    a definition of *bankrupt or personally insolvent*, by another amendment.

8    **[3.222]    Dictionary, note 2**

9                    *insert*

- 10                                    •    bankrupt or personally insolvent  
11                                    •    home address

12    **Explanatory note**

13    This amendment is consequential on the insertion into the Legislation Act, dictionary, part 1, of  
14    definitions of *bankrupt or personally insolvent* and *home address*, by other amendments.

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1 **Schedule 4**            **Repeal of redundant or**  
2                                    **obsolete legislation**

3 (see s 6)

4 **Part 4.1**                    **Financial Relations Agreement**  
5                                    **Act 2000**

6 **Explanatory note**

7 This part repeals an Act that is no longer needed.

8 The *Financial Relations Agreement Act 2000* gave effect to a commitment under the *1999*  
9 *Intergovernmental Agreement on the Reform of Commonwealth-State Financial Relations*. This  
10 agreement was superseded by the *2008 Intergovernmental Agreement on Federal Financial*  
11 *Relations*. Obligations under the 1999 agreement have now been met and the Act is now  
12 redundant.

13 The operation of the Act is spent. The 2008 agreement commenced on 1 January 2009 and  
14 does not require legislation to give it effect.

15                                    *Financial Relations Agreement Act 2000 (A2000-33)*

1 **Part 4.2** **Murray-Darling Basin Agreement**  
2 **Act 2007**

3 **Explanatory note**

4 This part repeals an Act that is no longer needed.

5 The Act provided for the approval and implementation of an interstate agreement about the  
6 water, land and other environmental resources of the Murray-Darling Basin. This agreement  
7 has been superseded by a new agreement, which is now incorporated into the *Water Act 2007*  
8 (Cwlth), schedule 1. The new agreement established the Murray-Darling Basin Authority  
9 which is a Commonwealth agency, instead of a joint State-Commonwealth body.

10 *Murray-Darling Basin Agreement Act 2007 (A2007-36)*

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## 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](http://www.legislation.act.gov.au).

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