

2019

THE LEGISLATIVE ASSEMBLY
FOR THE AUSTRALIAN CAPITAL TERRITORY

(As presented)

(Attorney-General)

Statute Law Amendment Bill 2019

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(Attorney-General)

Statute Law Amendment Bill 2019

A Bill for

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

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

1 **1 Name of Act**

2 This Act is the *Statute Law Amendment Act 2019*.

3 **2 Commencement**

4 (1) This Act (other than the following provisions) commences on the
5 14th day after its notification day:

- 6 • schedule 1, part 1.4
7 • schedule 1, part 1.6
8 • schedule 3, part 3.19.

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

11 (2) Schedule 1, part 1.4 (Motor Accident Injuries Act 2019) and
12 schedule 3, part 3.19 (Motor Accident Injuries Act 2019) commence
13 on the commencement of the [Motor Accident Injuries Act 2019](#),
14 section 3.

15 (3) Schedule 1, part 1.6 (Public Sector Workers Compensation Fund
16 Act 2018) commences 124 days after this Act's notification day.

17 **3 Notes**

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

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

20 **4 Purpose of Act**

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

24 **5 Legislation amended—schs 1-3**

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

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

2 (see s 5)

3 **Part 1.1** **Cemeteries and Crematoria**
4 **Act 2003**

5 **[1.1] Section 28A (1)**

6 *before*

7 manage public cemeteries and crematoria

8 *insert*

9 develop, build and

10 **Explanatory note**

11 This amendment inserts words to clarify the functions of the cemeteries authority.
12 Section 28A (1) currently states ‘the functions of the cemeteries authority are to effectively and
13 efficiently manage public cemeteries and crematoria for which the authority has been appointed
14 as the operator by the Minister’. As currently drafted, it is unclear whether section 28A (1) would
15 allow the authority to develop and build a public cemetery or crematorium. This amendment
16 clarifies that the functions of the cemeteries authority include developing and building public
17 cemeteries and crematoria.

1 **[1.2] New section 51 (2) (ba)**

2 *insert*

3 (ba) the opening and closing of cemeteries and crematoria;

4 **Explanatory note**

5 This amendment inserts a new paragraph into the regulation-making power of the *Cemeteries and*
6 *Crematoria Act 2003* to include express provision about opening and closing a cemetery or
7 crematorium. Currently, the Act provides the Executive with a general regulation-making power
8 under section 51 (1) while section 51 (2) mentions several matters a regulation may make
9 provision in relation to. While section 51 (2) (b) mentions ‘the conduct of cemeteries and
10 crematoria’ as such a matter, it is unclear whether ‘conduct’ is broad enough to enable a regulation
11 to be made about opening or closing a cemetery or crematorium. This amendment makes it clear
12 that the Executive may make regulations in relation to the opening and closing of cemeteries and
13 crematoria.

1 **Part 1.2** **Financial Management Act 1996**

2 **[1.3] Section 37 (1) and (2)**

3 *substitute*

- 4 (1) Unless provided elsewhere under this Act or another territory law, an
5 amount must not be paid out of the territory banking account except
6 under an appropriation to a banking account of a territory entity.

7 **Examples—provided elsewhere**

- 8 1 this Act, s 38 and s 58
9 2 the *Lifetime Care and Support (Catastrophic Injuries) Act 2014*, s 80
10 3 the *Public Sector Workers Compensation Fund Act 2018*, s 14
11 4 the *Territory Superannuation Provision Protection Act 2000*, s 11

12 **Explanatory note**

13 Section 37 (1) currently states that ‘an amount must not be paid out of the territory banking
14 account except under an appropriation to a banking account of a territory entity’. Section 37 (1)
15 is currently subject to section 37 (2), which lists a number of provisions that are exceptions to
16 section 37 (1). These exceptions are about transfers between the territory banking account and
17 certain directorate banking accounts to facilitate investment and the payment of interest on certain
18 investments of public money, which may be made without further appropriation.

19 Section 37 (2) has not been kept up-to-date and fails to mention several other provisions that are
20 exceptions to section 37 (1). This amendment updates section 37 (1) and (2) by replacing the
21 specific exceptions in section 37 (2) with a general exception in section 37 (1), and mentioning
22 some exceptions as examples. This will ensure any future exceptions to section 37 (1) will be
23 covered without the need to amend section 37.

1 **[1.4] Section 38 (4)**

2 *omit*

3 Interest received

4 *substitute*

5 Returns

6 **Explanatory note**

7 This amendment updates language in line with current administrative practice (see explanatory
8 note for amendment 1.16 for additional information).

9 **[1.5] Section 38 (5)**

10 *substitute*

11 (5) Any fees or expenses reasonably incurred in making or managing an
12 investment of public money may be deducted from the investment.

13 **Explanatory note**

14 This amendment updates the provision in line with current administrative practice. Section 38 (5)
15 currently refers to an investment that is made or managed for the Territory by ‘an entity other
16 than a directorate’. However, current administrative practice is that an investment may be
17 managed by a directorate as well as an entity other than a directorate, such as an external fund
18 manager. This amendment removes the reference to ‘an entity other than a directorate’, meaning
19 that an investment of public money may be made or managed for the Territory by any entity,
20 including a directorate.

21 Section 58 (5) also currently states that an entity may deduct fees and expenses for making or
22 managing an investment from ‘the interest received by the entity for the investment’. This is
23 problematic in that an entity making or managing an investment for the Territory does not actually
24 receive interest, and in many instances there is no interest actually paid (if, for instance, there is
25 a dividend reinvestment plan in place for the investment). This amendment clarifies that fees and
26 expenses reasonably incurred for making or managing an investment may be deducted from the
27 investment as a whole, not just from any interest received for the investment.

1 **[1.6] Section 38 (6)**

2 *omit*

3 interest

4 *substitute*

5 returns

6 **Explanatory note**

7 This amendment updates language in line with current administrative practice (see explanatory
8 note for amendment 1.16 for additional information).

9 **[1.7] Section 38 (8)**

10 *omit*

11 **Explanatory note**

12 This amendment omits a redundant provision. Under section 38 (6), the Treasurer may decide the
13 amounts of returns from investments that are to be credited to directorate banking accounts. Under
14 section 38 (7), the amounts decided by the Treasurer may be paid from the territory banking
15 account without further appropriation. Section 38 (8) currently states ‘However, the total of the
16 amounts paid under subsection (7) must not exceed the total of the interest received from
17 investments under this section’. Subsection (8) is redundant because the amounts paid under
18 subsection (7) are by necessity already limited to the amounts of returns received from
19 investments under subsection (6).

1 **[1.8] Section 38 (9) and (10)**

2 *omit*

3 **Explanatory note**

4 This amendment omits provisions that are redundant. Section 38 (9) currently states that the
5 *Financial Management Act 1996* (the FMA), section 38 does not apply to money held in a
6 superannuation banking account (as defined under section 38 (10), which is a signpost definition
7 to the *Territory Superannuation Provision Protection Act 2000*, section 7) or a PSWC fund
8 banking account (as defined under the *Public Sector Workers Compensation Fund Act 2018*,
9 section 9). However, section 38 applies to money held in ‘directorate banking accounts’ (see
10 section 38 (1)) and a superannuation banking account and a PSWC fund banking account are both
11 directorate banking accounts.

12 Section 38 (9) was originally inserted by the *Territory Superannuation Provision Protection*
13 *Bill 2000*, schedule, as new section 38 (7). The explanatory statement for the new subsection
14 states ‘amendments are required as the investment of superannuation funds will no longer be
15 subject to section 38, as it is provided for in the *Territory Superannuation Provision Protection*
16 *Bill 2000*’. However, on the commencement of the *Territory Superannuation Provision*
17 *Protection Act 2000* (the TSPP Act), section 38 already applied to ‘departmental banking
18 accounts’ and the *TSPP Act*, section 7 (2), states ‘A superannuation banking account is a
19 departmental banking account’.

20 This anomaly has persisted and creates confusion across the statute book. For instance,
21 section 38 (9) is in direct conflict with the *Public Sector Workers Compensation Fund Act 2018*
22 (the PSWC Fund Act), section 14 (1), note, which states ‘the Treasurer may invest an amount
23 from a PSWC fund banking account in an investment mentioned in the *Financial Management*
24 *Act 1996*, section 38’. As with a superannuation banking account, a PSWC fund banking account
25 is a ‘directorate banking account’ (see the *PSWC Fund Act*, section 9 (2)) and the *FMA*,
26 section 38 applies to directorate banking accounts (see *FMA*, section 38 (1)).

27 This amendment clarifies the original intention of the *FMA*, section 38, to apply to directorate
28 banking accounts by omitting section 38 (9) and (10).

1 **[1.9] Section 58 (1) (b)**

2 *omit*

3 **Explanatory note**

4 This amendment omits a redundant paragraph. Section 58 (1) (b) currently permits funds of a
5 territory authority to be invested ‘in Territory, State or Commonwealth securities’. However, this
6 is already covered by section 58 (1) (c), which permits funds of a territory authority to be invested
7 ‘by the Treasurer, for the territory authority, in an investment mentioned in section 38 (1) (a)
8 to (e)’. Under section 38 (1) (d), the Treasurer may invest funds ‘in Territory, State or
9 Commonwealth securities’.

10 **[1.10] Section 58 (4)**

11 *omit*

12 Interest received by the Treasurer for

13 *substitute*

14 Returns received by the Territory from

15 **Explanatory note**

16 This amendment updates language in line with current administrative practice (see explanatory
17 note for amendment 1.16 for additional information).

18 **[1.11] Section 58 (5)**

19 *substitute*

20 (5) Any fees or expenses reasonably incurred in making or managing an
21 investment of funds of a territory authority may be deducted from the
22 investment.

23 **Explanatory note**

24 This amendment updates the provision in line with current administrative practice (see
25 explanatory note for amendment 1.5 for additional information).

1 **[1.12] Section 58 (6)**

2 *omit*

3 Interest that is

4 *substitute*

5 Returns that are

6 **Explanatory note**

7 This amendment updates language in line with current administrative practice (see explanatory
8 note for amendment 1.16 for additional information).

9 **[1.13] Section 58 (7)**

10 *substitute*

11 (7) If returns to be paid to a territory authority are paid into the territory
12 banking account under subsection (6), the returns may be paid to the
13 authority from the territory banking account without further
14 appropriation.

15 **Explanatory note**

16 This amendment updates the provision to bring the language in line with current administrative
17 practice (see explanatory note for amendment 1.16 for additional information).

18 **[1.14] Dictionary, definition of *interest***

19 *omit*

20 **Explanatory note**

21 This amendment omits a definition that is made redundant as a result of another amendment (see
22 explanatory note for amendment 1.16 for additional information).

1 **[1.15] Dictionary, definition of *public money*, par (f) (ii)**

2 *omit*

3 interest

4 *substitute*

5 returns

6 **Explanatory note**

7 This amendment updates language in line with current administrative practice (see explanatory
8 note for amendment 1.16 for additional information).

9 **[1.16] Dictionary, new definition of *returns***

10 *insert*

11 ***returns***, in relation to an investment, includes interest, dividends,
12 capital gains, distributions and any other financial return on the
13 investment.

14 **Explanatory note**

15 This amendment inserts a new dictionary definition in line with current administrative practice.
16 The *Financial Management Act 1996* currently refers to ‘interest’ received from investments of
17 public money. The dictionary defines ***interest*** to include ‘a dividend and any other financial return
18 on a deposit, loan or other investment’. However, the ordinary meaning of ‘interest’ would not
19 usually include returns on investments such as dividends, capital gains or distributions. This
20 amendment inserts a new definition of ***returns*** to include interest, dividends, capital gains,
21 distributions and any other financial return on an investment.

1 **Part 1.3** **Lifetime Care and Support**
2 **(Catastrophic Injuries) Act 2014**

3 **[1.17] Section 72, new definition of *returns***

4 *insert*

5 *returns*, in relation to an investment—see the *Financial Management*
6 *Act 1996*, dictionary.

7 **Explanatory note**

8 This amendment inserts a new definition in line with current administrative practice
9 (see explanatory note for amendment 1.16 for additional information).

10 **[1.18] Section 78 (d)**

11 *omit*

12 interest from time to time accruing

13 *substitute*

14 returns

15 **Explanatory note**

16 This amendment updates language in line with current administrative practice (see explanatory
17 note for amendment 1.16 for additional information).

1 **[1.19] Section 80 (1) (a) and (b)**

2 *substitute*

3 (a) by the Treasurer, for the LTCS fund banking account, in an
4 investment mentioned in the *Financial Management Act 1996*,
5 section 38 (1) (a) to (e); or

6 (b) in any other way prescribed by the LTCS fund investment
7 guidelines.

8 **Explanatory note**

9 This amendment updates the provision to clarify that an amount in an LTCS fund banking account
10 that is not immediately needed for a purpose mentioned in section 79 may be invested by the
11 Treasurer for the account in an investment mentioned in the *Financial Management Act 1996*,
12 section 38 (1) (a) to (e) (see explanatory note for amendment 1.8 for additional information).

13 This amendment also corrects an incorrect term. Under section 81 (1), the Treasurer may make
14 guidelines (the *LTCS fund investment guidelines*). The term ‘LTCS investment guidelines’
15 currently used in section 80 (1) (b) is incorrect and is not used anywhere else in the *Lifetime Care*
16 *and Support (Catastrophic Injuries) Act 2014*.

17 **[1.20] New section 80 (1A)**

18 *insert*

19 (1A) For subsection (1) (a), the investment must be consistent with any
20 investment prescribed by the LTCS fund investment guidelines.

21 **Explanatory note**

22 This amendment inserts a provision to ensure any investment by the Treasurer for an LTCS fund
23 banking account is consistent with any LTCS fund investment guidelines, in line with current
24 administrative practice.

1 **[1.21] Section 80 (3)**

2 *omit*

3 **Explanatory note**

4 This amendment omits an unnecessary provision. As currently drafted, section 80 (3) states that
5 ‘any repayment of amounts invested from an LTCS fund banking account must be paid into an
6 LTCS fund banking account’. Any amount transferred from an LTCS fund banking account for
7 investment purposes still belongs to the LTCS fund (see sections 76 (1) and 80 (2)), making it
8 redundant to state that any repayment of amounts transferred must be to an LTCS fund banking
9 account.

10 **[1.22] Section 80 (4)**

11 *omit*

12 Interest

13 *substitute*

14 Returns

15 **Explanatory note**

16 This amendment updates language in line with current administrative practice (see explanatory
17 note for amendment 1.16 for additional information).

18 **[1.23] Section 80 (5) and (6)**

19 *substitute*

20 (5) Any fees or expenses reasonably incurred in making or managing an
21 investment of an amount from an LTCS fund banking account may
22 be deducted from the investment.

23 **Explanatory note**

24 This amendment omits current section 80 (5) and (6) by substituting with a new subsection (5) in
25 line with current administrative practice (see explanatory note for amendment 1.5 for additional
26 information).

1 **[1.24] Section 80 (7)**

2 *omit*

3 Interest that is to

4 *substitute*

5 Returns that must

6 **Explanatory note**

7 This amendment updates language in line with current administrative practice (see explanatory
8 note for amendment 1.16 for additional information).

9 **[1.25] New section 80 (8)**

10 *insert*

11 (8) If returns to be paid to an LTCS fund banking account are paid into
12 the territory banking account under subsection (7), the returns may be
13 paid to the LTCS fund banking account from the territory banking
14 account without further appropriation.

15 **Explanatory note**

16 This amendment inserts a new subsection to clarify that returns on investments may be paid from
17 the territory banking account to an LTCS fund banking account without an appropriation. This
18 new provision mirrors the amendments to the *Financial Management Act 1996*, section 58 (7).

19 **[1.26] Section 82 heading**

20 *substitute*

21 **82 Returns on amounts of LTCS levy**

22 **Explanatory note**

23 This amendment updates language in line with current administrative practice (see explanatory
24 note for amendment 1.16 for additional information).

1 **[1.27] Section 82 (1) (b)**

2 *omit*

3 interest

4 *substitute*

5 returns

6 **Explanatory note**

7 This amendment updates language in line with current administrative practice (see explanatory
8 note for amendment 1.16 for additional information).

9 **[1.28] Section 82 (2)**

10 *omit*

11 Interest

12 *substitute*

13 Returns

14 **Explanatory note**

15 This amendment updates language in line with current administrative practice (see explanatory
16 note for amendment 1.16 for additional information).

17 **[1.29] Section 82 (3) and (4)**

18 *substitute*

19 (3) Any fees or expenses reasonably incurred in making or managing an
20 investment of an amount from an LTCS levy may be deducted from
21 the investment.

22 **Explanatory note**

23 This amendment omits current section 82 (3) and (4) by substituting with a new subsection (3) in
24 line with current administrative practice (see explanatory note for amendment 1.5 for additional
25 information).

1 **[1.30] Section 83B (3) (c)**

2 *omit*

3 interest

4 *substitute*

5 returns

6 **Explanatory note**

7 This amendment updates language in line with current administrative practice (see explanatory
8 note for amendment 1.16 for additional information).

9 **[1.31] Dictionary, new definition of *returns***

10 *insert*

11 *returns*, in relation to an investment, for division 10.1 (Funding the
12 LTCS scheme)—see section 72.

13 **Explanatory note**

14 This amendment inserts a new signpost definition as a result of another amendment (see
15 explanatory note for amendment 1.17 for additional information).

16 **Part 1.4 Motor Accident Injuries Act 2019**

17 **[1.32] Section 76 (1) (a) (vii)**

18 *omit*

19 **Explanatory note**

20 This amendment omits a subparagraph as a consequence of changes to sections 96 and 97 by
21 other amendments (see explanatory note for amendment 1.35 for additional information).

1 **[1.33] Section 76 (1) (b) (i)**

2 *substitute*

- 3 (i) any contribution paid or payable on behalf of the person
4 by the person's employer to a superannuation scheme for
5 the benefit of the person;

6 **Explanatory note**

7 This amendment restores the substance of subparagraph (i) as it appeared in proposed
8 section 76 (1) (b) (i) in the *Motor Accident Injuries Bill 2019* before it was changed by Assembly
9 amendment. The amendment is consequential on changes to sections 96 and 97 by other
10 amendments (see explanatory note for amendment 1.35 for additional information).

11 **[1.34] Section 76 (2)**

12 *omit*

13 **Explanatory note**

14 This amendment omits a subsection as a consequence of changes to sections 96 and 97 by other
15 amendments (see explanatory note for amendment 1.35 for additional information).

1 **[1.35] Section 96, definition of *N*, except note**

2 *substitute*

3 *N* means—

4 (a) if *P* is \$100 AWE indexed or less—1.0; or

5 (b) if *P* is more than \$100 AWE indexed but less than \$800
6 AWE indexed— $1.0 + {}^{SG/100}$; or

7 (c) if *P* is \$800 AWE indexed or more—0.95.

8 **Explanatory note**

9 Section 96 sets out the formula for working out an injured person's entitlement to income
10 replacement benefits for each week the person is entitled to the benefits during the first payment
11 period. This amendment revises the formula to include a superannuation component for low
12 income earners. The component is based on the superannuation guarantee rate set out in the
13 *Superannuation Guarantee (Administration) Act 1992* (Cwlth), section 19.

14 The purpose of the amendment is to give effect to the intention of 3 Assembly amendments to
15 section 76 (the *Assembly amendments*) moved during the debate of the *Motor Accident Injuries*
16 *Bill 2019*. Those amendments intended to include employer superannuation contributions in the
17 definition of *gross income* for an injured person with a pre-injury income of less than \$800 AWE
18 indexed. However, there are several technical issues with those amendments.

19 For the purpose of working out an injured person's entitlement to income replacement benefits
20 following a motor accident, the person's gross income from employment and net income from
21 self-employment must be calculated to determine the person's pre-injury income. As a result of
22 the Assembly amendments, the definition of *gross income* includes pre-injury income, which
23 results in a circular definition. Pre-injury income from employment is based on the gross income
24 an injured person was paid in the 52 weeks before the motor accident. As a consequence of the
25 Assembly amendments, calculating the amounts paid or payable by an employer to a
26 superannuation fund on behalf of the injured person will be complicated.

27 The Assembly amendments also refer to pre-injury income being AWE adjusted. However, an
28 AWE adjustment to pre-injury income is only made on the first adjustment day after pre-injury
29 income is determined, and not when first calculating pre-injury income.

30 This amendment will correct those issues while still giving effect to the intention of the Assembly
31 amendments.

1 **[1.36] Section 96, definition of *N*, new example**

2 *after the note, insert*

3 **Example—working out *N*, par (b)**

4 Kristin is injured in a motor accident on 1 March 2021. Because of her
5 injuries, Kristin is unable to return to her part-time job as a teacher’s assistant
6 at Lyneham Primary School for 8 weeks following the accident. Kristin does
7 not perform any other paid work during the 8 weeks.

8 Kristin gives the relevant insurer for the motor accident a letter from her
9 employer stating that Kristin’s annual salary at the time of the motor accident
10 was \$36 500 and that Kristin had been a part-time employee at Lyneham
11 Primary School for 18 months before the accident.

12 The relevant insurer for the motor accident calculates Kristin’s gross income
13 for the 52 weeks before the accident as follows:

14
$$\$36\,500 \times \frac{364}{365}$$

15 Kristin’s gross income for the 52 weeks before the motor accident is \$36 400
16 and her pre-injury income is \$700.

17 Kristin also gives the relevant insurer a copy of the last payslip she received
18 from her employer before the motor accident, which shows that employer
19 contributions were payable to her chosen superannuation fund for the
20 52 weeks before the motor accident. The superannuation charge number for
21 the 2020-21 year is 9.5%.

22 In working out the amount of income replacement benefits Kristin is entitled
23 to each week, *N* is calculated as follows:

24
$$N = 1 + \frac{9.5}{100}$$

25 *N* is therefore 1.095. Using the formula set out in subsection (1), the amount
26 of income replacement benefits payable to Kristen for each week during the
27 first payment period after the motor accident that Kristin is entitled to income
28 replacement benefits is calculated as follows:

29
$$\$700 \times 1.095 = \$766.50$$

30 **Explanatory note**

31 This amendment inserts an example to illustrate how to work out the amount of income
32 replacement benefits to be paid to a person injured in a motor accident who is on a low income,
33 taking into account the superannuation component. This amendment is consequential on changes
34 made to section 96 by other amendments (see explanatory note for amendment 1.35 for additional
35 information).

1 **[1.37] New section 96 (2)**

2 *insert*

3 (2) In this section:

4 **SG**, for the factor N, paragraph (b), means—

- 5 (a) if superannuation contributions were paid or payable to a
6 superannuation scheme on behalf of the injured person by an
7 employer of the injured person during the 52 weeks before the
8 motor accident—the superannuation guarantee charge number
9 set out in the *Superannuation Guarantee (Administration)*
10 *Act 1992* (Cwlth), section 19 (2) for the year in which the
11 contributions were paid or payable; or
- 12 (b) if no superannuation contributions were paid or payable to a
13 superannuation scheme on behalf of the injured person by an
14 employer of the injured person during the 52 weeks before the
15 motor accident—0.

16 **Explanatory note**

17 This amendment is consequential on the amendment of the factor, *N*, in section 96 by another
18 amendment (see explanatory note for amendment 1.35 for additional information).

1 **[1.38] Section 97, definition of *N*, except note**

2 *substitute*

3 *N* means—

- 4 (a) if *P* is \$100 AWE indexed or less—1.0; or
- 5 (b) if *P* is more than \$100 AWE indexed but less than \$800
- 6 AWE indexed— $1.0 + \frac{SG}{100}$; or
- 7 (c) if *P* is at least \$800 AWE indexed and not more than \$1 000
- 8 AWE indexed—0.95; or
- 9 (d) if *P* is more than \$1 000 AWE indexed—0.8.

10 **Explanatory note**

11 Section 97 sets out the formula for working out an injured person's entitlement to income
12 replacement benefits for each week the person is entitled to the benefits during the second
13 payment period. This amendment revises the formula to include a superannuation component for
14 low income earners. The component is based on the superannuation guarantee rate set out in the
15 *Superannuation Guarantee (Administration) Act 1992* (Cwlth), section 19.

16 This amendment corrects issues arising as a consequence of 3 Assembly amendments to
17 section 76 moved during the debate of the *Motor Accident Injuries Bill 2019*. This amendment
18 will correct those issues while still giving effect to the purpose of the Assembly amendments.
19 The Assembly amendments to section 76 are reversed by other amendments (see explanatory
20 note for amendment 1.35 for additional information).

21 **[1.39] New section 97 (2)**

22 *insert*

23 (2) In this section:

24 *SG*, for the factor *N*, paragraph (b)—see section 96 (2).

25 **Explanatory note**

26 This amendment is consequential on the amendment of the factor, *N*, in section 97 by another
27 amendment (see explanatory note for amendment 1.35 for additional information).

1 **[1.40] Section 145, definition of *private medical examiner*,**
2 **paragraph (b)**

3 *omit*

4 qualifications or experience

5 *substitute*

6 qualifications and experience

7 **Explanatory note**

8 *Private medical examiner* is defined for the purposes of division 2.6.3. Under the current
9 definition, a private medical examiner for a person injured in a motor accident claim must be a
10 doctor who meets the requirements under the WPI assessment guidelines to conduct WPI
11 assessments and has qualifications or experience relevant to the nature of the injured person's
12 injuries.

13 The WPI assessment guidelines under the Act will require a person assessing whole person
14 impairment to have the qualifications, training and experience relevant to the body system being
15 assessed.

16 This amendment revises the definition to require a private medical examiner to have both
17 qualifications and experience that are relevant to the nature of an injured person's injuries.

1 **Part 1.5 Public Health Act 1997**

2 **[1.41] Section 138 (2) (c)**

3 *omit*

4 **Explanatory note**

5 This amendment omits a redundant paragraph. Under section 138 (2) (c), the Executive may
6 make regulations in relation to ‘cervical cytology’. This amendment proposes to omit
7 section 138 (2) (c) as cervical cytology is now a Commonwealth responsibility.

8 The *National Cancer Screening Register Act 2016* (Cwlth) established the authority to implement
9 and maintain a National Cancer Screening Register (NCSR). The NCSR replaces the previously
10 separate State and Territory cervical screening registers, including the ACT Cervical Cytology
11 Register.

12 The *Public Health Amendment Regulation 2017 (No 1)* and the *Public Health Amendment*
13 *Regulation 2019 (No 1)* amended the *Public Health Regulation 2000* to omit part 3 (Cervical
14 cytology register) and updated any references to cervical cytology to facilitate a phased transition
15 from the ACT Cervical Cytology Register to the NCSR. This transition is now complete and the
16 ACT Cervical Cytology Register has been decommissioned. This means there is no longer any
17 need for the Executive to be able to make regulations about cervical cytology, making
18 section 138 (2) (c) redundant.

19 **Part 1.6 Public Sector Workers**
20 **Compensation Fund Act 2018**

21 **[1.42] Section 11 (d)**

22 *omit*

23 interest earned

24 *substitute*

25 returns

26 **Explanatory note**

27 This amendment updates language in line with current administrative practice (see explanatory
28 note for amendment 1.16 for additional information).

1 **[1.43] Section 14 (1) (a) and (b)**

2 *substitute*

- 3 (a) by the Treasurer, for the PSWC fund banking account, in an
4 investment mentioned in the *Financial Management Act 1996*,
5 section 38 (1) (a) to (e); or

6 **Explanatory note**

7 This amendment updates the provision to clarify that an amount in a PSWC fund banking account
8 that is not immediately needed for a purpose mentioned in section 12 may be invested by the
9 Treasurer for the account in an investment mentioned in the *Financial Management Act 1996*,
10 section 38 (1) (a) to (e) (see explanatory note for amendment 1.8 for additional information).

11 **[1.44] Section 14 (1), note**

12 *omit*

13 **Explanatory note**

14 This amendment omits a redundant note. The section 14 (1) note currently states that ‘the
15 Treasurer may also invest an amount in a PSWC fund banking account in an investment
16 mentioned in the *Financial Management Act 1996*, section 38’. Section 14 (1) (a) will be amended
17 to provide what is currently stated in the note, making the note obsolete (see explanatory note for
18 amendment 1.43 for additional information).

19 **[1.45] New section 14 (1A)**

20 *insert*

- 21 (1A) For subsection (1) (a), the investment must be consistent with any
22 investment prescribed by a PSWC fund investment guideline.

23 **Explanatory note**

24 This amendment inserts a provision to ensure any investment by the Treasurer for a PSWC fund
25 banking account is consistent with any PSWC fund investment guidelines, in line with current
26 administrative practice.

1 **[1.46] Section 14 (3)**

2 *omit*

3 Interest

4 *substitute*

5 Returns

6 **Explanatory note**

7 This amendment updates language in line with current administrative practice (see explanatory
8 note for amendment 1.16 for additional information).

9 **[1.47] Section 14 (4) and (5)**

10 *substitute*

11 (4) Any fees or expenses reasonably incurred in making or managing an
12 investment of an amount from a PSWC fund banking account may be
13 deducted from the investment.

14 **Explanatory note**

15 This amendment omits current section 14 (4) and (5) by substituting with a new subsection (4) in
16 line with current administrative practice (see explanatory note for amendment 1.5 for additional
17 information).

18 **[1.48] Section 14 (6)**

19 *omit*

20 Interest

21 *substitute*

22 Returns

23 **Explanatory note**

24 This amendment updates language in line with current administrative practice (see explanatory
25 note for amendment 1.16 for additional information).

1 **[1.49] New section 14 (7)**

2 *insert*

3 (7) If returns to be paid to a PSWC fund banking account are paid into
4 the territory banking account under subsection (6), the returns may be
5 paid to the PSWC fund banking account from the territory banking
6 account without further appropriation.

7 **Explanatory note**

8 This amendment inserts a new subsection to clarify that returns on investments may be paid from
9 the territory banking account to a PSWC fund banking account without an appropriation. This
10 new provision mirrors the amendments to the *Financial Management Act 1996*, section 58 (7).

11 **[1.50] Section 15 heading**

12 *substitute*

13 **15 Returns on amounts appropriated for PSWC fund**

14 **Explanatory note**

15 This amendment updates language in line with current administrative practice (see explanatory
16 note for amendment 1.16 for additional information).

17 **[1.51] Section 15 (1) (b)**

18 *omit*

19 interest

20 *substitute*

21 returns

22 **Explanatory note**

23 This amendment updates language in line with current administrative practice (see explanatory
24 note for amendment 1.16 for additional information).

1 **[1.52] Section 15 (2)**

2 *omit*

3 Interest

4 *substitute*

5 Returns

6 **Explanatory note**

7 This amendment updates language in line with current administrative practice (see explanatory
8 note for amendment 1.16 for additional information).

9 **[1.53] Section 15 (3) and (4)**

10 *substitute*

11 (3) Any fees or expenses reasonably incurred in making or managing an
12 investment of an amount from a public sector workers compensation
13 appropriation may be deducted from the investment.

14 **Explanatory note**

15 This amendment omits current section 15 (3) and (4) by substituting with a new subsection (3) in
16 line with current administrative practice (see explanatory note for amendment 1.5 for additional
17 information).

18 **[1.54] Dictionary, new definition of *returns***

19 *insert*

20 *returns*, in relation to an investment—see the *Financial Management*
21 *Act 1996*, dictionary.

22 **Explanatory note**

23 This amendment inserts a new definition in line with current administrative practice
24 (see explanatory note for amendment 1.16 for additional information).

1 **Part 1.7** **Territory Superannuation**
2 **Provision Protection Act 2000**

3 **[1.55] Section 11 (1) (a) to (c)**

4 *substitute*

- 5 (a) by the Treasurer, for the superannuation banking account, in an
6 investment mentioned in the *Financial Management Act 1996*,
7 section 38 (1) (a) to (e); or
8 (b) in any investment prescribed by a superannuation management
9 guideline.

10 **Explanatory note**

11 This amendment updates the provision to clarify that an amount in a superannuation banking
12 account that is not immediately needed for a purpose mentioned in section 9 (a) to (e) may be
13 invested by the Treasurer for the account in an investment mentioned in the *Financial*
14 *Management Act 1996*, section 38 (1) (a) to (e) (see explanatory note for amendment 1.8 for
15 additional information).

16 This amendment also corrects an incorrect term. Under section 16 (1), the Treasurer may make
17 superannuation management guidelines. The term ‘superannuation investment guideline’ is
18 incorrect and is not used anywhere else in the *Territory Superannuation Provision Protection*
19 *Act 2000*.

20 **[1.56] New section 11 (1A)**

21 *insert*

- 22 (1A) For subsection (1) (a), the investment must be consistent with any
23 investment prescribed by a superannuation management guideline.

24 **Explanatory note**

25 This amendment inserts a provision to ensure any investment by the Treasurer for a
26 superannuation banking account is consistent with any superannuation management guidelines,
27 in line with current administrative practice.

1 **[1.57] Section 11 (3)**

2 *omit*

3 Interest

4 *substitute*

5 Returns

6 **Explanatory note**

7 This amendment updates language in line with current administrative practice (see explanatory
8 note for amendment 1.16 for additional information).

9 **[1.58] Section 11 (4) and (5)**

10 *substitute*

11 (4) Any fees or expenses reasonably incurred in making or managing an
12 investment of an amount from a superannuation banking account may
13 be deducted from the investment.

14 **Explanatory note**

15 This amendment omits current section 11 (4) and (5) by substituting with a new subsection (4) in
16 line with current administrative practice (see explanatory note for amendment 1.5 for additional
17 information).

18 **[1.59] Section 11 (6)**

19 *omit*

20 Interest that is to

21 *substitute*

22 Returns that must

23 **Explanatory note**

24 This amendment updates language in line with current administrative practice (see explanatory
25 note for amendment 1.16 for additional information).

1 **[1.60] New section 11 (7)**

2 *insert*

3 (7) If returns to be paid to a superannuation banking account are paid into
4 the territory banking account under subsection (6), the returns may be
5 paid to the superannuation banking account from the territory banking
6 account without further appropriation.

7 **Explanatory note**

8 This amendment inserts a new subsection to clarify that returns on investments may be paid from
9 the territory banking account to a superannuation banking account without an appropriation. This
10 new provision mirrors the amendments to the *Financial Management Act 1996*, section 58 (7).

11 **[1.61] Section 12 heading**

12 *substitute*

13 **12 Returns on amounts appropriated for superannuation**

14 **Explanatory note**

15 This amendment updates language in line with current administrative practice (see explanatory
16 note for amendment 1.16 for additional information).

17 **[1.62] Section 12 (1) (b)**

18 *omit*

19 interest

20 *substitute*

21 returns

22 **Explanatory note**

23 This amendment updates language in line with current administrative practice (see explanatory
24 note for amendment 1.16 for additional information).

1 **[1.63] Section 12 (2)**

2 *omit*

3 Interest

4 *substitute*

5 Returns

6 **Explanatory note**

7 This amendment updates language in line with current administrative practice (see explanatory
8 note for amendment 1.16 for additional information).

9 **[1.64] Section 12 (3) and (4)**

10 *substitute*

11 (3) Any fees or expenses reasonably incurred in making or managing an
12 investment of an amount from a superannuation appropriation may
13 be deducted from the investment.

14 **Explanatory note**

15 This amendment omits current section 12 (3) and (4) by substituting with a new subsection (3) in
16 line with current administrative practice (see explanatory note for amendment 1.5 for additional
17 information).

18 **[1.65] Section 13**

19 *omit*

20 interest earned

21 *substitute*

22 returns

23 **Explanatory note**

24 This amendment updates language in line with current administrative practice (see explanatory
25 note for amendment 1.16 for additional information).

1 **[1.66] Section 15 (2)**

2 *omit*

3 Interest on an amount invested as mentioned in subsection (1) that is
4 paid

5 *substitute*

6 Returns on an amount invested as mentioned in subsection (1) that
7 are paid

8 **Explanatory note**

9 This amendment updates language in line with current administrative practice (see explanatory
10 note for amendment 1.16 for additional information).

11 **[1.67] Section 15 (3)**

12 *omit*

13 Interest that is to be paid

14 *substitute*

15 Returns that are to be paid

16 **Explanatory note**

17 This amendment updates language in line with current administrative practice (see explanatory
18 note for amendment 1.16 for additional information).

19 **[1.68] Dictionary, definition of *interest***

20 *omit*

21 **Explanatory note**

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

1 **[1.69] Dictionary, definition of *prescribed***

2 *omit*

3 **Explanatory note**

4 This amendment omits the definition of a term that no longer needs to be defined for the Act
5 because new section 11 (1) (b) and (1A) will state that ‘prescribed’ is ‘prescribed by a
6 superannuation management guideline’.

7 **[1.70] Dictionary, new definition of *returns***

8 *insert*

9 *returns*, in relation to an investment—see the *Financial Management*
10 *Act 1996*, dictionary.

11 **Explanatory note**

12 This amendment inserts a new definition in line with current administrative practice
13 (see explanatory note for amendment 1.16 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](#). 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.

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 85 (3) (b)**

- 6 *omit*
7 section 86 (1) (c)
8 *substitute*
9 section 86 (1) (a) (iii)

10 **Explanatory note**

11 This amendment corrects a cross-reference.

12 **Part 3.2 Adoption Act 1993**

13 **[3.2] Dictionary, definition of *Aboriginal or Torres Strait***
14 ***Islander child or young person***

- 15 *substitute*
16 ***Aboriginal or Torres Strait Islander child or young person*** means a
17 child or young person at least 1 of whose parents is a person who—
18 (a) is a descendant of an Aboriginal person or a Torres Strait
19 Islander person; and
20 (b) identifies as an Aboriginal person or a Torres Strait Islander
21 person; and

1 (c) is accepted as an Aboriginal person or a Torres Strait Islander
2 person by an Aboriginal community or Torres Strait Islander
3 community.

4 **Explanatory note**

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

6 **[3.3] Dictionary, definition of *responsible person***

7 *omit*

8 Aboriginal or Torres Strait Island community

9 *substitute*

10 Aboriginal or Torres Strait Islander community

11 **Explanatory note**

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

13 **Part 3.3 Births, Deaths and Marriages**
14 **Registration Act 1997**

15 **[3.4] Section 5 (4)**

16 *omit*

17 foetal

18 *substitute*

19 fetal

20 **Explanatory note**

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

1 **Part 3.4** **Building and Construction**
2 **Industry (Security of Payment)**
3 **Act 2009**

4 **[3.5] Section 18 (2) (a) (ii)**

5 *omit*

6 section 19 (1) (b)

7 *substitute*

8 section 19 (1) (a) (ii)

9 **Explanatory note**

10 This amendment corrects a cross-reference.

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

13 **[3.6] Section 94 (1) (d)**

14 *omit*

15 an Aboriginal and Torres Strait Islander child or young person

16 *substitute*

17 an Aboriginal or Torres Strait Islander child or young person

18 **Explanatory note**

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

1 **Part 3.6** **Controlled Sports Act 2019**

2 **[3.7] Section 52 (1) (a)**

3 *omit*

4 is a registered controlled sports official

5 *substitute*

6 participates as a registered controlled sports official

7 **Explanatory note**

8 This amendment updates language in line with drafting practice elsewhere in the Act.

9 **[3.8] Section 53 (1) (a)**

10 *substitute*

11 (a) competes as a registered controlled sports contestant in a
12 registered event; and

13 **Explanatory note**

14 This amendment updates language in line with drafting practice elsewhere in the Act.

15 **Part 3.7** **Coroners Act 1997**

16 **[3.9] Dictionary, definition of *member of the immediate family*,**
17 **paragraph (b)**

18 *omit*

19 Aboriginal or Torres Strait Island community

20 *substitute*

21 Aboriginal or Torres Strait Islander community

22 **Explanatory note**

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

1 **[3.13] Dictionary, new definition of *FS (TR) Act***

2 *insert*

3 *FS (TR) Act* means the *Financial Sector (Transfer and Restructure)*
4 *Act 1999* (Cwlth).

5 **Explanatory note**

6 This amendment inserts a new definition of *FS (TR) Act* to replace the definition of *FS(TB) Act*,
7 which is omitted by another amendment. The *Financial Sector Legislation Amendment (Crisis*
8 *Resolution Powers and Other Measures) Act 2018* (Cwlth), sch 4, amended the name of the
9 *Financial Sector (Business Transfer and Group Restructure) Act 1999* (Cwlth) to the *Financial*
10 *Sector (Transfer and Restructure) Act 1999* (Cwlth). This amendment updates the definition to
11 reflect the amended name of the Act.

12 **[3.14] Further amendments, mentions of *FS(TB) Act***

13 *omit*

14 *FS(TB) Act*

15 *substitute*

16 *FS (TR) Act*

17 *in*

- 18 • section 7
19 • section 9
20 • section 10

21 **Explanatory note**

22 This amendment is consequential on other amendments to the dictionary that omit the definition
23 of *FS(TB) Act* and insert a new definition of *FS (TR) Act*.

1 **Part 3.13** **Government Agencies (Land**
2 **Acquisition Reporting) Act 2018**

3 **[3.18] Section 9 (1)**

4 *after*

5 A report about

6 *insert*

7 a

8 **Explanatory note**

9 This amendment inserts a missing word.

10 **[3.19] Section 10 heading**

11 *substitute*

12 **10 Certain information must not be included in reports**

13 **Explanatory note**

14 This amendment updates the section heading to omit redundant words.

15 **[3.20] Section 10**

16 *omit*

17 or statement

18 **Explanatory note**

19 This amendment omits redundant words.

1 **Part 3.15** **Lakes Act 1976**

2 **[3.23] Section 79 (1) (c)**

3 *omit*

4 section 25A

5 *substitute*

6 section 27

7 **Explanatory note**

8 This amendment corrects a cross-reference.

9 **Part 3.16** **Legal Aid Act 1977**

10 **[3.24] Section 11 (c)**

11 *omit*

12 his or her

13 *substitute*

14 the person's

15 **Explanatory note**

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

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

2 *omit*

3 his or her

4 *substitute*

5 the practitioner's

6 **Explanatory note**

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

8 **[3.26] Section 13 (2)**

9 *omit*

10 his or her

11 *substitute*

12 the solicitor's

13 **Explanatory note**

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

15 **[3.27] Section 13 (3) (a) (i)**

16 *omit*

17 on his or her own account in the ACT and retained by the person to
18 act on his or her behalf

19 *substitute*

20 on the officer's own account in the ACT and retained by the person
21 to act on the person's behalf

22 **Explanatory note**

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

1 **[3.28] Section 13 (3) (b) (i)**

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

6 **Explanatory note**

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

8 **[3.29] Section 18**

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

13 **Explanatory note**

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

15 **[3.30] Section 22 (1)**

16 *omit*
17 he or she
18 *substitute*
19 the officer

20 **Explanatory note**

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

1 **[3.31] Section 22 (2)**

2 *omit*

3 he or she

4 *substitute*

5 the staff member

6 **Explanatory note**

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

8 **[3.32] Section 22 (4)**

9 *omit*

10 he or she

11 *substitute*

12 the staff member

13 **Explanatory note**

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

15 **[3.33] Section 22 (4)**

16 *omit*

17 his or her

18 *substitute*

19 the solicitor's

20 **Explanatory note**

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

1 **[3.34] Section 22 (6)**

2 *omit*

3 his or her

4 *substitute*

5 the solicitor's

6 **Explanatory note**

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

8 **[3.35] Section 24**

9 *omit*

10 his or her

11 *substitute*

12 the officer's

13 **Explanatory note**

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

15 **[3.36] Section 28 (3)**

16 *omit*

17 he or she

18 *substitute*

19 the person

20 **Explanatory note**

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

1 **[3.37] Section 31 (4)**

2 *omit*

3 him or her

4 *substitute*

5 the person

6 **Explanatory note**

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

8 **[3.38] Section 31A (8)**

9 *omit*

10 he or she

11 *substitute*

12 the chief executive officer

13 **Explanatory note**

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

15 **[3.39] Section 32A**

16 *omit*

17 he or she shall not demand

18 *substitute*

19 , the practitioner shall not demand

20 **Explanatory note**

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

1 **[3.40] Section 32A**

2 *omit*

3 he or she is entitled

4 *substitute*

5 the practitioner is entitled

6 **Explanatory note**

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

8 **[3.41] Section 33 (1)**

9 *omit*

10 him or her

11 *substitute*

12 the person

13 **Explanatory note**

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

15 **[3.42] Section 33 (5) and (6)**

16 *omit*

17 his or her

18 *substitute*

19 the person's

20 **Explanatory note**

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

1 **[3.43] Section 36 (1) (j)**

2 *omit*

3 his or her right to recover an amount that is recoverable by him or her

4 *substitute*

5 the person's right to recover an amount that is recoverable by the
6 person

7 **Explanatory note**

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

9 **[3.44] Section 39B (a)**

10 *omit*

11 any information known to him or her, or to which he or she has access

12 *substitute*

13 any information known to the officer, or to which the officer has
14 access

15 **Explanatory note**

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

17 **[3.45] Section 39B (b)**

18 *omit*

19 his or her

20 *substitute*

21 the officer's

22 **Explanatory note**

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

1 **[3.46] Section 47 (1)**

2 *omit*

3 his or her

4 *substitute*

5 the Auditor-General

6 **Explanatory note**

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

8 **[3.47] Section 47 (2)**

9 *omit*

10 his or her

11 *substitute*

12 the Auditor-General's

13 **Explanatory note**

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

15 **[3.48] Section 50**

16 *omit*

17 he or she

18 *substitute*

19 the person

20 **Explanatory note**

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

1 **[3.49] Section 51**

2 *omit*

3 his or her

4 *substitute*

5 the commissioner's

6 **Explanatory note**

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

8 **[3.50] Section 52 (2) (c)**

9 *omit*

10 his or her

11 *substitute*

12 the commissioner's

13 **Explanatory note**

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

15 **[3.51] Section 52 (2)**

16 *omit*

17 him or her

18 *substitute*

19 the commissioner

20 **Explanatory note**

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

1 **[3.52] Section 52 (4)**

2 *omit*

3 he or she

4 *substitute*

5 the commissioner

6 **Explanatory note**

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

8 **[3.53] Section 52 (4)**

9 *omit*

10 his or her

11 *substitute*

12 the commissioner's

13 **Explanatory note**

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

15 **[3.54] Section 54 (5)**

16 *omit*

17 he or she

18 *substitute*

19 the president

20 **Explanatory note**

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

1 **[3.55] Section 55 (1)**

2 *omit*

3 he or she

4 *substitute*

5 the commissioner

6 **Explanatory note**

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

8 **[3.56] Section 55 (1)**

9 *omit*

10 his or her knowledge, disclose the nature of his or her interest

11 *substitute*

12 the commissioner's knowledge, disclose the nature of the
13 commissioner's interest

14 **Explanatory note**

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

16 **[3.57] Section 59**

17 *omit*

18 his or her

19 *substitute*

20 their

21 **Explanatory note**

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

1 **[3.58] Section 60 (2)**

2 *omit*

3 him or her

4 *substitute*

5 the officer

6 **Explanatory note**

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

8 **[3.59] Section 61**

9 *omit*

10 his or her office

11 *substitute*

12 a statutory officer

13 **Explanatory note**

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

15 **[3.60] Section 78 (2) (b)**

16 *omit*

17 he or she is

18 *substitute*

19 they are

20 **Explanatory note**

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

1 **[3.61] Section 78 (2)**

2 *omit*
3 him or her
4 *substitute*
5 the member

6 **Explanatory note**

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

8 **[3.62] Section 81 (1)**

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

13 **Explanatory note**

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

15 **[3.63] Section 81 (1)**

16 *omit*
17 his or her
18 *substitute*
19 the member's

20 **Explanatory note**

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

1 **[3.64] Section 82 (1)**

2 *omit*

3 he or she

4 *substitute*

5 the Minister

6 **Explanatory note**

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

8 **[3.65] Section 84D (3)**

9 *omit*

10 him or her

11 *substitute*

12 the prescribed person or assistant

13 **Explanatory note**

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

15 **[3.66] Section 84D (4)**

16 *omit*

17 him or her

18 *substitute*

19 the person

20 **Explanatory note**

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

1 **[3.67] Section 84E (1)**

2 *omit*

3 him or her

4 *substitute*

5 the officer

6 **Explanatory note**

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

8 **[3.68] Section 91 (2)**

9 *omit*

10 him or her

11 *substitute*

12 the practitioner

13 **Explanatory note**

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

15 **[3.69] Section 91 (4)**

16 *omit*

17 he or she is

18 *substitute*

19 they are

20 **Explanatory note**

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

1 **[3.70] Section 92 (2) (a)**

2 *omit*

3 acquired by him or her by reason of his or her office or employment

4 *substitute*

5 acquired by the person to whom this section applies by reason of their
6 office or employment

7 **Explanatory note**

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

9 **[3.71] Section 92 (3)**

10 *omit*

11 he or she has the custody, or to which he or she has access, by virtue
12 of his or her office

13 *substitute*

14 the person to whom this section applies has the custody, or to which
15 they have access, by virtue of their office

16 **Explanatory note**

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

18 **[3.72] Section 92 (3)**

19 *omit*

20 him or her

21 *substitute*

22 the person to whom this section applies

23 **Explanatory note**

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

1 **[3.73] Section 92A (1) (a)**

2 *omit*

3 information known to him or her or to which he or she has access

4 *substitute*

5 information known to the officer or to which the officer has access

6 **Explanatory note**

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

8 **[3.74] Section 92A (1) (b)**

9 *omit*

10 his or her

11 *substitute*

12 the officer's

13 **Explanatory note**

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

1 **Part 3.17** **Legal Profession**
2 **Regulation 2007**

3 **[3.75] Section 7 (3), definition of *veterans' entitlement***
4 ***legislation*, paragraph (d)**

5 *substitute*

- 6 (d) *Safety, Rehabilitation and Compensation (Defence-related*
7 *Claims) Act 1988* (Cwlth), part 11 (except section 144 (4) and
8 section 149);

9 **Explanatory note**

10 This amendment updates the paragraph to reflect amendments made to Commonwealth
11 legislation.

12 Section 7 exempts a person from the [Act](#), section 16, if the person provides free legal services to
13 a member of the defence force in relation to a claim for a benefit under veterans' entitlement
14 legislation. Section 7 (3) defines *veterans' entitlement legislation* to include, under
15 paragraph (d), the *Safety, Rehabilitation and Compensation Act 1988* (Cwlth), part 11 (except
16 sections 143 (2) and (3), 144 (4), 149, 150, 153 (2), 156, 158 and 159).

17 The *Safety, Rehabilitation and Compensation Act 1988* (Cwlth), pt 11 was transferred to the
18 *Safety, Rehabilitation and Compensation (Defence-related Claims) Act 1988* (Cwlth), pt 11, by
19 the *Safety, Rehabilitation and Compensation Legislation Amendment (Defence Force) Act 2017*
20 (Cwlth), with sections 150, 156, 158 and 159 being repealed from part 11 at the time of the
21 transfer. Section 143 (2) and (3) and section 153 (2) were later repealed from part 11 by the
22 *Veterans' Affairs Legislation Amendment (Veteran-centric Reforms No. 1) Act 2018* (Cwlth).
23 Sections 144 (4) and 149 still exist in part 11 and have remained unchanged since the *Legal*
24 *Profession Regulation 2007* commenced.

1 **Part 3.18** **Magistrates Court (Crimes**
2 **Infringement Notices)**
3 **Regulation 2008**

4 **[3.76] Schedule 1, item 2, column 2**

5 *omit*

6 180

7 *substitute*

8 179

9 **Explanatory note**

10 This amendment corrects a cross-reference.

11 **Part 3.19** **Motor Accident Injuries Act 2019**

12 **[3.77] Section 37**

13 *omit*

14 **Explanatory note**

15 This amendment omits a redundant provision. Section 37 defines *private medical examiner* for
16 the purposes of chapter 2. Section 145 defines *private medical examiner* in identical terms for
17 the purposes of division 2.6.3. References to ‘private medical examiner’ appear only in
18 division 2.6.3 and sections 239 and 240 (both of which include a signpost definition referring
19 readers to the definition in section 145).

1 **[3.78] Section 61**

2 *substitute*

3 **61 Meaning of *allowable expenses*—ch 2**

4 (1) In this chapter:

5 *allowable expenses* means expenses an applicant for defined benefits
6 may incur in relation to treatment and care of the applicant's injury
7 without the relevant insurer's approval during the initial period for
8 the application for defined benefits.

9 (2) In this section:

10 *initial period*, for an application for defined benefits, means the
11 period—

12 (a) beginning on the date of the receipt notice for the application;
13 and

14 (b) ending—

15 (i) on the day the relevant insurer makes, or is taken to have
16 made, a final decision to accept or reject liability for the
17 application; or

18 (ii) if the insurer transfers the application to another insurer—
19 4 weeks after the date of the receipt notice for the
20 application; or

21 (iii) if there is a dispute between insurers about liability under
22 section 70—4 weeks after the date of the receipt notice for
23 the application.

24 **Explanatory note**

25 This amendment relocates the definition of *initial period* to a separate subsection because the
26 term is used only in the definition of *allowable expenses*. This amendment also corrects an
27 incorrect cross-reference in the definition of *initial period*, paragraph (b) (iii).

1 **[3.79] Section 79 (1) (a) (ii)**

2 *after*

3 52 weeks

4 *insert*

5 immediately

6 **Explanatory note**

7 This amendment revises section 79 (1) (a) (ii) to be consistent with other references in part 2.4 to
8 the 52-week period immediately before a motor accident.

9 **[3.80] Section 81 (1), definition of *pre-injury weekly income*,**
10 **paragraph (a)**

11 *after*

12 52 weeks

13 *insert*

14 immediately

15 **Explanatory note**

16 This amendment revises the definition to be consistent with other references in part 2.4 to the
17 52-week period immediately before a motor accident.

18 **[3.81] Section 81 (2), definition of *recent change in employment***
19 ***circumstances*, paragraph (a)**

20 *after*

21 52 weeks

22 *insert*

23 immediately

24 **Explanatory note**

25 This amendment revises the definition to be consistent with other references in part 2.4 to the
26 52-week period immediately before a motor accident.

1 **[3.82] Section 82 (1), definition of *pre-injury weekly income***

2 *after*

3 52 weeks

4 *insert*

5 immediately before the date of the motor accident

6 **Explanatory note**

7 The [Act](#), division 2.4.1 includes a number of provisions that define important terms for part 2.4.
8 In particular, the definition of *pre-injury weekly income* is defined in relation to different types
9 of employees by reference to the 52-week period before an employee's motor accident. For
10 example, *pre-injury weekly income* for an ongoing employee or fixed term contractor is defined
11 by reference to 'the 52 weeks before the date of the motor accident'.

12 Section 82 (1) defines *pre-injury weekly income* for a self-employed person by reference to a
13 period of 52 weeks but does not state which 52-week period. This amendment inserts missing
14 words to clarify that the period mentioned is the 52-week period immediately before the date of
15 the motor accident.

16 **[3.83] Section 84 (1), definition of *pre-injury weekly income***

17 *after*

18 52 weeks

19 *insert*

20 immediately

21 **Explanatory note**

22 This amendment revises the definition to be consistent with other references in part 2.4 to the
23 52-week period immediately before a motor accident.

1 **[3.84] Section 151**

2 *omit*

3 WPI guidelines

4 *substitute*

5 WPI assessment guidelines

6 **Explanatory note**

7 This amendment corrects an incorrect reference to the WPI assessment guidelines made under
8 the [Act](#), section 146.

9 **[3.85] Section 155 (1)**

10 *substitute*

11 (1) This section applies if—

12 (a) separate WPI reports from an independent medical examiner
13 assess an injured person’s physical injuries and psychological
14 injuries; and

15 (b) the higher WPI assessment assesses the person’s WPI as at least
16 5% but not more than 9%.

17 (1A) This section also applies if—

18 (a) only 1 WPI report from an independent medical examiner
19 assesses an injured person’s WPI; and

20 (b) the person’s WPI is assessed as at least 5% but not more
21 than 9%.

22 **Explanatory note**

23 This amendment revises section 155 (1) to clarify the circumstances in which section 155 applies.

1 **[3.86] Section 156 (1)**

2 *substitute*

3 (1) This section applies if—

4 (a) separate WPI reports from an independent medical examiner
5 assess an injured person's physical injuries and psychological
6 injuries; and

7 (b) the higher WPI assessment assesses the person's WPI as at least
8 10%; but

9 (c) the injured person is not entitled to make a motor accident claim
10 in relation to the motor accident.

11 (1A) This section also applies if—

12 (a) only 1 WPI report from an independent medical examiner
13 assesses an injured person's WPI; and

14 (b) the person's WPI is assessed as at least 10%; but

15 (c) the injured person is not entitled to make a motor accident claim
16 in relation to the motor accident.

17 **Explanatory note**

18 This amendment revises section 156 (1) to clarify the circumstances in which section 156 applies.

19 **[3.87] Section 157 (1)**

20 *substitute*

21 (1) This section applies if—

22 (a) separate WPI reports from an independent medical examiner
23 assess an injured person's physical injuries and psychological
24 injuries; and

25 (b) the higher WPI assessment assesses the person's WPI as at least
26 10%; and

1 (c) the injured person is entitled to make a motor accident claim in
2 relation to the motor accident.

3 (1A) This section also applies if—

4 (a) only 1 WPI report from an independent medical examiner
5 assesses an injured person’s WPI; and

6 (b) the person’s WPI is assessed as at least 10%; and

7 (c) the injured person is entitled to make a motor accident claim in
8 relation to the motor accident.

9 **Explanatory note**

10 This amendment revises section 157 (1) to clarify the circumstances in which section 157 applies.

11 **[3.88] Section 166**

12 *after*

13 applies

14 *insert*

15 to make a motor accident claim

16 **Explanatory note**

17 This amendment revises section 166 to include missing words. The heading to section 166 makes
18 it clear that the section deals with making a motor accident claim. The amendment will clarify
19 that a person injured in a motor accident has 3 months from whichever of the dates mentioned in
20 paragraphs (a) and (b) applies to the person to make a motor accident claim.

21 **[3.89] Section 192 heading**

22 *substitute*

23 **192 Meaning of *ACAT reviewable decision*—div 2.10.3**

24 **Explanatory note**

25 This amendment substitutes the heading to make it clear that the definition of *ACAT reviewable*
26 *decision* is defined for division 2.10.3 only. The term is not used elsewhere in the Act.

1 **[3.90] Section 192**

2 *omit*

3 In this Act:

4 *substitute*

5 In this division:

6 **Explanatory note**

7 This amendment revises the section to make it clear that the definition of *ACAT reviewable*
8 *decision* is defined for division 2.10.3 only. The term is not used elsewhere in the Act.

9 **[3.91] Section 209 (1)**

10 *substitute*

11 (1) This section applies—

12 (a) if a person injured in a motor accident—

13 (i) is receiving income replacement benefits; or

14 (ii) because of the circumstances prescribed by regulation,
15 would have been eligible to receive income replacement
16 benefits; and

17 (b) if—

18 (i) if separate WPI reports from an independent medical
19 examiner assess the person's physical injuries and
20 psychological injuries—the higher WPI assessment
21 assesses the person's WPI as less than 10%; or

22 (ii) if only 1 WPI report from an independent medical
23 examiner assesses the person's WPI—the person's WPI is
24 less than 10%; and

1 (c) if the person has not had an SOI assessment in relation to the
2 injuries; and

3 (d) if it is 4 years and 6 months after the date of the motor accident.

4 **Explanatory note**

5 This amendment revises the subsection to clarify that section 209 applies if all the circumstances
6 mentioned in subsection (1) apply to a person injured in a motor accident.

7 **[3.92] Section 241 (3) (e)**

8 *omit*

9 **Explanatory note**

10 This amendment omits a redundant paragraph. Section 241 (3) (e) provides that divisions 2.6.2
11 and 2.6.3 apply to an application by a person injured in a motor accident for an assessment of the
12 person's whole person impairment, and the assessment, as if a reference in section 150 (1) to
13 quality of life benefits were a reference to quality of life damages. However, there is no reference
14 to quality of life benefits in section 150 (1).

15 **[3.93] Section 282 (3)**

16 *omit*

17 complying claim

18 *substitute*

19 complying notice of claim

20 **Explanatory note**

21 The [Act](#), section 257 defines *complying notice of claim* for part 5.7 to mean a notice of claim
22 given under the [Civil Law \(Wrongs\) Act 2002](#), section 51 or section 55. This amendment inserts
23 missing words to make section 282 (3) consistent with other provisions in part 5.7.

1 **[3.94] Section 486 (3) and (4)**

2 *substitute*

3 (3) The respondent may recover as a debt from the person the amount by
4 which the damages exceed the ACT total.

5 *Note* An amount owing under a law may be recovered as a debt in a court of
6 competent jurisdiction or the ACAT (see [Legislation Act](#), s 177).

7 **Explanatory note**

8 This amendment revises section 486 to clarify the intention of subsection (3). Subsection (4) is
9 omitted because, as a consequence of the amendment of subsection (3), it is redundant.

10 **[3.95] Dictionary, definition of *initial period***

11 *omit*

12 **Explanatory note**

13 This amendment omits the definition from the dictionary, as a consequence of another
14 amendment that revises section 61 to make it clear that *initial period* is defined for the purposes
15 of that section only.

16 **[3.96] Dictionary, definition of *private medical examiner***

17 *substitute*

18 *private medical examiner*, for an injured person, for division 2.6.3
19 (*Quality of life benefits—WPI assessment*)—see section 145.

20 **Explanatory note**

21 This amendment updates the definition as a consequence of the omission of section 37 by another
22 amendment.

- 1 **[3.97] Dictionary, definition of *road***
- 2 *substitute*
- 3 ***road***—
- 4 (a) means an area that is—
- 5 (i) open to or used by the public; and
- 6 (ii) developed for, or has as 1 of its main uses, the driving or
- 7 riding of motor vehicles; but
- 8 (b) does not include an area that would otherwise be a road but for
- 9 a declaration under the *Road Transport (General) Act 1999*,
- 10 section 12 (Power to include or exclude areas in road transport
- 11 legislation) that this Act does not apply to the area.

12 **Explanatory note**

13 This amendment revises the definition for clarity.

14 **Part 3.20 Public Unleased Land Act 2013**

15 **[3.98] Section 31 (1), new example**

- 16 *insert*
- 17 **Example—other plant**
- 18 a hedge

19 **Explanatory note**

20 This amendment inserts an example to assist users.

1 **Part 3.21** **Racing (Jockeys Accident**
2 **Insurance) Regulation 2006**

3 **[3.99] Section 5 (1) (c)**

4 *substitute*

5 (c) part 4 (Uninsured liabilities), division 6 (Uninsured liabilities);

6 **Explanatory note**

7 This amendment updates the cross-reference to reflect amendments made to NSW legislation.
8 The *Workers Compensation Amendment (Insurance Reform) Act 2003* (NSW) amended the
9 *Workers Compensation Act 1987* (NSW), part 4 heading and part 4, division 6 heading.

10 **[3.100] Section 5 (2) (a)**

11 *substitute*

12 (a) chapter 2 (Administration), the following provisions:

13 (i) part 2 (General workers compensation functions);

14 (ii) part 6 (Financial provisions);

15 **Explanatory note**

16 This amendment updates and omits cross-references to reflect amendments made to NSW
17 legislation. The *Safety, Return to Work and Support Board Act 2012* (NSW) repealed the
18 *Workplace Injury Management and Workers Compensation Act 1998* (NSW), chapter 2, parts 4
19 and 5. The *State Insurance and Care Governance Act 2015* (NSW) amended the *Workplace*
20 *Injury Management and Workers Compensation Act 1998* (NSW), chapter 2, part 2 heading.

1 **[3.101] Section 5 (2) (b) (iii)**

2 *substitute*

3 (iii) division 3 (Notification of decisions of insurers);

4 **Explanatory note**

5 This amendment updates a cross-reference to reflect amendments made to NSW legislation. The
6 [Workplace Injury Management and Workers Compensation Act 1998](#) (NSW), chapter 4, part 2,
7 division 3 was repealed by the [State Insurance and Care Governance Act 2015](#) (NSW) and a new
8 chapter 4, part 2, division 3 was inserted by the [Workers Compensation Legislation Amendment](#)
9 [Act 2018](#) (NSW).

10 **Part 3.22 Radiation Protection Act 2006**

11 **[3.102] Section 17 (2) (a) to (c)**

12 *substitute*

13 (a) whether the applicant can satisfy any relevant requirements set
14 out in the national directory; and

15 **Explanatory note**

16 This amendment updates paragraphs to omit cross-references to accurately reflect the content of
17 a Commonwealth instrument. Section 17 (2) (a) to (c) currently refers to requirements and
18 conditions under the national directory for radiation protection, schedules 6, 7 and 8. However,
19 schedules 6, 7 and 8 have always been, and will continue to be, without content. The current
20 approach proposed at the national level is to remove specific national directory schedule
21 references from each jurisdiction's legislation. This amendment omits the references to
22 schedules 6, 7 and 8 and refers more broadly to 'relevant requirements set out in the national
23 directory'.

1 **[3.103] Section 26 (2) (a) and note**

2 *substitute*

3 (a) whether the applicant can satisfy any relevant requirements set
4 out in the national directory; and

5 **Explanatory note**

6 This amendment updates the paragraph to omit a cross-reference and a note to reflect amendments
7 made to a Commonwealth instrument. Section 26 (2) (a) currently refers to ‘any relevant
8 requirement set out in the national directory, schedule 9’. Schedule 9 has been omitted from the
9 2nd edition of the National Directory for Radiation Protection. This amendment omits the
10 reference to schedule 9, as well as the note about schedule 9.

11 **Part 3.23 Transplantation and Anatomy**
12 **Act 1978**

13 **[3.104] Section 6, definition of *tissue***

14 *omit*

15 foetal

16 *substitute*

17 fetal

18 **Explanatory note**

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

1 **Part 3.24 Veterinary Practice Act 2018**

2 **[3.105] Section 16 (2) (h)**

3 *before*

4 anything

5 *insert*

6 include

7 **Explanatory note**

8 This amendment corrects a minor typographical error by inserting missing words.

9 **[3.106] Dictionary, definition of *exempt entity***

10 *omit*

11 **Explanatory note**

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

13 **Part 3.25 Victims of Crime (Financial**
14 **Assistance) Act 2016**

15 **[3.107] Dictionary, definition of *schedule 1 offence*, paragraph (b)**

16 *after*

17 a provision mentioned in

18 *insert*

19 an item in

20 **Explanatory note**

21 This amendment corrects a minor typographical error by inserting missing words.

1 **[3.108] Dictionary, definition of *very serious injury*, paragraph (d)**

2 *omit*

3 foetus

4 *substitute*

5 fetus

6 **Explanatory note**

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

Endnotes

1 Presentation speech

Presentation speech made in the Legislative Assembly on 19 September 2019.

2 Notification

Notified under the [Legislation Act](#) on 2019.

3 Republications of amended laws

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

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