

2015

THE LEGISLATIVE ASSEMBLY
FOR THE AUSTRALIAN CAPITAL TERRITORY

(As presented)

(Attorney-General)

Statute Law Amendment Bill 2015

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FOR THE AUSTRALIAN CAPITAL TERRITORY

(As presented)

(Attorney-General)

Statute Law Amendment Bill 2015

A Bill for

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

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

1 **1 Name of Act**

2 This Act is the *Statute Law Amendment Act 2015*.

3 **2 Commencement**

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

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

7 **3 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.

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

2 (see s 5)

3 **Part 1.1** **Road Transport (Third-Party**
4 **Insurance) Act 2008**

5 **[1.1] Section 14 heading**

6 *substitute*

7 **14 CTP regulator—establishment**

8 **Explanatory note**

9 This amendment substitutes a new heading and is consequential on another amendment.

10 **[1.2] Section 14 (2)**

11 *substitute*

12 (2) The Minister must appoint a public servant as the CTP regulator.

13 *Note 1* For the making of appointments (including acting appointments), see
14 the [Legislation Act](#), pt 19.3.

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

1 (2A) An appointment must be for not longer than 5 years.

2 *Note* A person may be reappointed to a position if the person is eligible to be
3 appointed to the position (see [Legislation Act](#), s 208 and dict, pt 1, def
4 *appoint*).

5 **Explanatory note**

6 Section 14 (2) provides that the director-general administering the Act is the CTP regulator
7 (currently the director-general of the Chief Minister, Treasury and Economic Development
8 Directorate). When section 14 (2) was first enacted, the administering directorate was the
9 Treasury. The Treasury and Chief Minister directorates were combined in 2012. As a
10 consequence, the CTP regulator is no longer a Treasury executive with working knowledge of
11 third-party insurance issues. Although the CTP regulator's functions under the Act are
12 delegated to Treasury staff, the director-general remains fully accountable for the
13 administration of the Act.

14 This amendment enables the Minister to appoint a public servant with the appropriate
15 knowledge and experience as the CTP regulator. This is the same approach taken for the
16 Lifetime Care and Support Commissioner of the ACT under the [Lifetime Care and Support
17 \(Catastrophic Injuries\) Act 2014](#), section 10.

1 **Schedule 2 Legislation Act 2001**

2 (see s 5)

3 **[2.1] Section 28 (2) (b), example 2**

4 *omit*

5 **Explanatory note**

6 This amendment omits a reference to the gazette as an example of a place the parliamentary
7 counsel considers appropriate for notifying the making of a proposed law if it is not practicable
8 to do so in the ACT legislation register. The example is redundant because the gazette is now
9 published in the ACT legislation register.

10 **[2.2] Section 61 (2) (b), example 2**

11 *omit*

12 **Explanatory note**

13 This amendment omits a reference to the gazette as an example of a place the parliamentary
14 counsel considers appropriate for notifying a legislative instrument if it is not practicable to
15 notify the instrument in the ACT legislation register. The example is redundant because the
16 gazette is now published in the ACT legislation register.

17 **[2.3] Section 65A (2) (b), example 2**

18 *omit*

19 **Explanatory note**

20 This amendment omits a reference to the gazette as an example of a place the parliamentary
21 counsel considers appropriate for notifying the disallowance of a subordinate law or
22 disallowable instrument if it is not practicable to notify the disallowance in the ACT legislation
23 register. The example is redundant because the gazette is now published in the ACT legislation
24 register.

1 **[2.4] Section 69 (2) (b), example 2**

2 *omit*

3 **Explanatory note**

4 This amendment omits a reference to the gazette as an example of a place the parliamentary
5 counsel considers appropriate for notifying the amendment of a subordinate law or disallowable
6 instrument if it is not practicable to notify the amendment in the ACT legislation register. The
7 example is redundant because the gazette is now published in the ACT legislation register.

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

2 (see s 5)

3 **Part 3.1** **ACTEW/AGL Partnership**
4 **Facilitation Act 2000**

5 **[3.1] Dictionary, definition of ACTEW, new note**

6 *insert*

7 *Note* The name of ACTEW Corporation Limited was changed to Icon Water
8 Limited on 28 October 2014.

9 **Explanatory note**

10 On 28 October 2014 the entity formerly known as ACTEW Corporation Limited changed its
11 name to Icon Water Limited. This amendment inserts a note about the change of name to assist
12 users of the Act.

13 **Part 3.2** **Agents Act 2003**

14 **[3.2] New section 9 (3)**

15 *insert*

16 (3) In this section:

17 *lessee* includes prospective lessee.

18 *livestock* means animals raised or kept for profit.

19 **Explanatory note**

20 This amendment relocates from the dictionary definitions of terms that are used only in
21 section 9. The definitions are omitted from the dictionary by other amendments.

1 **[3.3] Section 73 (5)**

2 *omit*

3 subsection (5)

4 *substitute*

5 this section

6 **Explanatory note**

7 This amendment corrects a cross-reference.

8 **[3.4] Section 101**

9 *substitute*

10 **101 Meaning of *licensed agent*—divs 7.2 and 7.3**

11 (1) In division 7.2 (Trust money and trust accounts) and
12 division 7.3 (Periodic returns and quarterly statements):

13 *licensed agent* includes the following:

14 (a) a person who is no longer a licensed agent but holds trust
15 money received while licensed;

16 (b) the personal representative of a licensed agent who died while
17 holding trust money, if the representative holds the trust
18 money;

19 (c) the liquidator of a corporation that went into liquidation while
20 being a licensed agent and holding trust money, if the
21 corporation holds the trust money.

1 (2) In this section:

2 *agent* means a licensed real estate agent, stock and station agent or
3 business agent.

4 **Explanatory note**

5 This amendment updates the heading to correct cross-references and relocates provisions within
6 the section in line with current legislative drafting practice.

7 **[3.5] Section 101 (as amended)**

8 *relocate to division 7.2 as section 104A*

9 **Explanatory note**

10 This amendment relocates section 101 to the appropriate division in line with current legislative
11 drafting practice.

12 **[3.6] New section 109A (3)**

13 *insert*

14 (3) In this section:

15 *owners corporation managing agent* means a person appointed as
16 manager of an owners corporation for a units plan under the *Unit*
17 *Titles (Management) Act 2011*.

18 **Explanatory note**

19 This amendment relocates from the dictionary a definition of a term that is used only in
20 section 109A. The definition is omitted from the dictionary by another amendment.

1 **[3.7] Division 7.4 heading, note**

2 *omit*

3 s 101

4 *substitute*

5 s 104A

6 **Explanatory note**

7 This amendment updates a cross-reference consequential on another amendment.

8 **[3.8] Section 138**

9 *substitute*

10 **138 Meaning of *administrator*—pt 9**

11 In this part:

12 *administrator* means an administrator appointed under section 139.

13 **Explanatory note**

14 This amendment remakes the section to omit an unnecessary definition and to update the
15 section in line with current legislative drafting practice.

16 **[3.9] Dictionary, definition of *account***

17 *substitute*

18 *account*, for an agent, for division 8.2 (Freezing accounts)—see
19 section 131.

20 **Explanatory note**

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

22 **[3.10] Dictionary, definition of *agency agreement***

23 *omit*

24 **Explanatory note**

25 This amendment omits an unnecessary definition.

1 **[3.11] Dictionary, definition of *claimant***

2 *omit*

3 section 147

4 *substitute*

5 section 149

6 **Explanatory note**

7 This amendment corrects a cross-reference.

8 **[3.12] Dictionary, definitions of *former licensed agent* and**
9 ***former registered salesperson***

10 *omit*

11 **Explanatory note**

12 This amendment omits unnecessary definitions.

13 **[3.13] Dictionary, definition of *ground for occupational***
14 ***discipline, paragraph (a)***

15 *omit*

16 for a licensed agent

17 *substitute*

18 for an agent

19 **Explanatory note**

20 The definition of *ground for occupational discipline*, paragraph (a) is a signpost definition to
21 section 41, which contains a definition of the term in relation to agents. This amendment
22 amends the definition to be consistent with the definition of the term in section 41.

1 **[3.17] Dictionary, definition of *livestock***

2 *omit*

3 **Explanatory note**

4 This amendment is consequential on the relocation of the definition to section 9 by another
5 amendment.

6 **[3.18] Dictionary, definition of *owners corporation managing agent***

7 *omit*

8 **Explanatory note**

9 This amendment is consequential on the relocation of the definition to section 109A by another
10 amendment.
11

12 **[3.19] Dictionary, definition of *register***

13 *substitute*

14 *register*, when used as a noun, means the register under section 160.

15 **Explanatory note**

16 This amendment clarifies the meaning of the defined term.

17 **[3.20] Dictionary, definition of *trust account***

18 *omit*

19 (Opening trust accounts)

20 **Explanatory note**

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

1 **[3.24] Dictionary, definition of *charitable organisation***

2 *substitute*

3 *charitable organisation* means an organisation, society, institution
4 or body carried on for a religious, educational, benevolent or
5 charitable purpose, other than one carried on for securing financial
6 benefits to its members.

7 **Explanatory note**

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

9 **Part 3.5 Education Act 2004**

10 **[3.25] Section 9C (5)**

11 *substitute*

12 (5) In this section:

13 *AQF* means the Australian Qualifications Framework under the
14 *National Vocational Education and Training Regulator Act 2011*
15 (Cwlth), section 3.

16 **Explanatory note**

17 This amendment is consequential on amendments of the *Training and Tertiary Education*
18 *Act 2003* made by the *Training and Tertiary Education Amendment Act 2014*.

19 **[3.26] Dictionary, definition of *approved educational course***
20 **(government)**

21 *omit*

22 (Approved educational courses for students at government schools)

23 **Explanatory note**

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

1 **[3.27] Dictionary, definition of *approved educational course***
2 **(*non-government*)**

3 *omit*

4 (Approved educational courses for students at non-government
5 schools)

6 **Explanatory note**

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

8 **[3.28] Dictionary, definition of *authorised person (government)***

9 *omit*

10 (Appointment of authorised persons (government))

11 **Explanatory note**

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

13 **[3.29] Dictionary, definition of *authorised person***
14 **(*non-government*)**

15 *omit*

16 (Appointment of authorised persons (non-government))

17 **Explanatory note**

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

19 **[3.30] Dictionary, new definition of *decision-maker***

20 *insert*

21 *decision-maker*, for part 6.1 (Notification and review of
22 decisions)—see section 140.

23 **Explanatory note**

24 This amendment inserts a signpost definition for a term defined for part 6.1.

1 **[3.31] Dictionary, definition of *exemption certificate***

2 *omit*

3 (Exemption certificate—application)

4 **Explanatory note**

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

6 **[3.32] Dictionary, definition of *proposed opening day***

7 *omit*

8 (Applications for in-principle approval for proposed registration)

9 **Explanatory note**

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

11 **[3.33] Dictionary, definition of *register of enrolments and***
12 ***attendances***

13 *substitute*

14 ***register of enrolments and attendances*—**

15 (a) for a government school or approved educational course
16 (government)—means the register kept under section 32; and

17 (b) for a non-government school or approved educational course
18 (non-government)—means the register kept under section 99.

19 **Explanatory note**

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

1 **[3.34] Dictionary, definition of *registrar***

2 *after*

3 Schools

4 *insert*

5 appointed under section 77

6 **Explanatory note**

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

8 **[3.35] Dictionary, definition of *school board***

9 *omit*

10 part 3.4

11 *substitute*

12 section 38

13 **Explanatory note**

14 This amendment corrects a cross-reference.

15 **[3.36] Dictionary, definition of *school-related institution***

16 *substitute*

17 *school-related institution*—see section 20 (3).

18 **Explanatory note**

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

1 **Part 3.6** **Electoral Regulation 1993**

2 **[3.37] Section 5**

3 *omit*

4 Actew Retail Ltd

5 *substitute*

6 Icon Retail Investments Limited

7 **Explanatory note**

8 This amendment is consequential on Actew Retail Ltd's change of name to Icon Retail
9 Investments Limited on 28 October 2014.

10 **Part 3.7** **Environment Protection Act 1997**

11 **[3.38] Section 91A (2) (b)**

12 *omit*

13 any 1 or more

14 *substitute*

15 1 or more

16 **Explanatory note**

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

18 **[3.39] Section 91C (1) etc, new note**

19 *insert*

20 *Note* For how documents may be served, see the [Legislation Act](#), pt 19.5.

21 *in*

- 22 • section 91C (1)
23 • section 91D (1)

- 1 • section 125 (1)
2 • section 133 (1)

3 **Explanatory note**

4 This amendment inserts a standard note about the service of documents.

5 **[3.40] Dictionary, new definition of *hazardous component***

6 *insert*

7 *hazardous component*, of electronic waste, for schedule 1
8 (Activities requiring environmental authorisation)—see schedule 1,
9 section 1.1.

10 **Explanatory note**

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

12 **Part 3.8 Information Privacy Act 2014**

13 **[3.41] Section 24 (d)**

14 *substitute*

15 (d) Icon Water Limited, Icon Distribution Investments Limited or
16 Icon Retail Investments Limited;

17 **Explanatory note**

18 This amendment is consequential on ACTEW Corporation Limited's change of name to Icon
19 Water Limited, ACTEW Distribution Ltd's change of name to Icon Distribution Investments
20 Limited and ACTEW Retail Ltd's change of name to Icon Retail Investments Limited on
21 28 October 2014.

1 **Part 3.9** **Leases (Commercial and Retail)**
2 **Act 2001**

3 **[3.42] New section 21 (3)**

4 *insert*

5 (3) In this section:

6 *taxable supply*—see the *A New Tax System (Goods and Services*
7 *Tax) Act 1999* (Cwlth), dictionary.

8 **Explanatory note**

9 This amendment relocates from the dictionary a definition of a term that is used only in
10 section 21. The definition is omitted from the dictionary by another amendment.

11 **[3.43] Section 66 (4) (a)**

12 *omit*

13 any or all

14 *substitute*

15 1 or more

16 **Explanatory note**

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

18 **[3.44] Section 66 (4) (a) (iv)**

19 *omit*

20 section 76

21 *substitute*

22 section 78

23 **Explanatory note**

24 This amendment corrects a cross-reference.

1 **[3.45] Section 73 (2) (a)**

2 *omit*

3 such as

4 *substitute*

5 for example,

6 **Explanatory note**

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

8 **[3.46] Section 96 (2) and (3)**

9 *omit*

10 any or all of the following information or documents

11 *substitute*

12 1 or more of the following

13 **Explanatory note**

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

15 **[3.47] Section 129 (2) (g)**

16 *omit*

17 such as

18 *substitute*

19 for example,

20 **Explanatory note**

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

1 **[3.48] Section 129 (2), new note**

2 *insert*

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

6 **Explanatory note**

7 This amendment inserts a standard note about examples.

8 **[3.49] Section 157A (1)**

9 *omit*

10 , in writing,

11 **Explanatory note**

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

14 **[3.50] Dictionary, note 2**

15 *omit*

- 16
 - function

17 **Explanatory note**

18 Dictionary, note 2 lists examples of terms used in the Act that are defined in the [Legislation](#)
19 [Act](#), dictionary, part 1. This amendment omits a term not used in the Act.

20 **[3.51] Dictionary, note 2**

21 *insert*

- 22
 - Magistrates Court

23 **Explanatory note**

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

1 **[3.52] Dictionary, definition of *certified exclusionary clause***

2 *omit*

3 **Explanatory note**

4 This amendment omits a signpost definition of a term that is used only in section 111.

5 **[3.53] Dictionary, definition of *commercial premises***

6 *omit*

7 (When are premises commercial or retail premises?)

8 **Explanatory note**

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

10 **[3.54] Dictionary, definition of *excluded area***

11 *omit*

12 (What is an *excluded area*?)

13 **Explanatory note**

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

15 **[3.55] Dictionary, definition of *lease***

16 *omit*

17 (What leases does this Act apply to?)

18 **Explanatory note**

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

20 **[3.56] Dictionary, definition of *Magistrates Court***

21 *omit*

22 **Explanatory note**

23 This amendment omits an unnecessary definition.

1 **[3.57] Dictionary, definition of *renewal***

2 *omit*

3 (When is a lease taken to be renewed for this Act?)

4 **Explanatory note**

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

6 **[3.58] Dictionary, definition of *taxable supply***

7 *omit*

8 **Explanatory note**

9 This amendment is consequential on the relocation of the definition to section 21 by another
10 amendment.

11 **Part 3.10 Legal Profession Regulation**
12 **2007**

13 **[3.59] Section 6 (3), definition of *ActewAGL-linked corporation*,**
14 **paragraphs (a) to (e)**

15 *substitute*

16 (a) Icon Distribution Investments Limited (ACN 073 025 224);

17 (b) AGL ACT Retail Investments Pty Ltd (ACN 093 631 586);

18 (c) Jemena Networks (ACT) Pty Ltd (ACN 008 552 663).

19 **Explanatory note**

20 This amendment is consequential on ACTEW Distribution Ltd's change of name to Icon
21 Distribution Investments Limited on 28 October 2014 and Alinta GCA Pty Ltd's change of
22 name to Jemena Networks (ACT) Pty Ltd on 4 August 2008. The ACNs for these entities are
23 unchanged. This amendment also omits 2 redundant entities mentioned in paragraphs (d) and
24 (e) because the Territory has sold those entities.

1 **Part 3.11** **Magistrates Court (Agents**
2 **Infringement Notices)**
3 **Regulation 2003**

4 **[3.60] Section 12**

5 *omit*

6 serve—

7 *substitute*

8 serve the following:

9 **Explanatory note**

10 This amendment, together with the following amendment, recasts the section to remove a
11 possible ambiguity by making it clear that an infringement notice for an infringement notice
12 offence and a reminder notice for the offence do not have to be served at the same time.

13 **[3.61] Section 12 (a)**

14 *omit*

15 and

16 **Explanatory note**

17 This amendment is consequential on the previous amendment of section 12.

18 **[3.62] Schedule 1, item 4**

19 *omit*

20 **Explanatory note**

21 Schedule 1, item 4 refers to an offence under the *Agents Act 2003*, section 21 (1) (b) (i).
22 Section 21 was omitted by the *Justice and Community Safety Legislation Amendment Act 2014*,
23 amendment 1.3. This amendment omits item 4 as a consequence of the omission of that section.

1 **[3.63] Schedule 1, item 20**

2 *omit*

3 **Explanatory note**

4 Schedule 1, item 20 refers to an offence under the *Agents Act 2003*, section 127 (1). This
5 amendment omits item 20 because there is no offence under section 127 (1).

6 **[3.64] Schedule 1, item 21, column 2**

7 *omit*

8 127 (3)

9 *substitute*

10 127 (4)

11 **Explanatory note**

12 This amendment corrects a cross-reference.

13 **[3.65] Schedule 1, item 28**

14 *omit*

15 **Explanatory note**

16 Schedule 1, item 28 refers to an offence under the *Agents Act 2003*, section 202. Section 202
17 expired on 1 November 2007. This amendment omits item 28 as a consequence of the expiry of
18 that section.

1 **Part 3.13** **Magistrates Court (Building**
2 **Infringement Notices)**
3 **Regulation 2008**

4 **[3.68] Section 12 (1)**

5 *omit*

6 *serve—*

7 *substitute*

8 *serve the following:*

9 **Explanatory note**

10 This amendment, together with the following amendment, recasts the section to remove a
11 possible ambiguity by making it clear that an infringement notice for an infringement notice
12 offence and a reminder notice for the offence do not have to be served at the same time.

13 **[3.69] Section 12 (1) (a)**

14 *omit*

15 *and*

16 **Explanatory note**

17 This amendment is consequential on the previous amendment of section 12 (1).

18 **[3.70] Schedule 1, part 1.1, item 2, column 2**

19 *omit*

20 *37B (5)*

21 *substitute*

22 *37B (4)*

23 **Explanatory note**

24 This amendment corrects a cross-reference.

1 **[3.71] Schedule 1, part 1.1, item 4, column 2**

2 *omit*

3 50B (2) (b) (ii)

4 *substitute*

5 50B (2)

6 **Explanatory note**

7 This amendment corrects a cross-reference.

8 **Part 3.14 Magistrates Court (Charitable**
9 **Collections Infringement Notices)**
10 **Regulation 2003**

11 **[3.72] Section 12**

12 *omit*

13 serve—

14 *substitute*

15 serve the following:

16 **Explanatory note**

17 This amendment, together with the following amendment, recasts the section to remove a
18 possible ambiguity by making it clear that an infringement notice for an infringement notice
19 offence and a reminder notice for the offence do not have to be served at the same time.

20 **[3.73] Section 12 (a)**

21 *omit*

22 and

23 **Explanatory note**

24 This amendment is consequential on the previous amendment of section 12.

1 **Part 3.15** **Magistrates Court (Construction**
2 **Occupations Infringement**
3 **Notices) Regulation 2004**

4 **[3.74] Section 12 (1)**

5 *omit*

6 *serve—*

7 *substitute*

8 *serve the following:*

9 **Explanatory note**

10 This amendment, together with the following amendment, recasts the section to remove a
11 possible ambiguity by making it clear that an infringement notice for an infringement notice
12 offence and a reminder notice for the offence do not have to be served at the same time.

13 **[3.75] Section 12 (1) (a)**

14 *omit*

15 *and*

16 **Explanatory note**

17 This amendment is consequential on the previous amendment of section 12 (1).

1 **[3.78] Section 14 (2)**

2 *omit*

3 *serve—*

4 *substitute*

5 *serve the following:*

6 **Explanatory note**

7 This amendment, together with the following amendment, recasts the section to remove a
8 possible ambiguity by making it clear that an infringement notice for an infringement notice
9 offence and a reminder notice for the offence do not have to be served at the same time.

10 **[3.79] Section 14 (2) (a)**

11 *omit*

12 *and*

13 **Explanatory note**

14 This amendment is consequential on the previous amendment of section 14 (2).

15 **Part 3.17** **Magistrates Court (Dangerous**
16 **Goods Road Transport**
17 **Infringement Notices)**
18 **Regulation 2010**

19 **[3.80] Section 6 heading**

20 *substitute*

21 **6 Administering authority**

22 **Explanatory note**

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

- 1 **[3.81] Section 7 heading**
- 2 *substitute*
- 3 **7 Infringement notice offences**
- 4 **Explanatory note**
- 5 This amendment updates the heading in line with current legislative drafting practice.
- 6 **[3.82] Section 8 heading**
- 7 *substitute*
- 8 **8 Infringement notice penalties**
- 9 **Explanatory note**
- 10 This amendment updates the heading in line with current legislative drafting practice.
- 11 **[3.83] Section 9 heading**
- 12 *substitute*
- 13 **9 Contents of infringement notices—identifying authorised**
- 14 **person**
- 15 **Explanatory note**
- 16 This amendment updates the heading in line with current legislative drafting practice.
- 17 **[3.84] Section 10 heading**
- 18 *substitute*
- 19 **10 Contents of infringement notices—other information**
- 20 **Explanatory note**
- 21 This amendment updates the heading in line with current legislative drafting practice.

1 **[3.85] Section 11 heading**

2 *substitute*

3 **11 Contents of reminder notices—identifying authorised**
4 **person**

5 **Explanatory note**

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

7 **[3.86] Section 12 heading**

8 *substitute*

9 **12 Authorised people for infringement notice offences**

10 **Explanatory note**

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

12 **[3.87] Section 12**

13 *omit*

14 serve—

15 *substitute*

16 serve the following:

17 **Explanatory note**

18 This amendment, together with the following amendment, recasts the section to remove a
19 possible ambiguity by making it clear that an infringement notice for an infringement notice
20 offence and a reminder notice for the offence do not have to be served at the same time.

21 **[3.88] Section 12 (a)**

22 *omit*

23 and

24 **Explanatory note**

25 This amendment is consequential on the previous amendment of section 12.

1 **Part 3.18** **Magistrates Court (Dangerous**
2 **Substances Infringement**
3 **Notices) Regulation 2004**

4 **[3.89] Section 12**

5 *omit*

6 serve—

7 *substitute*

8 serve the following:

9 **Explanatory note**

10 This amendment, together with the following amendment, recasts the section to remove a
11 possible ambiguity by making it clear that an infringement notice for an infringement notice
12 offence and a reminder notice for the offence do not have to be served at the same time.

13 **[3.90] Section 12 (a)**

14 *omit*

15 and

16 **Explanatory note**

17 This amendment is consequential on the previous amendment of section 12.

18 **[3.91] Schedule 1, part 1.2, item 5, column 2**

19 *omit*

20 56 (3)

21 *substitute*

22 56 (2)

23 **Explanatory note**

24 This amendment corrects a cross-reference.

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Part 3.19 **Magistrates Court (Domestic
Animals Infringement Notices)
Regulation 2005**

[3.92] Section 14

omit
serve—
substitute
serve the following:

Explanatory note

This amendment, together with the following amendment, recasts the section to remove a possible ambiguity by making it clear that an infringement notice for an infringement notice offence and a reminder notice for the offence do not have to be served at the same time.

[3.93] Section 14 (a)

omit
and

Explanatory note

This amendment is consequential on the previous amendment of section 14.

1 **Part 3.20** **Magistrates Court (Electoral**
2 **Infringement Notices)**
3 **Regulation 2012**

4 **[3.94] Section 12**

5 *omit*

6 *serve—*

7 *substitute*

8 *serve the following:*

9 **Explanatory note**

10 This amendment, together with the following amendment, recasts the section to remove a
11 possible ambiguity by making it clear that an infringement notice for an infringement notice
12 offence and a reminder notice for the offence do not have to be served at the same time.

13 **[3.95] Section 12 (a)**

14 *omit*

15 *and*

16 **Explanatory note**

17 This amendment is consequential on the previous amendment of section 12.

1 **Part 3.21** **Magistrates Court (Environment**
2 **Protection Infringement Notices)**
3 **Regulation 2005**

4 **[3.96] Section 12**

5 *omit*

6 *serve—*

7 *substitute*

8 *serve the following:*

9 **Explanatory note**

10 This amendment, together with the following amendment, recasts the section to remove a
11 possible ambiguity by making it clear that an infringement notice for an infringement notice
12 offence and a reminder notice for the offence do not have to be served at the same time.

13 **[3.97] Section 12 (a)**

14 *omit*

15 *and*

16 **Explanatory note**

17 This amendment is consequential on the previous amendment of section 12.

1 **Part 3.22** **Magistrates Court (Fair Trading**
2 **Motor Vehicle Repair Industry**
3 **Infringement Notices)**
4 **Regulation 2012**

5 **[3.98] Section 12**

6 *omit*

7 *serve—*

8 *substitute*

9 *serve the following:*

10 **Explanatory note**

11 This amendment, together with the following amendment, recasts the section to remove a
12 possible ambiguity by making it clear that an infringement notice for an infringement notice
13 offence and a reminder notice for the offence do not have to be served at the same time.

14 **[3.99] Section 12 (a)**

15 *omit*

16 *and*

17 **Explanatory note**

18 This amendment is consequential on the previous amendment of section 12.

1 **Part 3.23** **Magistrates Court (Fisheries**
2 **Infringement Notices)**
3 **Regulation 2004**

4 **[3.100] Section 12**

5 *omit*

6 *serve—*

7 *substitute*

8 *serve the following:*

9 **Explanatory note**

10 This amendment, together with the following amendment, recasts the section to remove a
11 possible ambiguity by making it clear that an infringement notice for an infringement notice
12 offence and a reminder notice for the offence do not have to be served at the same time.

13 **[3.101] Section 12**

14 *omit*

15 *fisheries legislation; or*

16 *substitute*

17 *fisheries legislation;*

18 **Explanatory note**

19 This amendment is consequential on the previous amendment of section 12.

1 **Part 3.25** **Magistrates Court (Hawkers**
2 **Infringement Notices)**
3 **Regulation 2003**

4 **[3.104] Section 12**

5 *omit*

6 *serve—*

7 *substitute*

8 *serve the following:*

9 **Explanatory note**

10 This amendment, together with the following amendment, recasts the section to remove a
11 possible ambiguity by making it clear that an infringement notice for an infringement notice
12 offence and a reminder notice for the offence do not have to be served at the same time.

13 **[3.105] Section 12 (a)**

14 *omit*

15 *and*

16 **Explanatory note**

17 This amendment is consequential on the previous amendment of section 12.

1 **Part 3.27** **Magistrates Court (Liquor**
2 **Infringement Notices)**
3 **Regulation 2010**

4 **[3.109] Section 12**

5 *omit*

6 *serve—*

7 *substitute*

8 *serve the following:*

9 **Explanatory note**

10 This amendment, together with the following amendment, recasts the section to remove a
11 possible ambiguity by making it clear that an infringement notice for an infringement notice
12 offence and a reminder notice for the offence do not have to be served at the same time.

13 **[3.110] Section 12 (a)**

14 *omit*

15 *and*

16 **Explanatory note**

17 This amendment is consequential on the previous amendment of section 12.

1 **Part 3.29** **Magistrates Court (Pest Plants**
2 **and Animals Infringement**
3 **Notices) Regulation 2005**

4 **[3.113] Section 13**

5 *omit*

6 serve—

7 *substitute*

8 serve the following:

9 **Explanatory note**

10 This amendment, together with the following amendment, recasts the section to remove a
11 possible ambiguity by making it clear that an infringement notice for an infringement notice
12 offence and a reminder notice for the offence do not have to be served at the same time.

13 **[3.114] Section 13 (a)**

14 *omit*

15 and

16 **Explanatory note**

17 This amendment is consequential on the previous amendment of section 13.

1 **Part 3.30** **Magistrates Court (Planning and**
2 **Development Infringement**
3 **Notices) Regulation 2008**

4 **[3.115] Section 12**

5 *omit*

6 serve—

7 *substitute*

8 serve the following:

9 **Explanatory note**

10 This amendment, together with the following amendment, recasts the section to remove a
11 possible ambiguity by making it clear that an infringement notice for an infringement notice
12 offence and a reminder notice for the offence do not have to be served at the same time.

13 **[3.116] Section 12 (a)**

14 *omit*

15 and

16 **Explanatory note**

17 This amendment is consequential on the previous amendment of section 12.

1 **Part 3.31** **Magistrates Court (Plant**
2 **Diseases Infringement Notices)**
3 **Regulation 2005**

4 **[3.117] Section 13**

5 *omit*

6 *serve—*

7 *substitute*

8 *serve the following:*

9 **Explanatory note**

10 This amendment, together with the following amendment, recasts the section to remove a
11 possible ambiguity by making it clear that an infringement notice for an infringement notice
12 offence and a reminder notice for the offence do not have to be served at the same time.

13 **[3.118] Section 13 (a)**

14 *omit*

15 *and*

16 **Explanatory note**

17 This amendment is consequential on the previous amendment of section 13.

1 **Part 3.32** **Magistrates Court (Plastic**
2 **Shopping Bags Ban Infringement**
3 **Notices) Regulation 2011**

4 **[3.119] Section 12**

5 *omit*

6 serve—

7 *substitute*

8 serve the following:

9 **Explanatory note**

10 This amendment, together with the following amendment, recasts the section to remove a
11 possible ambiguity by making it clear that an infringement notice for an infringement notice
12 offence and a reminder notice for the offence do not have to be served at the same time.

13 **[3.120] Section 12 (a)**

14 *omit*

15 and

16 **Explanatory note**

17 This amendment is consequential on the previous amendment of section 12.

1 **Part 3.33** **Magistrates Court (Public**
2 **Unleased Land Infringement**
3 **Notices) Regulation 2013**

4 **[3.121] Section 12 (1)**

5 *omit*

6 *serve—*

7 *substitute*

8 *serve the following:*

9 **Explanatory note**

10 This amendment, together with the following amendment, recasts the section to remove a
11 possible ambiguity by making it clear that an infringement notice for an infringement notice
12 offence and a reminder notice for the offence do not have to be served at the same time.

13 **[3.122] Section 12 (1) (a)**

14 *omit*

15 *and*

16 **Explanatory note**

17 This amendment is consequential on the previous amendment of section 12 (1).

1 **Part 3.34** **Magistrates Court (Sale of Motor**
2 **Vehicles Infringement Notices)**
3 **Regulation 2005**

4 **[3.123] Section 13**

5 *omit*

6 serve—

7 *substitute*

8 serve the following:

9 **Explanatory note**

10 This amendment, together with the following amendment, recasts the section to remove a
11 possible ambiguity by making it clear that an infringement notice for an infringement notice
12 offence and a reminder notice for the offence do not have to be served at the same time.

13 **[3.124] Section 13 (a)**

14 *omit*

15 and

16 **Explanatory note**

17 This amendment is consequential on the previous amendment of section 13.

1 **Part 3.35** **Magistrates Court (Sale of**
2 **Residential Property**
3 **Infringement Notices)**
4 **Regulation 2004**

5 **[3.125] Section 11**

6 *omit*

7 *serve—*

8 *substitute*

9 *serve the following:*

10 **Explanatory note**

11 This amendment, together with the following amendment, recasts the section to remove a
12 possible ambiguity by making it clear that an infringement notice for an infringement notice
13 offence and a reminder notice for the offence do not have to be served at the same time.

14 **[3.126] Section 11 (a)**

15 *omit*

16 *and*

17 **Explanatory note**

18 This amendment is consequential on the previous amendment of section 11.

1 **Part 3.37** **Magistrates Court (Smoke-Free**
2 **Public Places Infringement**
3 **Notices) Regulation 2010**

4 **[3.129] Section 12**

5 *omit*

6 *serve—*

7 *substitute*

8 *serve the following:*

9 **Explanatory note**

10 This amendment, together with the following amendment, recasts the section to remove a
11 possible ambiguity by making it clear that an infringement notice for an infringement notice
12 offence and a reminder notice for the offence do not have to be served at the same time.

13 **[3.130] Section 12 (a)**

14 *omit*

15 *and*

16 **Explanatory note**

17 This amendment is consequential on the previous amendment of section 12.

1 **Part 3.38** **Magistrates Court (Smoking in**
2 **Cars with Children Infringement**
3 **Notices) Regulation 2012**

4 **[3.131] Section 11**

5 *omit*

6 *serve—*

7 *substitute*

8 *serve the following:*

9 **Explanatory note**

10 This amendment, together with the following amendment, recasts the section to remove a
11 possible ambiguity by making it clear that an infringement notice for an infringement notice
12 offence and a reminder notice for the offence do not have to be served at the same time.

13 **[3.132] Section 11 (a)**

14 *omit*

15 *and*

16 **Explanatory note**

17 This amendment is consequential on the previous amendment of section 11.

1 **Part 3.39** **Magistrates Court (Tobacco**
2 **Infringement Notices)**
3 **Regulation 2010**

4 **[3.133] Section 12**

5 *omit*

6 *serve—*

7 *substitute*

8 *serve the following:*

9 **Explanatory note**

10 This amendment, together with the following amendment, recasts the section to remove a
11 possible ambiguity by making it clear that an infringement notice for an infringement notice
12 offence and a reminder notice for the offence do not have to be served at the same time.

13 **[3.134] Section 12 (a)**

14 *omit*

15 *and*

16 **Explanatory note**

17 This amendment is consequential on the previous amendment of section 12.

1 **Part 3.41** **Magistrates Court (Utilities Water**
2 **Conservation Infringement**
3 **Notices) Regulation 2006**

4 **[3.137] Section 5**

5 *omit*

6 ACTEW Corporation Limited

7 *substitute*

8 Icon Water Limited

9 **Explanatory note**

10 This amendment is consequential on ACTEW Corporation Limited's change of name to Icon
11 Water Limited.

12 **[3.138] Section 11**

13 *omit*

14 serve—

15 *substitute*

16 serve the following:

17 **Explanatory note**

18 This amendment, together with the following amendment, recasts the section to remove a
19 possible ambiguity by making it clear that an infringement notice for an infringement notice
20 offence and a reminder notice for the offence do not have to be served at the same time.

21 **[3.139] Section 11 (a)**

22 *omit*

23 and

24 **Explanatory note**

25 This amendment is consequential on the previous amendment of section 11.

1 **[3.140] Schedule 1 heading**

2 *substitute*

3 **Schedule 1 Utilities (Water Conservation)**
4 **Regulation 2006 infringement**
5 **notice offences and penalties**

6 **Explanatory note**

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

8 **Part 3.42 Magistrates Court (Water**
9 **Resources Infringement Notices)**
10 **Regulation 2007**

11 **[3.141] Section 13**

12 *omit*

13 serve—

14 *substitute*

15 serve the following:

16 **Explanatory note**

17 This amendment, together with the following amendment, recasts the section to remove a
18 possible ambiguity by making it clear that an infringement notice for an infringement notice
19 offence and a reminder notice for the offence do not have to be served at the same time.

20 **[3.142] Section 13 (a)**

21 *omit*

22 and

23 **Explanatory note**

24 This amendment is consequential on the previous amendment of section 13.

1 **Part 3.43** **Magistrates Court (Workers**
2 **Compensation Infringement**
3 **Notices) Regulation 2006**

4 **[3.143] Section 13**

5 *omit*

6 *serve—*

7 *substitute*

8 *serve the following:*

9 **Explanatory note**

10 This amendment, together with the following amendment, recasts the section to remove a
11 possible ambiguity by making it clear that an infringement notice for an infringement notice
12 offence and a reminder notice for the offence do not have to be served at the same time.

13 **[3.144] Section 13 (a)**

14 *omit*

15 *and*

16 **Explanatory note**

17 This amendment is consequential on the previous amendment of section 13.

1 **Part 3.44** **Magistrates Court (Work Health**
2 **and Safety Infringement Notices)**
3 **Regulation 2011**

4 **[3.145] Section 12**

5 *omit*

6 serve—

7 *substitute*

8 serve the following:

9 **Explanatory note**

10 This amendment, together with the following amendment, recasts the section to remove a
11 possible ambiguity by making it clear that an infringement notice for an infringement notice
12 offence and a reminder notice for the offence do not have to be served at the same time.

13 **[3.146] Section 12 (a)**

14 *omit*

15 and

16 **Explanatory note**

17 This amendment is consequential on the previous amendment of section 12.

1 **Part 3.45** **Magistrates Court (Working with**
2 **Vulnerable People Infringement**
3 **Notices) Regulation 2012**

4 **[3.147] Section 12**

5 *omit*

6 *serve—*

7 *substitute*

8 *serve the following:*

9 **Explanatory note**

10 This amendment, together with the following amendment, recasts the section to remove a
11 possible ambiguity by making it clear that an infringement notice for an infringement notice
12 offence and a reminder notice for the offence do not have to be served at the same time.

13 **[3.148] Section 12 (a)**

14 *omit*

15 *and*

16 **Explanatory note**

17 This amendment is consequential on the previous amendment of section 12.

1 **Part 3.47** **Planning and Development**
2 **Act 2007**

3 **[3.150] Section 3, note 1**

4 *substitute*

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

8 For example, the signpost definition '*tree management plan*—see the
9 *Tree Protection Act 2005*, dictionary.' means that the term 'tree
10 management plan' is defined in that dictionary and the definition
11 applies to this Act.

12 **Explanatory note**

13 This amendment replaces an example of a signpost definition because the definition currently
14 used for the example is not used in the Act.

15 **[3.151] Section 9, definitions of *the inter-generational equity***
16 ***principle and the precautionary principle***

17 *omit*

18 **Explanatory note**

19 This amendment is consequential on the relocation of the definitions to new section 9 (2) by
20 another amendment.

21 **[3.152] New section 9 (2)**

22 *insert*

23 (2) In this section:

24 *the inter-generational equity principle* means that the present
25 generation should ensure that the health, diversity and productivity
26 of the environment is maintained or enhanced for the benefit of
27 future generations.

1 *the precautionary principle* means that, if there is a threat of serious
2 or irreversible environmental damage, a lack of full scientific
3 certainty should not be used as a reason for postponing measures to
4 prevent environmental degradation.

5 **Explanatory note**

6 This amendment inserts a new subsection (2) and relocates the definitions of *the*
7 *inter-generational equity principle* and *the precautionary principle* to that subsection because
8 the terms defined are used only in section 9. The definitions are omitted from the dictionary by
9 another amendment.

10 **[3.153] New section 39 (5)**

11 *insert*

12 (5) In this section:

13 *land agency board member* means a member of the land agency
14 board.

15 **Explanatory note**

16 This amendment relocates from the dictionary a definition of a term that is used only in
17 section 39. The definition is omitted from the dictionary by another amendment.

18 **[3.154] Section 86, definition of *error variation***

19 *omit*

20 **Explanatory note**

21 This amendment omits a definition of a term that is used only in section 87. The definition is
22 omitted from the dictionary by another amendment.

23 **[3.155] Section 162 (6), new definition of *regulated tree***

24 *after the note, insert*

25 *regulated tree*—see the *Tree Protection Act 2005*, section 10.

26 **Explanatory note**

27 This amendment relocates from the dictionary a definition of a term that is used only in
28 section 162. The definition is omitted from the dictionary by another amendment.

1 **[3.156] Section 284 (7), new note**

2 *insert*

3 *Note* **Domestic partner**—see the [Legislation Act](#), dictionary, pt 1.

4 **Explanatory note**

5 This amendment inserts a standard note about a term used in this section and defined in the
6 [Legislation Act](#), dictionary, part 1.

7 **[3.157] Section 317 (6), new definitions**

8 *insert*

9 **Aboriginal object**—see the [Heritage Act 2004](#), section 9 (1).

10 **Aboriginal place**—see the [Heritage Act 2004](#), section 9 (1).

11 **Explanatory note**

12 This amendment relocates from the dictionary definitions of terms that are used only in
13 schedule 3. The definitions are recast in the dictionary by another amendment.

14 **[3.158] Section 345 (1), example 1**

15 *omit*

16 emergency services authority

17 *substitute*

18 emergency service

19 **Explanatory note**

20 This amendment updates the example by omitting the reference to an entity that no longer exists
21 and replacing it with the relevant responsible organisation. The emergency services authority
22 was abolished by the [Administrative \(Miscellaneous Amendments\) Act 2006](#).

1 **[3.159] Section 365, definition of *authorised person***

2 *omit*

3 **Explanatory note**

4 This amendment omits a definition defined for part 11.4 that is also used elsewhere in the Act.
5 The definition is recast in the dictionary by another amendment.

6 **[3.160] Section 419 (2), note 1**

7 *omit*

8 **Explanatory note**

9 This amendment is consequential on the relocation of the definition of *associate* to section 419
10 by another amendment.

11 **[3.161] New section 419 (3)**

12 *insert*

13 (3) In this section:

14 *associate*, of a person, means—

15 (a) the person’s business partner; or

16 (b) a close friend of the person; or

17 (c) a family member of the person.

18 **Explanatory note**

19 This amendment relocates from the dictionary a definition of a term that is used only in
20 section 419. The definition is omitted from the dictionary by another amendment.

21 **[3.162] Schedule 3, note**

22 *substitute*

23 *Note* For the definitions of *Aboriginal object*, *Aboriginal place* and *natural*
24 *environment*, see s 317 (6).

25 **Explanatory note**

26 This amendment amends a note about definitions used only in schedule 3.

1 **[3.163] Schedule 5, section 5.1, definition of *deal***

2 *substitute*

3 *deal*, with a lease—see section 234.

4 **Explanatory note**

5 This amendment updates a definition in line with current legislative drafting practice. The
6 definition is recast in the dictionary by another amendment.

7 **[3.164] Dictionary, note 2**

8 *omit*

- 9
 - correctional centre

10 **Explanatory note**

11 Dictionary, note 2 lists examples of terms used in the Act that are defined in the
12 [Legislation Act](#), dictionary, part 1. This amendment omits a term no longer used in the Act.

13 **[3.165] Dictionary, note 2**

14 *omit*

- 15
 - emergency services authority

16 *substitute*

- 17
 - emergency service

18 **Explanatory note**

19 Dictionary, note 2 lists examples of terms used in the Act that are defined in the
20 [Legislation Act](#), dictionary, part 1. This amendment omits the reference to an entity that no
21 longer exists and replaces it with the relevant responsible organisation and is consequential on
22 another amendment.

23 **[3.166] Dictionary, definitions of *Aboriginal object* and *Aboriginal***
24 ***place***

25 *substitute*

26 *Aboriginal object*, for schedule 3 (Management objectives for
27 public land)—see the [Heritage Act 2004](#), section 9 (1).

1 *Aboriginal place*, for schedule 3 (Management objectives for public
2 land)—see the *Heritage Act 2004*, section 9 (1).

3 **Explanatory note**

4 This amendment recasts the definitions of terms that are used only in schedule 3 and is
5 consequential on the relocation of the definitions to section 317 by another amendment.

6 **[3.167] Dictionary, definition of *associate***

7 *omit*

8 **Explanatory note**

9 This amendment is consequential on the relocation of the definition to section 419 by another
10 amendment.

11 **[3.168] Dictionary, definition of *authorised person***

12 *substitute*

13 *authorised person*—see section 368 (1).

14 **Explanatory note**

15 This definition is currently a signpost definition for part 11.4 only, however, the definition is
16 also used elsewhere in the Act. This amendment consequently recasts the definition as a
17 signpost definition for the Act.

18 **[3.169] Dictionary, definitions of *conservation requirement* and
19 *custodianship map***

20 *omit*

21 **Explanatory note**

22 This amendment—

- 23 • omits the definition of *conservation requirement* because it is no longer used in the Act;
24 and
25 • omits the definition of *custodianship map* because it is used only in section 334.

1 **[3.170] Dictionary, definition of *deal***

2 *substitute*

3 *deal* with a lease—

4 (a) for chapter 9 (Leases and licences)—see section 234; and

5 (b) for schedule 5 (Market value leases and leases that are possibly
6 concessional)—see section 234.

7 **Explanatory note**

8 This definition is currently a signpost definition for chapter 9 only, however, the definition is
9 also used in schedule 5. This amendment consequently recasts the definition in line with current
10 legislative drafting practice. The amendment is consequential on another amendment.

11 **[3.171] Dictionary, definition of *error variation***

12 *omit*

13 **Explanatory note**

14 This amendment omits a definition of a term that is used only in section 87.

15 **[3.172] Dictionary, new definition of *incorporated association***

16 *insert*

17 *incorporated association*, for schedule 5 (Market value leases and
18 leases that are possibly concessional)—see schedule 5, section 5.1.

19 **Explanatory note**

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

21 **[3.173] Dictionary, definition of *land agency board member***

22 *omit*

23 **Explanatory note**

24 This amendment omits a definition of a term that is used only in section 39.

1 **[3.174] Dictionary, definition of *market value***

2 *before*

3 for

4 *insert*

5 of a lease,

6 **Explanatory note**

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

8 **[3.175] Dictionary, definition of *material detriment***

9 *substitute*

10 *material detriment*, in relation to land—see section 419.

11 **Explanatory note**

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

13 **[3.176] Dictionary, definition of *normal operating level***

14 *before*

15 for

16 *insert*

17 of a reservoir formed by a water storage dam,

18 **Explanatory note**

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

1 **[3.177] Dictionary, definition of *original application***

2 *omit*

3 (Reconsideration of development applications for approval)

4 *substitute*

5 (Reconsideration of decisions on development applications)

6 **Explanatory note**

7 This amendment corrects a heading description for division 7.3.10.

8 **[3.178] Dictionary, definition of *publicly notifies***

9 *after*

10 application

11 *insert*

12 , for chapter 7 (Development approvals)

13 **Explanatory note**

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

15 **[3.179] Dictionary, definition of *regulated tree***

16 *omit*

17 **Explanatory note**

18 This amendment omits a definition of a term that is used only in section 162.

1 **[3.180] Dictionary, definition of *rental lease***

2 *substitute*

3 *rental lease*—

4 (a) for chapter 9 (Leases and licences)—see section 234; and

5 (b) for schedule 5 (Market value leases and leases that are possibly
6 concessional)—see section 234.

7 **Explanatory note**

8 This definition is currently a signpost definition for chapter 9 only, however, the definition is
9 also used in schedule 5. This amendment consequently recasts the definition in line with current
10 legislative drafting practice.

11 **[3.181] Dictionary, definition of *representative Aboriginal***
12 ***organisation***

13 *omit*

14 **Explanatory note**

15 This amendment omits a definition of a term that is no longer used in the Act.

16 **[3.182] Dictionary, definition of *required fee***

17 *omit*

18 section 298E

19 *substitute*

20 section 298D (1)

21 **Explanatory note**

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

1 **[3.183] Dictionary, definition of *residential lease***

2 *substitute*

3 *residential lease*—

4 (a) for chapter 9 (Leases and licences)—see section 234; and

5 (b) for schedule 5 (Market value leases and leases that are possibly
6 concessional)—see section 234.

7 **Explanatory note**

8 This definition is currently a signpost definition for chapter 9 only, however, the definition is
9 also used in schedule 5. This amendment consequently recasts the definition in line with current
10 legislative drafting practice.

11 **[3.184] Dictionary, definition of *rural lease***

12 *substitute*

13 *rural lease*—

14 (a) for chapter 9 (Leases and licences)—see section 234; and

15 (b) for schedule 5 (Market value leases and leases that are possibly
16 concessional)—see section 234.

17 **Explanatory note**

18 This definition is currently a signpost definition for chapter 9 only, however, the definition is
19 also used in schedule 5. This amendment consequently recasts the definition in line with current
20 legislative drafting practice.

1 **[3.185] Dictionary, definition of *scoping document***

2 *before*

3 for

4 *insert*

5 for a development proposal,

6 **Explanatory note**

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

8 **[3.186] Dictionary, definition of *statement of planning intent***

9 *omit*

10 (Statement of planning intent)

11 **Explanatory note**

12 This amendment omits an unnecessary heading description in line with current legislative
13 drafting practice.

14 **[3.187] Dictionary, definitions of *the inter-generational equity*
15 *principle and the precautionary principle***

16 *omit*

17 **Explanatory note**

18 This amendment omits definitions of terms that are used only in section 9.

1 **Part 3.48** **Planning and Development**
2 **Regulation 2008**

3 **[3.188] Section 26 (1) (a)**

4 *substitute*

5 (a) Icon Water Limited;

6 **Explanatory note**

7 This amendment is consequential on ACTEW Corporation Limited's change of name to
8 Icon Water Limited on 28 October 2014.

9 **[3.189] Section 26 (4)**

10 *substitute*

11 (4) In this section:

12 *ActewAGL Distribution* means Icon Distribution Investments
13 Limited (ABN 83 073 025 224) and Jemena Networks (ACT) Pty
14 Ltd (ABN 24 008 552 663) working in partnership as ActewAGL
15 Distribution (ABN 76 670 568 688).

16 **Explanatory note**

17 This amendment is consequential on ACTEW Distribution Ltd's change of name to Icon
18 Distribution Investments Limited on 28 October 2014 and Alinta GCA Pty Ltd's change of
19 name to Jemena Networks (ACT) Pty Ltd on 4 August 2008. The ABNs for these entities are
20 unchanged.

21 **[3.190] Section 108 (1) (b) (ii) (B), example 1**

22 *substitute*

23 1 Aboriginal or Torres Strait Islander people

24 **Explanatory note**

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

1 **[3.194] Sections 58 (1) and 58A (2)**

2 *omit*

3 any or all

4 *substitute*

5 1 or more

6 **Explanatory note**

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

8 **[3.195] Section 59 (4)**

9 *omit*

10 any 1 or more

11 *substitute*

12 1 or more

13 **Explanatory note**

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

15 **[3.196] Section 61B (1), new note**

16 *insert*

17 *Note* For how documents may be given, see the [Legislation Act](#), pt 19.5.

18 **Explanatory note**

19 This amendment inserts a standard note about the service of documents.

1 **[3.197] Section 90, definition of *decision-maker*, note**

2 *omit*

3 s 273

4 *substitute*

5 s 14

6 **Explanatory note**

7 This amendment corrects a cross-reference.

8 **[3.198] Section 96 (2) (b), new note**

9 *insert*

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

13 **Explanatory note**

14 This amendment inserts a standard note about examples.

15 **Part 3.50 Road Transport (General)**
16 **Regulation 2000**

17 **[3.199] Section 8, new note**

18 *insert*

19 *Note* For the making of delegations and the exercise of delegated functions,
20 see the [Legislation Act](#), pt 19.4.

21 **Explanatory note**

22 This amendment inserts a standard note about delegations.

1 **[3.200] Section 14 (1) to (3)**

2 *substitute*

3 (1) The road transport authority must refund a fee, charge or other
4 amount mentioned in an item in schedule 3, part 3.1 (Fees, charges
5 and other amounts—refund) paid to the authority.

6 (2) The road transport authority must refund part, worked out in
7 accordance with the refund formula in section 15, of a fee, charge or
8 other amount (other than a non-refundable amount) mentioned
9 in an item in schedule 3, part 3.2 (Fees, charges and other
10 amounts—partial refund using s 15 formula) paid to the authority.

11 (3) However, something mentioned in an item in schedule 3, part 3.1 or
12 part 3.2 need not be surrendered as required by the item if the road
13 transport authority—

14 (a) is satisfied that the thing has been lost, stolen or destroyed; or

15 (b) directs that the thing need not be surrendered.

16 **Explanatory note**

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

1 **[3.201] New schedule 3**

2 *insert*

3 **Schedule 3 Fees, charges and other**
4 **amounts—refund**

5 (see s 14 (1) and (2))

6 **Part 3.1 Fees, charges and other**
7 **amounts—refund**

column 1 item	column 2 fee, charge or other amount
1	an amount remitted by the Minister under s 13
2	an amount remitted by the road transport authority under s 13AA
3	an excess payment
4	a fee, charge or other amount paid in relation to an application for the issue, renewal or variation of a driver licence if the application is refused
5	a fee, charge or other amount paid in relation to the issue, renewal or variation of a driver licence if the licence is issued, renewed or varied in error, is then cancelled and the holder of the licence surrenders the licence
6	a fee, charge or other amount paid in relation to an application for a driving instructor's or heavy vehicle driver assessor's accreditation if the application is refused
7	a fee, charge or other amount paid in relation to a driving instructor's or heavy vehicle driver assessor's accreditation or an accreditation under the <i>Road Transport (Public Passenger Services) Act 2001</i> if the accreditation is issued in error, is then cancelled and the holder of the accreditation surrenders the certificate of accreditation
8	a fee, charge or other amount paid in relation to an application for the registration or renewal of registration of a vehicle if the application is refused

column 1 item	column 2 fee, charge or other amount
9	a fee, charge or other amount paid in relation to the registration or renewal of registration of a vehicle if the vehicle is registered or the registration is renewed in error, is then cancelled and the registered operator surrenders the certificate of registration and numberplates
10	a fee, charge or other amount paid in relation to an application for the approval of premises for the inspection and testing of a class of vehicles if the application is refused
11	a fee, charge or other amount paid in relation to the approval of premises for the inspection and testing of a class of vehicles if the approval is issued in error, is then cancelled and the proprietor of the premises surrenders the certificate of approval
12	a fee, charge or other amount paid in relation to an application for the issue or transfer of a taxi licence or hire car licence under the <i>Road Transport (Public Passenger Services) Act 2001</i> if the application is refused
13	a fee, charge or other amount paid in relation to an application for an accreditation (other than an application for an accreditation under the <i>Road Transport (Public Passenger Services) Act 2001</i>), approval, authority, certificate, exemption, permit or anything else not mentioned in items 4 to 12 if the application is refused
14	a fee, charge or other amount paid by a person in relation to an application to which item 13 applies if the accreditation, approval, authority, certificate, exemption, permit or other thing is given, issued or done in error, is then cancelled and anything given to the person by the road transport authority because of the authority's decision on the application is surrendered to the authority
15	a fee, charge or other amount in relation to a test or assessment of the person's driving ability by an authorised person if the authorised person cancels the test or assessment
16	a fee, charge or other amount in relation to a test or assessment of the person's driving ability by an authorised person if the person cancels the test or assessment more than 48 hours before the time agreed for the test or assessment

Part 3.2 Fees, charges and other amounts—partial refund using s 15 formula

column 1 item	column 2 fee, charge or other amount
1	a fee, charge or other amount in relation to the issue or renewal of a driver licence if the holder of the licence surrenders the licence
2	a fee, charge or other amount in relation to a driving instructor's accreditation or an accreditation under the <i>Road Transport (Public Passenger Services) Act 2001</i> if the certificate of accreditation is surrendered
3	a fee, charge or other amount paid in relation to the issue of any of the following licences under the <i>Road Transport (Public Passenger Services) Act 2001</i> if the licence is surrendered in accordance with that Act: (a) a leased car licence; (b) a transferable leased taxi licence; (c) a non-transferable leased taxi licence; (d) a wheelchair-accessible taxi licence
4	a fee, charge or other amount in relation to the registration or renewal of registration of a vehicle if the registered operator surrenders the certificate of registration and numberplates
5	a fee, charge or other amount in relation to the authorisation of an examiner if the examiner surrenders the certificate of authorisation
6	a fee, charge or other amount in relation to the approval of premises for the inspection and testing of a class of vehicles if the proprietor of the premises surrenders the certificate of approval
7	a fee, charge or other amount in relation to the registration or renewal of registration of a vehicle if the vehicle is changed so that a fee, charge or other amount is payable before it can be used
8	a fee, charge or other amount in relation to the issue of trader's plates if the holder of the plates surrenders the plates

column 1 item	column 2 fee, charge or other amount
9	a fee, charge or other amount paid in relation to the issue of a parking permit under the <i>Road Transport (Safety and Traffic Management) Regulation 2000</i> if the permit-holder surrenders the permit

1 **Explanatory note**

2 This amendment inserts a new schedule 3 and is consequential of the amendment of section 14
3 by another amendment. The amendment relocates information previously included in
4 section 14 (1) to (3) into the new schedule, using language and a structure that is in line with
5 current legislative drafting practice.

6 **[3.202] Dictionary, definition of *authorised examiner***

7 *omit*

8 dictionary

9 *substitute*

10 section 115

11 **Explanatory note**

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

13 **[3.203] Dictionary, definition of *reminder notice***

14 *omit*

15 **Explanatory note**

16 This amendment omits a definition of a term that is not used in the regulation.

1 **[3.207] Dictionary, definition of *appointed auditor***

2 *substitute*

3 *appointed auditor*—see section 224.

4 **Explanatory note**

5 This amendment revises the definition to make it a signpost definition instead of a definition for
6 part 5.7 to be consistent with current legislative drafting practice.

7 **[3.208] Dictionary, definition of *occupier***

8 *substitute*

9 *occupier*, of premises, for chapter 6 (Enforcement)—see
10 section 249.

11 **Explanatory note**

12 This amendment revises the definition to be consistent with current legislative drafting practice.

13 **[3.209] Further amendments, mentions of *director-general***

14 *omit*

15 director-general

16 *substitute*

17 CTP regulator

18 *in*

- 19 • section 263 (d)
20 • section 264 (2) (b)
21 • section 265 (2) and (3)

1 **Part 3.53** **Taxation Administration Act 1999**

2 **[3.212] Section 6 (3) (k)**

3 *omit*

4 such as

5 *substitute*

6 , for example,

7 **Explanatory note**

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

9 **[3.213] Section 6 (3) (k), new note**

10 *insert*

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

14 **Explanatory note**

15 This amendment inserts a standard note about examples.

16 **[3.214] Section 127 (c)**

17 *omit*

18 such as

19 *substitute*

20 for example,

21 **Explanatory note**

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

1 **[3.218] Dictionary, definition of *premium component***

2 *omit*

3 section 26 (4)

4 *substitute*

5 section 26 (3)

6 **Explanatory note**

7 This amendment corrects a cross-reference.

8 **Part 3.54 Taxation (Government Business**
9 **Enterprises) Regulation 2003**

10 **[3.219] Section 3**

11 *omit*

- 12 • ACTEW Corporation Limited
13 • ACTEW Distribution Limited
14 • ACTEW Retail Limited
15 • ACTEW China Pty Limited

16 *substitute*

- 17 • Icon Water Limited
18 • Icon Distribution Investments Limited
19 • Icon Retail Investments Limited

20 **Explanatory note**

21 This amendment updates the name of an entity that was formerly known as
22 ACTEW Corporation Limited, and makes corresponding changes to the names of associated
23 entities. The amendment also omits a redundant reference to ACTEW China Pty Limited. That
24 entity has been de-registered and has no current counterpart.

1 **[3.220] Section 4**

2 *omit*

- 3 • ACTEW China Pty Limited
4 • ACTEW Corporation Limited
5 • ACTEW Distribution Limited
6 • ACTEW Retail Limited

7 *substitute*

- 8 • Icon Water Limited
9 • Icon Distribution Investments Limited
10 • Icon Retail Investments Limited

11 **Explanatory note**

12 This amendment updates the name of an entity that was formerly known as ACTEW
13 Corporation Limited, and makes corresponding changes to the names of associated entities.
14 The amendment also omits a redundant reference to ACTEW China Pty Limited. That entity
15 has been de-registered and has no current counterpart.

16 **Part 3.55 Territory-owned Corporations**
17 **Act 1990**

18 **[3.221] Section 4**

19 *omit*

20 ACTEW Corporation Limited

21 *substitute*

22 Icon Water Limited

23 **Explanatory note**

24 This amendment is consequential on ACTEW Corporation Limited's change of name to
25 Icon Water Limited on 28 October 2014.

1 **[3.222] Schedule 1, item 1**

2 *substitute*

3 1 Icon Water Limited

4 **Explanatory note**

5 This amendment is consequential on ACTEW Corporation Limited's change of name to
6 Icon Water Limited on 28 October 2014.

7 **[3.223] Schedule 4 heading**

8 *substitute*

9 **Schedule 4 Modifications in relation to**
10 **Icon Water Limited**

11 **Explanatory note**

12 This amendment is consequential on ACTEW Corporation Limited's change of name to
13 Icon Water Limited on 28 October 2014.

14 **[3.224] Schedule 4, modification 1, definition of company**

15 *substitute*

16 *company* means Icon Water Limited.

17 **Explanatory note**

18 This amendment is consequential on ACTEW Corporation Limited's change of name to
19 Icon Water Limited on 28 October 2014.

Endnotes

1 Presentation speech

Presentation speech made in the Legislative Assembly on 19 March 2015.

2 Notification

Notified under the [Legislation Act](#) on 2015.

3 Republications of amended laws

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

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