



Australian Capital Territory

Registrar-General Act 1993

No 63

Republication No 2

Republication date: 13 February 2002

Last amendment made by Act 2001 No 44

Amendments incorporated to 12 September 2001

About this republication

The republished law

This is a republication of the *Registrar-General Act 1993* as in force on 13 February 2002. It includes any amendment, repeal or expiry affecting the republished law to 12 September 2001 and any amendment made under the *Legislation Act 2001*, part 11.3 (Editorial changes).

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):

- 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.

When preparing the authorised version of this republication amendments were made under part 11.3 (see endnote 1).

Uncommenced provisions and amendments

If a provision of the republished law has not commenced or is affected by an uncommenced amendment, the symbol **U** appears immediately before the provision heading. The text of the uncommenced provision or amendment appears only in the last endnote.

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 *Legislation Act 2001*, section 95.

Penalties

The value of a penalty unit for an offence against this republished law at the republication date is—

- (a) if the person charged is an individual—\$100; or
- (b) if the person charged is a corporation—\$500.

Amendments incorporated to
12 September 2001



Australian Capital Territory

Registrar-General Act 1993

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Amendments incorporated to
12 September 2001



Australian Capital Territory

Registrar-General Act 1993

An Act to establish an office of registrar-general

1 Short title

This Act may be cited as the *Registrar-General Act 1993*.

3 Definitions for Act

In this Act:

Note A definition applies except so far as the contrary intention appears (see *Legislation Act 2001*, s 155).

registrar-general means—

- (a) the public servant for the time being performing the functions of the Registrar-General of the Australian Capital Territory by virtue of section 4; or
- (b) the Registrar-General of the Australian Capital Territory in its corporate capacity by virtue of section 5.

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

4 Registrar-general

- (1) There shall be a Registrar-General of the Australian Capital Territory.
- (2) The chief executive shall create and maintain an office in the public service the duties of which include performing the functions of the registrar-general.
- (3) The registrar-general shall be the public servant for the time being performing the duties of the public service office referred to in subsection (2).

4A Deputy registrars-general

- (1) There may be 1 or more deputy registrars-general.
- (2) The chief executive shall create and maintain 1 or more offices in the public service the duties of which include performing the functions of a deputy registrar-general.

- (3) A deputy registrar-general shall be any public servant for the time being performing the duties of a public service office referred to in subsection (2).

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) shall 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*.

- (4) If a design of the official seal was published in the Gazette before the commencement of this subsection, the design is taken to have been approved by the Minister for this section.
- (5) Subsection (4) is a law to which the *Legislation Act 2001*, section 88 (Repeal does not end transitional or validating effect etc) applies.
- (6) Subsections (4), (5) and this subsection expire 1 year after this section commences.

6 Powers and functions

- (1) The registrar-general has such powers and functions as are conferred or imposed on the registrar-general by any law in force in the ACT.
- (2) Subject to the directions of the registrar-general, a deputy registrar-general has, and may exercise and perform, all the powers and functions of the registrar-general.

- (3) A power or function conferred or imposed on the registrar-general, when exercised or performed by a deputy registrar-general, shall, for all purposes, be taken to have been exercised or performed by the registrar-general.
- (4) A person dealing with a deputy registrar-general is not bound to enquire whether the deputy registrar-general, in exercising a power or performing a function in connection with 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 Liability of registrar-general and other officers

- (1) A person who performs, or who has performed, the functions of the registrar-general or of a deputy registrar-general is not personally liable to an action or other proceeding for or in relation to an act done or omitted to be done in good faith in performance or purported performance of such a function.
- (2) Where, by act or omission of the registrar-general, a person sustains a loss or injury that would have entitled that person to a remedy in respect of the loss or injury if the act or omission were an act or omission of a natural person—
 - (a) the person sustaining the loss or injury is entitled to the same remedy against the registrar-general in the corporate capacity of the registrar-general as the person would have been entitled to against a natural person; and
 - (b) the liability of the registrar-general shall be discharged by the Territory.

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.

Endnotes

1 About the endnotes

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 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 endnotes.

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.

If the republished law includes penalties, current information about penalty unit values appears on the republication inside front cover.

2 Abbreviation key

am = amended	ord = ordinance
amdt = amendment	orig = original
ch = chapter	p = page
cl = clause	par = paragraph
def = definition	pres = present
dict = dictionary	prev = previous
disallowed = disallowed by the Legislative Assembly	(prev...) = previously
div = division	prov = provision
exp = expires/expired	pt = part
Gaz = Gazette	r = rule/subrule
hdg = heading	reg = regulation/subregulation
ins = inserted/added	renum = renumbered
LA = Legislation Act 2001	reloc = relocated
LR = legislation register	R[X] = Republication No
LRA = Legislation (Republication) Act 1996	s = section/subsection
mod = modified / modification	sch = schedule
No = number	sdiv = subdivision
o = order	sub = substituted
om = omitted/repealed	SL = Subordinate Law
	<u>underlining</u> = whole or part not commenced

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 (ss 3-9) 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 Gaz 2001 No S65)

4 Amendment history

Commencement

s 2 om 2001 No 44 amdt 1.3602

Definitions for Act

s 3 def *registrar-general* sub 1994 No. 97 sch 1 pt 1

Registrar-general

s 4 sub 1994 No 97 sch 1 pt 1

Deputy registrars-general

s 4A ins 1994 No 97 sch 1 pt 1

Registrar-general a corporation sole

s 5 am 2001 No 44 amdt 1.3603
(4)-(6) exp 12 September 2002 (s 5 (6))

Acting appointments

s 7 om 1994 No 97 sch 1 pt 1

Liability of registrar-general and other officers

s 8 am 1994 No 97 sch 1 pt 1

Endnotes

5 Earlier republications

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. Except for the footer, electronic and printed versions of an authorised republication are identical.

Republication No	Amendments to	Republication date
1	Act 1994 No 97	31 January 1998

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