

2022

THE LEGISLATIVE ASSEMBLY  
FOR THE AUSTRALIAN CAPITAL TERRITORY

---

(As presented)

(Minister for Transport and City Services)

# Transport Canberra and City Services Legislation Amendment Bill 2022

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# **Transport Canberra and City Services Legislation Amendment Bill 2022**

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## **A Bill for**

An Act to amend legislation about city services, and for other purposes

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

1 **Part 1 Preliminary**

2 **1 Name of Act**

3 This Act is the *Transport Canberra and City Services Legislation*  
4 *Amendment Act 2022*.

5 **2 Commencement**

6 This Act commences on the 7th day after its notification day.

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

9 **3 Legislation amended**

10 This Act amends the following legislation:

- 11 • [Cemeteries and Crematoria Act 2020](#)
- 12 • [Litter Act 2004](#)
- 13 • [Plastic Reduction Act 2021](#)
- 14 • [Veterinary Practice Act 2018](#)
- 15 • [Veterinary Practice Regulation 2018](#).

16 *Note* This Act also amends the [Magistrates Court \(Litter Infringement Notices\)](#)  
17 [Regulation 2004](#) (see sch 1).

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## Part 2 Cemeteries and Crematoria Act 2020

### 4 Burial at cemetery—application Section 17 (7) (c) and (d)

*substitute*

- (c) tell the person, in writing, of the licensee's agreement to the burial, including the day and time of the scheduled burial; and
- (d) allocate a unique identifying number for the burial; and
- (e) give the person the unique identifying number in writing.

### 5 New section 17 (9)

*insert*

- (9) If an undertaker or funeral director is acting for, or on behalf of, a person, information that must be given to the person under this section may instead be given to the undertaker or funeral director.

### 6 Cremation—application Section 22 (6) (b) and (c)

*substitute*

- (b) tell the person, in writing, of the licensee's agreement to cremate the human remains, including the day of the scheduled cremation; and
- (c) allocate a unique identifying number for the cremation; and
- (d) give the person the unique identifying number in writing.

- 1 **7 New section 22 (8)**
- 2 *insert*
- 3 (8) If an undertaker or funeral director is acting for, or on behalf of, a
- 4 person, information that must be given to the person under this
- 5 section may instead be given to the undertaker or funeral director.
- 6 **8 Offence—collection of cremated remains**
- 7 **Table 25, item 3, column 3**
- 8 *omit*
- 9 applicant and
- 10 *substitute*
- 11 applicant or
- 12 **9 Register—burial, cremation, interment etc**
- 13 **Section 63 (3) (d)**
- 14 *omit*
- 15 **10 New section 63A**
- 16 *insert*
- 17 **63A Register—cremation collections**
- 18 The licensee of a crematorium must keep a register that includes the
- 19 following information in relation to cremated remains collected from
- 20 the crematorium:
- 21 (a) the name and contact details of the person who collected the
- 22 cremated remains;
- 23 (b) the relationship of the person who collected the cremated
- 24 remains to the deceased person;



1 (c) whether all or some of the cremated remains of the deceased  
2 person were collected;

3 (d) the date the remains were collected.

4 **11 Offences—keeping registers**  
5 **Section 64 (1) (b) (ii)**

6 *substitute*

7 (ii) section 63 (Register—burial, cremation, interment etc); or

8 (iii) section 63A (Register—cremation collections); and

9 **12 Section 64 (2) (c) (i)**

10 *substitute*

11 (i) in a secure electronic database; and

12 **13 New section 64 (2A)**

13 *insert*

14 (2A) A person commits an offence if the person—

15 (a) is the licensee of a facility; and

16 (b) keeps a register under section 63A (Register—cremation  
17 collections); and

18 (c) does not keep the register in a secure electronic database.

19 Maximum penalty: 50 penalty units.

1   **14       New sections 118A and 118B**

2                   *insert*

3   **118A       Chief executive officer of authority**

4                   The chief executive officer of the authority must be a public servant.

5                   *Note*     The chief executive officer is appointed by the director-general after  
6                   consulting the authority board and the Minister (see *Financial*  
7                   *Management Act 1996*, s 80 (3)).

8   **118B       Authority's staff**

9                   (1) The chief executive officer may employ staff for the authority on  
10                  behalf of the Territory.

11                  (2) The authority's staff must be employed under the *Public Sector*  
12                  *Management Act 1994*.

13                  *Note*     The *Public Sector Management Act 1994*, div 8.2 applies to the authority  
14                  in relation to the employment of staff (see that *Act*, s 152).

15   **15       Dictionary**  
16                   **New definition of *chief executive officer***

17                   *insert*

18                   *chief executive officer* means the chief executive officer of the  
19                   authority.

## Part 3 Litter Act 2004

### **16 Littering** **Section 8 (6) (d)**

*after*

waste facility

*insert*

in accordance with the requirements for depositing litter at the landfill  
or facility

### **17 Aggravated littering** **Section 9 (4) (c) (ii)**

*after*

waste facility

*insert*

in accordance with the requirements for depositing litter at the landfill  
or facility

### **18 Dumping litter** **Section 9A (7) (d)**

*after*

waste facility

*insert*

in accordance with the requirements for dumping litter at the landfill  
or facility

- 1 **19** **Dumping litter—strict liability**  
2 **Section 9B (6) (d)**
- 3 *after*  
4 waste facility  
5 *insert*  
6 in accordance with the requirements for dumping litter at the landfill  
7 or facility
- 8 **20** **Offences about vehicle loads**  
9 **Section 11 (2) (b)**
- 10 *after*  
11 so that it  
12 *insert*  
13 (or any part of it)

1       **Part 4**                               **Plastic Reduction Act 2021**

2       **21**           **Meaning of *prohibited plastic product***  
3                   **Section 7 (2), definition of *compostable***

4                   *omit*

5                   bag

6                   *substitute*

7                   product

8       **22**           **Details of search warrant to be given to occupier etc**  
9                   **Section 37 (a) (ii)**

10                  *omit*

11                  section 34 (5)

12                  *substitute*

13                  section 35 (5)

2 **23 Board membership**  
3 **Section 93 (4)**

8 **24 Quorum at board meetings**  
9 **New section 100 (2)**

16           **Examples—par (a)**

17           •     both the president and deputy president are on leave

18           •     the president cannot be present because of a conflict of interest and the deputy

19           president is on leave

## Part 6 Veterinary Practice Regulation 2018

### 25 New section 5A

*in part 2, insert*

#### 5A Tooth cleaning—Act, s 10 (4), def *prescribed circumstance*

Carrying out tooth cleaning on an animal other than a horse if—

- (a) the cleaning is done by a person who holds a Certificate IV in Veterinary Nursing; and
- (b) the animal is anaesthetised during the cleaning.

### 26 Restricted acts of veterinary science Schedule 1, part 1.2, item 15, column 2

*substitute*

carrying out any treatment, procedure or test that involves the insertion of anything into the nasal passage, nasal sinuses, thoracic cavity, abdominal cavity, pelvic cavity, urethra, cranial cavity, spinal canal, tooth alveolar cavity, eye, orbital cavity, tympanic cavity, joint spaces or any other synovial cavity of any animal other than an—

- (a) insertion into the mouth or oesophagus of an animal other than the insertion of a tube into the oesophagus of a horse;  
or
- (b) insertion into the rectum of an animal other than a horse;  
or

Section 27

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- (c) insertion into the left flank of cattle or sheep to puncture the rumen for the purpose of relieving acute bloat if the animal is examined by a registered veterinary practitioner as soon as practicable after the puncture has been made; or
- (d) application of topical medication to the eye or ear cavity.

1	<b>27</b>	<b>Schedule 1, part 1.2, item 17, column 2</b>
2		<i>substitute</i>
3		carrying out any dental procedure on any animal other than a horse
4	<b>28</b>	<b>Schedule 1, part 1.2, item 18, column 2, new paragraph (aa)</b>
5		
6		<i>insert</i>
7		(aa) using a power tool on the horse; or
8	<b>29</b>	<b>Schedule 1, part 1.2, item 18, column 2, paragraph (g)</b>
9		<i>omit</i>
10	<b>30</b>	<b>Schedule 1, part 1.2, new items 19 to 24</b>
11		<i>insert</i>
	19	insertion of a tube into the oesophagus or stomach of a horse
	20	diagnosing pregnancy in cattle by ultrasound
	21	artificial insemination of, or embryo transfer into, horses and camelids
	22	taking tissue samples from live animals
	23	cattle spaying by flank and dropped-ovary method
	24	certifying animal disease status



(see s 3)

**[1.1] Schedule 1, item 13, column 2**

*omit*

21 (7)

*substitute*

21 (5)

## Endnotes

## 1 Presentation speech

Presentation speech made in the Legislative Assembly on 21 September 2022.

## 2 Notification

Notified under the [Legislation Act](#) on 2022.

### 3 Republications of amended laws

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