



Australian Capital Territory

# **Registrar-General Act 1993**

**A1993-63**

**Republication No 7**

**Effective: 1 July 2011**

Republication date: 1 July 2011

Last amendment made by A2011-22

Authorised by the ACT Parliamentary Counsel

## About this republication

### The republished law

This is a republication of the *Registrar-General Act 1993* (including any amendment made under the *Legislation Act 2001*, part 11.3 (Editorial changes)) as in force on 1 July 2011. It also includes any commencement, amendment, repeal or expiry affecting this republished law to 1 July 2011.

The legislation history and amendment history of the republished law are set out in endnotes 3 and 4.

### Kinds of republications

The Parliamentary Counsel's Office prepares 2 kinds of republications of ACT laws (see the ACT legislation register at [www.legislation.act.gov.au](http://www.legislation.act.gov.au)):

- authorised republications to which the *Legislation Act 2001* applies
- unauthorised republications.

The status of this republication appears on the bottom of each page.

### Editorial changes

The *Legislation Act 2001*, part 11.3 authorises the Parliamentary Counsel to make editorial amendments and other changes of a formal nature when preparing a law for republication. Editorial changes do not change the effect of the law, but have effect as if they had been made by an Act commencing on the republication date (see *Legislation Act 2001*, s 115 and s 117). The changes are made if the Parliamentary Counsel considers they are desirable to bring the law into line, or more closely into line, with current legislative drafting practice.

This republication does not include amendments made under part 11.3 (see endnote 1).

### Uncommenced provisions and amendments

If a provision of the republished law has not commenced, the symbol **U** appears immediately before the provision heading. Any uncommenced amendments that affect this republished law are accessible on the ACT legislation register ([www.legislation.act.gov.au](http://www.legislation.act.gov.au)). For more information, see the home page for this law on the register.

### Modifications

If a provision of the republished law is affected by a current modification, the symbol **M** appears immediately before the provision heading. The text of the modifying provision appears in the endnotes. For the legal status of modifications, see the *Legislation Act 2001*, section 95.

### Penalties

At the republication date, the value of a penalty unit for an offence against this law is \$110 for an individual and \$550 for a corporation (see *Legislation Act 2001*, s 133).



Australian Capital Territory

# Registrar-General Act 1993

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Australian Capital Territory

# Registrar-General Act 1993

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An Act to establish an office of registrar-general

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**1 Name of Act**

This Act is the *Registrar-General Act 1993*.

**2 Dictionary**

The dictionary at the end of this Act is part of this Act.

*Note 1* The dictionary at the end of this Act defines certain terms used in this Act.

*Note 2* A definition in the dictionary applies to the entire Act unless the definition, or another provision of the Act, provides otherwise or the contrary intention otherwise appears (see Legislation Act, s 155 and s 156 (1)).

**3 Notes**

A note included in this Act is explanatory and is not part of this Act.

*Note* See the Legislation Act, s 127 (1), (4) and (5) for the legal status of notes.

**4 Registrar-General**

- (1) The director-general must appoint a public servant as the Registrar-General.

*Note 1* For the making of appointments (including acting appointments), see the Legislation Act, pt 19.3.

*Note 2* In particular, an appointment may be made by naming a person or nominating the occupant of a position (see Legislation Act, s 207).

- (2) The registrar-general has the functions given to the registrar-general by any law in force in the ACT.

**4A Deputy Registrars-General**

- (1) The director-general may appoint a public servant as a Deputy Registrar-General.

- (2) A deputy registrar-general may exercise any function of the registrar, subject to any direction of the registrar-general.
- (3) A function of the registrar-general, when exercised by a deputy registrar-general, is taken to have been exercised by the registrar-general.

## **5 Registrar-general a corporation sole**

- (1) The registrar-general—
  - (a) is a corporation sole by the name of the Registrar-General of the Australian Capital Territory; and
  - (b) has perpetual succession; and
  - (c) must have an official seal; and
  - (d) is capable, in the corporate name of the registrar-general, of acquiring, holding and disposing of real and personal property and suing and being sued.
- (2) The Minister must, in writing, approve the design of the official seal.
- (3) An approval under subsection (2) is a notifiable instrument.

*Note* A notifiable instrument must be notified under the *Legislation Act 2001*.

## **6 No enquiry required about deputy registrar-general's compliance with directions**

A person dealing with a deputy registrar-general is not bound to enquire whether the deputy registrar-general, in exercising a function in relation to the dealing—

- (a) was subject to a direction of the registrar-general; or
- (b) complied with a direction of the registrar-general to which the deputy registrar-general was subject.

**8 Protection of registrar-general etc from liability**

- (1) A protected person is not personally liable for conduct engaged in honestly and without recklessness—
- (a) in the exercise of a function under this Act; or
  - (b) in the reasonable belief that the conduct was in the exercise of a function under this Act.

*Note* A reference to an Act includes a reference to the statutory instruments made or in force under the Act (see Legislation Act, s 104).

- (2) Any liability that would, apart from this section, attach to the protected person attaches instead to the Territory.
- (3) In this section:

***conduct*** means an act or an omission to do an act.

***protected person*** means a person who is, or has been—

- (a) the registrar-general; or
- (b) the deputy registrar-general.

**9 Invalidity of documents**

A document is not invalid on the ground that there was—

- (a) an informality in connection with the affixing of the seal; or
- (b) a failure to affix the seal.

## Dictionary

(see s 2)

*Note 1* The Legislation Act contains definitions and other provisions relevant to this Act.

*Note 2* For example, the Legislation Act, dict, pt 1, defines the following terms:

- ACT
- director-general (see s 163)
- exercise
- function
- Minister (see s 162).

***registrar-general*** means—

- (a) the Registrar-General under section 4; or
- (b) the Registrar-General of the Australian Capital Territory in its corporate capacity under section 5.

***seal*** means the official seal of the registrar-general mentioned in section 5 (1) (c).

## Endnotes

1 About the endnotes

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## Endnotes

### 1 About the endnotes

Amending and modifying laws are annotated in the legislation history and the amendment history. Current modifications are not included in the republished law but are set out in the endnotes.

Not all editorial amendments made under the *Legislation Act 2001*, part 11.3 are annotated in the amendment history. Full details of any amendments can be obtained from the Parliamentary Counsel's Office.

Uncommenced amending laws and expiries are listed in the legislation history and the amendment history. These details are underlined. Uncommenced provisions and amendments are not included in the republished law but are set out in the last endnote.

If all the provisions of the law have been renumbered, a table of renumbered provisions gives details of previous and current numbering.

The endnotes also include a table of earlier republications.

### 2 Abbreviation key

A = Act	NI = Notifiable instrument
AF = Approved form	o = order
am = amended	om = omitted/repealed
amdt = amendment	ord = ordinance
AR = Assembly resolution	orig = original
ch = chapter	par = paragraph/subparagraph
CN = Commencement notice	pres = present
def = definition	prev = previous
DI = Disallowable instrument	(prev...) = previously
dict = dictionary	pt = part
disallowed = disallowed by the Legislative Assembly	r = rule/subrule
div = division	reloc = relocated
exp = expires/expired	renum = renumbered
Gaz = gazette	R[X] = Republication No
hdg = heading	RI = reissue
IA = Interpretation Act 1967	s = section/subsection
ins = inserted/added	sch = schedule
LA = Legislation Act 2001	sdiv = subdivision
LR = legislation register	SL = Subordinate law
LRA = Legislation (Republication) Act 1996	sub = substituted
mod = modified/modification	<u>underlining</u> = whole or part not commenced or to be expired

### 3 Legislation history

#### **Registrar-General Act 1993 No 63**

notified 6 September 1993 (Gaz 1993 No S172)

s 1, s 2 commenced 6 September 1993 (s 2 (1))

remainder commenced 1 October 1993 (s 2 (2) and Gaz 1993 No S207)

as amended by

#### **Statutory Offices (Miscellaneous Provisions) Act 1994 No 97 sch 1 pt 1**

notified 15 December 1994 (Gaz 1994 No S280)

s 1, s 2 commenced 15 December 1994 (s 2 (1))

sch 1 pt 1 commenced 15 December 1994 (s 2 (2) and Gaz 1994 No S293)

#### **Legislation (Consequential Amendments) Act 2001 No 44 pt 326**

notified 26 July 2001 (Gaz 2001 No 30)

s 1, s 2 commenced 26 July 2001 (IA s 10B)

pt 326 commenced 12 September 2001 (s 2 and see Gaz 2001 No S65)

#### **Statute Law Amendment Act 2007 A2007-3 sch 3 pt 3.85**

notified LR 22 March 2007

s 1, s 2 taken to have commenced 1 July 2006 (LA s 75 (2))

sch 3 pt 3.85 commenced 12 April 2007 (s 2 (1))

#### **Statute Law Amendment Act 2007 (No 2) A2007-16 sch 3 pt 3.33**

notified LR 20 June 2007

s 1, s 2 taken to have commenced 12 April 2007 (LA s 75 (2))

sch 3 pt 3.33 taken to have commenced 12 April 2007 (s 2 (2))

#### **Statute Law Amendment Act 2008 A2008-28 sch 3 pt 3.48**

notified LR 12 August 2008

s 1, s 2 commenced 12 August 2008 (LA s 75 (1))

sch 3 pt 3.48 commenced 26 August 2008 (s 2)

## Endnotes

4 Amendment history

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### **Administrative (One ACT Public Service Miscellaneous Amendments) Act 2011 A2011-22 sch 1 pt 1.131**

notified LR 30 June 2011

s 1, s 2 commenced 30 June 2011 (LA s 75 (1))

sch 1 pt 1.131 commenced 1 July 2011 (s 2 (1))

## 4 Amendment history

### **Name of Act**

s 1 sub A2007-3 amdt 3.443

### **Dictionary**

s 2 om 2001 No 44 amdt 1.3602

ins A2007-3 amdt 3.444

### **Notes**

s 3 sub A2007-3 amdt 3.444

def **registrar-general** sub 1994 No 97 sch 1 pt 1

om A2007-3 amdt 3.444

def **seal** om A2007-3 amdt 3.444

### **Registrar-General**

s 4 sub 1994 No 97 sch 1 pt 1; A2007-3 amdt 3.445

(3)-(5) exp 12 April 2008 (s 4 (5) (LA s 88 declaration applies))

am A2011-22 amdt 1.376

### **Deputy Registrars-General**

s 4A ins 1994 No 97 sch 1 pt 1

sub A2007-3 amdt 3.445

am A2007-16 amdt 3.139

(4)-(6) exp 12 April 2008 (s 4A (6) (LA s 88 declaration  
applies))

am A2011-22 amdt 1.376

### **Registrar-general a corporation sole**

s 5 am 2001 No 44 amdt 1.3603

(4)-(6) exp 12 September 2002 (s 5 (6))

am A2007-3 amdt 3.446

### **No enquiry required about deputy registrar-general's compliance with directions**

s 6 sub A2007-3 amdt 3.447

### **Acting appointments**

s 7 om 1994 No 97 sch 1 pt 1

### **Protection of registrar-general etc from liability**

s 8 am 1994 No 97 sch 1 pt 1; A2007-3 amdt 3.448, amdt 3.449

sub A2008-28 amdt 3.145

**Dictionary**

dict

ins A2007-3 amdt 3.450

am A2011-22 amdt 1.377

def **registrar-general** ins A2007-3 amdt 3.450def **seal** ins A2007-3 amdt 3.450**5 Earlier republications**

Some earlier republications were not numbered. The number in column 1 refers to the publication order.

Since 12 September 2001 every authorised republication has been published in electronic pdf format on the ACT legislation register. A selection of authorised republications have also been published in printed format. These republications are marked with an asterisk (\*) in column 1. Electronic and printed versions of an authorised republication are identical.

<b>Republication No</b>	<b>Amendments to</b>	<b>Republication date</b>
1	Act 1994 No 97	31 January 1998
2	Act 2001 No 44	13 February 2002
3	A2001-44	13 September 2002
4	A2007-3	12 April 2007
4 (RI)	A2007-3 ‡	20 June 2007
5	A2007-3	13 April 2008
6	A2008-28	26 August 2008

‡ includes retrospective amendments by A2007-16

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