



Australian Capital Territory

New South Wales Acts Act 1986 (repealed)

A1986-91

Republication No 3

Effective: 11 November 1999

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As repealed by A1999-66 sch 2

Authorised by the ACT Parliamentary Counsel

About this republication

The republished law

This is a republication of the *New South Wales Acts Act 1986* (repealed) effective 11 November 1999.

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Australian Capital Territory

NEW SOUTH WALES ACTS ACT 1986

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

Repealed by 1999 No 66 (in force 10/11/99)

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SCHEDULE 1 ADMINISTRATION OF CONTINUED STATE ACTS

SCHEDULE 2 STATE ACTS

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

Short title

1. This Act may be cited as the *New South Wales Acts Act 1986*.¹

Interpretation

2. (1A) In this Act, unless the contrary intention appears—

“Territory Minister” means—

- (a) the Minister administering the *Seat of Government (Administration) Act 1910* of the Commonwealth; or
- (b) where there are 2 or more Ministers administering that Act—
either or any of those Ministers.

(1) 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) has effect 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.

(2) Without limiting the operation of paragraph (1) (a), a reference in this Act (other than in a Schedule to this Act) to a continued State Act shall, in relation to an Act of the State of New South Wales that was amended by the *New South Wales Acts Application Act 1985*, be read as a reference to that Act as so amended to the extent only that the amendments made by that Act continued to have effect upon the disallowance of that Act under section 12 of the *Seat of Government (Administration) Act 1910* of the Commonwealth.

Repeal

3. The Public Gates Act, 1901 and the Stock Act, 1901 of the State of New South Wales, to the extent to which they were in force in the Territory immediately before the commencement of this Act, shall cease to be in force in the Territory.

Amendment of certain continued State Acts

4.² (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

5. Nothing in section 4 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 Acts and other laws

6. (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 as amended by this Act or any other Act; or
- (b) an 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; and
 - (ii) was continued in force in the Territory by section 6 of that Act, being that Act as amended and in force in the Territory immediately before the commencement 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; and
- (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 a 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.

Footnotes to continued Acts

8. 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.

New South Wales Acts Application Act 1984—amendments

11.³ * * * * *

SCHEDULE 1

Subsection 4 (1)

ADMINISTRATION OF CONTINUED STATE ACTS THAT ARE AMENDED BY THIS ACT

Column 1

Short title of Act

Partition Act 1900
 Pawnbrokers Act 1902
 Piracy Punishment Act 1902
 Public Instruction Act 1880
 Public Roads Act 1902
 Second-Hand Dealers and Collectors Act 1906
 Truck Act 1900

SCHEDULE 2²

Subsection 4 (1)

* * * * *

NOTES

1. The *New South Wales Acts Act 1986* as shown in this reprint comprises Act No. 91, 1986 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 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

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>Mental Health (Consequential Provisions) Act 1994</i> | 45, 1994 | 7 Sept 1994 | Ss. 1 and 2: 7 Sept 1994 Remainder: 6 Feb 1995 (see s. 2 (2) and <i>Gazette</i> 1995, No. S33, p. 2) | — |
| as repealed by <i>Law Reform (Miscellaneous Provisions) Act 1999</i> | 66, 1999 | 10 November 1999 | 10 November 1999 (s 2 (2) and <i>Gaz</i> 1999 No 45) | |

NOTES—continued

- (a) The *New South Wales Acts Act 1986* 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*.”

Table of Amendments

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

| Provision | How affected |
|--------------------------------------|--|
| S. 2 | am. No. 17, 1988 |
| S. 7 | am. No. 38, 1989 |
| S. 9 | am. No. 37, 1987; No. 17, 1988; No. 38, 1989 rep. Act No. 45, 1994 |
| S. 10 | rep. No. 17, 1988 |
| Schedule 1 | am. No. 37, 1987; No. 17, 1988; No. 38, 1989 |
| 2. S. 4 (1) 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 <i>Seat of Government Acceptance Act 1909</i> of the Commonwealth. These Acts as amended by ACT laws, where applicable, are published separately. |
| 3. The amendments made by section 11 | were amendments to the <i>New South Wales Acts Application Act 1984</i> . |