

2010

THE LEGISLATIVE ASSEMBLY
FOR THE AUSTRALIAN CAPITAL TERRITORY

(As presented)

(Attorney-General)

Statute Law Amendment Bill 2010 (No 2)

Contents

	Page
1 Name of Act	2
2 Commencement	2
3 Purpose	2
4 Notes	2
5 Legislation amended—schs 1 and 3	2
Schedule 1	
Minor amendments	3
Part 1.1	
Canberra Institute of Technology Act 1987	3
Part 1.2	
Casino Control Act 2006	4
Part 1.3	
Gaming Machine Act 2004	5

Contents

		Page
Part 1.4	Mental Health (Treatment and Care) Act 1994	5
Part 1.5	Racing Act 1999	6
Part 1.6	Work Safety Act 2008	6
Schedule 2	Legislation Act 2001	7
Schedule 3	Technical amendments	8
Part 3.1	Age of Majority Act 1974	8
Part 3.2	Associations Incorporation Act 1991	10
Part 3.3	Bail Act 1992	16
Part 3.4	Boilers and Pressure Vessels Regulation 1954	27
Part 3.5	Building Act 2004	35
Part 3.6	Building (General) Regulation 2008	37
Part 3.7	Civil Law (Sale of Residential Property) Act 2003	38
Part 3.8	Commercial Arbitration Act 1986	39
Part 3.9	Common Boundaries Act 1981	45
Part 3.10	Coroners Act 1997	48
Part 3.11	Court Procedures Act 2004	60
Part 3.12	Crimes (Forensic Procedures) Act 2000	61
Part 3.13	Disability Services Act 1991	64
Part 3.14	Domestic Animals Act 2000	69
Part 3.15	Duties Act 1999	71
Part 3.16	Education Act 2004	71
Part 3.17	Enclosed Lands Protection Act 1943	75
Part 3.18	Environment Protection Act 1997	77
Part 3.19	Fair Trading (Motor Vehicle Repair Industry) Act 2010	78
Part 3.20	Firearms Act 1996	79

Contents

		Page
Part 3.21	Gaming Machine Act 2004	80
Part 3.22	Health Act 1993	83
Part 3.23	Health Records (Privacy and Access) Act 1997	85
Part 3.24	Independent Competition and Regulatory Commission Act 1997	87
Part 3.25	Interactive Gambling Act 1998	91
Part 3.26	Judicial Commissions Act 1994	98
Part 3.27	Lakes Act 1976	99
Part 3.28	Land Titles Act 1925	102
Part 3.29	Planning and Development Act 2007	103
Part 3.30	Road Transport (Offences) Regulation 2005	104
Part 3.31	Tree Protection Act 2005	105

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(As presented)

(Attorney-General)

Statute Law Amendment Bill 2010 (No 2)

A Bill for

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

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

1 **1 Name of Act**

2 This Act is the *Statute Law Amendment Act 2010 (No 2)*.

3 **2 Commencement**

4 This Act commences on the 7th 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 and 3**

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

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

2 (see s 5)

3 **Part 1.1** **Canberra Institute of Technology**
4 **Act 1987**

5 **[1.1] Section 15 (c)**

6 *substitute*

7 (c) if the director becomes bankrupt or personally insolvent; or

8 **Explanatory note**

9 This amendment substitutes language in relation to bankruptcy with the term ‘bankrupt or
10 personally insolvent’, which is defined in the Legislation Act, dictionary, part 1. The definition
11 covers the range of circumstances in which an individual may be considered bankrupt or
12 insolvent.

13 **[1.2] Section 33 (1) (c)**

14 *substitute*

15 (c) if the member becomes bankrupt or personally insolvent; or

16 **Explanatory note**

17 This amendment substitutes language in relation to bankruptcy with the term ‘bankrupt or
18 personally insolvent’, which is defined in the Legislation Act, dictionary, part 1. The definition
19 covers the range of circumstances in which an individual may be considered bankrupt or
20 insolvent.

21 **[1.3] Dictionary, note 2**

22 *insert*

- 23 • bankrupt or personally insolvent

24 **Explanatory note**

25 This amendment inserts a new defined term in the list of terms defined in the Legislation Act as
26 a consequence of the insertion of the new term in section 15 and section 33 by other
27 amendments.

1 **Part 1.2 Casino Control Act 2006**

2 **[1.4] Section 7 (2) (d)**

3 *substitute*

4 (d) the individual is, or at any time in the last 5 years has been,
5 bankrupt or personally insolvent;

6 *Note* ***Bankrupt or personally insolvent***—see the Legislation Act,
7 dictionary, pt 1.

8 **Explanatory note**

9 This amendment substitutes language in relation to bankruptcy with the term ‘bankrupt or
10 personally insolvent’, which is defined in the Legislation Act, dictionary, part 1. The definition
11 covers the range of circumstances in which an individual may be considered bankrupt or
12 insolvent.

13 **[1.5] Dictionary, note 2**

14 *insert*

- 15 • bankrupt or personally insolvent

16 **Explanatory note**

17 This amendment inserts a new defined term in the list of terms defined in the Legislation Act as
18 a consequence of the insertion of the new term in section 7 by another amendment.

1 **Part 1.3** **Gaming Machine Act 2004**

2 **[1.6] Section 20 (3) (b)**

3 *substitute*

4 (b) the individual is, or at any time in the last 5 years has been,
5 bankrupt or personally insolvent;

6 *Note* **Bankrupt or personally insolvent**—see the Legislation Act,
7 dictionary, pt 1.

8 **Explanatory note**

9 This amendment substitutes language in relation to bankruptcy with the term ‘bankrupt or
10 personally insolvent’, which is defined in the Legislation Act, dictionary, part 1. The definition
11 covers the range of circumstances in which an individual may be considered bankrupt or
12 insolvent.

13 **Part 1.4** **Mental Health (Treatment and**
14 **Care) Act 1994**

15 **[1.7] Section 118**

16 *omit*

17 , with the Minister’s approval,

18 **Explanatory note**

19 This amendment makes it possible for the chief psychiatrist to delegate functions under the Act
20 without ministerial approval. It is not usual for ministerial approval to be required before a
21 function is delegated.

22 **[1.8] Section 120D (3) and note**

23 *omit*

24 **Explanatory note**

25 This amendment removes the requirement for delegation of the care coordinator’s functions to
26 be a notifiable instrument under the Legislation Act. It is not usual for delegations to be
27 notifiable instruments.

1 **Part 1.5 Racing Act 1999**

2 **[1.9] Schedule 1, section 1.4 (1) (b)**

3 *substitute*

4 (b) becomes bankrupt or personally insolvent; or

5 *Note* **Bankrupt or personally insolvent**—see the Legislation Act,
6 dictionary, pt 1.

7 **Explanatory note**

8 This amendment substitutes language in relation to bankruptcy with the term ‘bankrupt or
9 personally insolvent’, which is defined in the Legislation Act, dictionary, part 1. The definition
10 covers the range of circumstances in which an individual may be considered bankrupt or
11 insolvent.

12 **Part 1.6 Work Safety Act 2008**

13 **[1.10] Section 36 (c)**

14 *substitute*

15 (c) a serious injury to a worker or another person;

16 **Explanatory note**

17 Section 36 sets out what is a serious event for the purposes of the Act, division 3.3. This
18 amendment makes it clear that a serious event includes a serious injury to a worker as well as to
19 any other person.

1 **Schedule 2 Legislation Act 2001**

2 *Note* Statute Law Amendment Acts may include a second schedule for
3 amendments of the Legislation Act. This Act does not provide for such
4 amendments but the schedule heading is retained to preserve the usual
5 numbering of schedule 3, which provides for minor and technical
6 amendments proposed by the parliamentary counsel.

1 **Schedule 3 Technical amendments**

2 (see s 5)

3 **Part 3.1 Age of Majority Act 1974**

4 **[3.1] Section 5 (1)**

5 *omit*

6 he or she

7 *substitute*

8 the person

9 **Explanatory note**

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

11 **[3.2] Section 5 (2)**

12 *omit*

13 his or her

14 *substitute*

15 the person's

16 **Explanatory note**

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

1 **[3.3] Section 5 (3)**

2 *omit*

3 that person as if he or she

4 *substitute*

5 the person as if the person

6 **Explanatory note**

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

8 **[3.4] Section 6 (2)**

9 *omit*

10 shall be construed

11 *substitute*

12 are to be interpreted

13 **Explanatory note**

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

15 **[3.5] Section 7 (2)**

16 *omit*

17 shall be construed

18 *substitute*

19 is to be interpreted

20 **Explanatory note**

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

1 **Part 3.2** **Associations Incorporation**
2 **Act 1991**

3 **[3.6] Section 9**

4 *substitute*

5 **9 Registers**

- 6 (1) The registrar-general must keep a register of any matter the
7 registrar-general considers necessary for this Act.
- 8 (2) The register may include any information the registrar-general
9 considers appropriate.
- 10 (3) The register may be kept in any form, including electronically, that
11 the registrar-general decides.

12 **Explanatory note**

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

14 **[3.7] Section 55 (2)**

15 *omit*

16 his or her

17 *substitute*

18 the agent's or attorney's

19 **Explanatory note**

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

1 **[3.8] Section 59 (2)**

2 *omit*

3 his or her

4 *substitute*

5 the public officer's

6 **Explanatory note**

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

8 **[3.9] Section 62**

9 *omit*

10 his or her

11 *substitute*

12 the member's

13 **Explanatory note**

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

15 **[3.10] Section 63 (5)**

16 *omit*

17 his or her

18 **Explanatory note**

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

1 **[3.11] Section 64 (2) (f)**

2 *substitute*

3 (f) was convicted or released from imprisonment for an offence
4 mentioned in section 63 (1) within 5 years immediately before
5 the public officer's appointment, or is convicted of such an
6 offence after taking office; or

7 **Explanatory note**

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

9 **[3.12] Section 65 (1) (a) and (4) (b)**

10 *omit*

11 him or her

12 *substitute*

13 the member

14 **Explanatory note**

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

16 **[3.13] Section 75 (2)**

17 *omit*

18 , in the course of the performance of his or her duties as auditor of
19 an incorporated association

20 *substitute*

21 of an incorporated association

22 **Explanatory note**

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

1 **[3.14] Section 77**

2 *substitute*

3 **77 Auditor's liability**

4 An auditor of an incorporated association is not, in the absence of
5 malice by the auditor, liable to any action for defamation in relation
6 to any statement that the auditor makes, orally or in writing, in the
7 exercise of functions as auditor of the association.

8 **Explanatory note**

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

10 **[3.15] Section 78 (c)**

11 *omit*

12 performance of his or her duties or the exercise of his or her powers

13 *substitute*

14 exercise of functions

15 **Explanatory note**

16 This amendment updates language in line with current legislative drafting practice. In
17 particular, the amendment omits redundant references to 'performance', 'duties' and 'powers'
18 because the Legislation Act, dictionary, part 1, definition of 'function' includes a duty and
19 power and the definition of 'exercise', a function, includes perform the function.

20 **[3.16] Section 93 (1) (f)**

21 *omit*

22 he or she

23 *substitute*

24 the auditor

25 **Explanatory note**

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

1 **[3.17] Section 95 (6) and 97 (2)**

2 *omit*

3 he or she

4 *substitute*

5 the registrar-general

6 **Explanatory note**

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

8 **[3.18] Section 101**

9 *omit everything after*

10 the registrar-general may

11 *substitute*

12 make the investigations the registrar-general thinks appropriate for
13 the administration of this Act.

14 **Explanatory note**

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

16 **[3.19] Section 103 (2) (a) (iii)**

17 *omit*

18 his or her

19 *substitute*

20 the registrar-general's

21 **Explanatory note**

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

1 **[3.20] Section 103 (2) (b) (ii)**

2 *omit*

3 his or her

4 *substitute*

5 the person's

6 **Explanatory note**

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

8 **[3.21] Section 103 (3)**

9 *omit*

10 he or she

11 *substitute*

12 the person

13 **Explanatory note**

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

15 **[3.22] Section 103 (4)**

16 *omit*

17 he or she

18 *substitute*

19 the registrar-general

20 **Explanatory note**

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

1 **[3.23] Section 107 (2)**

2 *omit*

3 he or she

4 *substitute*

5 the person

6 **Explanatory note**

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

8 **[3.24] Section 107 (3)**

9 *omit*

10 him or her

11 *substitute*

12 the person

13 **Explanatory note**

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

15 **Part 3.3 Bail Act 1992**

16 **[3.25] Section 13 (1) (a)**

17 *omit*

18 forthwith after being so charged

19 *substitute*

20 immediately after being charged

21 **Explanatory note**

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

1 **[3.26] Section 13 (1) (b)**

2 *omit*

3 to bring before a court forthwith

4 *substitute*

5 to bring immediately before a court

6 **Explanatory note**

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

8 **[3.27] Section 13 (1) (c)**

9 *omit*

10 shall inform the person, or cause the person to be informed,

11 *substitute*

12 must tell the person

13 **Explanatory note**

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

15 **[3.28] Section 13 (1) (c) (ii)**

16 *omit*

17 his or her

18 *substitute*

19 the person's

20 **Explanatory note**

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

1 **[3.29] Section 13 (1) (c) (iv)**

2 *substitute*

3 (iv) communicate with someone else of the person's choice
4 who may reasonably be expected to assist the person in
5 relation to the provision of bail; and

6 **Explanatory note**

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

8 **[3.30] Section 13 (1) (c)**

9 *omit everything after subparagraph (iv), substitute*

10 if the person asks for facilities to do so, must provide the person
11 with reasonable facilities to enable the person to communicate with
12 a lawyer, an interpreter or someone else; and

13 **Explanatory note**

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

15 **[3.31] Section 13 (1) (d)**

16 *omit*

17 shall inform the person, or cause the person to be informed, of

18 *substitute*

19 must tell the person about

20 **Explanatory note**

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

1 **[3.32] Sections 13 (1) (e) and 13 (2)**

2 *omit*

3 shall

4 *substitute*

5 must

6 **Explanatory note**

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

8 **[3.33] Section 13 (4)**

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

- 10 (4) A police officer who charges or arrests a person need not comply
11 with subsection (1) (c) (ii), (iii) or (iv) if the police officer believes
12 on reasonable grounds that non-compliance is necessary to
13 prevent—

14 **Explanatory note**

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

16 **[3.34] Section 13 (5)**

17 *substitute*

- 18 (5) If a police officer who charges or arrests a person does not comply
19 with subsection (1) (c) (ii), (iii) or (iv) for a reason mentioned in
20 subsection (4), the police officer must record the reason.

21 **Explanatory note**

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

1 **[3.35] Sections 15, 16 (1) and 16 (2)**

2 *omit*

3 shall

4 *substitute*

5 must

6 **Explanatory note**

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

8 **[3.36] Section 16 (3)**

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

- 10 (3) An authorised officer who refuses to grant bail to an accused person
11 need not comply with subsection (1) (e) or (f) and subsection (2) if
12 the authorised officer believes on reasonable grounds that
13 non-compliance is necessary to prevent—

14 **Explanatory note**

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

16 **[3.37] Section 16 (4)**

17 *substitute*

- 18 (4) If an authorised officer does not comply with subsection (1) (e) or
19 (f) and subsection (2) for a reason mentioned in subsection (3), the
20 authorised officer must record the reason.

21 **Explanatory note**

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

1 **[3.38] Section 17**

2 *omit*

3 shall

4 *substitute*

5 must

6 **Explanatory note**

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

8 **[3.39] Section 18 (1)**

9 *omit*

10 shall, if it is reasonably practicable to do so, cause the person to be
11 provided with, and allowed to use—

12 *substitute*

13 must, if it is reasonably practicable to do so, provide the person
14 with, and allow the person to use—

15 **Explanatory note**

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

17 **[3.40] Section 19 (3)**

18 *substitute*

19 (3) An application to a court in relation to bail must be dealt with as
20 soon as practicable.

21 **Explanatory note**

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

1 **[3.41] Sections 21 (a) and (b) (i)**

2 *omit*

3 shall

4 *substitute*

5 must

6 **Explanatory note**

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

8 **[3.42] Section 21 (b) (iii)**

9 *omit*

10 shall

11 **Explanatory note**

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

13 **[3.43] Section 25 etc**

14 *omit*

15 shall

16 *substitute*

17 must

18 *in*

- 19 • section 25
20 • section 26 and 27
21 • section 30 (3).

22 **Explanatory note**

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

1 **[3.44] Section 30 (6)**

2 *omit*

3 shall not be taken

4 *substitute*

5 is not taken

6 **Explanatory note**

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

8 **[3.45] Section 34 (1) to (3)**

9 *substitute*

10 (1) A court or authorised officer granting bail to an accused person—

11 (a) must give the accused person a written notice setting out—

12 (i) the person's obligations under the person's bail
13 conditions; and

14 (ii) the consequences of any failure by the person to comply
15 with the conditions; and

16 (b) must be satisfied, before releasing the accused person, that the
17 person will comply with the conditions.

18 *Note* If a form is approved under s 58 for a notice under this section, the form
19 must be used.

20 (2) A court or authorised officer granting bail to an accused person with
21 a surety for the accused person's appearance to answer the charges
22 against the person —

23 (a) must give the surety written notice of—

24 (i) the accused person's obligations under the person's bail
25 conditions; and

26 (ii) the consequences of any failure by the person to comply
27 with the conditions; and

- 1 (b) must be satisfied, before releasing the accused person, that the
2 surety understands—
- 3 (i) the nature and extent of the accused person’s obligations
4 under the person’s bail conditions; and
- 5 (ii) the consequences of any failure by the person to comply
6 with the conditions.
- 7 (3) If a bail condition is imposed or varied on a review under part 6 of a
8 decision made in relation to bail, the court or authorised officer
9 imposing or varying the condition—
- 10 (a) must give the accused person a written notice setting out—
- 11 (i) the person’s obligations under the condition; and
- 12 (ii) the consequences of any failure by the person to comply
13 with the condition; and
- 14 (b) must be satisfied that the accused person will comply with the
15 condition; and
- 16 (c) if there is a surety for the appearance of the accused person to
17 answer the charges against the accused person—
- 18 (i) must give the surety a written notice setting out—
- 19 (A) the accused person’s obligations under the
20 condition; and

1 (B) the consequences of any failure by the person to
2 comply with the condition; and

3 (ii) must be satisfied that the surety understands—

4 (A) the nature and extent of the accused person's
5 obligations under the condition; and

6 (B) the consequences of any failure by the person to
7 comply with the condition.

8 **Explanatory note**

9 This amendment updates language and brings the structure of the subsections more closely into
10 line with current legislative drafting practice. In particular, the amendment omits references to
11 'shall' and substitutes 'must', which is the current drafting term.

12 The amendment also omits redundant references to the plural of 'surety' because of the effect of
13 the Legislation Act, section 145 (b), which provides that words in the singular number include
14 the plural.

15 **[3.46] Section 34 (4)**

16 *omit*

17 shall forthwith

18 *substitute*

19 must immediately

20 **Explanatory note**

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

1 **[3.47] Sections 38 (2) etc**

2 *omit*

3 shall

4 *substitute*

5 must

6 *in*

- 7 • section 38 (2)
8 • sections 45 to 47.

9 **Explanatory note**

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

11 **[3.48] Section 58 (1)**

12 *omit*

13 , in writing,

14 **Explanatory note**

15 This amendment omits redundant text. The text is unnecessary because section 58 (3) provides
16 that certain approved forms are disallowable instruments and section 58 (4) provides that all
17 other approved forms are notifiable instruments. Both these kinds of instrument must be in
18 writing (see Legislation Act, s 42 (2)).

1 **Part 3.4** **Boilers and Pressure Vessels**
2 **Regulation 1954**

3 **[3.49] Section 6 (1)**

4 *omit*

5 do not apply

6 *substitute*

7 does not apply

8 **Explanatory note**

9 This amendment corrects a typographical error.

10 **[3.50] Section 7 (1) (c) (i)**

11 *substitute*

- 12 (i) placed so that the water level is clearly visible to the
13 boiler attendant from the attendant's normal working
14 position; and

15 **Explanatory note**

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

17 **[3.51] Section 7 (1) (d) (iv)**

18 *substitute*

- 19 (iv) is placed so that it is clearly visible to the boiler attendant
20 from the attendant's normal working position; and

21 **Explanatory note**

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

1 **[3.52] Section 11 (b)**

2 *omit*

3 permit of

4 *substitute*

5 allow

6 **Explanatory note**

7 This amendment updates language in line with current legislative drafting practice and corrects
8 a typographical error.

9 **[3.53] Section 12**

10 *omit*

11 so constructed that

12 *substitute*

13 constructed so that

14 **Explanatory note**

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

16 **[3.54] Section 14 (a) and (b)**

17 *omit*

18 such

19 **Explanatory note**

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

1 **[3.55] Section 14 (c)**

2 *omit*

3 so arranged that

4 *substitute*

5 arranged so that

6 **Explanatory note**

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

8 **[3.56] Section 15 (a) (ii)**

9 *substitute*

10 (ii) arranged so that the gauges on the boiler are clearly
11 visible to the boiler attendant from the attendant's normal
12 working position; and

13 **Explanatory note**

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

15 **[3.57] Section 15 (d)**

16 *omit everything before subparagraph (ii), substitute*

17 (d) if the chief inspector directs in writing—

18 (i) exits must be provided from the boiler house in the places
19 that the chief inspector considers necessary to allow
20 people to escape if an accident happens; and

21 **Explanatory note**

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

1 **[3.58] Section 16 (1)**

2 *omit*

3 he or she

4 *substitute*

5 the inspector

6 **Explanatory note**

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

8 **[3.59] Section 20**

9 *substitute*

10 **20 Pressure reducing valves**

11 (1) This section applies if the maximum allowable working pressure of
12 a boiler or pressure vessel (the *first unit*) is higher than the
13 maximum allowable working pressure of a boiler or pressure vessel
14 to which it is connected (the *second unit*).

15 (2) The first unit may be used or operated only if there is fitted between
16 the first and second unit an efficient pressure reducing valve with a
17 safety valve and pressure gauge between the pressure reducing valve
18 and the second unit.

19 **Explanatory note**

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

21 **[3.60] Section 25 (3)**

22 *omit*

23 such time as

24 **Explanatory note**

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

1 **[3.61] Section 27 (b)**

2 *substitute*

3 (b) ensure the certificate of inspection remains in that place while
4 it is in force.

5 **Explanatory note**

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

7 **[3.62] Section 34 (1)**

8 *omit*

9 so

10 **Explanatory note**

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

12 **[3.63] Sections 35 (1) (f) to (h) and (2) (b)**

13 *omit*

14 refrain from using or operating

15 *substitute*

16 not use or operate

17 **Explanatory note**

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

19 **[3.64] Section 35 (1) (i)**

20 *omit*

21 refrain from operating

22 *substitute*

23 not operate

24 **Explanatory note**

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

1 **[3.65] Section 42 (1)**

2 *substitute*

3 (1) The operator of a boiler or pressure vessel must give the chief
4 inspector written notice of the following events as soon as possible
5 after the event happens:

6 (a) the boiler or pressure vessel is placed in operation for the first
7 time;

8 (b) the boiler or pressure vessel is re-erected in a new permanent
9 position;

10 (c) the boiler or pressure vessel is altered or repaired.

11 **Explanatory note**

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

13 **[3.66] Section 42 (2)**

14 *omit*

15 so

16 **Explanatory note**

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

18 **[3.67] Section 42 (5)**

19 *omit everything after*

20 must

21 *substitute*

22 immediately give the chief inspector written notice of the results of
23 the test.

24 **Explanatory note**

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

1 **[3.68] Section 43 (1)**

2 *omit*

3 accordingly

4 **Explanatory note**

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

6 **[3.69] Section 43 (2)**

7 *omit*

8 so

9 **Explanatory note**

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

11 **[3.70] Section 44 (1) (b)**

12 *omit*

13 him or her

14 *substitute*

15 the person

16 **Explanatory note**

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

18 **[3.71] Section 45**

19 *omit*

20 his or her

21 *substitute*

22 the operator's

23 **Explanatory note**

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

1 **[3.72] Section 45 (2) (a)**

2 *substitute*

3 (a) immediately notify the chief inspector in writing; and

4 **Explanatory note**

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

6 **[3.73] Section 45 (2) (b)**

7 *omit*

8 refrain from using or operating

9 *substitute*

10 not use or operate

11 **Explanatory note**

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

13 **[3.74] Section 50**

14 *omit*

15 shall

16 *substitute*

17 must

18 **Explanatory note**

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

1 **Part 3.5** **Building Act 2004**

2 **[3.75] Section 25B (3), note 1**

3 *omit*

4 disciplinary action

5 *substitute*

6 occupational discipline

7 **Explanatory note**

8 This amendment replaces a redundant term. The term ‘disciplinary action’ was replaced with
9 the term ‘occupational discipline’ as a consequence of the establishment of the ACT Civil and
10 Administrative Tribunal.

11 **[3.76] Section 29 (5)**

12 *omit*

13 , in writing,

14 **Explanatory note**

15 This amendment omits redundant text. Section 29 (6) provides that a declaration under the
16 section is a notifiable instrument, which must be in writing (see Legislation Act, s 42 (2)).

17 **[3.77] Section 81 (1)**

18 *omit*

19 in writing

20 **Explanatory note**

21 This amendment omits redundant text. Section 81 (2) provides that an approval under the
22 section is a notifiable instrument, which must be in writing (see Legislation Act, s 42 (2)).

1 **[3.78] Dictionary, definition of *bonded asbestos* and note**

2 *omit*

3 **Explanatory note**

4 This amendment omits a definition of a term that is not used in the Act. However, the term
5 ‘bonded asbestos’ is used extensively in the *Building (General) Regulation 2008* and is
6 consequently relocated to that Regulation, dictionary by another amendment.

7 **[3.79] Further amendments, mentions of *in writing***

8 *omit*

9 , in writing,

10 *in*

- 11 • section 96 (1)
- 12 • section 99 (1)
- 13 • section 102 (1)
- 14 • section 103 (1)
- 15 • section 107 (3)
- 16 • section 108 (1) (1st mention)
- 17 • section 136 (2)
- 18 • section 143 (1)
- 19 • section 150 (1)
- 20 • section 151 (1).

21 **Explanatory note**

22 This amendment omits redundant text in the mentioned sections. The text is unnecessary
23 because the relevant sections provide that an instrument under the section is a notifiable or
24 disallowable instrument, which must be in writing (see Legislation Act, s 42 (2)).

1 **Part 3.6** **Building (General)**
2 **Regulation 2008**

3 **[3.80] Section 7 (1)**

4 *omit*

5 , in writing,

6 **Explanatory note**

7 This amendment omits redundant text. The text is unnecessary because section 7 (2) provides
8 that an exemption under the section is a disallowable instrument, which must be in writing (see
9 Legislation Act, s 42 (2)).

10 **[3.81] Section 47 (1)**

11 *omit*

12 , in writing,

13 **Explanatory note**

14 This amendment omits redundant text. The text is unnecessary because section 47 (2) provides
15 that an exemption under the section is a disallowable instrument, which must be in writing (see
16 Legislation Act, s 42 (2)).

17 **[3.82] Dictionary, note 3**

18 *omit*

- 19 • bonded asbestos

20 **Explanatory note**

21 This amendment is consequential on the omission of a defined term from the *Building Act 2004*,
22 dictionary, by another amendment.

1 **[3.83] Dictionary, new definition of *bonded asbestos***

2 *insert*

3 *bonded asbestos* means asbestos in a form where the asbestos fibres
4 are held within another material (for example, cement) but does not
5 include friable asbestos.

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

9 **Explanatory note**

10 This amendment inserts a definition of a term that is widely used in the regulation but is defined
11 in the *Building Act 2004*. The defined term is not used in the *Building Act 2004* so has been
12 omitted from that Act, dictionary by another amendment.

13 **Part 3.7 Civil Law (Sale of Residential
14 Property) Act 2003**

15 **[3.84] Section 7, definitions of *building and compliance*
16 *inspection report* and *pest inspection report***

17 *omit*

18 **Explanatory note**

19 This amendment is consequential on the relocation of the definitions to the dictionary by
20 another amendment.

21 **[3.85] Section 39 (1)**

22 *omit*

23 , in writing,

24 **Explanatory note**

25 This amendment omits redundant text. The text is unnecessary because section 39 (2) provides
26 that an approved form under the section is a notifiable instrument, which must be in writing (see
27 Legislation Act, s 42 (2)).

- 1 **[3.86] Dictionary, definitions of *building and compliance***
2 ***inspection report* and *pest inspection report***
3 *substitute*
- 4 ***building and compliance inspection report*** means a building and
5 compliance inspection report prescribed by regulation.
- 6 ***pest inspection report*** means a pest inspection report prescribed by
7 regulation.
- 8 **Explanatory note**
- 9 This amendment remakes the definitions of ‘building and compliance inspection report’ and
10 ‘pest inspection report’. Building and compliance inspection report and pest inspection report
11 are currently defined in section 7 for part 2 of the Act only. However, the terms are also used in
12 section 37 (in part 5 of the Act) so it is necessary to define the terms for the whole Act.

13 **Part 3.8 Commercial Arbitration Act 1986**

- 14 **[3.87] Section 6**
15 *omit*
16 shall be taken
17 *substitute*
18 is taken
- 19 **Explanatory note**
- 20 This amendment updates language in line with current legislative drafting practice.

1 **[3.88] Section 7**

2 *omit*

3 shall

4 *substitute*

5 must

6 **Explanatory note**

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

8 **[3.89] Section 8 (2)**

9 *omit*

10 shall be served

11 *substitute*

12 must be served

13 **Explanatory note**

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

15 **[3.90] Section 8 (2)**

16 *omit*

17 shall be deemed

18 *substitute*

19 is taken

20 **Explanatory note**

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

1 **[3.91] Section 8 (3) (a)**

2 *omit*

3 shall be deemed

4 *substitute*

5 is taken

6 **Explanatory note**

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

8 **[3.92] Section 8 (3) (b) (i)**

9 *omit*

10 shall lapse

11 *substitute*

12 lapses

13 **Explanatory note**

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

15 **[3.93] Section 8 (3) (b) (iii)**

16 *omit*

17 shall be construed

18 *substitute*

19 is to be interpreted

20 **Explanatory note**

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

1 **[3.94] Section 11 (1) (b)**

2 *omit*

3 shall cease

4 *substitute*

5 cease

6 **Explanatory note**

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

8 **[3.95] Section 13**

9 *omit*

10 shall be deemed

11 *substitute*

12 is taken

13 **Explanatory note**

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

15 **[3.96] Section 15 (c)**

16 *omit*

17 shall prevail

18 *substitute*

19 prevails

20 **Explanatory note**

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

1 **[3.97] Section 16 (2)**

2 *omit*

3 notwithstanding

4 *substitute*

5 despite

6 **Explanatory note**

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

8 **[3.98] Section 16 (2)**

9 *omit*

10 shall enter

11 *substitute*

12 enter

13 **Explanatory note**

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

15 **[3.99] Section 18 (3)**

16 *omit*

17 shall be deemed

18 *substitute*

19 is taken

20 **Explanatory note**

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

1 **[3.100] Section 19 (1) (b)**

2 *substitute*

3 (b) must, if the arbitrator or umpire requires, be given on oath or
4 by affidavit.

5 *Note* *Oath* includes affirmation and *take* an oath includes make an
6 affirmation (see Legislation Act, dict, pt 1).

7 **Explanatory note**

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

9 **[3.101] Section 20 (3)**

10 *omit*

11 shall

12 *substitute*

13 must

14 **Explanatory note**

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

16 **[3.102] Section 20A (3)**

17 *omit*

18 shall be taken

19 *substitute*

20 is taken

21 **Explanatory note**

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

1 **Part 3.9** **Common Boundaries Act 1981**

2 **[3.103] Section 18 (1) (c)**

3 *omit*

4 his or her

5 *substitute*

6 the occupier's

7 **Explanatory note**

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

9 **[3.104] Section 18 (2)**

10 *substitute*

11 (2) If 2 or more people are the occupiers of a parcel of land, a document
12 that has been served on one of them is taken to have been served on
13 all of them.

14 **Explanatory note**

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

16 **[3.105] Section 18 (3)**

17 *omit*

18 Territory law

19 *substitute*

20 territory law

21 **Explanatory note**

22 This amendment updates a reference to a term defined in the Legislation Act.

- 1 **[3.106] Section 19 (2)**
- 2 *substitute*
- 3 (2) If 2 or more people occupy a parcel of land as joint tenants, tenants
- 4 in common or joint lessees and an order requires them to make a
- 5 payment—
- 6 (a) they are jointly and severally liable for the payment of the
- 7 amount payable under the order; and
- 8 (b) as between themselves, the liability to pay the amount must, in
- 9 the absence of agreement to the contrary, be borne in equal
- 10 proportions; and
- 11 (c) one of them who pays more than his or her proportionate
- 12 amount may recover the excess as a debt due by the others.

13 **Explanatory note**

14 This amendment updates a reference to a term defined in the Legislation Act.

15 **[3.107] Sections 25 and 26 (b)**

- 16 *omit*
- 17 shall
- 18 *substitute*
- 19 must

20 **Explanatory note**

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

22 **[3.108] Section 28 (a)**

- 23 *omit everything before subparagraph (i), substitute*
- 24 (a) the lessee of each parcel of land may, during the term of the
- 25 lease—

26 **Explanatory note**

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

1 **[3.109] Section 28 (b)**

2 *omit*

3 shall

4 *substitute*

5 is to

6 **Explanatory note**

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

8 **[3.110] Section 28 (c)**

9 *substitute*

10 (c) if the lessee of 1 parcel of land (the *first lessee*) has at the
11 lessee's expense erected a party wall—the lessee of the other
12 parcel of land must immediately after beginning to erect a
13 building on the other parcel of land pay to the first lessee a
14 proportion of the cost of the erection of the party wall; and

15 **Explanatory note**

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

17 **[3.111] Section 28 (e)**

18 *omit*

19 shall

20 *substitute*

21 must

22 **Explanatory note**

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

1 **[3.112] Section 28 (f)**

2 *omit*

3 shall be

4 *substitute*

5 is

6 **Explanatory note**

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

8 **[3.113] Dictionary, note 2**

9 *insert*

- 10 • territory law

11 **Explanatory note**

12 This amendment inserts a term to assist users of legislation. Dictionary, note 2 is an aid to users
13 which list examples of terms used in the Act that are defined in the Legislation Act, dictionary,
14 part 1.

15 **Part 3.10 Coroners Act 1997**

16 **[3.114] Section 6**

17 *omit*

18 holding or

19 **Explanatory note**

20 This amendment omits redundant text. The Legislation Act, dictionary, part 1 definition of
21 *occupy* includes, among other things, holding a position.

1 **[3.115] Section 8 (2)**

2 *substitute*

3 (2) The appointment is on the conditions not provided for by this Act or
4 another territory law that are stated in the deputy coroner's
5 instrument of appointment.

6 **Explanatory note**

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

8 **[3.116] Section 9 (3)**

9 *omit*

10 he or she

11 *substitute*

12 the deputy coroner

13 **Explanatory note**

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

15 **[3.117] Section 17**

16 *omit*

17 his or her

18 *substitute*

19 the coroner's

20 **Explanatory note**

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

1 **[3.118] Section 20 (1)**

2 *omit*

3 him or her

4 *substitute*

5 the coroner

6 **Explanatory note**

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

8 **[3.119] Section 23 (2)**

9 *omit*

10 he or she

11 *substitute*

12 the coroner

13 **Explanatory note**

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

15 **[3.120] Section 24 (1) (b)**

16 *omit*

17 his or her

18 *substitute*

19 the

20 **Explanatory note**

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

1 **[3.121] Section 26 (1)**

2 *omit*

3 him or her, with such assistance as

4 *substitute*

5 the police officer, with the assistance

6 **Explanatory note**

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

8 **[3.122] Section 26 (1)**

9 *omit*

10 specified

11 *substitute*

12 stated

13 **Explanatory note**

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

15 **[3.123] Section 26 (2)**

16 *omit*

17 such assistance as he or she

18 *substitute*

19 the assistance the police officer

20 **Explanatory note**

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

1 **[3.124] Section 26 (2) (a)**

2 *omit*

3 he or she

4 *substitute*

5 the police officer

6 **Explanatory note**

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

8 **[3.125] Section 30 (1)**

9 *omit*

10 he or she

11 *substitute*

12 the coroner

13 **Explanatory note**

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

15 **[3.126] Section 32 (b)**

16 *omit*

17 his or her

18 *substitute*

19 the person's

20 **Explanatory note**

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

1 **[3.127] Section 44 (2) (b)**

2 *omit*
3 his or her
4 *substitute*
5 the person's

6 **Explanatory note**

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

8 **[3.128] Section 45 (2)**

9 *omit*
10 him or her
11 *substitute*
12 the police officer

13 **Explanatory note**

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

15 **[3.129] Section 45 (5) (b)**

16 *omit*
17 his or her sureties
18 *substitute*
19 the person's surety

20 **Explanatory note**

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

1 **[3.130] Section 46 (1)**

2 *omit*

3 him or her

4 *substitute*

5 the coroner

6 **Explanatory note**

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

8 **[3.131] Section 46 (2)**

9 *omit*

10 his or her

11 *substitute*

12 the person's

13 **Explanatory note**

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

15 **[3.132] Sections 52 (3) and 54**

16 *omit*

17 his or her

18 *substitute*

19 the coroner's

20 **Explanatory note**

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

1 **[3.133] Section 55 (1)**

2 *omit*

3 he or she

4 *substitute*

5 the coroner

6 **Explanatory note**

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

8 **[3.134] Sections 56 (2) (b) (ii) and 58 (2) (a)**

9 *omit*

10 his or her

11 *substitute*

12 the coroner's

13 **Explanatory note**

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

15 **[3.135] Section 58 (4) (b) (ii)**

16 *omit*

17 his or her

18 **Explanatory note**

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

1 **[3.136] Section 59 (2)**

2 *omit*

3 his or her

4 *substitute*

5 the investigator's

6 **Explanatory note**

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

8 **[3.137] Section 59 (3)**

9 *substitute*

10 (3) The investigator's instrument of appointment must state—

11 (a) details of the matters into which the investigator must inquire
12 and report; and

13 (b) any conditions of the appointment; and

14 (c) any remuneration the investigator is entitled to receive.

15 **Explanatory note**

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

17 **[3.138] Section 60 (1)**

18 *omit*

19 his or her

20 *substitute*

21 the coroner's

22 **Explanatory note**

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

1 **[3.139] Section 61**

2 *omit*

3 him or her

4 *substitute*

5 the coroner

6 **Explanatory note**

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

8 **[3.140] Section 64 (3)**

9 *omit*

10 he or she

11 *substitute*

12 the Chief Coroner

13 **Explanatory note**

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

15 **[3.141] Section 64 (6)**

16 *omit*

17 shall

18 *substitute*

19 must

20 **Explanatory note**

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

1 **[3.142] Section 64 (6) (b)**

2 *omit*
3 his or her
4 *substitute*
5 the coroner's

6 **Explanatory note**

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

8 **[3.143] Section 64 (7) (a)**

9 *omit*
10 he or she
11 *substitute*
12 the coroner

13 **Explanatory note**

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

15 **[3.144] Section 68 (1) (a)**

16 *omit*
17 his or her own
18 *substitute*
19 the Chief Coroner's

20 **Explanatory note**

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

1 **[3.145] Section 72**

2 *omit*

3 him or her

4 *substitute*

5 the coroner

6 **Explanatory note**

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

8 **[3.146] Section 75 (1)**

9 *omit*

10 he or she

11 *substitute*

12 the coroner

13 **Explanatory note**

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

15 **[3.147] Dictionary, note 2**

16 *insert*

- 17
 - occupy

18 **Explanatory note**

19 Dictionary, note 2 is an aid to users that lists examples of terms used in the Act that are defined
20 in the Legislation Act, dictionary, part 1. This amendment inserts a new defined term in the list
21 of terms defined in the Legislation Act, as a consequence of another amendment.

1 **Part 3.11 Court Procedures Act 2004**

2 **[3.148] Section 8 (1)**

3 *omit*

4 , in writing,

5 **Explanatory note**

6 This amendment omits redundant text. The text is unnecessary because section 8 (4) provides
7 that an approved form is a notifiable instrument, which must be in writing (see Legislation Act,
8 s 42 (2)).

9 **[3.149] Section 13 (1)**

10 *omit*

11 , in writing,

12 **Explanatory note**

13 This amendment omits redundant text. The text is unnecessary because section 13 (3) provides
14 that a determination under the section is a disallowable instrument, which must be in writing
15 (see Legislation Act, s 42 (2)).

16 **[3.150] Section 68 (1)**

17 *omit*

18 shall be

19 *substitute*

20 are to be

21 **Explanatory note**

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

1 **[3.151] Section 68 (2)**

2 *omit everything after*

3 *valid*

4 *substitute*

5 *despite any formal defect or any irregularity.*

6 **Explanatory note**

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

8 **Part 3.12 Crimes (Forensic Procedures)**
9 **Act 2000**

10 **[3.152] Section 13**

11 *omit*

12 *(such as a police officer)*

13 *substitute*

14 *(for example, a police officer)*

15 **Explanatory note**

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

17 **[3.153] Section 82 (6)**

18 *omit*

19 **Explanatory note**

20 This amendment omits a provision that is made redundant by the insertion in the dictionary of a
21 signpost definition for 'agreed retention period' by another amendment.

1 **[3.154] Section 84 (5)**

2 *omit*

3 **Explanatory note**

4 This amendment omits a provision that is made redundant by the insertion in the dictionary of a
5 signpost definition for 'agreed retention period' by another amendment.

6 **[3.155] Section 94, definition of *corresponding DNA index* and**
7 ***corresponding statistical index***

8 *omit*

9 **Explanatory note**

10 Section 94 contains a number of terms defined for the Act. This amendment omits 2 terms that
11 are used only in section 94. The terms are included in a new subsection (2) in section 94,
12 inserted by another amendment, that contains terms defined for section 94 only, in line with
13 current drafting practice.

14 **[3.156] New section 94 (2)**

15 *insert*

16 (2) In this section:

17 *corresponding DNA index* means an index of DNA profiles
18 established, kept or maintained under a law, or a provision of a law,
19 of the Commonwealth or a State, whether or not the law or
20 provision is a corresponding law.

21 *Note* *State* includes the Northern Territory (see Legislation Act, dict, pt 1).

1 *corresponding statistical index* means an index of information
2 obtained from the analysis of forensic material that is established,
3 kept or maintained under a law, or a provision of a law, of the
4 Commonwealth or a State, whether or not the law or provision is a
5 corresponding law.

6 **Explanatory note**

7 Section 94 contains a number of terms defined for the Act. However, the terms *corresponding*
8 *DNA index* and *corresponding statistical index* are used in section 94 only. This amendment
9 inserts a new subsection in section 94 that includes definitions of terms used only in section 94,
10 in line with current drafting practice.

11 **[3.157] Section 98 (6), definition of *agreed retention period***

12 *omit*

13 **Explanatory note**

14 This amendment omits a signpost definition that is made redundant by the insertion of a
15 signpost definition for ‘agreed retention period’ in the dictionary by another amendment.

16 **[3.158] Dictionary, note 2, new dot point**

17 *insert*

- 18 • territory law

19 **Explanatory note**

20 This amendment inserts a term to assist users of legislation. Dictionary, note 2 is an aid to users
21 which lists examples of terms used in the Act that are defined in the Legislation Act, dictionary,
22 part 1.

23 **[3.159] Dictionary, new definition of *agreed retention period***

24 *insert*

25 *agreed retention period*—see section 80A (3).

26 **Explanatory note**

27 This amendment inserts a signpost definition in the dictionary for a term that is used in several
28 places in the Act.

1 **[3.160] Dictionary, definition of *another Territory***

2 *omit*

3 **Explanatory note**

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

5 **Part 3.13 Disability Services Act 1991**

6 **[3.161] Section 3 (e)**

7 *omit*

8 in respect of

9 *substitute*

10 for

11 **Explanatory note**

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

13 **[3.162] Section 3**

14 *omit*

15 and this Act shall be construed and administered accordingly

16 **Explanatory note**

17 This amendment omits unnecessary wording.

18 **[3.163] Section 6 (2)**

19 *omit*

20 shall

21 *substitute*

22 must

23 **Explanatory note**

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

1 **[3.164] Section 7 heading**

2 *substitute*

3 **7 Conditions of grants**

4 **[3.165] Section 7 (1)**

5 *omit*

6 regarding the terms and

7 *substitute*

8 about the

9 **Explanatory note**

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

11 **[3.166] Section 7 (2)**

12 *omit*

13 in the case of

14 *substitute*

15 for

16 **Explanatory note**

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

18 **[3.167] Section 7 (3) and (4)**

19 *substitute*

20 (3) An agreement mentioned in subsection (1)—

21 (a) if it relates to the provision of services—must state the
22 objectives to be achieved by or in relation to the person
23 receiving the services; and

1 (b) may include provisions relating to the payment by the grantee
2 to the Minister of an amount equal to the amount of the grant
3 or part of the grant if there is a contravention of a condition.

4 (4) An agreement mentioned in subsection (1) is subject to the
5 condition that the grantee complies with any guidelines mentioned
6 in section 10 (1) (b) that apply to the grantee.

7 **Explanatory note**

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

9 **[3.168] Section 7 (5)**

10 *omit*
11 referred to
12 *substitute*
13 mentioned

14 **Explanatory note**

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

16 **[3.169] Section 8**

17 *substitute*

18 **8 Review of effectiveness of grants**

19 At intervals not exceeding 5 years, the Minister must review the
20 extent to which—

21 (a) a grantee has fulfilled the conditions of grants received by the
22 grantee; and

23 (b) the objectives stated in the conditions of a grant have been
24 achieved.

25 **Explanatory note**

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

1 **[3.170] Section 9 (1)**

2 *omit*

3 , in writing,

4 **Explanatory note**

5 This amendment omits redundant text. The text is unnecessary because section 9 (2) provides
6 that an approval under the section is a disallowable instrument, which must be in writing (see
7 Legislation Act, s 42 (2)).

8 **[3.171] Section 10 (1)**

9 *omit*

10 , in writing,

11 **Explanatory note**

12 This amendment omits redundant text. The text is unnecessary because section 10 (4) provides
13 a guideline under the section is a disallowable instrument, which must be in writing (see
14 Legislation Act, section 42 (2)).

15 **[3.172] Section 10 (3)**

16 *omit*

17 shall

18 *substitute*

19 must

20 **Explanatory note**

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

1 **[3.173] Dictionary, note 2**

2 *insert*

- 3 • administrative unit
4 • body
5 • may (see s 146)
6 • must (see s 146)
7 • territory authority

8 **Explanatory note**

9 This amendment inserts new terms to assist users. Dictionary note 2 is an aid to users which
10 lists examples of terms used in the Act that are defined in the Legislation Act, dictionary, part 1.

11 **[3.174] Dictionary, definition of *grantee***

12 *substitute*

13 ***grantee***, for an agreement entered into by a person on behalf of an
14 organisation that is an unincorporated association, means the
15 organisation and the person, separately.

16 **Explanatory note**

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

18 **[3.175] Dictionary, definition of *organisation***

19 *substitute*

20 ***organisation***—

- 21 (a) means a body (whether or not incorporated); and
22 (b) includes—
23 (i) an administrative unit; and
24 (ii) a territory authority; but

1 (c) does not include a body carried on for the purpose of profit or
2 gain to its individual members.

3 **Explanatory note**

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

5 **[3.176] Dictionary, definition of *research and development***
6 ***activity*, paragraph (a)**

7 *omit*

8 with respect to

9 *substitute*

10 in relation to

11 **Explanatory note**

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

13 **Part 3.14 Domestic Animals Act 2000**

14 **[3.177] Section 40 (1)**

15 *omit*

16 , in writing,

17 **Explanatory note**

18 This amendment omits redundant words. Section 40 (3) provides that a declaration under the
19 section is a disallowable instrument, which must be in writing (see Legislation Act, s 42 (2)).

1 **[3.178] Section 68 (3) (d)**

2 *omit*

3 119

4 *substitute*

5 120

6 **Explanatory note**

7 This amendment corrects a cross-reference.

8 **[3.179] Section 143 (1)**

9 *omit*

10 , in writing,

11 **Explanatory note**

12 This amendment omits redundant words. Section 143 (3) provides that a code of practice
13 approved under the section is a disallowable instrument, which must be in writing (see
14 Legislation Act, s 42 (2)).

15 **[3.180] Section 144 (1)**

16 *omit*

17 , in writing,

18 **Explanatory note**

19 This amendment omits redundant words. Section 144 (2) provides that a determination under
20 the section is a disallowable instrument, which must be in writing (see Legislation Act, s 42
21 (2)).

1 **Part 3.15** **Duties Act 1999**

2 **[3.181] Section 91 (2) (j)**

3 *omit*

4 **Explanatory note**

5 This amendment omits a redundant paragraph. Section 91 (2) (j) referred to section 63 (3),
6 which expired on 30 June 2010.

7 **[3.182] Section 208 (4)**

8 *omit*

9 **Explanatory note**

10 This amendment omits a redundant definition of *passenger motor vehicle*. The term is not used
11 elsewhere in the Act.

12 **Part 3.16** **Education Act 2004**

13 **[3.183] Section 10 (4), new note**

14 *insert*

15 *Note* If a form is approved under s 154 for this provision, the form must be
16 used.

17 **Explanatory note**

18 This amendment inserts a note to assist users of the Act to make it clear that if a form is
19 approved for the section, the form must be used.

20 **[3.184] Section 40 (4)**

21 *omit*

22 , in writing,

23 **Explanatory note**

24 This amendment omits redundant text. The text is unnecessary because section 40 (5) provides
25 that a declaration under the section is a notifiable instrument, which must be in writing (see
26 Legislation Act, s 42 (2)).

1 **[3.185] Section 43 (11)**

2 *omit*

3 must be in writing and

4 **Explanatory note**

5 This amendment omits redundant text. The text is unnecessary because section 43 (11) provides
6 that a determination under the section is a disallowable instrument, which must be in writing
7 (see Legislation Act, s 42 (2)).

8 **[3.186] Section 83 (2), new note**

9 *insert*

10 *Note* If a form is approved under s 154 for the application, the form must be
11 used.

12 **Explanatory note**

13 This amendment inserts a note to assist users of the Act to make it clear that if a form is
14 approved for the section, the form must be used.

15 **[3.187] Section 84 (7)**

16 *substitute*

17 (7) The chief executive must make a copy of the Minister's reasons
18 available for inspection free of charge to the public during ordinary
19 business hours at the office of an administrative unit administered
20 by the chief executive.

21 **Explanatory note**

22 This amendment revises the provision to make it consistent with other similar provisions by
23 clarifying that, for practical purposes, a copy of the Minister's reasons for approving, or
24 refusing to approve, an application for in-principle approval for the provisional registration of a
25 school must be made available at an office administered by the chief executive and not
26 specifically at the chief executive's office, as currently required.

1 **[3.188] Section 85 (3), new note**

2 *insert*

3 *Note* If a form is approved under s 154 for the application, the form must be
4 used.

5 **Explanatory note**

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

8 **[3.189] Section 87 (2), new note**

9 *insert*

10 *Note* If a form is approved under s 154 for the application, the form must be
11 used.

12 **Explanatory note**

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

15 **[3.190] Section 88A (2), new note**

16 *insert*

17 *Note* If a form is approved under s 154 for the application, the form must be
18 used.

19 **Explanatory note**

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

22 **[3.191] Section 89 (2), new note**

23 *insert*

24 *Note* If a form is approved under s 154 for the application, the form must be
25 used.

26 **Explanatory note**

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

1 **[3.192] Section 96 (1), new note**

2 *insert*

3 *Note* If a form is approved under s 154 for the application, the form must be
4 used.

5 **Explanatory note**

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

8 **[3.193] Section 130 (1), new note**

9 *insert*

10 *Note* If a form is approved under s 154 for the application, the form must be
11 used.

12 **Explanatory note**

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

15 **[3.194] Section 137 (1), new note**

16 *insert*

17 *Note* If a form is approved under s 154 for the application, the form must be
18 used.

19 **Explanatory note**

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

22 **[3.195] Section 151 (2)**

23 *omit*

24 , in writing,

25 **Explanatory note**

26 This amendment omits redundant text. The text is unnecessary because section 151 (6) provides
27 that a determination under the section is a disallowable instrument, which must be in writing
28 (see Legislation Act, s 42 (2)).

1 **Part 3.17** **Enclosed Lands Protection Act**
2 **1943**

3 **[3.196] Section 4 (2)**

4 *omit*

5 shall be deemed

6 *substitute*

7 is taken

8 **Explanatory note**

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

10 **[3.197] Section 4 (3) (a)**

11 *substitute*

12 (a) if there is a reasonably defined track commonly used by people
13 passing through those lands—the centre of the track is taken,
14 for this Act, to be the centre of the road; or

15 **Explanatory note**

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

1 **[3.198] Section 4 (3) (b)**

2 *omit*

3 shall

4 *substitute*

5 does

6 **Explanatory note**

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

8 **[3.199] Section 6 (1)**

9 *substitute*

- 10 (1) If the owner, occupier or person in charge of enclosed lands believes
11 on reasonable grounds that another person is committing an offence
12 against this Act, the owner, occupier or person in charge may
13 require the other person to give the person's full name and home
14 address.

15 **Explanatory note**

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

17 **[3.200] Section 6 (2)**

18 *omit*

19 shall

20 *substitute*

21 must

22 **Explanatory note**

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

1 **[3.201] Dictionary, definition of *enclosed lands***

2 *omit*

3 , such as a river or cliff,

4 *substitute*

5 (for example, a river or cliff)

6 **Explanatory note**

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

8 **[3.202] Dictionary, definition of *enclosed lands*, new note**

9 *insert*

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

13 **Explanatory note**

14 This amendment inserts a standard note about examples.

15 **Part 3.18 Environment Protection Act 1997**

16 **[3.203] Section 165 (1)**

17 *omit*

18 , in writing,

19 **Explanatory note**

20 This amendment omits redundant text. Section 165 (2) provides that a determination under the
21 section is a disallowable instrument, which must be in writing (see Legislation Act, s 42 (2)).

1 **[3.204] Section 165A (1)**

2 *omit*

3 , in writing,

4 **Explanatory note**

5 This amendment omits redundant text. Section 165A (3) provides that an approved form under
6 the section is a notifiable instrument, which must be in writing (see Legislation Act, s 42 (2)).

7 **[3.205] Section 166 (8) (a)**

8 *substitute*

9 (a) by—

10 (i) amending activities mentioned in the schedule, or

11 (ii) adding activities to, or deleting activities from, the
12 schedule; and

13 **Explanatory note**

14 This amendment amends section 166 (8) (a) to make it clear that a regulation can amend an
15 activity in schedule 1, as well as add or delete an activity.

16 **Part 3.19 Fair Trading (Motor Vehicle**
17 **Repair Industry) Act 2010**

18 **[3.206] Section 35 (2) (c)**

19 *omit*

20 licence disqualified

21 *substitute*

22 licensee disqualified

23 **Explanatory note**

24 This amendment corrects an incorrect reference to ‘licence’.

1 **Part 3.20** **Firearms Act 1996**

2 **[3.207] Section 38 (1)**

3 *omit*

4 , in writing,

5 **Explanatory note**

6 This amendment omits redundant text. The text is unnecessary because section 38 (2) provides
7 that a declaration under the section is a notifiable instrument, which must be in writing (see
8 Legislation Act, s 42 (2)).

10 **[3.208] Section 40 (1), new notes**

11 *insert*

12 *Note 1* If a form is approved under s 271 for this provision, the form must be
13 used.

14 *Note 2* A fee may be determined under s 270 for this provision.

15 **Explanatory note**

16 This amendment inserts notes to assist users of the Act to make it clear that—

- 17 • if a form is approved for an application under s 40, the form must be used; and
18 • the registrar may determine a fee for this provision.

1 **[3.209] Dictionary, definition of *blank fire firearm***

2 *substitute*

3 ***blank fire firearm*** means a device that is designed for firing blank
4 cartridges only.

5 **Example**

6 a starting pistol

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

10 **Explanatory note**

11 This amendment relocates the example in line with current legislative drafting practice.

12 **Part 3.21 Gaming Machine Act 2004**

13 **[3.210] Subsection 35 (2)**

14 *omit*

15 , in writing,

16 **Explanatory note**

17 This amendment omits redundant text. The text is unnecessary because section 35 (3) provides
18 that a declaration under the section is a disallowable instrument, which must be in writing (see
19 Legislation Act, s 42 (2)).

20 **[3.211] Section 66 (1), definition of *centralised monitoring***
21 ***system***

22 *omit*

23 in writing

24 **Explanatory note**

25 This amendment omits redundant text. The text is unnecessary because section 66 (2) provides
26 that an approval mentioned in the section is a notifiable instrument, which must be in writing
27 (see Legislation Act, s 42 (2)).

1 **[3.212] Section 69 (1)**

2 *omit*

3 , in writing,

4 **Explanatory note**

5 This amendment omits redundant text. The text is unnecessary because section 69 (3) provides
6 that an approval under the section is a notifiable instrument, which must be in writing (see
7 Legislation Act, s 42 (2)).

8 **[3.213] Section 70 (1)**

9 *omit*

10 , in writing,

11 **Explanatory note**

12 This amendment omits redundant text. The text is unnecessary because section 70 (3) provides
13 that a cancellation or suspension under the section is a notifiable instrument, which must be in
14 writing (see Legislation Act, s 42 (2)).

15 **[3.214] Section 126 (1)**

16 *omit*

17 , in writing,

18 **Explanatory note**

19 This amendment omits redundant text. The text is unnecessary because section 126 (2) provides
20 that an approval under the section is a notifiable instrument, which must be in writing (see
21 Legislation Act, s 42 (2)).

22 **[3.215] Section 145 (1) (b)**

23 *omit*

24 , in writing,

25 **Explanatory note**

26 This amendment omits redundant text. The text is unnecessary because section 145 (2) provides
27 that an approval under the section is a disallowable instrument, which must be in writing (see
28 Legislation Act, s 42 (2)).

1 **[3.216] Section 151 (1)**

2 *omit*

3 , in writing,

4 **Explanatory note**

5 This amendment omits redundant text. The text is unnecessary because section 151 (5) provides
6 that a determination under the section is a disallowable instrument, which must be in writing
7 (see Legislation Act, s 42 (2)).

8 **[3.217] Section 162 (3)**

9 *omit*

10 **Explanatory note**

11 This amendment omits a provision which is expressed to remove doubt about the capacity to
12 give a return by email. The provision is unnecessary because the *Electronic Transactions*
13 *Act 2001*, section 8 provides for electronically giving information required or allowed to be in
14 writing. The Legislation Act, part 19.5 also deals with how documents may be given.

15 **[3.218] Section 169 (3)**

16 *omit*

17 , in writing,

18 **Explanatory note**

19 This amendment omits redundant text. The text is unnecessary because section 169 (4) provides
20 that a determination under the section is a disallowable instrument, which must be in writing
21 (see Legislation Act, s 42 (2)).

22 **[3.219] Section 177 (1)**

23 *omit*

24 , in writing,

25 **Explanatory note**

26 This amendment omits redundant text. The text is unnecessary because section 177 (2) provides
27 that a determination under the section is a disallowable instrument, which must be in writing
28 (see Legislation Act, s 42 (2)).

1 **Part 3.22** **Health Act 1993**

2 **[3.220] Section 10**

3 *omit*

4 the Territory shall have regard

5 *substitute*

6 the Territory must have regard

7 **Explanatory note**

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

9 **[3.221] Section 83 (1)**

10 *omit*

11 , in writing,

12 **Explanatory note**

13 This amendment omits redundant text. The text is unnecessary because section 83 (2) provides
14 that a determination under the section is a disallowable instrument, which must be in writing
15 (see Legislation Act, s 42 (2)).

16 **[3.222] Section 102 (1)**

17 *omit*

18 , in writing,

19 **Explanatory note**

20 This amendment omits redundant text. The text is unnecessary because section 102 (3) provides
21 that a determination under the section is a disallowable instrument, which must be in writing
22 (see Legislation Act, s 42 (2)).

1 **[3.223] Section 106 (3)**

2 *omit*

3 , in writing,

4 **Explanatory note**

5 This amendment omits redundant text. The text is unnecessary because section 106 (6) provides
6 that a determination under the section is a disallowable instrument, which must be in writing
7 (see Legislation Act, s 42 (2)).

8 **[3.224] Section 125 (3), note**

9 *omit*

10 **Explanatory note**

11 This amendment omits an unnecessary note.

12 **[3.225] Section 192 (1)**

13 *omit*

14 , in writing,

15 **Explanatory note**

16 This amendment omits redundant text. The text is unnecessary because section 192 (3) provides
17 that a determination under the section is a disallowable instrument, which must be in writing
18 (see Legislation Act, s 42 (2)).

19 **[3.226] Section 193 (2)**

20 *omit*

21 in writing

22 **Explanatory note**

23 This amendment omits redundant text. The text is unnecessary because section 193 (3) provides
24 that a determination under the section is a disallowable instrument, which must be in writing
25 (see Legislation Act, s 42 (2)).

1 **[3.227] Section 194 (1)**

2 *omit*

3 , in writing,

4 **Explanatory note**

5 This amendment omits redundant text. The text is unnecessary because section 194 (3) provides
6 that a determination under the section is a disallowable instrument, which must be in writing
7 (see Legislation Act, s 42 (2)).

8 **Part 3.23 Health Records (Privacy and**
9 **Access) Act 1997**

10 **[3.228] Section 34 (1)**

11 *omit*

12 , in writing,

13 **Explanatory note**

14 This amendment omits redundant text. The text is unnecessary because section 34 (2) provides
15 that a determination under the section is a disallowable instrument, which must be in writing
16 (see Legislation Act, s 42 (2)).

17 **[3.229] Section 35 (1)**

18 *omit*

19 , in writing,

20 **Explanatory note**

21 This amendment omits redundant text. The text is unnecessary because section 35 (3) provides
22 that an approved form under the section is a notifiable instrument, which must be in writing (see
23 Legislation Act, s 42 (2)).

1 **[3.230] Section 37**

2 *omit*

3 shall not

4 *substitute*

5 is not to

6 **Explanatory note**

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

8 **[3.231] Dictionary, definition of *personal health information*,**
9 **paragraph (b)**

10 *omit*

11 health provider

12 *substitute*

13 health service provider

14 **Explanatory note**

15 This amendment corrects an incorrect reference. The term ‘health service provider’ is defined in
16 the dictionary and mentioned extensively in the Act while the term ‘health provider’ is used
17 only in the definition of ‘personal health information’ and is not defined.

18 **[3.232] Further amendments, mentions of *shall***

19 *omit*

20 shall

21 *substitute*

22 must

23 *in*

- 24 • section 6 (1)
25 • section 10 (4)
26 • section 11 (4)

- 1 • section 12 (2)
2 • section 15
3 • section 17
4 • section 30
5 • section 33 (2).

6 **Explanatory note**

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

8 **Part 3.24 Independent Competition and**
9 **Regulatory Commission Act 1997**

10 **[3.233] Section 19D (1)**

11 *omit*

12 written

13 **Explanatory note**

14 This amendment omits redundant text. The text is unnecessary because section 19D (2)
15 provides that a notice under the section is a notifiable instrument, which must be in writing (see
16 Legislation Act section 42 (2)).

17 **[3.234] Section 20A (3) (b)**

18 *omit*

19 (for example, by reference to price indices)

20 **Explanatory note**

21 This amendment omits text that is redundant as a consequence of another amendment.

1 **[3.235] Section 20A (3), note**

2 *substitute*

3 **Example for par (c)—method**

4 by reference to price indices

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

8 **Explanatory note**

9 This amendment relocates the example in line with current legislative drafting practice.

10 **[3.236] Section 35 (2)**

11 *omit*

12 such as

13 *substitute*

14 like

15 **Explanatory note**

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

17 **[3.237] Section 35 (3)**

18 *omit*

19 such

20 *substitute*

21 those

22 **Explanatory note**

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

1 **[3.238] Section 40 (6)**

2 *omit*

3 such fees and expenses

4 *substitute*

5 the arbitrator's fees and expenses

6 **Explanatory note**

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

8 **[3.239] Section 44 (3) (a)**

9 *omit*

10 such

11 *substitute*

12 the

13 **Explanatory note**

14 This amendment updates language in line with current legislative drafting style.

15 **[3.240] Dictionary, definition of *access regime*, paragraphs (a)**
16 **and (b)**

17 *omit*

18 such as

19 *substitute*

20 for example,

21 **Explanatory note**

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

1 **[3.241] Dictionary, definition of *access regime*, new note**

2 *insert*

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

6 **Explanatory note**

7 This amendment inserts a note about examples, with current legislative drafting practice.

8 **[3.242] Dictionary, new definition of *direction***

9 *insert*

10 *direction*, for part 9 (Enforcement of prior directions and arbitration
11 determinations)— see section 51.

12 **Explanatory note**

13 This amendment inserts a signpost definition into the dictionary for a term defined for part 9 of
14 the Act.

15 **[3.243] Further amendments, mentions of *in writing***

16 *omit*

17 , in writing,

18 *in*

- 19 • section 4 (1)
20 • section 4C (1)
21 • section 16 (1)
22 • section 19F
23 • section 19G
24 • section 57.

25 **Explanatory note**

26 This amendment omits text that is redundant. Because the instruments under the mentioned
27 sections are disallowable instruments or, in the case of section 57, notifiable instruments, they
28 must be in writing (see the Legislation Act, s 42 (2)).

1 **Part 3.25** **Interactive Gambling Act 1998**

2 **[3.244] Section 7**

3 *omit*

4 shall

5 *substitute*

6 must

7 **Explanatory note**

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

9 **[3.245] Section 9 (1)**

10 *omit*

11 , in writing,

12 **Explanatory note**

13 This amendment omits redundant text. The text is unnecessary because section 9 (3) provides
14 that a declaration under the section is a disallowable instrument, which must be in writing (see
15 Legislation Act section 42 (2)).

16 **[3.246] Section 10 etc**

17 *omit*

18 shall

19 *substitute*

20 must

21 *in*

- 22 • sections 10 to 14
23 • section 20.

24 **Explanatory note**

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

1 **[3.247] Section 22 (1)**

2 *omit*

3 , in writing,

4 **Explanatory note**

5 This amendment omits redundant text. The text is unnecessary because section 22 (3) provides
6 that an exemption scheme approved under the section is a notifiable instrument, which must be
7 in writing (see Legislation Act section 42 (2)).

8 **[3.248] Section 23 (1)**

9 *omit*

10 , in writing,

11 **Explanatory note**

12 This amendment omits redundant text. The text is unnecessary because section 23 (4) provides
13 that a cancellation under the section is a notifiable instrument, which must be in writing (see
14 Legislation Act section 42 (2)).

15 **[3.249] Section 23 (2)**

16 *omit*

17 shall

18 *substitute*

19 must

20 **Explanatory note**

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

- 1 **[3.250] Section 27 etc**
- 2 *omit*
- 3 shall
- 4 *substitute*
- 5 must
- 6 *in*
- 7 • sections 27 to 31
 - 8 • section 34
 - 9 • section 37 (3)
 - 10 • section 38 (3)
 - 11 • sections 40 to 44
 - 12 • sections 46 to 49
 - 13 • section 51 (1)
 - 14 • section 52
 - 15 • sections 54 (2)
 - 16 • section 55
 - 17 • sections 58 to 59
 - 18 • sections 62 to 66
 - 19 • sections 68 to 71
 - 20 • sections 77 to 80
 - 21 • sections 83 to 84.

22 **Explanatory note**

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

1 **[3.251] Section 85 (1)**

2 *omit*

3 , in writing,

4 **Explanatory note**

5 This amendment omits redundant text. The text is unnecessary because section 85 (2) provides
6 that a determination under the section is a disallowable instrument, which must be in writing
7 (see Legislation Act section 42 (2)).

8 **[3.252] Sections 87 to 91**

9 *omit*

10 shall

11 *substitute*

12 must

13 **Explanatory note**

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

15 **[3.253] Section 93 (1)**

16 *after*

17 system

18 *insert*

19 (a *control system submission*)

20 **Explanatory note**

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

22 **[3.254] Section 93 (2)**

23 *substitute*

24 (2) A control system submission must be in writing.

25 **Explanatory note**

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

1 **[3.255] Section 93 (3) and (4)**

2 *omit*

3 shall

4 *substitute*

5 must

6 **Explanatory note**

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

8 **[3.256] Section 94 (1)**

9 *after*

10 system

11 *insert*

12 (a *control system submission*)

13 **Explanatory note**

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

15 **[3.257] Section 94 (2) and (3)**

16 *omit*

17 shall

18 *substitute*

19 must

20 **Explanatory note**

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

1 **[3.258] Section 95 to 99**

2 *omit*

3 shall

4 *substitute*

5 must

6 **Explanatory note**

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

8 **[3.259] Section 100 (1)**

9 *omit*

10 shall remit

11 *substitute*

12 must pay

13 **Explanatory note**

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

15 **[3.260] Section 102 etc**

16 *omit*

17 shall

18 *substitute*

19 must

20 *in*

- 21 • section 102
- 22 • sections 105 to 111
- 23 • sections 113 to 121

- 1 • sections 123 to 139
2 • section 143.

3 **Explanatory note**

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

5 **[3.261] Section 145 (1)**

6 *omit*

7 , in writing,

8 **Explanatory note**

9 This amendment omits redundant text. The text is unnecessary because section 145 (2)
10 provides that a determination under the section is a disallowable instrument, which must be in
11 writing (see Legislation Act section 42 (2)).

12 **[3.262] Section 146**

13 *omit*

14 shall

15 *substitute*

16 must

17 **Explanatory note**

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

1 **Part 3.27** **Lakes Act 1976**

2 **[3.266] Section 5 (1)**

3 *omit*

4 , in writing,

5 **Explanatory note**

6 This amendment omits redundant text. The text is unnecessary because section 5 (2) provides
7 that a declaration under the section is a notifiable instrument, which must be in writing (see
8 Legislation Act section 42 (2)).

9 **[3.267] Section 9 (3)**

10 *omit*

11 shall not be liable

12 *substitute*

13 is not liable

14 **Explanatory note**

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

16 **[3.268] Section 13 (3) and 14 (1)**

17 *omit*

18 shall

19 *substitute*

20 must

21 **Explanatory note**

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

1 **[3.269] Section 14 (2)**

2 *omit*

3 shall

4 *substitute*

5 is to

6 **Explanatory note**

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

8 **[3.270] Section 21 (3) and 23**

9 *omit*

10 shall

11 *substitute*

12 must

13 **Explanatory note**

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

15 **[3.271] Section 25A (2) (b)**

16 *omit*

17 , in writing,

18 **Explanatory note**

19 This amendment omits redundant text. The text is unnecessary because section 25A (3)
20 provides that a determination under the section is a notifiable instrument, which must be in
21 writing (see Legislation Act section 42 (2)).

1 **[3.272] Sections 41 to 46**

2 *omit*

3 shall

4 *substitute*

5 must

6 **Explanatory note**

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

8 **[3.273] Section 50 (3)**

9 *omit*

10 shall be entitled, upon

11 *substitute*

12 is entitled, on

13 **[3.274] Section 50 (3)**

14 *omit*

15 shall afford

16 *substitute*

17 must provide

18 **[3.275] Sections 54 (1) and 55 (1)**

19 *omit*

20 , in writing,

21 **Explanatory note**

22 This amendment omits redundant text. The text is unnecessary because section 54 (2) provides
23 that a determination under section 54 (1) is a disallowable instrument and section 55 (3)
24 provides that an approved form under section 55 (1) is a notifiable instrument. Disallowable
25 instruments and notifiable instruments must be in writing (see Legislation Act section 42 (2)).

1 **Part 3.28 Land Titles Act 1925**

2 **[3.276] Section 73 (3) (b)**

3 *omit*

4 section 172

5 *substitute*

6 the Corporations Act, section 127 (Execution of documents
7 (including deeds) by the company itself).

8 **Explanatory note**

9 This amendment corrects an incorrect cross-reference. Section 172 provided for the method of
10 execution by corporations of documents dealing with land. The execution of documents,
11 including documents dealing with land, is now dealt with by the Corporations Act, section 127.
12 Section 172 was omitted by the *Land Titles Legislation Amendment Act 2000* (A2000-82),
13 section 19, however, the cross-reference to that section in section 73 (3) (b) was not amended as
14 a consequence of the omission.

15 **[3.277] Section 86 (10) and (11)**

16 *omit*

17 section 91B

18 *substitute*

19 section 91A

20 **Explanatory note**

21 This amendment corrects an incorrect cross-reference.

1 **[3.278] Dictionary, note 2**

2 *insert*

- 3 • Corporations Act

4 **Explanatory note**

5 Dictionary, note 2 is an aid to users which list examples of terms used in the Act that are
6 defined in the Legislation Act, dictionary, part 1. This amendment inserts a new defined term in
7 the list of terms defined in the Legislation Act as a consequence of the insertion of the term in
8 section 73 (3) (b) by another amendment.

9 **Part 3.29 Planning and Development**
10 **Act 2007**

11 **[3.279] Section 28 (1) (a) (viii)**

12 *omit*

13 **Explanatory note**

14 The Act, section 28 (1) sets out the information about development applications that must be
15 included on the public register kept under section 27. This amendment omits a paragraph that
16 incorrectly refers to amendments of development applications under the Act, section 197.
17 Section 197 deals with applications to amend development approvals (that is, development
18 applications that have not been granted); it does not deal with development applications.
19 Section 28 (a) (vi) correctly refers to development applications amended under section 144,
20 which deals with amending development applications. Section 28 (1) (b) (v) correctly refers to
21 development approvals amended under section 197.

22 **[3.280] Section 424 (1)**

23 *omit*

24 , in writing,

25 **Explanatory note**

26 This amendment omits redundant text. Section 424 (2) provides that a determination under the
27 section is a disallowable instrument, which must be in writing (see Legislation Act, s 42 (2)).

1 **[3.281] Section 425 (1)**

2 *omit*

3 , in writing,

4 **Explanatory note**

5 This amendment omits redundant text. Section 425 (3) provides that an approved form under
6 the section is a notifiable instrument, which must be in writing (see Legislation Act, s 42 (2)).

7 **Part 3.30 Road Transport (Offences)**
8 **Regulation 2005**

9 **[3.282] Schedule 1, part 1.6 item 49**

10 *substitute*

49	116 (3) (b)	change learner driver logbook in way calculated to deceive	20		
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11 **Explanatory note**

12 This amendment updates item 49 to better reflect the wording of *Road Transport (Driver*
13 *Licensing) Regulation 2000*, section 116 (3) (b).

14 **[3.283] Schedule 1, part 1.6 items 50 and 51**

15 *omit*

16 **Explanatory note**

17 This amendment is consequential on amendment of the *Road Transport (Driver Licensing)*
18 *Regulation 2000* made by the *Criminal Code (Theft, Fraud, Bribery and Related Offences)*
19 *Amendment Act 2004*, schedule 2, amendment 2.170, which omitted section 116 (3) (c) and (d).

1 **Part 3.31** **Tree Protection Act 2005**

2 **[3.284] Section 108 (3) (a) (ii)**

3 *omit*

4 such an assessment

5 *substitute*

6 an assessment under subparagraph (i)

7 **Explanatory note**

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

9 **[3.285] Schedule 1, part 1.2, item 6**

10 *substitute*

6	107	confirm, vary or set aside first decision	entity who is given internal review notice for decision mentioned in schedule 1, part 1.1, in relation to decision to be reviewed
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11 **Explanatory note**

12 This amendment corrects an incorrect table reference in column 4. This amendment also
13 updates the language of column 3 to be consistent with the language of section 107.

14 **[3.286] Further amendments, mentions of *in writing***

15 *omit*

16 , in writing,

17 *in*

- 18 • section 7 (2)
- 19 • section 21 (1)
- 20 • section 31 (1)

- 1 • section 38 (1)
- 2 • section 39 (1)
- 3 • section 45 (1)
- 4 • section 61 (2)
- 5 • section 75 (1)
- 6 • section 109 (1)
- 7 • section 110 (1).

8 **Explanatory note**

9 This amendment omits text that is redundant. Because the instruments under the sections are
10 disallowable or notifiable instruments, they must be in writing.

Endnotes

1 Presentation speech

Presentation speech made in the Legislative Assembly on 2010.

2 Notification

Notified under the Legislation Act on 2010.

3 Republications of amended laws

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