



AUSTRALIAN CAPITAL TERRITORY

Legislation (Republication) Act 1996

No. 51 of 1996

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AUSTRALIAN CAPITAL TERRITORY

Legislation (Republication) Act 1996

No. 51 of 1996

An Act relating to the republication of legislation and for related purposes

[Notified in ACT Gazette S247: 8 October 1996]

The Legislative Assembly for the Australian Capital Territory enacts as follows:

PART I—PRELIMINARY

Short title

1. This Act may be cited as the *Legislation (Republication) Act 1996*.

Commencement

2. This Act commences on the day on which it is notified in the *Gazette*.

Object of Act

3. The object of this Act is to facilitate the updating and availability of laws.

Application of Act

4. This Act applies in relation to a republication of a law, whether in printed or electronic form, that is—

- (a) published by or on behalf of the Government Publisher; and
- (b) authorised by the Parliamentary Counsel.

Interpretation

5. In this Act, unless the contrary intention appears—

“current legislative drafting practice” means the legislative drafting practices from time to time employed in the Parliamentary Counsel’s Office;

“editorial amendment”, in relation to a law, has the meaning given by section 15;

“Government Publisher” means the person holding the office in the Public Service the duties of which involve publishing laws, and includes any person publishing laws for or by the authority of the Executive;

“law” means an Act or a subordinate law;

“Parliamentary Counsel” means the person holding the office of Parliamentary Counsel in the Public Service;

“referential expression” means any of the expressions set out in the Schedule occurring in conjunction with a number or letter, or both, to designate a provision of a law;

“republication”, in relation to a law, means a republication of the law in printed or electronic form, and “republish” has a corresponding meaning.

PART II—AUTHORISATION TO REPUBLISH

Role of Government Publisher

6. (1) The Government Publisher may—

- (a) republish, or arrange for the republishing of, laws; and
- (b) arrange for the sale and distribution of republished laws.

(2) For the purposes of this Act, a law republished pursuant to an arrangement referred to in paragraph (1) (a) is to be taken to have been republished on behalf of the Government Publisher.

Annotation of publishing

7. An annotation to the effect that a republication of a law has been published by or on behalf of the Government Publisher is to be included in the republication.

Role of Parliamentary Counsel

8. A law is not to be republished pursuant to section 6 unless the Parliamentary Counsel has authorised the republication.

Annotation of authorisation

9. An annotation to the effect that a republication of a law has been authorised by the Parliamentary Counsel is to be included in the republication.

PART III—FORM AND CONTENT OF REPUBLICATIONS

Division 1—Substantive amendments

Incorporation of amendments

10. (1) If a law has been amended by—

- (a) the repeal or omission of text;
- (b) the substitution of text in place of any repealed or omitted text; or
- (c) the insertion or addition of text;

a republication of the law is to set out the law as so amended.

(2) For the purposes of subsection (1), a law is to be taken to have been amended only if the provision of the other Act or subordinate law, as the case may be, by which the amendment was made has commenced.

Annotation referring to amending laws

11. (1) Where a law is republished as amended, an annotation consisting of a reference to each other Act or subordinate law, as the case may be, by which an amendment was made is to be included in the republication.

(2) Subsection (1) does not apply in relation to—

- (a) an amendment that is to be deemed to have been made by the *Amendments Incorporation Act 1929* as in force at any time before the commencement of the *Acts Citation Act 1976*; or
- (b) an amendment made by section 7 of the *Acts Citation Act 1976*.

Provisions relocated or not republished

12. (1) Nothing in this Act requires—

- (a) a provision of a law to be located within a republication of the law where it was located when the provision was enacted or made; or
- (b) every provision of a law to be set out in a republication of the law.

(2) If a provision of a law—

- (a) is not located within a republication of the law where it was located when the provision was enacted or made; or

(b) is not set out in a republication of the law;
an annotation to that effect is to be included in the republication.

Division 2—Editorial amendments

Authorisation for Parliamentary Counsel

13. The Parliamentary Counsel is authorised, in preparing a law for republication, to make any textual amendments of a formal nature which he or she considers desirable in accordance with current legislative drafting practice and, without limiting the generality of the foregoing, to make editorial amendments.

Formal amendments only

14. An amendment of a law purporting to have been made under section 13 that would, but for this section, effect a substantive change in the law is of no effect.

Ambit

15. (1) For the purposes of this Act, an editorial amendment in relation to a law is an amendment that—

- (a) corrects a typographical error;
- (b) corrects a reference to—
 - (i) any law or a provision of any law; or
 - (ii) a body, office, person, place or thing;
- (c) goes only to a matter of spelling, punctuation, grammar or syntax;
- (d) alters the citation of the law;
- (e) renumbers or redesignates a provision of the law;
- (f) alters the sequence of definitions or provisions of the law;
- (g) replaces a reference to a provision of any law with a shorter form of reference to that provision;
- (h) replaces a reference to any law or a provision of any law for which another law or provision has been substituted with a reference to the substituted law or provision;
- (j) alters the manner of referring to a number, year, date, time, sum of money, quantity, measurement, or other matter, idea or concept;
- (k) replaces a reference to a body, office, person, place or thing the name of which has been altered with a reference by the new name;
- (m) replaces a word indicating gender or that could be taken to indicate gender in accordance with current legislative drafting practice;

- (n) replaces a reference to Her Majesty the Queen or to His Majesty the King with a reference to the Sovereign or the Crown;
- (o) omits—
 - (i) the enacting formula or the law-making formula (including any signatures);
 - (ii) a provision that consists only of a description of the manner in which the law is arranged into Parts, Divisions and smaller units;
 - (iii) any referential expression; or
 - (iv) a provision that has expired, the operation of which is exhausted or spent or that is otherwise obsolete or redundant; or
- (p) is consequential on any other editorial amendment.

(2) In subsection (1), a reference to any law is to be taken to include a reference to a law of the Commonwealth, a State, another Territory or another country.

Legal effect

16. (1) Subject to section 14, a law that is amended under section 13 has effect for all purposes, on and after the date of the republication of the law, as if the amendment had been made by another Act or subordinate law, as the case requires, with effect from that date.

(2) An amendment of a subordinate law made under section 13 does not prevent the further amendment or repeal of that subordinate law by a later subordinate law.

Annotation of editorial amendments

17. An annotation to the effect that a law has been amended under section 13 is to be included in the republication of the law.

Construing renumbered provisions

18. If a provision of a law has been renumbered under section 13, a reference in a provision of another law made before the renumbering took effect (whether or not that other provision has commenced), or in any instrument or document, to the first-mentioned provision shall (except as regards the operation of the provision before it was renumbered) be construed as a reference to the provision as so renumbered.

Division 3—Format

Authorisation for Parliamentary Counsel

19. The Parliamentary Counsel is authorised, in preparing a law for republication, to make alterations by way of format, layout or style or in any other presentational respect in accordance with current legislative drafting practice.

PART IV—MISCELLANEOUS

Judicial notice

20. All courts, tribunals and persons acting judicially shall take judicial notice of a republication of a law to which this Act applies.

Presumption regarding publishing

21. A republication of a law purporting to have been published by or on behalf of the Government Publisher is to be taken to have been so published unless the contrary is established.

Presumption regarding authorisation

22. A republication of a law purporting to have been authorised by the Parliamentary Counsel is to be taken to have been so authorised unless the contrary is established.

Presumption of accuracy

23. A republication of a law to which this Act applies shall, unless the contrary is established, be taken to set out correctly the text of the law as at the date of the republication.

Regulations

24. The Executive may make regulations for the purposes of this Act.

Repeal

25. The *Amendments Incorporation Act 1929* is repealed.

SCHEDULE

Section 5

REFERENTIAL EXPRESSIONS

For the purposes of the definition of “referential expression” in section 5, the expressions are—

- (a) “of this Act”, “of these Regulations” or “of these Rules”;
- (b) “to this Act”, “to these Regulations” or “to these Rules”;
- (c) “of this Schedule”;

- (d) “of this Part”;
- (e) “of this Division” or “of this Subdivision”;
- (f) “of this section”, “of this regulation” or “of this rule”;
- (g) “of this subsection”, “of this subregulation” or “of this subrule”;
- (h) “of this paragraph” or “of this subparagraph”;
- (i) “of this clause” or “of this subclause”;
- (j) “of this item”;
- (k) “before-mentioned” or “afore-mentioned”;
- (l) “hereof” or “hereto”;
- (m) “said” or “aforesaid”; or
- (n) any word or phrase to the same or similar effect as a word or phrase specified in any of the preceding paragraphs.

[Presentation speech made in Assembly on 16 May 1996]