



Australian Capital Territory

New South Wales Acts Application Act 1984

A1984-41

Republication No 2

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Authorised by the ACT Parliamentary Counsel

About this republication

The republished law

This is a republication of the *New South Wales Acts Application Act 1984* effective 1 October 1992 to 19 June 1996.

Kinds of republications

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Australian Capital Territory

NEW SOUTH WALES ACTS APPLICATION ACT 1984

This consolidation has been prepared by the ACT Parliamentary Counsel's Office

Updated as at 1 October 1993

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SCHEDULE 1 ADMINISTRATION OF STATE ACTS THAT ARE AMENDED BY THIS ACT

SCHEDULE 2 CONTINUED STATE ACTS

An Act relating to the application in the Territory of certain Acts of the State of
New South Wales

Short title

1. This Act may be cited as the *New South Wales Acts Application Act 1984*.¹

Interpretation**2.****(2)** In this Act, other than a Schedule to this Act—

- (a) a reference to a continued State Act shall be read as a reference to an Act of the State of New South Wales that—
 - (i) was continued in force in the Territory by section 6 of the *Seat of Government Acceptance Act 1909* of the Commonwealth; and
 - (ii) had effect, immediately before the date of commencement of this Act, in the Territory as a law of the Territory as provided by section 4 of the *Seat of Government (Administration) Act 1910* of the Commonwealth,being the Act as amended and in force in that State immediately before the commencement of the *Seat of Government Acceptance Act 1909* of the Commonwealth and, in a case where the Act had been amended by an Act of the Territory before the date of commencement of this Act, as so amended; and
- (b) a reference to the amendment of a continued State Act shall be read as a reference to the modification of the Act by—
 - (i) the repeal or omission of any provision or other part of the Act, either with or without the substitution of a new provision or part in its place; or
 - (ii) the insertion in, or addition to, the Act of a new provision.

Amendment of certain continued State Acts

3.² (1) Subject to subsection (2), a continued State Act specified in column 1 of Schedule 1 shall be deemed to be amended by this Act to the extent necessary for it to have effect in the Territory as a law of the Territory in the terms set out in Schedule 2.

(2) Where—

- (a) a provision (in this subsection referred to as the relevant provision) of a continued State Act so specified amends another continued State Act so specified; and
- (b) the relevant provision has been omitted from the text of that first-mentioned continued State Act as set out in Schedule 2 (the

amendment made by the relevant provision having been incorporated in the text of that other continued State Act as set out in Schedule 2), subsection (1) shall not be taken to effect the repeal of the relevant provision.

Application of certain continued State Acts

4. Nothing in section 3 shall be taken to prevent the continued State Acts specified in column 1 of Schedule 1, being those Acts as amended by this Act, from continuing in force in the Territory, after the commencement of this Act, under, and in accordance with, the provisions of section 6 of the *Seat of Government Acceptance Act 1909* of the Commonwealth and section 4 of the *Seat of Government (Administration) Act 1910* of the Commonwealth.

Inconsistencies between continued State Acts and other laws

5. (1) Where, upon the commencement of this Act, a provision of a continued State Act as amended by this Act (being a continued State Act specified in column 1 of Schedule 1) is inconsistent with a provision of another law in force in the Territory (not being a prescribed law), the provision of that other law prevails and the provision of that continued State Act, to the extent of the inconsistency, has no force or effect in the Territory.

(2) In this section, a reference to a prescribed law shall be read as a reference to—

- (a) a continued State Act specified in column 1 of Schedule 1, as amended by this Act;
- (b) any other continued State Act; or
- (c) any Imperial Act that—
 - (i) was in force in the State of New South Wales immediately before the commencement of the *Seat of Government Acceptance Act 1909* of the Commonwealth;
 - (ii) was continued in force in the Territory by section 6 of that Act; and
 - (iii) was in force in the Territory immediately before the commencement of this Act,

being that Act as amended and in force in the Territory immediately before the commencement of this Act.

Footnotes to continued State Acts

6. The footnotes appearing at the end of a Part of Schedule 2 do not form part—

- (a) of the continued State Act the text of which is set out in that Part of that Schedule; or
- (b) of this Act.

Interpretation of Acts set out in Schedule 2

7. In an Act of New South Wales set out in Schedule 2, in its application in the Territory, unless the contrary intention appears—

- (a) a reference in the Act to the Supreme Court shall be read as a reference to the Supreme Court of the Australian Capital Territory;
- (b) a reference in the Act to the Magistrates Court shall be read as a reference to the Magistrates Court for the Territory;
- (d) a reference in the Act to a Magistrate shall be read as a reference to a Magistrate within the meaning of the *Magistrates Court Act 1930*;
- (e) a reference in the Act to the Commissioner of Police or to a Deputy Commissioner of Police shall be read as a reference to the person holding, or performing the duties of, the office of Commissioner of Police or Deputy Commissioner of Police, as the case may be, under the *Australian Federal Police Act 1979* of the Commonwealth;
- (f) a reference in the Act to an officer of police or member of a police force shall be read as a reference to a member, or a special member, of the Australian Federal Police;
- (g) a reference in the Act to a member of a police force holding a particular rank shall be read as a reference to a member, or special member, of the Australian Federal Police holding that rank but, if that rank does not exist as a rank in the Australian Federal Police, as a reference to a member, or special member, of the Australian Federal Police holding the rank that is declared by regulations in force under the *Australian Federal Police Act 1979* of the Commonwealth to be the equivalent of that particular rank; and
- (h) a reference in the Act to the Registrar of Titles shall be read as a reference to the person holding, or performing the duties of, the office of Registrar-General in the performance or exercise of his or her

functions or powers under the *Real Property Act 1925* or the *Registration of Deeds Act 1957*.

Further amendment of continued State Act

8. Section 3 of the Gaming and Betting (Amendment) Act, 1906, in its application in the Territory, is repealed.

SCHEDULE 1

Section 3

ADMINISTRATION OF CONTINUED STATE ACTS THAT ARE AMENDED BY THIS ACT

Short title of Act
Column 1

Ancient Lights Declaratory Act 1904
 Apportionment Act 1905
 Arrest on Mesne Process Act 1902
 Common Carriers Act 1902
 Contractors' Debts Act 1897
 Conveyancing and Law of Property Act 1898
 Conveyancing and Law of Property (Supplemental) Act 1901
 Crown Lands Act 1884
 Dedication by User Limitation Act 1902
 Defamation Act 1901
 Defamation (Amendment) Act 1909
 Fertilizers Act 1904
 Forfeiture of Leases Act 1901
 Forfeiture and Validation of Leases Act 1905
 Free Education Act 1906
 Games Wagers and Betting-houses Act 1901
 Gaming and Betting Act 1906
 Innkeepers' Liability Act 1902
 Judgment Creditors' Remedies Act 1901
 Landlord and Tenant Act 1899
 Life, Fire, and Marine Insurance Act 1902
 Limitation of Actions for Trespass Act 1884

SCHEDULE 2²

Section 3

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NOTES

1. The *New South Wales Acts Application Act 1984* as shown in this reprint comprises Act No. 41, 1984 amended as indicated in the Tables below.

Citation of Laws—The *Self-Government (Citation of Laws) Act 1989* (No. 21, 1989) altered the citation of most Ordinances so that after Self-Government day they are to be cited as Acts. That Act also affects references in ACT laws to Commonwealth Acts.

Table 1

Table of Ordinances

Ordinance	Number and year	Date of notification in <i>Gazette</i>	Date of commencement	Application, saving or transitional provisions
<i>New South Wales Acts Application Ordinance 1984</i>	41, 1984	10 Aug 1984	10 Aug 1984	
<i>New South Wales Acts Application (Amendment) Ordinance 1984</i>	58, 1984	30 Oct 1984	30 Oct 1984	—
<i>Magistrates Court Ordinance 1985</i>	67, 1985	19 Dec 1985	1 Feb 1986 (see <i>Gazette</i> 1986, No. G3, p. 265)	—
<i>New South Wales Acts Application (Amendment) Ordinance 1986</i>	5, 1986	18 Apr 1986	18 Apr 1986	—
<i>New South Wales Acts Ordinance 1986</i>	91, 1986	12 Jan 1987	12 Jan 1987	—
<i>Administrative Arrangements (Consequential Amendments) Ordinance 1987</i>	37, 1987	24 July 1987	S. 6: 24 July 1987 (a)	—
<i>Administrative Arrangements (Consequential Amendments) Ordinance 1988</i>	17, 1988	22 Apr 1988	22 Apr 1988	S. 4
<i>Self-Government (Consequential Amendments) Ordinance 1989</i>	38, 1989	10 May 1989	Ss. 1 and 2: 10 May 1989 Remainder: 11 May 1989 (see s. 2 (2) and <i>Gazette</i> 1989, No. S164)	—

Self-Government day 11 May 1989

NOTES—continued

Table 2
Table of Acts

Act	Number and year	Date of notification in <i>Gazette</i>	Date of commencement	Application, saving or transitional provisions
<i>Commercial Arbitration (Amendment) Act 1990</i>	32, 1990	2 Oct 1990	Ss. 1, 2 and 6: 2 Oct 1990 Remainder: 1 Jan 1992 (b)	—
<i>Registrar-General (Consequential Provisions) Act 1993</i>	64, 1993	6 Sept 1993	Ss. 1 and 2: 6 Sept 1993 Remainder: 1 Oct 1993 (see s. 2 (2) and <i>Gazette</i> 1993, No. S207)	Part III (ss. 6-13)

- (a) The *New South Wales Acts Application Act 1984* was amended by section 6 only of the *Administrative Arrangements (Consequential Amendments) Ordinance 1987*, subsection 2 (2) of which provides as follows:

“(2) The remaining provisions of this Ordinance shall come into operation on the day on which this Ordinance is notified in the *Gazette*.”

- (b) The *New South Wales Acts Application Act 1984* was amended by section 5 only of the *Commercial Arbitration (Amendment) Act 1990*, subsection 2 (2) of which provides as follows:

“(2) Sections 3, 4 and 5 commence on the date of commencement of Rules of Court (under section 28 of the *Australian Capital Territory Supreme Court Act 1933* of the Commonwealth) made for the purposes of section 3 of the *Supreme Court (Arbitration) Ordinance 1990*.”

The date fixed for the commencement of section 5 was 1 January 1992 (see Commonwealth Statutory Rules 1991 No. 416).

Table of Amendments

ad. = added or inserted am. = amended rep. = repealed rs. = repealed and substituted

Provision	How affected
S. 2	am. No. 91, 1986; No. 17, 1988; No. 38, 1989
S. 5	am. No. 91, 1986
S. 7	am. No. 67, 1985; No. 38, 1989; Act No. 64, 1993
S. 9	rep. No. 38, 1989
Schedule 1.....	am. No. 5, 1986; No. 37, 1987; No. 17, 1988; No. 38, 1989; Act No. 32, 1990
Schedule 2.....	am. No. 58, 1984

2. S. 3 and Schedule 2—Schedule 2 contained the text of certain New South Wales Acts (see Schedule 1) which were in force in the Territory before 1 January 1911 and were therefore continued in force by the *Seat of Government Acceptance Act 1909* of the Commonwealth. These Acts as amended by ACT laws, where applicable, are published separately.