

2015

THE LEGISLATIVE ASSEMBLY
FOR THE AUSTRALIAN CAPITAL TERRITORY

(As presented)

(Attorney-General)

Statute Law Amendment Bill 2015 (No 2)

Contents

	Page
1 Name of Act	2
2 Commencement	2
3 Notes	2
4 Purpose of Act	2
5 Legislation amended—schs 1–3	2
Schedule 1	
Minor amendments	3
Part 1.1	
Auditor-General Act 1996	3
Part 1.2	
Medicines, Poisons and Therapeutic Goods Act 2008	5

	Page
Part 1.3	Medicines, Poisons and Therapeutic Goods Regulation 2008 8
Part 1.4	Road Transport (Third-Party Insurance) Act 2008 15
Schedule 2	Legislation Act 2001 19
Schedule 3	Technical amendments 21
Part 3.1	ACT Civil and Administrative Tribunal Act 2008 21
Part 3.2	Auditor-General Act 1996 22
Part 3.3	Building Act 2004 23
Part 3.4	Building (General) Regulation 2008 24
Part 3.5	Children and Young People Act 2008 25
Part 3.6	Civil Unions Act 2012 36
Part 3.7	Confiscation of Criminal Assets Act 2003 37
Part 3.8	Corrections Management Act 2007 39
Part 3.9	Court Procedures Regulation 2004 40
Part 3.10	Crimes Act 1900 40
Part 3.11	Crimes (Child Sex Offenders) Regulation 2005 50
Part 3.12	Crimes (Sentence Administration) Act 2005 51
Part 3.13	Criminal Code 2002 52
Part 3.14	Dangerous Substances Act 2004 55
Part 3.15	Dangerous Substances (General) Regulation 2004 56
Part 3.16	Electoral Act 1992 57
Part 3.17	Firearms Act 1996 59
Part 3.18	Gambling and Racing Control Act 1999 61
Part 3.19	Gaming Machine Act 2004 62
Part 3.20	Heavy Vehicle National Law (ACT) 63
Part 3.21	Juries Act 1967 64

contents 2 Statute Law Amendment Bill 2015 (No 2)

Contents

		Page
Part 3.22	Liquor Act 2010	64
Part 3.23	Long Service Leave (Portable Schemes) Act 2009	66
Part 3.24	Medicines, Poisons and Therapeutic Goods Regulation 2008	69
Part 3.25	Ombudsman Act 1989	69
Part 3.26	Planning and Development Act 2007	72
Part 3.27	Public Sector Management Act 1994	74
Part 3.28	Road Transport (Driver Licensing) Regulation 2000	74
Part 3.29	Road Transport (Safety and Traffic Management) Act 1999	75
Part 3.30	Road Transport (Safety and Traffic Management) Regulation 2000	76
Part 3.31	Road Transport (Vehicle Registration) Regulation 2000	77
Part 3.32	Spent Convictions Act 2000	80
Part 3.33	Unit Titles (Management) Act 2011	81
Part 3.34	Utilities Act 2000	83

2015

THE LEGISLATIVE ASSEMBLY
FOR THE AUSTRALIAN CAPITAL TERRITORY

(As presented)

(Attorney-General)

Statute Law Amendment Bill 2015 (No 2)

A Bill for

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

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

1 **1 Name of Act**

2 This Act is the *Statute Law Amendment Act 2015 (No 2)*.

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 the 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** **Auditor-General Act 1996**

4 **[1.1] Section 17 (6)**

5 *omit*

6 **Explanatory note**

7 This amendment is consequential on the inclusion of the substance of section 17 (6) in new
8 section 21, which is inserted by another amendment.

9 **[1.2] New section 21**

10 *in division 3.7, insert*

11 **21 Ministerial response to report for Legislative Assembly**

12 (1) Within 4 months after the day a report by the auditor-general is
13 presented to the Legislative Assembly under section 17 (Reports for
14 Legislative Assembly), the Minister must—

15 (a) prepare a written response to the report; and

16 (b) either—

17 (i) present the response to the Legislative Assembly; or

18 (ii) give the response, and a copy for each member of the
19 Assembly, to the Speaker.

20 (2) If the Minister gives the response to the Speaker—

21 (a) the Speaker must arrange for a copy of the response to be given
22 to each member of the Legislative Assembly; and

23 (b) the Minister must present the response to the Legislative
24 Assembly—

25 (i) on the next sitting day; or

1 (ii) if the next sitting day is the first meeting of the
2 Legislative Assembly after a general election of members
3 of the Assembly—on the second sitting day after the
4 election.

5 (3) In this section:

6 *Speaker*, for a response given to the Deputy Speaker or clerk under
7 section 37A (Reports to be given to Speaker), means the Deputy
8 Speaker or clerk.

9 **Explanatory note**

10 This amendment inserts new section 21 to replace current section 17 (6) (which requires the
11 Minister to prepare a response to a report by the auditor-general under section 17). New
12 section 21 gives the Minister more flexibility in how a response may be presented to the
13 Legislative Assembly and also extends the period for presenting the response from 3 months to
14 4 months.

15 **[1.3] Section 37A (1)**

16 *after*

17 report

18 *insert*

19 or response

20 **Explanatory note**

21 This amendment is consequential on the insertion of new section 21 by another amendment,
22 which requires the Minister to prepare a response to an auditor-general's report for the
23 Legislative Assembly under section 17.

1 **Part 1.2** **Medicines, Poisons and**
2 **Therapeutic Goods Act 2008**

3 **[1.4] Section 13**

4 *substitute*

5 **13** **Meaning of *prohibited substance* and *schedule 10***
6 ***substance*—Act**

7 In this Act:

8 *prohibited substance* means a substance to which the [medicines and](#)
9 [poisons standard](#), schedule 9 applies.

10 *Note* Sch 9 substances are generally illegal substances that are subject to
11 abuse. They include some derivatives of the scheduled substances
12 (see s 16 (2)).

13 *schedule 10 substance* means a substance to which the [medicines](#)
14 [and poisons standard](#), schedule 10 applies.

15 *Note* Sch 10 substances are substances, other than those in sch 9, the sale,
16 supply and use of which is prohibited because of the degree of danger to
17 health they represent. The schedule includes some derivatives of the
18 substances to which the schedule applies (see s 16 (2)).

19 **Explanatory note**

20 The Act refers to a number of provisions in the medicines and poisons standard in relation to
21 the packaging and labelling of regulated substances. Section 15 (1) defines the medicines and
22 poisons standards as meaning the poisons standard made under the [Therapeutic Goods Act 1989](#)
23 (Cwlth), section 52D (2), as in force from time to time and as modified by regulation (if any). In
24 June 2015, the Commonwealth replaced the current poisons standard with [Poisons Standard](#)
25 June 2015 (the *new poisons standard*). This amendment is consequential on the making of the
26 new poisons standard, which renames appendix C substances as schedule 10 substances.

1 **[1.5] Section 71 (1) and (2)**

2 *omit*

3 schedule paint

4 *substitute*

5 group paint

6 **Explanatory note**

7 This amendment is consequential on the making of the [new Poisons Standard](#) June 2015
8 (Cwlth), which renames first and second schedule paints as first and second group paints.

9 **[1.6] Section 71 (3)**

10 *omit*

11 third schedule paint

12 *substitute*

13 paint or tinter

14 **Explanatory note**

15 This amendment is consequential on the making of the [new Poisons Standard](#) June 2015
16 (Cwlth), which replaces references to third schedule paints with references to paint or tinters of
17 a particular kind (to be prescribed by regulation).

18 **[1.7] Dictionary, definition of *appendix C substance***

19 *omit*

20 **Explanatory note**

21 This amendment is consequential on the making of the [new Poisons Standard](#) June 2015
22 (Cwlth) which renames appendix C substances as schedule 10 substances.

1 **[1.8] Dictionary, new definition of *schedule 10 substance***

2 *insert*

3 *schedule 10 substance*—see section 13.

4 **Explanatory note**

5 This amendment is consequential on the making of the [new Poisons Standard](#) June 2015
6 (Cwlth) which renames appendix C substances as schedule 10 substances.

7 **[1.9] Further amendments, mentions of *appendix C***

8 *omit*

9 appendix C

10 *substitute*

11 schedule 10

12 *in*

- 13 • section 10
- 14 • section 19 (1) (i)
- 15 • section 20 (2), (3) and (5), definition of *administration-related*
- 16 *dealing*
- 17 • section 25, definition of *declared substance*, paragraph (d)
- 18 • section 39 (1), definition of *reportable substance*, paragraph (d)

19 **Explanatory note**

20 This amendment is consequential on the making of the [new Poisons Standard](#) June 2015
21 (Cwlth) which renames appendix C substances as schedule 10 substances.

1 **[1.12] Section 665 (1) (a)**

2 *omit*

3 medicines and poisons standard, paragraphs 21 to 27

4 *substitute*

5 [medicines and poisons standard](#), sections 2.1 (2) to 2.6 (2)

6 **Explanatory note**

7 This amendment updates cross-references to provisions in the medicines and poisons standard
8 as a consequence of the making of the [new Poisons Standard](#) June 2015 (Cwlth).

9 **[1.13] Section 666 (a)**

10 *omit*

11 medicines and poisons standard, paragraphs 3 to 19

12 *substitute*

13 [medicines and poisons standard](#), sections 1.1 (2) to 1.6 (2)

14 **Explanatory note**

15 This amendment updates cross-references to provisions in the medicines and poisons standard
16 as a consequence of the making of the [new Poisons Standard](#) June 2015 (Cwlth).

17 **[1.14] Sections 676 (f) and 686 (f)**

18 *substitute*

19 (f) the following are kept at the supplier's business premises or, if
20 the chief health officer approves, in writing, another place, the
21 place approved by the chief health officer, for at least 2 years
22 after the day the poison is supplied:

23 (i) the filled purchase order;

24 (ii) the delivery acknowledgement under paragraph (e) or
25 section 720 (d) (ii);

- 1 (fa) the record for section 722 is kept at the supplier's business
2 premises or, if the chief health officer approves, in writing,
3 another place, the place approved by the chief health officer,
4 for at least 5 years after the day the poison is supplied;

5 **Explanatory note**

6 The regulation refers to a number of provisions in the medicines and poisons standard in
7 relation to the packaging and labelling of regulated substances. The *Medicines, Poisons and*
8 *Therapeutic Goods Act 2008*, section 15 (1) defines the medicines and poisons standard as
9 meaning the poisons standard made under the *Therapeutic Goods Act 1989* (Cwlth),
10 section 52D (2), as in force from time to time and as modified by regulation (if any). In
11 June 2015, the Commonwealth replaced the current poisons standard with *Poisons Standard*
12 June 2015 (the *new poisons standard*). This amendment is consequential on the requirement in
13 the *new poisons standard*, part 2, section 5.1 to keep records relating to the supply of dangerous
14 poisons for 5 years.

15 **[1.15] Section 722**

16 *substitute*

17 **722 Recording supply of dangerous poisons**

18 A person who supplies a dangerous poison on a purchase order to
19 someone else must keep a written record of the supply in accordance
20 with the *medicines and poisons standard*, section 5.1 (1) and (2).

21 **Explanatory note**

22 This amendment remakes section 722 as a consequence of the remaking of the poisons standard
23 and to require a person supplying dangerous poisons to act in accordance with the *new poisons*
24 *standard*, part 2, section 5.1.

1 **[1.16] Section 731 (a)**

2 *omit*

3 medicines and poisons standard, paragraphs 21 to 27

4 *substitute*

5 [medicines and poisons standard](#), sections 2.1 (2) to 2.6 (2)

6 **Explanatory note**

7 This amendment updates cross-references to provisions in the medicines and poisons standard
8 as a consequence of the making of the [new Poisons Standard](#) June 2015 (Cwlth).

9 **[1.17] Section 732 (a)**

10 *omit*

11 medicines and poisons standard, paragraphs 3 to 19

12 *substitute*

13 [medicines and poisons standard](#), sections 1.1 (2) to 1.6 (2)

14 **Explanatory note**

15 This amendment updates cross-references to provisions in the medicines and poisons standard
16 as a consequence of the making of the [new Poisons Standard](#) June 2015 (Cwlth).

17 **[1.18] Section 735 (2)**

18 *substitute*

19 (2) The dangerous poison must be kept in accordance with the
20 [medicines and poisons standard](#), section 3.1 (1) and (2).

21 **Explanatory note**

22 This amendment remakes subsection (2) to apply the [Poisons Standard](#) June 2015, part 2,
23 section 3.1 (1) and (2) to the storage of dangerous poisons.

1 **[1.19] Section 751 (1)**

2 *omit*
3 first schedule
4 *substitute*
5 first group

6 **Explanatory note**

7 This amendment is consequential on the making of the [new Poisons Standard](#) June 2015
8 (Cwlth), which renames first schedule paints as first group paints.

9 **[1.20] Section 751 (2)**

10 *substitute*
11 (2) A paint or tintor mentioned in the [medicines and poisons standard](#),
12 section 7.1 (2) is prescribed.

13 **Explanatory note**

14 This amendment updates section 751 (2) as a consequence of the making of the [new Poisons](#)
15 [Standard](#) June 2015 (Cwlth), part 2, section 7.1.

16 **[1.21] Section 752 and note**

17 *substitute*

18 **752 Manufacture, supply and use of paints for toys—Act,**
19 **s 72 (b)**

20 A paint that complies with the specification requirements for coating
21 materials prescribed by the [medicines and poisons standard](#),
22 section 7.1 (3) may be manufactured, supplied or used for
23 application to toys.

24 **Explanatory note**

25 This amendment updates section 752 as a consequence of the making of the [new Poisons](#)
26 [Standard](#) June 2015 (Cwlth), part 2, section 7.1.

1 **[1.22] Section 753 (1) and note**

2 *substitute*

3 (1) A pesticide mentioned in the [medicines and poisons standard](#),
4 section 7.1 (4) is prescribed.

5 **Explanatory note**

6 This amendment updates section 753 (1) as a consequence of the making of the [new Poisons](#)
7 [Standard](#) June 2015 (Cwlth), part 2, section 7.1.

8 **[1.23] Chapter 21 heading**

9 *omit*

10 **appendix C**

11 *substitute*

12 **schedule 10**

13 **Explanatory note**

14 This amendment is consequential on the making of the [new Poisons Standard](#) June 2015
15 (Cwlth) which renames appendix C substances as schedule 10 substances.

16 **[1.24] Section 760**

17 *omit*

18 an appendix C

19 *substitute*

20 a schedule 10

21 **Explanatory note**

22 This amendment is consequential on the making of the [new Poisons Standard](#) June 2015
23 (Cwlth) which renames appendix C substances as schedule 10 substances.

1 **[1.25] Section 760, note**

2 *omit*

3 Appendix C

4 *substitute*

5 Schedule 10

6 **Explanatory note**

7 This amendment is consequential on the making of the [new Poisons Standard](#) June 2015
8 (Cwlth) which renames appendix C substances as schedule 10 substances.

9 **[1.26] Section 863 (a)**

10 *omit*

11 **Explanatory note**

12 This amendment is consequential on the remaking of section 752 by another amendment.

13 **[1.27] Section 863, note 3**

14 *omit*

15 **Explanatory note**

16 This amendment is consequential on the remaking of section 752 by another amendment.

17 **[1.28] Dictionary, definition of *complying purchase order*,
18 **paragraph (c)****

19 *omit*

20 an appendix C

21 *substitute*

22 a schedule 10

23 **Explanatory note**

24 This amendment is consequential on the making of the [new Poisons Standard](#) June 2015
25 (Cwlth) which renames appendix C substances as schedule 10 substances.

1 **[1.29] Dictionary, definition of *prohibited substance***

2 *omit*
3 appendix C
4 *substitute*
5 schedule 10

6 **Explanatory note**

7 This amendment is consequential on the making of the [new Poisons Standard](#) June 2015
8 (Cwlth) which renames appendix C substances as schedule 10 substances.

9 **Part 1.4 Road Transport (Third-Party**
10 **Insurance) Act 2008**

11 **[1.30] Section 102, definition of *required document*,**
12 **paragraphs (b) and (c)**

13 *after*
14 a report
15 *insert*
16 , or surveillance film,

17 **Explanatory note**

18 The definition of *required document* lists 3 categories that are required documents for a motor
19 accident claim under part 4.3 (which is about obligations to give documents and information).
20 Under paragraph (a) of the definition, a report or other document about the motor accident for
21 the claim is a required document. Paragraphs (b) and (c) of the definition, however, prescribe
22 that only reports about certain things are required documents. This amendment revises those
23 paragraphs to make it clear that surveillance film in relation to the things mentioned in those
24 paragraphs is a required document.

1 **[1.31] Section 150 (1) and (3)**

2 *omit*

3 part

4 *substitute*

5 chapter

6 **Explanatory note**

7 Chapter 4 sets out a number of pre-litigation steps to be undertaken by each party to a
8 third-party insurance claim, including mandatory conferences and final offers of settlement
9 before instituting court proceedings. Under section 150, the court may grant a claimant leave to
10 start court proceedings even if the claimant has not complied with part 4.9 (which is about court
11 proceedings) if the proceeding is urgent. On the face of it, section 150 does not give the court
12 power to give leave to begin a proceeding in circumstances where there has been
13 non-compliance with the pre-litigation steps in chapter 4 and the court has not dispensed with
14 those requirements. This amendment revises section 150 (1) and (3) to make it clear that if a
15 court has allowed a proceeding to begin, the court may stay the proceeding and order the
16 claimant to comply with chapter 4.

17 **[1.32] Section 150 (5)**

18 *substitute*

19 (5) If, under subsection (4), the proceeding is not stayed, the following
20 parts do not apply to the personal injury:

21 (a) part 4.7 (Compulsory conferences before court proceedings);

22 (b) part 4.8 (Mandatory final offers);

1 (c) this part (other than this section).

2 **Explanatory note**

3 Currently, under section 150 (5), if a proceeding in relation to a motor accident claim is not
4 stayed under section 150 (4) (and the court makes an order under that section in relation to
5 expediting the proceeding), chapter 4 (other than part 4.9 but including section 150) applies to
6 the personal injury that is the subject of the claim, including provisions about compulsory
7 conferences and mandatory final offers of settlement before instituting court proceedings. This
8 amendment clarifies that if a proceeding is not stayed in the circumstances mentioned in
9 section 150 (4), parts 4.7, 4.8 and 4.9 (other than section 150) do not apply to the personal
10 injury.

11 **[1.33] New chapter 11**

12 *insert*

13 **Chapter 11 Transitional—Statute Law**
14 **Amendment Act 2015 (No 2)**

15 **293 Meaning of *commencement day*—ch 11**

16 In this chapter:

17 *commencement day* means the day the *Statute Law Amendment*
18 *Act 2015 (No 2)*, section 5 commences.

19 **294 Application of amendment—surveillance film**

20 The amendment of section 102, definition of *required document*,
21 made by the *Statute Law Amendment Act 2015 (No 2)* does not
22 apply to a motor accident claim if the notice of claim was given
23 under section 84, or a proceeding on the claim was started, before
24 the commencement day.

1 **295 Expiry—ch 11**

2 This chapter expires 12 months after the commencement day.

3 *Note* Transitional provisions are kept in the Act for a limited time.
4 A transitional provision is repealed on its expiry but continues to have
5 effect after its repeal (see [Legislation Act](#), s 88).

6 **Explanatory note**

7 This amendment inserts a new transitional chapter in the Act to make it clear that the
8 amendment of section 102, definition of *required document* applies only to motor accident
9 claims made after the commencement of the amendment.

1 **Schedule 2 Legislation Act 2001**

2 (see s 5)

3 **[2.1] Section 104 (4)**

4 *omit*

5 **Explanatory note**

6 This amendment omits the definition of ‘*statutory instrument*, of another jurisdiction’ because
7 the term is no longer used in this section.

8 **[2.2] New section 257**

9 *in part 19.7, insert*

10 **257 Out-of-session presentation of documents to Legislative** 11 **Assembly**

- 12 (1) This section applies if a provision of a law requires a person to
13 present a document to the Legislative Assembly within a stated
14 period that is not expressed as a stated number of sitting days.
- 15 (2) If it is not reasonably practicable to present the document within the
16 stated period—
- 17 (a) the person may give the document, and a copy for each
18 member of the Legislative Assembly, to the Speaker before the
19 end of the stated period; and
- 20 (b) the document is taken for all purposes to have been presented
21 to the Legislative Assembly on the day the person gives it to
22 the Speaker; and
- 23 (c) the Speaker must arrange for a copy of the document to be
24 given to each member of the Legislative Assembly; and
- 25 (d) the Speaker must present the document to the Legislative
26 Assembly—
- 27 (i) on the next sitting day; or

- 1 (ii) if the next sitting day is the first meeting of the
2 Legislative Assembly after a general election of members
3 of the Assembly—on the second sitting day after the
4 election.

5 **Example**

6 A report is given to the Minister under the XYZ Act on 1 November. The
7 Act requires the Minister to present a response to the report to the
8 Legislative Assembly within 3 months after receiving it. The latest sitting
9 day in that period is 10 December. It is not reasonably practicable for the
10 Minister to prepare the response by 10 December. Under this section, the
11 Minister may give the response to the Speaker on 1 February.

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

15 (3) In this section:

16 *Speaker* includes—

- 17 (a) if the Speaker is unavailable—the Deputy Speaker; and
18 (b) if both the Speaker and the Deputy Speaker are unavailable—
19 the clerk of the Legislative Assembly.

20 *unavailable*—the Speaker or Deputy Speaker is *unavailable* if—

- 21 (a) he or she is absent from duty; or
22 (b) there is a vacancy in the office of Speaker or Deputy Speaker.

23 **Explanatory note**

24 A number of ACT laws require a document to be presented in the Legislative Assembly within
25 a stated time. However, there are occasions when it is not practicable to present the document
26 within the stated time and many of those laws do not provide for the presenting of the document
27 out-of-session.

28 This amendment inserts a new section in the [Legislation Act](#) allowing reports, and responses to
29 reports, that are required to be presented in the Legislative Assembly to be presented
30 out-of-session. The new section is consistent with similar provisions in, for example, the
31 [Annual Reports \(Government Agencies\) Act 2004](#), the [Climate Change and Greenhouse Gas
32 Reduction Act 2010](#), the [Coroners Act 1997](#) and the [Government Agencies \(Campaign
33 Advertising\) Act 2009](#).

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

2 (see s 5)

3 **Part 3.1** **ACT Civil and Administrative**
4 **Tribunal Act 2008**

5 **[3.1] Section 22B (2), note**

6 *substitute*

7 *Note* For what must be included in a statement of reasons, see the [Legislation](#)
8 [Act](#), s 179.

9 **Explanatory note**

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

11 **[3.2] Section 60 (3), note**

12 *substitute*

13 *Note* For what must be included in a statement of reasons, see the [Legislation](#)
14 [Act](#), s 179.

15 **Explanatory note**

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

17 **[3.3] Dictionary, definition of *trust amount***

18 *omit*

19 section 115B (1)

20 *substitute*

21 section 115A

22 **Explanatory note**

23 This amendment corrects a cross-reference.

1 **[3.8] Dictionary, definition of *appropriation***

2 *omit*

3 **Explanatory note**

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

5 **Part 3.3 Building Act 2004**

6 **[3.9] Section 36A (1) (b)**

7 *substitute*

8 (b) the entity—

9 (i) has given advice on the application; or

10 (ii) has not given advice within the time prescribed for giving
11 the advice; and

12 **Explanatory note**

13 This amendment corrects a grammatical error.

14 **[3.10] Section 112 (4), new note**

15 *insert*

16 *Note* For what must be included in a statement of reasons, see the [Legislation](#)
17 [Act](#), s 179.

18 **Explanatory note**

19 This amendment inserts a standard note about a statement of reasons.

1 **[3.13] Schedule 2, part 2.2, items 6 and 7, column 3**

2 *omit*

3 chief officer (fire brigade)

4 *substitute*

5 chief officer (fire and rescue)

6 **Explanatory note**

7 This amendment updates the reference. The name of the ACT Fire Brigade was changed to
8 ACT Fire and Rescue by the *Justice and Community Safety Legislation Amendment Act 2012*.
9 The term ‘chief officer (fire and rescue)’ is defined in the *Legislation Act*, dictionary, part 1 to
10 mean the chief officer (fire and rescue) under the *Emergencies Act 2004*.

11 **Part 3.5 Children and Young People**
12 **Act 2008**

13 **[3.14] Section 70 (4) (b) (ii), example**

14 *omit*

15 **Explanatory note**

16 This amendment omits the example because it is inaccurate. The discrimination commissioner
17 does not substantiate a discrimination complaint as this is a matter for the ACT Civil and
18 Administrative Tribunal.

19 **[3.15] Section 73, definition of *family group conference***
20 ***facilitator***

21 *substitute*

22 *family group conference facilitator*—see section 78.

23 **Explanatory note**

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

1 **[3.20] Section 353, definition of *voluntary report***

2 *omit*

3 section 354

4 *substitute*

5 section 354 (2)

6 **Explanatory note**

7 This amendment corrects a cross-reference.

8 **[3.21] Section 357 (1) (a)**

9 *omit*

10 neglect

11 *substitute*

12 non-accidental physical injury

13 **Explanatory note**

14 This amendment revises section 357 (1) (a) to be consistent with section 356 (1) (c) (ii).

15 **[3.22] New section 492A**

16 *in part 14.13, insert*

17 **492A Definitions—pt 14.13**

18 In this part:

19 *annual review report order*—see section 500 (2).

20 *waiver order*—see section 498 (1).

21 **Explanatory note**

22 This amendment inserts a section in order to inset a signpost definition for a term defined
23 elsewhere in the Act.

1 **[3.26] Section 563, new note**

2 *insert*

3 *Note 2* For what must be included in a statement of reasons, see the [Legislation](#)
4 [Act](#), s 179.

5 **Explanatory note**

6 This amendment inserts a standard note about a statement of reasons.

7 **[3.27] Section 571, new note**

8 *insert*

9 *Note 2* For what must be included in a statement of reasons, see the [Legislation](#)
10 [Act](#), s 179.

11 **Explanatory note**

12 This amendment inserts a standard note about a statement of reasons.

13 **[3.28] Section 687 (1) (f)**

14 *omit*

15 *(the safe custody period)*

16 **Explanatory note**

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

18 **[3.29] Section 722 (3), new note**

19 *insert*

20 *Note* For what must be included in a statement of reasons, see the [Legislation](#)
21 [Act](#), s 179.

22 **Explanatory note**

23 This amendment inserts a standard note about a statement of reasons.

1 **[3.33] Dictionary, definition of *childcare worker***

2 *omit*

3 section 728 (1)

4 *substitute*

5 section 728 (2)

6 **Explanatory note**

7 This amendment corrects a cross-reference.

8 **[3.34] Dictionary, definition of *children and young people***
9 ***deaths register***

10 *omit*

11 section 727N

12 *substitute*

13 section 727N (1)

14 **Explanatory note**

15 This amendment corrects a cross-reference.

16 **[3.35] Dictionary, new definition of *court-ordered meeting***

17 *insert*

18 ***court-ordered meeting***—see section 431 (2) (a).

19 **Explanatory note**

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

1 **[3.36] Dictionary, new definition of *initial review***

2 *insert*

3 *initial review*, for division 16.2.5 (Review of therapeutic protection
4 orders)—see section 553 (2).

5 **Explanatory note**

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

7 **[3.37] Dictionary, definition of *interim care and protection order***

8 *omit*

9 section 433

10 *substitute*

11 section 433 (1)

12 **Explanatory note**

13 This amendment corrects a cross-reference.

14 **[3.38] Dictionary, definition of *interim child welfare order***

15 *omit*

16 section 661

17 *substitute*

18 section 661 (1)

19 **Explanatory note**

20 This amendment corrects a cross-reference.

1 **[3.39] Dictionary, definition of *mandatory report***

2 *omit*

3 section 356

4 *substitute*

5 section 356 (1) (e)

6 **Explanatory note**

7 This amendment corrects a cross-reference.

8 **[3.40] Dictionary, definition of *non-treating doctor etc***

9 *omit*

10 section 530

11 *substitute*

12 section 530 (2)

13 *in*

- 14 • definition of *non-treating doctor*, paragraph (c)
- 15 • definition of *non-treating health practitioner*, paragraph (b)
- 16 • definition of *non-treating health professional*, paragraph (b)
- 17 • definition of *non-treating nurse*, paragraph (c)

18 **Explanatory note**

19 This amendment corrects cross-references.

1 **[3.41] Dictionary, definition of *official visitor***

2 *omit*

3 section 10

4 *substitute*

5 section 10 (1) (a)

6 **Explanatory note**

7 This amendment corrects a cross-reference.

8 **[3.42] Dictionary, new definition of *ongoing review***

9 *insert*

10 *ongoing review*, for division 16.2.5 (Review of therapeutic
11 protection orders)—see section 554 (2).

12 **Explanatory note**

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

14 **[3.43] Dictionary, definition of *prenatal report***

15 *omit*

16 section 362

17 *substitute*

18 section 362 (2)

19 **Explanatory note**

20 This amendment corrects a cross-reference.

1 **[3.44] Dictionary, definition of *prohibited area***

2 *substitute*

3 *prohibited area*, for a criminal matters chapter, means a place
4 declared by the director-general as a prohibited area under
5 section 147.

6 **Explanatory note**

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

8 **[3.45] Dictionary, new definition of *therapeutic protection***
9 ***register***

10 *insert*

11 *therapeutic protection register*, for chapter 16 (care and
12 protection—therapeutic protection of children and young people)—
13 see section 633 (1).

14 **Explanatory note**

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

16 **[3.46] Dictionary, definition of *voluntary report***

17 *omit*

18 section 354

19 *substitute*

20 section 354 (2)

21 **Explanatory note**

22 This amendment corrects a cross-reference.

1 **[3.47] Dictionary, new definition of *waiver order***

2 *insert*

3 *waiver order*, for part 14.13 (Annual review reports—parental
4 responsibility provisions and supervision provisions)—see
5 section 498 (1).

6 **Explanatory note**

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

8 **Part 3.6 Civil Unions Act 2012**

9 **[3.48] Section 3, note 1**

10 *substitute*

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

14 For example, the signpost definition ‘*reviewable decision*, for part 4
15 (Notification and review of decisions)—see section 18.’ means that the
16 term ‘reviewable decision’ is defined in that section for part 4.

17 **Explanatory note**

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

20 **[3.49] Dictionary, note 2**

21 *insert*

- 22 • found guilty

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 **[3.50] Dictionary, definition of *reviewable decision***

2 *omit*

3 Notice

4 *substitute*

5 Notification

6 **Explanatory note**

7 This amendment corrects a minor typographical error.

8 **Part 3.7 Confiscation of Criminal Assets**
9 **Act 2003**

10 **[3.51] New section 105 (4)**

11 *insert*

12 (4) In this section:

13 *proposed action*—see section 102 (1).

14 **Explanatory note**

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

16 **[3.52] Section 259 (1)**

17 *omit*

18 , in writing,

19 **Explanatory note**

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

1 **[3.53] Dictionary, definition of *artistic profits***

2 *omit*

3 section 81

4 *substitute*

5 section 81 (1)

6 **Explanatory note**

7 This amendment corrects a cross-reference.

8 **[3.54] Dictionary, definition of *transaction suspension order***

9 *omit*

10 section 152

11 *substitute*

12 section 152 (1)

13 **Explanatory note**

14 This amendment corrects a cross-reference.

15 **[3.55] Further amendments, mentions of *all or any***

16 *omit*

17 all or any

18 *substitute*

19 1 or more

20 *in*

21 • section 35 (1)

22 • section 69 (1) (b)

23 • section 129 (1), definition of *equitable sharing program*

24 • section 179 (2)

25 • section 211 (7), definition of *strip search*

1 **[3.61] Dictionary, note 2**

2 *omit*

- 3 • fire brigade

4 *substitute*

- 5 • fire and rescue

6 **Explanatory note**

7 Dictionary, note 2 lists examples of terms used in the Act that are defined in the
8 [Legislation Act](#), dictionary, part 1. This amendment corrects a cross-reference. The name of the
9 ACT Fire Brigade was changed to ACT Fire and Rescue by the [Justice and Community Safety
Legislation Amendment Act 2012](#). The term ‘fire and rescue’ is defined in the [Legislation Act](#),
10 dictionary, part 1 to mean ACT Fire and Rescue established under the [Emergencies Act 2004](#).
11

12 **[3.62] Dictionary, definition of ACAT**

13 *omit*

14 section 300

15 *substitute*

16 section 300 (1)

17 **Explanatory note**

18 This amendment corrects a cross-reference.

19 **[3.63] Dictionary, new definition of *accused***

20 *insert*

21 *accused*, for a person before the Magistrates Court, for part 13
22 (Unfitness to plead and mental impairment)—see section 300 (1).

23 **Explanatory note**

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

1 **[3.64] Dictionary, definition of *aggravated offence***

2 *substitute*

3 *aggravated offence*—

4 (a) for part 2 (Offences against the person)—see section 48A; and

5 (b) for part 5 (Sexual servitude)—see section 81.

6 **Explanatory note**

7 This amendment revises the definition to include a signpost to the definition of the term in
8 section 48A.

9 **[3.65] Dictionary, new definitions**

10 *insert*

11 *alternative offence*, for an offence—

12 (a) for part 2 (Offences against the person)—see section 48B (1);
13 and

14 (b) for part 13 (Unfitness to plead and mental impairment)—see
15 section 300 (1).

16 *anabolic steroid*, for part 8 (Anabolic steroids)—see section 170.

17 *appropriate authority*, in relation to a State or another Territory, for
18 part 11 (Investigation of extraterritorial offences)—see
19 section 253 (1).

20 *assisting officer*, in relation to a warrant, for part 10 (Criminal
21 investigation)—see section 185.

22 **Explanatory note**

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

1 **[3.66] Dictionary, definitions of *child***

2 *substitute*

3 *child*—

4 (a) for the Act generally—

5 (i) means a person who has not attained the age of 18 years;
6 and

7 (ii) in relation to a person, includes a child—

8 (A) who normally or regularly resides with the person;
9 or

10 (B) of whom the person is a guardian; and

11 (b) for subdivision 10.7.2 (Preliminary procedures in relation to
12 children and young people)—see section 252D.

13 **Explanatory note**

14 This amendment combines 2 definitions for the same term.

15 **[3.67] Dictionary, new definition of *Commonwealth Crimes Act***

16 *insert*

17 *Commonwealth Crimes Act*, for part 10 (Criminal investigation)—
18 see section 185.

19 **Explanatory note**

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

1 **[3.68] Dictionary, definition of *conduct***

2 *substitute*

3 *conduct*, for part 2A (Industrial manslaughter) and part 13
4 (Unfitness to plead and mental impairment)—see the [Criminal](#)
5 [Code](#), section 13.

6 **Explanatory note**

7 This amendment updates the definition to include a reference to part 13 because ‘conduct’ is
8 defined in the same way for that part.

9 **[3.69] Dictionary, new definitions**

10 *insert*

11 *contaminate*, for goods, for division 6.6 (Contamination of goods
12 and related offences)—see section 135.

13 *conveyance*, for part 10 (Criminal investigation)—see section 185.

14 *corresponding law*, for part 11 (Investigation of extraterritorial
15 offences)—see section 253 (1).

16 *deal*, with money or other property, for division 6.2A (Money
17 laundering and organised fraud)—see section 114A.

18 *defendant*, for part 13 (Unfitness to plead and mental
19 impairment)—see the [Magistrates Court Act 1930](#), section 18A.

20 *detention during pleasure*, for part 7 (Escape provisions)—see
21 section 158.

22 *economic loss*, caused through public awareness of the
23 contamination of goods, or the possibility of contamination, for
24 part 6 (Offences relating to property)—see section 136.

25 *engage in conduct*, for part 13 (Unfitness to plead and mental
26 impairment)—see the [Criminal Code](#), section 13.

27 *evidential material*, for part 10 (Criminal investigation)—see
28 section 185.

1 *executing officer*, in relation to a warrant, for part 10 (Criminal
2 investigation)—see section 185.

3 *female genital mutilation*, for part 4 (Female genital mutilation)—
4 see section 73.

5 *frisk search*, for part 10 (Criminal investigation)—see section 185.

6 *Full Court*, for part 20 (Inquiries into convictions)—see
7 section 421.

8 *goods*, for division 6.6 (Contamination of goods and related
9 offences)—see section 135.

10 **Explanatory note**

11 This amendment inserts signpost definitions for terms defined elsewhere in the Act.

12 **[3.70] Dictionary, definition of *harm***

13 *omit*

14 **Explanatory note**

15 This amendment omits a redundant definition. The term is defined only for section 48A.

16 **[3.71] Dictionary, new definitions of *inquiry* and *issuing officer***

17 *insert*

18 *inquiry*, for part 20 (Inquiries into convictions)—see section 421.

19 *issuing officer*, in relation to a warrant to search premises or a
20 person or a warrant for arrest, for part 10 (Criminal investigation)—
21 see section 185.

22 **Explanatory note**

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

1 **[3.72] Dictionary, definition of *knife***

2 *substitute*

3 *knife* includes—

4 (a) a knife blade; and

5 (b) a razor blade; and

6 (c) any other blade; but

7 (d) does not include a knife of a class or description excluded from
8 this definition by regulation.

9 **Explanatory note**

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

11 **[3.73] Dictionary, new definition of *lawful custody***

12 *insert*

13 *lawful custody*, for part 7 (Escape provisions)—see section 157.

14 **Explanatory note**

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

16 **[3.74] Dictionary, definition of *Magistrates Court***

17 *omit*

18 section 300

19 *substitute*

20 section 300 (2)

21 **Explanatory note**

22 This amendment corrects a cross-reference.

1 **[3.75] Dictionary, new definition of *mental health order***

2 *insert*

3 *mental health order*, for part 13 (Unfitness to plead and mental
4 impairment)—see the [Mental Health Act 2015](#), dictionary.

5 **Explanatory note**

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

7 **[3.76] Dictionary, definition of *motor vehicle***

8 *substitute*

9 *motor vehicle*—see the [Road Transport \(General\) Act 1999](#),
10 dictionary.

11 **Explanatory note**

12 This amendment updates the definition to correct a cross-reference.

13 **[3.77] Dictionary, new definitions**

14 *insert*

15 *night*, for part 11 (Investigation of extraterritorial offences)—see
16 section 253 (1).

17 *offence*, for part 10 (Criminal investigation)—see section 185.

18 *offence to which this Act applies*, for part 11 (Investigation of
19 extraterritorial offences)—see section 253 (1).

20 *ordinary search*, for part 10 (Criminal investigation)—see
21 section 185.

22 *owner*, in relation to an object, for part 11 (Investigation of
23 extraterritorial offences)—see section 253 (1).

24 *police station*, for part 10 (Criminal investigation)—see section 185.

- 1 *premises*—
- 2 (a) for part 10 (Criminal investigation)—see section 185; and
- 3 (b) for part 11 (Investigation of extraterritorial offences)—see
- 4 section 253 (1).
- 5 *proceeds of crime*, for division 6.2A (Money laundering and
- 6 organised fraud)—see section 114A.
- 7 *property*—
- 8 (a) for division 6.2A (Money laundering and organised fraud)—
- 9 see section 114A; and
- 10 (b) for division 6.3 (Criminal damage to property)—see
- 11 section 115.
- 12 *recently used conveyance*, in relation to a search of a person, for
- 13 part 10 (Criminal investigation)—see section 185.
- 14 *reciprocating State*, for part 11 (Investigation of extraterritorial
- 15 offences)—see section 253 (1).
- 16 *registrar*, for part 20 (Inquiries into convictions)—see section 421.
- 17 *relevant proceeding*, in relation to an offence, for part 20 (Inquiries
- 18 into convictions)—see section 421.

19 **Explanatory note**

20 This amendment inserts signpost definitions for terms defined elsewhere in the Act.

21 **[3.78] Dictionary, definition of *school***

22 *substitute*

23 *school*—

24 (a) means—

25 (i) a government or non-government school under the

26 [Education Act 2004](#); or

1 (ii) an educational institution conducted by the Canberra
2 Institute of Technology; and

3 (b) includes any land or premises that belong to, are occupied by,
4 or are used in relation to, a school.

5 **Explanatory note**

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

7 **[3.79] Dictionary, new definitions of *search warrant* and**
8 ***seizable item***

9 *insert*

10 *search warrant*, for part 11 (Investigation of extraterritorial
11 offences)—see section 253 (1).

12 *seizable item*, for part 10 (Criminal investigation)—see section 185.

13 **Explanatory note**

14 This amendment inserts signpost definitions for terms defined elsewhere in the Act.

15 **[3.80] Dictionary, definition of *serious harm***

16 *substitute*

17 *serious harm*, for part 2A (Industrial manslaughter)—see the
18 [Criminal Code](#), dictionary.

19 **Explanatory note**

20 This amendment updates the definition to omit a redundant signpost definition.

21 **[3.81] Dictionary, new definitions**

22 *insert*

23 *serious offence*—

24 (a) for part 10 (Criminal investigation)—see section 185; and

25 (b) for part 13 (Unfitness to plead and mental health
26 impairment)—see section 300 (1); and

- 1 (c) for division 13.4 (Magistrates Court—finding of not guilty
2 because of mental impairment)—see section 325.
- 3 *sexual intercourse*, for part 3 (Sexual offences)—see section 50 (1).
- 4 *special hearing*, for part 13 (Unfitness to plead and mental health
5 impairment)—see section 300 (1).
- 6 *strip search*, for part 10 (Criminal investigation)—see section 185.
- 7 *telephone*, for part 11 (Investigation of extraterritorial offences)—
8 see section 253 (1).
- 9 *thing relevant to* an offence, for part 10 (Criminal investigation)—
10 see section 185.
- 11 *unlawful activity*, for division 6.2A (Money laundering and
12 organised fraud)—see section 114A.
- 13 *warrant*, for part 10 (Criminal investigation)—see section 185.
- 14 *warrant premises*, for part 10 (Criminal investigation)—see
15 section 185.

16 **Explanatory note**

17 This amendment inserts signpost definitions for terms defined elsewhere in the Act.

18 **Part 3.11 Crimes (Child Sex Offenders)**
19 **Regulation 2005**

20 **[3.82] Section 16A (1) (e)**

21 *substitute*

22 (e) the comptroller-general of Customs;

23 **Explanatory note**

24 This amendment updates the paragraph as a consequence of amendments to the *Customs*
25 *Act 1901* (Cwlth) by the *Customs and Other Legislation Amendment (Australian Border Force)*
26 *Act 2015* (Cwlth) that replaces ‘CEO’ with ‘Comptroller-General of Customs’.

1 **[3.83] Section 16A (1) (m)**

2 *omit*

3 Citizenship

4 *substitute*

5 Border Protection

6 **Explanatory note**

7 This amendment updates the paragraph to reflect the change of the name of the Department to
8 the Department of Immigration and Border Protection (Cwlth).

9 **Part 3.12 Crimes (Sentence**
10 **Administration) Act 2005**

11 **[3.84] Section 71 (6) etc, note**

12 *substitute*

13 *Note* For what must be included in a statement of reasons, see the [Legislation](#)
14 [Act](#), s 179.

15 *in*

- 16 • section 71 (6)
- 17 • section 77 (1)
- 18 • section 122 (4)
- 19 • section 157 (3)
- 20 • section 222 (6)
- 21 • section 223 (7)
- 22 • section 226 (5)
- 23 • section 228 (5)

- 1 • section 236 (3)
2 • section 311 (3)

3 **Explanatory note**

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

5 **Part 3.13 Criminal Code 2002**

6 **[3.85] Section 366 (11), new notes**

7 *insert*

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

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 standard notes about statutory declarations.

15 **[3.86] Section 604 (1), note**

16 *omit*

17 bears

18 *substitute*

19 has

20 **Explanatory note**

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

1 **[3.87] Section 700, definition of *law enforcement officer*,**
2 **paragraph (c)**

3 *omit*

4 Australian Customs Service

5 *substitute*

6 Department of Immigration and Border Protection (Cwlth)

7 **Explanatory note**

8 This amendment updates the definition as a consequence of the repeal of the *Customs*
9 *Administration Act 1985* (Cwlth) by the *Customs and Other Legislation Amendment (Australian*
10 *Border Force) Act 2015* (Cwlth) (which had the effect of abolishing the customs service) and
11 the integration of the customs service with the Department of Immigration and Border
12 Protection (Cwlth).

13 **[3.88] Dictionary, definition of *fault element of basic intent***

14 *omit*

15 section 30

16 *substitute*

17 section 30 (1)

18 **Explanatory note**

19 This amendment corrects a cross-reference.

20 **[3.89] Dictionary, definition of *harm*, new note**

21 *insert*

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

25 **Explanatory note**

26 This amendment inserts a standard note about examples.

1 **[3.90] Dictionary, definition of *intoxication***

2 *omit*

3 section 30

4 *substitute*

5 section 30 (1)

6 **Explanatory note**

7 This amendment corrects a cross-reference.

8 **[3.91] Dictionary, definition of *legal burden***

9 *omit*

10 section 56

11 *substitute*

12 section 56 (3)

13 **Explanatory note**

14 This amendment corrects a cross-reference.

15 **[3.92] Dictionary, definition of *self-induced***

16 *omit*

17 section 30

18 *substitute*

19 section 30 (2)

20 **Explanatory note**

21 This amendment corrects a cross-reference.

1 **Part 3.14** **Dangerous Substances Act 2004**

2 **[3.93] Section 85, definition of *authorised person*, paragraph (d)**

3 *omit*

4 the fire brigade

5 *substitute*

6 fire and rescue

7 **Explanatory note**

8 This amendment updates the reference. The name of the ACT Fire Brigade was changed to
9 ACT Fire and Rescue by the [Justice and Community Safety Legislation Amendment Act 2012](#).
10 The term ‘fire and rescue’ is defined in the [Legislation Act](#), dictionary, part 1 to mean ACT Fire
11 and Rescue established under the [Emergencies Act 2004](#).

12 **[3.94] Dictionary, note 2**

13 *omit*

- 14
 - fire brigade

15 *substitute*

- 16
 - fire and rescue

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 omits an incorrect reference and replaces it
20 with the correct reference. The name of the ACT Fire Brigade was changed to ACT Fire and
21 Rescue by the [Justice and Community Safety Legislation Amendment Act 2012](#). The term ‘fire
22 and rescue’ is defined in the [Legislation Act](#), dictionary, part 1 to mean ACT Fire and Rescue
23 established under the [Emergencies Act 2004](#).

1 Part 3.16 Electoral Act 1992

2 [3.97] Sections 18A (3), note and 18C (5), note

3 *substitute*

4 *Note* For what must be included in a statement of reasons, see the [Legislation](#)
5 [Act](#), s 179.

6 Explanatory note

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

8 [3.98] Section 55 (1) (a)

9 *omit*

10 and conclusive

11 Explanatory note

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

13 [3.99] Section 101 (3)

14 *omit*

15 Returns

16 *substitute*

17 Elections

18 Explanatory note

19 This amendment corrects a reference to the Court of Disputed Elections. Section 101 was
20 originally inserted in the Act as section 95 by the [Electoral \(Amendment\) Act 1994](#). The original
21 section 95 (3) referred to the Court of Disputed Elections (established under section 252 (2)).
22 The [Electoral \(Amendment\) Act 1994](#), section 24 then renumbered section 95 as section 101.
23 When section 101 (2) to (4) was remade by the [Legislation \(Consequential Amendments\)](#)
24 [Act 2001](#), an incorrect reference to the Court of Disputed Returns was included.

1 **[3.103] Schedule 5, item 10, column 3**

2 *omit*

3 refuse to

4 **Explanatory note**

5 Schedule 5 lists the decisions under the [Act](#) that are reviewable. Column 3 of schedule 5
6 describes the reviewable decision. Item 10 incorrectly described the decision for review under
7 section 98 (5).

8 Section 98 deals with the circumstances in which the registration of a political party must be
9 cancelled. Under section 98 (5), the commissioner must cancel the registration of a registered
10 party if the commissioner believes on reasonable grounds that the party no longer exists, has
11 fewer than 100 members who are electors or does not have a constitution, or the party was
12 registered because of fraud or misrepresentation. Before schedule 5 was inserted by the *ACT*
13 *Civil and Administrative Tribunal Act 2008*, the Act, section 245 (k) correctly provided that a
14 decision under section 98 (5) to cancel the registration of a political party was a reviewable
15 decision. This amendment corrects the reference to the reviewable decision under the [Act](#),
16 section 98 (5).

17 **Part 3.17 Firearms Act 1996**

18 **[3.104] Section 18 (1) (b) (iv), new note**

19 *insert*

20 *Note 2* **Found guilty**, of an offence—see the [Legislation Act](#),
21 dictionary, pt 1.

22 **Explanatory note**

23 This amendment inserts a standard note about the defined term ‘found guilty’.

1 **[3.108] Section 128 (6), definition of *internationally protected***
2 ***person***

3 *after*

4 Convention on the Prevention and Punishment of Crimes against
5 Internationally Protected Persons

6 *insert*

7 , including Diplomatic Agents

8 **Explanatory note**

9 This amendment corrects a cross-reference.

10 **Part 3.18 Gambling and Racing Control**
11 **Act 1999**

12 **[3.109] Section 37 (d) (xii)**

13 *substitute*

14 (xii) the Department of Immigration and Border Protection
15 (Cwlth);

16 **Explanatory note**

17 This amendment updates the definition as a consequence of the repeal of the *Customs*
18 *Administration Act 1985* (Cwlth) by the *Customs and Other Legislation Amendment (Australian*
19 *Border Force) Act 2015* (Cwlth) (which had the effect of abolishing the customs service) and
20 the integration of the customs service with the Department of Immigration and Border
21 Protection (Cwlth).

1 **Part 3.19 Gaming Machine Act 2004**

2 **[3.110] Section 127S (2)**

3 *after*

4 authorisation number

5 *insert*

6 (if any)

7 **Explanatory note**

8 Section 127S sets out what must be included in a permit for the storage of gaming machines.
9 Section 127S (2) currently provides that a schedule to the permit must include the serial number
10 and authorisation number of each gaming machine to be stored under the permit. This
11 amendment revises section 127S (2) to clarify that a schedule to a storage permit does not need
12 to include an authorisation number for a gaming machine stored for an interim purpose
13 (pending the gaming machine's disposal or destruction). The amendment aligns
14 section 127S (2) with similar wording in section 127S (1) (b) (iv) and (v), section 127O (1) and
15 section 127P (2) (a).

16 **[3.111] Section 159 (3), definition of *prescribed percentage*,
17 paragraph (a) (iii)**

18 *omit*

19 more than \$50 000

20 *substitute*

21 \$50 000 or more

22 **Explanatory note**

23 Section 159 (3), definition of *prescribed percentage*, paragraph (a) sets out the prescribed
24 percentage of gaming machine tax payable for a month in relation to a licensee that is a club.
25 Paragraph (a) currently provides as follows:

26 *prescribed percentage*, for a month, means—

27 (a) in relation to a licensee that is a club—

28 (i) for the part of the gross revenue of the club for the month that is
29 \$25 000 or less—nil; and

- 1 (ii) for the part of the gross revenue of the club for the month that is more
2 than \$25 000 but less than \$50 000—17%; and
- 3 (iii) for the part of the gross revenue of the club for the month that is more
4 than \$50 000 but less than \$625 000—21%; and
- 5 (iv) for the part of the gross revenue of the club for the month that is
6 \$625 000 or more—23%; or

7 It is clear from paragraphs (a) (i), (ii) and (iv) that paragraph (a) (iii) is intended to apply to
8 amounts of \$50 000 or more but less than \$625 000. This amendment corrects that
9 typographical error.

10 **Part 3.20** **Heavy Vehicle National Law**
11 **(ACT)**

12 **[3.112] Section 193 (5)**

13 *substitute*

14 (5) In this section:

15 ***Container Convention***—see the *Navigation Act 2012* (Cwlth),
16 section 14.

17 ***safety approval plate***, for a freight container, means the safety
18 approval plate required to be attached to the container under the
19 Container Convention.

20 **Explanatory note**

21 This amendment revises the section to update the definition of ***safety approval plate*** to omit an
22 obsolete reference to repealed legislation and to insert a signpost definition for a term defined in
23 Commonwealth legislation.

1 **[3.116] Section 54 (1)**

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

3 (1) A permit must—

4 (a) be in writing; and

5 **Explanatory note**

6 This amendment corrects a typographical error.

7 **[3.117] Section 63 (2), new note**

8 *insert*

9 *Note 3* It is an offence to make a false or misleading statement, give false or
10 misleading information or produce a false or misleading document (see
11 [Criminal Code](#), pt 3.4).

12 **Explanatory note**

13 This amendment inserts a standard note relating to the making of statutory declarations.

14 **[3.118] Sections 64 (2) and 179 (1), new note**

15 *insert*

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 a standard note relating to the making of statutory declarations.

1 **[3.119] Further amendments, mentions of *bears***

2 *omit*

3 bears

4 *substitute*

5 has

6 *in*

- 7 • section 105 (6), note
8 • section 106 (4), note
9 • section 110 (7), note
10 • section 111 (6), note
11 • section 199 (4) (b), note 1
12 • section 200 (3) (b), note 1

13 **Explanatory note**

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

15 **Part 3.23 Long Service Leave (Portable**
16 **Schemes) Act 2009**

17 **[3.120] New section 10 (3)**

18 *insert*

19 (3) In this section:

20 *working director* means a person who is both a director and an
21 employee of a company.

22 **Explanatory note**

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

1 **[3.121] Schedule 3, section 3.1, definition of *community sector***
2 ***industry*, paragraph (a) (ii) (B)**

3 *omit*

4 juvenile

5 *substitute*

6 young

7 **Explanatory note**

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

9 **[3.122] Dictionary, definition of *recognised service***

10 *substitute*

11 *recognised service*, for a registered worker—

12 (a) in the building and construction industry—see schedule 1,
13 section 1.3 (1); and

14 (b) in the contract cleaning industry—see schedule 2,
15 section 2.3 (1); and

16 (c) in the community sector industry—see schedule 3,
17 section 3.3 (1); and

18 (d) in the security industry—see schedule 4, section 4.3 (1).

19 **Explanatory note**

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

21 **[3.123] Dictionary, definition of *service period***

22 *substitute*

23 *service period*, for a registered worker—

24 (a) in the building and construction industry—see schedule 1,
25 section 1.4A (1); and

1 (b) in the contract cleaning industry—see schedule 2,
2 section 2.4A (1); and

3 (c) in the community sector industry—see schedule 3,
4 section 3.5A (1); and

5 (d) in the security industry—see schedule 4, section 4.5A (1).

6 **Explanatory note**

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

8 **[3.124] Dictionary, new definition of *work***

9 *insert*

10 ***work***, in a covered industry—see section 11.

11 **Explanatory note**

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

13 **[3.125] Dictionary, definition of *working director* and note**

14 *omit*

15 **Explanatory note**

16 This amendment is consequential on the relocation of the definition to section 10 by another
17 amendment.

1 **Part 3.24** **Medicines, Poisons and**
2 **Therapeutic Goods**
3 **Regulation 2008**

4 **[3.126] Section 121 (3), definition of *authorised prescriber*,**
5 **example 3**

6 *omit*

7 A Victorian registered doctor who is

8 *substitute*

9 A doctor who is

10 **Explanatory note**

11 Example 3 describes a circumstance in which a visiting health professional within the meaning
12 of the *Health Professionals (Special Events Exemptions) Act 2000* is authorised to prescribe a
13 medicine, including a controlled medicine. This amendment removes the reference to a
14 Victorian doctor because the *Health Professionals (Special Events Exemptions) Act 2000*,
15 section 7 defines *visiting health professional* as a person who is a resident of another country.

16 **Part 3.25** **Ombudsman Act 1989**

17 **[3.127] Section 5 (5)**

18 *omit*

19 shall be deemed to have been taken by a delegate of a Minister
20 notwithstanding that

21 *substitute*

22 is taken to have been taken by a delegate of the Minister even if

23 **Explanatory note**

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

1 **[3.131] Section 25 (2)**

2 *omit*

3 shall be

4 *substitute*

5 is

6 **Explanatory note**

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

8 **[3.132] Sections 28A (3), note and 28C (5), note**

9 *substitute*

10 *Note* For what must be included in a statement of reasons, see the [Legislation](#)
11 [Act](#), s 179.

12 **Explanatory note**

13 This amendment updates a standard note about a statement of reasons.

14 **[3.133] Section 28D (2), new note**

15 *insert*

16 *Note* For what must be included in a statement of reasons, see the [Legislation](#)
17 [Act](#), s 179.

18 **Explanatory note**

19 This amendment inserts a standard note about a statement of reasons.

1 **[3.136] Section 155 (7)**

2 *omit*

3 Subsection (2)

4 *substitute*

5 Subsection (5)

6 **Explanatory note**

7 This amendment corrects a cross-reference.

8 **[3.137] Section 213 (3), note**

9 *omit*

10 **Explanatory note**

11 This amendment omits a redundant note. The note refers to section 426 (2) (c), which was
12 omitted by the *Planning and Development (Bilateral Agreement) Amendment Act 2014*,
13 section 59.

14 **[3.138] Dictionary, definition of *public consultation period***

15 *substitute*

16 ***public consultation period***—

17 (a) for a draft EIS—see section 218; and

18 (b) for a draft land management plan, for division 10.4.2 (Land
19 management plans)—see section 323.

20 **Explanatory note**

21 This amendment updates the definition to combine 2 current signpost definitions in line with
22 current legislative drafting practice.

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

2 *omit*

- 3 • master

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 omits a term that is no longer used in the
7 regulation.

8 **Part 3.29 Road Transport (Safety and**
9 **Traffic Management) Act 1999**

10 **[3.143] Section 10G (3) (b) (ii)**

11 *omit*

12 expected that

13 *substitute*

14 expected to

15 **Explanatory note**

16 This amendment corrects a typographical error.

1 **Part 3.31** **Road Transport (Vehicle**
2 **Registration) Regulation 2000**

3 **[3.146] Section 17 (1) (c) (ii)**

4 *omit*

5 the fire brigade

6 *substitute*

7 fire and rescue

8 **Explanatory note**

9 This amendment updates the reference. The name of the ACT Fire Brigade was changed to
10 ACT Fire and Rescue by the *Justice and Community Safety Legislation Amendment Act 2012*.
11 The term ‘fire and rescue’ is defined in the *Legislation Act*, dictionary, part 1 to mean ACT Fire
12 and Rescue established under the *Emergencies Act 2004*.

13 **[3.147] Schedule 1, section 1.34 (3) (e) and section 1.120 (1),**
14 **definition of exempt vehicle, paragraph (e)**

15 *substitute*

16 (e) a Department of Immigration and Border Protection (Cwlth)
17 vehicle; or

18 **Explanatory note**

19 This amendment updates the definition as a consequence of the repeal of the *Customs*
20 *Administration Act 1985* (Cwlth) by the *Customs and Other Legislation Amendment (Australian*
21 *Border Force) Act 2015* (Cwlth) (which had the effect of abolishing the customs service) and
22 the integration of the customs service with the Department of Immigration and Border
23 Protection (Cwlth).

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

2 *omit*

- 3 • fire brigade

4 *substitute*

- 5 • fire and rescue

6 **Explanatory note**

7 Dictionary, note 2 lists examples of terms used in the regulation that are defined in the
8 [Legislation Act](#), dictionary, part 1. This amendment omits an incorrect reference and replaces it
9 with the correct reference. The name of the ACT Fire Brigade was changed to ACT Fire and
10 Rescue by the [Justice and Community Safety Legislation Amendment Act 2012](#). The term ‘fire
11 and rescue’ is defined in the [Legislation Act](#), dictionary, part 1 to mean ACT Fire and Rescue
12 established under the [Emergencies Act 2004](#).

13 **[3.149] Dictionary, note 4**

14 *insert*

- 15 • responsible person

16 Dictionary, note 4 lists examples of terms used in the regulation that are defined in the [Road](#)
17 [Transport \(General\) Act 1999](#), dictionary. This amendment inserts a term used in the
18 regulation and defined in the [Road Transport \(General\) Act 1999](#), dictionary and is
19 consequential on the omission of the definition of the term from the dictionary by another
20 amendment.

1 **[3.150] Dictionary**

2 *omit the definitions of*
3 *historic vehicle*
4 *responsible person*
5 *veteran vehicle*
6 *vintage vehicle*

7 **Explanatory note**

8 This amendment omits the following:

- 9 • a definition of a term that is included in the [Legislation Act](#), dictionary, part 1;
- 10 • a definition of a term that is defined in the [Road Transport \(General\) Act 1999](#), dictionary
11 (a reference to the term is included in the dictionary, note 4 by another amendment);
- 12 • definitions of terms no longer used in the Act.

13 **[3.151] Further amendments, new note**

14 *insert*

15 *Note 2* **Found guilty**, of an offence—see the [Legislation Act](#), dictionary, pt 1.

16 *in*

- 17 • section 116 (1) (b)
- 18 • section 124
- 19 • section 127 (1) (b)
- 20 • section 135

21 **Explanatory note**

22 This amendment inserts a standard note about the defined term ‘found guilty’.

1 **[3.155] Dictionary, definition of *sexual offence*, paragraph (b),**
2 **new note**

3 *insert*

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

7 **Explanatory note**

8 This amendment inserts a standard note about examples.

9 **Part 3.33 Unit Titles (Management)**
10 **Act 2011**

11 **[3.156] Section 30 (1) (b)**

12 *omit*

13 section 29

14 *substitute*

15 section 24

16 **Explanatory note**

17 This amendment corrects a cross-reference.

18 **[3.157] Dictionary, definition of *administration order***

19 *omit*

20 (Who may apply for an administration order?)

21 **Explanatory note**

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

1 **[3.158] Dictionary, definition of *developer***

2 *omit*

3 section 17

4 *substitute*

5 dictionary

6 **Explanatory note**

7 This amendment corrects a cross-reference.

8 **[3.159] Dictionary, definitions of *manager* etc**

9 *substitute*

10 *manager*, for division 4.2 (Managers)—see section 49.

11 *member*, of an owners corporation, is a member under section 10.

12 *service contract*, for division 4.3 (Service contractors)—see
13 section 59.

14 *service contractor*, for division 4.3 (Service contractors)—see
15 section 59.

16 **Explanatory note**

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

18 **[3.160] Dictionary, definition of *voting value***

19 *omit*

20 (Value of votes)

21 **Explanatory note**

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

1 **Part 3.34 Utilities Act 2000**

2 **[3.161] Section 176 (1) (h), note**

3 *substitute*

4 *Note* The ACAT may dismiss an application if it is frivolous or vexatious,
5 lacking in substance or otherwise an abuse of process (see *ACT Civil*
6 *and Administrative Tribunal Act 2008*, s 32).

7 **Explanatory note**

8 This amendment updates the note as a consequence of amendments made to the *ACT Civil*
9 *and Administrative Tribunal Act 2008*, section 32 by another Act.

Endnotes

1 Presentation speech

Presentation speech made in the Legislative Assembly on 29 October 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.

© Australian Capital Territory 2015