

**1994**

**LEGISLATIVE ASSEMBLY FOR THE AUSTRALIAN CAPITAL  
TERRITORY**

**STATUTORY OFFICES (MISCELLANEOUS PROVISIONS) BILL  
1994**

**EXPLANATORY MEMORANDUM**

**Circulated by authority of  
Rosemary Follett, Chief Minister**

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**STATUTORY OFFICES (MISCELLANEOUS PROVISIONS) BILL 1994****EXPLANATORY MEMORANDUM****Outline**

The *Statutory Offices (Miscellaneous Provisions) Bill 1994* amends provisions contained in a range of existing Territory legislation as they relate to statutory office appointments.

The amending provisions follow a model developed for those statutory offices whose functions are essentially a public service role, undertaken for the most part by a public servant, and for which Chief Executives have responsibility. The model establishes structural arrangements for statutory offices in the new separate ACT Government Service.

The model continues arrangements where the functions of a statutory office are included in the duties of a public service position, and provides that Chief Executives must create and maintain the public service position and fill the position either on a discretionary or a mandatory basis in accordance with existing provisions. The public servant appointed, promoted, transferred or temporarily transferred by the Chief Executive to the public service position will be required to undertake, and have authority to perform, the functions of the statutory office by virtue of occupying the position. In this way, there is no longer a requirement for simultaneous Ministerial appointment to an office. The amendments further provide that the Chief Executive responsible for the performance of a statutory function is also be responsible for the issuing of associated certificates and identity cards.

Throughout the Bill provisions for "acting" appointments have been repealed as they are no longer necessary. See note under *Administration and Probate Act 1929*.

Where it is not always practical for the functions of an office to be performed by a public servant, the amendments provide that Chief Executives may appoint a person to an office, as well as a public servant to a position.

The Bill preserves appointments in force at the time of commencement of the provisions, and preserves the continuing legal effect of certain official action.

**Financial Implications**

There are no significant financial implications of any substance arising from the Bill.

## **PART I - PRELIMINARY**

### **Formal Sections**

Clauses 1 and 2 are formal provisions. They deal with the short title of the Bill and its commencement.

## **PART II - AMENDMENT OF LEGISLATION**

Clause 3 provides that the Acts and Regulations mentioned in the Schedule are amended in accordance with the associated provisions appearing in the Schedule.

## **PART III - TRANSITIONAL AND SAVINGS**

### **Interpretation**

Clause 4 provides definitions of terms used in the Bill.

### **Statutory offices**

Clause 5 ensures that where a Government Service Office already exists for performing a statutory function affected by the Bill, the Chief Executive is to be taken to have performed his or her obligation to "create" that office under the relative amended legislation.

### **Appointments to statutory offices**

Clause 6 preserves appointment and acting arrangements in place immediately before the commencement day.

### **Delegations**

Clause 7 preserves the validity of delegations made by statutory office holders before the commencement day.

### **Actions**

Clause 8 preserves the continuing legal effect of actions and decisions made by statutory office holders before the commencement day.

### **Identity cards**

Clause 9 preserves the legal effect of identity cards issued to statutory office holders before the commencement day.

**SCHEDULE****PART 1 - AMENDMENT OF ACTS*****Administration and Probate Act 1929*****Registrar and Deputy Registrar****Creating and filling positions**

**Sections 7 and 7A** oblige the Chief Executive to create a public service position the duties of which include the functions of the Registrar, and at least one other position with the functions of the Deputy Registrar of Probates. The Chief Executive is obliged to fill the position with the functions of Registrar, but is not obliged to fill the position with Deputy Registrar functions. However, the Chief Executive may fill as many positions with Deputy Registrar functions as he or she deems necessary.

**Persons performing functions**

Persons performing the functions of Registrar or Deputy Registrar shall be public servants.

**Definitions**

Definitions of and references to "acting" offices have been repealed, where they occurred, as they are no longer necessary.

Definitions of offices affected by the Bill have been amended as necessary.

**Acting arrangements**

**Subsections 7B (3) and (4)** are amended to delete references to "Acting" appointments. The model adopted here and throughout the Schedule involves a public service position which may be filled on a temporary basis without the need to "appoint". Therefore only reference to the public servant performing for the time being the functions of the office is required, as this may be the person appointed, promoted or transferred to undertake the duties on a permanent basis; or the public servant transferred for a short term to undertake the duties on a temporary basis.

***Administrative Appeals Tribunal Act 1989*****Registrar, Deputy Registrar and other officers**

Section 57 is repealed and replaced with the following arrangements.

**Creating and filling positions**

Subsections 57 (1) and (2) oblige the Chief Executive to create a public service position the duties of which include the functions of the Registrar, at least one position with Deputy Registrar functions, and at least one position with "other officer" functions. The Chief Executive is obliged to fill the position with Registrar functions, but is not obliged to fill the other positions. However, the Chief Executive may fill as many positions with Deputy Registrar and "other officer" functions as he or she deems necessary.

**Persons performing functions**

Subsections 57 (3) and (4) describes the persons who may perform the functions of Registrar, Deputy Registrar and other officers. Such persons may be officers of the ACT Government Service or officers of the Commonwealth Public Service.

**Definitions**

Definitions of offices affected by the Bill have been amended as necessary.

***Adoption Act 1993*****Definition**

Subsection 4 (1) is replaced with a new definition of 'Director'.

***Agents Act 1968*****Registrar Deputy Registrar and Inspector****Creating and filling positions**

Sections 6, 6A and 6B oblige the Chief Executive to create a public service position the duties of which include the functions of the Registrar, at least one position with Deputy Registrar functions and at least one position with Inspector functions. The Chief Executive is obliged to fill the position with Registrar functions, but is not obliged to fill the positions with Deputy Registrar or Inspector functions. However, the Chief Executive may fill as many positions with Deputy Registrar or Inspector function as he or she deems necessary.

**Persons performing functions**

Persons performing the functions of Registrar, Deputy Registrar or inspector shall be public servants.

**Definitions**

Definitions of and references to "acting" offices have been repealed, where they occurred, as they are no longer necessary.

Definitions of offices affected by the Bill have been amended as necessary.

**Acting arrangements**

References to "acting" appointments as they relate to offices affected by the Bill have been deleted where they occur as they are no longer necessary. See explanatory paragraph under *Administration and Probate Act 1929*.

***Air Pollution Act 1984*****Pollution Control Authority****PART II - ADMINISTRATION**

Part II is repealed and substituted with a new part, as follows.

**Creating and filling position**

Section 7 obliges the Chief Executive to create a public service position the duties of which include the functions of the Pollution Control Authority. The Chief Executive is also obliged to fill the position.

**Persons performing functions**

A person performing the functions of Pollution Control Authority shall be a public servant.

**Delegations**

Section 8 enables the Authority to delegate the majority of his or her powers to a public servant.

## **Inspectors**

### **Creating and filling positions**

**Section 9** obliges the Chief Executive to create at least one public service position the duties of which include the functions of an Inspector. The Chief Executive is also obliged to fill at least one such position.

### **Persons undertaking functions**

Persons performing the functions of Inspector shall be public servants.

### **Identity cards**

**Section 10** provides that the Chief Executive will issue identity cards; and updates the penalty where a person does not return a card.

### **Control of air pollution and Miscellaneous**

Amendments to specified Sections from Section 30 to Section 44 introduce the new meaning of "Inspector".

### **Definitions**

Definitions of and references to "acting" offices have been repealed, where they occurred, as they are no longer necessary.

Definitions of offices affected by the Bill have been amended as necessary.

### **Acting arrangements**

References to "acting" appointments as they relate to offices affected by the Bill have been deleted where they occur as they are no longer necessary. See explanatory paragraph under *Administration and Probate Act 1929*.

## ***Animal Diseases Act 1993***

### **Part II - Administration**

This part is repealed and substituted with the following arrangements.

**Director of Veterinary Hygiene****Creating and filling positions**

**Section 5** obliges the Chief Executive to create a public service position the duties of which include those of the Director. The Chief Executive is also obliged to fill the position

**Persons performing functions**

A person performing the functions of the Director shall be a public servant who is a veterinary surgeon.

**Delegation**

Section 6 allows the Director to delegate any of his or her powers to a public servant.

**Inspectors****Creating and filling positions**

**Section 7** obliges the Chief Executive to create at least one public service position the duties of which include the function of inspector. The Chief Executive is obliged to fill at least one of the positions, and as many as he or she deems necessary.

**Persons performing functions**

Persons performing the functions of inspector shall be public servants.

**Identity cards**

**Section 8** provides that the Chief Executive will issue identity cards; and updates the penalty where a person does not return a card.

**Transitional**

**Subsections 67 (1) and (2)** are amended to revise existing provisions to take account of the new amendments.

**Definitions**

Definitions of and references to "acting" offices have been repealed, where they occurred, as they are no longer necessary.

Definitions of offices affected by the Bill have been amended as necessary.



**Acting arrangements**

References to "acting" appointments as they relate to offices affected by the Bill have been deleted where they occur as they are no longer necessary. See explanatory paragraph under *Administration and Probate Act 1929*.

***Animal Nuisance Control Act 1975*****Inspectors****Creating and filling positions**

**Section 15** obliges the Chief Executive to create at least one public service position the duties of which include the functions of inspectors. The Chief Executive is not obliged to fill the positions, but may fill as many as he or she deems necessary.

**Persons performing functions**

Persons performing the functions of inspector shall be public servants.

**Definitions**

Definitions of offices affected by the Bill have been amended as necessary.

***Animal Welfare Act 1922*****Animal Welfare Authority****Creating and filling positions**

**Section 5** obliges the Chief Executive to create a public service position the duties of which include the functions of the Authority. The Chief Executive is also obliged to fill the position.

**Persons performing functions**

A person performing the functions of the Authority shall be a public servant.

**Delegation**

**Section 6** allows the Authority to delegate any of his or her powers to a public servant.

### **Identity cards**

**Section 6A** provides that the Chief Executive will issue identity cards; and updates the penalty where a person does not return a card.

**Part V - Division 2** is omitted and substituted with the following arrangements.

### **Part V - Division 2 - Inspectors and authorised officers**

#### **Inspectors and Authorised officers**

##### **Creating and filling positions**

**Sections 76 and 77** oblige the Chief Executive to create at least one public service position the duties of which include the functions of Inspectors, and at least one other position with the functions of "authorised officers". The Chief Executive is obliged to fill at least one position with the functions of Inspector, but is not obliged to fill positions with authorised officer functions. However, the Chief Executive may fill as many positions with Inspector or authorised officer functions as he or she deems necessary.

##### **Appointment to a statutory office**

Where necessary, Chief Executives may appoint under the Act, to a statutory office, persons to perform the functions of the inspector. Such persons would not be, or become, public servants.

##### **Persons performing functions**

A person performing the functions of an inspector may be a public servant, a police officer or any other person.

Persons performing the functions of authorised officers will be public servants who are veterinary surgeons.

### **Identity cards**

**Section 78** provides that the Chief Executive will issue identity cards; and updates the penalty where a person does not return a card.

### **Definitions**

Definitions of and references to "acting" offices have been repealed, where they occurred, as they are no longer necessary.

Definitions of offices affected by the Bill have been amended as necessary.

**Acting arrangements**

References to "acting" appointments as they relate to offices affected by the Bill have been deleted where they occur as they are no longer necessary. See explanatory paragraph under *Administration and Probate Act 1929*.

***Apiaries Act 1928*****Inspectors****Creating and filling positions**

**Section 4** obliges the Chief Executive to create at least one public service position the duties of which include the functions of inspector. The Chief Executive is not obliged to fill the positions but may fill as many such positions as he or she deems necessary.

**Persons performing functions**

Persons performing the functions of inspector shall be public servants.

**Definitions**

Definitions of offices affected by the Bill have been amended as necessary.

***Architects Act 1959*****Registrar****Creating and filling positions**

**Section 13A** obliges the Chief Executive to create a public service position the duties of which include the functions of the Registrar. The Chief Executive is also obliged to fill the position.

**Persons performing functions**

A person performing the functions of Registrar shall be a public servant.

**Definitions**

Definitions of offices affected by the Bill have been amended as necessary.

***Auctioneer's Act 1959*****Definition**

**Paragraph 4 (2) (d)** is amended to reflect changes in the appointment process of the poundkeeper under the *Pounds Act 1928*. The poundkeeper is no longer appointed under that Act.

***Bookmakers Act 1985*****Registrar and Inspectors****Creating and filling positions**

**Sections 4 and 5** oblige the Chief Executive to create a public service position the duties of which include the functions of the Registrar, and at least one other position the duties of which include the functions of Inspectors. The Chief Executive is also obliged to fill the position with Registrar functions, and at least one position with Inspector functions. The Chief Executive may fill as many positions with Inspector functions as he or she deems necessary.

**Persons performing functions**

Persons performing the functions of Registrar or Inspector shall be public servants.

**Identity cards**

**Section 5A** provides that the Chief Executive will issue identity cards; and updates the penalty where a person does not return a card.

**Definitions**

Definitions of and references to "acting" offices have been repealed, where they occurred, as they are no longer necessary.

Definitions of offices affected by the Bill have been amended as necessary.

**Acting arrangements**

References to "acting" appointments as they relate to offices affected by the Bill have been deleted where they occur as they are no longer necessary. See explanatory paragraph under *Administration and Probate Act 1929*.

**Further amendments**

Various sections from Section 18 to Section 42 are amended to take account of the new definition of "inspector".

***Building Act 1972*****Building Controller and Deputy Building Controllers****Creating and filling positions**

**Sections 7 and 7A** oblige the Chief Executive to create a public service position the duties of which include the functions of the Building Controller, and at least one other position with the functions of Deputy Building Controller. The Chief Executive is not obliged to fill the positions, but may fill as many as he or she deems necessary.

**Persons performing functions**

Persons performing the functions of Building Controller or Deputy Building Controller shall be public servants.

**Identity cards**

**Section 7B** provides that the Chief Executive will issue identity cards; and updates the penalty where a person does not return a card.

**Definitions**

Definitions of and references to "acting" offices have been repealed, where they occurred, as they are no longer necessary.

Definitions of offices affected by the Bill have been amended as necessary.

**Acting arrangements**

References to "acting" appointments as they relate to offices affected by the Bill have been deleted where they occur as they are no longer necessary. See explanatory paragraph under *Administration and Probate Act 1929*.

***Bushfire Act 1936***

**Inspectors**

**Creating and filling positions**

**Section 4A** obliges the Chief Executive to create at least one public service position the duties of which include the functions of inspectors. The Chief Executive is not obliged to fill the positions, but may fill as many as he or she deems necessary.

**Person performing functions**

Persons performing the functions of inspectors shall be public servants

**Identity cards**

**Section 5** provides that the Chief Executive will issue identity cards; and updates the penalty where a person does not return a card.

**Definitions**

Definitions of offices affected by the Bill have been amended as necessary.

***Casino Control Act 1988***

**Inspectors**

**Creating and filling positions**

**Section 11** obliges the Chief Executive to create at least one public service position the duties of which include the functions of inspector. The Chief Executive is obliged to fill at least one such position and as many as he or she deems necessary.

**Persons performing functions**

Persons performing the functions of inspector shall be public servants..

**Identity cards**

**Section 12** provides that the Chief Executive will issue identity cards; and updates the penalty where a person does not return a card.

**Definitions**

Definitions of offices affected by the Bill have been amended as necessary.

***Children's Services Act 1986***

**Director of Family Services**

**Creating and filling positions**

**Section 7** obliges the Chief Executive to create a public service position the duties of which include the functions of the Director. The Chief Executive is obliged to fill the position.

**Person performing functions**

A person performing the functions of Director shall be a public servant.

**Definitions**

Definitions of and references to "acting" offices have been repealed, where they occurred, as they are no longer necessary.

Definitions of offices affected by the Bill have been amended as necessary.

**Acting arrangements**

References to "acting" appointments as they relate to offices affected by the Bill have been deleted where they occur as they are no longer necessary. See explanatory paragraph under *Administration and Probate Act 1929*.

***Clinical Waste Act 1990***

**Clinical Waste Controller and Inspectors**

**Creating and filling positions**

**Sections 7 and 9** oblige the Chief Executive to create a public service position the duties of which include the functions of Controller, and at least one other position with the functions of inspector. The Chief Executive is obliged to fill the position with Controller functions and at least one position, or as many as he or she deems necessary, with inspector functions.

**Persons performing functions**

Persons performing the function of Controller or inspector shall be public servants.

### **Identity cards**

**Section 10** provides that the Chief Executive will issue identity cards; and updates the penalty where a person does not return a card.

### **Definitions**

Definitions of and references to "acting" offices have been repealed, where they occurred, as they are no longer necessary.

Definitions of offices affected by the Bill have been amended as necessary.

### **Acting arrangements**

References to "acting" appointments as they relate to offices affected by the Bill have been deleted where they occur as they are no longer necessary. See explanatory paragraph under *Administration and Probate Act 1929*.

## ***Consumer Affairs Act 1973***

### **Director of Consumer Affairs**

#### **Creating and filling positions**

**Section 13** obliges the Chief Executive to create a public service position the duties of which include the functions of Director. The Chief Executive is obliged to fill the position.

#### **Persons performing functions**

Persons performing the functions of Director shall be a public servant.

#### **Definitions**

Definitions of and references to "acting" offices have been repealed, where they occurred, as they are no longer necessary.

Definitions of offices affected by the Bill have been amended as necessary.

#### **Acting arrangements**

References to "acting" appointments as they relate to offices affected by the Bill have been deleted where they occur as they are no longer necessary. See explanatory paragraph under *Administration and Probate Act 1929*.



***Co-operative Societies Act 1939*****Registrar and Deputy Registrar, and Inspectors****Creating and filling positions**

Sections 5, 5AA and 5A oblige the Chief Executive to create a public service position the duties of which include the functions of Registrar, another position with functions of the Deputy Registrar, and at least one other position with the functions of inspector. The Chief Executive is not obliged to fill the positions, but may fill as many positions with Inspector functions as he or she deems necessary.

**Persons performing functions**

Persons performing the functions of Registrar, Deputy Registrar or inspector shall be public servants.

**Definitions**

Definitions of and references to "acting" offices have been repealed, where they occurred, as they are no longer necessary.

Definitions of offices affected by the Bill have been amended as necessary.

**Acting arrangements**

References to "acting" appointments as they relate to offices affected by the Bill have been deleted where they occur as they are no longer necessary. See explanatory paragraph under *Administration and Probate Act 1929*.

***Cotter River Act 1914*****Inspectors****Creating and filling positions**

Section 6 obliges the Chief Executive to create at least one public service position the duties of which include the functions of inspectors. The Chief Executive is not obliged to fill the positions, but may fill as many as he or she deems necessary.

**Persons performing functions**

Persons performing the functions of inspector shall be public servants.

### **Identity cards**

**Section 7** provides that the Chief Executive will issue identity cards; and updates the penalty where a person does not return a card.

### **Definitions**

Definitions of offices affected by the Bill have been amended as necessary.

## ***Credit Act 1985***

### **Registrar and Deputy Registrar**

#### **Creating and filling positions**

**Sections 190 and 190A** oblige the Chief Executive to create a public service position the duties of which include the functions of Registrar and another position with the functions of Deputy Registrar of Credit Tribunals. The Chief Executive is obliged to fill the positions.

#### **Persons performing functions**

Persons performing the functions of Registrar or Deputy Registrar shall be public servants.

#### **Definitions**

Definitions of and references to "acting" offices have been repealed, where they occurred, as they are no longer necessary.

Definitions of offices affected by the Bill have been amended as necessary.

#### **Acting arrangements**

References to "acting" appointments as they relate to offices affected by the Bill have been deleted where they occur as they are no longer necessary. See explanatory paragraph under *Administration and Probate Act 1929*.

## ***Cremation Act 1966***

### **Medical referees and inspectors**

#### **Creating and filling positions**

**Sections 4 and 21** oblige the Chief Executive to create at least one public service position the duties of which include the functions of Medical Referees, and at least one

position with Inspector functions. The Chief Executive is not obliged to fill the positions, but may fill as many as he or she deems necessary.

### **Persons performing functions**

Persons performing the functions of Medical Referee or Inspector shall be public servants.

Medical referees must also be medical practitioners.

### **Definitions**

Definitions of and references to "acting" offices have been repealed, where they occurred, as they are no longer necessary.

Definitions of offices affected by the Bill have been amended as necessary.

### **Acting arrangements**

References to "acting" appointments as they relate to offices affected by the Bill have been deleted where they occur as they are no longer necessary. See explanatory paragraph under *Administration and Probate Act 1929*.

## ***Crimes Act 1900***

### **Definitions**

**Section 556F** amends the definition of "supervisor" to reflect the fact that supervisors are no longer 'appointed' under the relevant Act. The definition of "authorised officer" is repealed and a replacement definition of "Community Corrections Officer" is provided.

### **Further amendments**

Various sections have been amended to reflect the new term "Community Corrections Officer" in lieu of the term authorised officer.

## ***Dangerous Goods Act 1984***

### **Chief Inspector and Inspectors**

#### **Creating and filling positions**

**Sections 6 and 8** oblige the Chief Executive to create a public service position the duties of which include the functions of Chief Inspector, and at least one other position with the

functions of Inspector. The Chief Executive is not obliged to fill the positions, but may fill as many positions with Inspector functions as he or she deems necessary.

#### **Persons performing functions**

Persons performing the functions of Chief Inspector or Inspector shall be public servants.

#### **Delegation**

**Section 7** allows the Chief Inspector to delegate any of his or her powers.

#### **Identity cards**

**Section 8A** provides that the Chief Executive will issue identity cards; and updates the penalty where a person does not return a card.

#### **Definitions**

Definitions of and references to "acting" offices have been repealed, where they occurred, as they are no longer necessary.

Definitions of offices affected by the Bill have been amended as necessary.

#### **Acting arrangements**

References to "acting" appointments as they relate to offices affected by the Bill have been deleted where they occur as they are no longer necessary. See explanatory paragraph under *Administration and Probate Act 1929*.

### **Dangerous Goods Act, 1975 of the State of New South Wales in its application in the Territory**

#### **Definitions**

The definitions of "Chief Inspector", "inspector:" and "identity cards" are updated.

### ***Dog Control Act 1975***

#### **Registrar, Deputy Registrar and Inspectors**

#### **Creating and filling positions**

**Sections 6, 6A and 7** oblige the Chief Executive to create a public service position the duties of which include the functions of the Registrar, at least one other position with the

functions of Deputy Registrar, and at least one other position with the functions of Inspector. The Chief Executive is obliged to fill the position of Registrar, but is not obliged to fill the other positions. However, the Chief Executive may fill as many positions with Deputy Registrar or Inspector functions as he or she deems necessary.

### **Persons performing functions**

Persons performing the functions of Registrar, Deputy Registrar or Inspectors shall be public servants.

### **Identity cards**

**Section 7A** provides that the Chief Executive will issue identity cards; and updates the penalty where a person does not return a card.

### **Definitions**

Definitions of and references to "acting" offices have been repealed, where they occurred, as they are no longer necessary.

Definitions of offices affected by the Bill have been amended as necessary.

### **Acting arrangements**

References to "acting" appointments as they relate to offices affected by the Bill have been deleted where they occur as they are no longer necessary. See explanatory paragraph under *Administration and Probate Act 1929*.

## ***Drugs of Dependence Act 1989***

### **Government Analyst**

#### **Creating and filling positions**

**Section 183A** obliges the Chief Executive to create a public service position the duties of which include the functions of the Government Analyst. The Chief Executive is not obliged to fill the position.

#### **Person performing functions**

A person performing the functions of Government Analyst shall be a public servant

#### **Definitions**

Definitions of and references to "acting" offices have been repealed, where they occurred, as they are no longer necessary.

Definitions of offices affected by the Bill have been amended as necessary.

The definition of "responsible officer" in section 121, paragraph (a) is amended to correct the out-dated reference to the "Director of Welfare" as well as modifying the mode of reference. Paragraph (b) is amended to reflect the change to the office of 'Administrator' under the *Remand Centres Act 1976* as the Administrator is no longer 'appointed' under that Act.

### **Acting arrangements**

References to "acting" appointments as they relate to offices affected by the Bill have been deleted where they occur as they are no longer necessary. See explanatory paragraph under *Administration and Probate Act 1929*.

## ***Fishing Act 1967***

### **Officers**

#### **Creating and filling positions**

**Section 6** obliges the Chief Executive to create at least one public service position the duties of which include the functions of officers. The Chief Executive is not obliged to fill the position, but may fill as many as he or she deems necessary.

#### **Appointment to a statutory office**

Where necessary, Chief Executives may appoint under the Act, to a statutory office, persons to perform the functions of the "officers". Such persons would not be, or become, a public servant.

#### **Persons performing functions**

Persons performing the functions of officers shall be public servants, police officers or any other persons.

#### **Certificates of appointment**

**Section 6A** provides that the Chief Executive will issue certificates of appointment; and updates the penalty where a person does not return a certificate.

### **Definitions**

Definitions of offices affected by the Bill have been amended as necessary.

***Food Act 1992***

**Environmental Health Officers**

**Creating and filling positions/ Identity cards/ Definitions**

The Act is amended to provide that health officers hold offices under the *Public Health Act*.

***Fuels Control Act 1979***

**Controller of Fuels and Inspectors**

**Creating and filling positions**

**Sections 3 and 5** oblige the Chief Executive to create a public service position the duties of which include the functions of the Controller, and at least one position with the functions of Inspector. The Chief Executive is obliged to fill the position with Controller functions, but is not obliged to fill the positions with Inspector functions. However, the Chief Executive may fill as many positions with inspector functions as he or she deems necessary.

**Persons performing functions**

Persons performing the functions of Controller or Inspector shall be public servants.

**Delegation**

**Section 4** provides that the Controller may delegate any powers to a public servant.

**Identity cards**

**Section 5A** provides that the Chief Executive will issue identity cards; and updates the penalty where a person does not return a card.

**Definitions**

Definitions of and references to "acting" offices have been repealed, where they occurred, as they are no longer necessary.

Definitions of offices affected by the Bill have been amended as necessary.

**Acting arrangements**

References to "acting" appointments as they relate to offices affected by the Bill have been deleted where they occur as they are no longer necessary. See explanatory paragraph under *Administration and Probate Act 1929*.

**Hawkers Act****Registrar and Deputy Registrar of Hawker's Licences****Creating and filling positions**

**Sections 7 and 7A** oblige the Chief Executive to create a public service position the duties of which include the functions of the Registrar, and at least one position with Deputy Registrar functions. The Chief Executive is obliged to fill the position with Registrar functions, but is not obliged to fill the positions with Deputy Registrar functions. However, the Chief Executive may fill more than one position with Deputy Registrar functions as he or she deems is necessary.

**Persons performing functions**

Persons performing the functions of Registrar or Deputy Registrar shall be public servants.

**Definitions**

Definitions of and references to "acting" offices have been repealed, where they occurred, as they are no longer necessary.

Definitions of offices affected by the Bill have been amended as necessary.

**Acting arrangements**

References to "acting" appointments as they relate to offices affected by the Bill have been deleted where they occur as they are no longer necessary. See explanatory paragraph under *Administration and Probate Act 1929*.

**Heritage Objects Act 1991****Definition**

The definition of "Conservator" is amended in subsection 4 (1) to reflect the proposed amendment to in the *Nature Conservation Act 1980* whereby the Conservator of Wildlife is no longer 'appointed' under that Act, and is to be retitled the Conservator of Flora and Fauna..



***Housing Assistance Act 1987*****Commissioner for Housing****Creating and filling positions**

Section 4 obliges the Chief Executive to create a public service position the duties of which include the functions of the Commissioner. The Chief Executive is obliged to fill the position.

**Persons performing functions**

Persons performing the functions of Commissioner shall be public servants.

**Definitions**

Definitions of and references to "acting" offices have been repealed, where they occurred, as they are no longer necessary.

Definitions of offices affected by the Bill have been amended as necessary.

**Acting arrangements**

References to "acting" appointments as they relate to offices affected by the Bill have been deleted where they occur as they are no longer necessary. See explanatory paragraph under *Administration and Probate Act 1929*.

***Imperial Acts (Substituted Provisions) Act 1986*****Definition**

Schedule 2, Part 1A, paragraph 2 is amended to replace the term "Director of Welfare", which is now outdated, with the term "Director of Family Services".

***Lakes Act 1976*****Delegate for Lakes and Inspectors****Creating and filling positions**

Sections 6 and 7 oblige the Chief Executive to create a public service position the duties of which include the functions of the Delegate, and at least one position with the functions of Inspectors. The Chief Executive is obliged to fill the position with Delegate functions, and obliged to fill at least one position with Inspector functions.

### **Persons performing functions**

Persons performing the functions of Delegate shall be public servants; and persons performing the functions of Inspector shall be public servants or police officers.

### **Identity cards**

Section 8 provides that the Chief Executive will issue identity cards; and updates the penalty where a person does not return a card.

### **Further amendments**

A number of other Sections have been amended to comply with the new definitions of terms, and to increase clarity of language.

### **Definitions**

Definitions of offices affected by the Bill have been amended as necessary.

## ***Land (Planning and Environment) Act 1991***

### **Definition**

Section 4 has been amended to reflect the proposed amendment to *Nature Conservation Act 1980* whereby the Conservator of Wildlife is no longer 'appointed' under the Act as is to be retitled the "Conservator of Flora and Fauna".

## ***Landlord and Tenant Act 1949***

### **Director of Rental Bonds**

#### **Creating and filling positions**

Section 62AB obliges the Chief Executive to create a public service position the duties of which include the functions of the Director. The Chief Executive is also obliged to fill the position.

#### **Persons performing functions**

A person performing the functions of Director shall be a public servant.

#### **Definitions**

Definitions of and references to "acting" offices have been repealed, where they occurred, as they are no longer necessary.

Definitions of offices affected by the Bill have been amended as necessary.

### **Acting arrangements**

References to "acting" appointments as they relate to offices affected by the Bill have been deleted where they occur as they are no longer necessary. See explanatory paragraph under *Administration and Probate Act 1929*.

## ***Liquor Act 1975***

### **Registrar and Deputy Registrar of Liquor Licences and Inspectors of Licensed Premises**

#### **Creating and filling positions**

**Sections 14, 15 and 16** oblige the Chief Executive to create a public service position the duties of which include the functions of the Registrar, another position with the functions of the Deputy, and at least one position with Inspector functions. The Chief Executive is obliged to fill the positions with Registrar and Deputy Registrar functions, but is not obliged to fill the positions with Inspector functions. However, the Chief Executive may fill as many positions with Inspector functions as he or she deems necessary.

#### **Persons performing functions**

Persons performing the functions with Registrar, Deputy or Inspector shall be public servants.

#### **Identity cards**

**Section 16 A** provides that the Chief Executive will issue identity cards; and updates the penalty where a person does not return a card.

#### **Definitions**

Definitions of and references to "acting" offices have been repealed, where they occurred, as they are no longer necessary.

Definitions of offices affected by the Bill have been amended as necessary.

### **Acting arrangements**

References to "acting" appointments as they relate to offices affected by the Bill have been deleted where they occur as they are no longer necessary. See explanatory paragraph under *Administration and Probate Act 1929*.

***Liquor (Amendment) Act (No. 2) 1987***

**Powers of Inspectors of Licensed Premises**

Section 6 is repealed as it has never been commenced and is no longer necessary.

***Long Service Leave Act 1976***

**Inspectors**

**Creating and filling positions**

Section 13 obliges the Chief Executive to create at least one public service position the duties of which include the functions of Inspectors. The Chief Executive is not obligated to fill the positions. However, the Chief Executive may fill as many positions with the functions of Inspector as he or she deems necessary.

**Persons performing functions**

Persons performing the functions of Inspector shall be public servants.

***Long Service Leave (Building and Construction Industry) Act 1981***

**Long Service Leave Registrar and Deputy Long Service Leave Registrar**

**Creating and filling positions**

Sections 17 and 17A oblige the Chief Executive to create a public service position the duties of which include the functions of the Registrar, and another position with the functions of Deputy. The Chief Executive is obliged to fill both positions.

**Persons performing functions**

Persons performing the functions of the Registrar or the Deputy Registrar shall be public servants.

**Definitions**

Definitions of and references to "acting" offices have been repealed, where they occurred, as they are no longer necessary.

Definitions of offices affected by the Bill have been amended as necessary.

### **Acting arrangements**

References to "acting" appointments as they relate to offices affected by the Bill have been deleted where they occur as they are no longer necessary. See explanatory paragraph under *Administration and Probate Act 1929*.

## ***Machinery Act 1949***

### **Chief Inspector and Inspectors of Machinery**

#### **Creating and filling positions**

**Sections 3 and 4** oblige the Chief Executive to create a public service position the duties of which include the functions of the Chief Inspector, and at least one position with Inspector functions. The Chief Executive is also obliged to fill the positions, but may fill as many positions with Inspector functions as he or she deems necessary.

#### **Persons performing functions**

Persons performing the functions of Chief Inspector or Inspector shall be public servants.

#### **Definitions**

Definitions of and references to "acting" offices have been repealed, where they occurred, as they are no longer necessary.

Definitions of offices affected by the Bill have been amended as necessary.

### **Acting arrangements**

References to "acting" appointments as they relate to offices affected by the Bill have been deleted where they occur as they are no longer necessary. See explanatory paragraph under *Administration and Probate Act 1929*.

## ***Maintenance Act 1968***

### **Collector and Deputy collector of Maintenance**

#### **Creating and filling positions**

**Sections 8 and 9** oblige the Chief Executive to create a public service position the duties of which include the functions of Collector, and another position with the functions of Deputy Collector. The Chief Executive is also obliged to fill the positions.

### **Persons performing functions**

Persons performing the function of Collector and Deputy Collector of Maintenance shall be a public servant.

### **Definitions**

Definitions of and references to "acting" offices have been repealed, where they occurred, as they are no longer necessary.

Definitions of offices affected by the Bill have been amended as necessary.

### **Acting arrangements**

References to "acting" appointments as they relate to offices affected by the Bill have been deleted where they occur as they are no longer necessary. See explanatory paragraph under *Administration and Probate Act 1929*.

## ***Meat Act 1931***

### **Authorised officer**

Throughout Sections 11 and 18 the term "authorised officer" is replaced with the new term "Environmental Health Officer".

### **Definitions**

Definitions of offices affected by the Bill have been amended as necessary.

### **Further amendments**

New subsection 18(3A) is inserted to replace and clarify the provisions currently made by subsections 18(2) and 18(4).

## ***Mining Act 1930***

### **Obstruction**

Section 57 is repealed and replaced with a new section 57 which updates the penalty provisions for obstruction of a statutory officer under the Act.

**Motor Traffic Act 1936****Registrar and Deputy Registrars of Motor Vehicles****Creating and filling positions**

Sections 6 and 6A oblige the Chief Executive to create a public service position the duties of which include the functions of Registrar, and at least one position with the functions of Deputy Registrar. The Chief Executive is not obliged to fill the positions. However, the Chief Executive may fill as many positions with Deputy Registrar functions as he or she deems necessary.

**Persons performing functions**

Persons performing the functions of Registrar or Deputy Registrar shall be public servants.

**Inspectors, Medical Testing Officers and Motor Traffic Officers****Creating and filling positions**

Sections 6B, 6C and 6D oblige the Chief Executive to create at least one position the duties of which include the functions of Inspector, and at least one position with the functions of the Medical Testing Officer, and at least one position with the functions of the Motor Traffic Officer. The Chief Executive is not obliged to fill the positions. However, the Chief Executive may fill as many of these positions as he or she deems necessary.

**Persons performing functions**

Persons performing the functions of Inspector, Medical Testing Officer or Motor Traffic Officer shall be public servants.

**Definitions**

Definitions of and references to "acting" offices have been repealed, where they occurred, as they are no longer necessary.

Definitions of offices affected by the Bill have been amended as necessary.

**Acting arrangements**

References to "acting" appointments as they relate to offices affected by the Bill have been deleted where they occur as they are no longer necessary. See explanatory paragraph under *Administration and Probate Act 1929*.

### **Further amendments**

A number of provisions are updated to include the term "police officer" in lieu of "member of the Police Force" to be consistent with other Territory legislation.

Other provisions have been amended to reflect the new arrangement that a public servant performs the functions of an office, and is not appointed to the office.

### ***Motor Vehicles (Dimensions and Mass) Act 1990***

#### **Definition**

The definition of "Deputy Registrar" in subsection 3 (1) is amended to reflect the change in the *Motor Traffic Act 1936* whereby the Deputy Registrar of Motor Vehicles is no longer 'appointed' under that Act.

### ***Nature Conservation Act 1980***

#### **Conservator of Flora and Fauna and Conservation officers**

##### **Creating and filling positions**

Sections 7 and 8 oblige the Chief Executive to create a public service position the duties of which include the functions of the Conservator, and at least one other position with conservation officer functions. The Chief Executive is obliged to fill the positions

##### **Appointment to a statutory office**

Where necessary, Chief Executives may appoint under the Act, to a statutory office, persons to perform the functions of Conservation Officers. Such persons would not be, or become, public servants.

##### **Persons performing functions**

- A person performing the functions of the Conservator of Flora and Fauna shall be a public servant.
- Persons performing the functions of Conservation Officers may be public servants or any other persons.

##### **Identity cards**

Section 9 provides that the Chief Executive will issue identity cards; and updates the penalty where a person does not return a card.



## **Delegation**

**Section 14** provides that the Conservator may delegate any powers to the conservation officer.

## **Definitions**

Definitions of and references to "acting" offices have been repealed, where they occurred, as they are no longer necessary.

Definitions of offices affected by the Bill have been amended as necessary.

## **Acting arrangements**

References to "acting" appointments as they relate to offices affected by the Bill have been deleted where they occur as they are no longer necessary. See explanatory paragraph under *Administration and Probate Act 1929*.

## **Further amendments**

A number of provisions are amended to reflect the new arrangements.

# ***Noxious Weeds Act 1921***

## **Inspectors**

### **Creating and filling positions**

**Section 6A** obliges the Chief Executive to create at least one public service position the duties of which include the functions of Inspectors. The Chief Executive is not obliged to fill the positions. However, the Chief Executive may fill as many positions with Inspector functions as he or she deems necessary.

### **Persons performing functions**

Persons performing the functions of Inspectors shall be public servants.

## **Definitions**

Definitions of offices affected by the Bill have been amended as necessary.

***Occupational Health and Safety Act 1989*****Occupational Health and Safety Registrar and Inspectors****Creating and filling positions**

Sections 69 and 70 oblige the Chief Executive to create a public service position with the duties of which include the functions of the Registrar, and at least one position with the functions of Inspectors. The Chief Executive is also obliged to fill the positions.

**Persons performing functions**

Persons performing the functions of the Registrar and Inspectors shall be public servants, or, in the case of a person to whom the Registrar has delegated his or her powers, any other person.

**Identity cards**

Section 71 provides that the Chief Executive will issue identity cards; and updates the penalty where a person does not return a card.

**Interpretation**

New section 80C is added to provide a definition of "inspector".

**Definitions**

Definitions of and references to "acting" offices have been repealed, where they occurred, as they are no longer necessary.

Definitions of offices affected by the Bill have been amended as necessary.

Further, the definition of "associated law" in paragraph (f) of subsection 5 (1) is amended to replace the term "Inspection of Machinery Regulations" with "Machinery Regulations". This change reflects the proposed change of title of the "Inspection of Machinery Regulations" to the "Machinery Regulations".

**Acting arrangements**

References to "acting" appointments as they relate to offices affected by the Bill have been deleted where they occur as they are no longer necessary. See explanatory paragraph under *Administration and Probate Act 1929*.

***Parole Act 1976*****Secretary to the Board****Creating and filling positions**

**Subsection 16 A** obliges the Chief Executive to create a public service position the duties of which include the functions of the Secretary. The Chief Executive is also obliged to fill the position.

**Persons performing functions**

The person performing the functions of Secretary to the Board shall be a public servant.

**Definitions**

Definitions of offices affected by the Bill have been amended as necessary.

***Parole Orders (Transfer) Act 1983*****Registrar of Transferred Parole Orders****Creating and filling positions**

**Section 5** obliges the Chief Executive to create a public service position the duties of which include the functions of the Registrar. The Chief Executive is also obliged to fill the position.

**Persons performing functions**

The person performing the functions of the Registrar of Transferred Parole Orders shall be a public servant.

**Definitions**

Definitions of and references to "acting" offices have been repealed, where they occurred, as they are no longer necessary.

Definitions of offices affected by the Bill have been amended as necessary.

**Acting arrangements**

References to "acting" appointments as they relate to offices affected by the Bill have been deleted where they occur as they are no longer necessary. See explanatory paragraph under *Administration and Probate Act 1929*.

***Pesticides Act 1989*****Registrar of Pesticides****Creating and filling positions**

**Section 7** obliges the Chief Executive to create a public service position the duties of which include the functions of the Registrar. The Chief Executive is also obliged to fill the position.

**Persons performing functions**

The person performing the function of the Registrar of Pesticides shall be a public servant.

**Identity cards**

**Section 7A** provides that the Chief Executive will issue identity cards; and updates the penalty where a person does not return a card.

**Definitions**

Definitions of and references to "acting" offices have been repealed, where they occurred, as they are no longer necessary.

Definitions of offices affected by the Bill have been amended as necessary.

**Acting arrangements**

References to "acting" appointments as they relate to offices affected by the Bill have been deleted where they occur as they are no longer necessary. See explanatory paragraph under *Administration and Probate Act 1929*.

***Pharmacy Act 1931*****Inspectors****Creating and filling positions**

**Section 7** obliges the Chief Executive to create at least one public service position the duties of which include the functions of Inspectors. The Chief Executive is not obliged to fill the positions. However, the Chief Executive may fill as many positions with Inspector functions as he or she deems necessary.

**Persons performing functions**

Persons performing the functions of Inspectors shall be public servants.

## **Identity cards**

**Section 7A** provides that the Chief Executive will issue identity cards; and updates the penalty where a person does not return a card.

## **Definitions**

Definitions of offices affected by the Bill have been amended as necessary.

## ***Plant Diseases Act 1934***

### **Inspectors**

#### **Creating and filling positions**

**Section 6B** obliges the Chief Executive to create at least one public service position the duties of which include the functions of Inspectors. The Chief Executive is not obliged to fill the positions. However, the Chief Executive may fill as many positions with Inspector functions as he or she deems necessary.

#### **Persons performing functions**

Persons performing the functions of Inspector shall be public servants.

#### **Definitions**

Definitions of offices affected by the Bill have been amended as necessary.

## ***Poisons Act 1933***

### **Analysts**

#### **Creating and filling positions**

**Section 9** obliges the Chief Executive to create at least one public service position the duties of which include the functions of Analysts. The Chief Executive is not obliged to fill the position. However, the Chief Executive may fill as many positions with Analyst functions as he or she deems necessary.

#### **Persons performing functions**

Persons performing the functions of Analysts shall be public servants.

### **Evidence of analysis**

**Section 9A** updates current subsections 9(2) and 9(3).

### **Definitions**

Definitions of and references to "acting" offices have been repealed, where they occurred, as they are no longer necessary.

Definitions of offices affected by the Bill have been amended as necessary.

### **Acting arrangements**

References to "acting" appointments as they relate to offices affected by the Bill have been deleted where they occur as they are no longer necessary. See explanatory paragraph under *Administration and Probate Act 1929*.

## ***Pounds Act 1928***

### **Poundkeepers and Inspectors of Pounds**

#### **Creating and filling positions**

**Sections 9 and 37** oblige the Chief Executive to create a public service position the duties of which include the functions of the Poundkeeper, and at least one position with the functions of Inspector. The Chief Executive is not obliged to fill the positions. However, the Chief Executive may fill as many positions with the functions of Inspectors as he or she deems necessary.

#### **Persons performing functions**

Persons performing the functions of Poundkeeper and Inspector shall be public servants.

#### **Powers of Inspectors**

**Section 37A** provides for the powers of the inspectors.

#### **Obstruction of Inspectors**

**Section 37B** provides an updated penalty for obstruction of inspectors.

### **Definitions**

Definitions of and references to "acting" offices have been repealed, where they occurred, as they are no longer necessary.

Definitions of offices affected by the Bill have been amended as necessary.

#### **Acting arrangements**

References to "acting" appointments as they relate to offices affected by the Bill have been deleted where they occur as they are no longer necessary. See explanatory paragraph under *Administration and Probate Act 1929*.

### ***Printing and Newspapers Act 1961***

#### **Registrar and Deputy Registrars of Printers and Newspapers**

##### **Creating and filling positions**

**Sections 5 and 6** oblige the Chief Executive to create a public service position the duties of which include the functions of the Registrar, and at least one position with the functions of Deputy Registrar. The Chief Executive is obliged to fill the position with the functions of Registrar, but is not obliged to fill the positions with Deputy Registrar functions. However, the Chief Executive may fill as many positions with the functions of Deputy Registrar as he or she deems necessary.

##### **Persons performing functions**

Persons performing the function of Registrar or Deputy Registrar shall be public servants.

##### **Definitions**

Definitions of and references to "acting" offices have been repealed, where they occurred, as they are no longer necessary.

Definitions of offices affected by the Bill have been amended as necessary.

##### **Acting arrangements**

References to "acting" appointments as they relate to offices affected by the Bill have been deleted where they occur as they are no longer necessary. See explanatory paragraph under *Administration and Probate Act 1929*.

***Prostitution Act 1992*****Registrar of Brothels and Escort Agencies****Creating and filling positions**

Section 5 obliges the Chief Executive to create a public service position the duties of which include the functions of the Registrar. The Chief Executive is also obliged to fill the position.

**Persons performing functions**

A person performing the functions of the Registrar shall be a public servant.

**Definitions**

Definitions of and references to "acting" offices have been repealed, where they occurred, as they are no longer necessary.

Definitions of offices affected by the Bill have been amended as necessary.

**Acting arrangements**

References to "acting" appointments as they relate to offices affected by the Bill have been deleted where they occur as they are no longer necessary. See explanatory paragraph under *Administration and Probate Act 1929*.

***Protection of Lands Act 1937*****Protection of Lands Officer****Creating and filling positions**

Section 2B obliges the Chief Executive to create at least one public service position the duties of which include the function of the Protection of Lands Officer. The Chief Executive is obliged to fill at least one such position.

**Persons performing functions**

The person performing the functions of the Protection of Lands Officer shall be a public servant.

**Further amendments**

A number of other provisions are amended to reflect the use of the new term "Protection of Lands Officer" in lieu of authorised officer.



## **Definitions**

Definitions of offices affected by the Bill have been amended as necessary.

### ***Public Baths and Public Bathing Act 1956***

#### **Inspectors**

##### **Creating and filling positions**

**Section 7** obliges the Chief Executive to create at least one public service position the duties of which include the functions of the Inspector. The Chief Executive is not obliged to fill the position. However, the Chief Executive may fill as many positions with the functions of Inspector as he or she deems necessary.

##### **Persons performing functions**

Persons performing the functions of Inspectors may be public servants or police officers.

##### **Obstruction of Inspectors**

**Section 7A** is amended to provide updated penalties for obstruction of officers.

## **Definitions**

Definitions of offices affected by the Bill have been amended as necessary.

### ***Public Health Act 1928***

#### **Medical Officer of Health and Environmental Health Officers**

##### **Creating and filling positions**

**Sections 5 and 7** obliges the Chief Executive to create a public service position the duties of which include the functions of the Medical Officer of Health, and at least one position with Environmental Health Officer functions. The Chief Executive is obliged to fill the position with Medical Officer of Health functions, but is not obliged to fill the positions with Environmental Health Officer functions. However, a Chief Executive may fill as many positions with Environmental Health Officer functions as he or she deems necessary.

##### **Persons performing functions**

A person performing the functions of the Medical Officer of Health or Environmental Health Officer shall be a public servant.

### **Delegation**

Section 6 provides that the Medical Health Officer may delegate any powers to a public servant or any other person.

### **Identity cards**

Section 8 provides that the Chief Executive will issue identity cards; and updates the penalty where a person does not return a card.

### **Definitions**

Definitions of offices affected by the Bill have been amended as necessary.

## ***Public Trustee Act 1985***

### **Public Trustee and Deputy Public Trustee**

#### **Creating and filling positions**

Sections 5 and 6 oblige the Chief Executive to create a public service position the duties of which include the functions of the Public Trustee, and another position with the functions of Deputy Public Trustee. The Chief Executive is also obliged to fill both positions.

#### **Persons performing functions**

Persons performing the functions of Public Trustee or Deputy Public Trustee shall be public servants.

#### **Definitions**

Definitions of and references to "acting" offices have been repealed, where they occurred, as they are no longer necessary.

Definitions of offices affected by the Bill have been amended as necessary.

#### **Acting arrangements**

References to "acting" appointments as they relate to offices affected by the Bill have been deleted where they occur as they are no longer necessary. See explanatory paragraph under *Administration and Probate Act 1929*.

***Rabbit Destruction Act 1919*****Inspectors****Creating and filling positions**

**Section 29** obliges the Chief Executive to create at least one public service position the duties of which include the functions of Inspector. The Chief Executive is not obliged to fill the positions. However, the Chief Executive may fill as many positions with Inspector functions as he or she deems necessary.

**Persons performing functions**

Persons performing the functions of Inspectors shall be public servants.

**Identity cards**

**Section 29A** provides that the Chief Executive will issue identity cards; and updates the penalty where a person does not return a card.

**Definitions**

Definitions of offices affected by the Bill have been amended as necessary.

**Further amendments**

A number of other provisions have been amended to insert the new term "Inspector" in lieu of "authorised person".

***Radiation Act 1983*****Inspectors****Creating and filling positions**

**Section 18** obliges the Chief Executive to create at least one public service position the duties of which include the functions of Inspectors. The Chief Executive is not obliged to fill the positions. However, the Chief Executive may fill as many positions with the functions of Inspector as he or she deems necessary.

**Persons performing functions**

Persons performing the functions of Inspectors shall be public servants.

### **Identity cards**

**Section 18A** provides that the Chief Executive will issue identity cards; and updates the penalty where a person does not return a card.

**Section 19** is amended to reflect the change to "identity cards" from "certificates".

### **Definitions**

Definitions of offices affected by the Bill have been amended as necessary.

## ***Rates and Land Tax Act 1926***

### **Commissioner for Housing**

**Paragraph 22B (1) (d)** is amended to reflect changes to the *Housing Assistance Act 1987*, in relation to the mechanism by which the Commissioner for Housing performs his or her functions under that Act.

## ***Registrar-General Act 1993***

### **Registrar-General and Deputy Registrar-General**

#### **Creating and filling positions**

**Sections 4 and 4A** oblige the Chief Executive to create a public service position the duties of which include the functions of the Registrar-General, and at least one position with the functions of the Deputy Registrar-General. The Chief Executive is obliged to fill the position with the functions of Registrar-General, but is not obliged to fill the positions with the functions of Deputy Registrar-General. However, the Chief Executive may fill as many positions with the functions of Deputy Registrar-General as he or she deems necessary.

#### **Persons performing functions**

- Persons performing the functions of Registrar-General and Deputy Registrar-General shall be public servants.

#### **Liability of Registrar-General and other officers**

**Subsections 8(1) and (2)** are amended to update the current provisions of those subsections.

**Definitions**

Definitions of and references to "acting" offices have been repealed, where they occurred, as they are no longer necessary.

Definitions of offices affected by the Bill have been amended as necessary.

**Acting arrangements**

References to "acting" appointments as they relate to offices affected by the Bill have been deleted where they occur as they are no longer necessary. See explanatory paragraph under *Administration and Probate Act 1929*.

***Remand Centres Act 1976*****Administrator****Creating and filling positions**

**Section 6** obliges the Chief Executive to create a public service position the duties of which include the functions of the Administrator. The Chief Executive is also obliged to fill the position.

**Persons performing functions**

The person performing the functions of the Administrator shall be a public servant.

**Remand Centre Staff****Creating and filling positions**

**Section 6AA** obliges the Chief Executive to create a public service position the duties of which include the functions of Superintendent, another position with Medical Officer functions, and at least one other position with Custodial Officer functions. The Chief Executive is obliged to fill these positions, and may fill as many positions with Custodial Officer functions as he or she deems necessary.

**Appointment to a statutory office**

Where necessary, a Chief Executive may appoint under the Act, to a statutory office, a person to perform the functions of the Medical Officer. Such a person would not be, or become a public servant.

### **Persons performing functions**

Persons performing the functions of Superintendent or Custodial Officer shall be public servants.

Persons performing the functions of Medical Officer shall be a registered medical practitioner who is a public servant or any other person.

### **Definitions**

Definitions of and references to "acting" offices have been repealed, where they occurred, as they are no longer necessary.

Definitions of offices affected by the Bill have been amended as necessary.

### **Acting arrangements**

References to "acting" appointments as they relate to offices affected by the Bill have been deleted where they occur as they are no longer necessary. See explanatory paragraph under *Administration and Probate Act 1929*.

## ***Roads and Public Places Act 1937***

### **Roads and Public Places Officers**

#### **Creating and filling positions**

**Section 2B** obliges the Chief Executive to create at least one public service position the duties of which include the functions of Roads and Public Places Officers. The Chief Executive is not obliged to fill the positions. However, the Chief Executive may fill as many positions with Roads and Public Places Officers functions as he or she deems necessary.

#### **Persons performing functions**

Persons performing the functions of Roads and Public Places Officers shall be public servants.

#### **Further amendments**

A number of other provisions have been amended to insert the new term "Roads and Public Places Officers" in lieu of "authorised officer".

#### **Definitions**

Definitions of offices affected by the Bill have been amended as necessary.

***Rural Workers Accommodation Act 1938*****Inspectors****Creating and filling positions**

**Section 4** obliges the Chief Executive to create at least one public service position the duties of which include the functions of Inspector. The Chief Executive is not obliged to fill the positions. However, the Chief Executive may fill as many positions with Inspector functions as he or she deems necessary.

**Persons performing functions**

Persons performing the functions of Inspector shall be public servants.

**Identity cards**

**Section 4A** provides that the Chief Executive will issue identity cards; and updates the penalty where a person does not return a card.

**Definitions**

Definitions of offices affected by the Bill have been amended as necessary.

**Further amendments**

Further provisions are amended to reflect the use of new terms and the new arrangements for performing functions.

***Sale of Motor Vehicles Act 1977*****Registrar and Deputy Registrar of Motor Vehicle Dealers and Inspectors****Creating and filling positions**

**Sections 5, 5A and 5B** oblige the Chief Executive to create a public service position the duties of which include the functions of the Registrar, another position with the functions of the Deputy Registrar and at least one position with the functions of Inspector. The Chief Executive is obliged to fill these positions. The Chief Executive may fill as many positions with Inspector functions as he or she deems necessary.

**Persons performing functions**

Persons performing the functions of Registrar and Deputy Registrar shall be public servants.

Persons performing the functions of Inspector may be public servants or police officers with the rank of sergeant.

#### **Identity cards**

Section 5C provides that the Chief Executive will issue identity cards; and updates the penalty where a person does not return a card.

#### **Production of identity cards**

Section 77 replaces the current provisions relating to the production of identity cards.

#### **Definitions**

Definitions of and references to "acting" offices have been repealed, where they occurred, as they are no longer necessary.

Definitions of offices affected by the Bill have been amended as necessary.

#### **Acting arrangements**

References to "acting" appointments as they relate to offices affected by the Bill have been deleted where they occur as they are no longer necessary. See explanatory paragraph under *Administration and Probate Act 1929*.

### ***Sexually Transmitted Disease Act 1956***

#### **Definition**

The definition of "the Medical Officer of Health" is omitted and a new definition included. The changes reflects the change in the *Public Health Act* whereby the Medical Officer of Health is no longer 'appointed' under that Act.

### ***Stamp Duties and Taxes Act 1987***

#### **Definition**

The definition of "Registrar" in subsection 4 (1) is amended to reflect a change in the *Motor Traffic Act 1936* whereby the Registrar of Motor Vehicles is no longer to be 'appointed' under that Act.



**Stock Act 1991****Part II - ADMINISTRATION**

Existing Part II is repealed and replaced by the following provisions.

**Controller and Deputy Controller of Stock and Inspectors****Creating and filling positions**

**Sections 5, 6 and 7** oblige the Chief Executive to create a public service position the duties of which include the functions of the Controller, at least one position with the functions of Deputy Controller, and at least one position with the functions of Inspector. The Chief Executive is obliged to fill the position with Controller functions, but is not obliged to fill the positions with Deputy controller or Inspector functions. However, the Chief Executive may fill as many positions with Deputy Controller and Inspector functions as he or she deems necessary.

**Persons performing functions**

Persons performing the functions of Controller, Deputy Controller or Inspector shall be public servants.

**Identity cards**

**Section 8** provides that the Chief Executive will issue identity cards; and updates the penalty where a person does not return a card.

**Definitions**

Definitions of and references to "acting" offices have been repealed, where they occurred, as they are no longer necessary.

Definitions of offices affected by the Bill have been amended as necessary.

**Acting arrangements**

References to "acting" appointments as they relate to offices affected by the Bill have been deleted where they occur as they are no longer necessary. See explanatory paragraph under *Administration and Probate Act 1929*.

***Supervision of Offenders (Community Service Orders) Act 1985*****Community Corrections Officers and Supervisors****Creating and filling positions**

Sections 4 and 5 oblige the Chief Executive to create at least one public service position the duties of which include the functions of the Community Corrections Officer, and at least one other position with Supervisor functions. The Chief Executive is not obliged to fill the positions. However, the Chief Executive may fill as many positions with Community Corrections Officer and Supervisor functions as he or she deems necessary.

**Persons performing functions**

Persons performing the functions of Community Corrections Officers or Supervisors shall be public servants.

**Definitions**

Definitions of offices affected by the Bill have been amended as necessary.

**Further amendments**

A number of other provisions are amended to insert the new term "Community Corrections Officer".

***Testamentary Guardianship Act 1984*****Definition**

Subsections 2 (3) and (5) are amended to omit "Director of Welfare" and substitute "Director of Family Services". This will correct out-dated references to the office now known as the Director of Family Services under the Children's Services Act.

***Trade Measurement (Administration) Act 1991*****Superintendent of Trade Measurement****Creating and filling positions**

Section 5 obliges the Chief Executive to create a public service position the duties of which include the functions of the Superintendent. The Chief Executive is also obliged to fill this position.

### **Persons performing functions**

The person performing the function of Superintendent shall be a public servant.

### **Appointment of Superintendent under national Measurement Regulations**

Section 5A provides that the Superintendent may hold an appointment and perform associated functions under the Regulations.

### **Definitions**

Definitions of and references to "acting" offices have been repealed, where they occurred, as they are no longer necessary.

Definitions of offices affected by the Bill have been amended as necessary.

### **Acting arrangements**

References to "acting" appointments as they relate to offices affected by the Bill have been deleted where they occur as they are no longer necessary. See explanatory paragraph under *Administration and Probate Act 1929*.

## ***Trading Hours Act 1962***

### **Inspectors**

#### **Creating and filling positions**

Section 11 obliges the Chief Executive to create at least one public service position the duties of which include the functions of Inspectors. The Chief Executive is not obliged to fill the positions. However, the Chief Executive may fill as many positions with Inspector functions as he or she deems necessary.

#### **Persons performing functions**

Persons performing the functions of Inspector shall be public servants.

#### **Identity cards**

Section 11A provides that the Chief Executive will issue identity cards; and updates the penalty where a person does not return a card.

#### **Production of Identity cards**

Section 13 defines the circumstances under which identity cards are required to be produced.

## **Definitions**

Definitions of offices affected by the Bill have been amended as necessary.

### ***Trespass on Territory Lands Act 1932***

#### **Inspectors**

##### **Creating and filling positions**

**Section 3A** obliges the Chief Executive to create at least one public service position the duties of which include the functions of Inspector. The Chief Executive is obliged to fill at least one such position, and as many as he or she deems necessary.

##### **Persons performing functions**

Persons performing the functions of Inspector shall be public servants or police officers.

##### **Definitions**

Definitions of offices affected by the Bill have been amended as necessary.

##### **Further amendments**

Other provisions are amended to omit references to "a member of the Police Force of the Territory" where it occurs, as the references are no longer necessary.

### ***Trustee Act 1957***

#### **Definition**

The definition of "the Public Trustee" in section 7 is repealed and a new definition included. This change reflects the change to the Public Trustee Act whereby the Public Trustee is no longer to be 'appointed' under that Act.

### ***Water Pollution Act 1984***

## **Part II - ADMINISTRATION**

Existing Part II is repealed and replaced by the following provisions.

## **Inspectors and Analysts**

### **Creating and filling positions**

**Sections 7 and 37A** obliges the Chief Executive to create at least one public service position the duties of which include the functions of Inspectors, and at least one position with Analyst functions. The Chief Executive is obliged to fill at least one position with Inspector functions, but is not obliged to fill positions with Analyst functions. The Chief Executive may fill as many positions with Inspector or Analyst functions as he or she deems necessary.

### **Persons performing functions**

Persons performing the functions of Inspectors shall be public servants, or a person who is a delegate of the Authority.

Persons performing the functions of Analyst shall be public servants.

### **Delegation**

**Section 8** provides that the Authority may delegate the majority of their powers to any person.

### **Identity cards**

**Sections 9 and 37AA** provides that the Chief Executive will issue identity cards; and updates the penalty where a person does not return a card.

### **Definitions**

Definitions of offices affected by the Bill have been amended as necessary.

### **Further amendments**

A number of other provisions are amended to incorporate the new meaning of "Inspector".

## ***Weights and Measures (Sale of Bread) Act 1929***

### **Definition**

The definition of "inspector" in subsection 5 (1) is amended. This change reflects a change to the Trade Measurement Act whereby inspectors are no longer 'appointed' under that Act.

***Wills Act 1968*****Definition**

The definition of "the Registrar" in section 4 is amended. This change reflects a change to the Administration and Probate Act whereby the Registrar of Probates is no longer 'appointed' under that Act.

***Workers' Compensation Act 1951*****Inspectors****Creating and filling positions**

Section 23D obliges the Chief Executive to create at least one public service position the duties of which include the functions of Inspector. The Chief Executive is not obliged to fill the positions, but may fill as many as he or she deems necessary.

**Persons performing functions**

Persons performing the functions of Inspectors shall be public servants.

**Identity cards**

Section 23E provides that the Chief Executive will issue identity cards; and updates the penalty where a person does not return a card.

**Definitions**

Definitions of offices affected by the Bill have been amended as necessary.

***Workers' Compensation Supplementation Fund Act 1980*****Manager of Fund****Creating and filling positions**

Section 8 obliges the Chief Executive to create a public service position the duties of which include the functions of the Manager. The Chief Executive is obliged to fill this position.

**Persons performing functions**

The person performing the functions of the Manager of Fund shall be a public servant.

## **Evidence**

**Section 10** is amended to take account of the new arrangements in the performance of the functions of the Manger.

## **Definitions**

Definitions of and references to "acting" offices have been repealed, where they occurred, as they are no longer necessary.

Definitions of offices affected by the Bill have been amended as necessary.

## **Acting arrangements**

References to "acting" appointments as they relate to offices affected by the Bill have been deleted where they occur as they are no longer necessary. See explanatory paragraph under *Administration and Probate Act 1929*.

## **PART 2 - AMENDMENT OF REGULATIONS**

### **Boilers and Pressure Vessels Regulations**

#### **Definitions**

The definition of "Chief Inspector" in regulation 5 is amended to reflect the change that the Chief Inspector is no longer 'appointed' under the Machinery Act. The definition of "inspector" in regulation 5 is repealed and a new definition included.

### **Dangerous Goods Regulation, 1978 of the State of New South Wales, in its application in the Territory**

#### **Definitions**

Definitions for "Chief Inspector", "Chief Inspector of Machinery" and "inspector" are included.

#### **Further amendments**

A number of other provisions are amended to delete reference to appointments made under the Machinery Act 1949 as these are no longer applicable.

### **Inspection of Machinery Regulations**

#### **Definitions**

A number of provisions are amended to reflect the new terms and insert definitions of "Machinery Regulations", "Inspector" and "Chief Inspector".

### **Motor Omnibus Services Regulations**

#### **Definitions**

The definition of "inspector" in regulation 3 is repealed and a new definition included.

### **Motor Traffic Regulations**

#### **Definitions**

Schedule (Part II, Item 104) is amended to reflect the amendments to the *Motor Traffic Act* and to rationalise the references to police officers.



## **Proceeds of Crime Regulations**

### **Definitions**

Paragraphs 16 (1) (a), (b) and (c) are amended to delete references to the person performing the duties of the Public Trustee, leaving the reference to only the Public Trustee, and to substitute references to "Australian Public Service" with "Government Service" wherever they occur.

### **Amendments to Regulations under the *Public Health Act 1928*.**

The following Regulations are amended principally as a consequence of the amendments to the *Public Health Act* providing for "Inspectors" and "authorised officers" to become known as "Environmental Health Officers".

#### **Public Health (Barbers' Shops) Regulations**

##### **Definitions**

Regulation 4 is amended to include a definition for the term "Environmental Health Officer".

Subregulation 20 (3) is amended to substitute reference to the "inspector" with "Environmental Health Officer".

Regulation 23 is amended to substitute reference to the "inspector" with "Environmental Health Officer".

#### **Public Health (Boarding-houses) Regulations**

##### **Definitions**

Subregulation 3 (1) is amended to include a definition for the term "Environmental Health Officer".

Paragraph 16 (b) is amended to substitute reference to the "inspector" with "Environmental Health Officer".

Subregulation 17 (2) is amended to substitute reference to the "inspector" with "Environmental Health Officer".

## **Public Health (Dairy) Regulations**

### **Definitions**

Subregulation 4 (1) is amended to replace the definition of "authorised officer" with a new definition of "Environmental Health Officer".

References throughout the regulations to "authorised officer" are replaced by references to "Environmental Health Officer".

Regulation 94 is repealed and new regulation 94 provides that there may be an analyst for the purposes of these Regulations and the Chief Executive may create and maintain an office in the Government Service that shall be occupied by a public servant.

## **Public Health (General Sanitation) Regulations**

### **Definitions**

A definition for "Environmental Health Officer" is included in regulation 4, and the definitions of "approved" is amended accordingly.

Subregulations 11 (1) and (2) and 22 (4) are amended to substitute the term "authorised officer", wherever occurring, with "Environmental Health Officer".

## **Public Health (Infectious and Notifiable Diseases) Regulations**

### **Definitions**

Subregulation 3 (1) is amended to insert the definition for the "Environmental Health Officer".

Subregulations 8 (2) and 22 (1) are amended to substitute "authorised officer" with "Environmental Health Officer".

## **Public Health (Laundries, Dry Cleaning Establishments and Dye Works) Regulations**

### **Definitions**

Regulation 3 is amended to add a definition for "Environmental Health Officer".

Regulation 12 is amended to substitute "inspector" with "Environmental Health Officer".

### **Public Health (Meat) Regulations**

#### **Definitions**

The definition of "Officer" in regulation 2 is omitted as there are no longer any references to officers. The definition of "Environmental Health Officer" is added to regulation 2.

Paragraph 7 (c) is amended to substitute "the inspector" with "an Environmental Health Officer".

Paragraphs 7 (d), (f) and (g), regulations 10 and 11, paragraphs 13 (a) and (f), subregulation 15 (2), regulation 16 and subregulations 20 (2) and 21 (4) are amended by omitting "inspector" where it appears and substituting in its place the term "Environmental Health Officer".

### **Public Health (Piggeries) Regulations**

#### **Definitions**

Regulation 2 is amended to add the definition "Environmental Health Officer".

Subparagraph 6 (b) (i) is amended to substitute "authorised officer" with "Environmental Health Officer".

Subregulation 7 (2) is amended to substitute "authorised officer" with "Environmental Health Officer".

### **Public Health (Private Hospital) Regulations**

#### **Definitions**

The definition of "Environmental Health Officer" is added to regulation 3.

Paragraph 17 (a) is amended to substitute "Environmental Health Officer" for "authorised person".

Paragraphs 17 (f) and (i) are amended to omit "authorised person" and substitute "Environmental Health Officer".

Subregulation 18 (4) is amended to omit "authorised person" and substitute "Environmental Health Officer".

**Public Health (Sale of Food and Drugs) Regulations****Definitions**

The definition of "The Act" is omitted from regulation 3 and a new definition included. This has the effect of updating the citation of the Act and including the definition in a more logical place in the list of definitions.

Regulation 3 is also amended to insert a definition for "Environmental Health Officer".

References throughout the regulations to "inspectors" and "authorised officers" are replaced by references to "Environmental Health Officers".

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