

2025

THE LEGISLATIVE ASSEMBLY
FOR THE AUSTRALIAN CAPITAL TERRITORY

(As presented)

(Attorney-General)

Better Regulation Legislation Amendment Bill 2025

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THE LEGISLATIVE ASSEMBLY
FOR THE AUSTRALIAN CAPITAL TERRITORY

(As presented)

(Attorney-General)

Better Regulation Legislation Amendment Bill 2025

A Bill for

An Act to amend legislation for better regulation, and for other purposes

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 *Better Regulation Legislation Amendment Act 2025*.

4 **2 Commencement**

5 (1) This Act (other than parts 11 and 12) commences on the 14th day
6 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 (2) Parts 11 and 12 commence on a day fixed by the Minister by written
10 notice.

11 *Note 1* A single day or time may be fixed, or different days or times may be
12 fixed, for the commencement of different provisions (see [Legislation Act](#),
13 s 77 (1)).

14 *Note 2* If a provision has not commenced within 6 months beginning on the
15 notification day, it automatically commences on the first day after that
16 period (see [Legislation Act](#), s 79).

17 **3 Legislation amended**

18 This Act amends the following legislation:

- 19 • [Agents Act 2003](#)
- 20 • [Architects Act 2004](#)
- 21 • [Associations Incorporation Act 1991](#)
- 22 • [Cemeteries and Crematoria Act 2020](#)
- 23 • [Domestic Animals Act 2000](#)
- 24 • [Domestic Animals Regulation 2001](#)
- 25 • [Electoral Act 1992](#)
- 26 • [Fair Trading \(Motor Vehicle Repair Industry\) Act 2010](#)
- 27 • [Security Industry Act 2003](#)
- 28 • [Waste Management and Resource Recovery Act 2016](#)
- 29 • [Waste Management and Resource Recovery Regulation 2017](#).

1 **Part 2** **Agents Act 2003**

2 **4** **Audit of trust accounts**
3 **Division 7.4 heading, note**

4 *omit*

5 **5** **What records must be kept**
6 **Section 127 (5), new example**

7 *insert*

8 **Example—not keep record**

9 an electronic record made by a licensed agent is lost and no backup of the record
10 was made

11 **6** **Section 128 heading**

12 *substitute*

13 **128** **How records must be kept**

14 **7** **Section 128 (1) (b)**

15 *substitute*

- 16 (b) fails to keep the record in at least 1 of the following ways:
- 17 (i) at the agent's main place of business;
 - 18 (ii) in an electronic form that is immediately accessible by the
19 agent at their main place of business;
 - 20 (iii) if the commissioner for fair trading has agreed in writing
21 that the record may be kept in another way—in that way.

1 **Part 3 Architects Act 2004**

2 **8 Further information about complaint etc**
3 **Section 37 (1)**

4 *substitute*

5 (1) The architects board may, at any time, require a complainant to give
6 the board further information about the complaint.

7 *Note* Giving false or misleading information is an offence against the [Criminal](#)
8 [Code](#), s 338.

1 **Part 4** **Associations Incorporation**
2 **Act 1991**

3 **9 Matters to be provided for in rules other than model rules**
4 **Schedule 1, item 9, column 3**

5 *omit*

6 and, in particular, the mode of drawing and signing cheques on behalf of the
7 association

1
2
3
4
5

Part 5 **Cemeteries and Crematoria
Act 2020**

10 **Dictionary, definition of *licensee receipt*, paragraph (c)**

omit

or disinterment

1 Part 6 Domestic Animals Act 2000

2 11 Offences against Act—application of Criminal Code etc 3 Section 4A, note 1

4 *omit*

- 5 • s 53CA (Carer must be given copy of control order)

6 *substitute*

- 7 • s 53CB (Control orders—carers)

8 12 Section 4A, note 1

9 *omit*

- 10 • s 72L (Offence—surrender of breeding licence)

11 13 Section 4A, note 1, new dot points

12 *insert*

- 13 • s 98 (Registration of accredited assistance animals)
- 14 • s 103 (Unregistered assistance animal trainers)
- 15 • s 106A (Unregistered assistance animal assessor)
- 16 • s 106E (Assistance animal allowed in public places and premises)
- 17 • s 106F (Falsely claiming animal is assistance animal)
- 18 • s 142 (Dishonoured etc credit card transactions)

19 14 Section 142

20 *substitute*

21 142 Dishonoured etc credit card transactions

22 (1) This section applies if—

23 (a) a fee for the issue of a certificate or licence to a person is paid
24 by credit card; and

25 (b) the certificate or licence is issued to the person; and

1 (c) the credit card transaction is not honoured, or is reversed or
2 cancelled.

3 (2) The registrar may give the person written notice requiring the person
4 to surrender the certificate or licence to the registrar within 7 days
5 after the day the notice is received.

6 (3) A person commits an offence if—

7 (a) the person is given a written notice under subsection (2); and

8 (b) the person does not surrender the certificate or licence to the
9 registrar within 7 days after the day the notice is received.

10 Maximum penalty: 5 penalty units.

11 (4) Subsection (3) does not apply if the person has a reasonable excuse.

12 *Note* The defendant has an evidential burden in relation to the matter
13 mentioned in s (4) (see [Criminal Code](#), s 58).

14 (5) In this section:

15 *credit card* includes a debit card.

16 **15 Dictionary, definition of *excluded offence*, paragraph (b)**
17 **(iv)**

18 *substitute*

19 (iv) section 142 (Dishonoured etc credit card transactions).

1 **Part 7** **Domestic Animals**
2 **Regulation 2001**

3 **16 Section 24 heading**

4 *substitute*

5 **24 Dishonoured etc credit card transactions**

6 **17 Section 24 (1)**

7 *substitute*

8 (1) If a person pays a fee payable under the Act by credit card and the
9 credit card transaction is not honoured, or is reversed or cancelled—

10 (a) the person is liable for—

11 (i) any charge imposed on the Territory because the credit
12 card transaction is not honoured, or is reversed or
13 cancelled; and

14 (ii) the amount of the credit card payment; and

15 (b) the registrar may suspend the benefit paid for by the credit card
16 until the amount for which the person is liable is paid.

17 **18 Section 24 (2)**

18 *omit*

19 bank charge

20 *substitute*

21 charge imposed on the Territory

22 **19 Section 24 (6), new definition of *credit card***

23 *insert*

24 *credit card* includes a debit card.

1 **Part 8** **Electoral Act 1992**

2 **20** **Candidates to be nominated**
3 **Section 105 (3) (b)**

4 *omit*

5 in legal tender or a banker's cheque

1 **Part 9** **Fair Trading (Motor Vehicle**
2 **Repair Industry) Act 2010**

3 **21 Dictionary**
4 **Section 3, note 1**

5 *omit*

6 ‘*consumer*’—see the *Australian Consumer Law (ACT)*, section 2 (1).’ means that
7 the term ‘consumer’ is defined in that law

8 *substitute*

9 ‘*motor vehicle*’—see the *Sale of Motor Vehicles Act 1977*, dictionary.’ means that
10 the term ‘motor vehicle’ is defined in that dictionary

11 **22 Advisory committee**
12 **Part 6**

13 *omit*

14 **23 False or misleading representations**
15 **Section 49 (1) (f)**

16 *omit*

17 he or she does

18 *substitute*

19 they do

20 **24 Approved forms**
21 **Section 56**

22 *omit*

25 Dictionary, notes 1 and 2

2 *substitute*

3 *Note* The [Legislation Act](#) contains definitions relevant to this Act.
4 For example:

- 5 • Australian Consumer Law (ACT)
- 6 • penalty unit (see s 133)
- 7 • person (see s 160).

26 Dictionary, definitions of *advisory committee*, *consumer* and *representative members*

10 *omit*

1 **Part 10** **Security Industry Act 2003**

2 **27** **Division 3.7A heading**

3 *substitute*

4 **Division 3.7A** **Cancellation, suspension and**
5 **surrender of licence**

6 **28** **New section 29C**

7 *in division 3.7A, insert*

8 **29C** **Surrender of licence**

9 (1) A licensee may surrender the licence by giving the commissioner for
10 fair trading—

11 (a) written notice that the licence is being surrendered; and

12 (b) if the licensee has not already given the commissioner the
13 licence—the licence.

14 *Note* A licensee may have already given the licence to the commissioner after
15 it was varied or suspended (see s 39).

16 (2) The licence is cancelled on the day stated by the commissioner after
17 receiving the written notice and the licence.

18 (3) The commissioner must tell the former licensee in writing the day on
19 which the licence is cancelled.

20 (4) A licence that is suspended may be surrendered under this section.

1 **Part 11** **Waste Management and**
2 **Resource Recovery Act 2016**

3 **29 Register of waste facility licences**
4 **Section 25 (4) and notes**

5 *substitute*

6 (4) The waste manager must, without charge—

7 (a) make the register available to an authorised person; and

8 (b) make the information in the register prescribed by regulation for
9 this paragraph available to the public in 1 or more of the
10 following ways:

11 (i) making the information available for inspection during
12 ordinary office hours at an ACT government office;

13 (ii) making the information accessible on an ACT government
14 website, or by a link on an ACT government website;

15 (iii) if a person requests a copy of the information—giving the
16 person a copy of the information.

17 *Note* The Territory privacy principles apply to the waste manager in relation
18 to personal information held in the register (see [Information Privacy](#)
19 [Act 2014](#)).

20 **30 Register of waste transporters**
21 **Section 37 (4) and notes**

22 *substitute*

23 (4) The waste manager must, without charge—

24 (a) make the register available to an authorised person; and

- 1 (b) make the information in the register prescribed by regulation for
2 this paragraph available to the public in 1 or more of the
3 following ways:
- 4 (i) making the information available for inspection during
5 ordinary office hours at an ACT government office;
- 6 (ii) making the information accessible on an ACT government
7 website, or by a link on an ACT government website;
- 8 (iii) if a person requests a copy of the information—giving the
9 person a copy of the information.

10 *Note* The Territory privacy principles apply to the waste manager in relation
11 to personal information held in the register (see [Information Privacy
12 Act 2014](#)).

13 **31 Sections 39 and 40**

14 *omit*

15 **32 Making of proposed undertakings**
16 **Section 96 (4), example 6**

17 *omit*

18 **33 Section 96 (4), examples (as amended)**

19 *relocate after subsection (4) (c)*

20 **34 Reviewable decisions**
21 **Schedule 1, item 7**

22 *omit*

1 **Part 12** **Waste Management and**
2 **Resource Recovery**
3 **Regulation 2017**

4 **35** **Information for licence application—Act, s 19 (2) (b)**
5 **New section 6 (aa)**

6 *insert*

- 7 (aa) if the applicant operates the business under another name—the
8 applicant’s registered business name and any trading name;

9 **36** **New sections 7A and 7B**

10 *in part 2, insert*

11 **7A** **Information for register of waste facility licences—Act,**
12 **s 25 (2) (a)**

13 The following information is prescribed:

- 14 (a) the licensee’s name, business address, email address and
15 telephone number;
- 16 (b) if the licensee operates the business under another name—the
17 licensee’s registered business name and any trading name;
- 18 (c) if the licensee is a partner in a partnership—the partnership’s
19 name;
- 20 (d) if the licensee is not a company registered under the
21 [Corporations Act](#) but has an ABN—
- 22 (i) the ABN; and
- 23 (ii) the name, business address, email address and telephone
24 number of each person who has day-to-day control of the
25 waste facility’s business;

- 1 (e) if the licensee is a company registered under the [Corporations](#)
2 [Act](#)—
- 3 (i) the company's ACN; and
- 4 (ii) the name, business address, email address and telephone
5 number of each director and public officer;
- 6 (f) identifying particulars of the land on which the waste facility is
7 located;
- 8 (g) the waste categories that may be dealt with in the course of waste
9 activity at the facility;
- 10 (h) the licence's unique identifying number;
- 11 (i) the end day stated in the licence.

12 **7B Register of waste facility licences—public information—**
13 **Act, s 25 (4) (b)**

- 14 (1) The following information is prescribed:
- 15 (a) the licence's unique identifying number;
- 16 (b) the licensee's name;
- 17 (c) the street address of the waste facility;
- 18 (d) the licensee's business telephone number;
- 19 (e) the licensee's business email address;
- 20 (f) if the licensee is not a company registered under the
21 [Corporations Act](#) but has an ABN—the ABN;
- 22 (g) if the licensee is a company registered under the [Corporations](#)
23 [Act](#)—the company's ACN;
- 24 (h) the waste categories that may be dealt with in the course of waste
25 activity at the facility;
- 26 (i) the end day stated in the licence.

Section 37

- 1 (2) However, if the licensee operates the business under a name other
2 than their name—
- 3 (a) the information mentioned in subsection (1) (b) is not
4 prescribed; and
- 5 (b) the licensee’s registered business name and any trading name is
6 prescribed.

7 **37 Information for registration application—Act, s 31 (2) (b)**
8 **New section 9 (aa)**

- 9 *insert*
- 10 (aa) if the applicant operates the business under another name—the
11 applicant’s registered business name and any trading name;

12 **38 Information for register of waste transporters—Act,**
13 **s 37 (2) (a)**
14 **New section 10 (aa)**

- 15 *insert*
- 16 (aa) if the registered waste transporter operates the business under
17 another name—the transporter’s registered business name and
18 any trading name;

19 **39 Section 10 (b)**

- 20 *omit*
- 21 is a partnership
- 22 *substitute*
- 23 is a partner in a partnership

40 Section 10 (c) (ii)

1 *omit*
2
3 is to have
4 *substitute*
5 has

41 New section 10 (g) and (h) etc

6 *insert*
7
8 (g) the registered waste transporter's registration number;
9 (h) the end day stated in the registration.

10A Register of waste transporters—public information—Act, s 37 (4) (b)

- 10 (1) The following information is prescribed:
11
12 (a) the registered waste transporter's registration number;
13 (b) the registered waste transporter's name;
14 (c) the registered waste transporter's business address;
15 (d) the registered waste transporter's business telephone number;
16 (e) the registered waste transporter's business email address;
17 (f) if the registered waste transporter is not a company registered
18 under the [Corporations Act](#) but has an ABN—the ABN;
19 (g) if the registered waste transporter is a company registered under
20 the [Corporations Act](#)—the company's ACN;
21 (h) the waste categories transported by the registered waste
22 transporter;
23 (i) the end day stated in the registration.
24

- 1 (2) However, if the registered waste transporter operates the business
2 under a name other than their name—
- 3 (a) the information mentioned in subsection (1) (b) is not
4 prescribed; and
- 5 (b) the transporter’s registered business name and any trading name
6 is prescribed.

7 **42 Dictionary, note 3**

8 *insert*

- 9 • licence
- 10 • register of waste facility licences
- 11 • register of waste transporters
- 12 • registration number (see s 34 (4) (b) (ii))

13 **43 Dictionary, new definition of *registered business name***

14 *insert*

- 15 *registered business name* means a business name registered under
16 the *Business Names Registration Act 2011* (Cwlth).

Endnotes

1 Presentation speech

Presentation speech made in the Legislative Assembly on 5 March 2025.

2 Notification

Notified under the [Legislation Act](#) on 2025.

3 Republications of amended laws

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

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