

2013

THE LEGISLATIVE ASSEMBLY
FOR THE AUSTRALIAN CAPITAL TERRITORY

(As presented)

(Attorney-General)

Statute Law Amendment Bill 2013

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Statute Law Amendment Bill 2013

A Bill for

An Act to amend legislation for the purpose of statute law revision, and for other purposes

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 2013*.

3 **2 Commencement**

4 This Act commences on the 21st day after its notification day.

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

7 **3 Notes**

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

9 *Note* See the [Legislation Act](#), s 127 (1), (4) and (5) for the legal status of
10 notes.

11 **4 Purpose of Act**

12 The purpose of this Act is to improve the quality of the statute law
13 of the Territory by amending legislation for the purpose of statute
14 law revision.

15 **5 Legislation amended—schs 1–3**

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

17 **6 Legislation repealed—sch 4**

18 This Act repeals the legislation mentioned in schedule 4.

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

2 (see s 5)

3 **Part 1.1** **Health Act 1993**

4 **[1.1] Section 106 (5) (b)**

5 *substitute*

6 (b) must include a requirement that the arbitrator—

7 (i) be a person with experience in determining industrial
8 awards or a barrister with mediation experience; and

9 (ii) have appropriate experience to enable the arbitrator to
10 carry out the arbitrator's role; and

11 **Explanatory note**

12 Section 106 provides an arbitration process to resolve matters relating to establishing core
13 conditions for service contracts for visiting medical officers that are not resolved by
14 negotiations under section 103 or mediation (see section 106 (2)). This amendment broadens
15 the field from which arbitrators can be selected under section 106 (5) (b) and clarifies the
16 reference to 'appropriate experience'.

1 **Part 1.2 Ombudsman Act 1989**

2 **[1.2] Section 23 (2)**

3 *omit*

4 **Explanatory note**

5 Section 23 (1) provides that the appointment of the ombudsman must not be longer than
6 7 years. Section 23 (2) provides that a person who is 65 years old or older must not be
7 appointed as ombudsman, and the appointment of an ombudsman must not extend beyond the
8 ombudsman's 65th birthday. This amendment makes section 23 consistent with the
9 *Ombudsman Act 1976* (Cwlth), section 22 (Tenure of office) and allows the ACT to appoint a
10 person as ombudsman who is, or will be, 65 years old or older during the term of the
11 appointment.

12 The ombudsman for the ACT currently holds office under the *ACT Self-Government*
13 (*Consequential Provisions Act 1988* (Cwlth), section 28. Section 28 (3) of that Act provides
14 that the person currently holding office as Ombudsman under the *Ombudsman Act 1976*
15 (Cwlth) is taken to be the ACT ombudsman until the appointment of the ACT ombudsman
16 under ACT law.

17 **Part 1.3 Road Transport (Third-Party**
18 **Insurance) Act 2008**

19 **[1.3] Section 72 (2)**

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

21 (2) However, the documents mentioned in subsection (1) (c) may be
22 given to the insurer of a person identified in the police report as
23 being at fault in the motor accident within the period mentioned in
24 that subsection if the injured person—

25 **Explanatory note**

26 This amendment is consequential on the inclusion of new section 72 (4) to (6) by another
27 amendment. This amendment also updates language in line with current legislative drafting
28 practice.

1 **[1.4] Section 72 (3)**

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

- 3 (3) If the person has applied for a police report but has not received it in
4 time to comply with the time limit mentioned in subsection (1) (c), it
5 is sufficient if—

6 **Explanatory note**

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

8 **[1.5] New section 72 (4) to (6)**

9 *insert*

- 10 (4) If the person is under a legal disability, the period mentioned in
11 subsection (1) (c) begins when the legal disability ends.

- 12 (5) However, subsection (4) does not prevent the person, or someone
13 acting for the person, from complying with this section while the
14 person is under a legal disability.

- 15 (6) In this section:

16 *legal disability*—a person is under a *legal disability* in the
17 circumstances in which a person is under a disability for the
18 [Limitation Act 1985](#).

19 **Explanatory note**

20 This amendment revises section 72 to exclude a person entitled to early payment for medical
21 expenses under chapter 3 from the requirement to comply with the time limit under that section
22 while the claimant is under a legal disability. This amendment brings chapter 3 into line with
23 chapter 4. Section 98 in that chapter excludes a claimant for compensation who is under a legal
24 disability from the requirement to comply with a time limit under chapter 4.

1 **Schedule 2 Legislation Act 2001**

2 (see s 5)

3 **[2.1] Section 31, definition of *scrutiny committee principles***

4 *substitute*

5 *scrutiny committee principles* means the terms of reference of the
6 Legislative Assembly standing committee performing the duties of a
7 scrutiny of bills and subordinate legislation committee that apply to
8 subordinate laws and disallowable instruments.

9 **Explanatory note**

10 This amendment updates the definition as a consequence of a change in the name of the
11 committee.

1 **Schedule 3** **Technical amendments**

2 (see s 5)

3 **Part 3.1** **Administrative Decisions**
4 **(Judicial Review) Act 1989**

5 **[3.1] Section 10 (6), definition of *relevant day*, paragraph (d)**

6 *after*

7 decision

8 *insert*

9 is given to the applicant

10 **Explanatory note**

11 *Statute Law Amendment Act 2005 (No 2)* remade section 10 to bring the language and structure
12 of the section more closely into line with current legislative drafting practice. In the course of
13 remaking section 10, some words from the definition of *relevant day*, paragraph (d) were
14 inadvertently omitted. Without the words, the paragraph does not make sense. This amendment
15 revises the definition to reinsert the missing words.

16 **Part 3.2** **Animal Diseases Regulation 2006**

17 **[3.2] Sections 8 (3) and 41 (2), new note**

18 *insert*

19 *Note 3* A reference to an instrument includes a reference to a provision of an
20 instrument (see [Legislation Act](#), s 14 (2)).

21 **Explanatory note**

22 This amendment inserts a note about the [Legislation Act](#), section 14 (2) to assist legislation
23 users.

1 **[3.3] Dictionary, note 2**

2 *omit*

- 3 • person

4 *insert*

- 5 • person (see s 160)

6 **Explanatory note**

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

8 **[3.4] Dictionary, note 3**

9 *insert*

- 10 • chief veterinary officer

11 **Explanatory note**

12 This amendment inserts a new term to assist legislation users and is consequential on another
13 amendment.

14 **[3.5] Dictionary, note 3**

15 *omit*

- 16 • director

17 **Explanatory note**

18 This amendment omits a redundant term.

19 **[3.6] Further amendments, mentions of *director***

20 *omit*

21 director

22 *substitute*

23 chief veterinary officer

24 *in*

- 25 • section 15 (2) (c)
26 • section 28 (d) and (e)

- 1 • section 35 (1) and (2)
- 2 • section 44 (3)
- 3 • dictionary, definition of *approved vaccine*

4 **Explanatory note**

5 This amendment updates the regulation to reflect the change of title of the Director of
6 Veterinary Health to ‘Chief Veterinary Officer’ in the *Animal Diseases Act 2005* made by the
7 *Animal Diseases Amendment Act 2009*.

8 **Part 3.3 Building Act 2004**

9 **[3.7] Section 14D (2), new notes**

10 *insert*

11 *Note 1* The *Statutory Declarations Act 1959* (Cwlth) applies to the making of
12 statutory declarations under ACT laws.

13 *Note 2* It is an offence to make a false or misleading statement, give false or
14 misleading information or produce a false or misleading document (see
15 *Criminal Code*, pt 3.4).

16 **Explanatory note**

17 This amendment inserts standard notes about statutory declarations.

18 **[3.8] Sections 19A (2), 19E (2) and 20 (4), new note**

19 *insert*

20 *Note* An appointment must be in writing (see *Legislation Act*, s 206).

21 **Explanatory note**

22 This amendment inserts a standard note about appointments.

1 **[3.9] Section 26B (2), new notes**

2 *insert*

3 *Note 1* The *Statutory Declarations Act 1959* (Cwlth) applies to the making of
4 statutory declarations under ACT laws.

5 *Note 2* It is an offence to make a false or misleading statement, give false or
6 misleading information or produce a false or misleading document (see
7 [Criminal Code](#), pt 3.4).

8 **Explanatory note**

9 This amendment inserts standard notes about statutory declarations.

10 **[3.10] Section 28A (5), new definition of *asbestos advice***

11 *after the note, insert*

12 *asbestos advice*—see the *Dangerous Substances Act 2004*,
13 section 47J.

14 **Explanatory note**

15 This amendment relocates a definition of a term from the dictionary that is used only in
16 section 28A, in line with current legislative drafting practice. The definition is omitted from the
17 dictionary by another amendment.

18 **[3.11] Section 32B (2), new notes**

19 *insert*

20 *Note 1* The *Statutory Declarations Act 1959* (Cwlth) applies to the making of
21 statutory declarations under ACT laws.

22 *Note 2* It is an offence to make a false or misleading statement, give false or
23 misleading information or produce a false or misleading document (see
24 [Criminal Code](#), pt 3.4).

25 **Explanatory note**

26 This amendment inserts standard notes about statutory declarations.

1 **[3.12] Section 97 (2) (b), new notes**

2 *insert*

3 *Note 1* The *Statutory Declarations Act 1959* (Cwlth) applies to the
4 making of statutory declarations under ACT laws.

5 *Note 2* It is an offence to make a false or misleading statement, give false
6 or misleading information or produce a false or misleading
7 document (see [Criminal Code](#), pt 3.4).

8 **Explanatory note**

9 This amendment inserts standard notes about statutory declarations.

10 **[3.13] Section 122 (1), new note**

11 *insert*

12 *Note* For the making of appointments (including acting appointments), see
13 the [Legislation Act](#), pt 19.3.

14 **Explanatory note**

15 This amendment inserts a standard note about appointments.

16 **[3.14] Section 139B (4)**

17 *omit*

18 (or provision of an instrument)

19 **Explanatory note**

20 This amendment omits words that are redundant because of the [Legislation Act](#), section 14 (2),
21 which provides that a reference to an instrument includes a reference to a provision of an
22 instrument.

1 **[3.15] Section 139B (4), new note**

2 *insert*

3 *Note* A reference to an instrument includes a reference to a provision of an
4 instrument (see [Legislation Act](#), s 14 (2)).

5 **Explanatory note**

6 This amendment inserts a note to assist legislation users and is consequential on another
7 amendment.

8 **[3.16] Dictionary, definition of *asbestos advice***

9 *omit*

10 **Explanatory note**

11 This amendment omits a definition that is made redundant as a result of another amendment.

12 **[3.17] Dictionary, definition of *completion day***

13 *omit*

14 section 84

15 *substitute*

16 section 85

17 **Explanatory note**

18 This amendment corrects a cross-reference.

1 **[3.18] Dictionary, definition of *eligible entity***

2 *omit*

3 section 17

4 *substitute*

5 section 18

6 **Explanatory note**

7 This amendment corrects a cross-reference and brings the provision into line with current
8 legislative drafting practice.

9 **[3.19] Dictionary, definition of *removal***

10 *omit*

11 **Explanatory note**

12 This amendment omits a definition that is no longer used in the Act. The term is, however, used
13 in the *Building (General) Regulation 2008* and has been relocated to the regulation by another
14 amendment.

15 **[3.20] Dictionary, definition of *special actuary***

16 *omit*

17 section 84

18 *substitute*

19 section 122

20 **Explanatory note**

21 This amendment corrects a cross-reference and brings the provision into line with current
22 legislative drafting practice.

1 **Part 3.4** **Building and Construction**
2 **Industry Training Levy Act 1999**

3 **[3.21] Section 6, note**

4 *omit*

5 s 78 (5) (b)

6 *substitute*

7 s 78 (7) (b)

8 **Explanatory note**

9 This amendment corrects a cross-reference.

10 **[3.22] Section 25 (1)**

11 *omit*

12 in writing

13 **Explanatory note**

14 This amendment omits words that are redundant because of the [Legislation Act](#), section 42 (2),
15 which requires notifiable instruments to be in writing.

16 **[3.23] Dictionary, definition of *authority***

17 *after*

18 Building and Construction Industry Training Fund Authority

19 *insert*

20 established under section 4

21 **Explanatory note**

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

1 **Part 3.5** **Building (General) Regulation**
2 **2008**

3 **[3.24] New section 4A**

4 *in part 1, insert*

5 **4A Offences against regulation—application of Criminal**
6 **Code etc**

7 Other legislation applies in relation to offences against this
8 regulation.

9 *Note 1 Criminal Code*

10 The [Criminal Code](#), ch 2 applies to all offences against this regulation
11 (see Code, pt 2.1).

12 The chapter sets out the general principles of criminal responsibility
13 (including burdens of proof and general defences), and defines terms
14 used for offences to which the Code applies (eg *conduct*, *intention*,
15 *recklessness* and *strict liability*).

16 *Note 2 Penalty units*

17 The [Legislation Act](#), s 133 deals with the meaning of offence penalties
18 that are expressed in penalty units.

19 **Explanatory note**

20 This amendment inserts a standard information provision that states that the [Criminal Code](#)
21 applies to all offences against this regulation.

22 **[3.25] Section 6 (6), definition of *minor maintenance***

23 *omit*

24 *all or any*

25 *substitute*

26 *1 or more*

27 **Explanatory note**

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

1 **[3.26] Section 7D (e)**

2 *omit*

3 a natural person

4 *substitute*

5 an individual

6 **Explanatory note**

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

8 **[3.27] Section 13 (2) (a), new note**

9 *insert*

10 *Note* AS 2601 may be purchased at www.standards.org.au.

11 **Explanatory note**

12 This amendment adds a note about where the standard may be purchased.

13 **[3.28] New section 13 (3)**

14 *insert*

15 (3) In this section:

16 *removal*, of a building—

17 (a) means the removal of the building from a place for re-erection,
18 with or without further alteration, at another place; and

19 (b) includes the demolition of part of the building removed or
20 proposed to be removed.

21 **Explanatory note**

22 This amendment relocates a definition of a term from the *Building Act 2004*, dictionary to the
23 regulation, section 13 because the term is used only in that section.

1 **[3.29] Section 17 (2), example 3**

2 *omit*
3 *associated with*
4 *substitute*
5 *with associated*

6 **Explanatory note**

7 This amendment corrects a minor typographical error.

8 **[3.30] Section 17 (2), new note**

9 *insert*
10 *Note 1A* Australian standards may be purchased at www.standards.org.au.

11 **Explanatory note**

12 This amendment adds a note about where the standards may be purchased.

13 **[3.31] Section 17 (8), definitions of AS 1684, AS 2870, AS 3623**
14 **and AS 3700**

15 *omit*
16 Australian Standard
17 *substitute*
18 AS

19 **Explanatory note**

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

1 **[3.32] Schedule 1, section 1.1, definition of AS 1742**

2 *substitute*

3 *AS 1742* means AS 1742 (Manual of uniform traffic control
4 devices), as in force from time to time.

5 *Note* Australian standards may be purchased at www.standards.org.au.

6 **Explanatory note**

7 This amendment updates language in line with current legislative drafting practice and adds a
8 note about where the standards may be purchased.

9 **[3.33] Schedule 1, section 1.1, new definition of AS 3533**

10 *insert*

11 *AS 3533* means AS 3533 (Amusement rides and devices—Design
12 and construction), as in force from time to time.

13 **Explanatory note**

14 This amendment inserts a definition of a term used in the regulation, schedule 1.

15 **[3.34] Schedule 1, section 1.1, definition of AS/NZS 3845**

16 *omit*

17 Australian and New Zealand Standard

18 **Explanatory note**

19 This amendment omits unnecessary words and brings the provision into line with current
20 legislative drafting practice.

1 **[3.35] Dictionary, note 2**

2 *insert*

- 3 • AS (see s 164 (1))
4 • AS/NZS (see s 164 (2))

5 **Explanatory note**

6 Dictionary, note 2 lists examples of terms used in the regulation that are defined in the
7 [Legislation Act](#), dictionary, part 1. This amendment inserts new terms mentioned in the
8 regulation and defined in the [Legislation Act](#), dictionary, part 1.

9 **[3.36] Dictionary, definition of AS 1100**

10 *substitute*

11 **AS 1100** means AS 1100 (which is about technical drawing) as in
12 force from time to time, and includes AS/NZS 1100.501.

13 *Note* Australian standards may be purchased at www.standards.org.au.

14 **Explanatory note**

15 This amendment updates language in line with current legislative drafting practice and adds a
16 note about where the standards may be purchased.

17 **[3.37] Dictionary, new definition of AS 3533**

18 *insert*

19 **AS 3533**, for schedule 1 (Exempt buildings and building works)—
20 see schedule 1, section 1.1.

21 **Explanatory note**

22 This amendment inserts a signpost definition for a term defined elsewhere in the regulation.

1 **Part 3.6** **Civil Law (Sale of Residential**
2 **Property) Regulation 2004**

3 **[3.38] Section 7 (8), definition of AS 4349.1 and note**

4 *substitute*

5 *AS 4349.1* means AS 4349.1 (Inspection of buildings –
6 Pre-purchase inspections – Residential buildings), as in force from
7 time to time.

8 *Note* AS 4349.1 may be purchased at www.standards.org.au.

9 **Explanatory note**

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

11 **[3.39] Section 10 (6), definition of AS 4349.3 and note**

12 *substitute*

13 *AS 4349.3* means AS 4349.3 (Inspection of buildings – Timber pest
14 inspections), as in force from time to time.

15 *Note* AS 4349.3 may be purchased at www.standards.org.au.

16 **Explanatory note**

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

18 **[3.40] Dictionary, note 2**

19 *insert*

- 20
 - AS (see s 164)

21 **Explanatory note**

22 Dictionary, note 2 lists examples of terms used in the regulation that are defined in the
23 [Legislation Act](#), dictionary, part 1. This amendment inserts a term mentioned in the regulation
24 and defined in the [Legislation Act](#), dictionary, part 1.

1 **Part 3.7** **Corrections Management**
2 **Act 2007**

3 **[3.41] Section 65 (1)**

4 *omit*

5 all or any

6 *substitute*

7 1 or more

8 **Explanatory note**

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

10 **[3.42] Dictionary, note 2**

11 *insert*

- 12
 - found guilty

13 **Explanatory note**

14 Dictionary, note 2 lists examples of terms used in the Act that are defined in the [Legislation](#)
15 [Act](#), dictionary, part 1. This amendment inserts a term mentioned in the Act and defined in the
16 [Legislation Act](#), dictionary, part 1.

17 **[3.43] Dictionary, definition of *administrative penalty***

18 *substitute*

19 *administrative penalty*—see section 184.

20 **Explanatory note**

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

1 **[3.44] Dictionary, definition of *charge notice***

2 *substitute*

3 *charge notice*—see section 159.

4 **Explanatory note**

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

6 **[3.45] Dictionary, definition of *corresponding corrections law***

7 *omit*

8 **Explanatory note**

9 This amendment omits a redundant definition. A *corresponding corrections law* is a law of a
10 State or another Territory declared to be a corresponding corrections law under section 225.
11 Outside of section 225, the term is used only in section 222 and is defined in section 222 (1) for
12 the section.

13 **[3.46] Dictionary, definitions of *disciplinary action* and**
14 ***disciplinary breach***

15 *substitute*

16 *disciplinary action*—see section 183.

17 *disciplinary breach*—see section 152.

18 **Explanatory note**

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

20 **[3.47] Dictionary, definition of *investigator***

21 *substitute*

22 *investigator*—see section 153.

23 **Explanatory note**

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

1 **[3.48] Dictionary, definition of *privilege***

2 *substitute*

3 *privilege*, in relation to a detainee—see section 154.

4 **Explanatory note**

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

6 **Part 3.8 Court Procedures Act 2004**

7 **[3.49] New section 68A**

8 *in division 7A.1, insert*

9 **68A Definitions—pt 7A and div 7A.1**

10 (1) In this part:

11 *care and protection chapters* means the care and protection chapters
12 under the *Children and Young People Act 2008*.

13 *child*—see the *Children and Young People Act 2008*, section 11.

14 *director-general* means the director-general responsible for the
15 *Children and Young People Act 2008*.

16 *young person*—see the *Children and Young People Act 2008*,
17 section 12.

18 (2) In this division:

19 *daily care responsibility*—see the *Children and Young People*
20 *Act 2008*, section 19.

21 *long-term care responsibility*—see the *Children and Young People*
22 *Act 2008*, section 20.

1 *victim*, of an offence—see the *Crimes (Sentencing) Act 2005*,
2 section 47.

3 **Explanatory note**

4 This amendment inserts a new section that defines terms for part 7A and division 7A.1. Some
5 of the definitions for part 7A are relocated from section 74J, which is omitted by another
6 amendment. The definitions for division 7A.1 are relocated from section 71 and section 72,
7 which are amended by other amendments.

8 **[3.50] Section 71 (6)**

9 *omit*

10 of the *Children and Young People Act 2008*

11 **Explanatory note**

12 This amendment is consequential on the insertion of a definition of *director-general* in a
13 definitions section inserted by another amendment.

14 **[3.51] Section 71 (7)**

15 *omit*

16 **Explanatory note**

17 This amendment is consequential on the inclusion of the definitions of *daily care responsibility*,
18 *long-term care responsibility* and *victim* in a definitions section inserted by another
19 amendment.

20 **[3.52] Section 72 (1) (f)**

21 *substitute*

22 (f) the director-general or an authorised person under the *Children*
23 *and Young People Act 2008*;

24 **Explanatory note**

25 This amendment is consequential on the insertion of a definition of *director-general* in a
26 definitions section inserted by another amendment.

1 **[3.53] Section 72 (1) (h)**

2 *omit*

3 of the *Children and Young People Act 2008*

4 **Explanatory note**

5 This amendment is consequential on the insertion of a definition of *care and protection*
6 *chapters* in a definitions section inserted by another amendment.

7 **[3.54] Section 72 (3)**

8 *omit*

9 responsible for the *Children and Young People Act 2008*

10 **Explanatory note**

11 This amendment is consequential on the insertion of a definition of *director-general* in a
12 definitions section inserted by another amendment.

13 **[3.55] Section 72 (4)**

14 *substitute*

15 (4) In this section:

16 *circle sentencing*—see the *Magistrates Court Act 1930*,
17 section 291L.

18 **Explanatory note**

19 This amendment is consequential on the relocation of 3 definitions to a definitions section by
20 another amendment.

21 **[3.56] Sections 74A (2), 74C (2) (a) and 74D (1)**

22 *omit*

23 responsible for the *Children and Young People Act 2008*

24 **Explanatory note**

25 This amendment is consequential on the insertion of a definition of *director-general* in a
26 definitions section inserted by another amendment.

1 **[3.57] Section 74J**

2 *omit*

3 **Explanatory note**

4 This amendment omits a definitions provision that relates only to the division. The terms that
5 were defined in the section and used throughout the part are included in a new definitions
6 provision that is inserted by another amendment. The term *in need of care and protection*,
7 used only in section 74K, is inserted in that section by another amendment.

8 **[3.58] New section 74K (5)**

9 *insert*

10 (5) In this section:

11 *in need of care and protection*, for a child or young person—see the
12 [Children and Young People Act 2008](#), section 345.

13 **Explanatory note**

14 This amendment defines a term that is used only in section 74K. The definition had been
15 included in a definitions provision, applicable to the whole division, that is omitted by another
16 amendment.

17 **[3.59] Section 80 (3), definition of *earnings*, paragraph (a)**

18 *omit*

19 emolument

20 *substitute*

21 amount

22 **Explanatory note**

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

1 **[3.60] Section 80 (3), definition of *earnings*, paragraph (b) (ii)**

2 *substitute*

3 (ii) periodical payments in relation to compensation for the
4 loss, or any reduction in benefits, of any office or
5 employment; and

6 **Explanatory note**

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

8 **[3.61] Section 81**

9 *omit*

10 forth

11 *substitute*

12 out

13 **Explanatory note**

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

15 **[3.62] Dictionary, new definitions**

16 *insert*

17 *care and protection chapters*, for part 7A (Procedural provisions—
18 proceedings involving children or young people)—see section 68A.

19 *daily care responsibility*, for division 7A.1 (General)—see the
20 [Children and Young People Act 2008](#), section 19.

21 *director-general*, for part 7A (Procedural provisions—proceedings
22 involving children or young people)—see section 68A.

23 *long-term care responsibility*, for division 7A.1 (General)—see the
24 [Children and Young People Act 2008](#), section 20.

1 *victim*, of an offence, for division 7A.1 (General)—see the *Crimes*
2 *(Sentencing) Act 2005*, section 47.

3 **Explanatory note**

4 This amendment inserts signpost definitions in line with current legislative drafting practice.

5 **Part 3.9 Crimes (Sentencing) Act 2005**

6 **[3.63] Section 13 (3)**

7 *omit*

8 any or all

9 *substitute*

10 1 or more

11 **Explanatory note**

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

13 **[3.64] Sections 16 (1), note 1 and 19 (1), note 1**

14 *omit*

15 **Explanatory note**

16 This amendment omits notes about the definition of *found guilty*. A reference to the definition
17 of the term in the *Legislation Act*, dictionary, part 1 is inserted in the dictionary, note 2 (which
18 lists terms used in the Act and defined in the *Legislation Act*, dictionary, part 1) by another
19 amendment.

1 **[3.65] Section 33 (1) (y), note**

2 *omit*

3 s 31

4 *substitute*

5 s 36

6 **Explanatory note**

7 This amendment updates a cross-reference because of amendments made by the [Road](#)
8 [Transport \(General\) Amendment Act 2012](#).

9 **[3.66] Sections 85, 115, 133B, 133N, 133U and 133Y headings**

10 *substitute*

11 **85 Meaning of *community service condition***

12 **115 Meaning of *deferred sentence obligations***

13 **133B Meaning of *young offender***

14 **133N Meaning of *education and training condition***

15 **133U Meaning of *supervision condition***

16 **133Y Meaning of *accommodation order***

17 **Explanatory note**

18 This amendment—

- 19 • substitutes the headings to sections 85 and 115 because the definitions in those sections
20 apply to the whole Act, not just the parts in which they appear; and
- 21 • updates the section headings to sections 133B, 133N, 133U and 133Y in line with current
22 legislative drafting practice.

1 **[3.67] Dictionary, note 2**

2 *insert*

- 3 • found guilty

4 **Explanatory note**

5 Dictionary, note 2 lists examples of terms used in the Act that are defined in the [Legislation](#)
6 [Act](#), dictionary, part 1. This amendment inserts a term that is mentioned in the Act and defined
7 in the [Legislation Act](#), dictionary, part 1.

8 **[3.68] Dictionary, definition of *correctional centre***

9 *omit*

10 [Crimes \(Sentence Administration\) Act 2005](#)

11 *substitute*

12 [Corrections Management Act 2007](#)

13 **Explanatory note**

14 This amendment corrects a cross-reference.

15 **[3.69] Dictionary, definition of *deferred sentence obligations***

16 *substitute*

17 *deferred sentence obligations*, for an offender—see section 120.

18 **Explanatory note**

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

1 **Part 3.10 Criminal Code 2002**

2 **[3.70] Section 303 (2), note**

3 *substitute*

4 *Note* A defendant has an evidential burden in relation to the matters
5 mentioned in s (1) and s (2) (see s 58 (3)).

6 **Explanatory note**

7 This amendment makes the wording of the note consistent with the language used in section 58.

8 **[3.71] Section 337 (6), note**

9 *substitute*

10 *Note* A defendant has an evidential burden in relation to the matters
11 mentioned in s (5) and s (6) (see s 58 (3)).

12 **Explanatory note**

13 This amendment makes the wording of the note consistent with the language used in section 58.

14 **[3.72] Sections 404 (3) and 407 (2)**

15 *omit*

16 In the prosecution of

17 *substitute*

18 In a prosecution for

19 **Explanatory note**

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

1 **[3.73] Division 4.1.3 heading, note**

2 *substitute*

3 *Note* A defendant has an evidential burden in relation to the defences in this
4 division (see s 58 (3)).

5 **Explanatory note**

6 This amendment makes the wording of the note consistent with the language used in section 58.

7 **[3.74] Sections 415 (2) and 424 (3)**

8 *omit*

9 In the prosecution of

10 *substitute*

11 In a prosecution for

12 **Explanatory note**

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

14 **[3.75] Section 654 (3)**

15 *omit*

16 In the prosecution of

17 *substitute*

18 In a prosecution for

19 **Explanatory note**

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

1 **[3.76] Dictionary, definition of *property* and note**

2 *substitute*

3 *property*—

4 (a) for this Act generally—includes the following:

5 (i) electricity;

6 (ii) gas;

7 (iii) water;

8 (iv) a wild creature that is tamed or ordinarily kept in
9 captivity or that is, or is being taken into, someone's
10 possession;

11 (v) any organ or part of a human body and any blood, ova,
12 semen or other substance extracted from a human body;
13 and

14 (b) for part 4.1 (Property damage offences)—see section 400.

15 *Note* For further definition of *property*, see the [Legislation Act](#), dict, pt 1.

16 **Explanatory note**

17 The current definition of *property* does not refer to the definition of the term in section 400.
18 This amendment expands the definition with a signpost definition of the term in line with
19 current legislative drafting practice.

20 **[3.77] Dictionary, definition of *threat***

21 *substitute*

22 *threat*—

23 (a) for this Act generally—includes a threat made by any conduct,
24 whether explicit or implicit and whether conditional or
25 unconditional; and

1 (b) for part 4.1 (Property damage offences)—see section 402.

2 **Explanatory note**

3 The current dictionary definition of *threat* does not refer to the definition of the term in
4 section 402. This amendment expands the definition with a signpost definition of the term in
5 line with current legislative drafting practice.

6 **Part 3.11 Cultural Facilities Corporation**
7 **Act 1997**

8 **[3.78] Section 9, note**

9 *omit*

10 s 78 (5) (b)

11 *substitute*

12 s 78 (7) (b)

13 **Explanatory note**

14 This amendment corrects a cross-reference.

15 **[3.79] Dictionary, definition of *corporation***

16 *substitute*

17 ***corporation*** means the Cultural Facilities Corporation established
18 under section 5.

19 **Explanatory note**

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

1 **Part 3.12 Domestic Animals Act 2000**

2 **[3.80] New section 23 (3)**

3 *insert*

4 (3) In this section:

5 *animal boarding facility* means a kennel, cattery, stable or other
6 premises where animals are kept temporarily by a person other than
7 a keeper of the animal.

8 **Explanatory note**

9 This amendment relocates a definition of a term from the dictionary that is used only in
10 section 23, in line with current legislative drafting practice. The definition is omitted from the
11 dictionary by another amendment.

12 **[3.81] Section 143 (2), new note**

13 *insert*

14 *Note 3* A reference to an instrument includes a reference to a provision of an
15 instrument (see [Legislation Act](#), s 14 (2)).

16 **Explanatory note**

17 This amendment inserts a standard note about the [Legislation Act](#), section 14 (2)) to assist
18 legislation users.

19 **[3.82] Section 143B (2)**

20 *omit*

21 written

22 **Explanatory note**

23 This amendment omits a redundant word because of the [Legislation Act](#), section 42 (2), which
24 requires notifiable instruments to be in writing.

1 **[3.86] Dictionary, definition of *corresponding law*, paragraphs**
2 **(c) and (d)**

3 *substitute*

4 (c) *Domestic Animals Act 1994* (Vic);

5 (d) *Domestic Animals Regulations 2005* (Vic).

6 **Explanatory note**

7 This amendment updates the definition because the title of the Victorian Act and regulations
8 has changed. The title of the Act was changed from the *Domestic (Feral and Nuisance)*
9 *Animals Act 1994* (Vic) to the *Domestic Animals Act 1994* (Vic) by the *Animals Legislation*
10 *Amendment (Animal Care) Act 2007* (Vic), section 3. The title of the regulations was changed
11 from the *Domestic (Feral and Nuisance) Animals Regulations 2005* (Vic) to the *Domestic*
12 *Animals Regulations 2005* (Vic) by the *Domestic (Feral and Nuisance) Animals Amendment*
13 *Regulations 2009* (Vic), section 5.

14 **Part 3.14 Duties Act 1999**

15 **[3.87] Section 10 (3), new definition of *intellectual property***

16 *insert*

17 *intellectual property* means—

18 (a) a business name, trading name, trade mark, industrial design,
19 patent, registered design or copyright; or

20 (b) a right, whether or not under a franchise arrangement, to use or
21 exploit—

22 (i) a business name, trading name, trade mark or industrial
23 design; or

- 1 (ii) a thing, system or process that is the subject of a patent,
2 registered design or copyright (or an adaptation or
3 modification of such a thing, system or process).

4 **Explanatory note**

5 This amendment relocates a definition of a term from the dictionary that is used only in
6 section 10, in line with current legislative drafting practice. The definition is omitted from the
7 dictionary by another amendment.

8 **[3.88] Section 62 (5) (e), new notes**

9 *insert*

10 *Note 1* The *Statutory Declarations Act 1959* (Cwlth) applies to the
11 making of statutory declarations under ACT laws.

12 *Note 2* It is an offence to make a false or misleading statement, give false
13 or misleading information or produce a false or misleading
14 document (see *Criminal Code*, pt 3.4).

15 **Explanatory note**

16 This amendment inserts standard notes about statutory declarations.

17 **[3.89] Section 63 (4), new definition of *pooled superannuation***
18 ***trust***

19 *insert*

20 *pooled superannuation trust* means an entity that is a pooled
21 superannuation trust under the *Superannuation Industry*
22 *(Supervision) Act 1993* (Cwlth), section 44.

23 **Explanatory note**

24 This amendment relocates a definition of a term from the dictionary that is used only in
25 section 63, in line with current legislative drafting practice. The definition is omitted from the
26 dictionary by another amendment. The amendment also updates the definition in line with
27 current legislative drafting practice.

1 **[3.90] New section 64 (3)**

2 *insert*

3 (3) In this section:

4 *non-commercial Commonwealth authority* means a body corporate
5 (other than an incorporated company, society or association) that—

6 (a) is incorporated for a public purpose by or under a law of the
7 Territory or the Commonwealth; and

8 (b) does not have as its sole or principal function the carrying on
9 of an activity in the nature of a business, whether or not for
10 profit.

11 **Explanatory note**

12 This amendment relocates a definition of a term from the dictionary that is used only in
13 section 64, in line with current legislative drafting practice. The definition is omitted from the
14 dictionary by another amendment.

15 **[3.91] Section 73A (4), definition of *residential lease***

16 *omit*

17 **Explanatory note**

18 This amendment omits a definition that is made redundant as a result of another amendment.

19 **[3.92] Section 74B (5), new notes**

20 *insert*

21 *Note 1* The *Statutory Declarations Act 1959* (Cwlth) applies to the making of
22 statutory declarations under ACT laws.

23 *Note 2* It is an offence to make a false or misleading statement, give false or
24 misleading information or produce a false or misleading document (see
25 [Criminal Code](#), pt 3.4).

26 **Explanatory note**

27 This amendment inserts standard notes about statutory declarations.

1 **[3.93] Section 75AA, definition of *residential lease***

2 *omit*

3 **Explanatory note**

4 This amendment omits a definition that is made redundant as a result of another amendment.

5 **[3.94] Section 78A, note**

6 *omit*

7 and *private unit trust scheme*

8 **Explanatory note**

9 This amendment omits a term mentioned in the note that is relocated from the dictionary to
10 section 78A by another amendment.

11 **[3.95] New section 78A (2)**

12 *insert*

13 (2) In this section:

14 *private unit trust scheme* means a unit trust scheme that is not a
15 public unit trust scheme.

16 **Explanatory note**

17 This amendment relocates a definition of a term from the dictionary that is used only in
18 section 78A, in line with current legislative drafting practice. The definition is omitted from the
19 dictionary by another amendment.

20 **[3.96] Section 103 (2), note**

21 *omit*

22 **Explanatory note**

23 This amendment omits a note that is made redundant as a result of another amendment.

1 **[3.97] New section 103 (3)**

2 *insert*

3 (3) In this section:

4 *territory company* means—

5 (a) a company incorporated (or taken to be incorporated) under the
6 [Corporations Act](#) that is taken to be registered in the ACT; or

7 (b) a corporation that is incorporated under a territory Act.

8 **Explanatory note**

9 This amendment relocates a definition of a term from the dictionary that is used only in
10 section 103, in line with current legislative drafting practice. The definition is omitted from the
11 dictionary by another amendment.

12 **[3.98] Section 115H (5), new notes**

13 *insert*

14 *Note 1* The [Statutory Declarations Act 1959](#) (Cwlth) applies to the making of
15 statutory declarations under ACT laws.

16 *Note 2* It is an offence to make a false or misleading statement, give false or
17 misleading information or produce a false or misleading document (see
18 [Criminal Code](#), pt 3.4).

19 **Explanatory note**

20 This amendment inserts standard notes about statutory declarations.

1 **[3.99] New section 185 (5)**

2 *insert*

3 (5) In this section:

4 *determined amount*, of duty, means the amount determined by the
5 Minister, or calculated in a way determined by the Minister, under
6 the Taxation Administration Act, section 139.

7 **Explanatory note**

8 This amendment relocates a definition of a term from the dictionary that is used only in
9 section 185, in line with current legislative drafting practice. The definition is omitted from the
10 dictionary by another amendment. The amendment also updates the definition in line with
11 current legislative drafting practice.

12 **[3.100] Section 201 (3), new definition of *international trade***
13 ***insurance***

14 *insert*

15 *international trade insurance* means any of the following:

16 (a) insurance of freight against loss or damage in the course of, or
17 incidental to, international transport of the freight;

18 (b) insurance of an aircraft or ship (a *carrier*) against loss or
19 damage during a particular period when the carrier is under
20 construction or undergoing refitting, maintenance or repairs if
21 when the insurance was effected, the carrier's owner intended
22 to use the carrier—

23 (i) entirely or mainly for the international transport of
24 freight; and

25 (ii) for an indefinitely continuing period beginning
26 immediately after the completion of the construction,
27 refitting, maintenance or repairs;

1 (c) insurance of a carrier against loss or damage in the course of,
2 or incidental to, a particular journey if, when the insurance was
3 effected, the owner intended that the journey would be entirely
4 or mainly for the international transport of freight;

5 (d) insurance of a carrier against loss or damage during a particular
6 period if, when the insurance was effected, the carrier's owner
7 intended the carrier to be used during that period entirely or
8 mainly for the international transport of freight.

9 **Explanatory note**

10 This amendment relocates a definition of a term from the dictionary that is used only in
11 section 201, in line with current legislative drafting practice. The amendment also updates the
12 definition in line with current legislative drafting practice.

13 **[3.101] Section 203A (2)**

14 *omit*

15 all or any of the people in whose names

16 *substitute*

17 each person in whose name

18 **Explanatory note**

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

20 **[3.102] Section 208 (3), new note**

21 *insert*

22 *Note 2A* A reference to an instrument includes a reference to a provision of an
23 instrument (see [Legislation Act](#), s 14 (2)).

24 **Explanatory note**

25 This amendment inserts a note about the [Legislation Act](#), section 14 (2)) to assist legislation
26 users.

1 **[3.103] Section 211A (3)**

2 *omit*

3 For this section:

4 *substitute*

5 In this section:

6 **Explanatory note**

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

8 **[3.104] Section 211A (3), new definition of *person with a***
9 ***disability***

10 *insert*

11 ***person with a disability*** means a person who has a disability that—

12 (a) is attributable to an intellectual, psychiatric, sensory, physical
13 or neurological impairment, or acquired brain injury; and

14 (b) is likely to be permanent; and

15 (c) results in substantially reduced capacity in self-care,
16 self-management, mobility or communication requiring
17 significant ongoing, or long-term episodic, support.

18 **Explanatory note**

19 This amendment relocates a definition of a term from the dictionary that is used only in
20 section 211A, in line with current legislative drafting practice. The definition is omitted from
21 the dictionary by another amendment.

1 **[3.105] Section 213 (5), new notes**

2 *insert*

3 *Note 1* The *Statutory Declarations Act 1959* (Cwlth) applies to the making of
4 statutory declarations under ACT laws.

5 *Note 2* It is an offence to make a false or misleading statement, give false or
6 misleading information or produce a false or misleading document (see
7 [Criminal Code](#), pt 3.4).

8 **Explanatory note**

9 This amendment inserts standard notes about statutory declarations.

10 **[3.106] New section 221 (4)**

11 *insert*

12 (4) In this section:

13 *demonstrator*—see section 208A.

14 *trading stock*—see section 208A.

15 **Explanatory note**

16 This amendment inserts signpost definitions for terms used in the section and defined
17 elsewhere.

18 **[3.107] Dictionary, note 2**

19 *omit*

- 20
 - GST

21 **Explanatory note**

22 This amendment omits a redundant term.

23 **[3.108] Dictionary**

24 *omit the definitions of*

25 *Australian register*

26 *determined amount*

1 *foreign resident*
2 *franchisor*
3 *intellectual property*
4 *international trade insurance*
5 *non-commercial Commonwealth authority*
6 *person with a disability*
7 *pooled superannuation trust*
8 *private unit trust scheme*
9 *replica*

10 **Explanatory note**

11 This amendment omits the redundant terms *Australian register*, *foreign resident*, *franchisor*
12 and *replica*. The other terms are omitted consequential on the relocation of the definitions to
13 other sections by another amendment.

14 **[3.109] Dictionary, definition of *residential lease***

15 *substitute*
16 *residential lease* means a lease granted for residential purposes
17 only.

18 **Explanatory note**

19 This amendment recasts the definition so that it applies to the whole Act instead of being a
20 signpost definition to a part of the Act.

21 **[3.110] Dictionary, definition of *territory company***

22 *omit*

23 **Explanatory note**

24 This amendment is consequential on the relocation of the definition to section 103 by another
25 amendment.

1 **Part 3.15** **Enclosed Lands Protection**
2 **Act 1943**

3 **[3.111] Section 4 (1)**

4 *omit*

5 shall lie

6 *substitute*

7 lies

8 **Explanatory note**

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

10 **[3.112] Section 5 (2)**

11 *omit*

12 (other than a public gate as defined in the *Public Gates Act 1901*
13 (NSW) in its application to the ACT)

14 **Explanatory note**

15 This amendment omits an obsolete reference to repealed NSW legislation.

16 **Part 3.16** **Environment Protection Act 1997**

17 **[3.113] New section 3B**

18 *insert*

19 **3B Offences against Act—application of Criminal Code etc**

20 Other legislation applies in relation to offences against this Act.

21 *Note 1 Criminal Code*

22 The [Criminal Code](#), ch 2 applies to the following offences against this
23 Act (see Code, pt 2.1):

- 24
 - s 92 (Fuel sales—provision of information)

- 1 • s 92A (Confidential commercial information must not be
2 disclosed)

3 The chapter sets out the general principles of criminal responsibility
4 (including burdens of proof and general defences), and defines terms
5 used for offences to which the Code applies (eg *conduct*, *intention*,
6 *recklessness* and *strict liability*).

7 *Note 2* *Penalty units*

8 The [Legislation Act](#), s 133 deals with the meaning of offence penalties
9 that are expressed in penalty units.

10 **Explanatory note**

11 This amendment inserts a standard provision about the application of the [Criminal Code](#) to
12 certain offences against the Act. The [Criminal Code](#), chapter 2 sets out the general principles of
13 criminal responsibility (including burdens of proof and general defences) and defines terms
14 used for offences to which the Code applies.

15 **[3.114] Section 39 (c), new note**

16 *insert*

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

20 **Explanatory note**

21 This amendment inserts a standard note about examples.

22 **[3.115] Section 51 (a), new note**

23 *insert*

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

27 **Explanatory note**

28 This amendment inserts a standard note about examples.

1 **[3.116] Sections 91B (3) and 130**

2 *omit*

3 shall

4 *substitute*

5 must

6 **Explanatory note**

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

8 **[3.117] Section 162 (1), new note**

9 *insert*

10 *Note 2* It is an offence to make a false or misleading statement, give false or
11 misleading information or produce a false or misleading document (see
12 [Criminal Code](#), pt 3.4).

13 **Explanatory note**

14 This amendment inserts a standard note about statutory declarations.

15 **[3.118] Section 166 (2) (a)**

16 *omit*

17 , or any provision of an instrument

18 **Explanatory note**

19 This amendment omits words that are redundant because of the [Legislation Act](#), section 14 (2),
20 which provides that a reference to an instrument includes a reference to a provision of an
21 instrument.

1 **[3.119] Section 166 (2), note 1**

2 *omit*

3 (or a provision of a law or instrument)

4 **Explanatory note**

5 This amendment omits words that are redundant because of the [Legislation Act](#), sections 7 (3),
6 13 (3) and 14 (2) which provide respectively that a reference to an Act, statutory instrument or
7 an instrument includes a reference to a provision of an Act, statutory instrument or instrument.

8 **[3.120] Section 166 (2), note 2**

9 *omit*

10 (or a provision of a law or instrument), the law, instrument or provision

11 *substitute*

12 , the law or instrument

13 **Explanatory note**

14 This amendment omits words that are redundant because of the [Legislation Act](#), sections 7 (3),
15 13 (3) and 14 (2) which provide respectively that a reference to an Act, statutory instrument or
16 an instrument includes a reference to a provision of an Act, statutory instrument or instrument.

17 **[3.121] Section 166 (2), new note**

18 *insert*

19 *Note 3* A reference to an instrument includes a reference to a provision of an
20 instrument (see [Legislation Act](#), s 14 (2)).

21 **Explanatory note**

22 This amendment inserts a note to assist legislation users and is consequential on another
23 amendment.

24 **[3.122] Schedule 2, section 2.1, definition of AS 4013**

25 *omit*

26 **Explanatory note**

27 This amendment omits a definition. The definition is updated in another amendment.

1 **[3.123] Schedule 2, section 2.1, new definition of AS/NZS 4013**

2 *insert*

3 *AS/NZS 4013* means AS/NZS 4013 (Domestic solid fuel burning
4 appliances—Method for determination of flue gas emission), as in
5 force from time to time.

6 *Note* AS/NZS 4013 may be purchased at www.standards.org.au.

7 **Explanatory note**

8 This amendment updates the title and language of the standard in line with current legislative
9 drafting practice and makes clear that the standard is meant to be as in force from time to time.

10 **[3.124] Schedule 2, section 2.1, definition of *solid fuel-burning***
11 ***equipment***

12 *omit*

13 AS 4013

14 *substitute*

15 AS/NZS 4013

16 **Explanatory note**

17 This amendment updates the title of the standard.

18 **[3.125] Schedule 2, sections 2.4 and 2.5**

19 *omit*

20 AS 4013

21 *substitute*

22 AS/NZS 4013

23 **Explanatory note**

24 This amendment updates the title of the standard.

1 **[3.126] Dictionary, note 2**

2 *insert*

- 3 • AS (see s 164 (1))
4 • found guilty

5 **Explanatory note**

6 Dictionary, note 2 lists examples of terms used in the Act that are defined in the
7 [Legislation Act](#), dictionary, part 1. This amendment inserts terms mentioned in the Act and
8 defined in the [Legislation Act](#), dictionary, part 1.

9 **[3.127] Dictionary, note 2**

10 *omit*

- 11 • heritage register

12 **Explanatory note**

13 This amendment omits a redundant term.

14 **[3.128] Dictionary, definition of AS 4013**

15 *omit*

16 **Explanatory note**

17 This amendment omits a definition. The definition is updated in another amendment.

18 **[3.129] Dictionary, definition of AS/NZS 4013**

19 *insert*

20 *AS/NZS 4013*, for schedule 2 (Specific offences)—see schedule 2,
21 section 2.1.

22 **Explanatory note**

23 This amendment updates the title of the standard and language in line with current legislative
24 drafting practice and makes clear that the standard is meant to be as in force from time to time.

1 **[3.130] Dictionary, definition of *blank fire firearm***

2 *omit*

3 see schedule 1, section 1.1

4 *substitute*

5 see the *Firearms Act 1996*, dictionary

6 **Explanatory note**

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

8 **[3.131] Dictionary, definition of *clinical waste***

9 *omit*

10 see schedule 1, section 1.1

11 *substitute*

12 see the *Clinical Waste Act 1990*, dictionary

13 **Explanatory note**

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

15 **[3.132] Dictionary, definition of *consultation period***

16 *omit*

17 section 23B

18 *substitute*

19 section 25 (1)

20 **Explanatory note**

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

1 **[3.133] Dictionary, definition of *National Electricity (ACT) Law***

2 *omit*

3 **Explanatory note**

4 This amendment omits a redundant signpost definition because the term is defined in the
5 [Legislation Act](#), dictionary, part 1.

6 **[3.134] Dictionary, definition of *regulated waste***

7 *omit*

8 section 1.1

9 *substitute*

10 section 1.1A

11 **Explanatory note**

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

13 **[3.135] Dictionary, definition of *road transport legislation***

14 *omit*

15 see schedule 1, section 1.1

16 *substitute*

17 see the [Road Transport \(General\) Act 1999](#), section 6

18 **Explanatory note**

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

1 **[3.136] Dictionary, definition of *stock***

2 *omit*

3 see schedule 1, section 1.1

4 *substitute*

5 see the *Stock Act 2005*, dictionary

6 **Explanatory note**

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

8 **Part 3.17 Environment Protection**
9 **Regulation 2005**

10 **[3.137] Section 67 (1) (b)**

11 *omit*

12 Australian Standard

13 *substitute*

14 AS

15 **Explanatory note**

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

17 **[3.138] Section 67 (1) (c)**

18 *omit*

19 *Environmental and Planning Assessment Act 1979* (NSW)

20 *substitute*

21 *Environmental Planning and Assessment Act 1979* (NSW)

22 **Explanatory note**

23 This amendment corrects a reference to a NSW law.

1 **[3.139] Section 68 (3), definition of *incorporated document***

2 *omit*

3 Australian standard

4 *substitute*

5 AS

6 **Explanatory note**

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

8 **[3.140] Section 69 (2)**

9 *omit*

10 written

11 **Explanatory note**

12 This amendment omits a redundant word because of the [Legislation Act](#), section 42 (2), which
13 requires notifiable instruments to be in writing.

14 **[3.141] Schedule 2, table 2.3, item 6**

15 *omit*

16 Australian Standard

17 *substitute*

18 AS

19 **Explanatory note**

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

1 **[3.142] Dictionary, note 2**

2 *insert*

- 3 • AS (see s 164 (1))

4 **Explanatory note**

5 Dictionary, note 2 lists examples of terms used in the regulation that are defined in the
6 [Legislation Act](#), dictionary, part 1. This amendment inserts a term mentioned in the regulation
7 and defined in the [Legislation Act](#), dictionary, part 1.

8 **[3.143] Dictionary, note 3**

9 *omit*

- 10 • national scheme laws

11 **Explanatory note**

12 This amendment omits a redundant term.

13 **[3.144] Dictionary, new definition of AS 2436**

14 *insert*

15 **AS 2436** means AS 2436 (Guide to noise and vibration control on
16 construction, demolition and maintenance sites), as in force from
17 time to time.

18 *Note* AS 2436 may be purchased at www.standards.org.au.

19 **Explanatory note**

20 This amendment updates the title and language of the standard in line with current legislative
21 drafting practice and makes clear that the standard is meant to be as in force from time to time.

1 **[3.145] Dictionary, definition of *major road***

2 *omit*

3 schedule 2 (Noise zones, noise standards and conditions)

4 *substitute*

5 schedule 2, part 2.3 (Noise conditions)

6 **Explanatory note**

7 This amendment corrects a signpost entry in the dictionary. The definition applies to
8 Schedule 2, part 2.3 rather than the whole of schedule 2.

9 **[3.146] Dictionary, new definition of *national scheme laws***

10 *insert*

11 *national scheme laws*—see the [Act](#), section 2 (3).

12 **Explanatory note**

13 This amendment updates the dictionary by inserting a signpost definition for a term defined in
14 the Act, section 2 (3) and used in several places in the regulation.

15 **[3.147] Dictionary, new definitions**

16 *insert*

17 *network facility*, for schedule 2, part 2.3 (Noise conditions)—see
18 the [Utilities Act 2000](#), dictionary.

19 *territory network facility*, for schedule 2, part 2.3 (Noise
20 conditions)—see the [Utilities Act 2000](#), dictionary.

21 **Explanatory note**

22 This amendment inserts signpost definitions for terms defined in another Act in line with
23 current legislative drafting practice.

1 **[3.148] Dictionary, definition of *territory service***

2 *omit*

3 **Explanatory note**

4 This amendment omits a redundant definition.

5 **[3.149] Dictionary, definition of *utility service***

6 *omit*

7 **Explanatory note**

8 This amendment omits a redundant definition.

9 **[3.150] Further amendments, dictionary definitions**

10 *omit*

11 schedule 2 (Noise zones, noise standards and conditions)

12 *substitute*

13 schedule 2, part 2.1 (Noise zones)

14 *in*

15 *broadacre zone*

16 *Central National Area (City Hill Precinct)*

17 *Central National Area (Fairbairn)*

18 *Central National Area (Parliamentary Zone and Other Areas)*

19 *city centre*

20 *commercial CZ4 zone*

21 *commercial CZ5 zone*

22 *group centre*

23 *industrial zone*

24 *leisure and accommodation zone*

- 1 *office site*
2 *Queanbeyan city business zone*
3 *Queanbeyan city industrial zone*
4 *Queanbeyan city special uses zone*
5 *restricted access recreation zone*
6 *town centre*
7 *TSZ2 services zone*

8 **Explanatory note**

9 This amendment corrects the signpost entries in the dictionary. The definitions apply to
10 schedule 2, part 2.1 rather than the whole of schedule 2.

11 **Part 3.18 Evidence (Miscellaneous**
12 **Provisions) Act 1991**

13 **[3.151] Section 16, definition of *territory court*, paragraph (g)**

- 14 *omit*
15 *Corrections Management Act 2006*
16 *substitute*
17 *Corrections Management Act 2007*

18 **Explanatory note**

19 This amendment corrects a reference to an Act.

1 **[3.152] Dictionary, note 2**

2 *insert*

- 3 • found guilty

4 **Explanatory note**

5 Dictionary, note 2 lists examples of terms used in the Act that are defined in the
6 [Legislation Act](#), dictionary, part 1. This amendment inserts a term mentioned in the Act and
7 defined in the [Legislation Act](#), dictionary, part 1.

8 **Part 3.19 Exhibition Park Corporation**
9 **Act 1976**

10 **[3.153] Section 8, note**

11 *omit*

12 s 78 (5) (b)

13 *substitute*

14 s 78 (7) (b)

15 **Explanatory note**

16 This amendment corrects a cross-reference.

17 **[3.154] Dictionary, definition of *corporation***

18 *substitute*

19 ***corporation*** means the Exhibition Park Corporation established
20 under section 4.

21 **Explanatory note**

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

1 **Part 3.20** **Fair Trading (Australian**
2 **Consumer Law) Act 1992**

3 **[3.155] Section 34 (2), definition of *consumer credit legislation***

4 *omit*

5 **Explanatory note**

6 This amendment omits a redundant definition.

7 **[3.156] Dictionary, new definition of *credit***

8 *insert*

9 *credit*, for part 6 (Maximum annual percentage rate and
10 disclosure)—see section 62.

11 **Explanatory note**

12 This amendment inserts a signpost definition for a term defined elsewhere in the Act.

13 **Part 3.21** **Financial Management Act 1996**

14 **[3.157] Section 11 (6), new definition of *appropriation unit***

15 *insert*

16 *appropriation unit* means a class of outputs, or a group of output
17 classes, for which an appropriation is made by an
18 Appropriation Act.

19 **Explanatory note**

20 This amendment relocates a definition of a term from the dictionary that is used only in
21 section 11, in line with current legislative drafting practice. The definition is omitted from the
22 dictionary by another amendment.

1 **[3.158] Section 38 (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 **[3.159] New section 38 (10)**

9 *insert*

10 (10) In this section:

11 *superannuation banking account*—see the *Territory*
12 *Superannuation Provision Protection Act 2000*, section 7.

13 **Explanatory note**

14 This amendment relocates a definition of a term from the dictionary that is used only in
15 section 38, in line with current legislative drafting practice. The definition is omitted from the
16 dictionary by another amendment

17 **[3.160] Dictionary, note 2**

18 *insert*

- 19
 - found guilty

20 **Explanatory note**

21 Dictionary, note 2 lists examples of terms used in the Act that are defined in the
22 [Legislation Act](#), dictionary, part 1. This amendment inserts a term mentioned in the Act and
23 defined in the [Legislation Act](#), dictionary, part 1.

1 **[3.161] Dictionary, definitions of *appropriation unit* and**
2 ***superannuation banking account***

3 *omit*

4 **Explanatory note**

5 This amendment omits definitions that are made redundant as a result of other amendments.

6 **[3.162] Further amendments, mentions of , *in writing*,**

7 *omit*

8 , in writing,

9 *in*

- 10 • section 19C (2)
11 • section 59 (5)
12 • section 103 (1)
13 • section 133 (1)

14 **Explanatory note**

15 This amendment omits words that are redundant because of the [Legislation Act](#), section 42 (2),
16 which requires disallowable and notifiable instruments to be in writing.

17 **Part 3.22 Gambling and Racing Control**
18 **Act 1999**

19 **[3.163] Section 6 (3)**

20 *omit*

21 , in writing,

22 **Explanatory note**

23 This amendment omits words that are redundant because of the [Legislation Act](#), section 42 (2),
24 which requires disallowable instruments to be in writing.

1 **[3.164] Section 11, note**

2 *omit*

3 s 78 (5) (b)

4 *substitute*

5 s 78 (7) (b)

6 **Explanatory note**

7 This amendment corrects a cross-reference.

8 **[3.165] Section 12 (2), new note**

9 *insert*

10 *Note* **Found guilty**—see the [Legislation Act](#), dictionary, pt 1.

11 **Explanatory note**

12 This amendment inserts a standard note about the definition of *found guilty*.

13 **[3.166] Section 18 (2) (c)**

14 *substitute*

15 (c) limiting facilities that make it easy for a gambler to spend more
16 than the gambler originally intended;

17 **Examples—facilities**

- 18 • automatic teller machines
19 • credit facilities
20 • allowing people to pay by cheque or credit card

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

24 **Explanatory note**

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

1 **[3.167] Sections 22A (1), 47 (1) and 53D (1)**

2 *omit*

3 , in writing,

4 **Explanatory note**

5 This amendment omits words that are redundant because of the [Legislation Act](#), section 42 (2),
6 which requires disallowable and notifiable instruments to be in writing.

7 **[3.168] Dictionary, note 2**

8 *insert*

- 9 • found guilty

10 **Explanatory note**

11 Dictionary, note 2 lists examples of terms used in the Act that are defined in the [Legislation](#)
12 [Act](#), dictionary, part 1. This amendment inserts a term mentioned in the Act and defined in the
13 [Legislation Act](#), dictionary, part 1.

14 **[3.169] Dictionary, definition of *commission***

15 *substitute*

16 *commission* means the ACT Gambling and Racing Commission
17 established under section 5.

18 **Explanatory note**

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

20 **[3.170] Dictionary, definition of *executive officer***

21 *omit*

22 **Explanatory note**

23 This amendment omits a redundant definition.

Part 3.23 Gaming Machine Act 2004

[3.171] Section 3, note 1

omit

For example, the signpost definition ‘*associated entity*—see the [Electoral Act 1992](#), section 198.’ means that the term ‘associated entity’ is defined in that section and the definition applies to this Act.

substitute

For example, the signpost definition ‘*general licence*—see the [Liquor Act 2010](#), section 17.’ means that the term ‘general licence’ is defined in that section and the definition applies to this Act.

Explanatory note

This amendment updates note 1 as a consequence of the relocation of the definition of *associated entity* from the dictionary to section 164 by another amendment. The term ‘associated entity’ is used only in section 164, whereas the term ‘general licence’ is used throughout the Act.

[3.172] Section 38E (1) (c) (ii) (A)

omit

or (3) (d)

Explanatory note

This amendment omits an incorrect cross-reference.

[3.173] Section 38I (1)

omit

38D (3)

substitute

38D (2)

Explanatory note

This amendment corrects a cross-reference.

1 **[3.174] Section 38X (1)**

2 *omit*

3 section 38T, section 38U or section 38V

4 *substitute*

5 section 38U, section 38V or section 38W

6 **Explanatory note**

7 This amendment corrects cross-references.

8 **[3.175] Section 66 (1), definition of *centralised monitoring***
9 ***system, paragraph (a)***

10 *omit*

11 approved gaming machines

12 *substitute*

13 gaming machines approved under section 69

14 **Explanatory note**

15 This amendment clarifies the reference to gaming machines.

16 **[3.176] New section 158 (3)**

17 *insert*

18 (3) In this section:

19 ***qualified accountant*** means—

20 (a) a member of the Institute of Chartered Accountants in
21 Australia, the Institute of Public Accountants or the Australian
22 Society of Certified Practising Accountants; or

1 (b) a person registered as a registered company auditor under the
2 [Corporations Act](#).

3 **Explanatory note**

4 This amendment relocates a definition of a term from the dictionary that is used only in
5 section 158, in line with current legislative drafting practice. The definition is omitted from the
6 dictionary by another amendment.

7 **[3.177] Section 164 (3), new definition of *associated entity***

8 *insert*

9 *associated entity*—see the [Electoral Act 1992](#), section 198.

10 **Explanatory note**

11 This amendment relocates a definition of a term from the dictionary that is used only in
12 section 164, in line with current legislative drafting practice. The definition is omitted from the
13 dictionary by another amendment.

14 **[3.178] Dictionary, definition of *acquisition approval application***

15 *omit*

16 **Explanatory note**

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

18 **[3.179] Dictionary, definition of *approved gaming machine***

19 *omit*

20 **Explanatory note**

21 This amendment is consequential on the clarification of the reference to gaming machines in
22 section 66 by another amendment.

23 **[3.180] Dictionary, definition of *associated entity***

24 *omit*

25 **Explanatory note**

26 This amendment is consequential on the relocation of the definition to section 164 by another
27 amendment.

1 **[3.181] Dictionary, definition of *charitable organisation***

2 *omit*

3 **Explanatory note**

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

5 **[3.182] Dictionary, definitions of *disciplinary action* and**
6 ***disciplinary notice***

7 *substitute*

8 *disciplinary action*, for part 4 (Disciplinary action)—see section 58.

9 *disciplinary notice*, for part 4 (Disciplinary action)—see section 61.

10 **Explanatory note**

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

12 **[3.183] Dictionary, definition of *financial arrangement***

13 *omit*

14 101

15 *substitute*

16 101 (2)

17 **Explanatory note**

18 This amendment clarifies the definition.

19 **[3.184] Dictionary, definition of *ground for disciplinary action***

20 *substitute*

21 *ground for disciplinary action* against a licensee, for part 4
22 (Disciplinary action)—see section 57.

23 **Explanatory note**

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

1 **[3.185] Dictionary, definition of *initial licence application***

2 *substitute*

3 *initial licence application*, for part 2 (Licences)—see section 9.

4 **Explanatory note**

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

6 **[3.186] Dictionary, definition of *inquiry***

7 *omit*

8 **Explanatory note**

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

10 **[3.187] Dictionary, definition of *licence*, new paragraph (aa)**

11 *insert*

12 (aa) for part 4 (Disciplinary action)—see section 56; and

13 **Explanatory note**

14 This amendment revises the definition to insert a signpost for a definition of *licence* for part 4,
15 in line with current legislative drafting practice.

16 **[3.188] Dictionary, definition of *licence amendment application***

17 *substitute*

18 *licence amendment application*, for part 2 (Licences)—see
19 section 9.

20 **Explanatory note**

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

22 **[3.189] Dictionary, definition of *operator***

23 *omit*

24 **Explanatory note**

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

1 **[3.190] Dictionary, definition of *qualified accountant***

2 *omit*

3 **Explanatory note**

4 This amendment is consequential on the relocation of the definition to section 158 by another
5 amendment.

6 **[3.191] Dictionary, definition of *relevant premises***

7 *omit*

8 **Explanatory note**

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

10 **[3.192] Dictionary, definition of *warning notice***

11 *substitute*

12 *warning notice*, for an associated organisation, for part 9 (Club
13 administration)—see section 147B.

14 **Explanatory note**

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

1 **Part 3.24** **Gaming Machine Regulation 2004**

2 **[3.193] Section 7 (3), definition of *GM*, paragraph (b)**

3 *omit*

4 for a

5 *substitute*

6 for a large-scale machine relocation amendment application or a

7 **Explanatory note**

8 Section 7 was amended by the *Gaming Machine Amendment Act 2012* to include the working
9 out of the number of club members for the purposes of the *Gaming Machine Act 2004*,
10 including the following provisions:

- 11 • section 12 (5) (section 12 applies to an initial licence application under section 11);
12 • section 26C (2) (c) (section 26C applies if a licensee applies for a large-scale relocation
13 amendment);
14 • section 26D (6) (d) (i) (section 26D applies if a licensee applies for a new venue
15 amendment under section 22 (1) (g)).

16 The definitions of *GM* and *TGM*, used in the formula for working out the number of club
17 members for a club with a membership agreement, currently define those terms for an initial
18 licence application and a new venue amendment application. The amendments of the definitions
19 of *GM* and *TGM* by the *Gaming Machine Amendment Act 2012* inadvertently failed to include
20 references to a large-scale relocation amendment application. It is clear from the heading to
21 section 7 that large-scale relocation amendment applications were intended to be covered by
22 section 7. This amendment revises the definition of *GM*, paragraph (b) to include a reference to
23 a large-scale machine relocation amendment application.

1 **[3.194] Section 7 (3), definition of *TGM*, paragraph (b)**

2 *omit*

3 for a

4 *substitute*

5 for a large-scale machine relocation amendment application or a

6 **Explanatory note**

7 Section 7 was amended by the *Gaming Machine Amendment Act 2012* to include the working
8 out of the number of club members for the purposes of the *Gaming Machine Act 2004*,
9 including the following provisions:

- 10 • section 12 (5) (section 12 applies to an initial licence application under section 11);
- 11 • section 26C (2) (c) (section 26C applies if a licensee applies for a large-scale relocation
12 amendment);
- 13 • section 26D (6) (d) (i) (section 26D applies if a licensee applies for a new venue
14 amendment under section 22 (1) (g)).

15 The definitions of *GM* and *TGM*, used in the formula for working out the number of club
16 members for a club with a membership agreement, currently define those terms for an initial
17 licence application and a new venue amendment application. The amendments of the definitions
18 of *GM* and *TGM* by the *Gaming Machine Amendment Act 2012* inadvertently failed to include
19 references to a large-scale relocation amendment application. It is clear from the heading to
20 section 7 that large-scale relocation amendment applications were intended to be covered by
21 section 7. This amendment revises the definition of *TGM*, paragraph (b) to include a reference
22 to a large-scale machine relocation amendment application.

1 **Part 3.25** **Gas Safety Regulation 2001**

2 **[3.195] Section 17 (1)**

3 *omit*

4 all or any

5 *substitute*

6 1 or more

7 **Explanatory note**

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

9 **[3.196] Section 18B (c)**

10 *omit*

11 (Australian Standard 3814)

12 *substitute*

13 (AS 3814 (Industrial and commercial gas-fired appliances))

14 **Explanatory note**

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

16 **[3.197] Section 18B (c), new note**

17 *insert*

18 *Note* AS 3814 may be purchased at www.standards.org.au.

19 **Explanatory note**

20 This amendment inserts a new note in line with current legislative drafting practice.

1 **[3.198] Dictionary, note 2**

2 *insert*

- 3 • AS/NZS (see s 164)

4 **Explanatory note**

5 Dictionary, note 2 lists examples of terms used in the regulation that are defined in the
6 [Legislation Act](#), dictionary, part 1. This amendment inserts a term that is mentioned in the
7 regulation and defined in the [Legislation Act](#), dictionary, part 1.

8 **[3.199] Dictionary, new definition of AS/NZS 5601**

9 *insert*

10 *AS/NZS 5601* means AS/NZS 5601 (Gas installations).

11 *Note* AS/NZS 5601 may be purchased at www.standards.org.au.

12 **Explanatory note**

13 This amendment inserts a new definition of a term that is mentioned in other definitions in the
14 dictionary.

15 **Part 3.26 Long Service Leave (Portable
16 Schemes) Act 2009**

17 **[3.200] Section 18 (2)**

18 *omit*

19 *avoid*

20 *substitute*

21 *remove*

22 **Explanatory note**

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

1 **[3.201] Section 20, note**

2 *omit*

3 s 78 (5) (b)

4 *substitute*

5 s 78 (7) (b)

6 **Explanatory note**

7 This amendment corrects a cross-reference.

8 **[3.202] Section 21 (3)**

9 *omit*

10 reasonably

11 **Explanatory note**

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

13 **[3.203] Schedule 1, section 1.5, formula**

14 *omit*

15 0.13

16 *substitute*

17 1.3

18 **Explanatory note**

19 This amendment corrects an error in the formula for calculating the long service leave
20 entitlement for a worker in the building and construction industry. When the formula was
21 amended by the *Long Service Leave (Portable Schemes) Amendment Act 2012*, the decimal
22 point was inadvertently located in the wrong place.

1 **[3.204] Dictionary, definition of *authority***

2 *substitute*

3 *authority* means the Long Service Leave Authority established
4 under section 16.

5 **Explanatory note**

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

7 **[3.205] Dictionary, new definition of *internally reviewable***
8 ***decision***

9 *insert*

10 *internally reviewable decision*, for part 9 (Notification and review
11 of decisions)—see section 80A (1).

12 **Explanatory note**

13 This amendment inserts a signpost definition for a term defined elsewhere in the Act.

14 **Part 3.27 Magistrates Court (Liquor**
15 **Infringement Notices)**
16 **Regulation 2010**

17 **[3.206] Section 3, note 1**

18 *omit*

19 *‘investigator—see the [Fair Trading \(Consumer Affairs\) Act 1973](#),
20 [dictionary.’](#)*

21 *substitute*

22 *‘investigator—see the [Fair Trading \(Australian Consumer Law\)](#)*
23 *[Act 1992](#), dictionary.’*

24 **Explanatory note**

25 This amendment corrects a reference to the [Fair Trading \(Consumer Affairs\) Act 1973](#). That
26 Act was repealed by the [Fair Trading \(Australian Consumer Law\) Amendment Act 2010](#), and its
27 provisions were relocated to the [Fair Trading \(Australian Consumer Law\) Act 1992](#).

1 **[3.207] Section 6**

2 *omit*

3 director-general

4 *substitute*

5 director-general for that Act

6 **Explanatory note**

7 This amendment clarifies that the director-general mentioned is the director-general for the
8 [Liquor Act 2010](#).

9 **[3.208] Dictionary, definition of *investigator***

10 *substitute*

11 *investigator*—see the [Fair Trading \(Australian Consumer Law\)](#)
12 [Act 1992](#), dictionary.

13 **Explanatory note**

14 This amendment updates the definition to correct a reference to the [Fair Trading \(Consumer](#)
15 [Affairs\) Act 1973](#). That Act was repealed by the [Fair Trading \(Australian Consumer Law\)](#)
16 [Amendment Act 2010](#), and its provisions were relocated to the [Fair Trading \(Australian](#)
17 [Consumer Law\) Act 1992](#).

18 **Part 3.28** **Magistrates Court Regulation**
19 **2009**

20 **[3.209] Section 4 (3)**

21 *omit everything before paragraph (b), substitute*

22 (3) In working out the amount—

23 (a) a reference to the registrar is taken to be a reference to the
24 court or the parties; and

25 **Explanatory note**

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

1 **Part 3.29** **Magistrates Court (Smoke-Free**
2 **Public Places Infringement**
3 **Notices) Regulation 2010**

4 **[3.210] Section 6**

5 *omit*
6 director-general
7 *substitute*
8 director-general for that Act

9 **Explanatory note**

10 This amendment clarifies that the director-general mentioned is the director-general for the
11 [Smoke-Free Public Places Act 2003](#).

12 **Part 3.30** **Magistrates Court (Tobacco**
13 **Infringement Notices) Regulation**
14 **2010**

15 **[3.211] Section 6**

16 *omit*
17 director-general
18 *substitute*
19 director-general for that Act

20 **Explanatory note**

21 This amendment clarifies that the director-general mentioned is the director-general for the
22 [Tobacco Act 1927](#).

1 **Part 3.31** **Ombudsman Act 1989**

2 **[3.212] Section 3C (1)**

3 *omit*

4 NEMMCO

5 *substitute*

6 AEMO

7 **Explanatory note**

8 This amendment updates a term to reflect its change of name.

9 **[3.213] Section 3C (2), new definition of AEMO**

10 *insert*

11 *AEMO*—see the *National Electricity (ACT) Law*.

12 **Explanatory note**

13 This amendment inserts a signpost definition for a term defined in another Act in line with
14 current legislative drafting practice.

15 **[3.214] Section 3C (2), definition of NEMMCO**

16 *omit*

17 **Explanatory note**

18 This amendment omits a redundant definition and is consequential on another amendment.

1 **[3.218] Section 138F (2), new notes**

2 *insert*

3 *Note 1* The *Statutory Declarations Act 1959* (Cwlth) applies to the making of
4 statutory declarations under ACT laws.

5 *Note 2* It is an offence to make a false or misleading statement, give false or
6 misleading information or produce a false or misleading document (see
7 [Criminal Code](#), pt 3.4).

8 **Explanatory note**

9 This amendment inserts standard notes about statutory declarations.

10 **[3.219] Section 212 (2) (b)**

11 *omit*

12 written

13 **Explanatory note**

14 This amendment omits a word that is redundant because of the [Legislation Act](#), section 42 (2),
15 which requires notifiable instruments to be in writing.

16 **[3.220] Section 228 (2)**

17 *omit*

18 any or all

19 *substitute*

20 1 or more

21 **Explanatory note**

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

1 **[3.221] Section 228 (4), except note**

2 *substitute*

3 (4) If the Minister establishes an inquiry panel to inquire about an EIS,
4 the Minister must—

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

6 (b) give written notice of the inquiry to the proponent of the
7 development proposal to which the EIS relates.

8 **Explanatory note**

9 This amendment omits words that are redundant because of the [Legislation Act](#), section 42 (2)
10 (which requires notifiable instruments to be in writing), while clarifying that notice under
11 section 228 (4) (b) must still be given in writing.

12 **[3.222] Section 234, definition of *registered lease***

13 *omit*

14 **Explanatory note**

15 This amendment omits a definition of a term that is not used in the Act or the [Planning and](#)
16 [Development Regulation 2008](#).

17 **[3.223] Section 323 (2) (b)**

18 *omit*

19 written

20 **Explanatory note**

21 This amendment omits a word that is redundant because of the [Legislation Act](#), section 42 (2),
22 which requires notifiable instruments to be in writing.

1 **[3.224] Schedule 4, section 4.1, definitions of *correctional centre***
2 **and *Corrections Management Act 2007***

3 *omit*

4 **Explanatory note**

5 This amendment omits definitions that are redundant as a consequence of the expiry of
6 transitional provisions in the *Crimes (Sentence Administration) Act 2005*. A reference to the
7 definition of *correctional centre* in the *Legislation Act*, dictionary, part 1, is inserted in the
8 dictionary, note 2 (which lists terms used in the Act and defined in the *Legislation Act*,
9 dictionary, part 1) by another amendment.

10 **[3.225] Dictionary, note 2**

11 *insert*

- 12 • correctional centre
- 13 • found guilty

14 **Explanatory note**

15 Dictionary, note 2 lists examples of terms used in the Act that are defined in the *Legislation*
16 *Act*, dictionary, part 1. This amendment inserts terms mentioned in the Act and defined in the
17 *Legislation Act*, dictionary, part 1.

18 **[3.226] Dictionary, definition of *certification of occupancy***

19 *omit*

20 **Explanatory note**

21 This amendment corrects a typographical error.

22 **[3.227] Dictionary, new definition of *certificate of occupancy***

23 *insert*

24 *certificate of occupancy* means a certificate issued under the
25 *Building Act 2004*, section 69.

26 **Explanatory note**

27 This amendment corrects a typographical error.

1 **[3.228] Dictionary, definition of *complaint***

2 *omit*

3 chapter 11 (Compliance)

4 *substitute*

5 chapter 11 (Controlled activities)

6 **Explanatory note**

7 This amendment corrects an incorrect reference to a chapter heading.

8 **[3.229] Dictionary, definition of *correctional centre***

9 *omit*

10 **Explanatory note**

11 This amendment omits a redundant definition. The term is included in the dictionary, note 2
12 (which lists terms used in the Act and defined in the [Legislation Act](#), dictionary, part 1) by
13 another amendment.

14 **[3.230] Dictionary, definition of *heritage direction***

15 *omit*

16 **Explanatory note**

17 This amendment omits a definition of a term that is not used in the Act or the [Planning and
18 Development Regulation 2008](#).

19 **[3.231] Dictionary, definition of *municipal waste***

20 *substitute*

21 *municipal waste*, for schedule 4 (Development proposals in impact
22 track because of need for EIS)—see schedule 4, section 4.1.

23 **Explanatory note**

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

1 **[3.232] Dictionary, definition of *registered lease***

2 *omit*

3 **Explanatory note**

4 This amendment omits a definition of a term that is not used in the Act or the *Planning and*
5 *Development Regulation 2008*.

6 **Part 3.33 Planning and Development**
7 **Regulation 2008**

8 **[3.233] Section 14 (a) (iv), example 2**

9 *substitute*

10 2 environmental values identified or targeted in relevant:

- 11 • plans (eg the *Territory Plan 2008*)
12 • strategies (eg the *ACT Planning Strategy*)
13 • threatened species management plans

14 **Explanatory note**

15 This amendment revises the example to include current examples of a plan and a strategy.

16 **[3.234] Schedule 1, section 1.4 (2) (b)**

17 *substitute*

18 (b) section 1.15 (Criterion 5—compliance with lease and
19 agreement collateral to lease).

20 **Explanatory note**

21 This amendment updates a reference to the heading to section 1.15, which was amended by the
22 *Planning and Development Amendment Regulation 2010 (No 3)*, section 4.

1 **[3.235] Schedule 1, section 1.10 (d)**

2 *substitute*

3 (d) section 1.15 (Criterion 5—compliance with lease and
4 agreement collateral to lease);

5 **Explanatory note**

6 This amendment updates a reference to the heading to section 1.15, which was amended by the
7 *Planning and Development Amendment Regulation 2010 (No 3)*, section 4.

8 **[3.236] Schedule 1, section 1.11 (4), definition of *utility***
9 ***infrastructure access or protection space, paragraph (b)***

10 *omit*

11 such as

12 *substitute*

13 , for example,

14 **Explanatory note**

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

16 **[3.237] Schedule 1, section 1.100B (a)**

17 *omit*

18 heritage and tree protection

19 *substitute*

20 heritage, tree and environment protection

21 **Explanatory note**

22 This amendment revises paragraph (a) as a consequence of a change to the heading to
23 section 1.14, made by the *Planning and Development Amendment Regulation 2012 (No 1)*,
24 section 8.

1 **[3.238] Dictionary, definition of *educational establishment***

2 *omit*

3 section 100.

4 *substitute*

5 the [territory plan](#) (13 Definitions).

6 **Explanatory note**

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

8 **Part 3.34 Retirement Villages Act 2012**

9 **[3.239] Section 8 (1), definition of *residence right*,**
10 **paragraph (a) (iii) (B)**

11 *after*

12 residential premises;

13 *insert*

14 or

15 **Explanatory note**

16 This amendment inserts a missing conjunction.

17 **[3.240] Section 11, definition of *incoming contribution*,**
18 **paragraph (b) (ii)**

19 *substitute*

20 (ii) a recurrent charge;

21 **Explanatory note**

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

1 **[3.241] Section 15A (1) (c)**

2 *omit*

3 resident

4 *substitute*

5 occupant

6 **Explanatory note**

7 This amendment revises language to be consistent with the rest of the Act. When referring to
8 previous residents of a retirement village, the Act refers to ‘former occupants’, not ‘former
9 residents’.

10 **[3.242] Section 19 (1) (c)**

11 *omit*

12 within the meaning of this Act

13 **Explanatory note**

14 This amendment omits unnecessary words.

15 **[3.243] Section 22 (2), note 1**

16 *omit*

17 *Trade Practices Act 1975* (Cwlth)

18 *substitute*

19 *Competition and Consumer Act 2010* (Cwlth)

20 **Explanatory note**

21 This amendment corrects a reference to an Act. The *Trade Practices Act 1975* (Cwlth) was
22 renamed the *Competition and Consumer Act 2010* (Cwlth) by the *Trade Practices Amendment*
23 (*Australian Consumer Law*) Act (No. 2) 2010 (Cwlth).

1 **[3.244] Section 29 (1) (d)**

2 *omit*

3 for the village

4 *substitute*

5 of the village

6 **Explanatory note**

7 This amendment revises the paragraph to be consistent with the dictionary definition of
8 *accounts*.

9 **[3.245] Section 29 (1), note**

10 *substitute*

11 *Note* Section 258 prohibits the operator of a retirement village from charging
12 for making a document mentioned in s (1) available.

13 **Explanatory note**

14 This amendment brings the note into line with current legislative drafting practice.

15 **[3.246] Section 35 (1) (b)**

16 *omit*

17 the village

18 *substitute*

19 the retirement village

20 **Explanatory note**

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

1 **[3.247] Section 35 (2)**

2 *omit*

3 a retirement village

4 *substitute*

5 the retirement village

6 **Explanatory note**

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

8 **[3.248] Section 35 (2)**

9 *omit*

10 that person

11 *substitute*

12 the person

13 **Explanatory note**

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

15 **[3.249] Section 38 (4) and (5), new note**

16 *insert*

17 *Note* A defendant has an evidential burden in relation to the matters
18 mentioned in s (4) and s (5) (see [Criminal Code](#), s 58).

19 **Explanatory note**

20 This amendment inserts a standard note about evidential burden.

1 **[3.250] Section 39 (2)**

2 *omit*

3 holding deposit paid

4 *substitute*

5 holding deposit

6 **Explanatory note**

7 This amendment corrects a typographical error.

8 **[3.251] Section 45 (1)**

9 *omit*

10 a residential premises

11 *substitute*

12 residential premises

13 **Explanatory note**

14 This amendment corrects a typographical error.

15 **[3.252] Section 45 (3)**

16 *substitute*

17 (3) Subsection (2) does not apply if the inconsistent term is a term of a
18 standard form contract.

19 *Note* **Standard form contract**—see s 67.

20 **Explanatory note**

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

1 **[3.253] Section 50 (3)**

2 *substitute*

3 (3) Subsection (1) does not apply if the resident requested the
4 amendment or new contract.

5 *Note* The defendant has an evidential burden in relation to the matters
6 mentioned in s (3) (see [Criminal Code](#), s 58).

7 **Explanatory note**

8 This amendment updates language in line with current legislative drafting practice and inserts a
9 standard note about evidential burden.

10 **[3.254] Section 57 (11)**

11 *omit*

12 sections 12 to 17

13 *substitute*

14 section 12 to section 17

15 **Explanatory note**

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

17 **[3.255] Section 64 (2) (b)**

18 *omit*

19 are

20 *substitute*

21 is

22 **Explanatory note**

23 This amendment corrects a grammatical error.

1 **[3.256] New section 65 (2)**

2 *insert*

3 (2) In this section:

4 *development*—see the *Planning and Development Act 2007*,
5 section 7.

6 **Explanatory note**

7 This amendment revises section 65 to bring the provision into line with current legislative
8 drafting practice.

9 **[3.257] Section 68 (4) (b)**

10 *omit*

11 standard form

12 *substitute*

13 standard form contract

14 **Explanatory note**

15 This amendment inserts a missing word.

16 **[3.258] Section 68 (4) (b) (i), new note**

17 *insert*

18 *Note* A regulation may prescribe a matter that must be excluded
19 from a village contract (see s 66).

20 **Explanatory note**

21 This amendment inserts a note alerting the reader to the exclusions under section 66.

1 **[3.259] Section 68 (5)**

2 *omit*

3 (i) and (ii)

4 **Explanatory note**

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

6 **[3.260] Section 71, definition of *end of the settling-in period***

7 *substitute*

8 *end of the settling-in period*, for a village contract, means the latest
9 of the following days:

10 (a) the day that is 90 days after the day when the resident is
11 entitled to occupy the residential premises under the residence
12 contract for the premises;

13 (b) if the resident occupies the premises before the day mentioned
14 in paragraph (a)—the day that is 90 days after the resident first
15 occupies the residential premises;

16 (c) another day agreed to by the operator of the retirement village
17 and the resident.

18 **Explanatory note**

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

20 **[3.261] Section 75 (1) (b)**

21 *substitute*

22 (b) if another period is ordered by the ACAT—the ordered period.

23 **Explanatory note**

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

1 **[3.262] Section 76 (1) (c)**

2 *substitute*

3 (c) the cost of refurbishment of residential premises the subject of
4 the residence contract;

5 **Explanatory note**

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

7 **[3.263] Section 76 (2)**

8 *substitute*

9 (2) In this section:

10 *refurbishment*, of residential premises the subject of a residence
11 contract—see section 218.

12 **Explanatory note**

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

14 **[3.264] New section 77A**

15 *insert*

16 **77A Meaning of *resident*—pt 6**

17 In this part:

18 *resident*, of a retirement village, includes a former occupant of the
19 retirement village.

20 *Note* *Resident* is defined for the Act in the dictionary.

21 **Explanatory note**

22 The dictionary definition of *resident* provides that, for part 6, *resident* includes a former
23 occupant. This amendment inserts a definition of *resident* in pt 6, consistent with current
24 legislative drafting practice.

1 **[3.265] Section 85 (1), (2) and note**

2 *omit*

3 an amendment

4 *substitute*

5 a proposed amendment

6 **Explanatory note**

7 This amendment inserts a missing word.

8 **[3.266] Section 85 (4)**

9 *substitute*

10 (4) If the residents refuse to consent to the proposed amendment of the
11 approved annual budget, the operator may apply to the ACAT for an
12 order in relation to the proposed amendment.

13 **Explanatory note**

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

15 **[3.267] Section 87 (1), note**

16 *substitute*

17 *Note* The ACAT may make various orders in relation to compliance with the
18 village rules (see s 181). It may also end a resident's residence contract
19 for serious or persistent breaches of the village rules (see s 188).

20 **Explanatory note**

21 This amendment brings the note into line with current legislative drafting practice.

1 **[3.268] Section 91 (4)**

2 *omit*

3 the village

4 *substitute*

5 the retirement village

6 **Explanatory note**

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

8 **[3.269] Section 95**

9 *omit*

10 development consent

11 *substitute*

12 development approval

13 **Explanatory note**

14 This amendment corrects an incorrect reference.

15 **[3.270] Section 97 (3)**

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

17 (3) Subsection (1) does not apply if the operator prohibits a goods or
18 service provider from entry (or further entry) into the retirement
19 village because the provider has—

20 **Explanatory note**

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

1 **[3.271] Section 97 (3), new note**

2 *insert*

3 *Note* The defendant has an evidential burden in relation to the matters
4 mentioned in s (3) (see [Criminal Code](#), s 58).

5 **Explanatory note**

6 This amendment inserts a standard note about evidential burden.

7 **[3.272] Section 99 (2) (d)**

8 *omit*

9 domestic and financial

10 *substitute*

11 domestic or financial

12 **Explanatory note**

13 This amendment corrects a conjunction.

14 **[3.273] Section 99 (3)**

15 *omit*

16 is

17 **Explanatory note**

18 This amendment omits a redundant word.

1 **[3.274] Section 100 (1) (b)**

2 *omit*

3 person, enter

4 *substitute*

5 person enters

6 **Explanatory note**

7 This amendment corrects a grammatical error.

8 **[3.275] Section 100 (1) (c)**

9 *omit*

10 **Explanatory note**

11 This amendment omits a redundant paragraph to bring the provision into line with current
12 legislative drafting practice (see also the amendment of section 100 (3)).

13 **[3.276] Section 100 (3)**

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

15 (3) Subsection (1) does not apply if the operator or authorised person
16 enters the residential premises in any of the following
17 circumstances:

18 **Explanatory note**

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

20 **[3.277] Section 100 (3), new note**

21 *insert*

22 *Note* The defendant has an evidential burden in relation to the matters
23 mentioned in s (3) (see [Criminal Code](#), s 58).

24 **Explanatory note**

25 This amendment inserts a standard note about evidential burden.

1 **[3.278] Section 100 (5)**

2 *omit*

3 for an order

4 **Explanatory note**

5 This amendment omits redundant words.

6 **[3.279] Section 102 (1) (c), note**

7 *omit*

8 (Charging for certain information)

9 **Explanatory note**

10 This amendment brings the note into line with current legislative drafting practice.

11 **[3.280] Section 103 (4)**

12 *substitute*

13 (4) Only a resident of a retirement village may be a member of the
14 residents committee for the village.

15 **Explanatory note**

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

17 **[3.281] Section 107 (1)**

18 *omit*

19 financial year of the village

20 *substitute*

21 financial year for the village

22 **Explanatory note**

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

1 **[3.282] Section 112 (2)**

2 *after*

3 residents

4 *insert*

5 of a retirement village

6 **Explanatory note**

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

8 **[3.283] Section 116 (1), new note**

9 *insert*

10 *Note* If a form is approved under s 263 for this provision, the form must be
11 used.

12 **Explanatory note**

13 This amendment inserts a standard note about forms.

14 **[3.284] Section 125 (2) (a)**

15 *omit*

16 residents of the village

17 *substitute*

18 residents of the retirement village

19 **Explanatory note**

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

1 **[3.285] New section 133A**

2 *in division 7.1, insert*

3 **133A Meaning of *resident*—pt 7**

4 In this part:

5 *resident*, of a retirement village, includes a former occupant of the
6 retirement village.

7 **Explanatory note**

8 The dictionary definition of *resident* provides that, for part 7, *resident* includes a former
9 occupant. This amendment inserts a definition of *resident* in part 7, consistent with current
10 legislative drafting practice.

11 **[3.286] Section 134 heading**

12 *substitute*

13 **134 Financial year for retirement village**

14 **Explanatory note**

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

16 **[3.287] Section 141 (3)**

17 *omit*

18 charges for the village

19 *substitute*

20 charges for the retirement village

21 **Explanatory note**

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

1 **[3.288] Section 145 (5)**

2 *omit*

3 must cover the full replacement value of the village

4 *substitute*

5 in the retirement village must cover the full replacement value of the
6 buildings

7 **Explanatory note**

8 This amendment clarifies the provision.

9 **[3.289] Section 146 (1) (a)**

10 *substitute*

11 (a) the operator sells a capital item for which the operator is
12 responsible; and

13 (aa) the sale is to a resident of the village; and

14 **Explanatory note**

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

16 **[3.290] Section 146 (4)**

17 *omit*

18 This section

19 *substitute*

20 Subsection (1)

21 **Explanatory note**

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

1 **[3.294] Section 150 (3)**

2 *omit*

3 under this section

4 **Explanatory note**

5 This amendment omits unnecessary words, in line with current legislative drafting practice.

6 **[3.295] Section 150 (5)**

7 *omit*

8 mentioned in subsection (1)

9 **Explanatory note**

10 This amendment omits unnecessary words, in line with current legislative drafting practice.

11 **[3.296] Section 151 (1) (b)**

12 *substitute*

13 (b) the amended charges are more than the recurrent charges
14 amended in proportion to the variation in the CPI (since the
15 recurrent charges were last amended) and rounded to the
16 nearest whole dollar.

17 *Note* See also the offence in s 152.

18 **Explanatory note**

19 This amendment updates language in line with current legislative drafting practice and inserts a
20 note to assist legislation users.

1 **[3.297] Section 151 (2) (b)**

2 *omit*

3 is given

4 *substitute*

5 was given

6 **Explanatory note**

7 This amendment corrects a grammatical error.

8 **[3.298] Section 153 (1) (b)**

9 *omit*

10 (ACAT Orders—recurrent charges)

11 **Explanatory note**

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

13 **[3.299] Section 153 (5)**

14 *omit*

15 for this subsection

16 **Explanatory note**

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

18 **[3.300] Section 154 (3) (b)**

19 *omit*

20 not exceeding

21 *substitute*

22 of not longer than

23 **Explanatory note**

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

1 **[3.301] Section 156 (4)**

2 *omit*

3 This section

4 *substitute*

5 Subsection (1)

6 **Explanatory note**

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

8 **[3.302] Section 156 (4), new note**

9 *insert*

10 *Note* The defendant has an evidential burden in relation to the matters
11 mentioned in s (4) (see [Criminal Code](#), s 58).

12 **Explanatory note**

13 This amendment inserts a standard note about evidential burden.

14 **[3.303] Section 157 (2), note**

15 *omit*

16 (Ending of residence contract if premises uninhabitable etc)

17 **Explanatory note**

18 This amendment brings the note into line with current legislative drafting practice.

19 **[3.304] Section 159 (4) (b)**

20 *omit*

21 as

22 *substitute*

23 for

24 **Explanatory note**

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

1 **[3.305] Section 160 (4)**

2 *before*
3 village must
4 *insert*
5 retirement

6 **Explanatory note**

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

8 **[3.306] Section 163 (1)**

9 *omit*
10 financial year of the village
11 *substitute*
12 financial year for the village

13 **Explanatory note**

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

15 **[3.307] Section 163 (2) (c)**

16 *omit*
17 type
18 *substitute*
19 kind

20 **Explanatory note**

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

1 **[3.308] Section 163 (6)**

2 *omit*

3 direction or makes a recommendation for further action under
4 subsection (2)

5 *substitute*

6 direction under subsection (2) (b) or makes a recommendation for
7 further action under subsection (2) (c)

8 **Explanatory note**

9 This amendment clarifies the provision.

10 **[3.309] Section 166 (4)**

11 *after*

12 operator

13 *insert*

14 of a retirement village

15 **Explanatory note**

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

17 **[3.310] Section 166 (5)**

18 *omit*

19 A resident may apply to the ACAT for

20 *substitute*

21 A resident of the retirement village may apply to the ACAT for (and
22 the ACAT may make)

23 **Explanatory note**

24 This amendment clarifies the provision and revises it to be consistent with section 176 (1).

1 **[3.311] Section 168 (1)**

2 *omit*

3 accounts for the village

4 *substitute*

5 accounts of the village

6 **Explanatory note**

7 This amendment revises the provision to be consistent with the dictionary definition of
8 *accounts*.

9 **[3.312] Section 168 (5)**

10 *substitute*

11 (5) Subsection (3) does not apply if the operator of the retirement
12 village need not give the residents of the village a copy of the
13 quarterly accounts for the village under section 171 (Quarterly
14 accounts need not be given to residents in certain circumstances).

15 *Note* The defendant has an evidential burden in relation to the matters
16 mentioned in s (5) (see [Criminal Code](#), s 58).

17 **Explanatory note**

18 This amendment updates language in line with current legislative drafting practice and inserts a
19 standard note about evidential burden.

20 **[3.313] Section 168 (8), definition of *quarterly accounts***

21 *omit*

22 **Explanatory note**

23 This term is used outside section 168, so the definition has been relocated to the dictionary by
24 another amendment.

1 **[3.314] Section 169 (3) (a)**

2 *omit*

3 the village

4 *substitute*

5 the retirement village

6 **Explanatory note**

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

8 **[3.315] Section 169 (4) (a)**

9 *after*

10 operator

11 *insert*

12 of a retirement village

13 **Explanatory note**

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

15 **[3.316] Section 169 (4) (b)**

16 *omit*

17 the operator's

18 *substitute*

19 an operator of a retirement village's

20 **Explanatory note**

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

1 **[3.317] Section 170 (1)**

2 *omit*

3 (Copies of annual accounts to be given to residents)

4 **Explanatory note**

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

6 **[3.318] Section 170 (2)**

7 *omit*

8 operator of the village

9 *substitute*

10 operator of the retirement village

11 **Explanatory note**

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

13 **[3.319] Section 171 (2)**

14 *omit*

15 accounts for the village

16 *substitute*

17 accounts of the village

18 **Explanatory note**

19 This amendment revises the provision to be consistent with the dictionary definition of
20 *accounts*.

1 **[3.320] Section 172**

2 *omit*

3 **Explanatory note**

4 Section 172 defines ‘surplus’, a term used only in section 173. The definition is relocated to
5 section 173 by another amendment. Because section 172 has no other function and no other
6 definitions are included in the section, this amendment omits the section.

7 **[3.321] Section 173 (1)**

8 *omit*

9 village must

10 *substitute*

11 village for a financial year (a *surplus*) must

12 **Explanatory note**

13 This amendment relocates the definition of *surplus* from section 172. ‘Surplus’ is not
14 mentioned in any other section.

15 **[3.322] Section 174 (1)**

16 *after*

17 the village

18 *insert*

19 for a financial year of the village (a *deficit*)

20 **Explanatory note**

21 This amendment clarifies the section.

1 **[3.323] Section 174 (2)**

2 *after*
3 operator
4 *insert*
5 of a retirement village

6 **Explanatory note**

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

8 **[3.324] Section 174 (2) (a), (c) and (d)**

9 *after*
10 year
11 *insert*
12 for the village

13 **Explanatory note**

14 This amendment clarifies the section.

15 **[3.325] Section 174 (3)**

16 *omit*
17 the operator may
18 *substitute*
19 an operator of a retirement village may

20 **Explanatory note**

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

1 **[3.326] Section 174 (3) (a)**

2 *after*
3 residents
4 *insert*
5 of the village

6 **Explanatory note**

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

8 **[3.327] Section 174 (3) (c)**

9 *after*
10 year
11 *insert*
12 for the village

13 **Explanatory note**

14 This amendment clarifies the section.

15 **[3.328] Section 174 (4)**

16 *omit*
17 operator must not charge the residents
18 *substitute*
19 operator of a retirement village must not charge the residents of the
20 village

21 **Explanatory note**

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

1 **[3.329] New section 174A**

2 *in division 8.1, insert*

3 **174A Meaning of *resident*—pt 8**

4 In this part:

5 *resident*, of a retirement village, includes a former occupant of the
6 retirement village.

7 **Explanatory note**

8 The dictionary definition of *resident* provides that, for part 8, *resident* includes a former
9 occupant. This amendment inserts a definition of *resident* in part 8, consistent with current
10 legislative drafting practice.

11 **[3.330] Section 176 (1)**

12 *omit*

13 or the operator and the resident

14 **Explanatory note**

15 This amendment omits unnecessary words.

16 **[3.331] Section 176 (1), note**

17 *omit*

18 (ACAT orders)

19 **Explanatory note**

20 This amendment brings the note into line with current legislative drafting practice.

1 **[3.332] Section 176 (2)**

2 *after*
3 in accordance with
4 *insert*
5 any requirement prescribed by

6 **Explanatory note**

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

8 **[3.333] Section 177 (1)**

9 *omit*
10 harsh, oppressive, unconscionable or unjust
11 *substitute*
12 unjust, unconscionable, harsh or oppressive

13 **Explanatory note**

14 This amendment reorders the wording of the provision to make it consistent with section 86 and
15 section 188.

16 **[3.334] Section 181 (1) (i) and (j)**

17 *omit*
18 a resident or the operator of a retirement village
19 *substitute*
20 the resident or the operator

21 **Explanatory note**

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

1 **[3.335] Section 186 (6)**

2 *omit*

3 185

4 *substitute*

5 185 (2)

6 **Explanatory note**

7 This amendment clarifies the cross-reference.

8 **[3.336] Division 9.2 heading**

9 *substitute*

10 **Division 9.2 Ending of residence contract by**
11 **ACAT on application of either**
12 **operator or resident**

13 **Explanatory note**

14 This amendment clarifies the heading.

15 **[3.337] Section 187 heading**

16 *substitute*

17 **187 Ending of residence contract on medical grounds**

18 **Explanatory note**

19 This amendment makes the heading consistent with the headings for section 185, section 186,
20 and section 188.

1 **[3.338] Section 187 (1)**

2 *omit*

3 of the resident if the party considers that residential premises
4 occupied by the resident

5 *substitute*

6 if the party considers that residential premises occupied by the
7 resident under the contract

8 **Explanatory note**

9 This amendment clarifies the provision.

10 **[3.339] Section 188 (4)**

11 *after*

12 resident

13 *insert*

14 under the contract

15 **Explanatory note**

16 This amendment clarifies the provision.

17 **[3.340] Division 9.3 heading**

18 *substitute*

19 **Division 9.3 Ending of residence contract by**
20 **ACAT on application of operator**

21 **Explanatory note**

22 This amendment revises the heading to be consistent with similar headings.

1 **[3.341] Section 189 heading**

2 *substitute*

3 **189 Ending of residence contract on grounds of resident**
4 **causing serious damage or injury**

5 **Explanatory note**

6 This amendment makes the heading consistent with the headings for section 185, section 186,
7 and section 188.

8 **[3.342] Section 189 (1)**

9 *after*

10 the resident

11 *insert*

12 under the contract

13 **Explanatory note**

14 This amendment clarifies the provision.

15 **[3.343] Section 189 (2)**

16 *after*

17 resident

18 *insert*

19 under the contract

20 **Explanatory note**

21 This amendment clarifies the provision.

1 **[3.344] Section 189 (3), new note**

2 *insert*

3 *Note* The operator may apply under s 184 for an order ending a residence
4 contract.

5 **Explanatory note**

6 This amendment inserts a note to assist legislation users.

7 **[3.345] Section 190 heading**

8 *substitute*

9 **190 Ending of residence contract on grounds of upgrade or**
10 **change of use**

11 **Explanatory note**

12 This amendment brings the heading into line with similar headings.

13 **[3.346] Section 190 (1)**

14 *after*

15 residence contract for residential premises

16 *insert*

17 in the village

18 **Explanatory note**

19 This amendment clarifies the provision.

1 **[3.347] Section 190 (1) (a)**

2 *substitute*

- 3 (a) the operator intends to carry out substantial works to improve
4 the village that requires vacant possession of the residential
5 premises; or

6 **Explanatory note**

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

8 **[3.348] Division 9.4 heading**

9 *substitute*

10 **Division 9.4 Ending of residence contract by**
11 **Supreme Court on application of**
12 **administrator**

13 **Explanatory note**

14 This amendment revises the heading to be consistent with similar headings.

15 **[3.349] Section 191 heading**

16 *substitute*

17 **191 Ending of residence contract on grounds of retirement**
18 **village ceasing to operate**

19 **Explanatory note**

20 This amendment revises the heading to be consistent with similar headings.

1 **[3.350] Division 9.5 heading**

2 *substitute*

3 **Division 9.5 Suspension or refusal of orders for**
4 **ending of residence contract**

5 **Explanatory note**

6 This amendment revises the heading to be consistent with similar headings.

7 **[3.351] Section 192 heading**

8 *substitute*

9 **192 ACAT may suspend or refuse to make order ending**
10 **residence contract**

11 **Explanatory note**

12 This amendment clarifies the heading.

13 **[3.352] Section 201**

14 *omit*

15 resident

16 *substitute*

17 occupant

18 **Explanatory note**

19 This amendment revises language to be consistent with the rest of the Act. When referring to
20 previous residents of a retirement village, the Act refers to 'former occupants', not 'former
21 residents'.

1 **[3.353] Section 202**

2 *omit*
3 resident
4 *substitute*
5 occupant

6 **Explanatory note**

7 This amendment revises language to be consistent with the rest of the Act. When referring to
8 previous residents of a retirement village, the Act refers to ‘former occupants’, not ‘former
9 residents’.

10 **[3.354] Section 202 (2)**

11 *omit*
12 resident’s
13 *substitute*
14 occupant’s

15 **Explanatory note**

16 This amendment revises language to be consistent with the rest of the Act. When referring to
17 previous residents of a retirement village, the Act refers to ‘former occupants’, not ‘former
18 residents’.

19 **[3.355] Section 203**

20 *omit*
21 resident
22 *substitute*
23 occupant

24 **Explanatory note**

25 This amendment revises language to be consistent with the rest of the Act. When referring to
26 previous residents of a retirement village, the Act refers to ‘former occupants’, not ‘former
27 residents’.

1 **[3.356] Section 204**

2 *substitute*

3 **204 Title to sold goods**

4 (1) This section applies if a person (the *buyer*) buys goods sold by the
5 operator of a retirement village under this division.

6 (2) The buyer acquires title to the goods free of any mortgage, lien or
7 charge in favour of another person affecting the goods that the buyer
8 was unaware at the time of buying the goods.

9 **Explanatory note**

10 This amendment revises the section to make the meaning clearer and to be consistent with
11 current legislative drafting practice.

12 **[3.357] Section 209 (1)**

13 *substitute*

14 (1) A resident of a retirement village who is temporarily absent from the
15 village for a period of at least 28 days is not liable to pay, in relation
16 to the period over 28 days, recurrent charges for optional services.

17 **Explanatory note**

18 This amendment clarifies the meaning of the provision.

19 **[3.358] Section 211 (2) (a) and (3)**

20 *omit*

21 the village

22 *substitute*

23 the retirement village

24 **Explanatory note**

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

1 **[3.359] Section 214 (1), definition of *departure fee*, paragraph (a)**

2 *after*
3 residence right
4 *insert*
5 in relation to residential premises

6 **Explanatory note**

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

8 **[3.360] Section 214 (3)**

9 *after*
10 residence right
11 *insert*
12 in relation to residential premises

13 **Explanatory note**

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

15 **[3.361] New section 221A**

16 *insert*

17 **221A Meaning of *resident*—div 10.5**

18 In this division:

19 *resident*, of a retirement village, includes a former occupant of the
20 retirement village.

21 **Explanatory note**

22 The dictionary definition of *resident* provides that, for division 10.5, *resident* includes a former
23 occupant. This amendment inserts a definition of *resident* in division 10.5, consistent with
24 current legislative drafting practice.

1 **[3.362] Section 224 (4)**

2 *omit*

3 of the village

4 *substitute*

5 of the retirement village

6 **Explanatory note**

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

8 **[3.363] Section 224 (5), definition of *village rules***

9 *substitute*

10 *village rules*, of a retirement village, includes by-laws if the village
11 is part of a community title scheme or units plan.

12 **Explanatory note**

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

14 **[3.364] Section 225 (1)**

15 *omit*

16 gains

17 *substitute*

18 gain

19 **Explanatory note**

20 This amendment corrects a typographical error.

1 **[3.365] Section 225 (3)**

2 *omit*

3 operator's (or person's)

4 *substitute*

5 operator (or person)

6 **Explanatory note**

7 This amendment corrects a typographical error.

8 **[3.366] Section 226 (1)**

9 *omit*

10 for the sale

11 **Explanatory note**

12 This amendment omits unnecessary words.

13 **[3.367] Section 226 (3)**

14 *omit*

15 buyer's

16 *substitute*

17 buyer

18 **Explanatory note**

19 This amendment corrects a typographical error.

1 **[3.368] Section 232 (1)**

2 *omit*

3 (except as provided by section 229 (5) (Letting or subletting of
4 premises))

5 **Explanatory note**

6 This amendment omits unnecessary words. Subsection (3) provides that subsection (1) does not
7 apply if section 229 (5) applies.

8 **[3.369] Section 232 (5)**

9 *omit*

10 the village.

11 *substitute*

12 the retirement village.

13 **Explanatory note**

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

15 **[3.370] Section 238 (2)**

16 *omit the first occurrence of*

17 the village

18 *substitute*

19 the retirement village

20 **Explanatory note**

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

1 **[3.371] Section 238 (4), note**

2 *omit*
3 gains

4 *substitute*
5 gain

6 **Explanatory note**

7 This amendment corrects a typographical error.

8 **[3.372] Section 241 (1) (a)**

9 *omit*
10 a resident (other than a registered interest holder)

11 *substitute*
12 a resident of the village under the contract

13 **Explanatory note**

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

15 **[3.373] Section 241 (2)**

16 *substitute*

17 (2) However, this part does not apply to a village contract if the resident
18 is a registered interest holder.

19 **Explanatory note**

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

1 **[3.374] Section 245 (2) (b)**

2 *omit*

3 former resident

4 *substitute*

5 former occupant

6 **Explanatory note**

7 This amendment revises language to be consistent with the rest of the Act. When referring to
8 previous residents of a retirement village, the Act refers to ‘former occupants’, not ‘former
9 residents’.

10 **[3.375] Section 253 (2) (b)**

11 *omit*

12 conduct

13 *substitute*

14 conducting

15 **Explanatory note**

16 This amendment corrects a typographical error.

17 **[3.376] Section 260 (1) (b)**

18 *omit*

19 if the operator obtains legal advice—

20 **Explanatory note**

21 This amendment omits unnecessary words.

1 **[3.377] Dictionary, note 2**

2 *insert*

- 3 • authorised deposit-taking institution
4 • commissioner for fair trading
5 • doctor
6 • Territory

7 **Explanatory note**

8 Dictionary, note 2 lists examples of terms used in the Act that are defined in the [Legislation Act](#), dictionary, part 1. This amendment inserts terms that are mentioned in the Act and defined in the [Legislation Act](#), dictionary, part 1.
9
10

11 **[3.378] Dictionary, definition of *approved annual budget***

12 *substitute*

13 ***approved annual budget***, for a financial year of a retirement village,
14 means a proposed annual budget taken to be an approved annual
15 budget under section 165.

16 **Explanatory note**

17 This amendment revises the definition in line with current legislative drafting practice.

18 **[3.379] Dictionary, definition of *financial year***

19 *omit*

20 of a retirement village

21 *substitute*

22 for a retirement village

23 **Explanatory note**

24 This amendment revises the definition in line with current legislative drafting practice.

1 **[3.380] Dictionary, definition of *proposed annual budget***

2 *omit*

3 for a retirement village

4 *substitute*

5 of a retirement village

6 **Explanatory note**

7 This amendment revises the definition in line with current legislative drafting practice.

8 **[3.381] Dictionary, new definition of *quarterly accounts***

9 *insert*

10 *quarterly accounts*, for a quarter for a retirement village, means the
11 accounts of the village's income and spending for the quarter.

12 **Explanatory note**

13 This amendment relocates a definition from section 168 because the term is used outside that
14 section. The amendment also clarifies the definition.

15 **[3.382] Dictionary, definition of *resident*, paragraph (b) (iii)**

16 *substitute*

17 (iii) a person mentioned in section 15A (1) (a), (b) or (c)
18 (Application to residents and operators of former
19 retirement villages);

20 (iv) for part 6 (General management of retirement villages)—
21 see section 77A;

22 (v) for part 7 (Financial management of retirement
23 villages)—see section 133A;

24 (vi) for part 8 (Disputes)—see section 174A;

1 (vii) for division 10.5 (Sale or letting of premises by certain
2 residents)—see section 221A.

3 **Explanatory note**

4 This amendment is consequential on new section 15A, section 77A, section 133A, section 174A
5 and section 221A and is consistent with current legislative drafting practice.

6 **[3.383] Dictionary, definition of *services and facilities***

7 *omit*

8 the operator

9 *substitute*

10 an operator of a retirement village

11 **Explanatory note**

12 This amendment revises the definition in line with current legislative drafting practice.

13 **[3.384] Dictionary, definition of *surplus***

14 *omit*

15 **Explanatory note**

16 This amendment is consequential on the definition in section 172 being relocated to
17 section 173.

18 **[3.385] Dictionary, definition of *tenant***

19 *after*

20 occupy residential premises

21 *insert*

22 in a retirement village

23 **Explanatory note**

24 This amendment revises the definition in line with current legislative drafting practice.

1 **[3.386] Dictionary, definition of *tenant*, note**

2 *substitute*

3 *Note* A tenant is not a *resident* because a tenant does not have a residence
4 right in relation to residential premises in a retirement village—see
5 div 10.5.

6 **Explanatory note**

7 This amendment clarifies the note.

8 **[3.387] Dictionary, definition of *unit***

9 *omit*

10 dictionary

11 *substitute*

12 section 9

13 **Explanatory note**

14 This amendment revises the definition in line with current legislative drafting practice.

15 **[3.388] Further amendments, mentions of *village***

16 *before*

17 village

18 *insert*

19 retirement

20 *in*

- 21 • section 15 (2)
- 22 • section 22 (5) and (6)
- 23 • section 24 (3) (a)
- 24 • section 103 (3)
- 25 • section 125 (2) (a), (b) and (c), (3) and (4)
- 26 • section 130 (1) (c) and (2)

1 **[3.390] Section 13F (1)**

2 *omit*

3 reasonably

4 **Explanatory note**

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

6 **[3.391] Section 16 (2)**

7 *omit*

8 that person

9 *substitute*

10 the person

11 **Explanatory note**

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

13 **[3.392] Section 16 (2) (a) and (4)**

14 *omit*

15 a person to whom this section applies

16 *substitute*

17 the person

18 **Explanatory note**

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

1 **[3.393] Section 16 (3)**

2 *omit*

3 For a person mentioned in subsection (1) (a), if the person is not in
4 hospital,

5 *substitute*

6 If the person is not in hospital and is not otherwise in custody under
7 this Act,

8 **Explanatory note**

9 This amendment removes unnecessary wording and clarifies that the subsection does not apply
10 to people who are already in the custody of a police officer under the Act.

11 **[3.394] Section 43 (3)**

12 *substitute*

13 (3) Even if a notice has been given under subsection (2) and the people
14 mentioned in the notice give evidence relating to the matters stated
15 in the certificates, the certificates—

16 (a) are admissible in evidence; and

17 (b) are evidence of the matters stated in the certificates and of the
18 facts on which they are based; and

19 (c) have the probative value that the court determines consistently
20 with the other evidence before the court.

21 **Explanatory note**

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

1 **[3.395] Section 45 heading**

2 *substitute*

3 **45 Requirement for screening test before arrest**

4 **Explanatory note**

5 This amendment updates the section heading to more accurately reflect the substance of the
6 section.

7 **[3.396] Dictionary, note 3**

8 *insert*

- 9 • vehicle

10 **Explanatory note**

11 Dictionary, note 3 lists examples of terms used in the Act that are defined in the *Road*
12 *Transport (General) Act 1999*, dictionary. The definition is inserted in that dictionary by
13 another amendment and applies to this Act (see *Road Transport (General) Act 1999*, section 8).

14 **[3.397] Dictionary, definition of *offence of culpable driving***

15 *omit*

16 section 29 (Culpable driving)

17 *substitute*

18 section 29 (Culpable driving of motor vehicle)

19 **Explanatory note**

20 This amendment updates the definition to correct the cross-reference to the heading of the
21 *Crimes Act 1900*, section 29.

22 **[3.398] Dictionary, definition of *prescribed concentration***

23 *omit*

24 means

25 **Explanatory note**

26 This amendment omits a redundant word.

1 **[3.399] Dictionary, definition of *sampling facility***

2 *substitute*

3 ***sampling facility*** means a facility prescribed by regulation to which
4 a person may be taken for the purpose of having—

5 (a) a blood sample taken by a doctor or nurse for analysis under
6 part 2 (Examination of people for alcohol or drugs); or

7 (b) a medical examination under part 2.

8 **Examples—sampling facility**

9 1 a police station

10 2 a police vehicle equipped for the purpose of taking blood samples

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

14 **Explanatory note**

15 The [Act](#), section 16 allows a police officer, in limited circumstances, to take a person to a
16 sampling facility for the purpose of a medical examination. The current definition of a
17 sampling facility only refers to prescribed facilities whose purpose is to allow the taking of
18 blood samples for analysis. This amendment ensures that the definition of sampling facility
19 includes the purpose of having a medical examination under part 2 (Examination of people for
20 alcohol or drugs). A sampling facility will still need to be prescribed by regulation.

21 **[3.400] Further amendments, mentions of *shall***

22 *omit*

23 shall

24 *substitute*

25 must

26 *in*

27 • section 13 (1)

28 • section 15

29 • section 16

- 1 • section 18
2 • section 23 (2)
3 • section 42A (2)
4 • section 49

5 **Explanatory note**

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

7 **Part 3.36 Road Transport (Driver**
8 **Licensing) Act 1999**

9 **[3.401] Dictionary, note 3**

10 *insert*

- 11 • vehicle

12 **Explanatory note**

13 Dictionary, note 3 lists examples of terms used in the Act that are defined in the *Road*
14 *Transport (General) Act 1999*, dictionary. The definition is inserted in that dictionary by
15 another amendment and applies to this Act (see *Road Transport (General) Act 1999*, section 8).

16 **[3.402] Dictionary, definition of *infringement notice*,**
17 **paragraph (a)**

18 *omit*

19 section 24 (Service of infringement notices generally) or 36 (Service
20 of infringement notices on responsible people for vehicles)

21 *substitute*

22 division 3.2 (Infringement and reminder notices)

23 **Explanatory note**

24 This amendment updates a cross-reference because of amendments made by the *Road*
25 *Transport (General) Amendment Act 2012 (No 2)*.

1 **[3.403] Dictionary, definition of *vehicle***

2 *omit*

3 **Explanatory note**

4 This term is defined in the *Road Transport (General) Act 1999*, dictionary (inserted by another
5 amendment). That new definition applies to this Act (see *Road Transport (General) Act 1999*,
6 section 8), so this definition is redundant.

7 **Part 3.37 Road Transport (Driver
8 Licensing) Regulation 2000**

9 **[3.404] Section 4, note 1, first dot point**

10 *after*

11 authority

12 *insert*

13 card

14 **Explanatory note**

15 This amendment corrects a minor typographical error by inserting a missing word.

16 **[3.405] Section 9 (4), new note**

17 *insert*

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

21 **Explanatory note**

22 This amendment inserts a standard note about examples.

1 **[3.406] Section 14 (2) (b)**

2 *omit*

3 all or any

4 *substitute*

5 any

6 **Explanatory note**

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

8 **[3.407] Section 69 (6)**

9 *omit*

10 all or any

11 *substitute*

12 1 or more

13 **Explanatory note**

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

15 **[3.408] Section 73B, definition of *alcohol awareness course***

16 *substitute*

17 *alcohol awareness course*—see section 73I (Alcohol awareness
18 course—approval).

19 **Explanatory note**

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

1 **[3.409] Section 73K, definition of *drug awareness course***

2 *substitute*

3 *drug awareness course*—see section 73R (Drug awareness
4 course—approval).

5 **Explanatory note**

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

7 **[3.410] Section 78 (2)**

8 *omit*

9 all or any

10 *substitute*

11 1 or more

12 **Explanatory note**

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

14 **[3.411] Section 120 (1)**

15 *omit*

16 all or any

17 *substitute*

18 1 or more

19 **Explanatory note**

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

1 **[3.412] Section 138 (b)**

2 *omit*

3 all or any

4 *substitute*

5 any

6 **Explanatory note**

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

8 **[3.413] Section 142**

9 *omit*

10 **Explanatory note**

11 This section extends the definition of *vehicle* in the Act. That definition has been omitted by
12 another amendment so this definition is redundant.

13 **[3.414] Dictionary, note 3**

14 *omit*

- 15
 - vehicle

16 **Explanatory note**

17 Dictionary, note 3 lists examples of terms used in the regulation that are defined in the *Road*
18 *Transport (Driver Licensing) Act 1999*, dictionary. The definition is omitted from that
19 dictionary by another amendment so this entry is redundant.

20 **[3.415] Dictionary, note 4**

21 *insert*

- 22
 - vehicle

23 **Explanatory note**

24 Dictionary, note 4 lists examples of terms used in the regulation that are defined in the *Road*
25 *Transport (General) Act 1999*, dictionary. The definition is inserted in that dictionary by
26 another amendment and applies to this regulation (see *Road Transport (General) Act 1999*,
27 section 8).

1 **[3.416] Dictionary, definition of *GVM***

2 *omit*

3 *Road Transport (Vehicle Registration) Regulation 2000*

4 *substitute*

5 *Road Transport (Vehicle Registration) Act 1999*

6 **Explanatory note**

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

8 **[3.417] Dictionary, definition of *international visitor***

9 *omit*

10 **Explanatory note**

11 This amendment omits a redundant definition.

12 **[3.418] Dictionary, definition of *private hire car***

13 *omit*

14 **Explanatory note**

15 This amendment omits a redundant definition.

16 **Part 3.38 Road Transport (General)**
17 **Act 1999**

18 **[3.419] Dictionary, new definitions**

19 *insert*

20 *alcohol awareness course*—see the *Road Transport (Driver*
21 *Licensing) Regulation 2000*, section 73I.

1 *drug awareness course*—see the *Road Transport (Driver Licensing)*
2 *Regulation 2000*, section 73R.

3 **Explanatory note**

4 This amendment inserts new signpost definitions of *alcohol awareness course* and *drug*
5 *awareness course* into the Act, dictionary. The Act, dictionary contains commonly-used terms
6 in the road transport legislation. Including a definition of the term in the Act will assist
7 legislation users, as it is used in other road transport legislation.

8 **[3.420] Dictionary, new definition of *tracked vehicle***

9 *insert*

10 *tracked vehicle* means a vehicle that moves on wheels inside
11 endless tracks.

12 **Example—tracked vehicle**

13 bulldozer

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

17 **Explanatory note**

18 This amendment relocates a definition of a term used in the new definition of *vehicle* from the
19 *Road Transport (General) Regulation 2000*, section 32. The definition of *vehicle* is replaced by
20 the new definition in another amendment.

21 **[3.421] Dictionary, definition of *vehicle***

22 *substitute*

23 *vehicle* means—

24 (a) any vehicle, including a tracked vehicle, other than a vehicle
25 that is used exclusively on railways or tramways; or

1 (b) anything else prescribed as a vehicle by regulation.

2 **Explanatory note**

3 This amendment remakes the definition to include the substance of the *Road Transport*
4 *(General) Regulation 2000*, section 32 which prescribed that the definition of *vehicle* includes a
5 tracked vehicle that is not used exclusively on a railway or tramway. Section 32 is omitted by
6 another amendment.

7 **Part 3.39 Road Transport (General)**
8 **Regulation 2000**

9 **[3.422] Section 32**

10 *omit*

11 **Explanatory note**

12 This amendment omits the section as a consequence of the substance of the provision being
13 incorporated into the definition of *vehicle* in the *Road Transport (General) Act 1999*,
14 dictionary, by another amendment.

15 **[3.423] Dictionary, note 3**

16 *insert*

- 17 • alcohol awareness course
18 • drug awareness course
19 • vehicle

20 **Explanatory note**

21 Dictionary, note 3 lists examples of terms used in the Act that are defined in the *Road*
22 *Transport (General) Act 1999*, dictionary. Under the *Road Transport (General) Act 1999*,
23 section 8, a definition of a word or expression defined in an Act included in the road transport
24 legislation applies to each use of the word or expression unless the contrary intention appears.
25 This amendment inserts terms that are used in the Act and defined in the *Road Transport*
26 *(General) Act 1999*, dictionary.

1 **Part 3.40** **Road Transport (Mass,**
2 **Dimensions and Loading) Act**
3 **2009**

4 **[3.424] Dictionary, note 3**

5 *insert*

- 6 • vehicle

7 **Explanatory note**

8 Dictionary, note 3 lists examples of terms used in the Act that are defined in the *Road*
9 *Transport (General) Act 1999*, dictionary. Under the *Road Transport (General) Act 1999*,
10 section 8, a definition of a word or expression defined in an Act included in the road transport
11 legislation applies to each use of the word or expression unless the contrary intention appears.
12 This amendment inserts a term that is used in the Act and defined in the *Road Transport*
13 *(General) Act 1999*, dictionary. The definition of *vehicle* is omitted from the dictionary by
14 another amendment.

15 **[3.425] Dictionary, definition of *vehicle***

16 *omit*

17 **Explanatory note**

18 This amendment omits an unnecessary definition. The *Road Transport (General) Act 1999*,
19 section 8 provides that if a word or expression is defined in an Act (but not a regulation or
20 another publication) included in the road transport legislation, the definition applies to each use
21 of the word or expression in other road transport legislation unless the contrary intention
22 appears. The definition of *vehicle* in the Act, dictionary is effectively the same as the definition
23 of *vehicle* in the *Road Transport (General) Act 1999*, dictionary that is being remade by another
24 amendment.

1 **Part 3.42** **Road Transport (Public**
2 **Passenger Services) Act 2001**

3 **[3.429] Dictionary, note 3**

4 *insert*

- 5 • vehicle

6 **Explanatory note**

7 Dictionary, note 3 lists examples of terms used in the Act that are defined in the *Road*
8 *Transport (General) Act 1999*, dictionary. Under the *Road Transport (General) Act 1999*,
9 section 8, a definition of a word or expression defined in an Act included in the road transport
10 legislation applies to each use of the word or expression unless the contrary intention appears.
11 This amendment inserts a term that is used in the Act and defined in the *Road Transport*
12 *(General) Act 1999*, dictionary. The definition of *vehicle* is omitted from the dictionary by
13 another amendment.

14 **[3.430] Dictionary, definition of *vehicle***

15 *omit*

16 **Explanatory note**

17 This amendment omits an unnecessary definition. The *Road Transport (General) Act 1999*,
18 section 8 provides that if a word or expression is defined in an Act (but not a regulation or
19 another publication) included in the road transport legislation, the definition applies to each use
20 of the word or expression in other road transport legislation unless the contrary intention
21 appears. The definition of *vehicle* in the Act, dictionary is effectively the same as the definition
22 of *vehicle* in the *Road Transport (General) Act 1999*, dictionary that is being remade by another
23 amendment.

1 **Part 3.43** **Road Transport (Public**
2 **Passenger Services)**
3 **Regulation 2002**

4 **[3.431] Section 7 (6), definition of *infringement notice*,**
5 **paragraph (a)**

6 *omit*

7 section 24 (Service of infringement notices generally) or section 36
8 (Service of infringement notices on responsible persons for
9 vehicles)

10 *substitute*

11 division 3.2 (Infringement and reminder notices)

12 **Explanatory note**

13 This amendment updates a cross-reference because of amendments made by the [Road](#)
14 [Transport \(General\) Amendment Act 2012 \(No 2\)](#).

15 **[3.432] Chapter 10**

16 *omit*

17 **Explanatory note**

18 Chapter 10 comprises section 327 only, the purpose of which is to extend the definition of
19 *vehicle* for the purposes of the definition of that term in the [Road Transport \(Public Passenger](#)
20 [Services\) Act 2001](#). Other amendments omit the definition of *vehicle* from that Act, and revise
21 the definition of *vehicle* in the [Road Transport \(General\) Act 1999](#) to include the substance of
22 section 327. This amendment omits chapter 10 as a consequence of those amendments.

1 **[3.433] Dictionary, note 4**

2 *insert*

- 3 • vehicle

4 **Explanatory note**

5 Dictionary, note 4 lists examples of terms used in the regulation that are defined in the *Road*
6 *Transport (General) Act 1999*, dictionary. Under the *Road Transport (General) Act 1999*,
7 section 8, a definition of a word or expression defined in an Act included in the road transport
8 legislation applies to each use of the word or expression unless the contrary intention appears.
9 This amendment inserts a term that is used in the regulation and defined in the *Road Transport*
10 *(General) Act 1999*, dictionary.

11 **[3.434] Further amendments, new note**

12 *insert*

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

16 *in*

- 17 • section 50 (2)
18 • section 68 (2)
19 • section 72 (2) (d)
20 • section 132 (2)
21 • section 145
22 • section 156 (2)
23 • section 158 (2)
24 • section 159

25 **Explanatory note**

26 This amendment inserts a standard note about examples into each provision mentioned in the
27 amendment.

1 **[3.437] Dictionary, note 3**

2 *insert*

- 3 • illegal user declaration
4 • known user declaration
5 • sold vehicle declaration
6 • vehicle

7 **Explanatory note**

8 Dictionary, note 3 lists examples of terms used in the Act that are defined in the *Road*
9 *Transport (General) Act 1999*, dictionary. Under the *Road Transport (General) Act 1999*,
10 section 8, a definition of a word or expression defined in an Act included in the road transport
11 legislation applies to each use of the word or expression unless the contrary intention appears.
12 This amendment inserts a term that is used in the Act and defined in the *Road Transport*
13 *(General) Act 1999*, dictionary.

14 **[3.438] Dictionary, definition of *loaded unsafely***

15 *substitute*

16 *loaded unsafely*, for part 3 (Unsafe loads)—see section 11.

17 **Explanatory note**

18 This amendment corrects a typographical error.

19 **[3.439] Dictionary, definition of *registered interest***

20 *omit*

21 *Registration of Interests in Goods Act 1986* (NSW)

22 *substitute*

23 *Personal Property Securities Act 2009* (Cwlth)

24 **Explanatory note**

25 This amendment substitutes a reference to repealed NSW legislation with a reference to the
26 Commonwealth legislation that replaced it.

1 **[3.440] Dictionary, definition of *restricted licence***

2 *omit*

3 **Explanatory note**

4 This amendment omits a redundant definition.

5 **[3.441] Dictionary, new definition of *shortest practicable route***

6 *insert*

7 *shortest practicable route*, between 2 detection points, for part 6
8 (Traffic offence detection devices)—see section 23B (a).

9 **Explanatory note**

10 This amendment inserts a signpost definition for a term defined elsewhere in the Act.

11 **[3.442] Dictionary, definition of *vehicle***

12 *omit*

13 **Explanatory note**

14 This amendment omits an unnecessary definition. The *Road Transport (General) Act 1999*,
15 section 8 provides that if a word or expression is defined in an Act (but not a regulation or
16 another publication) included in the road transport legislation, the definition applies to each use
17 of the word or expression in other road transport legislation unless the contrary intention
18 appears. The definition of *vehicle* in the Act, dictionary is effectively the same as the definition
19 of *vehicle* in the *Road Transport (General) Act 1999*, dictionary that is being remade by another
20 amendment.

1 **Part 3.45** **Road Transport (Third-Party**
2 **Insurance) Act 2008**

3 **[3.443] Dictionary, note 3**

4 *insert*

- 5 • vehicle

6 **Explanatory note**

7 Dictionary, note 3 lists examples of terms used in the Act that are defined in the *Road*
8 *Transport (General) Act 1999*, dictionary. Under the *Road Transport (General) Act 1999*,
9 section 8, a definition of a word or expression defined in an Act included in the road transport
10 legislation applies to each use of the word or expression unless the contrary intention appears.
11 This amendment inserts a term that is used in the Act and defined in the *Road Transport*
12 *(General) Act 1999*, dictionary.

13 **Part 3.46** **Road Transport (Vehicle**
14 **Registration) Act 1999**

15 **[3.444] Dictionary, note 3**

16 *insert*

- 17 • vehicle

18 **Explanatory note**

19 Dictionary, note 3 lists examples of terms used in the Act that are defined in the *Road*
20 *Transport (General) Act 1999*, dictionary. Under the *Road Transport (General) Act 1999*,
21 section 8, a definition of a word or expression defined in an Act included in the road transport
22 legislation applies to each use of the word or expression unless the contrary intention appears.
23 This amendment inserts a term that is used in the Act and defined in the *Road Transport*
24 *(General) Act 1999*, dictionary. The definition of *vehicle* is omitted from the dictionary by
25 another amendment.

1 **[3.448] Section 39 (b)**

2 *omit*

3 all or any of that information

4 *substitute*

5 the information

6 **Explanatory note**

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

8 **[3.449] Section 72 (1)**

9 *omit*

10 , for example

11 **Explanatory note**

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

13 **[3.450] Section 165**

14 *omit*

15 **Explanatory note**

16 This amendment omits the section as a consequence of the substance of the provision being
17 incorporated into the definition of *vehicle* in the *Road Transport (General) Act 1999*, dictionary
18 by another amendment.

1 **[3.451] Schedule 1, section 1.126 (1) and note**

2 *substitute*

3 (1) In this section:

4 *rear marking plate* means a rear marking plate complying with
5 VSB 12 (Rear marking plates) as in force from time to time.

6 *VSB* means Vehicle Standards Bulletin.

7 *Note* Vehicle Standards Bulletins provide information on the design,
8 manufacture, sale, modification, maintenance, import and repair of road
9 vehicles. The term ‘road vehicles’ includes both motor vehicles and
10 trailers. The bulletins do not need to be notified under the [Legislation](#)
11 [Act](#) because s 47 (5) or (6) does not apply (see [Legislation Act](#),
12 s 47 (7)). The bulletins are accessible at www.infrastructure.gov.au.

13 **Explanatory note**

14 This amendment relocates a definition of a term from the dictionary that is used only in
15 schedule 1, section 1.126, in line with current legislative drafting practice. The definition is
16 omitted from the dictionary by another amendment.

17 **[3.452] Dictionary, note 2**

18 *insert*

- 19 • daylight
20 • found guilty

21 **Explanatory note**

22 Dictionary, note 2 lists examples of terms used in the Act that are defined in the [Legislation](#)
23 [Act](#), dictionary, part 1. This amendment inserts terms that are mentioned in the Act and defined
24 in the [Legislation Act](#), dictionary, part 1.

1 **[3.453] Dictionary, note 4**

2 *insert*

- 3 • vehicle

4 **Explanatory note**

5 Dictionary, note 4 lists examples of terms used in the regulation that are defined in the *Road*
6 *Transport (General) Act 1999*, dictionary. Under the *Road Transport (General) Act 1999*,
7 section 8, a definition of a word or expression defined in an Act included in the road transport
8 legislation applies to each use of the word or expression unless the contrary intention appears.
9 This amendment inserts a term that is used in the regulation and defined in the *Road Transport*
10 *(General) Act 1999*, dictionary.

11 **[3.454] Dictionary, new definitions**

12 *insert*

13 *approval*, of premises, for part 6.3 (Inspections)—see section 115.

14 *authorisation*, for part 6.3 (Inspections)—see section 115.

15 *certificate of appointment*, for part 6.3 (Inspections)—see
16 section 115.

17 **Explanatory note**

18 This amendment inserts signpost definitions for terms defined elsewhere in the Act.

19 **[3.455] Dictionary, definition of *component identification number***

20 *after*

21 vehicle

22 *insert*

23 , for part 6.4 (Component identification numbers)

24 **Explanatory note**

25 This amendment updates a signpost definition in line with current legislative drafting practice.

1 **[3.456] Dictionary, definition of *daylight***

2 *omit*

3 **Explanatory note**

4 This amendment omits a redundant definition. The [Legislation Act](#), dictionary, part 1 defines
5 daylight in the same way as the omitted definition so a reference to the definition has been
6 included in the dictionary, note 2 (which lists terms used in the Act and defined in the
7 [Legislation Act](#), dictionary, part 1) by another amendment.

8 **[3.457] Dictionary, definition of *infringement notice*,
9 paragraph (a)**

10 *omit*

11 section 24 (Service of infringement notices generally) or section 36
12 (Service of infringement notices on responsible persons for
13 vehicles)

14 *substitute*

15 division 3.2 (Infringement and reminder notices)

16 **Explanatory note**

17 This amendment updates a cross-reference because of amendments made by the [Road
18 Transport \(General\) Amendment Act 2012 \(No 2\)](#).

19 **[3.458] Dictionary, definition of *operator***

20 *substitute*

21 *operator*—

22 (a) of a motor vehicle or trailer, for part 6.1 (General
23 requirements)—see section 105; and

24 (b) of a combination, for part 6.1—see section 106.

25 **Explanatory note**

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

1 **[3.459] Dictionary, definition of *owner***

2 *substitute*

3 *owner*—

4 (a) of a prescribed right to a non-standard registration number, for
5 part 3.5 (Numberplates)—see section 46; and

6 (b) of premises, for part 6.3 (Inspections)—see section 115.

7 **Explanatory note**

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

9 **[3.460] Dictionary, definition of *plate-holder***

10 *substitute*

11 *plate-holder*, of a numberplate, for part 3.5 (Numberplates)—see
12 section 46.

13 **Explanatory note**

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

15 **[3.461] Dictionary, definition of *pole-type trailer***

16 *substitute*

17 *pole-type trailer* means a trailer that—

18 (a) is attached to a towing vehicle by a pole, or an attachment
19 fitted to a pole; and

1 (b) is ordinarily used for transporting loads, including, for
2 example, logs, pipes, structural members or other long objects,
3 that can generally support themselves like beams between
4 supports.

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

8 **Explanatory note**

9 This amendment updates the definition in line with current legislative drafting practice and
10 inserts a standard note about examples.

11 **[3.462] Dictionary, definition of *prescribed right***

12 *substitute*

13 *prescribed right*, to a non-standard registration number, for part 3.5
14 (Numberplates)—see section 46.

15 **Explanatory note**

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

17 **[3.463] Dictionary, definition of *proprietor***

18 *substitute*

19 *proprietor*, of premises, for part 6.3 (Inspections)—see section 115.

20 **Explanatory note**

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

1 **[3.464] Dictionary, definition of *registration charge category***

2 *substitute*

3 *registration charge category* means the vehicle's category under the
4 current determination of the Minister under the *Road Transport*
5 *(General) Act 1999*, section 96 determining the fees, charges and
6 other amounts payable in relation to the registration of vehicles.

7 **Explanatory note**

8 This amendment updates the definition as a consequence of the repeal of the *Road Transport*
9 *Charges (Australian Capital Territory) Act 1993* (Cwlth).

10 **[3.465] Dictionary, definition of *relevant vehicle registration***
11 ***authority***

12 *omit*

13 **Explanatory note**

14 This amendment omits a redundant definition.

15 **[3.466] Dictionary, definition of *right*, paragraph (a)**

16 *substitute*

17 (a) to a non-standard registration number, for part 3.5
18 (Numberplates)—see section 46; and

19 **Explanatory note**

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

21 **[3.467] Dictionary, definitions of *vehicle numberplate* and *vehicle***
22 ***part***

23 *substitute*

24 *vehicle numberplate*—

25 (a) for the Act generally, means a numberplate (other than a
26 bicycle rack numberplate) issued by the road transport
27 authority under this regulation; and

1 (b) for division 3.5.6 (Damaged, lost, stolen or destroyed
2 numberplates), includes a trader's plate.

3 *vehicle part*, of a registrable vehicle, for part 6.4 (Component
4 identification numbers)—see section 154.

5 **Explanatory note**

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

7 **[3.468] Dictionary, definition of *vehicle registration authority***

8 *omit*

9 **Explanatory note**

10 This amendment omits a redundant definition.

11 **[3.469] Dictionary, definition of *VSB***

12 *omit*

13 **Explanatory note**

14 This amendment omits a definition of a term that is mentioned only in schedule 1,
15 section 1.126. The definition is relocated to that section by another amendment.

16 **[3.470] Further amendments, mentions of , *in writing*,**

17 *omit*

18 , in writing,

19 *in*

- 20 • section 31 (4)
21 • section 47 (1)
22 • section 51 (1)
23 • section 68A (1)
24 • section 88 (2)
25 • section 114 (3) (b) (iii)
26 • section 116 (1) (a)

- 1 • section 153 (1)

2 **Explanatory note**

3 This amendment omits words that are now redundant because of the [Legislation Act](#),
4 section 42 (2) which requires disallowable and notifiable instruments to be in writing.

5 **Part 3.48 Tree Protection Act 2005**

6 **[3.471] Section 68**

7 *omit*

8 (the *advisory panel*)

9 **Explanatory note**

10 This amendment removes unnecessary words in line with current legislative drafting practice.

11 **[3.472] Section 85**

12 *omit*

13 to be

14 *substitute*

15 as

16 **Explanatory note**

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

18 **[3.473] Dictionary, definition of AS 4373**

19 *substitute*

20 **AS 4373** means AS 4373-2007 (Pruning of amenity trees), as in
21 force from time to time.

22 *Note* AS 4373 may be purchased at www.standards.org.au.

23 **Explanatory note**

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

1 **[3.474] Dictionary, definition of *provisionally register***

2 *omit*

3 section 52

4 *substitute*

5 section 48

6 **Explanatory note**

7 This amendment corrects a cross-reference.

8 **Part 3.49 Utility Networks (Public Safety)**
9 **Regulation 2001**

10 **[3.475] Section 19 (4)**

11 *substitute*

12 (4) In this section:

13 *neutral screened cable* has the same meaning as in AS/NZS 3000
14 (Wiring Rules), as in force from time to time.

15 *Note* AS/NZS 3000 may be purchased at www.standards.org.au.

16 **Explanatory note**

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

18 **[3.476] Dictionary, note 2**

19 *insert*

- 20 • AS/NZS (see s 164)

21 **Explanatory note**

22 Dictionary, note 2 lists examples of terms used in the regulation that are defined in the
23 [Legislation Act](#), dictionary, part 1. This amendment inserts a term mentioned in the regulation
24 and defined in the [Legislation Act](#), dictionary, part 1.

1 Part 3.50 Waste Minimisation Act 2001

2 [3.477] Section 16

3 *omit*

4 , or any provision of an instrument

5 Explanatory note

6 This amendment omits words that are redundant because of the [Legislation Act](#), section 14 (2),
7 which provides that a reference to an instrument includes a reference to a provision of an
8 instrument.

9 [3.478] Section 16, new note

10 *insert*

11 *Note 3* A reference to an instrument includes a reference to a provision of an
12 instrument (see [Legislation Act](#), s 14 (2)).

13 Explanatory note

14 This amendment inserts a note to assist legislation users and is consequential on another
15 amendment.

16 [3.479] Dictionary, note 2

17 *insert*

- 18 • found guilty

19 Explanatory note

20 Dictionary, note 2 lists examples of terms used in the Act that are defined in the
21 [Legislation Act](#), dictionary, part 1. This amendment inserts a term mentioned in the Act and
22 defined in the [Legislation Act](#), dictionary, part 1.

23 [3.480] Dictionary, definitions of *consumer packaging and* 24 *covenant*

25 *omit*

26 Explanatory note

27 This amendment omits redundant terms.

1 **Part 3.51 Water and Sewerage Act 2000**

2 **[3.481] Section 8 (2) (e)**

3 *omit*

4 Australian Standard 3500

5 *substitute*

6 AS/NZS 3500

7 **Explanatory note**

8 This amendment corrects the reference to the standard and updates language in line with current
9 legislative drafting practice.

10 **[3.482] Section 16 (4)**

11 *omit*

12 Australian Standard 1100

13 *substitute*

14 AS 1100

15 **Explanatory note**

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

17 **[3.483] Section 16 (8), new definition of AS 1100**

18 *insert*

19 **AS 1100** means AS 1100 (Technical drawing), as in force from time
20 to time.

21 *Note* AS 1100 may be purchased at www.standards.org.au.

22 **Explanatory note**

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

1 **[3.484] Dictionary, new note**

2 *insert*

3 *Note 3* The [Legislation Act](#), s 164 defines the following terms:

- 4 • AS
5 • AS/NZS
6 • Australian Standard
7 • Australian/New Zealand Standard.

8 **Explanatory note**

9 This amendment inserts a new note in the dictionary to assist legislation users.

10 **[3.485] Dictionary, definition of *Australian Standard 3500***

11 *omit*

12 **Explanatory note**

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

14 **[3.486] Dictionary, new definition of *AS/NZS 3500***

15 *insert*

16 *AS/NZS 3500* means the AS/NZS 3500 (Plumbing and drainage
17 set), as in force from time to time.

18 *Note* Australian standards may be purchased at www.standards.org.au.

19 **Explanatory note**

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

1 **[3.487] Dictionary, definition of *fire sprinkler service***

2 *omit*

3 Australian Standard 3500

4 *substitute*

5 AS/NZS 3500

6 **Explanatory note**

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

8 **[3.488] Dictionary, definition of *site plan***

9 *omit*

10 Australian Standard HB 50

11 *substitute*

12 HB 50 (*Glossary of building terms*)

13 **Explanatory note**

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

15 **Part 3.52 Water and Sewerage**
16 **Regulation 2001**

17 **[3.489] Sections 6 and 9 (1)**

18 *omit*

19 Australian Standard 3500

20 *substitute*

21 AS/NZS 3500

22 **Explanatory note**

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

1 **[3.490] Section 9 (2)**

2 *omit*

3 all or

4 **Explanatory note**

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

6 **[3.491] Sections 9 (4) and 10 (2)**

7 *omit*

8 Australian Standard 3500

9 *substitute*

10 AS/NZS 3500

11 **Explanatory note**

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

13 **[3.492] Section 16D (2) (b)**

14 *omit*

15 Australian Standard 3500

16 *substitute*

17 AS/NZS 3500

18 **Explanatory note**

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

1 **[3.493] Sections 18 and 20 (1)**

2 *omit*

3 Australian Standard 3500

4 *substitute*

5 AS/NZS 3500

6 **Explanatory note**

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

8 **[3.494] Section 20 (2)**

9 *omit*

10 all or

11 **Explanatory note**

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

13 **[3.495] Sections 20 (4) and 21**

14 *omit*

15 Australian Standard 3500

16 *substitute*

17 AS/NZS 3500

18 **Explanatory note**

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

1 **[3.496] Section 22 (4) (b) and (5) (a)**

2 *omit*

3 Australian Standard 2845.3 as in effect on 1 March 1999

4 *substitute*

5 AS/NZS 2845.3

6 **Explanatory note**

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

8 **[3.497] Schedule 2, section 2.3 (3), definitions of AS 4013 and**
9 **AS 4552**

10 *omit*

11 **Explanatory note**

12 This amendment omits definitions. The definitions are updated in another amendment.

13 **[3.498] Schedule 2, section 2.3 (3), definition of AS/NZS 2712**

14 *substitute*

15 *AS/NZS 2712* means AS/NZS 2712 (Solar and heat pump water
16 heaters—Design and construction), as in force from time to time.

17 *Note* AS/NZS 2712 may be purchased at www.standards.org.au.

18 **Explanatory note**

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

1 **[3.499] Schedule 2, section 2.3 (3), new definition of AS/NZS 4013**

2 *insert*

3 *AS/NZS 4013* means AS/NZS 4013 (Domestic solid fuel burning
4 appliances—Method for determination of flue gas emission), as in
5 force from time to time.

6 *Note* AS/NZS 4013 may be purchased at www.standards.org.au.

7 **Explanatory note**

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

9 **[3.500] Schedule 2, section 2.3 (3), definition of AS/NZS 4234**

10 *substitute*

11 *AS/NZS 4234* means AS/NZS 4234 (Heated water systems—
12 Calculation of energy consumption), as in force from time to time.

13 *Note* AS/NZS 4234 may be purchased at www.standards.org.au.

14 **Explanatory note**

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

16 **[3.501] Schedule 2, section 2.3 (3), new definition of AS/NZS 4552**

17 *insert*

18 *AS/NZS 4552* means AS/NZS 4552 (Gas fired water heaters for hot
19 water supply and/or central heating), as in force from time to time.

20 *Note* AS/NZS 4552 may be purchased at www.standards.org.au.

21 **Explanatory note**

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

1 **[3.502] Dictionary, note 4**

2 *omit*

- 3 • Australian Standard 3500

4 *substitute*

- 5 • AS/NZS 3500

6 **Explanatory note**

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

8 **[3.503] Dictionary, new definition of AS 1172**

9 *insert*

10 *AS 1172* means AS 1172 (Water closets (WC)—Pans), as in force
11 from time to time.

12 *Note* AS 1172 may be purchased at www.standards.org.au.

13 **Explanatory note**

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

15 **[3.504] Dictionary, definition of AS/NZS 2845**

16 *insert*

17 *AS/NZS 2845* means AS/NZS 2845.1: 2010 (Water supply—
18 Backflow prevention devices—Materials, design and performance
19 requirements), as in force from time to time.

20 *Note* AS/NZS 2845 may be purchased at www.standards.org.au.

21 **Explanatory note**

22 This amendment inserts a new definition in line with current legislative drafting practice.

1 **[3.505] Dictionary, new definition of AS/NZS 2845.3**

2 *insert*

3 *AS/NZS 2845.3* means AS/NZS 2845.3 (Water supply—Backflow
4 prevention devices—Field testing and maintenance of testable
5 devices), as in force from time to time.

6 *Note* AS 2845.3 may be purchased at www.standards.org.au.

7 **Explanatory note**

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

9 **[3.506] Dictionary, definition of Australian Standard 1172**

10 *omit*

11 **Explanatory note**

12 This amendment omits a definition. The definition is updated in another amendment.

13 **[3.507] Dictionary, definition of Australian Standard 2845.3**

14 *omit*

15 **Explanatory note**

16 This amendment omits a definition. The definition is updated in another amendment.

17 **Part 3.53 Water Resources Act 2007**

18 **[3.508] Section 14 (1)**

19 *omit 1st mention of*

20 written

21 **Explanatory note**

22 This amendment omits a word that is made redundant because of the [Legislation Act](#),
23 section 42 (2), which requires notifiable instruments to be in writing.

1 **[3.509] Section 41**

2 *omit everything before*
3 *water structure* means—
4 *substitute*

5 **41 Definitions—Act**

6 In this Act:

7 **Explanatory note**

8 This amendment recasts the provision so that the definitions of *water structure* and *waterway*
9 *work* apply to the Act because the terms are also used elsewhere in the Act.

10 **[3.510] Section 71 (2)**

11 *omit*
12 written

13 **Explanatory note**

14 This amendment omits a word that is made redundant because of the [Legislation Act](#),
15 section 42 (2), which requires notifiable instruments to be in writing.

16 **[3.511] Section 100, new note**

17 *insert*

18 *Note 3* A reference to an instrument includes a reference to a provision of an
19 instrument (see [Legislation Act](#), s 14 (2)).

20 **Explanatory note**

21 This amendment inserts a note about the [Legislation Act](#), section 14 (2)) to assist legislation
22 users.

1 **[3.512] Section 102 (2)**

2 *omit*

3 written

4 **Explanatory note**

5 This amendment omits a word that is made redundant by the [Legislation Act](#), section 42 (2),
6 which requires notifiable instruments to be in writing.

7 **[3.513] Section 109 (2), new note**

8 *insert*

9 *Note 3* A reference to an instrument includes a reference to a provision of an
10 instrument (see [Legislation Act](#), s 14 (2)).

11 **Explanatory note**

12 This amendment inserts a note about the [Legislation Act](#), section 14 (2)) to assist legislation
13 users.

14 **[3.514] Dictionary, note 2**

15 *insert*

- 16 • found guilty

17 **Explanatory note**

18 Dictionary, note 2 lists examples of terms used in the Act that are defined in the
19 [Legislation Act](#), dictionary, part 1. This amendment inserts a term mentioned in the Act and
20 defined in the [Legislation Act](#), dictionary, part 1.

1 **Part 3.54** **Work Health and Safety Act 2011**

2 **[3.515] Section 274 (3), new note**

3 *insert*

4 *Note 3* A reference to an instrument includes a reference to a provision of an
5 instrument (see [Legislation Act](#), s 14 (2)).

6 **Explanatory note**

7 This amendment inserts a note about the [Legislation Act](#), section 14 (2)) to assist legislation
8 users.

9 **[3.516] Dictionary, new definition of *council***

10 *insert*

11 *council* means the Work Safety Council established under
12 schedule 2, section 2.1.

13 **Explanatory note**

14 This amendment inserts a new definition of *council* in line with current legislative drafting
15 practice.

16 **Part 3.55** **Working with Vulnerable People**
17 **(Background Checking) Act 2011**

18 **[3.517] Section 27 (2), new note**

19 *insert*

20 *Note 2* A reference to an instrument includes a reference to a provision of an
21 instrument (see [Legislation Act](#), s 14 (2)).

22 **Explanatory note**

23 This amendment inserts a note about the [Legislation Act](#), section 14 (2)) to assist legislation
24 users.

1 **[3.518] Section 51 (3)**

2 *omit*

3 statutory declaration made

4 *substitute*

5 written statement

6 **Explanatory note**

7 This amendment revises the provision to be consistent with section 18 (2) (b), which requires an
8 applicant for registration to engage in a regulated activity to provide a written statement about
9 the applicant's criminal history.

10 **[3.519] Section 60 (2) (b)**

11 *omit*

12 a statutory declaration signed

13 *substitute*

14 a written statement

15 **Explanatory note**

16 This amendment revises the provision to be consistent with section 18 (2) (b), which requires an
17 applicant for registration to engage in a regulated activity to provide a written statement about
18 the applicant's criminal history.

19 **[3.520] Section 60 (2), note**

20 *omit*

21 **Explanatory note**

22 This amendment omits a note that is made redundant by another amendment.

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

3 (see s 6)

4 **Part 4.1** **Annual Leave Act 1973**

5 **Explanatory note**

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

7 The *Annual Leave Act 1973* entitled an employee to annual leave at the end of every year of the
8 employee's employment and regulated the taking and payment of annual leave. The *Annual*
9 *Leave Act 1973* has no practical effect and has been superseded by the *Fair Work Act 2009*
10 (Cwlth).

11 *Annual Leave Act 1973* (A1973-46)

12 **Part 4.2** **Truck Act 1900**

13 **Explanatory note**

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

15 The *Truck Act 1900* is a New South Wales law that took effect as an ACT law on the
16 establishment of the ACT. The Act provides for the payment of wages to employees. Only
17 technical and consequential changes have been made to the Act since self-government. The
18 *Truck Act 1900* has no practical effect and has been superseded by the *Fair Work Act 2009*
19 (Cwlth).

20 *Truck Act 1900* (A1900-55)

Endnotes

1 Presentation speech

Presentation speech made in the Legislative Assembly on 11 April 2013.

2 Notification

Notified under the [Legislation Act](#) on 2013.

3 Republications of amended laws

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

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