2018

THE LEGISLATIVE ASSEMBLY
FOR THE AUSTRALIAN CAPITAL TERRITORY

(As presented)

(Attorney-General)

Statute Law Amendment Bill 2018

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2018

THE LEGISLATIVE ASSEMBLY
FOR THE AUSTRALIAN CAPITAL TERRITORY

(As presented)

(Attorney-General)

Statute Law Amendment Bill 2018

A Bill for

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

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

1 Name of Act

This Act is the *Statute Law Amendment Act 2018*.

2 Commencement

 (1) This Act (other than the following provisions) commences on the 14th day after its notification day:

 section 5

 schedule 3, part 3.18

 schedule 3, part 3.20.

 (2) Section 5 and schedule 3, part 3.18 (Heavy Vehicle National Law (ACT) Act 2013) are taken to have commenced on 1 July 2018.

 (3) Schedule 3, part 3.20 (Lakes Act 1976) commences on the commencement of the [Lakes Amendment Act 2018](https://www.legislation.act.gov.au/a/2018-7/), section 32.

3 Notes

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

Note See the [Legislation Act](http://www.legislation.act.gov.au/a/2001-14), s 127 (1), (4) and (5) for the legal status of notes.

4 Purpose of Act

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

5 Legislation amended—schs 1-3

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

6 Legislation repealed—sch 4

This Act repeals the legislation mentioned in schedule 4.

Schedule 1 Minor amendments

(see s 5)

Part 1.1 Freedom of Information Act 2016

[1.1] Section 64 (2)

substitute

 (2) The ombudsman may delegate the ombudsman’s functions under this Act to a person mentioned in the [Ombudsman Act 1989](http://www.legislation.act.gov.au/a/alt_a1989-45co), section 32.

Note Under the [Ombudsman Act 1989](http://www.legislation.act.gov.au/a/alt_a1989-45co), s 32, the ombudsman may delegate the ombudsman’s functions to any person, including the deputy ombudsman, a member of the ombudsman’s staff, a public servant, a contractor or consultant, or an authorised person. However, the ombudsman must not delegate a function to a person who is not a public employee without first being satisfied that the function needs to be exercised by a person who is not a public employee (see that [Act](https://www.legislation.act.gov.au/a/alt_a1989-45co/), s 32 (2)).

Explanatory note

This amendment updates the delegation power of the ombudsman as a consequence of amendments to the [Ombudsman Act 1989](http://www.legislation.act.gov.au/a/alt_a1989-45co), section 32 (see explanatory note for amendment 1.7 for additional information).

Part 1.2 Health Act 1993

[1.2] Section 195

omit

Explanatory note

Section 195 authorises the making of regulations in relation to nurse practitioner positions and the scopes of practice for nurse practitioner positions.

This amendment omits section 195 because it is no longer needed. The [Health Practitioner Regulation National Law (ACT)](http://www.legislation.act.gov.au/a/db_39269/default.asp) regulates nurse practitioners and has done so since 2010.

Part 1.3 Mental Health Act 2015

[1.3] Section 201 (2)

omit

authorised nurse practitioner

substitute

nurse practitioner

Explanatory note

In 2004, the [Nurse Practitioners Legislation Amendment Act 2004](https://www.legislation.act.gov.au/a/2004-10/) amended the [Mental Health (Treatment and Care) Act 1994](http://www.legislation.act.gov.au/a/1994-44) to include references to ‘authorised nurse practitioner’ and the definitions of authorised nurse practitioner, nurse practitioner position and scope of practice. The latter 2 definitions are signpost definitions that refer to the definitions of those terms in the [Health Act 1993](http://www.legislation.act.gov.au/a/1993-13), section 195 (2) and were included because the terms were mentioned in the definition of authorised nurse practitioner.

The [Mental Health Act 2015](http://www.legislation.act.gov.au/a/2015-38) replaced the [Mental Health (Treatment and Care) Act 1994](http://www.legislation.act.gov.au/a/1994-44) but the reference to authorised nurse practitioner was not updated to reflect the regulation of nurse practitioners by the [Health Practitioner Regulation National Law (ACT)](http://www.legislation.act.gov.au/a/db_39269/default.asp).

This amendment updates section 201 to reflect the changed regulatory scheme.

Nurse practitioner is defined in the [Legislation Act](http://www.legislation.act.gov.au/a/2001-14), dictionary, part 1 and the [Mental Health Act 2015](http://www.legislation.act.gov.au/a/2015-38), dictionary, note 2 (which lists examples of terms used in the Act that are defined in the [Legislation Act](http://www.legislation.act.gov.au/a/2001-14), dictionary, part 1) includes a reference to the term.

[1.4] Section 201 (3), definitions of authorised nurse practitioner, nurse practitioner position and scope of practice

omit

Explanatory note

This amendment omits redundant definitions.

Authorised nurse practitioner is defined by reference to an occupant of a nurse practitioner position acting within the scope of practice for the position. Nurse practitioner position and scope of practice are defined by reference to the [Health Act 1993](http://www.legislation.act.gov.au/a/1993-13), section 195. The [Health Act 1993](http://www.legislation.act.gov.au/a/1993-13), section 195 is omitted by another amendment because it has been made redundant by the new regulatory scheme (see explanatory notes for amendments 1.2 and 1.3 for additional information).

Part 1.4 Ombudsman Act 1989

[1.5] Section 10 (6)

substitute

 (6) Subsection (1) does not empower the ombudsman to make an arrangement for the exercise by the Commonwealth ombudsman or the ombudsman of a State of a power of the ombudsman except in accordance with an instrument of delegation mentioned in section 32.

Explanatory note

This amendment updates the provision to omit a redundant reference and correct a cross‑reference. Section 10 (6) (a) and (b) refer to section 32 (3) and (1) respectively. Section 32 was amended in 2014 by the [Officers of the Assembly Legislation Amendment Act 2013](https://www.legislation.act.gov.au/a/2013-41/). Previous section 32 (1) became section 32, and previous section 32 (3) was omitted entirely. The cross‑references to section 32 (1) and (3) were not updated at the time. This amendment corrects that by omitting the reference to section 32 (3) in section 10 (6) (a) and updating the reference to section 32 (1) in section 10 (6) (b).

[1.6] New sections 30AA and 30AB

after section 30, insert

30AA Arrangements for staff and facilities

The ombudsman may arrange with the head of service to use the services of a public servant or Territory facilities.

Note The head of service may delegate powers in relation to the management of public servants to a public servant or another person (see [Public Sector Management Act 1994](http://www.legislation.act.gov.au/a/1994-37), s 18).

30AB Contractors and consultants

 (1) The ombudsman may engage contractors and consultants.

 (2) However, the ombudsman must not enter into a contract of employment under this section.

Explanatory note

Under the [A.C.T. Self-Government (Consequential Provisions) Act 1988](https://www.legislation.gov.au/Series/C2004A03702) (Cwlth), section 28, the person holding office as the Commonwealth ombudsman is taken to be the ACT ombudsman until an appointment is made under the [Ombudsman Act 1989](http://www.legislation.act.gov.au/a/alt_a1989-45co), section 22. As no such appointment has been made, the Commonwealth ombudsman continues to exercise the functions of the ACT ombudsman.

The Territory has a services agreement in place with the Commonwealth ombudsman to provide a range of services to the ACT. The functions of the ombudsman under territory law have increased as a consequence of amendments of the [Ombudsman Act 1989](http://www.legislation.act.gov.au/a/alt_a1989-45co) to introduce the reportable conduct scheme, and the enactment of the [Freedom of Information Act 2016](http://www.legislation.act.gov.au/a/2016-55). The ombudsman has been allocated additional funding from the ACT government to assist with the implementation of these new functions, but the ombudsman’s ability to engage more APS employees is limited by APS employment policies, such as the APS staffing cap. This amendment gives the ombudsman the authority to make arrangements with the head of service to use the services of ACT public servants or Territory facilities, and to engage contractors and consultants. This amendment is necessary to allow the ombudsman to exercise the ombudsman’s increased functions under territory law.

[1.7] Section 32

substitute

32 Delegation by ombudsman

 (1) The ombudsman may delegate the ombudsman’s functions under this Act or another territory law to—

 (a) if the Commonwealth ombudsman is the ombudsman—a deputy ombudsman under the [Ombudsman Act 1976](https://www.legislation.gov.au/Series/C2004A01611) (Cwlth); or

 (b) a person who is a member of the staff mentioned in section 30; or

 (c) a public servant mentioned in section 30AA; or

 (d) a contractor or consultant mentioned in section 30AB; or

 (e) an authorised person; or

 (f) any other person.

Note For the making of delegations and the exercise of delegated functions, see the [Legislation Act](http://www.legislation.act.gov.au/a/2001-14), pt 19.4.

 (2) However, the ombudsman must not delegate a function to a person who is not a public employee without first being satisfied that the function needs to be exercised by a person who is not a public employee.

 (3) In this section:

public employee includes—

 (a) a person appointed or employed under the [Public Service Act 1999](https://www.legislation.gov.au/Series/C2004A00538) (Cwlth); and

 (b) a deputy ombudsman under the [Ombudsman Act 1976](https://www.legislation.gov.au/Series/C2004A01611) (Cwlth).

Note Public employee means a public servant, a person employed by a territory instrumentality, or a statutory office-holder or a person employed by a statutory office-holder (see the [Legislation Act](http://www.legislation.act.gov.au/a/2001-14), dictionary, part 1.

Explanatory note

This amendment gives the ombudsman the power to delegate a function to the deputy ombudsman, the ombudsman’s staff, an authorised person or any other person. This amendment is necessary to allow the ombudsman to exercise the ombudsman’s increased functions under territory law (see explanatory note for amendment 1.6 for additional information).

This amendment also expands the meaning of the ombudsman’s staff. This amendment is consequential on the amendments to give the ombudsman the authority to make arrangements with the head of service to use the services of ACT public servants and engage contractors and consultants.

[1.8] Section 33 (1)

substitute

 (1) In this section:

information holder means—

 (a) the ombudsman; or

 (b) if the Commonwealth ombudsman is the ombudsman—a deputy ombudsman under the [Ombudsman Act 1976](https://www.legislation.gov.au/Series/C2004A01611) (Cwlth); or

 (c) a person who is a member of the staff mentioned in section 30; or

 (d) a public servant mentioned in section 30AA; or

 (e) a contractor or consultant mentioned in section 30AB; or

 (f) an authorised person; or

 (g) a person who is delegated a function under section 32; or

 (h) any other person exercising a function in connection with this Act.

Explanatory note

This amendment is consequential on the amendments to give the ombudsman the authority to make arrangements with the head of service to use the services of ACT public servants and engage contractors and consultants, and to increase the ombudsman’s delegation powers (see explanatory notes for amendments 1.6 and 1.7 for additional information).

This amendment also omits a redundant definition and updates language in line with current legislative drafting practice.

[1.9] Section 33 (2)

omit

officer

substitute

information holder

Explanatory note

This amendment updates language as a result of another amendment.

[1.10] Section 33 (2)

omit

delegated to the ombudsman as provided by section 32 (3)

Explanatory note

This amendment omits a redundant cross-reference (see explanatory note for amendment 1.5 for additional information).

[1.11] Section 33 (3)

omit

officer

substitute

information holder

Explanatory note

This amendment updates language as a result of another amendment.

[1.12] Section 33 (3) (a)

omit

officer’s duties

substitute

information holder’s functions

Explanatory note

This amendment updates language as a result of another amendment.

[1.13] Section 33 (5)

omit

Subject to subsection (6), where

substitute

Where

Explanatory note

This amendment is consequential on the omission of section 33 (6) by another amendment.

[1.14] Section 33 (6)

omit

Explanatory note

This amendment omits a subsection that refers to section 32 (3). Section 32 (3) was omitted in 2014, making the reference redundant (see explanatory note for amendment 1.5 for additional information).

[1.15] Sections 33 (7) and 36 (b)

omit

officer

substitute

information holder

Explanatory note

This amendment updates language as a result of another amendment.

Part 1.5 Public Health Act 1997

[1.16] Section 6A, note 1, 2nd dot point

substitute

 s 102A (Doctors and nurse practitioners—failure to notify)

Explanatory note

This amendment updates the dot point as a consequence of a change to the heading for section 102A by another amendment.

[1.17] Section 102 heading

substitute

102 Notification by doctors and nurse practitioners

Explanatory note

In 2004, the [Nurse Practitioners Legislation Amendment Act 2004](https://www.legislation.act.gov.au/a/2004-10/) amended the [Public Health Act 1997](http://www.legislation.act.gov.au/a/1997-69) to include references to ‘authorised nurse practitioner’ and the definitions of authorised nurse practitioner, nurse practitioner position and scope of practice. The latter 2 definitions are signpost definitions that refer to the definitions of those terms in the [Health Act 1993](http://www.legislation.act.gov.au/a/1993-13), section 195 (2) and were included because the terms were mentioned in the definition of authorised nurse practitioner.

The regulation of nurse practitioners was taken over by the [Health Practitioner Regulation National Law (ACT)](http://www.legislation.act.gov.au/a/db_39269/default.asp) in 2010. This amendment updates the heading for section 102 to reflect the changed regulatory scheme.

Nurse practitioner is defined in the [Legislation Act](http://www.legislation.act.gov.au/a/2001-14), dictionary, part 1 and the [Public Health Act 1997](http://www.legislation.act.gov.au/a/1997-69), dictionary, note 2 (which lists examples of terms used in the Act that are defined in the [Legislation Act](http://www.legislation.act.gov.au/a/2001-14), dictionary, part 1) is amended elsewhere to include a reference to the term.

[1.18] Section 102 (1) (d)

omit

authorised nurse practitioners

substitute

nurse practitioners

Explanatory note

This amendment updates the reference to ‘authorised nurse practitioners’ to reflect the changed regulatory scheme for nurse practitioners under the [Health Practitioner Regulation National Law (ACT)](http://www.legislation.act.gov.au/a/db_39269/default.asp) (see explanatory note for amendment 1.17 for additional information).

[1.19] Section 102A heading

substitute

102A Doctors and nurse practitioners—failure to notify

Explanatory note

This amendment updates the reference to ‘authorised nurse practitioners’ to reflect the changed regulatory scheme for nurse practitioners under the [Health Practitioner Regulation National Law (ACT)](http://www.legislation.act.gov.au/a/db_39269/default.asp) (see explanatory note for amendment 1.17 for additional information).

[1.20] Dictionary, note 2

insert

 nurse practitioner

Explanatory note

Dictionary, note 2 lists examples of terms used in the [Public Health Act 1997](http://www.legislation.act.gov.au/a/1997-69) that are defined in the [Legislation Act](http://www.legislation.act.gov.au/a/2001-14), dictionary, part 1. This amendment inserts a new term as a consequence of the replacement of ‘authorised nurse practitioner’ with ‘nurse practitioner’ by other amendments (see explanatory note for amendment 1.17 for additional information).

[1.21] Dictionary, definitions of authorised nurse practitioner and nurse practitioner position

omit

Explanatory note

This amendment omits redundant definitions.

Authorised nurse practitioner is defined by reference to an occupant of a nurse practitioner position acting within the scope of practice for the position. Nurse practitioner position is defined by reference to the [Health Act 1993](http://www.legislation.act.gov.au/a/1993-13), section 195. The [Health Act 1993](http://www.legislation.act.gov.au/a/1993-13), section 195 is omitted by another amendment because it has been made redundant by the new regulatory scheme (see explanatory notes for amendments 1.2 and 1.17 for additional information).

[1.22] Dictionary, definition of responsible person, paragraph (b)

substitute

 (b) a nurse practitioner; or

Explanatory note

This amendment updates the reference to ‘authorised nurse practitioner’ to reflect the changed regulatory scheme for nurse practitioners under the [Health Practitioner Regulation National Law (ACT)](http://www.legislation.act.gov.au/a/db_39269/default.asp) (see explanatory note for amendment 1.17 for additional information).

[1.23] Dictionary, definition of scope of practice

omit

Explanatory note

This amendment omits a redundant definition.

Scope of practice is defined by reference to the [Health Act 1993](http://www.legislation.act.gov.au/a/1993-13), section 195. The [Health Act 1993](http://www.legislation.act.gov.au/a/1993-13), section 195 is omitted by another amendment because it has been made redundant by the new regulatory scheme (see explanatory notes for amendments 1.2 and 1.17 for additional information).

[1.24] Further amendments, mentions of authorised nurse practitioner

omit

authorised nurse practitioner

substitute

nurse practitioner

in

 section 102

 section 102A

 section 108 (4) (a)

 section 111 (3), definition of person who made the notification

 section 114

Explanatory note

These amendments update references to ‘authorised nurse practitioner’ to reflect the changed regulatory scheme for nurse practitioners under the [Health Practitioner Regulation National Law (ACT)](http://www.legislation.act.gov.au/a/db_39269/default.asp) (see explanatory note for amendment 1.17 for additional information).

Part 1.6 Public Sector Management Act 1994

[1.25] Section 152 (2) (a)

after

head of service

insert

or a director-general

Explanatory note

Section 152 gives certain statutory office-holders management powers of the head of service in relation to public employees on the office-holder’s staff. Those management powers are set out in the definition of management provision in subsection (4). This amendment is consequential on another amendment which allows management standards made under the [Public Sector Management Act 1994](http://www.legislation.act.gov.au/a/1994-37), section 251 to be prescribed as a management provision. A number of the management standards that are likely to be prescribed as a management provision are provisions in which the relevant power to be given to the office-holder is exercisable by a director‑general. This is a technical amendment that allows a management provision to apply to the office-holder as if a reference to a director-general in the provision were a reference to the office‑holder.

[1.26] Section 152 (3) (c) (iii)

substitute

 (iii) an SES member.

Explanatory note

Under section 152 (3) (c), the public sector employer may delegate a function given to the public sector employer under this section to a staff member, an officer or employee, or the head of service. As currently drafted, the section does not allow the public sector employer to delegate a function to directors-general or executives. This amendment replaces ‘the head of service’ with ‘an SES member’. An SES member is defined in the dictionary to mean ‘a member of the service in the senior executive service’ and senior executive service is defined in section 12 (3) (a) to be the head of service, directors-general and executives.

[1.27] New section 152 (3A) and (3B)

insert

 (3A) The public sector employer may—

 (a) delegate to a public employee or another person a function given to the public sector employer under this Act or another territory law; or

 (b) subdelegate to a public employee or another person a function delegated to the public sector employer under this Act or another territory law.

 (3B) However, the public sector employer must not delegate or subdelegate a function to a person who is not a public employee without first being satisfied that the function needs to be exercised by a person who is not a public employee.

Note 1 For the making of delegations and the exercise of a delegated function, see the [Legislation Act](http://www.legislation.act.gov.au/a/2001-14), pt 19.4.

Note 2 Public employee means a public servant, a public sector member or a person employed by a territory instrumentality (see [Legislation Act](http://www.legislation.act.gov.au/a/2001-14), dict, pt 1).

Explanatory note

This amendment gives a public sector employer the power to delegate a function to a public employee or another person. A public sector employer may only delegate a function to a non‑public employee if the function does not need to be exercised by a public employee. This amendment will give public sector employers greater flexibility in carrying out their functions under the [Public Sector Management Act 1994](http://www.legislation.act.gov.au/a/1994-37) and other territory laws.

[1.28] Section 152 (4), definition of management provision, paragraph (f)

substitute

 (f) part 10 (Miscellaneous) other than section 251 (Management standards);

 (g) a management standard made under a provision mentioned in paragraphs (a) to (f);

 (h) a management standard prescribed to be a management provision.

Explanatory note

Section 152 gives certain statutory office-holders management powers of the head of service in relation to public employees on the office-holder’s staff. Those management powers are set out in the definition of management provision in subsection (4). This amendment expressly excludes section 251 from the definition of management provision, as the head of service’s power to make management standards should not be delegated to public sector employers. This amendment also clarifies that a management provision includes management standards made under a provision in the [Public Sector Management Act 1994](http://www.legislation.act.gov.au/a/1994-37) mentioned in paragraphs (a) to (f). Finally, it allows other management standards to be prescribed by the head of service under the [Act](https://www.legislation.act.gov.au/a/1994-37/), section 251 to be included as a management provision.

[1.29] New section 152 (5) and (6)

insert

 (5) In this section:

commencement day means the day the [Public Sector Management Amendment Act 2016](https://www.legislation.act.gov.au/a/2016-52/), section 3 commenced.

pre-amendment Act means the [Public Sector Management Act 1994](http://www.legislation.act.gov.au/a/1994-37), as in force immediately before the commencement day.

pre-amendment executive means a person who is engaged under a contract made under 1 of the following provisions of the pre‑amendment Act:

 (a) section 23C (Head of service—engagement);

 (b) section 28 (Directors-general—engagement);

 (c) section 72 (Executives—engagement).

SES member includes a pre-amendment executive.

 (6) This subsection and subsection (5) expire on the day part 18 (Transitional) expires.

Explanatory note

Under the [Public Sector Management Act 1994](http://www.legislation.act.gov.au/a/1994-37), section 152 (3) (c), the public sector employer may delegate a function given to the public sector employer under this section to a staff member, an officer or employee, or the head of service. The current section does not allow the public sector employer to delegate a function to directors-general or executives. Another amendment replaces ‘the head of service’ in section 152 (3) (c) (iii) with ‘an SES member’. However, the definition of SES member does not include the head of service, directors-general or executives currently engaged under a contract made under the pre‑amendment Act. This amendment defines SES member to include a pre-amendment executive for section 152 (3) (c) (iii).

[1.30] Section 157 (2) (a)

after

head of service

insert

or a director-general

Explanatory note

Section 157 gives an employer of a public hospital employee the management powers of the head of service in relation to the public hospital employee. Those management powers are set out in the definition of management provision in subsection (5) (which cross-references to the definition of management provision in section 152 (4)). This amendment is consequential on another amendment which allows management standards made under the [Public Sector Management Act 1994](http://www.legislation.act.gov.au/a/1994-37), section 251 to be prescribed as a management provision. A number of the management standards that are likely to be prescribed as a management provision are provisions in which the relevant power to be given to the employer of a public hospital employee is exercisable by a director-general. This is a technical amendment that allows a management provision to apply to the employer of a public hospital employee as if a reference to a director‑general in the provision were a reference to the employer of a public hospital employee.

Part 1.7 Remuneration Tribunal Act 1995

[1.31] Schedule 1, part 1.2, 2nd dot point

omit

Explanatory note

This amendment omits ‘a member of the University of Canberra council appointed under the [University of Canberra Act 1989](http://www.legislation.act.gov.au/a/alt_a1989-179co), section 11 (1) (d)’ from the list of position holders for which the Remuneration Tribunal can determine the remuneration, allowances and other entitlements (see [Remuneration Tribunal Act 1995](https://www.legislation.act.gov.au/a/1995-55/), section 10 (1) (a)). This amendment is consequential on another amendment (see explanatory note for amendment 1.36 for additional information).

Part 1.8 Road Transport (Alcohol and Drugs) Act 1977

[1.32] Dictionary, definition of authorised nurse practitioner

omit

Explanatory note

This amendment omits a redundant definition.

Authorised nurse practitioner is defined by reference to an occupant of a nurse practitioner position acting within the scope of practice for the position. Nurse practitioner is defined in the [Legislation Act](http://www.legislation.act.gov.au/a/2001-14), dictionary, part 1 and the [Road Transport (Alcohol and Drugs) Act 1977](http://www.legislation.act.gov.au/a/1977-17), dictionary, note 2 (which lists examples of terms used in the Act that are defined in the [Legislation Act](http://www.legislation.act.gov.au/a/2001-14), dictionary, part 1) includes a reference to the term.

[1.33] Dictionary, definition of medical examination

omit

authorised nurse practitioner

substitute

nurse practitioner

Explanatory note

This amendment updates the reference to ‘authorised nurse practitioner’ to reflect the changed regulatory scheme for nurse practitioners under the [Health Practitioner Regulation National Law (ACT)](http://www.legislation.act.gov.au/a/db_39269/default.asp) (see explanatory note for amendment 1.17 for additional information).

[1.34] Dictionary, definitions of nurse practitioner position and scope of practice

omit

Explanatory note

This amendment omits redundant definitions.

Nurse practitioner position and scope of practice are defined by reference to the [Health Act 1993](http://www.legislation.act.gov.au/a/1993-13), section 195. The [Health Act 1993](http://www.legislation.act.gov.au/a/1993-13), section 195 is omitted by another amendment because it has been made redundant by the new regulatory scheme (see explanatory notes for amendments 1.2 and 1.17 for additional information).

[1.35] Further amendments, mentions of authorised nurse practitioner

omit

authorised nurse practitioner

substitute

nurse practitioner

in

 section 14

 section 16

 section 23 (3) (b)

 section 41 (1) (e)

 section 41AA (4)

 section 47 (1)

Explanatory note

These amendments update references to ‘authorised nurse practitioner’ to reflect the changed regulatory scheme for nurse practitioners under the [Health Practitioner Regulation National Law (ACT)](http://www.legislation.act.gov.au/a/db_39269/default.asp) (see explanatory note for amendment 1.17 for additional information).

Part 1.9 University of Canberra Act 1989

[1.36] Section 11 (3) and (4)

substitute

 (3) The conditions of appointment of a member mentioned in subsection (1) (d) are the conditions agreed between the Executive and the member, subject to any resolution passed by the council under section 10 (4) (a council resolution) for the member.

Explanatory note

This amendment omits current section 11 (3) (b) and (4) by substituting with the language of current section 11 (3) (a). Section 11 (3) and (4) provide for the conditions of appointment of a member of the University of Canberra council, appointed by the Chief Minister under the [University of Canberra Act 1989](http://www.legislation.act.gov.au/a/alt_a1989-179co), section 11 (1) (d) (a relevant member). The conditions of appointment of a relevant member are agreed between the Executive and the member, subject to a resolution of the council or, if no resolution has been passed, a determination of the Remuneration Tribunal (see [Act](https://www.legislation.act.gov.au/a/alt_a1989-179co), section 11 (3)). If there is both a resolution and a determination, and the 2 are inconsistent, the resolution prevails to the extent of the inconsistency (see [Act](https://www.legislation.act.gov.au/a/alt_a1989-179co), section 11 (4) (a)). However, if a relevant member would receive a smaller entitlement or less remuneration under the resolution than the determination, the determination prevails (see [Act](https://www.legislation.act.gov.au/a/alt_a1989-179co), section 11 (4) (b)).

[1.37] Section 11 (5)

omit

Subsections (3) and (4) apply

substitute

Subsection (3) applies

Explanatory note

This amendment is consequential on the omission of section 11 (4) by another amendment.

Part 1.10 Workers Compensation Act 1951

[1.38] New section 39 (3) (d)

insert

 (d) if the worker was, on the initial incapacity date for the injury, pension age or older—for any period more than 2 years after the initial incapacity date.

Explanatory note

This amendment reinstates an entitlement to compensation that was inadvertently removed by a previous amendment. Sections 39 and 40 provide that a worker who is incapacitated because of a compensable injury is entitled to receive weekly compensation following the initial incapacity date. Previously under sections 39 and 40, a worker who was at least 63 years old on the initial incapacity date was entitled to weekly compensation for up to 2 years after the initial incapacity date. This was based on the pension age being 65 years old. However, under the [Social Security Act 1991](https://www.legislation.gov.au/Series/C2004A04121) (Cwlth), section 23 (5A), (5B), (5C) and (5D), pension age is now variable and can be any age from 60 to 67 years old, depending on the date a person was born. The [Workers Compensation Amendment Act 2017](https://www.legislation.act.gov.au/a/2017-49/) amended sections 39 and 40 so that a worker ‘younger than the pension age by 2 years or less’ was entitled to weekly compensation for up to 2 years after the initial incapacity date. However, the amendments failed to mention workers of pension age or older, or for how long these workers were entitled to receive weekly compensation.

[1.39] New section 40 (4) (c)

insert

 (c) if the worker was, on the initial incapacity date for the injury, pension age or older—for any period more than 2 years after the initial incapacity date.

Explanatory note

This amendment reinstates an entitlement to compensation that was inadvertently removed by a previous amendment (see explanatory note for amendment 1.38 for additional information).

Schedule 2 Legislation Act 2001

(see s 5)

Note Statute Law Amendment Acts may include a second schedule for amendments to the [Legislation Act](http://www.legislation.act.gov.au/a/2001-14). This Act does not provide for such amendments but the schedule heading is retained to preserve the usual numbering of schedule 3, which provides for minor and technical amendments proposed by the parliamentary counsel.

Schedule 3 Technical amendments

(see s 5)

Part 3.1 ACTEW/AGL Partnership Facilitation Act 2000

[3.1] Dictionary, note 2

insert

 Corporations Act

Explanatory note

Dictionary, note 2 lists examples of terms used in the [ACTEW/AGL Partnership Facilitation Act 2000](http://www.legislation.act.gov.au/a/2000-13) that are defined in the [Legislation Act](http://www.legislation.act.gov.au/a/2001-14), dictionary, part 1. This amendment inserts a new term used in the Act and defined in the [Legislation Act](http://www.legislation.act.gov.au/a/2001-14), dictionary, part 1.

[3.2] Dictionary, definition of subsidiary

after

[Corporations Act](http://www.comlaw.gov.au/Series/C2004A00818)

insert

, section 9

Explanatory note

This amendment corrects a cross-reference.

Part 3.2 Animal Diseases Act 2005

[3.3] New section 10 (4)

insert

 (4) In this section:

required media means—

 (a) a public notice; and

 (b) all national or commercial broadcasting services within the meaning of the [Broadcasting Services Act 1992](https://www.legislation.gov.au/Series/C2004A04401) (Cwlth) broadcasting in the ACT.

Explanatory note

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

[3.4] Section 28 (1)

omit

compensable endemic disease

substitute

compensable disease

Explanatory note

This amendment corrects an incorrect term. Under section 16, the Minister may declare an ‘endemic disease’ to be a ‘compensable disease’. The term ‘compensable endemic disease’ is incorrect and is not used anywhere else in the [Animal Diseases Act 2005](http://www.legislation.act.gov.au/a/2005-18).

[3.5] New section 28 (5)

insert

 (5) In this section:

compensable disease means an endemic disease declared to be a compensable disease under section 16.

Explanatory note

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

[3.6] Section 62J (d)

omit

[Corporations Act 2001](https://www.legislation.gov.au/Series/C2004A00818) (Cwlth)

substitute

[Corporations Act](http://www.comlaw.gov.au/Series/C2004A00818)

Explanatory note

This amendment updates language in line with current legislative drafting practice. Corporations Act is defined in the [Legislation Act](http://www.legislation.act.gov.au/a/2001-14), dictionary, part 1 to mean the [Corporations Act 2001](https://www.legislation.gov.au/Series/C2004A00818) (Cwlth).

[3.7] Section 72 (5), new definition of travelling stock

insert

travelling stock means stock that is being travelled other than on the property where the stock is ordinarily kept.

Explanatory note

This amendment relocates from the dictionary a definition of a term that is used only in section 72. The definition is omitted from the dictionary by another amendment.

[3.8] Dictionary, note 2

insert

 Corporations Act

 public notice

Explanatory note

Dictionary, note 2 lists examples of terms used in the [Animal Diseases Act 2005](http://www.legislation.act.gov.au/a/2005-18) that are defined in the [Legislation Act](http://www.legislation.act.gov.au/a/2001-14), dictionary, part 1. This amendment inserts new terms used in the Act and defined in the [Legislation Act](http://www.legislation.act.gov.au/a/2001-14), dictionary, part 1.

[3.9] Dictionary, definition of compensable disease

omit

Explanatory note

This amendment is consequential on the relocation of the definition to section 28 by another amendment.

[3.10] Dictionary, definition of required media

omit

Explanatory note

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

[3.11] Dictionary, definition of travelling stock

omit

Explanatory note

This amendment is consequential on the relocation of the definition to section 72 by another amendment.

[3.12] Further amendments, mentions of , in writing,

omit

, in writing,

in

 section 12 (1)

 section 15 (1)

 section 16 (1) and (2)

 section 19 (1)

 section 20 (1)

 section 24A (1)

 section 38 (1)

 section 43 (1)

 section 88 (1)

 section 89 (1)

Explanatory note

This amendment omits words that are redundant because of the [Legislation Act](http://www.legislation.act.gov.au/a/2001-14), section 42 (2), which requires statutory instruments to be in writing.

Part 3.3 Associations Incorporation Act 1991

[3.13] Section 2, note 1

substitute

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

For example, the signpost definition ‘constitution, for part 6 (Transfer of incorporation)—see section 81.’ means that the term ‘constitution’ is defined in that section for part 6.

Explanatory note

This amendment is consequential on other amendments to the dictionary that omit the definition of memorandum and insert a new definition of constitution.

[3.14] Section 81, definition of company limited by guarantee

after

[Corporations Act](http://www.comlaw.gov.au/Series/C2004A00818)

insert

, section 9

Explanatory note

This amendment corrects a cross-reference.

[3.15] Section 81, new definition of constitution

insert

constitution—see the [Corporations Act](http://www.comlaw.gov.au/Series/C2004A00818), section 9.

Explanatory note

This amendment inserts a new definition of constitution to replace the definition of memorandum, which is omitted by another amendment. The [Company Law Review Act 1998](https://www.legislation.gov.au/Series/C2004A00321)(Cwlth) amended the Corporations Law (as made under the [Corporations Act 1989](https://www.legislation.gov.au/Series/C2004A03857) (Cwlth), s 82) to abolish the concept of a corporation’s ‘memorandum’ and replace it with ‘constitution’. A company’s article and memorandum in existence when that Act commenced were taken, on its commencement, to be the company’s constitution. The [Corporations Act 2001](https://www.legislation.gov.au/Series/C2004A00818) (Cwlth) effectively re-enacted the Corporations Law as the [Corporations Act](http://www.comlaw.gov.au/Series/C2004A00818) and corresponding provisions about a corporation’s constitution were included in that Act. This amendment brings the [Associations Incorporation Act 1991](http://www.legislation.act.gov.au/a/1991-46) into line with the [Corporations Act](http://www.comlaw.gov.au/Series/C2004A00818).

[3.16] Section 81, definition of memorandum

omit

Explanatory note

This amendment omits a definition that is made redundant as a result of another amendment (see explanatory note for amendment 3.15 for additional information).

[3.17] Section 84

omit

memorandum

substitute

constitution

Explanatory note

This amendment updates redundant language (see explanatory note for amendment 3.15 for additional information).

[3.18] Dictionary, new definition of constitution

insert

constitution, for part 6 (Transfer of incorporation)—see section 81.

Explanatory note

This amendment inserts a new signpost definition as a result of another amendment (see explanatory note for amendment 3.15 for additional information).

[3.19] Dictionary, definition of memorandum

omit

Explanatory note

This amendment omits a definition that is made redundant as a result of another amendment (see explanatory note for amendment 3.15 for additional information).

Part 3.4 Auditor-General Act 1996

[3.20] Section 2, note 1

substitute

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

For example, the signpost definition ‘subsidiary, of a territory-owned corporation—see the [Territory-owned Corporations Act 1990](http://www.legislation.act.gov.au/a/1990-53), dictionary.’ means that the term ‘subsidiary’ is defined in that dictionary and the definition applies to this Act.

Explanatory note

This amendment updates a cross-reference because of amendments made by another amendment.

[3.21] Dictionary, definition of subsidiary

omit

section 3 (1)

substitute

dictionary

Explanatory note

This amendment corrects a cross-reference.

Part 3.5 Charitable Collections Act 2003

[3.22] Section 23 (4) (b) (ii)

omit

an externally-administered body corporate

substitute

a Chapter 5 body corporate

Explanatory note

This amendment updates language to reflect an amendment to the [Corporations Act 2001](https://www.legislation.gov.au/Series/C2004A00818) (Cwlth). The definition of externally-administered body corporate was repealed from the [Corporations Act](http://www.comlaw.gov.au/Series/C2004A00818) by the [Insolvency Law Reform Act 2016](https://www.legislation.gov.au/Details/C2016A00011) (Cwlth) with effect from 1 March 2017 and replaced by the definition of Chapter 5 body corporate.

[3.23] Section 23 (6), new definition of Chapter 5 body corporate

insert

Chapter 5 body corporate—see the [Corporations Act](http://www.comlaw.gov.au/Series/C2004A00818), section 9.

Explanatory note

This amendment inserts a new definition that is consequential on another amendment (see explanatory note for amendment 3.22 for additional information).

[3.24] Section 23 (6), definition of externally-administered body corporate

omit

Explanatory note

This amendment omits a definition that is made redundant as a result of another amendment (see explanatory note for amendment 3.22 for additional information).

[3.25] Sections 63 and 64

omit

, in writing,

Explanatory note

This amendment omits words that are redundant because of the [Legislation Act](http://www.legislation.act.gov.au/a/2001-14), section 42 (2), which requires statutory instruments to be in writing.

Part 3.6 Children and Young People Act 2008

[3.26] Sections 394 (4), 478 (4) and 480 (4)

omit

due and

Explanatory note

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

[3.27] Section 480, new note

insert

Note An amount owing under a law may be recovered as a debt in a court of competent jurisdiction or the ACAT (see [Legislation Act](http://www.legislation.act.gov.au/a/2001-14), s 177).

Explanatory note

This amendment inserts a note to assist users.

[3.28] Section 839, table 839.1A, item 7, column 2

substitute

524 (4) (a)

Explanatory note

This amendment corrects a cross-reference.

[3.29] Section 839A

after

table 839.1,

insert

839.1A,

Explanatory note

This amendment inserts a missing cross-reference.

Part 3.7 Civil Law (Wrongs) Act 2002

[3.30] Part 3.3 heading

substitute

Part 3.3 Exclusion of liability for terrorism-associated risks

Explanatory note

This amendment updates the heading to more accurately reflect the content of part 3.3. The heading for part 3.3 is currently ‘Temporary exclusion of liability for terrorism-associated risks’. The temporary exclusion was made permanent by the [Justice and Community Safety Legislation Amendment Act 2004 (No 2)](https://www.legislation.act.gov.au/a/2004-32/), sections 62 and 63. The heading for part 3.3 was not updated with those amendments.

[3.31] Dictionary, definition of act of terrorism

substitute

act of terrorism, for part 3.3 (Exclusion of liability for terrorism‑associated risks)—see section 37.

Explanatory note

This amendment updates a cross-reference to the heading of part 3.3 in the definition because of another amendment.

Part 3.8 Construction Occupations (Licensing) Act 2004

[3.32] New section 189 (3)

after the note, insert

 (3) In this section:

code means the [Gas Safety (Appliance Worker Accreditation Code) Approval 2007](https://www.legislation.act.gov.au/di/2007-33/) (DI2007-33) (repealed).

commencement day means the day the [Gas Safety Legislation Amendment Act 2014](https://www.legislation.act.gov.au/a/2014-38/), part 2 commenced.

Explanatory note

This amendment relocates from an expired section definitions of terms that are used in section 189. The definitions of code and commencement day were previously defined in section 182 for transitional part 21, however, sections 182 to 188 expired on 30 March 2018. Section 189 was the only section in part 21 that did not expire, and the definitions from section 182 were intended to continue to apply to section 189. The [Legislation Act](http://www.legislation.act.gov.au/a/2001-14), section 88, continues the effect of the definitions for section 189, however, inserting the definitions into section 189 assists users by making it clear that these definitions apply to the section.

Part 3.9 Crimes (Child Sex Offenders) Act 2005

[3.33] Section 11A (2) and (4)

omit

child sex offender register

substitute

child sex offenders register

Explanatory note

This amendment corrects references to the child sex offenders register established under the [Crimes (Child Sex Offenders) Act 2005](http://www.legislation.act.gov.au/a/2005-30), section 117.

[3.34] Section 94 (2)

omit

longest recognised foreign reporting period

substitute

longest of the reporting periods of the foreign jurisdictions that apply to the offender

Explanatory note

The term ‘recognised foreign reporting period’ is defined in the dictionary but is used only in section 94 (2). This amendment revises section 94 (2) to avoid the need for a defined term. The definition of recognised foreign reporting period is omitted from the dictionary by another amendment.

[3.35] Section 122C (8)

omit

child sex offender register

substitute

child sex offenders register

Explanatory note

This amendment corrects a reference to the child sex offenders register established under the [Crimes (Child Sex Offenders) Act 2005](http://www.legislation.act.gov.au/a/2005-30), section 117.

[3.36] Dictionary, note 2

insert

 adult

Explanatory note

Dictionary, note 2 lists examples of terms used in the [Crimes (Child Sex Offenders) Act 2005](http://www.legislation.act.gov.au/a/2005-30) that are defined in the [Legislation Act](http://www.legislation.act.gov.au/a/2001-14), dictionary, part 1. This amendment inserts a new term used in the Act and defined in the [Legislation Act](http://www.legislation.act.gov.au/a/2001-14), dictionary, part 1.

[3.37] Dictionary, definition of recognised foreign reporting period

omit

Explanatory note

This amendment omits a definition of a term used only in section 94. The language of section 94 (2) is revised by another amendment to omit the term.

[3.38] Dictionary, new definition of reviewable decision

insert

reviewable decision, for chapter 5B (Notification and review of decisions)—see section 132ZV.

Explanatory note

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

Part 3.10 Crimes (Child Sex Offenders) Regulation 2005

[3.39] Section 16A (1) (m)

substitute

 (m) the secretary of the Department of Home Affairs (Cwlth);

Explanatory note

This amendment updates the paragraph to reflect the change of name of the Commonwealth Department of Immigration and Border Protection to the Department of Home Affairs.

Part 3.11 Criminal Code 2002

[3.40] Section 700, definition of law enforcement officer, paragraph (c)

substitute

 (c) a person exercising a law enforcement function for the Department of Home Affairs (Cwlth) or the Australian Crime Commission;

Explanatory note

This amendment updates the paragraph to reflect the change of name of the Commonwealth Department of Immigration and Border Protection to the Department of Home Affairs.

Part 3.12 Dangerous Substances (Explosives) Regulation 2004

[3.41] Section 16 (1)

omit

incorporated document within the meaning of section 5 (Incorporated documents),

substitute

instrument applied, adopted or incorporated under this regulation,

Explanatory note

This amendment omits a redundant cross-reference and updates language in line with current legislative drafting practice.

[3.42] Dictionary, note 2

insert

 instrument (see s 14)

Explanatory note

Dictionary, note 2 lists examples of terms used in the [Dangerous Substances (Explosives) Regulation 2004](http://www.legislation.act.gov.au/sl/2004-10) that are defined in the [Legislation Act](http://www.legislation.act.gov.au/a/2001-14), dictionary, part 1. This amendment inserts a term that is used in the regulation and defined in the [Legislation Act](http://www.legislation.act.gov.au/a/2001-14), dictionary, part 1.

Part 3.13 Family Violence Act 2016

[3.43] Section 115, definition of general violence order, paragraph (b) (i)

substitute

 (i) a family violence restraining order made under that [Act](https://www.legislation.wa.gov.au/legislation/statutes.nsf/main_mrtitle_822_homepage.html), section 10E; or

Explanatory note

This amendment updates language and corrects a cross-reference to legislation from another jurisdiction. Section 115, definition of general violence order, paragraph (b) (i), refers to ‘a violence restraining order’ made under the [Restraining Orders Act 1997](https://www.legislation.wa.gov.au/legislation/statutes.nsf/law_a1817.html) (WA), section 11B, which was correct when the [Family Violence Act 2016](http://www.legislation.act.gov.au/a/2016-42) commenced on 1 May 2017. However, the [Restraining Orders Act 1997](https://www.legislation.wa.gov.au/legislation/statutes.nsf/law_a1817.html) (WA) was amended by the [Restraining Orders and Related Legislation Amendment (Family Violence) Act 2016](https://www.legislation.wa.gov.au/legislation/statutes.nsf/law_a147143.html) (WA), with the relevant amendments commencing on 1 July 2017. The amending Act omitted previous section 11B and replaced it with section 10E and updated the term ‘violence restraining order’ to ‘family violence restraining order’.

[3.44] Section 116 (2)

substitute

 (2) For this part, a family violence restraining order under the [Restraining Orders Act 1997](https://www.legislation.wa.gov.au/legislation/statutes.nsf/law_a1817.html) (WA) addresses a family violence concern if the order is made because the respondent has committed, or because it is feared the respondent will commit, family violence (within the meaning of that [Act](https://www.legislation.wa.gov.au/legislation/statutes.nsf/law_a1817.html), section 5A).

Explanatory note

This amendment updates language and corrects a cross-reference to legislation from another jurisdiction. Section 116 (2) refers to ‘a violence restraining order’ and ‘an act of family and domestic violence’ under the [Restraining Orders Act 1997](https://www.legislation.wa.gov.au/legislation/statutes.nsf/law_a1817.html) (WA), section 6, which was correct when the [Family Violence Act 2016](http://www.legislation.act.gov.au/a/2016-42) commenced on 1 May 2017. However, the [Restraining Orders Act 1997](https://www.legislation.wa.gov.au/legislation/statutes.nsf/law_a1817.html) (WA) was amended by the [Restraining Orders and Related Legislation Amendment (Family Violence) Act 2016](https://www.legislation.wa.gov.au/legislation/statutes.nsf/law_a147143.html) (WA), with the relevant amendments commencing on 1 July 2017. The amending Act omitted the definition of act of family and domestic violence from section 6 and replaced it with new section 5A, which uses the definition of family violence. The amending Act also updated the term ‘violence restraining order’ to ‘family violence restraining order’.

Part 3.14 Financial Management Act 1996

[3.45] Section 115 (5)

omit

subsection (3)

substitute

subsection (4)

Explanatory note

This amendment corrects a cross-reference.

Part 3.15 Firearms Act 1996

[3.46] Section 18 (2), definition of law enforcement agency, paragraph (c)

substitute

 (c) the Department of Home Affairs (Cwlth);

Explanatory note

This amendment updates the paragraph to reflect the change of name of the Commonwealth Department of Immigration and Border Protection to the Department of Home Affairs.

Part 3.16 Gambling and Racing Control Act 1999

[3.47] Section 37 (d) (xii)

substitute

 (xii) the Department of Home Affairs (Cwlth);

Explanatory note

This amendment updates the subparagraph to reflect the change of name of the Commonwealth Department of Immigration and Border Protection to the Department of Home Affairs.

Part 3.17 Health Act 1993

[3.48] Section 20, definition of special purpose QAC, except note

substitute

special purpose QAC means a committee approved under section 27.

Explanatory note

This amendment revises the definition for clarity.

[3.49] Section 50, new definition of chief executive officer, Calvary

insert

chief executive officer, Calvary means the person engaged to exercise the functions of the position of chief executive officer (however described) of Calvary Health Care ACT Limited (Public Division) under the rules of Calvary Health Care ACT Limited.

Explanatory note

This amendment relocates from the dictionary a definition of a term that is used only in part 5. A signpost definition is substituted for the dictionary definition by another amendment.

[3.50] Section 126 heading

substitute

126 Information may be given to Chief Executive Medicare

Explanatory note

This amendment updates the heading as a consequence of amendments made by the [Human Services Legislation Amendment Act 2011](https://www.legislation.gov.au/Details/C2011A00032) (Cwlth) (the 2011 Amendment Act). The 2011 Amendment Act renamed the Medicare Australia Act 1973 as the [Human Services (Medicare) Act 1973](https://www.legislation.gov.au/Series/C2004A00100) (the principal Act), and repealed part II of the principal Act (which established Medicare Australia) and, in part IIA of the principal Act, established the statutory office of the Chief Executive Medicare.

[3.51] Section 126 (1) (a)

substitute

 (a) Chief Executive Medicare; or

Explanatory note

This amendment is consequential on amendments made by the [Human Services Legislation Amendment Act 2011](https://www.legislation.gov.au/Details/C2011A00032) (Cwlth) (see explanatory note for amendment 3.50 for additional information).

[3.52] Section 126 (3), new definition of Chief Executive Medicare

insert

Chief Executive Medicare—see the [Human Services (Medicare) Act 1973](https://www.legislation.gov.au/Series/C2004A00100) (Cwlth), section 3.

Explanatory note

This amendment is consequential on amendments made by the [Human Services Legislation Amendment Act 2011](https://www.legislation.gov.au/Details/C2011A00032) (Cwlth) (see explanatory note for amendment 3.50 for additional information).

[3.53] Section 126 (3), definition of Medicare Australia

omit

Explanatory note

This amendment is consequential on amendments made by the [Human Services Legislation Amendment Act 2011](https://www.legislation.gov.au/Details/C2011A00032) (Cwlth) (see explanatory note for amendment 3.50 for additional information).

[3.54] Dictionary, definition of chief executive officer, Calvary

substitute

chief executive officer, Calvary, for part 5 (Reviewing scope of clinical practice)—see section 50.

Explanatory note

This amendment is consequential on the relocation of the definition to section 50 by another amendment.

[3.55] Dictionary, definition of eligible midwife

substitute

eligible midwife, for a health facility, for part 5 (Reviewing scope of clinical practice)—see section 52.

Explanatory note

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

[3.56] Dictionary, definition of special purpose QAC

omit

, for a purpose stated in the approval

Explanatory note

This amendment omits unnecessary words.

Part 3.18 Heavy Vehicle National Law (ACT) Act 2013

[3.57] Section 7 (2)

omit

Explanatory note

This amendment is consequential on the omission of division 5.1 by another amendment.

[3.58] Division 5.1

omit

Explanatory note

This amendment omits a redundant division. Division 5.1 disapplies chapter 2 (Registration) of the [[*Heavy Vehicle National Law (ACT)*](http://www.legislation.act.gov.au/a/db_49155/)](http://www.legislation.act.gov.au/a/db_49155/). However, the [Heavy Vehicle National Law and Other Legislation Amendment Act 2018](https://www.legislation.qld.gov.au/view/html/asmade/act-2018-010) (Qld) omitted the uncommenced chapter 2 of the Heavy Vehicle National Law, with effect from 1 July 2018, and made other amendments consequential on omitting that chapter.

[3.59] Section 43 (a)

omit

Explanatory note

This amendment is consequential on the omission of division 5.1 by another amendment.

[3.60] Schedule 1, part 1.1 heading and part 1.2 heading

omit

Explanatory note

This amendment is consequential on the omission of chapter 2 of the Heavy Vehicle National Law by the [Heavy Vehicle National Law Amendment Act 2018](https://www.legislation.qld.gov.au/view/html/asmade/act-2018-018) (Qld).

[3.61] Schedule 1, modifications 1.12 to 1.30

omit

Explanatory note

This amendment omits a number of modifications of the [Heavy Vehicle National Law (ACT)](http://www.legislation.act.gov.au/a/db_49155/) which, because of amendments by the [Heavy Vehicle National Law and Other Legislation Amendment Act 2018](https://www.legislation.qld.gov.au/view/html/asmade/act-2018-010) (Qld) (the amendment Act), are redundant. The following table identifies provisions of the amendment Act that have amended provisions of the Heavy Vehicle National Law (the National Law), and the modifications in the [Heavy Vehicle National Law (ACT) Act 2013](http://www.legislation.act.gov.au/a/2013-51) (the ACT modifications) that are consequently redundant.

| Amendment Act provision | National Law provision | Redundant ACT modification  |
| --- | --- | --- |
| s 14 | s 5, definition ‘GCM’  | 1.15 |
| s 14 | s 5, definition ‘GVM’  | 1.16 |
| s 14 | s 5, definition ‘registration’  | 1.12, 1.13, 1.17, 1.29 |
| s 14 | s 5, definition ‘registration number’  | 1.18 |
| s 14 | s 5, definition ‘unregistered heavy vehicle permit’  | 1.19 |
| s 14 | s 5, definition ‘vehicle register’ | 1.20 |
| s 14 | s 5, definitions ‘wrecked’ and ‘written-off’  | 1.21 |
| s 18 | s 60  | 1.22 |
| s 24 | s 520  | 1.24 |
| s 25 | s 521  | 1.25 |
| s 26 | s 522 | 1.26 |
| s 28 | s 527 | 1.27 |
| s 31 | s 598 | 1.28 |
| s 35 | s 653 | 1.30 |

This amendment also omits:

 ACT modification 1.14, which inserts a definition of ‘corresponding registration law’ that is used only in modifications to be omitted; and

 ACT modification 1.23, which is redundant as a consequence of the amendment of the Heavy Vehicle National Law, section 458 by the [Heavy Vehicle National Law Amendment Act 2015](https://www.legislation.qld.gov.au/view/html/asmade/act-2015-012) (Qld), section 45.

Part 3.19 Human Rights Commission Act 2005

[3.62] Section 18 (5), definition of health practitioner report

substitute

health practitioner report means—

 (a) a notification under the [Health Practitioner Regulation National Law (ACT)](http://www.legislation.act.gov.au/a/db_39269/default.asp), section 150 (2); or

 (b) a report under that Law, section 150 (5A).

Explanatory note

This amendment updates the definition to correct cross-references.

[3.63] New section 85 (4)

after the note, insert

 (4) In this section:

commission-initiated report—see section 84 (1).

Explanatory note

This amendment inserts a signpost definition for a term defined in section 84 that is mentioned only in that section and section 85.

[3.64] Dictionary, note 2

insert

 adult

Explanatory note

Dictionary, note 2 lists examples of terms used in the [Human Rights Commission Act 2005](http://www.legislation.act.gov.au/a/2005-40) that are defined in the [Legislation Act](http://www.legislation.act.gov.au/a/2001-14), dictionary, part 1. This amendment inserts a new term used in the Act and defined in the [Legislation Act](http://www.legislation.act.gov.au/a/2001-14), dictionary, part 1.

[3.65] Dictionary, definition of final report

substitute

final report—see section 80 (1).

Explanatory note

This amendment omits unnecessary words and corrects a cross-reference.

[3.66] Dictionary, new definitions of prescribed service and registered health practitioner

insert

prescribed service—see section 6A.

registered health practitioner, in relation to a complaint, for division 5.2 (Relationship between commission, health profession boards and veterinary surgeons board)—see section 91.

Explanatory note

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

[3.67] Dictionary, definition of registered veterinary surgeon

substitute

registered veterinary surgeon, in relation to a complaint, for division 5.2 (Relationship between commission, health profession boards and veterinary surgeons board)—see section 91.

Explanatory note

This amendment corrects a cross-reference.

Part 3.20 Lakes Act 1976

[3.68] Section 58 (1), new penalty

insert

Maximum penalty: 50 penalty units.

Explanatory note

This amendment inserts a penalty under section 58 (1). Once commenced, the [Lakes Amendment Act 2018](https://www.legislation.act.gov.au/a/2018-7/) will insert section 58 into the [Lakes Act 1976](http://www.legislation.act.gov.au/a/1976-65). When the amending Act was made, the penalty was incorrectly placed under section 58 (2). This amendment inserts the penalty in the correct place under the offence provision in section 58 (1). The penalty is omitted from under section 58 (2) by another amendment.

[3.69] Section 58 (2), penalty

omit

Explanatory note

This amendment omits the penalty under section 58 (2). Once commenced, the [Lakes Amendment Act 2018](https://www.legislation.act.gov.au/a/2018-7/) will insert section 58 into the [Lakes Act 1976](http://www.legislation.act.gov.au/a/1976-65). When the amending Act was made, the penalty was incorrectly placed under section 58 (2). The penalty is inserted in the correct place under the offence provision in section 58 (1) by another amendment.

Part 3.21 Legal Aid Act 1977

[3.70] Section 16 (1), new notes

after paragraph (d), insert

Note 1 A person is not eligible for appointment as the president of the commission unless the person is or has been a judge, or the person is a legal practitioner and has been for at least 5 years (see s 50 (1)).

Note 2 A person is not eligible for appointment as a commissioner under s 16 (1) (c) (iv) if the person is a legal practitioner (see s 50 (2)).

Explanatory note

This amendment inserts notes to assist users.

Part 3.22 Legal Profession Act 2006

[3.71] Section 125 (1)

omit

an externally-administered body corporate

substitute

a Chapter 5 body corporate

Explanatory note

This amendment updates language to reflect an amendment to the [Corporations Act](http://www.comlaw.gov.au/Series/C2004A00818) (see explanatory note for amendment 3.22 for additional information).

[3.72] New section 125 (6)

after the note, insert

 (6) In this section:

Chapter 5 body corporate—see the [Corporations Act](http://www.comlaw.gov.au/Series/C2004A00818), section 9.

Explanatory note

This amendment inserts a new definition that is consequential on another amendment (see explanatory note for amendment 3.22 for additional information).

Part 3.23 Magistrates Court (Liquor Infringement Notices) Regulation 2010

[3.73] Schedule 1, items 25 and 26

omit

Explanatory note

This amendment omits redundant table items. Schedule 1, items 25 and 26, set out infringement notice penalty amounts for offences under section 109 (1) and (2) of the [Liquor Act 2010](http://www.legislation.act.gov.au/a/2010-35). Section 109 of the [Liquor Act 2010](http://www.legislation.act.gov.au/a/2010-35) was omitted by the [Liquor Amendment Act 2017](https://www.legislation.act.gov.au/a/2017-13/), making the references to section 109 in the [Magistrates Court (Liquor Infringement Notices) Regulation 2010](http://www.legislation.act.gov.au/sl/2010-47) redundant.

Part 3.24 Medicines, Poisons and Therapeutic Goods Regulation 2008

[3.74] Schedule 1, part 1.6, item 4, column 3, paragraphs (d) and (e)

substitute

(d) prescribe medicines;

(e) supply medicines to patients during consultations if labelled in accordance with s 161;

Explanatory note

This amendment is consequential on the repeal of the [Health Regulation 2004](http://www.legislation.act.gov.au/sl/2004-14) by another amendment (see explanatory note for schedule 4 for additional information).

[3.75] Dictionary, note 2

insert

 ACAT

 chief health officer

 contravene

 corporation

 dentist

 health practitioner

 midwife

 Minister (see s 162)

 pharmacist

 under

Explanatory note

Dictionary, note 2 lists examples of terms used in the [Medicines, Poisons and Therapeutic Goods Regulation 2008](http://www.legislation.act.gov.au/sl/2008-42) that are defined in the [Legislation Act](http://www.legislation.act.gov.au/a/2001-14), dictionary, part 1. This amendment inserts new terms used in the regulation and defined in the [Legislation Act](http://www.legislation.act.gov.au/a/2001-14), dictionary, part 1.

[3.76] Dictionary, note 3

insert

 day hospital

Explanatory note

Dictionary, note 3 lists examples of terms used in the [Medicines, Poisons and Therapeutic Goods Regulation 2008](http://www.legislation.act.gov.au/sl/2008-42) that are defined in the [Medicines, Poisons and Therapeutic Goods Act 2008](http://www.legislation.act.gov.au/a/2008-26), dictionary. This amendment inserts a term used in the regulation and defined in that Act, dictionary.

[3.77] Dictionary, note 3

omit

 health practitioner

Explanatory note

Dictionary, note 3 lists examples of terms used in the [Medicines, Poisons and Therapeutic Goods Regulation 2008](http://www.legislation.act.gov.au/sl/2008-42) that are defined in the [Medicines, Poisons and Therapeutic Goods Act 2008](http://www.legislation.act.gov.au/a/2008-26), dictionary. This amendment omits a term used in the regulation and defined in the [Legislation Act](http://www.legislation.act.gov.au/a/2001-14), dictionary, part 1. The term is inserted in the dictionary, note 2 by another amendment.

[3.78] Dictionary, definition of day hospital

omit

Explanatory note

This amendment omits a definition that is defined in the [Medicines, Poisons and Therapeutic Goods Act 2008](http://www.legislation.act.gov.au/a/2008-26), dictionary. A reference to the defined term is included in the dictionary, note 3 by another amendment.

[3.79] Dictionary, definition of health profession

omit

Explanatory note

The term ‘health profession’ is used only in the definition of specialist area, which is defined for a health profession to mean a recognised specialty under the [Health Practitioner Regulation National Law (ACT)](http://www.legislation.act.gov.au/a/db_39269/default.asp). Because that Law does not apply to veterinary surgeons, this amendment omits the definition of health profession (which refers to veterinary surgeons) and another amendment updates the definition of specialist area as a consequence.

[3.80] Dictionary, definition of specialist area

substitute

specialist area means a recognised specialty in a health profession under the [Health Practitioner Regulation National Law (ACT)](http://www.legislation.act.gov.au/a/db_39269/default.asp).

Explanatory note

This amendment updates the definition as a consequence of the omission of the definition of health profession by another amendment.

Part 3.25 Nature Conservation Act 2014

[3.81] Section 64A (4)

omit

threatened species list

substitute

threatened native species list

Explanatory note

This amendment corrects a minor typographical error by inserting a missing word. The definition of threatened native species list is defined in section 62.

Part 3.26 Public Sector Management Act 1994

[3.82] Section 2, note 1

substitute

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

For example, the signpost definition ‘appellable decision, for part 9 (Review and appeal)—see section 223.’ means that the term ‘appellable decision’ is defined in that section for part 9.

Explanatory note

This amendment updates a cross-reference because of amendments made by another amendment.

[3.83] Section 30, definition of statutory employment terms, paragraph (b)

substitute

 (b) where the SES member is engaged; and

Examples

administrative unit, territory authority

Explanatory note

This amendment revises the definition to clarify that the defined term is intended to include an SES member engaged in an administrative unit or territory authority.

[3.84] Sections 92 (4), 108 (4) and 109 (5)

after

appellable

insert

decision

Explanatory note

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

[3.85] Section 151 (2)

omit

a disclosure

substitute

a discloser

Explanatory note

This amendment corrects a minor error made when section 151 was inserted by the [Public Sector Management Amendment Act 2016](https://www.legislation.act.gov.au/a/2016-52/). The word ‘disclosure’ was inadvertently inserted instead of ‘discloser’ (which is defined in section 9 (4)), making the provision illogical.

[3.86] Dictionary, note 2

omit

 Office of the Legislative Assembly

Explanatory note

Dictionary, note 2 lists examples of terms used in the [Public Sector Management Act 1994](http://www.legislation.act.gov.au/a/1994-37) that are defined in the [Legislation Act](http://www.legislation.act.gov.au/a/2001-14), dictionary, part 1. This amendment omits a term that is not used in the Act.

[3.87] Dictionary, definition of appellable decision

substitute

appellable decision, for part 9 (Review and appeal)—see section 223.

Explanatory note

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

[3.88] Dictionary, definition of commissioner

substitute

commissioner means the Public Sector Standards Commissioner appointed under section 142 (1).

Explanatory note

This amendment updates the definition as a consequence of amendments to the Act by the [Public Sector Management Amendment Act 2016](https://www.legislation.act.gov.au/a/2016-52/) to establish the office of the Public Sector Standards Commissioner.

[3.89] Dictionary, definition of employee, paragraph (a)

omit

division 5.7

substitute

division 5.8

Explanatory note

This amendment corrects a cross-reference.

[3.90] Dictionary, definition of reviewable decision

substitute

reviewable decision, for part 9 (Review and appeal)—see section 223.

Explanatory note

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

[3.91] Dictionary, definition of statutory employment terms

omit

SES position

substitute

SES member

Explanatory note

This amendment corrects an incorrect term.

[3.92] Dictionary, definition of underperformance

omit

Explanatory note

This amendment omits from the dictionary a term that is used only in 1 section and defined for that section.

Part 3.27 Radiation Protection Act 2006

[3.93] Section 115 (1), new definition of Chief Executive Medicare

insert

Chief Executive Medicare—see the [Human Services (Medicare) Act 1973](https://www.legislation.gov.au/Series/C2004A00100) (Cwlth), section 3.

Explanatory note

This amendment inserts a new definition to replace the definition of health insurance commission, which is omitted by another amendment (see explanatory note for amendment 3.94 for additional information).

[3.94] Section 115 (1), definition of health insurance commission

omit

Explanatory note

This amendment omits a redundant definition. The Health Insurance Commission Act 1973 (Cwlth) (the HIC Act) was amended by the [Human Services Legislation Amendment Act 2005](https://www.legislation.gov.au/Details/C2011C00793) (Cwlth) (the 2005 Amendment Act), schedule 2, section 2 to change the name of the HIC Act to the Medicare Australia Act 1973 (Cwlth). The 2005 Amendment Act also replaced the health insurance commission with Medicare Australia.

In 2011, the [Human Services Legislation Amendment Act 2011](https://www.legislation.gov.au/Details/C2011A00032) (Cwlth) (the 2011 Amendment Act), schedule 1, section 2 changed the name of the Medicare Australia Act 1973 (Cwlth) to the [Human Services (Medicare) Act 1973](https://www.legislation.gov.au/Series/C2004A00100) (Cwlth). The 2011 Amendment Act repealed part II of the Act (which established Medicare Australia) and replaced the Chief Executive Officer with the Chief Executive Medicare.

A new definition of Chief Executive Medicare is inserted in section 115 (1) by another amendment.

[3.95] Section 115 (4) (d)

substitute

 (d) to the Chief Executive Medicare; or

Explanatory note

This amendment updates the paragraph as a consequence of the replacement of the Chief Executive Officer of the health insurance commission with the Chief Executive Medicare (see explanatory note for amendment 3.94 for additional information).

Part 3.28 Retirement Villages Act 2012

[3.96] Section 89 (3) (b)

omit

an externally-administered body corporate

substitute

a Chapter 5 body corporate

Explanatory note

This amendment updates language to reflect an amendment to the [Corporations Act 2001](https://www.legislation.gov.au/Series/C2004A00818) (Cwlth). The definition of externally-administered body corporate was repealed from the [Corporations Act](http://www.comlaw.gov.au/Series/C2004A00818) by the [Insolvency Law Reform Act 2016](https://www.legislation.gov.au/Details/C2016A00011) (Cwlth) with effect from 1 March 2017 and replaced by the definition of Chapter 5 body corporate.

[3.97] Section 89 (5)

substitute

 (5) In this section:

Chapter 5 body corporate—see the [Corporations Act](http://www.comlaw.gov.au/Series/C2004A00818), section 9.

Explanatory note

This amendment inserts a new definition that is consequential on another amendment (see explanatory note for amendment 3.96 for additional information).

Part 3.29 Road Transport (Offences) Regulation 2005

[3.98] Schedule 1, part 1.14, items 13 to 18, column 3

omit

/registration label

Explanatory note

This amendment is consequential on the omission of references to ‘registration label’ in the [Road Transport (Vehicle Registration) Act 1999](http://www.legislation.act.gov.au/a/1999-81), section 22 by other amendments (see explanatory note for amendment 3.106 for additional information).

Part 3.30 Road Transport (Third-Party Insurance) Regulation 2008

[3.99] Schedule 1, section 1.1, definition of historic vehicle

substitute

historic vehicle—see the [Duties Act 1999](http://www.legislation.act.gov.au/a/1999-7), section 217 (3).

Explanatory note

This amendment updates the definition to correct a cross-reference. The term is now defined in the [Duties Act 1999](http://www.legislation.act.gov.au/a/1999-7), section 217.

[3.100] Schedule 1, section 1.1, definition of primary producer’s tractor

omit

his or her

substitute

the producer’s

Explanatory note

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

[3.101] Schedule 1, section 1.1, definitions of veteran vehicle and vintage vehicle

substitute

veteran vehicle—see the [Duties Act 1999](http://www.legislation.act.gov.au/a/1999-7), section 217 (3).

vintage vehicle—see the [Duties Act 1999](http://www.legislation.act.gov.au/a/1999-7), section 217 (3).

Explanatory note

This amendment updates the definitions to correct cross-references. The terms are now defined in the [Duties Act 1999](http://www.legislation.act.gov.au/a/1999-7), section 217.

Part 3.31 Road Transport (Vehicle Registration) Act 1999

[3.102] Section 14 (2) (g)

omit

and registration labels

Explanatory note

This amendment omits words that are redundant because registration labels are no longer required for any registrable vehicles registered in the ACT (see explanatory note for amendment 3.106 for additional information).

[3.103] Section 22 heading

substitute

22 Offences about numberplates etc

Explanatory note

This amendment revises the heading to omit words that are redundant because registration labels are no longer required for any registrable vehicles registered in the ACT (see explanatory note for amendment 3.106 for additional information).

[3.104] Section 22 (1) (a)

omit

or registration label

Explanatory note

This amendment omits words that are redundant because registration labels are no longer required for any registrable vehicles registered in the ACT (see explanatory note for amendment 3.106 for additional information).

[3.105] Section 22 (1) (b) and (c)

omit

, registration label

Explanatory note

This amendment omits words that are redundant because registration labels are no longer required for any registrable vehicles registered in the ACT (see explanatory note for amendment 3.106 for additional information).

[3.106] Section 22 (3) (a)

omit

, a registration label for a heavy vehicle

Explanatory note

This amendment omits words that are redundant because registration labels are no longer required for heavy vehicles registered in the ACT. The [Road Transport Legislation Amendment Regulation 2018 (No 1)](https://www.legislation.act.gov.au/sl/2018-11/) amended the [Road Transport (Vehicle Registration) Regulation 2000](http://www.legislation.act.gov.au/sl/2000-12) to remove the requirements for a heavy vehicle to have a registration label. The amendments were the result of agreement by the Transport and Infrastructure Council at its meeting on 19 May 2017 to amend the Heavy Vehicle National Law. The amendments removed the requirement for road transport authorities to issue or require registration labels to be displayed on heavy vehicles. Registration labels ceased to be issued for heavy vehicles in the ACT from 1 July 2018, and registration labels have not been issued for other registrable vehicles in the ACT since 1 July 2013.

[3.107] Section 22 (3) (b)

omit

, registration label

Explanatory note

This amendment omits words that are redundant because registration labels are no longer required for any registrable vehicles registered in the ACT (see explanatory note for amendment 3.106 for additional information).

[3.108] Section 30 (1) (a)

omit

or a registration label for a heavy vehicle

Explanatory note

This amendment omits words that are redundant because registration labels are no longer required for heavy vehicles registered in the ACT (see explanatory note for amendment 3.106 for additional information).

Part 3.32 Road Transport (Vehicle Registration) Regulation 2000

[3.109] Schedule 1, section 1.34 (3) (e)

substitute

 (e) a Department of Home Affairs (Cwlth) vehicle; or

Explanatory note

This amendment updates the paragraph to reflect the change of name of the Commonwealth Department of Immigration and Border Protection to the Department of Home Affairs.

[3.110] Schedule 1, section 1.120 (1) (e)

substitute

 (e) a Department of Home Affairs (Cwlth) vehicle; or

Explanatory note

This amendment updates the paragraph to reflect the change of name of the Commonwealth Department of Immigration and Border Protection to the Department of Home Affairs.

Part 3.33 Spent Convictions Act 2000

[3.111] Dictionary, definition of law enforcement agency, paragraph (c)

substitute

 (c) the Department of Home Affairs (Cwlth);

Explanatory note

This amendment updates the paragraph to reflect the change of name of the Commonwealth Department of Immigration and Border Protection to the Department of Home Affairs.

Part 3.34 Testamentary Guardianship Act 1984

[3.112] Section 11 (3) (c) and (d)

substitute

 (c) no order relating to the child has been registered under the [Family Law Act 1975](https://www.legislation.gov.au/Series/C2004A00275) (Cwlth), section 70G; and

 (d) no order that would, under the [Family Law Act 1975](https://www.legislation.gov.au/Series/C2004A00275) (Cwlth), section 60F have effect for that Act as if it were an order granting custody of the child is in force;

Explanatory note

This amendment updates redundant cross-references. Section 11 (3) (c) and (d) refer to section 60A and section 68 of the [Family Law Act 1975](https://www.legislation.gov.au/Series/C2004A00275) (Cwlth). However, the [Family Law Reform Act 1995](https://www.legislation.gov.au/Details/C2004A05014) (Cwlth) replaced section 60A (Certain children are children of marriage etc) with new section 60F (Certain children are children of marriage etc) and replaced section 68 (Overseas custody orders) with new sections 70G to 70L (part VII, division 13, subdivision C (Registration of overseas orders)).

Part 3.35 Unclaimed Money Act 1950

[3.113] Dictionary, definition of company, paragraph (b) (ii)

omit

or recognised company

Explanatory note

This amendment omits words that are redundant. The term ‘recognised company’ was used in the Corporations Law (as made under the [Corporations Act 1989](https://www.legislation.gov.au/Series/C2004A03857) (Cwlth), s 82) and defined as being ‘a body corporate that, because of the definition of company in section 9 of the Corporations Law of another jurisdiction, is a company for the purposes of that section of that law’. A corresponding concept was not included when the [Corporations Act 2001](https://www.legislation.gov.au/Series/C2004A00818) (Cwlth) re‑enacted the Corporations Law because it was not needed as the [Corporations Act 2001](https://www.legislation.gov.au/Series/C2004A00818) (Cwlth) applies as a Commonwealth Act operating throughout Australia and all ‘recognised companies’ were taken to be incorporated under that Act on its commencement.

Part 3.36 Utilities (Technical Regulation) Act 2014

[3.114] Section 72 (2)

omit everything before paragraph (a), substitute

 (2) The draft technical code for listed dams must include requirements in relation to the following:

Explanatory note

This amendment revises the opening words of subsection (2) for clarity.

[3.115] Section 72 (4)

omit

subsection (2)

substitute

subsection (3)

Explanatory note

This amendment corrects a cross-reference.

[3.116] Dictionary, note 2

insert

 ACAT

 amend

 appoint

 change

 fail

 function

 Minister (see s 162)

 notifiable instrument (see s 10)

 penalty unit (see s 133)

Explanatory note

Dictionary, note 2 lists examples of terms used in the [Utilities (Technical Regulation) Act 2014](http://www.legislation.act.gov.au/a/2014-60) that are defined in the [Legislation Act](http://www.legislation.act.gov.au/a/2001-14), dictionary, part 1. This amendment inserts new terms used in the Act and defined in the [Legislation Act](http://www.legislation.act.gov.au/a/2001-14), dictionary, part 1.

Schedule 4 Repeal

(see s 6)

Explanatory note

This schedule repeals a regulation that is no longer needed.

The substance of the [Health Regulation 2004](http://www.legislation.act.gov.au/sl/2004-14), which was made under the authority of the [Health Act 1993](http://www.legislation.act.gov.au/a/1993-13), section 195 deals with nurse practitioner positions and scopes of practice for nurse practitioners. However, nurse practitioners have been regulated under the [Health Practitioner Regulation National Law (ACT)](http://www.legislation.act.gov.au/a/db_39269/default.asp) since 2010 so the [Health Act 1993](http://www.legislation.act.gov.au/a/1993-13), section 195 (which is omitted by another amendment) and the regulation are no longer needed.

[Health Regulation 2004](http://www.legislation.act.gov.au/sl/2004-14) (SL2004-14)

Endnotes

1 Presentation speech

 Presentation speech made in the Legislative Assembly on 20 September 2018.

2 Notification

 Notified under the [Legislation Act](http://www.legislation.act.gov.au/a/2001-14) on 2018.

3 Republications of amended laws

 For the latest republication of amended laws, see [www.legislation.act.gov.au](http://www.legislation.act.gov.au).

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