



AUSTRALIAN CAPITAL TERRITORY

Law Reform (Miscellaneous Provisions) Act 1999

No. 66 of 1999

An Act to amend various Acts and repeal certain Acts for the purpose of law reform, and for other purposes

[Notified in ACT Gazette No 45: 10 November 1999]

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

1 Name of Act

This Act is the *Law Reform (Miscellaneous Provisions) Act 1999*.

2 Commencement

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

3 Purpose

The purpose of this Act is to improve the quality of the statute book of the Territory by amending and repealing Acts for the purpose of statute law reform.

4 Certain NSW Acts repealed—Schedule 1

(1) The purpose of this section is to remove any doubt about the continued application in the Territory of the New South Wales Acts mentioned in Schedule 1 because of their possible revival on the disallowance by the Senate of the *New South Wales Acts Application Ordinance 1985*.

(2) If a New South Wales Act mentioned in Schedule 1 was in force in the Territory immediately before the commencement of this Act, the Act is repealed.

5 Other Acts repealed—Schedule 2

(1) The Acts mentioned in Schedule 2 are repealed.

(2) The *Crimes Legislation (Status and Citation) Act 1992* is declared to be an Act to which section 42 of the *Interpretation Act 1967* applies.

6 Acts amended—Schedule 3

This Act amends the Acts mentioned in Schedule 3.

7 Regulations amended—Schedule 4

This Act amends the regulations mentioned in Schedule 4.

SCHEDULE 1

(See s 4)

NSW ACTS TAKEN TO HAVE BEEN REPEALED

Year and number	Title or citation
1830 10 Geo. IV No 9	An Act declaring that a certain Act of Parliament passed in the tenth year of the reign of His Majesty King George the Fourth intituled " <i>An Act for the relief of His Majesty's Roman Catholic Subjects</i> " extends to and is in force in the Colony of New South Wales
1832 2 Wm. IV No 6	An Act for authorizing all Fines Penalties and Forfeitures to be levied and paid in Sterling Money of the Realm
2 Wm. IV No 12	An Act for repealing so much of an Act intituled " <i>An Act to continue until further provision shall be made certain Duties Tolls Rates Fees and other Sums of Money imposed by the Governors of New South Wales and for other purposes</i> " as relates to the levying Tolls in New South Wales and for raising a Fund towards making repairing and upholding Public Roads Bridges and Ferries and for regulating the collection of Tolls thereon
1833 4 Wm. IV No 11	An Act for making altering and improving the Roads throughout the Colony of New South Wales and for opening and improving the Streets in the Towns thereof
1834 5 Wm. IV No 8	An Act for adopting and applying certain Acts of Parliament passed in the Eleventh Year of the Reign of His late Majesty and First Year of the Reign of His present Majesty and in the First and Second Years of the Reign of His present Majesty respectively in the Administration of Justice in New South Wales in like manner as other Laws of England are applied therein

SCHEDULE 1—continued

Year and number	Title or citation
1836 7 Wm. IV No 8	An Act for adopting certain Acts of Parliament passed in the Third and Fourth Years of the Reign of His present Majesty King William the Fourth in the Administration of Justice in New South Wales in like manner as other Laws of England are applied therein
1838 2 Vic. No 7	An Act to regulate the temporal affairs of the Religious Societies denominated Wesleyan Methodists Independents and Baptists
2 Vic. No 10	An Act for adopting certain Acts of Parliament passed in the First Year of the Reign of Her Majesty Queen Victoria in the Administration of Justice in New South Wales in like manner as other Laws of England are applied therein
1839 3 Vic. No 1	An Act to remove doubts concerning the Validity of certain Grants of Land in New South Wales
3 Vic. No 20	An Act to enable the Churchwardens of the Parish Church of Saint James in the Town of Sydney to build a new Side-wall thereto at a less distance from the southern boundary-line of King-street than is allowed by Law
1840 4 Vic. No 3	An Act to enable the Members of a certain Society in the Colony of New South Wales denominated “The Hawkesbury Benevolent Society” to sue and be sued in the name of their Treasurer for the time being and for other purposes therein contained
4 Vic. No 21	An Act to enable the Trustees of the intended New Roman Catholic Church of St. Patrick in the Town of Sydney to build at a less distance from the outer edge of the Footway of Charlotte-place than is allowed by law

SCHEDULE 1—continued

Year and number	Title or citation
1841	
5 Vic. No 13	An Act for vesting in certain Trustees the Estate in fee simple of a certain piece of Land in Macquarie-street Sydney upon the Trusts set forth in the Model Deed of the Society denominated Wesleyan Methodists
5 Vic. No 14	An Act for rendering a Notarial Copy of an Exemplification of the Charter of “The Bank of Australasia” Evidence in all Courts of Law Equity Admiralty and Vice Admiralty and in all Courts of Inferior Jurisdiction in the Colony of New South Wales
1843	
6 Vic. No 18	An Act to remove doubts in respect to the exercise of certain powers by the Councils of the City of Sydney and Town of Melbourne and to declare the competency of Witnesses and the jurisdiction of Magistrates in certain cases within the same
7 Vic. No 13	An Act for regulating the Appointment and Duties of Sheriff in New South Wales
1844	
8 Vic. No 17	An Act to regulate the Rate of Interest on Money
1847	
11 Vic. No 19	An Act for facilitating the winding up of Joint Stock Companies unable to meet their pecuniary engagements
11 Vic. No 25	An Act further to amend the Laws relating to the Savings’ Banks of New South Wales and Port Phillip respectively and to empower the Trustees of the Savings’ Bank of New South Wales to erect premises wherein to carry on the business of that Institution
1848	
11 Vic. No 49	An Act to provide for the improvement of certain Roads in the neighbourhood of the City of Sydney

SCHEDULE 1—continued

Year and number	Title or citation
12 Vic. No 1 1849	An Act to simplify and alter the Law in some respects
13 Vic. No 16	An Act to amend the Law of Evidence and to facilitate the admission as Evidence of certain Official and other Documents and to give Protection to Persons employed in the Printing and Publication of Papers by the order or authority of the Legislative Council or a Committee thereof
13 Vic. No 18	An Act to abolish Deodands
13 Vic. No 45 1850	An Act to abolish the office of Registrar General and to make further provision for the Registration of Deeds and other Instruments
14 Vic. No 5 1850	An Act to authorize the leasing of Tolls and Dues demandable at Turnpike Gates and Ferries and on Parish Roads for extended terms
14 Vic. No 7 1851	An Act for the better apprehension of Offenders who shall have escaped to parts within the Territory of New South Wales from any other of the Australian Colonies
15 Vic. No 6	An Act to authorize the enclosure of the Public Road running through Hyde Park in the City of Sydney known as a continuation of Macquarie-street and for other purposes relating thereto
15 Vic. No 7	An Act to prevent the denudation of the Sand Hills in the neighbourhood of Sydney
15 Vic. No 16	An Act to repeal so much of the Local Ordinances second William the Fourth number twelve sixth Victoria number fifteen seventh Victoria number nineteen eighth Victoria number four and eleventh Victoria number twenty as assumes to vest the appropriation of the Ordinary Revenue elsewhere than in the Legislative Council

SCHEDULE 1—continued

Year and number	Title or citation
1852	
16 Vic. No 14	An Act to amend the Law of Evidence
16 Vic. No 30	An Act to authorize the enclosure of the Sand Hills near the City of Sydney and in the City of Newcastle and to protect the same from Trespass
1853	
17 Vic. No 16	The Maitland Road Trust Act 1853
17 Vic. No 17	An Act for the appropriation of Unclaimed Balances in Intestate and Insolvent Estates and for other purposes therein mentioned
17 Vic. No 19	An Act for fixing the Landing Places for Baggage
1854	
18 Vic. No 2	An Act to enable the Trustees of “Christ Church” Sydney to surrender to the Crown for public purposes a portion of the land granted for a Parsonage in connection with the said Church and to accept other land in exchange for the same
18 Vic. No 15	An Act to amend the Law with reference to the Collection of Toll or Ferry Dues on Parish Roads
18 Vic. No 22	The Maitland Road Trust Amendment Act of 1854
18 Vic. No 27	An Act for protecting inclosed Lands from Intrusion and Trespass
1855	
19 Vic. No 3	An Act to regulate the Currency in New South Wales
1857	
20 Vic. No 10	An Act to repeal so much of the Constitution Act as requires the concurrence of unusual majorities of Members in the Legislative Council and Legislative Assembly respectively in the passing of Bills to alter the Constitution conferred by the said Act or the number and apportionment of Representatives in the said Legislative Assembly

SCHEDULE 1—continued

Year and number	Title or citation
20 Vic. No 11	An Act to provide for the Deposit in the Colonial Treasury of Moneys in charge of Officers of the Supreme Court
1857	
20 Vic. No 27	An Act for transferring to the Registrar General the duties of the Chief Clerk of the Supreme Court as Registrar of Deeds and other Instruments
20 Vic. No 35	An Act to provide for the disposal of the Parramatta Domain
20 Vic. No 38	Tolls Amendment Act 1857
20 Vic. No 41	An Act to establish and regulate Electric Telegraphs
1858	
21 Vic. No 8	The Main Roads Management Act
22 Vic. No 1	The Titles to Land Act of 1858
1860	
23 Vic. No 8	An Act to protect from pollution the Fresh Water collected for the supply of the Inhabitants of the Town and Suburbs of Parramatta
1861	
24 Vic. No 12	Tolls Amendment Act 1861
25 Vic. No 7	Public Bridges Tolls Act of 1861
25 Vic. No 8	An Act to amend the Laws relating to Insolvency
1862	
25 Vic. No 20	New South Wales and Queensland Customs Act of 1862
26 Vic. No 1	An Act to make provision for encouraging the growth of Cotton in New South Wales
26 Vic. No 8	The Queensland Debt Act of 1862
26 Vic. No 18	Bonded Distilleries and Sugar Houses Act of 1862

SCHEDULE 1—continued

Year and number	Title or citation
1863	
27 Vic. No 3	An Act to amend the “Scab Act of 1861”
1866	
30 Vic. No 3	Sydney Burial Grounds Act 1866
1867	
31 Vic. No 2	Camperdown and Randwick Cemeteries Act of 1867
31 Vic. No 4	Postage Act 1867
31 Vic. No 5	Volunteer Force Regulation Act of 1867
1867	
31 Vic. No 7	Federal Council Act of 1867
1869	
32 Vic. No 4	An Act to authorize the appropriation of the Old Burial Ground or Cathedral Close in Sydney to certain municipal and other public purposes
1870	
34 Vic. No 6	An Act to amend an Act intituled “ <i>An Act to authorize the appropriation of the Old Burial Ground or Cathedral Close in Sydney to certain Municipal and other Public Purposes</i> ”
1871	
34 Vic. No 19	Military and Naval Forces Regulation Act
35 Vic. No 2	Main Roads Management Act Amendment Act of 1871
1873	
36 Vic. No 13	An Act to authorize the sale of the Site of the Mudgee Hospital and to provide for the acquisition of a new Site for the said Hospital and for the erection of suitable buildings thereon
36 Vic. No 18	Angora Goats Protection Act of 1873

SCHEDULE 1—continued

Year and number	Title or citation
36 Vic. No 21	Funded Stock Act of 1873
36 Vic. No 29	Superannuation Act Repeal Act of 1873
37 Vic. No 1	An Act to abolish the imposition of Postage Rates on Newspapers
1875	
39 Vic. No 3	East Maitland Public Reserve Act
1876	
39 Vic. No 37	The Border Duties Convention Act of 1876
1878	
41 Vic. No 14	An Act to provide for the alteration of a certain street known as Gloucester-street in the City of Sydney
41 Vic. No 15	An Act to repeal so much of the “Volunteer Force Regulation Act of 1867” as relates to Free Grants of Crown Lands to Volunteers
41 Vic. No 23	An Act to regulate the export of Arms and Warlike Stores
1879	
42 Vic. No 19	The Customs Regulation Act 1879
42 Vic. No 20	Copyright Act 1879
42 Vic. No 25	City of Sydney Improvement Act
43 Vic. No 1	An Act to apply a certain Sum out of the Consolidated Revenue Fund of New South Wales towards the Services of the Year 1879
43 Vic. No 7	An Act to enable the Municipal Council of the City of Sydney to borrow a sum not exceeding Seventy-five Thousand Pounds by the issue of Guaranteed Debentures
43 Vic. No 11	Public Works Loan Act of 1879
1880	
43 Vic. No 32	Metropolitan Water and Sewerage Act of 1880

SCHEDULE 1—continued

Year and number	Title or citation
44 Vic. No 5	Town Hall Municipal Loan Act 1880
44 Vic. No 10	Municipal Cattle Sale Yards Site Acquisition Act
44 Vic. No 12	Public Works Loan Act of 1880
1881	
44 Vic. No 28	Public Works Loan Act of 1881
45 Vic. No 12	Trade Union Act 1881
45 Vic. No 18	Cattle Sale-yards Additional Loan Act 1881
1881	
45 Vic. No 22	Public Works Loan Act of 1881 No 2
1882	
46 Vic. No 6	Employers' Liability Act 1882
1883	
46 Vic. No 17	Criminal Law Amendment Act of 1883
46 Vic. No 23	Public Works Loan Act of 1883
1884	
48 Vic. No 1	Sydney Streets Municipal Loan Act 1884
48 Vic. No 24	Civil Service Act 1884
48 Vic. No 26	Public Works Loan Act of 1884
1886	
50 Vic. No 13	Sydney Town Hall and Streets Municipal Loan Act 1886
50 Vic. No 21	Crown Lands Titles and Reservations Validation Act of 1886
50 Vic. No 22	Newcastle Sand-drift Reclamation Act
50 Vic. No 28	Public Works Loan Act of 1886

SCHEDULE 1—continued

Year and number	Title or citation
1887	
50 Vic. No 34	Conditional Purchases and Leases Validation Act of 1887
50 Vic. No 38	Beer Duty Act of 1887
50 Vic. No 39	Crown Lands [Auction Sales Balances] Act of 1887
51 Vic. No 2	Bills of Exchange Act, 1887
51 Vic. No 6	Colonial Spirits Duty Act of 1887
51 Vic. No 7	Tobacco Increase Duty Act of 1887
1887	
51 Vic. No 9	Centenary Celebration Act
51 Vic. No 11	Crown Lands Act Amendment Act of 1887
51 Vic. No 18	Country Towns Water and Sewerage Act Extension Act of 1887
51 Vic. No 21	Royalty on Oysters Abolition Act of 1887
51 Vic. No 22	The Australasian Naval Force Act 1887
1888	
51 Vic. No 28	Metropolitan Water and Sewerage Act Amendment Act of 1888
51 Vic. No 29	Conversion into Mining Conditional Purchases Validation Act of 1888
52 Vic. No 4	Chinese Restriction and Regulation Act of 1888
52 Vic. No 7	Crown Lands Act Further Amendment Act
52 Vic. No 17	Public Works Loan Act of 1888
1889	
52 Vic. No 19	Newcastle Harbour Improvements Act of 1889
52 Vic. No 20	Circular Quay Improvements Act of 1889
52 Vic. No 22	North Shore Drainage Works Act of 1889
53 Vic. No 3	Mount Kiera Tramway Acquisition Act
53 Vic. No 7	Manly Drainage Works Act of 1889

SCHEDULE 1—continued

Year and number	Title or citation
53 Vic. No 9	Treasury Bills Deficiency Act of 1889
53 Vic. No 13	General Post Office (Approaches Improvement) Act 1889
53 Vic. No 14	An Act to declare valid an amended alignment of Essex-street in the City of Sydney
53 Vic. No 15	Western Suburbs of Sydney Drainage Act of 1889
53 Vic. No 16	Metropolitan Water and Sewerage Act Amendment Act of 1889
53 Vic. No 21	Crown Lands Act of 1889
1889	
53 Vic. No 23	Loan Act of 1889
53 Vic. No 24	Railway Loan Redemption Act of 1889
1890	
54 Vic. No 7	Wentworth Irrigation Act
54 Vic. No 9	Entrance to Richmond River Improvements Act of 1890
54 Vic. No 11	Crown Rents Act of 1890
54 Vic. No 13	Entrance to Clarence River Improvements Act of 1890
54 Vic. No 16	Mount Kiera Tramway Acquisition Act Amendment Act, 1890
54 Vic. No 17	Western Suburbs (City of Sydney) Sewerage Scheme Reticulation and Completion Act of 1890
54 Vic. No 24	Circular Quay Land Act, 1890
54 Vic. No 30	Moore-street Improvement Act of 1890
54 Vic. No 33	Loan Act of 1890
1891	
55 Vic. No 1	Crown Lands Act Amendment Act of 1891
55 Vic. No 7	Treasury Bills Act of 1891
1892	
55 Vic. No 9	Joint Stock Companies Arrangement Act, 1891

SCHEDULE 1—continued

Year and number	Title or citation
55 Vic. No 11	General Post Office (Approaches Improvement) Act Amendment Act, 1892
55 Vic. No 13	Moore-street Improvement Act Amendment Act of 1892
55 Vic. No 26	Judicial Offices Act of 1892
55 Vic. No 27	Hunter District Water Supply and Sewerage Act of 1892
55 Vic. No 35	Loan Act of 1892
1892	
56 Vic. No 1	Funded Stock Act of 1892
1893	
56 Vic. No 10	Trades Hall and Literary Institute Act of 1893
56 Vic. No 17	Current Account Depositors' Act of 1893
56 Vic. No 24	Loan Act of 1893
56 Vic. No 31	Postage Acts Amendment Act, 1893
1893	
56 Vic. No 33	An Act to revest certain land in the Australian Agricultural Company
56 Vic. No 35	An Act to vest certain land at Newcastle in trustees on trust for the erection of a hall for the use of Friendly Societies and also to vest certain other land at Newcastle in trustees on trust for the erection of a Trades Hall
57 Vic. No 1	City of Sydney Municipal Loan Act of 1893
1894	
57 Vic. No 12	Metropolitan Water and Sewerage Act Extension Act of 1894
57 Vic. No 14	An Act to amend the Junee Water Supply Works Act of 1893
57 Vic. No 16	Lithgow Water Supply Works Act of 1894
57 Vic. No 17	Loan Act of 1894
57 Vic. No 19	Country Towns and Hunter District Water Supply and Sewerage Acts Amendment Act of 1894

SCHEDULE 1—continued

Year and number	Title or citation
57 Vic. No 27	An Act to declare the meaning of the words “the publication of the Report of the said Board” as used in the forty-third section of the Crown Lands Act of 1889
57 Vic. No 28	Tamworth Water Supply Works Act, 1894
57 Vic. No 29	Armidale Water Supply Works Act, 1894
1894	
57 Vic. No 33	Johnstone’s Bay Storm-water Sewers Act, 1894
58 Vic. No 7	Kenmore Hospital for the Insane Act, 1894
58 Vic. No 12	Centennial Park Reservoir Construction Act, 1894
58 Vic. No 14	Loan Act of 1894 (No 2)
1895	
58 Vic. No 15	Armidale Water Supply Works Act Amendment Act, 1895
58 Vic. No 16	Reserves Declaratory Act, 1895
58 Vic. No 18	Crown Lands Act of 1895
59 Vic. No 2	Cottage Creek Sewerage Works Act, 1895
59 Vic. No 4	Parkes to Condobolin Railway Act, 1895
59 Vic. No 5	Repayment of Loans Act of 1895
59 Vic. No 6	Loan Act of 1895
59 Vic. No 8	Newcastle Harbour Improvements Act, 1895
59 Vic. No 9	Hunter District Water Supply (Partial Duplication) Act, 1895
59 Vic. No 15	Land and Income Tax Assessment Act of 1895
59 Vic. No 16	Land Tax Act of 1895
59 Vic. No 17	Income Tax Act of 1895
59 Vic. No 18	Customs Duties Act of 1895
59 Vic. No 20	Municipal Loans Validation Act, 1895
59 Vic. No 21	Locksley Deviation Act, 1895
59 Vic. No 22	Treasury Bills Deficiency Act of 1895

SCHEDULE 1—continued

Year and number	Title or citation
59 Vic. No 24	Australasian Federation Enabling Act, 1895
1896	
59 Vic. No 26	Crown Lands (Homestead Selections and Settlement Leases) Act, 1896
60 Vic. No 2	Conditional Purchasers' Relief Act
60 Vic. No 3	An Act to make provision for the widow and children of the late Sir Henry Parkes by grants out of the Consolidated Revenue Fund
60 Vic. No 5	Church of England Property Act of 1889 Further Amendment Act of 1896
60 Vic. No 8	Nevertire to Warren Railway Act, 1896
60 Vic. No 10	George-street and Harris-street Electric Tramway Act, 1896
60 Vic. No 11	Additions to Treasury Building Act, 1896
60 Vic. No 13	Newcastle Friendly Societies and Trades Hall Act Amendment Act, 1896
60 Vic. No 23	Municipal Council of Sydney Electric Lighting Act
60 Vic. No 26	Berrigan to Finley Railway Act, 1896
60 Vic. No 28	Tamworth Water Supply Works Act, 1896
60 Vic. No 31	Tamworth to Manilla Railway Act, 1896
60 Vic. No 32	Loan Act of 1896
60 Vic. No 34	City of Sydney Municipal Loan Act of 1896
60 Vic. No 35	Land and Income Tax (Amendment) Act, 1896
60 Vic. No 37	Factories and Shops Act of 1896
1897	
No 1	An Act to apply certain sums out of the Consolidated Revenue Fund of New South Wales towards the Services of the Year 1897-8; a Service of the current year; and for Services to be hereafter provided for by Loan
No 2	Cook's River Improvements Act, 1897

SCHEDULE 1—continued

Year and number	Title or citation
1897	
No 3	Public Instruction (Newcastle Technical College) Act, 1897
No 8	Public Trusts Act, 1897
No 9	Field of Mars Resumption Repeal Act, 1897
No 12	Moree to Inverell Railway Act, 1897
No 13	An Act to apply certain sums out of the Consolidated Revenue Fund of New South Wales towards the Services of the Year 1897-8; and for a Service to be hereafter provided for by Loan
No 14	Hunter District Water and Sewerage Act Amendment Act, 1897
No 15	Australasian Federation (Representatives' Allowance) Act, 1897
No 18	Municipal Loans Further Validation Act of 1897
No 19	Pyrmont Bridge Act, 1897
No 20	Church and School Lands Act, 1897
No 21	Land and Income Tax (Amendment) Act, 1897
No 25	Quarantine Act, 1897
No 27	Distillation Act, 1897
No 30	Claims against the Government and Crown Suits Act, 1897
No 32	Abattoir Road Act Amendment Act, 1897
No 33	Cambelltown Reservoir Acts Repeal Act of 1897
No 34	Australasian Federation Enabling Act Amendment Act of 1897
No 35	International Patents and Trade-marks Arrangements Act, 1897
No 36	Sydney Water Supply Conduit Additional Works Act, 1897
No 37	Joint Stock Companies Arrangement (Continuation) Act, 1897
No 39	North Sydney Loan Enabling Act of 1897
No 40	Primitive Methodist Church Property Act of 1897
No 41	Artesian Wells Act, 1897

SCHEDULE 1—continued

Year and number	Title or citation
1897	
No 42	Appropriation Act of 1897-8
No 43	Loan Act of 1897
No 44	Stockton Graving-dock (Leasing) Act, 1897
No 45	Glebe Island Bridge Act, 1897
No 46	Consolidated Revenue Fund (Municipal Grant) Act of 1897
No 47	Real Property (Crown Lands) Act, 1897
1898 No 1	An Act to apply certain sums out of the Consolidated Revenue Fund of New South Wales towards the Services of the Year 1898-9; Services of the current year; and for Services to be hereafter provided for by Loan
No 3	Immigration Restriction Act, 1898
No 9	Banks and Bank Holiday Act, 1898
No 15	Commons Regulation Act, 1898
No 16	Public Hospitals Act, 1898
No 21	Naturalization and Denization Act of New South Wales, 1898
No 25	Bankruptcy Act, 1898
No 26	Medical Practitioners' Act, 1898
No 28	Statute Law Revision Act, 1898
No 29	An Act to apply certain sums out of the Consolidated Revenue Fund of New South Wales towards the Services of the Year 1898-9
No 31	Broken Hill Trades Hall Site Act of 1898
No 32	Customs Duties Act, 1898
No 33	Metropolitan Water (Camden) Act, 1898
No 34	Port Kembla Harbour Act, 1898
1898	
No 35	Appropriation Act of 1898-9

SCHEDULE 1—continued

Year and number	Title or citation
No 36	Loan Act of 1898
No 37	Land and Income Tax (Declaratory) Act, 1898
No 38	Crown Lands Act, 1898
No 39	Strathfield Railway Crossing Act, 1898
No 40	The Rock to Green's Gonyah Railway Act, 1898
No 41	Koorawatha to Grenfell Railway Act, 1898
No 42	Byrock to Brewarrina Railway Act, 1898
No 45	Lunacy Act of 1898
No 46	Seaman's Act, 1898
No 47	Foreign Seaman Act, 1898
1899 No 2	Australasian Federation Enabling Act, 1899
No 4	An Act to apply certain sums out of the Consolidated Revenue Fund of New South Wales towards the Services of the Year 1899-1900; and for Services to be hereafter provided for by Loan
No 5	An Act to apply certain sums out of the Consolidated Revenue Fund of New South Wales towards the Services of the Year 1899-1900
No 6	Macleay River Harbour Works Act, 1899
No 7	Manning River Harbour Works Act, 1899
No 8	Hastings River Harbour Works Act, 1899
No 9	Nambucca River Harbour Works Act, 1899
No 10	An Act to apply certain sums out of the Consolidated Revenue Fund of New South Wales towards the Services of the Year 1899-1900; and for Services to be hereafter provided for by Loan
1899	
No 12	Military Contingent Act, 1899
No 19	Patents Act, 1899

SCHEDULE 1—continued

Year and number	Title or citation
No 20	Police Regulation Act, 1899
No 21	Common Law Procedure Act, 1899
No 24	Stage-carriages Act, 1899
No 26	Felons Apprehension Act, 1899
No 27	Prisons Act 1899
No 29	An Act to apply certain sums out of the Consolidated Revenue Fund of New South Wales towards the Services of the Year 1899-1900
No 31	Friendly Societies Act, 1899
No 33	Bellinger River Harbour Works Act, 1899
No 34	Tweed River Harbour Works Act, 1899
No 35	Dubbo to Coonamble Railway Act of 1899
No 36	Land Tax (Collection) Act, 1899
No 37	Goulburn to Crookwell Railway Act, 1899
No 41	Campbelltown Municipal Enabling Act, 1899
No 42	Loan Act of 1899
No 43	Appropriation Act of 1899-1900
No 46	Treasury Bills Act of 1899
No 48	Treasury Indemnity Act, 1899
No 49	Wellington Presbyterian Church Lands Act, 1899
No 51	Crown Lands (Amendment) Act, 1899
No 54	Library and Art Gallery Act, 1899
1900	
No 1	An Act to apply certain sums out of the Consolidated Revenue Fund of New South Wales towards the Services of the Year 1899-1900
No 2	Indecent Publications Act, 1900

SCHEDULE 1—continued

Year and number	Title or citation
No 3	An Act to apply certain sums out of the Consolidated Revenue Fund of New South Wales towards the Services of the Year 1900-1901; and for Services to be hereafter provided for by Loan
No 5	Interest on Judgments Amendment Act, 1900
No 7	Port Kembla Harbour Act (Amendment) Act, 1900
No 8	Metropolitan Traffic Act, 1900
No 9	An Act to apply certain sums out of the Consolidated Revenue Fund of New South Wales towards the Services of the Year 1900-1901
No 10	Darling Harbour Wharves Resumption Act, 1900
No 14	Casino to Lismore Railway Act, 1900
No 15	Public Hospitals (Voting) Act, 1900
No 16	Sheriff Act, 1900
No 17	Public Watering-places Act, 1900
No 18	Newcastle Pasturage Reserve Act, 1900
No 19	Trade Marks Act, 1900
No 22	University and University Colleges Act, 1900
No 23	Noxious Microbes Act, 1900
No 26	Public Works Act, 1900
No 28	Land Tax (Assessment Books) Act, 1900
No 29	Lindfield-Saint Leonards Railway Crossings Act, 1900
No 31	An Act to apply certain sums out of the Consolidated Revenue Fund of New South Wales towards the Services of the Year 1900-1901
No 33	Medical Practitioners Amendment Act, 1900
No 35	Supreme Court and Circuit Courts Act, 1900
No 36	Wollongong Water Supply Works Act, 1900
No 42	Miners' Accident Relief Act, 1900
No 43	Gundagai to Tumut Railway Act, 1900

SCHEDULE 1—continued

Year and number	Title or citation
No 45	Dentists Act
1900	
No 46	Land Tax (Contribution) Act, 1900
No 48	Pacific Cable Enabling Act, 1900
No 49	Supreme Court Procedure Act, 1900
No 50	Commonwealth Arrangements Act, 1900
No 51	Customs (Sugar Drawbacks) Act, 1900
No 53	Stamp Duties Amendment Act, 1900
No 56	Coal-lumpers Baskets Act of 1900
No 57	Public Service (Taxation Officers) Act, 1900
No 58	Boundary-street Act, 1900
No 59	Appropriation Act of 1900-1901
No 60	Loan Act of 1900
No 62	Church and School Lands (Amendment) Act, 1900
No 63	Electric Tramway (Belmore Park to Fort Macquarie) Act, 1900
No 64	Narrabri Walgett and Collarendabri Railway Act, 1900
No 65	Census Act, 1901
No 66	Excise Reduction Act, 1900
1900	
No 67	Paddington Streets Extension Act, 1900
No 68	Treasury Bills Deficiency Act, 1900
No 70	Medical Practitioners Acts Further Amendment Act, 1900
No 73	Federal Elections Act, 1900
No 74	Old-age Pensions Act, 1900
No 75	Liverpool Municipal Loan Act, 1900
No 77	Friendly Societies (Amendment) Act, 1900

SCHEDULE 1—continued

Year and number	Title or citation
No 78	Governor-General's Establishment Contribution Act, 1900
No 82	Grafton to Casino Railway Act, 1900
No 83	City Railway Extension (Devonshire-street) Act, 1900
No 85	Culcairn to Germanton Railway Act, 1900
1901 No 1	Sydney Harbour Trust Act, 1900
No 2	An Act to apply certain sums out of the Consolidated Revenue Fund of New South Wales towards the Services of the Year 1901-1902; and for Services to be hereafter provided for by Loan
No 3	An Act to apply certain sums out of the Consolidated Revenue Fund of New South Wales towards the Services of the Year 1901-1902
No 6	Government Railways Act, 1901
No 7	Interpleader Act, 1901
No 10	Party Processions Prevention Act, 1901
No 16	Fines and Penalties Act, 1901
No 18	Net-fishing (Port Hacking) Act, 1901
No 19	Inheritance Act of 1901
No 20	Devonshire-street Cemetery Act, 1901
1901	
No 21	City of Sydney Municipal Loan Act, 1901
No 24	Equity Act, 1901
No 25	Careless Use of Fire Act, 1901
No 26	Birds Protection Act, 1901
No 29	Public Institutions Inspection Act, 1901
No 31	Drainage Promotion Act, 1901
No 32	Prickly-pear Destruction Act, 1901

SCHEDULE 1—continued

Year and number	Title or citation
No 39	General Post Office (Approaches Improvement) Act Further Amendment Act, 1901
No 40	Governor's Salary Act, 1901
No 42	Negotiable Instruments Procedure Act, 1901
No 43	Parliamentary Evidence Act, 1901
No 44	Prohibition and Mandamus Act, 1901
No 47	Municipal District of Inverell Reduced Area Act, 1901
No 48	Inter-state Debts Recovery Act, 1901
No 49	Truck Act Amendment Act of 1901
No 50	Temora to Wyalong Railway Act, 1901
No 51	Sydney Female School of Industry (Sale) Act, 1901
No 52	Maitland Hospital Enabling Act, 1901
No 53	An Act to apply certain sums out of the Consolidated Revenue Fund of New South Wales towards the Services of the Year 1901-1902
No 55	Casino Municipal Boundaries Act, 1901
No 56	Sydney Industrial Blind Institution Incorporation Act, 1901
No 57	Demise of the Crown Act, 1901
No 58	Public Works Committee Election Act, 1901
1901	
No 59	Industrial Arbitration Act, 1901
No 60	Navigation Act, 1901
No 62	Loan Act of 1901
No 63	Appropriation Act of 1901-1902
No 64	Prevention of Cruelty to Animals Act 1901
No 65	Sydney Coal Delivery Act 1901
No 68	Real Property and Conveyancing (Amendment) Act, 1901
No 69	Blockholders Act

SCHEDULE 1—continued

Year and number	Title or citation
No 70	Western Lands Act of 1901
No 71	Miners' Accident Relief (Amendment) Act, 1901
No 72	Manilla to Barraba Railway Act, 1901
No 73	Friendly Societies (Further Amendment) Act, 1901
No 75	Mines Inspection Act, 1901
1902 No 2	Prince Alfred Hospital Additions Act, 1901
No 3	Vice-Admiralty Vexatious Arrests Act, 1901
No 4	Government Railways (Commissioner's Salary) Act, 1901
No 5	Manly Water Supply and Sewerage Transfer Act, 1901
No 8	Treasury Bills Deficiency (Amendment) Act, 1901
No 9	Pymont Bridge Extension Act, 1901
No 12	Little Bay Penitentiary and Prison Act, 1901
No 13	University of Sydney (Fisher Library) Act, 1901
No 14	Municipalities (Incorporation Validating) Act, 1901
No 16	Wharfage and Tonnage Rates Act, 1901
No 19	Native Dogs Destruction and Poisoned Baits Act, 1901
1902	
No 20	Necropolis Act 1901
No 21	Borough of Drummoyne Loan Enabling Act, 1902
No 25	An Act to apply certain sums out of the Consolidated Revenue Fund of New South Wales towards the Services of the Year 1902-1903; and for Services to be hereafter provided for by Loan
No 26	Audit Act, 1902
No 28	Drainage Promotion Act Amendment Act, 1902
No 30	Public Health Act, 1902
No 31	Public Service Act, 1902

SCHEDULE 1—continued

Year and number	Title or citation
No 32	Constitution Act, 1902
No 33	Parliamentary Electorates and Elections Act, 1902
No 34	General Legal Procedure Act, 1902
No 35	Sydney Corporation Act, 1902
No 37	Sydney Abattoir and Nuisances Prevention Act, 1902
No 39	Width of Streets and Lanes Act, 1902
No 40	Public Parks Act, 1902
No 41	Sydney Mint Act, 1902
No 42	Standard Time Act, 1902
No 44	Labour Settlements Act, 1902
No 45	Agricultural Society Act, 1902
No 50	Butchers' Shops Sunday Closing Act, 1902
No 51	Water Rights Act, 1902
No 52	Prince Alfred Hospital Act, 1902
No 53	Savings Bank of New South Wales Act, 1902
No 54	Women's Franchise Act, 1902
1902	
No 56	Survey Marks Act, 1902
No 57	Hay Irrigation Act, 1902
No 58	Agreements Validating Act, 1902
No 59	Masters and Servants Act, 1902
No 60	Sydney Female School of Industry Act, 1902
No 61	Australian Museum Act, 1902
No 68	Trustees of Schools of Arts Enabling Act, 1902
No 70	Grants for Public Worship Prohibition Act, 1902
No 71	Women's College Act, 1902
No 73	Coal Mines Regulation Act, 1902

SCHEDULE 1—continued

Year and number	Title or citation
No 75	Fines and Forfeited Recognizances Recovery Act, 1902
No 76	Government Railways (Fencing) Act, 1902
No 78	Balranald Irrigation Act, 1902
No 79	Inscribed Stock Act, 1902
No 81	Public Loans Act, 1902
No 82	Noxious Trades Act, 1902
No 83	Newcastle Sewerage Act, 1902
No 84	An Act to apply certain sums out of the Consolidated Revenue Fund of New South Wales towards the Services of the Year 1902-1903; and for Services to be hereafter provided for by Loan
No 85	Cobar to Wilcannia Railway Act, 1902
No 86	Sydney Corporation (Amendment) Act, 1902
No 87	Sydney Water Supply (Cataract River Dam) Act, 1902
No 88	Bogan Gate to Bulbodney Railway Act, 1902
1902	
No 89	Temora to Barellan Railway Act, 1902
No 90	Burwood Municipal Loan Validation Act, 1902
No 92	University and University Colleges (Amendment) Act, 1902
No 93	Water and Drainage Act, 1902
No 94	Treasury Bills Act of 1902
No 97	Benevolent Society of New South Wales Act of 1902
No 99	Savings Bank of New South Wales (Amendment) Act, 1902
No 103	Municipal Loans Validating Act, 1902
No 104	Richmond Bridge Act, 1902
No 105	Appropriation Act of 1902-1903
No 107	Wine Adulteration Act, 1902
No 108	Loan Act of 1902

SCHEDULE 1—continued

Year and number	Title or citation
No 109	Appraisalment Act, 1902
No 110	Public Health (Night-soil Removal) Act, 1902
No 111	Pastures Protection Act, 1902
No 112	Municipalities Relief Act, 1902
No 113	City of Sydney Streets Loan Act, 1902
No 114	Gold Dredging Leases Modification Act, 1902
No 115	Land Tax (Leases) Act, 1902
No 116	Municipal District of Wrightville Naming Act of 1902
No 117	Burwood Municipal Loan Validation Act, 1902
1903 No 2	An Act to apply certain sums out of the Consolidated Revenue Fund of New South Wales towards the Services of the Year 1903-1904; and for Services to be hereafter provided for by Loan
1903	
No 3	An Act to apply certain sums out of the Consolidated Revenue Fund of New South Wales towards the Services of the Year 1903-1904
No 4	Stage-carriages Act Amendment Act of 1903
No 5	Lithgow Municipal Loans (Validation) Act, 1903
No 6	Influx of Criminals Prevention Act, 1903
No 7	Hawkesbury Benevolent Society's (Amendment) Act, 1903
No 8	Public Service (Superannuation) Act, 1903
No 9	Senators' Elections Act, 1903
No 10	Appropriation Act of 1903-1904
No 13	Reduction of Members Referendum Act, 1903
No 14	Loan Act, 1903
No 15	Crown Lands Act Amendment Act, 1903
No 16	Sydney Harbour Trust (Leasing) Act, 1903

SCHEDULE 1—continued

Year and number	Title or citation
No 18	Native Animals Protection Act, 1903
No 19	Commercial Causes Act, 1903
No 21	Deaf, Dumb, and Blind Institution Vesting Act, 1903
1904 No 1	Electorates Redistribution Act, 1904
No 2	An Act to apply certain sums out of the Consolidated Revenue Fund of New South Wales towards the Services of the Year 1904-1905
No 3	An Act to apply certain sums out of the Consolidated Revenue Fund of New South Wales towards the Services of the Year 1904-1905; and for Services to be hereafter provided for by Loan
No 4	Claims against the Government and Crown Suits (Amendment) Act, 1904
1904	
No 5	Public Works Committee Act, 1904
No 6	Legal Process Facilitation Act, 1904
No 7	An Act to apply certain sums out of the Consolidated Revenue Fund of New South Wales towards the Services of the Year 1904-1905
No 8	Treasury Bills Redemption Act, 1904
No 9	Master in Equity (Deputy) Act, 1904
No 10	Henry Wait Bequest Act, 1904
No 11	Coal Mines Regulation (Inspection) Act, 1904
No 12	Treasury Indemnity Act, 1904
No 13	Miners' Accident Relief (Validating) Act, 1904
No 15	Library and Art Gallery Amendment Act, 1904
No 17	Land and Income Tax (Amendment) Act, 1904
No 18	Municipal Loans (Validating) Act, 1904
No 19	State Debt and Sinking Fund Act, 1904

SCHEDULE 1—continued

Year and number	Title or citation
No 20	Pastures Protection Amendment Act, 1904
No 21	Mines Inspection Amendment Act of 1904
No 22	Navigation Amendment (Regulations) Act, 1904
No 23	Centenary Park Sale Act, 1904
No 24	Stamp Duties (Amendment) Act, 1904
No 26	Sydney Harbour Rates Act, 1904
No 28	Hyde, Cook, and Phillip Parks Act, 1904
No 29	Parramatta Friendly Societies' Hall Site Vesting Act
No 30	Oxford-street Extension Act, 1904
No 31	Loan Act, 1904
1904	
No 32	Appropriation Act of 1904-1905
No 35	Dental Hospitals Union Act, 1904
No 37	Closer Settlement Act, 1904
1905	
No 1	Industrial Arbitration (Temporary Court) Act, 1905
No 4	Lands Commission Act, 1905
No 5	An Act to apply certain sums out of the Consolidated Revenue Fund of New South Wales towards the Services of the Year 1905-1906; and for Services to be hereafter provided for by Loan
No 6	Centenary Park Sale (Conveyancing) Act, 1905
No 7	Darling Island Vesting Act, 1905
No 9	Wollongong Harbour Trust Resumption Act, 1905
No 10	New South Wales Institution for the Deaf and Dumb and the Blind Incorporation Act of 1905
No 11	Lands Commission (Amendment) Act, 1905
No 13	Government Motor Omnibus Act, 1905
No 14	Statistical Maps Act, 1905

SCHEDULE 1—continued

Year and number	Title or citation
No 17	Lands Commission (Witnesses) Act, 1905
No 19	An Act to apply certain sums out of the Consolidated Revenue Fund of New South Wales towards the Services of the Year 1905-1906
No 20	Observatory Hill Lands Leasing Act, 1905
No 21	Tamworth Show-ground (Amendment) Act, 1905
No 23	Parramatta Sewerage and Drainage Act, 1905
No 25	Coal Mines Regulation (Amending) Act, 1905
No 26	Liverpool Municipal Loan (Amendment) Act, 1905
1905	
No 27	Newcastle Friendly Societies and Trades Hall Site Act Amendment Act of 1905
No 28	National Library Act, 1905
No 29	Appropriation Act of 1905-1906
No 30	Treasury Bills Deficiency Act, 1905
No 31	Taxation Amending Act, 1905
No 32	Treasury Indemnity Act, 1905
No 34	Sydney Water Supply Conduit Additional Works Act, 1905
No 36	Loan Act, 1905
No 37	Sydney Harbour Trust (Reclamations and Leasing) Act, 1905
No 38	Western Lands (Amendment) Act of 1905
No 39	Sydney Corporation Amendment Act, 1905
No 42	Crown Lands Amendment Act of 1905
No 43	Country Towns Water and Sewerage (Amendment) Act, 1905

SCHEDULE 1—continued

Year and number	Title or citation
1906 No 1	An Act to apply certain sums out of the Consolidated Revenue Fund of New South Wales towards the Services of the Year 1906-1907; and for Services to be hereafter provided for by Loan
No 2	Railways (Victorian and Queensland By-laws) Enabling Act
No 3	Consolidated Revenue Fund (Municipal Grant) Act, 1906
No 4	Dower Abolition Act, 1906
No 5	Stock Registration Transfer Act, 1906
No 7	Railway Commissioners Appointment Act, 1906
No 8	Royal Alexandra Hospital for Children Incorporation Act of 1906
No 9	Public Works and Closer Settlement Funds Act, 1906
1906	
No 10	Borough of Balmain Electric Lighting Act
No 11	An Act to apply certain sums out of the Consolidated Revenue Fund and the Public Works Fund towards the Services of the Year 1906-1907; and for Services to be hereafter provided for by Loan
No 16	Sydney Corporation Amendment Act, 1906
No 17	Sydney Council (Resumption Moneys) Act, 1906
No 18	North Coast Railway Act, 1906
No 19	Bellevue Hill Tramway Act, 1906
No 21	Royal Alexandra Hospital for Children Incorporation Amendment Act of 1906
No 23	Sydney Stock-driving Act, 1906
No 24	East to West Maitland Tramway Act, 1906
No 25	Belmore to Chapel Road Railway Act, 1906
No 26	Addison-road to Dulwich Hill Electric Tramway Act, 1906
No 27	Judges' Pensions Amendment Act, 1906
No 28	Police Regulation (Superannuation) Act, 1906

SCHEDULE 1—continued

Year and number	Title or citation
No 31	Friendly Societies (Amendment) Act, 1906
No 32	George-street to Erskinville Tramway Act, 1906
No 33	Hunter District Water and Sewerage (Amendment) Act, 1906
No 34	Municipal Loans Authorisation and Validation Act, 1906
No 35	Mudgee to Dunedoo, via Canadian Lead, Railway Act, 1906
No 36	Great Western Railway Deviation (Lithgow Zigzag) Act, 1906
No 38	Appropriation Act of 1906-1907
No 39	Loan Act, 1906
No 40	Local Government Extension Act, 1906
1906	
No 41	Parliamentary Elections Act, 1906
No 42	Improvement Leases Cancellation Act, 1906
No 43	Public Works Committee (Amendment) Act, 1906
No 44	Closer Settlement (Amendment) Act, 1906
No 45	Careless Use of Fire (Amendment) Act, 1906
No 46	Barren Jack Dam and Murrumbidgee Canals Construction Act, 1906
No 47	Taxation Amending Act, 1906
No 48	Government Savings Bank Act, 1906
No 50	Illawarra Suburbs Sewerage Construction Act, 1906
No 51	Drummoyne Sewerage Construction Act, 1906
No 52	Wallsend-Buttai Pipe-line Construction Act, 1906
No 53	David Berry Hospital Act, 1906
No 54	Broken Hill and Umberumberka Water Supply Act, 1906
No 55	Gaming and Betting (Amendment) Act, 1906
No 57	Tocumwal Railway Extension Act, 1906
No 58	Sydney Abattoir Construction Act, 1906

SCHEDULE 1—continued

Year and number	Title or citation
No 59	Water and Drainage and Artesian Wells (Amending) Act, 1906
1907 No 2	Gaming and Betting (Amendment) Act, 1907
No 3	Newcastle Wharfage Act, 1907
No 4	An Act to apply certain sums out of the Consolidated Revenue Fund towards the Services of the Year 1907-1908, and out of the Public Works Fund; and for Services to be hereafter provided for by Loan
No 5	An Act to apply certain sums out of the Consolidated Revenue Fund towards the Services of the Year 1907-1908; and for Services to be hereafter provided for by Loan
1907	
No 6	Department of Agriculture Act, 1907
No 7	Income Tax Deduction Act, 1907
No 8	Stamp Duties (Amendment) Act, 1907
No 10	Darling Harbour Land Titles Act, 1907
No 11	Broken Hill and Umberumberka Water Supply (Amendment) Act, 1907
No 12	Closer Settlement (Amendment) Act, 1907
No 13	Narromine to Peak Hill Railway Act, 1907
No 14	Lockhart to Clear Hills, viâ Boree Creek, Railway Act, 1907
No 15	Wallsend to West Wallsend Tramway Act, 1907
No 16	Drummoyne to Ryde Electric Tramway Act, 1907
No 17	Parramatta Friendly Societies' Hall Site (Amendment) Act, 1907
No 19	Loan Act, 1907
No 20	Appropriation Act of 1907-1908
No 22	Invalidity and Accidents Pensions Act, 1907
1908 No 1	Public Works (Interest) Act, 1907
No 2	Ministers' Salaries Act, 1907

SCHEDULE 1—continued

Year and number	Title or citation
No 4	Improvement Leases Cancellation (Declaratory) Act, 1908
No 5	An Act to apply certain sums out of the Consolidated Revenue Fund towards the Services of the Year 1908-1909, and out of the Public Works Fund; and for Services to be hereafter provided for by Loan
No 6	Subventions to Friendly Societies Act, 1908
No 7	An Act to apply certain sums out of the Consolidated Revenue Fund towards the Services of the Year 1908-1909, and out of the Public Works Fund; and for Services to be hereafter provided for by Loan
1908	
No 9	Grass-tree Licences Act, 1908
No 10	Public Service (Superannuation) Act, 1908
No 11	Prisoners Detention Act, 1908
No 15	Registrar-General's Offices Act, 1908
No 16	Sutherland to Cronulla Tramway Act, 1908
No 17	Cowra to Canowindra Railway Act, 1908
No 18	Kyogle to Casino Railway Act, 1908
No 19	Great Western Railway Deviation (Lithgow Zigzag, 'Section B') Act, 1908
No 20	Long Bay Disposal of Sewage Act, 1908
No 21	Appropriation Act, 1908-1909
No 22	Loan Act, 1908
No 23	Cooma to Bombala, viâ Nimitybelle, Railway Act, 1908
No 25	Harris-street to Evans-street, Balmain, Electric Tramway Act, 1908
No 26	The Spit to Manly Electric Tramway Act, 1908
No 27	Sydney Corporation (Amendment) Act, 1908
No 29	Minimum Wage Act, 1908
No 30	Crown Lands (Amendment) Act, 1908

SCHEDULE 1—continued

Year and number	Title or citation
No 31	Pure Food Act, 1908
No 32	Western Lands Act Amendment Act of 1908
No 33	Coal Mines Regulation (Amending) Act, 1908
No 34	Sydney Harbour Trust and Navigation Amendment Act, 1908
1909	
No 1	An Act to apply certain sums out of the Consolidated Revenue Fund towards the Services of the Year 1909-1910, and out of the Public Works Fund; and for Services to be hereafter provided for by Loan
No 3	Improvement Leases Cancellation (Declaratory) Act, 1909
No 4	An Act to apply certain sums out of the Consolidated Revenue Fund towards the Services of the Year 1909-1910, and out of the Public Works Fund; and for Services to be hereafter provided for by Loan
No 6	Forestry Act, 1909
No 7	Sydney Harbour Trust Land Titles Act, 1909
No 8	Crown Lands (Improvement Purchase) Act, 1909
No 9	Fire Brigades Act, 1909
No 10	Moree to Mungindi Railway Act, 1909
No 11	Newcastle Northern Breakwater Extension Act, 1909
No 12	Cremorne Tramway Act, 1909
No 13	Railways Crossings Act, 1909
No 14	Seat of Government Surrender Act, 1909
No 15	Trustees of Show-grounds Enabling Act, 1909
No 16	Loan Act, 1909
No 17	Appropriation Act, 1909-1910
No 18	Western Lands Act Amendment Act of 1909
No 19	Lithgow Sewerage Act, 1909
No 20	Morrisset Hospital for Insane Act, 1909

SCHEDULE 1—continued

Year and number	Title or citation
No 21	Closer Settlement (Amendment) Act, 1909
No 23	Paddington Streets Extension Act, 1909
No 27	Dentists (Amendment) Act, 1909
1909	
No 28	Factories and Shops (Amendment) Act, 1909
1910 No 3	An Act to apply certain sums out of the Consolidated Revenue Fund towards the Services of the Year 1910-1911, and out of the Public Works Fund; and for Services to be hereafter provided for by Loan
No 4	Loan (Railways) Act, 1910
No 5	Industrial Disputes (Amendment) Act, 1910
No 6	Crown Lands (Amendment) Act, 1910
No 7	Closer Settlement Promotion Act, 1910
No 9	Royal Navy Recreation Ground Act, 1910
No 10	Workmen's Compensation Act, 1910
No 11	Railway Service Superannuation Act, 1910
No 12	Saturday Half Holiday Act, 1910
No 13	Murrumbidgee Irrigation Area Resumption Act, 1910
No 15	Fire Brigades Amendment Act, 1910
No 16	Miners' Accident Relief (Amendment) Act, 1910
No 17	Flemington to Belmore, and Wardell-road to Glebe Island and Darling Island Railways Act, 1910
No 18	Parliamentary Elections (Second Ballot) Act, 1910
No 19	Clerical Workers Act, 1910
No 20	Royal North Shore Hospital of Sydney Act, 1910
No 21	Public Service (Amendment) Act, 1910

SCHEDULE 1—continued

Year and number	Title or citation
No 22	An Act to apply certain sums out of the Consolidated Revenue Fund towards the Services of the Year 1910-1911, and out of the Public Works Fund; and for Services to be hereafter provided for by Loan
No 23	Early Closing Amendment Act, 1910
1910	
No 24	Grafton and South Grafton Water Supply Act, 1910
No 25	Sydney Water Supply Amplification and Improvement Act, 1910
No 26	Junee Water Supply Act, 1910
No 27	Albury Sewerage Act, 1910
No 28	Botany and North Botany Sewerage Act, 1910
No 29	Wagga Sewerage Act, 1910
No 30	University of Sydney (Fisher Library Completion) Act, 1910
No 31	Broken Hill (Umberumberka Creek) Water Supply Act, 1910
No 32	Darley-road, Randwick, to Little Coogee Tramway Act, 1910
No 33	Carrington Wharfage Act, 1910
No 34	Victoria and Rushcutters Bay Parks Act, 1910
No 35	Great Western Railway Duplication (Emu Plains and Blaxland) Act, 1910
No 36	Camden Sewerage Act, 1910
No 37	Bathurst Sewerage Act, 1910
No 38	Orange Sewerage Act, 1910
No 39	Glenreagh to Dorrigo Railway Act, 1910
No 40	Coal Mines Regulation (Ventilation) Act, 1910
No 41	Orange Hospital for Insane Act, 1910
No 42	Murrumbidgee Irrigation Act, 1910
No 43	Loan Act, 1910
No 44	Appropriation Act, 1910

SCHEDULE 2

(See s 5)

OTHER ACTS REPEALED

Commonwealth Functions (Statutes Review) Act 1981, Part II
Courts (Hire-purchase Agreements) Act 1963 No 7
Crimes Legislation (Status and Citation) Act 1992 No 6
Imperial Acts Application (Amendment) Act 1987 No 44
Imperial Acts (Substituted Provisions) (Amendment) Act 1987 No 45
Law Reform (Abolitions and Repeals) Act 1996 No 1
Law Reform (Repeal of Laws) Act 1997 No 42
Maintenance Act 1968 No 20
Maintenance Act 1973 No 30
Maintenance (Amendment) Act 1993 No 5
New South Wales Acts Act 1986 No 91
New South Wales Acts Application Act 1984 No 41
New South Wales Acts Application (Amendment) Act 1984 No 58
New South Wales Acts Application (Amendment) Act 1986 No 5
Printing and Newspapers Act 1961 No 16
Printing and Newspapers Act 1970 No 3
Self-Government (Citation of Laws) Act 1989 No 21
Statute Law Revision (Penalties) Act 1994 No 81

SCHEDULE 3

(See s 6)

AMENDMENTS OF ACTS

Administration and Probate Act 1929

Section 3—

Repeal the section.

Subsection 5 (1) (definition of *Rules*)—

Omit the definition, substitute the following definition:

“*rules* mean rules of court made by the Supreme Court that apply to matters arising under this Act.”.

Subsection 5 (3)—

Omit the subsection.

Subsection 8C (1)—

Omit all the words after “death” (first occurring).

Subsection 8C (2)—

Omit the subsection.

Subsection 21 (2)—

Omit “*durante minore aetate* of the next of kin”, substitute “during the minority of the infant”.

New Division 4 of Part 3—

After section 43 insert the following Division in Part 3:

“Division 4—Position of executor of an executor

“*Note* The provisions of this Division were relocated from Part 3 of Schedule 2 to the *Imperial Acts (Substituted Provisions) Act 1986*. (For the effect of a relocation, see *Interpretation Act 1967*, s 49.) The 1986 Act substituted provisions for certain UK Acts that applied (or may have applied) in the Territory and repealed those Acts. The provisions of Part 3 of Schedule 2 were substituted for 25 Edw. 3, St. 5, c 5 (1351). Subsection 4 (1) of the 1986 Act provided, in effect, that the rules of law about the interpretation of consolidating Acts apply to the interpretation of the provisions of a law set out in Schedule 2. These rules of law continue to apply to this Division (see *Interpretation Act 1967*, s 49 (3)).”.

SCHEDULE 3—continued

Paragraph 64 (1A) (a)—

- (a) Omit “*Registration of Births, Deaths and Marriages Act 1963*”, substitute “*Births, Deaths and Marriages Registration Act 1997*”.
- (b) Omit “of Births and the Register of Parentage Information”.

New Part 3D—

After section 74 insert the following Part:

“PART 3D—LIABILITY OF CERTAIN PERSONS IN RELATION TO DECEASED ESTATES

“Note The provisions of this Part were relocated from Schedule 2 to the *Imperial Acts (Substituted Provisions) Act 1986*. (For the effect of a relocation, see *Interpretation Act 1967*, s 49.) The 1986 Act substituted provisions for certain UK Acts that applied (or may have applied) in the Territory and repealed those Acts. Subsection 4 (1) of the 1986 Act provided, in effect, that the rules of law about the interpretation of consolidating Acts apply to the interpretation of the provisions of a law set out in Schedule 2. These rules of law continue to apply to this Part (see *Interpretation Act 1967*, s 49 (3)).”

Part VA—

Repeal the Part.

Subsection 90 (2)—

Omit “Public Curator”, substitute “public trustee”.

Section 129—

Repeal the section.

Schedules heading—

Omit the schedules heading.

First Schedule—

Repeal the schedule.

Administrative Appeals Tribunal Act 1989

Subsection 3 (1) (definition of *Registrar*)—

Omit “and includes a Deputy Registrar”.

Subsection 47 (2)—

- (a) Omit “or a Judge of the Court sitting in chambers”.

SCHEDULE 3—continued

(b) Omit “or Judge”.

Subsection 47 (3)—

Omit “or a Judge of the Court sitting in chambers”.

Section 57—

Repeal the section, substitute the following section:

“57 **Registrar and deputy registrar**

“(1) The registrar of the Magistrates Court is the registrar of the tribunal.

“(2) Each deputy registrar of the Magistrates Court is a deputy registrar of the tribunal.

“(3) Subject to any direction of the registrar, a deputy registrar of the tribunal may exercise the powers of the registrar of the tribunal.

“(4) The registrar may, by signed writing, delegate to a public servant all or any of his or her powers under this Act.”.

Administrative Decisions (Judicial Review) Act 1989

Subsection 3 (1) (definition of *enactment*, paragraph (b))—

Omit the paragraph.

Subparagraph 9 (2) (b) (iii)—

Omit “the *Buildings (Design and Siting) Act 1964*,”.

Paragraphs 16 (1) (a) and (b)—

(a) Omit “or a Judge sitting in chambers”.

(b) Omit “or the Judge”.

Subsection 16 (2)—

(a) Omit “or a Judge sitting in chambers”.

(b) Omit “or Judge’s”.

Agents Act 1968

Subsection 5 (1) (definition of *identity card*)—

Omit the definition.

SCHEDULE 3—continued

Section 6C—

Repeal the section, substitute the following section.

6C Inspectors—identity cards

“(1) The chief executive must issue to the registrar, the deputy registrar and each inspector an identity card that—

- (a) states the name and position of the person to whom it is issued; and
- (b) includes a recent photograph of the person.

“(2) A person—

- (a) to whom an identity card was issued under subsection (1); and
- (b) who ceases to occupy or act in the position the person held when the card was issued;

must, unless the person has a reasonable excuse, return the card to the chief executive as soon as practicable, but no later than 21 days, after ceasing to occupy or act in the position.

Maximum penalty: 1 penalty unit.”.

Subsection 71T (2)—

Omit the subsection.

Associations Incorporation Act 1991

Section 3 (definition of *banking corporation*)—

Omit the definition, substitute the following definition:

“*banking corporation* means a bank, building society or credit union.”.

Section 3 (definition of *determined fee*)—

Omit “section 125”, substitute “section 126”.

Building and Services Act 1924

Section 1A (definition of *Authority*)—

Omit the definition, substitute the following definition:

“*authority* means ACTEW Corporation Limited.”.

SCHEDULE 3—continued

Section 1A (definition of *services*)—

- (a) After “includes” insert “the supply of water or electricity”.
- (b) Omit “aerial masts and fittings in connection with wireless receivers”, substitute “communication infrastructure and equipment and fittings and cables in connection with communication infrastructure and equipment”.

Business Names Act 1963

Subsection 9 (1)—

Omit “Australian Securities Commission”, substitute “Australian Securities and Investments Commission”.

Consumer Affairs Act 1973

Long title—

Omit the title, substitute the following title:

“An Act to make provision for fair trading advisory committees and to establish the Office of Fair Trading”.

Section 1—

Repeal the section, substitute the following section:

“1 Name of Act

This Act is the *Fair Trading (Consumer Affairs) Act 1973*.”.

Section 3 (definition of *Director*)—

Omit “Consumer Affairs”, substitute “Fair Trading”.

Section 3 (definition of *the Bureau*)—

Omit the definition.

Section 3—

Insert the following definition:

“*office* means the Office of Fair Trading of the Australian Capital Territory.”.

Heading to Part 2—

Omit “**CONSUMER AFFAIRS**”, substitute “**FAIR TRADING**”.

SCHEDULE 3—continued

Heading to Part 3—

Omit “**CONSUMER AFFAIRS BUREAU**”, substitute “**OFFICE OF FAIR TRADING**”.

Sections 12, 13 and 14—

Repeal the sections, substitute the following sections:

“12 Office of Fair Trading

An office called the Office of Fair Trading of the Australian Capital Territory is established.

“13 Director of Fair Trading

“(1) There is to be a Director of Fair Trading for the Australian Capital Territory.

“(2) The chief executive must establish an office in the public service the duties of which include performing the functions of the director.

“(3) The director is the public servant for the time being performing the duties of the public service office mentioned in subsection (2).

“14 Functions of office

The functions of the office are—

- (a) to receive complaints from consumers and persons dealing with consumers about fraudulent or unfair commercial practices; and
- (b) to investigate those complaints and take appropriate action; and
- (c) to conduct other investigations and research about issues affecting the interests of consumers and persons dealing with consumers; and
- (d) to make information available to the public about issues affecting the interests of consumers and persons dealing with consumers; and
- (e) to make available for the guidance of consumers and persons dealing with consumers information about the laws in force in the Territory affecting the interests of consumers and persons dealing with consumers; and
- (f) to assist the director to carry out his or her functions.”.

Subsection 15 (1)—

Omit “Bureau”, substitute “office of fair trading”.

SCHEDULE 3—continued

Paragraph 15A (1) (b)—

Omit “Bureau”, substitute “office”.

Subsection 15B (1)—

Omit “Bureau”, substitute “office”.

Subsection 15E (5)—

Omit “Bureau”, substitute “office”.

Subsection 15F (1)—

Omit “Bureau”, substitute “office”.

Paragraph 15FAA (2) (b)—

Omit “Bureau”, substitute “office”.

Subsection 15FAB (5)—

Omit “Bureau”, substitute “office”.

Paragraphs 15G (2) (a) and (b)—

Omit “Bureau”, substitute “office”.

Consumer Credit Act 1995

Section 8—

Omit “Consumer Affairs”, substitute “Fair Trading”.

Consumer Credit (Administration) Act 1996

Section 3 (definitions of *Director, Registrar and Tribunal*)—

Omit the definitions, substitute the following definitions:

“***director*** means the director of fair trading under the *Fair Trading (Consumer Affairs) Act 1973*.”

registrar means the registrar of the tribunal.

tribunal means the Australian Capital Territory Credit Tribunal.”.

Section 3 (definitions of *bank, Bureau and Deputy Registrar*)—

Omit the definitions.

SCHEDULE 3—continued

Section 3—

Insert the following definition:

“*office* means the office of fair trading under the *Fair Trading (Consumer Affairs) Act 1973*.”.

Division 3 of Part 4—

Repeal the Division, substitute the following Division:

Division 3—Registrar and deputy registrars

“69 Registrar and deputy registrars

“(1) The registrar of the Magistrates Court is the registrar of the tribunal.

“(2) Each deputy registrar of the Magistrates Court is a deputy registrar of the tribunal.

“(3) Subject to any direction of the registrar, a deputy registrar of the tribunal may exercise the powers of the registrar of the tribunal.

“(4) The registrar may, by signed writing, delegate to a public servant all or any of his or her powers under this Act.”.

Conveyancing and Law of Property Act 1898

Sections 31, 32, 33 and 34—

Repeal the sections.

Subsection 36 (3)—

Omit the subsection.

Sections 39, 40, 41, 42 and 44—

Repeal the sections.

Subsection 46 (2)—

Omit the subsection.

Sections 47, 49, 50, 51 and 52—

Repeal the sections.

Paragraph 63 (a)—

Omit all the words after “invest” (second occurring).

SCHEDULE 3—continued

Section 63—

Add at the end the following subsection:

“(2) If money is invested under paragraph (1) (a) in terminable securities, provision must be made by way of sinking fund or otherwise in relation to any premiums or discount to secure the full capital for persons having remoter interests.”.

Sections 66, 70, 74, 75, 76, 77, 78, 79 and 80—

Repeal the sections.

Subsection 105 (1)—

Omit all the words after “subject” (last occurring).

Section 105—

After subsection (1), insert the following subsection:

“(1A) If there is a subsequent subsisting mortgage on the property at the date of an acknowledgment mentioned in subsection (1), the legal estate in the property under the discharged mortgage vests—

- (a) in the person in whom the subsequent mortgage is vested; or
- (b) if there are 2 or more such subsequent mortgages—in the person who has the prior right to call for an assurance of the legal estate.”.

Subsection 105 (2)—

Omit the subsection.

Subsection 108 (4)—

Omit all the words after “thereof”.

Section 108—

Add at the end the following subsection:

“(5) An order under subsection (4) takes effect only when it has been registered with the registrar-general.”.

Section 117—

Repeal the section.

SCHEDULE 3—continued

Credit Act 1985

Subsection 5 (1) (definition of *Director*)—

Omit the definition, substitute the following definition:

“*director* means the director of fair trading under the *Fair Trading (Consumer Affairs) Act 1973*.”.

Subsection 5 (1) (definitions of *bank* and *the Bureau*)—

Omit the definitions.

Subsection 5 (1)—

Insert the following definition:

“*office* means the office of fair trading under the *Fair Trading (Consumer Affairs) Act 1973*.”.

Discrimination Act 1991

Section 110F—

Repeal the section, substitute the following section:

“110F Registrar and deputy registrar

“(1) The registrar of the Magistrates Court is the registrar of the tribunal.

“(2) Each deputy registrar of the Magistrates Court is a deputy registrar of the tribunal.

“(3) Subject to any direction of the registrar, a deputy registrar of the tribunal may exercise the powers of the registrar of the tribunal.

“(4) The registrar may, by signed writing, delegate to a public servant all or any of his or her powers under this Act.”.

Education Act 1937

Subsection 19 (2)—

Omit the subsection.

Evidence Act 1971

Section 73—

Relocate the section to the *Supreme Court Act 1933* as section 58A.

SCHEDULE 3—continued

Section 91—

- (a) Omit from subsection (1) “of the Supreme Court”.
- (b) Omit from paragraph (5A) (b) “of the Supreme Court”.
- (c) Relocate the section (as amended) to the *Supreme Court Act 1933* as section 74A.

Section 97—

Relocate the section to the *Supreme Court Act 1933* as section 70A.

Fair Trading Act 1992

Subsection 5 (1) (definition of *director*)—

Omit the definition, substitute the following definition:

“*director* means the director of fair trading under the *Fair Trading (Consumer Affairs) Act 1973*.”.

New section 35A—

After section 35 insert the following section:

“35A Evidence of code

In any proceeding before a court, evidence of a code as in force on a day or during a period may be given by the production of a document purporting to be a copy of the code if the copy contains a statement signed by the director that the document is an accurate copy of the code as in force on that day or during that period.”.

Fair Trading (Fuel Prices) Act 1993

Subsection 2 (1) (definition of *Director*)—

Omit the definition, substitute the following definition:

director means the director of fair trading under the *Fair Trading (Consumer Affairs) Act 1973*.”.

Freedom of Information Act 1989

Paragraphs 47 (a) and (b)—

Omit “Companies and Securities”, substitute “Corporations”.

SCHEDULE 3—continued

Paragraph 47 (c)—

Omit “National Companies and Securities Commission”, substitute “Australian Securities and Investments Commission”.

Guardianship and Management of Property Act 1991

Section 4—

Insert the following definitions:

“deputy president means a deputy president of the tribunal.

non-presidential member means a member of the tribunal who is not a presidential member.

presidential member means the president or a deputy president of the tribunal.”.

Subsection 35 (1)—

Omit “President”, substitute “presidential member”.

Subsections 38 (3) and (4)—

Omit “President”, substitute “presidential member”.

Subsections 39 (1)—

Omit “President”, substitute “presidential member”.

Sections 41—

Omit “President” (wherever occurring), substitute “presidential member”.

Section 42—

Omit “President” (wherever occurring), substitute “presidential member”.

Subsections 45 (2) and (3)—

Omit “President” (wherever occurring), substitute “presidential member”.

Subsections 48 (1) and (3)—

Omit “President” (wherever occurring), substitute “presidential member”.

SCHEDULE 3—continued

Subsections 49 (1) and (2)—

Omit “President”, substitute “presidential member”.

Paragraph 51 (b)—

Omit “President”, substitute “presidential member”.

Sections 58 and 59—

Repeal the sections, substitute the following sections:

“58 Membership

“(1) The tribunal consists of—

- (a) a president; and
- (b) deputy presidents; and
- (c) other members.

“(2) The members of the tribunal are to be appointed by the Executive.

“(3) A person is eligible to be appointed president only if the person is a magistrate.

“(4) The president is responsible for the orderly and expeditious discharge of the business of the tribunal.

“(5) The Executive may appoint an acting president if the office is vacant or during the absence of the president.

“(6) A person is eligible to be appointed deputy president only if the person is a lawyer of 5 years standing.

“(7) A presidential member holds office for the period (not longer than 5 years) stated in his or her instrument of appointment but is eligible for reappointment.

“(8) The Executive may appoint as non-presidential members persons who have, in its opinion, appropriate expertise, training or experience in relation to, and are otherwise suitable to deal with, the needs of persons who, because of a physical, mental, psychological or intellectual condition, need assistance or protection from abuse, exploitation or neglect.

“(9) A non-presidential member holds office for the period (not longer than 3 years) stated in his or her instrument of appointment but is eligible for reappointment.

“(10) A member may be appointed as a full-time member or a part-time member.

SCHEDULE 3—continued

“(11) Subject to this Part, a member of the tribunal holds office on the terms (including terms about remuneration and allowances) stated in his or her instrument of appointment.

“59 Constitution for exercise of powers

“(1) The tribunal may exercise its powers only if constituted by—

- (a) a presidential member; or
- (b) a presidential member and other members as decided by the presidential member.

“(2) However, if a member of the tribunal other than the presidential member ceases to be available for the conduct of an inquiry before its completion, the presidential member and any remaining member may finish the inquiry if the presidential member considers it desirable to do so.”.

Subsection 60 (1)—

Omit “President”, substitute “presidential member”.

Subsection 60 (2)—

Omit the subsection, substitute the following subsection:

“(2) Subject to subsection (1), if there is a division of opinion in relation to a question, the question is decided—

- (a) according to the opinion of the majority; or
- (b) if there is no majority—according to the opinion of the presidential member.”.

Subsections 63 (2) and (3)—

Omit the subsections, substitute the following subsections:

“(2) The Executive may appoint a person to act as the president only if the person is a magistrate.

“(3) The Executive may appoint a person to act as a deputy president only if the person is a lawyer of 5 years standing.

“(3A) The Executive may appoint a person to act as a non-presidential member only if the person is a person mentioned in subsection 58 (8).”.

Subsections 68 (1) and (6)—

Omit “President” (wherever occurring), substitute “presidential member”.

SCHEDULE 3—continued

Imperial Acts Application Act 1986

Schedule 4—

Relocate to the Schedule to the *Trustee Act 1925* all the words from and including “Whereas lands” to and including “employ the same.”.

Remainder of the Act—

Repeal the remainder of the Act.

Imperial Acts (Substituted Provisions) Act 1986

Schedule 2, Part 1A—

- (a) Renumber clauses 1 and 2 as subsections 36 (1) and (2).
- (b) Omit from clause 2 “Clause 1”, substitute “Subsection (1)”.
- (c) Relocate clauses 1 and 2 (as amended) to Division 1 of Part 12 of the *Law Reform (Miscellaneous Provisions) Act 1955* (after the note).

Schedule 2, Part 3—

- (a) Renumber clauses 1, 2 and 3 as sections 43A, 43B and 43C, respectively.
- (b) Omit from paragraph 1 (a) “(in this Part referred to as the ‘original executor’)”, substitute “(in this Division called the *original executor*)”.
- (c) Omit from paragraph 1 (c) “(in this Part referred to as the ‘succeeding executor’)”, substitute “(in this Division called the *succeeding executor*)”.
- (d) Omit from paragraph 1 (e) “this clause”, substitute “this section”.
- (e) Omit from clauses 2 and 3 “clause 1”, substitute “section 43A”.
- (f) Relocate clauses 1, 2 and 3 (as amended) to Division 4 of Part 3 of the *Administration and Probate Act 1929* (after the note).

Schedule 2, Part 4—

- (a) Omit from paragraph 1 (a) “contained”.
- (b) Omit from paragraph 1 (b) “like manner”, substitute “the same way”.
- (c) Insert in paragraph 1 (b) “person” after “deceased”.

SCHEDULE 3—continued

- (d) Add at the end of clause 1 the following note:

“Note This section was relocated from Part 4 of Schedule 2 to the Imperial Acts (Substituted Provisions) Act 1986. (For the effect of a relocation, see Interpretation Act 1967, s 49.) The 1986 Act substituted provisions for certain UK Acts that applied (or may have applied) in the Territory and repealed those Acts. The provisions of Part 4 of Schedule 2 were substituted for 31 Edw. 3, St. 1, c 11 (1357) and 1 Jas. 2 c 17, s 6 (1685). Subsection 4 (1) of the 1986 Act provided, in effect, that the rules of law about the interpretation of consolidating Acts apply to the interpretation of the provisions of a law set out in Schedule 2. These rules of law continue to apply to this section (see Interpretation Act 1967, s 49 (3)).”

- (e) Relocate clause 1 (as amended) to the *Administration and Probate Act 1929* (after section 12) as section 13.

Schedule 2, Part 4A—

- (a) Renumber clause 1 as section 37.
(b) Relocate clause 1 (as amended) to Division 2 of Part 12 of the *Law Reform (Miscellaneous Provisions) Act 1955* (after the note).

Schedule 2, Part 5—

- (a) Renumber clause 4 as section 39.
(b) Relocate clause 4 (as amended) to Division 3 of Part 12 of the *Law Reform (Miscellaneous Provisions) Act 1955* (after the note).

Schedule 2, Part 6—

- (a) Renumber clauses 1 and 2 as sections 40 and 41, respectively.
(b) Omit from subclause 1 (2) “Subclause (1)”, substitute “Subsection (1)”.
(c) Omit from subclause 1 (4) “Subclauses (1), (2) and (3)”, substitute “Subsections (1), (2) and (3)”.
(d) Omit from subclause 1 (5) “This clause”, substitute “This section”.
(e) Omit from paragraphs 1 (5) (a) and (b) “the commencing date”, substitute “26 June 1986”.
(f) Omit from paragraph 1 (5) (c) “the commencing date” (first occurring), substitute “26 June 1986”.
(g) Omit from paragraph 1 (5) (c) “the commencing date” (last occurring), substitute “that date”.

SCHEDULE 3—continued

- (h) Omit from subclause 2 (2) “This clause”, substitute “This section”.
- (i) Omit from paragraph 2 (2) (a) “the commencing date”, substitute “26 June 1986”.
- (j) Omit from paragraph 2 (2) (b) “the commencing date” (first occurring), substitute “26 June 1986”.
- (k) Omit from paragraph 2 (2) (b) “the commencing date” (last occurring), substitute “that date”.
- (l) Relocate clauses 1 and 2 (as amended) to Division 4 of Part 12 of the *Law Reform (Miscellaneous Provisions) Act 1955* (after the note).

Schedule 2, Part 7—

- (a) Renumber clauses 1 to 7 as sections 42 to 48, respectively.
- (b) Omit from clause 1 “clause 2”, substitute “section 43”.
- (c) Omit from clause 1 “, whether before or after the commencing date,”.
- (d) Omit from clause 2 “Clause 1”, substitute “Section 42”.
- (e) Omit from the heading to clause 4 “clause 3”, substitute “section 45”.
- (f) Omit from clause 4 “clause 3”, substitute “section 44”.
- (g) Omit from clause 4 “that clause applied, whether made before, on or after the commencing date,”, substitute “the section”.
- (h) Omit from the heading to clause 6 “clause 5”, substitute “section 46”.
- (i) Omit from clause 6 “Clause 5”, substitute “Section 46”.
- (j) Omit from clause 7 “this Part, unless the contrary intention appears”, substitute “this Division”.
- (k) Relocate clauses 1 to 7 (as amended) to Division 5 of Part 12 of the *Law Reform (Miscellaneous Provisions) Act 1955* (after the note).

Schedule 2, Part 8—

- (a) Renumber clause 1 as section 74A.

SCHEDULE 3—continued

- (b) Add at the end of clause 1 the following note:
“*Note* The provisions of this section were substituted for 43 Eliz. 1 c 8 (1601).”.
- (c) Relocate clause 1 (as amended) to Part 3D of the *Administration and Probate Act 1929* (after the note).

Schedule 2, Part 10—

- (a) Renumber clauses 1 and 2 as sections 49 and 50, respectively.
- (b) Omit from subclause 2 (2) “subclause (1)”, substitute “subsection (1)”.
- (c) Omit from subclause 2 (3) “subclause (2)”, substitute “subsection (2)”.
- (d) Relocate clauses 1 and 2 (as amended) to Division 6 of Part 12 of the *Law Reform (Miscellaneous Provisions) Act 1955* (after the note).

Schedule 2, Part 11—

- (a) Renumber clauses 1 to 4 as sections 51 to 54, respectively.
- (b) Omit from subclause 1 (1) “this Part”, substitute “this Division”.
- (c) Omit from subclause 1 (2) “Subclause (1)”, substitute “Subsection (1)”.
- (d) Omit from clause 3 “clause 1 or 2”, substitute “section 51 or 52”.
- (e) Omit from paragraph 3 (c) “the commencing date”, substitute “26 June 1986”.
- (f) Omit from subclause 4 (2) “Subclause (1)”, substitute “Subsection (1)”.
- (g) Omit from subclause 4 (2) “the commencing date”, substitute “26 June 1986”.
- (h) Omit from subclause 4 (3) “Subclause (1)”, substitute “Subsection (1)”.
- (i) Relocate clauses 1 to 4 (as amended) to Division 7 of Part 12 of the *Law Reform (Miscellaneous Provisions) Act 1955* (after the note).

Schedule 2, Part 12—

- (a) Renumber clause 1 as section 74B.

SCHEDULE 3—continued

- (b) Omit from clause 1 “, in this clause referred to as the ‘relevant person’”, substitute “(the *relevant person*)”.
- (c) Add at the end of clause 1 the following note:

“*Note* The provisions of this section were substituted for 30 Chas. 2 c 7 (1678) and 4 Will. and Mary c 24, s 12 (1692).”.
- (d) Relocate clause 1 (as amended) to Part 3D of the *Administration and Probate Act 1929*.

Schedule 2, Part 14—

- (a) Renumber clauses 1 to 3 as sections 55 to 57, respectively.
- (b) Omit from clause 2 “(in this clause referred to as the ‘original lease’)”, substitute “(the *original lease*)”.
- (c) Omit from clause 3 “Clauses 1 and 2”, substitute “Sections 55 and 56”.
- (d) Relocate clauses 1 to 3 (as amended) to Division 8 of Part 12 of the *Law Reform (Miscellaneous Provisions) Act 1955* (after the note).

Schedule 2, Part 15—

- (a) Renumber clause 1 as section 58.
- (b) Relocate clause 1 (as amended) to Division 9 of Part 12 of the *Law Reform (Miscellaneous Provisions) Act 1955* (after the note).

Schedule 2, Part 15A—

- (a) Renumber clauses 1 and 2 as sections 59 and 60, respectively.
- (b) Omit from subclause 1 (2) “Subclause (1)”, substitute “Subsection (1)”.
- (c) Omit from subclause 1 (3) “subclause (1)”, substitute “subsection (1)”.
- (d) Omit from clause 2 “clause 1”, substitute “section 59”.
- (e) Relocate clauses 1 and 2 (as amended) to Division 10 of Part 12 of the *Law Reform (Miscellaneous Provisions) Act 1955* (after the note).

Schedule 2, Part 17—

- (a) Renumber clause 1 as section 61.

SCHEDULE 3—continued

- (b) Relocate clause 1 (as amended) to Division 11 of Part 12 of the *Law Reform (Miscellaneous Provisions) Act 1955* (after the note).

Schedule 2, Part 18—

- (a) Renumber clauses 1 to 5 as sections 94A to 94E, respectively.
- (b) Omit from clause 2, subclause 3 (1) and clause 4 “clause 1”, substitute “section 94A”.
- (c) Omit from clause 5 “clause 2”, substitute “section 94B”.
- (d) Relocate clauses 1 to 5 (as amended) to Division 6 of Part 3 of the *Trustee Act 1925*.

Schedule 2, Part 19—

- (a) Renumber clause 1 as section 62.
- (b) Relocate clause 1 (as amended) to Division 12 of Part 12 of the *Law Reform (Miscellaneous Provisions) Act 1955* (after the note).

Schedule 2, Part 20A—

- (a) Renumber clause 1 as section 64.
- (b) Omit from subclause 1 (2) “subclause (1)”, substitute “subsection (1)”.
- (c) Relocate clause 1 (as amended) to Division 13 of Part 12 of the *Law Reform (Miscellaneous Provisions) Act 1955* (after section 63).

Schedule 2, Part 21—

- (a) Renumber clauses 1 and 2 as sections 65 and 66, respectively.
- (b) Omit from subclause 1 (2) “subclause (1)”, substitute “subsection (1)”.
- (c) Omit from subclause 1 (3) “subclause (2)”, substitute “subsection (2)”.
- (d) Omit from subclause 2 (2) “subclause (1)”, substitute “subsection (1)”.
- (e) Relocate clauses 1 and 2 (as amended) to Division 14 of Part 12 of the *Law Reform (Miscellaneous Provisions) Act 1955* (after the note).

Remainder of the Act—

Repeal the remainder of the Act.

SCHEDULE 3—continued

Inebriates Act 1900

Section 1—

Omit “or in Chambers”.

Section 6—

Omit “or a Judge thereof in Chambers”.

Instruments Act 1933

Subsection 8 (2)—

Omit the subsection.

Insertion of new section 8A—

After section 8, insert the following section:

“8A Meaning of *apparent possession* in Pt 8

For this Part, personal chattels are taken to be in the *apparent possession* of the person making or giving a bill of sale, if—

- (a) they are on any land or premises occupied by the person; or
- (b) they are used and enjoyed by the person anywhere;

even though that formal possession of them has been taken by or given to someone else.”.

Insurance Levy Act 1998

Paragraph 10 (1) (b)—

Omit “an auditor’s certificate”, substitute “unless the general insurer’s total assessable portion for the financial year is less than \$50,000, an auditor’s certificate”.

Interpretation Act 1967

Long title—

Omit the title, substitute the following title:

“An Act to assist in interpreting, shortening and simplifying Acts, to assist in improving their quality and accessibility, and for other purposes related to legislation”.

SCHEDULE 3—continued

Sections 1, 5 and 6—

Repeal the sections, substitute the following sections:

“1 Name of Act

This Act is the *Interpretation Act 1967*.

“2 Application

This Act applies to all Acts.

“3 Displacement of Act by contrary intention

This Act applies to an Act except so far as the contrary intention appears in this Act or the Act concerned.”.

Subsection 7 (2)—

Omit “*Australian Capital Territory (Self-Government) Act 1988 of the Commonwealth*”, substitute “Self-Government Act”.

Part 2—

Repeal the part, substitute the following parts:

“PART 1A—SOURCES OF LAW IN THE TERRITORY

“Notes on sources of law

“Note 1 The laws in force in the Territory consist of the written law and various unwritten laws known as the principles and rules of common law and equity.

“Note 2 The written law of the Territory consists primarily of laws, known as Acts, made by the Legislative Assembly and earlier laws, previously known as ordinances, made by the Governor-General under the *Seat of Government (Administration) Act 1910* (Cwlth). It also includes regulations, rules of court and other legislative instruments made under specific powers given by Acts. (Written laws made under an Act are commonly called ‘subordinate’ or ‘delegated’ legislation.)

“Note 3 Before self-government, ordinances were the main form of legislation made for the Territory. Most of the ordinances in force at self-government have been converted into Acts (see s 34 of the Self-Government Act). However, the Governor-General retains power to make ordinances for the Territory on a limited number of topics (see s 12 of the *Seat of Government (Administration) Act 1910* (Cwlth)).

SCHEDULE 3—continued

“*Note 4* The written laws in force in the Territory also include the Commonwealth Constitution, Commonwealth Acts, and regulations and other legislative instruments made under Commonwealth Acts. As a general rule, Commonwealth Acts and legislative instruments apply in the ACT in the same way as they apply in other parts of Australia. Commonwealth Acts and instruments prevail over the Acts made by the Legislative Assembly to the extent to which they are inconsistent (see s 28 of the Self-Government Act).

“7A Former NSW and UK Acts in force in Territory

The written law of the Territory includes the NSW Acts and UK Acts mentioned in Schedule 1.

“*Note 1* Section 65 provides that a law mentioned in Schedule 1, to the extent that the law was in force in the Territory immediately before the commencement of that section, is taken to be, for all purposes, a law made by the Legislative Assembly as if it had been enacted by the Assembly.

“*Note 2* The *Imperial Acts (Substituted Provisions) Act 1986* substituted provisions for certain UK Acts that applied (or may have applied) in the Territory and repealed those UK Acts. Most of the remaining substituted provisions are now set out in Part 12 of the *Law Reform (Miscellaneous Provisions) Act 1955*.

“*Note 3* Section 65 also provides that, to remove any doubt, the remaining substituted provisions are taken to be, for all purposes, laws made by the Legislative Assembly as if they had been enacted by the Assembly.

**“PART 2—NOTIFICATION, NUMBERING AND
COMMENCEMENT OF ACTS**

“8 Notification of Acts

“(1) If a proposed law has been passed by the Legislative Assembly, the Chief Minister, or a Minister authorised by the Chief Minister, must publish in the Gazette a notice of the proposed law having been passed and the place or places where copies of the law can be purchased.

“(2) On the day notice of the proposed law is published in the Gazette (the *notification day*) or as soon as practicable after the notification day, copies of the law must be available for purchase at the place, or each of the places, stated in the notice.

“(3) If, on the notification day, no copies of the law are available for purchase at the place, or any of the places, stated in the notice, the Chief Minister must present to the Legislative Assembly within 15 sitting days a statement—

- (a) that copies of the law were not so available; and

SCHEDULE 3—continued

(b) explaining why they were not available.

“(4) Failure to comply with subsection (2) or (3) does not affect the validity of the law.

“9 **Numbering of Acts**

The Acts passed in each year are to be numbered as nearly as practicable in the order in which they are passed.

“10 **Commencement of Acts on date of notification**

An Act commences on its date of notification except so far as the Act otherwise expressly provides.

“10A **Time of commencement of Acts**

If an Act or a provision of an Act commences on a day, it commences at the beginning of the day.

“10B **Commencement of naming and commencement provisions on date of notification**

“(1) The provisions of an Act providing for its name and commencement automatically commence on the date of notification of the Act.

“(2) This section applies to an Act despite anything in the Act unless the Act expressly provides that it does not apply.

“10C **Commencement by notice**

“(1) If an Act or provisions of an Act are expressed to commence on a day fixed by notice—

(a) a single day or time may be fixed; or

(b) different days or times may be fixed for different provisions.

“(2) If the day or time fixed by a notice in the Gazette for the commencement of an Act or a provision of an Act happens before the day the notice is published in the Gazette (the *notification day*)—

(a) the notice is valid; but

(b) the Act or provision commences on the notification day.

“(3) In this section—

notice includes any instrument (however described).

SCHEDULE 3—continued

“10D Separate commencement of amendments

Any amendment made by a provision of an Act may be given a separate commencement, whether or not the provision is self-contained.

“Examples

1 Each paragraph of a provision of an amending Act may be given a separate commencement.

2 Each item in a schedule to an amending Act may be given a separate commencement.

“10E Automatic commencement of postponed law

“(1) In this section—

notification day, for a postponed law, means the date of notification of—

- (a) if the postponed law is an Act—the Act; or
- (b) if the postponed law is a provision of an Act—the Act that enacts the provision.

postponed law means an Act or provision of an Act that does not commence on the notification day because a provision of an Act postpones its commencement until a day fixed by a notice or other instrument.

“(2) If a postponed law has not commenced within 6 months beginning on the notification day, it automatically commences on the first day after that period.

“(3) This section—

- (a) applies only to a postponed law enacted after 1 January 2000; and
- (b) applies to a postponed law unless an Act expressly states it does not apply.

“Example—

The *Hypothetical Act 2000* was notified in the Gazette on 5 July 2000 and was expressed to commence on a day to be fixed by the Minister by notice in the Gazette. If the Act had not commenced by notice on or before 4 January 2001, it would automatically commence on 5 January 2001.

“10F References to enactment and passing of Acts

In an Act, a reference to the *enactment* or *passing* of an Act is a reference to that Act having been notified in the Gazette under section 8.

SCHEDULE 3—continued

“11 References to commencement of Act

In an Act, a reference to the *commencement* of the Act, or another Act, (the *Act concerned*) is a reference to—

- (a) if the provisions of the Act concerned (other than those providing for its name and commencement) commence, or are required to commence, on a single day or at a single time—the commencement of the remaining provisions; or
- (b) if paragraph (a) does not apply and the reference is in a provision of the Act concerned—the commencement of the provision; or
- (c) in any other case—the commencement of the relevant provision of the Act concerned.”.

Sections 11C, 11D and 12—

Repeal the sections, substitute the following sections:

“11C Changes of drafting practice not to affect meaning

If—

- (a) a provision of an Act expresses an idea in particular words; and
- (b) a provision of the same Act, or another Act, enacted later appears to express the same idea in different words or in a different way because of a different legislative drafting practice, including, for example the use of—
 - (i) a clearer or simpler drafting style; or
 - (ii) gender-neutral language;

the ideas must not be regarded as different merely because different words are used or the idea is expressed in a different way.

“11D Examples

If an Act includes an example of the operation of a provision, the example—

- (a) is not exhaustive; and
- (b) may extend, but does not limit, the meaning of the provision.

“11E Defined terms—other parts of speech and grammatical forms

If an Act defines a word or expression, other parts of speech and grammatical forms of the word or expression have corresponding meanings.

SCHEDULE 3—continued

“11F Application of definitions in dictionaries and sections

“(1) A definition in the dictionary to this Act applies to all Acts.

“(2) A definition in the dictionary to another Act applies to the entire Act unless the Act provides for the definition to have a more limited application.

“Examples

1 In an Act, the word *w* is defined in section 10, which is in Part 3 (General concepts). There is also a signpost definition ‘*w*—see section 10.’ in the Act’s dictionary. There is nothing in the Act indicating the intended application of the definition of *w*. The definition, therefore, applies to the entire Act.

2 The dictionary to the *ABC Act 1999* includes the signpost definition ‘*x*—see *XYZ Act 1998*, section 3.’. There is nothing in the *ABC Act 1999* indicating the intended application of the definition of *x*. The definition of *x* in section 3 of the *XYZ Act 1998*, therefore, applies to the entire *ABC Act 1999*.

3 In an Act, the word *y* is defined in section 30, which is not divided into subsections and is in Part 4. Section 30 begins with the words ‘In this Part’. The definition of *y* applies only to Part 4.

4 In an Act, the word *z* is defined in the dictionary. The definition provides, in part, that ‘*z*, in Part 4 (Registration of vehicles), means ...’. The definition of *z* applies only to Part 4.

“(3) A definition in a section of an Act applies only to the section unless the Act provides for the definition to have a broader application.

“Examples

1 Subsection 8 (2) of this Act contains a definition of the **notification day** as a tagged term. There is nothing in this Act indicating that the definition applies outside section 8. The definition, therefore, applies only to section 8.

2 In an Act, the word *a* is defined in a section, which is not divided into subsections but contains a number of definitions. The section begins with the words ‘In this Act’. The definition of *a* applies to the entire Act.

3 In Part 6 of an Act, the word *b* is defined in a section, which is not divided into subsections but contains a number of definitions. The section begins with the words ‘In this Part’. The definition of *b* applies to Part 6.

4 In a subsection of a section of an Act, the word *c* is defined. The subsection begins with the words ‘In subsection (3)’. The definition of *c* applies only to subsection (3) of that section.

“11G Definitions apply subject to contrary intention

A definition in an Act applies except so far as the contrary intention appears.

SCHEDULE 3—continued

“11H Material that is part of an Act

“(1) A heading to a chapter, part, division, subdivision, schedule, or another provision (other than a section or subsection), to or of an Act is part of the Act.

“(2) A heading to a section or subsection of an Act is part of the Act if—

- (a) the Act is enacted after 1 January 2000; or
- (b) the heading is amended or inserted after 1 January 2000.

“(3) An example or diagram in an Act is part of the Act.

“(4) A schedule, dictionary or appendix to an Act is part of the Act.

“(5) Punctuation in an Act is part of the Act.

“(6) A provision number in an Act is part of the Act.

“12 Material that is not part of an Act

“(1) A footnote, endnote, or other note, in or to an Act is not part of the Act.

“(2) A table of contents (however described), or reader’s guide, in or to an Act is not part of the Act.

“(3) A heading to a section or subsection of an Act is not part of the Act if subsection 11H (2) does not apply to the heading.

“(4) This section does not prevent the amendment of a note, table or heading mentioned in subsection (1), (2) or (3).

“(5) However, such a note, table or guide does not become part of the Act because it is amended or inserted by an Act.”.

Section 13—

Repeal the section, substitute the following section:

“13 Forms

“(1) If a form is prescribed or approved under an Act, substantial compliance with the form is sufficient.

“(2) However, if a form prescribed or approved under an Act requires—

- (a) the form to be prepared in a stated way (for example, on paper of a stated size or quality or in a stated electronic form); or
- (b) the form to be completed in a stated way; or

SCHEDULE 3—continued

(c) stated information to be included in the form, or stated documents to be attached to or given with the form; or

(d) the form, or information or documents included in, attached to or given with the form, to be verified in a stated way;

the form is properly completed only if the requirement is complied with.

“(3) Despite subsection (2), if—

(a) a form prescribed or approved under an Act for a purpose or 2 or more purposes requires information or a document to be included in, attached to or given with the form; and

(b) the information or document is not reasonably necessary for the purpose or 1 or more of the purposes;

the person need not comply with the requirement.

“*Examples*

1 A person need not comply with a requirement of a prescribed form to include personal information (eg marital status) irrelevant to a purpose for which the form is required.

2 A person need not comply with a requirement of an approved form that has some relevance to a purpose for which the form is required, but intrudes to an unreasonable extent on personal privacy.

“(4) If—

(a) a form (*form 1*) may be prescribed or approved under an Act for a purpose or 2 or more purposes; and

(b) another form (*form 2*) may be prescribed or approved under the Act or another Act for the same or another purpose or purposes; and

(c) separate forms 1 and 2 are prescribed or approved;

a combination form, consisting of forms 1 and 2, may be prescribed or approved and used for the purpose or all of the purposes.

“(5) If, under an Act, a form is required or permitted to be filed with, or served on, a person (whether the expression ‘file’, ‘lodge’, ‘deliver’, ‘give’, ‘notify’, ‘send’ or ‘serve’ or another expression is used), the form may be filed with, or served on, someone else under arrangements made between the persons.”.

Section 13A—

Omit “by or”.

SCHEDULE 3—continued

Subsections 13B (1) and (2)—

Omit “, then, unless the contrary intention appears”.

Section 13D—

Omit “unless the contrary intention appears”.

Sections 14, 14B, 15 and 17—

Repeal the sections, substitute the following sections:

“14 Reference to provisions of a law is inclusive

In an Act, a reference to any part of a law (including the Act) is a reference to the following:

- (a) the provision of the law that forms the beginning of the part;
- (b) the provision of the law that forms the end of the part;
- (c) any provision of the law between the beginning and end of the part.

“Examples

- 1 A reference to ‘sections 5 to 9’ includes both section 5 and section 9.
- 2 A reference to ‘sections 260 to 264’ includes a provision such as a part heading between section 260 and 261.
- 3 A reference to ‘*from child to adult*’ includes both the word ‘child’ and the word ‘adult’.

“15 References to persons generally

“(1) In an Act, a reference to a person generally includes a reference to a corporation as well as an individual.

“(2) Subsection (1) is not displaced merely because there is an express reference to either an individual or a corporation elsewhere in the Act.

“Examples of references to a person generally

- 1 another person
- 2 anyone else
- 3 party
- 4 someone else
- 5 employer

“Examples of express references to a corporation

- 1 body corporate
- 2 company

SCHEDULE 3—continued

“Examples of express references to an individual

- 1 adult
- 2 child
- 3 spouse
- 4 driver

“16 Meaning of *may* and *must*

“(1) In an Act, the word *may*, or a similar word or expression, used in relation to a power indicates that the power may be exercised or not exercised, at discretion.

“(2) In an Act, the word *must*, or a similar word or expression, used in relation to a power indicates that the power is required to be exercised.

“(3) This section applies despite any presumption or rule of interpretation—

- (a) to an Act enacted after 1 January 2000; or
- (b) to a provision inserted into another Act after 1 January 2000.”.

Subsection 17A (1)—

Omit “then, unless the contrary intention appears,”.

Section 18—

Omit “then, unless the contrary intention appears,”.

Section 19—

Omit “, unless the contrary intention appears”.

Section 20—

Omit “unless the contrary intention appears,”.

Section 21—

Omit “, unless the contrary intention appears,” (wherever occurring).

Section 22—

Omit “, unless the contrary intention appears,”.

SCHEDULE 3—continued

New sections 23, 24 and 24A—

After section 22 insert the following sections:

“23 References to *the Territory* or *this Territory*

In an Act, a reference to *the Territory* or *this Territory*—

- (a) when used in a geographical sense—is a reference to the Australian Capital Territory; or
- (b) in any other case—is a reference to the body politic established by section 7 of the Self-Government Act.

“24 References to *a Minister* or *the Minister*

“(1) In an Act, a reference to *a Minister* is a reference to the Chief Minister or a Minister appointed under section 41 of the Self-Government Act.

“(2) In a provision of an Act, a reference to *the Minister* without identifying the Minister’s title or portfolio is a reference to—

- (a) the Minister for the time being administering the provision; or
- (b) if, for the time being, different Ministers administer the provision in relation to different matters—
 - (i) if only 1 Minister administers the provision in relation to the relevant matter—the Minister; or
 - (ii) if 2 or more Ministers administer the provision in relation to the relevant matter—any of the Ministers; or
- (c) if paragraph (b) does not apply and, for the time being, 2 or more Ministers administer the provision—any of the Ministers.

“(3) In subsection (2)—

Minister includes a Minister for the time being acting on behalf of a Minister or 2 or more Ministers.

“(4) If an Act mentions a Minister and identifies the Minister merely by reference to the fact that the Minister administers a stated Act or provision, subsection (2) applies as if references in paragraphs (a) to (c) to the provision were references to the stated Act or provision.

“(5) If an Act defines the expression *Minister* or *the Minister* for the Act or a provision of the Act in a way that does not identify a particular Minister by title or portfolio, subsections (2) and (4) apply to the Act or provision despite that definition of the expression.

SCHEDULE 3—continued

“24A References to a chief executive or the chief executive

“(1) In an Act, a reference to *a chief executive* is a reference to a person employed under section 28 or 30 of the Public Sector Management Act to perform the duties of an office of chief executive.

“(2) In a provision of an Act, a reference to *the chief executive* without identifying the chief executive’s title is a reference to—

- (a) the chief executive of the administrative unit responsible for the provision; or
- (b) if, for the time being, different administrative units are responsible for the provision in relation to different matters—
 - (i) if only 1 administrative unit is responsible for the provision in relation to the relevant matter—the chief executive of the administrative unit; or
 - (ii) if 2 or more administrative units are responsible for the provision in relation to the relevant matter—the chief executive of any of the administrative units; or
- (c) if paragraph (b) does not apply and, for the time being, 2 or more administrative units are responsible for the provision—the chief executive of any of the administrative units.

“(3) If an Act mentions a chief executive and identifies the chief executive merely by reference to the fact that the chief executive is the chief executive of the administrative unit responsible for a stated Act or provision, subsection (2) applies as if references in paragraphs (a) to (c) to the provision were references to the stated Act or provision.

“(4) If an Act defines the expression *chief executive* or *the chief executive* for the Act or a provision of the Act in a way that does not identify a particular chief executive by title, subsections (2) and (3) apply to the Act or provision despite that definition of the expression.

“(5) In this section—

chief executive, of an administrative unit, means the person who is employed under section 28 or 30 of the Public Sector Management Act to perform the duties of the office of chief executive in the administrative unit.

Public Sector Management Act means the *Public Sector Management Act 1994*.

SCHEDULE 3—continued

responsible, for a provision, means allocated responsibility for the provision under paragraph 14 (b) of the Public Sector Management Act.”.

Subsections 25 (1), (2) and (3)—

Omit “, unless the contrary intention appears,”.

New sections 25AA and 25AB—

After section 25 insert the following sections:

“25AA References to Assembly committees that no longer exist

In an Act, a reference (whether by name or description) to a committee of the Legislative Assembly that no longer exists is a reference to the committee of the Assembly nominated by the Speaker either generally or for the provision containing the reference.

“25AB References to Australian Standards

In an Act, a reference consisting of the words ‘Australian Standard’ followed by a number is a reference to the standard so numbered published by or on behalf of the Standards Australia.”.

Heading to Division 3 of Part III—

Omit the heading, substitute the following heading:

“Division 3—Functions and powers under Acts”.

Section 26—

Repeal the section, substitute the following sections:

“26 Performance of statutory functions etc

“(1) If an Act gives a function or power to an entity, the function may be performed, or the power may be exercised, from time to time.

“(2) If an Act gives a function or power to the holder of a stated office, the function may be performed, or the power may be exercised, by the person for the time being occupying or acting in the office.

“(3) If an Act gives a function or power to a body (whether or not incorporated), the performance of the function, or the exercise of the power, is not affected merely because of vacancies in the body’s membership.

SCHEDULE 3—continued

“26A Power to make instrument or decision includes power to amend or repeal

“(1) If an Act authorises or requires the making of an instrument or decision—

- (a) the power includes power to amend or repeal the instrument or decision; and
- (b) the power to amend or repeal the instrument or decision is exercisable in the same way, and subject to the same conditions, as the power to make the instrument or decision.

“(2) For subsection (1), an Act is taken to authorise or require the making of an instrument if—

- (a) the Act authorises or requires something to be done; and
- (b) it can be done by instrument.”.

Subsection 27 (1)—

Omit the subsection.

Subsection 28 (1)—

Omit “, unless the contrary intention appears,” (wherever occurring).

Subsection 28 (2)—

Omit “, unless the contrary intention appears,”.

Section 29A—

Omit “then, unless the contrary intention appears,”.

Section 30—

Omit “in pursuance of any”, substitute “under a”.

Subsection 30A (1) (definition of *periodic report*)—

Omit “pursuant to”, substitute “under”.

Paragraph 30A (6) (a)—

Omit “pursuant to”, substitute “under”.

Section 31—

Omit “, unless the contrary intention appears,”.

SCHEDULE 3—continued

Heading to Division 4 of Part 3—

Add at the end “, *offences and penalties*”.

Subparagraph 31A (a) (ii)—

Omit “Constitution”, substitute “Commonwealth Constitution”.

Subsection 32 (1)—

- (a) Omit “, unless the contrary intention appears,”.
- (b) Omit “bodies corporate”, substitute “corporations”.
- (c) Omit “individual persons”, substitute “individuals”.
- (d) Omit “body corporate”, substitute “corporation”.

Subsection 32 (2)—

Omit “body corporate” (wherever occurring), substitute “corporation”.

Section 33AA—

Repeal the section, substitute the following section:

“33AA Meaning of penalty unit etc

In an Act, if a penalty for an offence is expressed as a number (whether whole or fractional) of penalty units—

- (a) the penalty is a fine of that number of penalty units; and
- (b) the value of the penalty unit for the offence is—
 - (i) if the person charged is an individual—\$100; or
 - (ii) if the person charged is a corporation—\$500.

“Example

‘Maximum penalty: 10 penalty units.’ means that a person who is convicted of the relevant offence is liable to a maximum fine of 10 penalty units. If the person is an individual, the maximum fine is, therefore, \$1,000 (\$100x10). If the person is a corporation, the maximum fine is, therefore, \$5,000 (\$500x10).

“Note Section 63 is a transitional provision applying to Acts and republications that predate this section.”.

Subsection 33B (1)—

- (a) Omit “by or”.
- (b) Omit “unless the contrary intention appears,”.

SCHEDULE 3—continued

Sections 33D and 33E—

Omit “, unless the contrary intention appears,”.

Subsection 33F (1)—

Omit “, unless the contrary intention appears,”.

Subsection 33G (2)—

Omit the subsection.

Section 34—

Omit “in pursuance of an Act, then, unless the contrary intention appears”, substitute “under an Act”.

Section 35—

Omit “, unless the contrary intention appears,”.

Subsection 36 (1)—

Omit “, unless the contrary intention appears,”.

Division 6 of Part 3—

Repeal the Division, substitute the following divisions in Part 3:

“Division 6—Repeal, expiry, amendment and modification of Acts

“37 **Definitions for Div 6**

In this Division—

Act includes a provision of an Act.

amend includes modify.

repeal includes expiry.

“38 **When repeal or expiry takes effect**

If an Act is repealed or expires on a day, the Act continues in force until the end of the day and the repeal or expiry takes effect at midnight on the day.

“39 **Repealed and amended Acts not revived on repeal of repealing and amending Acts**

“(1) If an Act (the *first Act*) is repealed by another Act (the *other Act*), the first Act is not revived merely because the other Act is repealed.

SCHEDULE 3—continued

“Examples

- 1 Act A repeals Act B. Act A is repealed. The repeal of Act A does not revive Act B.
- 2 Act A repeals Act B. Act A is automatically repealed under section 43 of this Act. The repeal of Act A does not revive Act B.

“(2) If an Act (the *first Act*) is amended by another Act (the *other Act*), the continuing operation of the amendments made by the other Act is not affected merely because the other Act is repealed and, in particular, the first Act is not revived in the form in which it was in before the amendments took effect merely because of the repeal.

“Examples

- 1 Act A amends Act B. Act A is repealed after it has commenced by a later Act C. The amendments made by Act A continue to operate, even though Act A has been repealed.
- 2 Act A amends Act B. Act A is automatically repealed under section 43 of this Act. The amendments made by Act A continue to operate, even though Act A has been repealed.

“(3) This section is in addition to, and does not limit, any other provision of this Division or any provision of the Act by which the repeal is made.

“40 Commencement not undone if omitted

If a provision of an Act provides for the commencement of the Act and the Act has commenced, the later omission of the provision does not affect the continuing operation of the Act.

“41 Saving of operation of repealed Acts etc

- “(1) The repeal or amendment of an Act does not—
- (a) revive anything not in force or existing when the repeal or amendment takes effect; or
 - (b) affect the previous operation of the Act or anything done, begun or suffered under the Act; or
 - (c) affect a right, privilege or liability acquired, accrued or incurred under the Act; or
 - (d) affect a penalty or forfeiture incurred for an offence against the Act; or
 - (e) affect an investigation, proceeding or remedy in relation to a right, privilege, liability, penalty or forfeiture mentioned in paragraph (c) or (d).

SCHEDULE 3—continued

“(2) The investigation, proceeding or remedy may be begun, continued or completed, and the right, privilege, liability or forfeiture may be enforced and the penalty imposed, as if the repeal or amendment had not happened.

“(3) Without limiting subsections (1) and (2), the repeal or amendment of an Act does not affect—

- (a) the proof of anything that has happened; or
- (b) any right, privilege or liability saved by the Act; or
- (c) any repeal or amendment made by the Act; or
- (d) any transitional or validating effect of the Act.

“(4) This section is in addition to, and does not limit, any other provision of this Division or any provision of the Act by which the repeal or amendment is made.

“42 **Repeal does not end transitional or validating effect etc**

“(1) If an Act—

- (a) declares something for a transitional purpose (whether or not the Act is expressed to be made for that purpose); or
- (b) validates something that is or may otherwise be invalid; or
- (c) declares something for a purpose that is consequential on a declaration mentioned in paragraph (a) or a validation mentioned in paragraph (b) (whether or not the Act is expressed to be made for a purpose of that kind);

the declaratory or validating effect of the Act does not end merely because of the repeal of the Act.

“*Example of paragraph (a)*

A provision stating that an existing licence under a repealed Act is taken to be a licence of a particular kind under another Act and authorising the imposition of conditions under the other Act.

“*Example of paragraph (b)*

A provision declaring an instrument to have been validly made and acts done in reliance on the instrument to have been validly done.

“*Example of paragraph (c)*

A provision stating that an instrument that is declared valid is taken to have been amended in a particular way.

SCHEDULE 3—continued

“(2) If an Act (the *savings law*) declares an Act (the *declared law*) to be an Act to which this section applies—

- (a) the effect of the declared law does not end merely because of its repeal; and
- (b) the effect of the savings law does not end merely because of its repeal.

“(3) A declaration may be made for subsection (2) about an Act whether or not the Act is a law to which subsection (1) applies.

“(4) A declaration made for subsection (2) about an Act does not imply that, in the absence of a declaration about it, another Act is not a law to which this section applies.

“(5) This section is in addition to, and does not limit, any other provision of this Division or any provision of the Act by which the repeal is made.

“43 Automatic repeal of amending Acts

“(1) An amending Act enacted after 1 January 2000 is automatically repealed on the day after all of its provisions have commenced.

“(2) A repeal under subsection (1) has effect for all purposes, including, for example, any other provisions of this Act about repeals.

“(3) This section is in addition to, and does not limit the operation of any other provision of this Division.

“(4) In this section—

amending Act means an Act that consists only of provisions of the following kinds:

- (a) the Act’s long title;
- (b) the Act’s preamble (if any);
- (c) a provision about the Act’s name;
- (d) a provision about the Act’s commencement;
- (e) a provision about the purposes of the Act or any of its provisions;
- (f) a provision providing for the amendment or repeal of an Act or instrument (including a provision identifying the amended or repealed Act or instrument);
- (g) a provision declaring an Act to be an Act to which section 42 applies;

SCHEDULE 3—continued

- (h) a provision about the renumbering of an Act or instrument;
- (i) a provision authorising or requiring something to be done under the *Legislation (Republication) Act 1996*.

“Example 1

The *Hypothetical Amending Act 2000* repeals and amends a number of Acts. The Act contains the following provisions:

- a long title
- a provision about the Act’s name
- a provision about the Act’s commencement
- repealing provisions (that is, a provision stating that the Act repeals the Acts mentioned in Schedule 1 and a schedule (Schedule 1) setting out the names of the repealed Acts)
- amending provisions (that is, a provision stating that the Act amends the Acts mentioned in Schedule 2 and a schedule (Schedule 2) setting out the amended Acts and the amendments made to them)
- a provision about the application of section 42 of this Act to a provision being repealed
- a provision requiring an amended Act (the *XYZ Act 1990*) to be renumbered under the *Legislation (Republication) Act 1996* in the next republication of the *XYZ Act 1990*.

The Act contains no other provisions. Its repealing provisions, and its other provisions apart from the amending provisions, commence on the date of notification, 21 March 2000. Its amending provisions commence on a date fixed by the Minister by notice in the Gazette, 12 April 2000. Under subsection (1), the *Hypothetical Amending Act 2000* is automatically repealed on 13 April 2000.

“Example 2

The *Example Act 2000* contains provisions establishing a new licensing scheme. It also amends several Acts and repeals others. Because it contains the scheme provisions, it is not an amending Act covered by subsection (1).

“44 Act and amending Acts to be read as one

An Act and all Acts amending it are to be read as one.

“45 Insertion of definitions by amending Act

If an Act amends a provision of another Act by inserting a definition that is to form part of a series of definitions, and does not specify where it is to be inserted in the provision, the definition is to be inserted in the appropriate alphabetical position decided on a letter-by-letter basis.

“46 Amendment to be made wherever possible

If an Act amends another Act—

- (a) by omitting a word; or

SCHEDULE 3—continued

- (b) by substituting a word for another word; or
 - (c) by inserting a word before or after a particular word;
- the amendment is to be made wherever possible in the other Act.

“47 Continuance of appointments etc made under amended provisions

“(1) This section applies if—

- (a) an Act expressly or impliedly authorises or requires—
 - (i) the making of an appointment or statutory instrument; or
 - (ii) the delegation of a power or function; or
 - (iii) the doing of anything else; and
- (b) the Act is amended by another Act; and
- (c) under the amended Act—
 - (i) the appointment or statutory instrument may be made; or
 - (ii) the power or function may be delegated; or
 - (iii) the thing may be done.

“(2) An appointment, statutory instrument, delegation or other thing mentioned in subsection (1) that was in force immediately before the commencement of the amendment continues to have effect after the commencement as if it had been made or done under the amended Act.

“(3) In this section—

amend includes omit and re-enact in the same Act (with or without changes), but does not include omit and re-enact in another Act.

“48 Status of modifications

“(1) In this section—

law means an Act or subordinate law.

“(2) If a law is modified by another law, the law operates as modified but the modification does not amend the text of the law.

“49 Relocated provisions

“(1) This section applies if a provision of an Act is relocated (with or without changes) to a different place in the same Act or to a different Act.

“(2) The operation or meaning of the provision is not affected merely because of the provision’s relocation.

SCHEDULE 3—continued

“(3) Without limiting subsection (2), if before its relocation the provision was to be interpreted in a particular way, it is to be so interpreted in its new location.

“Example

If a provision of an Act is to be interpreted as if it were an Act consolidating the provisions of another law or laws and it is relocated into another Act, it is to be interpreted in the same way in its new location.

“(4) However, the provision has effect subject to any changes made to it.

“Division 7—References to Acts

“50 References to Acts generally

“(1) Every Act may be referred to by the word *Act* alone.

“Example

A former New South Wales Act that applies in the ACT may be referred to using its NSW short title, eg *‘Truck Act 1900’*. In other words, it is not necessary to add words such as *‘of the State of New South Wales in its application in the Territory’*.

“(2) In an Act, a reference to ***an Act*** includes a reference to the Act that contains the reference.

“51 Citation of particular Acts

“(1) An Act may be cited—

- (a) by its short title or other name; or
- (b) by reference to the year when it was enacted and its number.

“(2) A Commonwealth Act may be cited—

- (a) by its short title or other name; or
- (b) in another way sufficient in a Commonwealth Act for the citation of a Commonwealth Act;

together with a reference to the Commonwealth (or an abbreviation of the Commonwealth).

“(3) An Act or ordinance of a State or another Territory may be cited—

- (a) by its short title or other name; or
- (b) in another way sufficient in an Act or ordinance of the State or other Territory for the citation of such an Act or ordinance;

together with (unless it is a continued NSW Act) a reference to the State or other Territory (or an abbreviation of it).

SCHEDULE 3—continued

“(4) A UK Act may be cited—

(a) by its short title or other name; or

(b) in another way sufficient in a UK Act for the citation of a UK Act;

together with (unless it is a continued UK Act) a reference to the United Kingdom (or an abbreviation of the United Kingdom).

“52 **Citation of statutory instruments**

“(1) A statutory instrument may be cited—

(a) by its citation or other name; or

(b) by reference to—

(i) for an instrument that has been published or notified in the Gazette—the number, date and page or pages of the Gazette in which it was published or notified; or

(ii) for any other instrument—the date when it was made, together with a reference to the Act or statutory instrument under which it was made.

“(2) An instrument made under a Commonwealth Act, or under an instrument made under a Commonwealth Act, may be cited—

(a) by its citation or other name; or

(b) in another way sufficient in a Commonwealth Act for the citation of such an instrument;

together with a reference to the Commonwealth (or an abbreviation of the Commonwealth).

“(3) An instrument made under an Act or ordinance of a State or another Territory, or under an instrument made under such an Act or ordinance, may be cited—

(a) by its citation or other name; or

(b) in another way sufficient in an Act or ordinance of the State or other Territory for the citation of such an instrument;

together with (unless it is a New South Wales instrument applying in the Territory) a reference to the State or other Territory (or an abbreviation of it).

“(4) An instrument made under a UK Act, or under an instrument made under a UK Act, may be cited—

(a) by its citation or other name; or

SCHEDULE 3—continued

- (b) in another way sufficient in a UK Act for the citation of such an instrument;

together with (unless it is a UK instrument applying in the Territory) a reference to the United Kingdom (or an abbreviation of the United Kingdom).

“53 References to provisions of laws

“(1) A provision of a law or instrument may, if appropriate, be cited by reference to the provision of the law or instrument in which it is contained.

“Example

Paragraph (b) in subsection (2) of section 10 of an Act may be cited by reference to the section and subsection, that is, as paragraph 10 (2) (b).

“(2) In this section—

instrument means an instrument (other than a law) made under a law.

law means—

- (a) an Act or subordinate law; or
- (b) a law of the Commonwealth, a State or another Territory.

“54 References taken to be included in citation of a law or instrument

“(1) In an Act, a reference to a law (including the Act) or instrument includes a reference to the following:

- (a) the law or instrument as originally made, and as amended from time to time since it was originally made;
- (b) if the law or instrument has been repealed and remade (with or without change) since the reference was made—the law or instrument as remade, and as amended from time to time since it was remade;
- (c) if a relevant provision of the law or instrument has been omitted and remade (with or without change) in another law or instrument since the reference was made—the other law or instrument as in force when the provision was remade, and as amended from time to time since the provision was remade.

SCHEDULE 3—continued

“(2) In an Act or instrument, a reference to a provision of a law (including the Act) or of an instrument (including the instrument) includes a reference to the following:

- (a) the provision as originally made, and as amended from time to time since it was originally made;
- (b) if the provision has been omitted and remade (with or without change and whether in the law or instrument or another law or instrument) since the reference was made—the provision as remade, and as amended from time to time since it was remade.

“(3) In this section—

instrument means an instrument (other than a law) made under a law.

law means—

- (a) an Act or subordinate law; or
- (b) a law of the Commonwealth, a State or another Territory.

make includes enact.

“55 References to changed short titles, citations and other names

“(1) If the short title, citation or other name of an Act or instrument is changed, a reference in an Act to the name includes a reference to the name as amended.

“(2) In this section—

instrument means an instrument (other than a law) made under a law.

law means—

- (a) an Act or subordinate law; or
- (b) a law of the Commonwealth, a State or another Territory.”.

Part 4—

Repeal the Part, substitute the following parts, schedules and dictionary:

“PART 4—FORMER NSW ACTS

“56 Interpretation of former NSW Acts

The purpose of this Part is to assist in the interpretation of former NSW Acts.

SCHEDULE 3—continued

“57 Certain references in former NSW Acts

A reference in a former NSW Act to something in column 2 of the following table is a reference to the person or thing set out opposite in column 3 of the table.

SCHEDULE 3—continued

Table of references

column 1 item	column 2 reference in former NSW Act	column 3 meaning of reference
1	Act	NSW Act
2	Government Printer (in relation to instruments and documents printed before 1 January 1911)	Government Printer of New South Wales
3	Government Gazette	Gazette
4	British subject	an Australian citizen, or any other person who would, if Part 2 of the <i>Australian Citizenship Act 1948</i> (Cwlth) (and the regulations made under that Act for the Part) had continued in force after 30 April 1987, have been a person who has the status of a British subject under that Part
5	Deputy Commissioner of Police	chief police officer
6	officer of police or member of a police force	police officer
7	member of a police force holding a stated rank that does not exist as a rank in the Australian Federal Police	police officer holding a rank that is declared by regulations under the <i>Australian Federal Police Act 1979</i> (Cwlth) to be the equivalent of the stated rank
8	Registrar of Titles	the registrar-general in the performance of functions, or exercise of powers, under the <i>Land Titles Act 1925</i> or the <i>Registration of Deeds Act 1957</i>

“PART 5—FORMER UK ACTS

“58 Interpretation of former UK Acts

“(1) The purpose of this Part is to assist in the interpretation of former UK Acts.

“(2) Except as provided in sections 60 and 61, Schedule 2 applies to all former UK Acts according to its terms.

SCHEDULE 3—continued

“(3) If a provision of Schedule 2 is inconsistent with another provision of this Act (except section 3), the provision of Schedule 2 prevails to the extent of the inconsistency.

“(4) Without limiting subsection (3), if a provision of Schedule 2 dealing with a matter does not apply to all former UK Acts and another provision of this Act also deals with the matter (whether or not in the same way), then, for that subsection, the provision of Schedule 2 is taken to be intended to deal exclusively with the matter.

“Example

Clause 12 of the Schedule, which deals with the measurement of distance, applies only to former UK Acts passed after 1889. Section 35 makes similar provision for measurement of distance for all Acts. Section 35 does not apply to former UK Acts passed during or before 1889.

“59 **Provisions applying to all former UK Acts**

If the words ‘all former UK Acts’ are set out at the end of a provision of Schedule 2, the provision applies to all former UK Acts.

“60 **Provisions applying to former UK Acts passed after a stated year or date**

If a year or a date is set out at the end of a provision of Schedule 2, the provision applies to former UK Acts passed after the year, or on or after the date.

“61 **Stated provisions applying to former UK Acts**

“(1) If a reference to subsection (2), (3) or (4) is set out at the end of a provision of Schedule 2, the provision applies to former UK Acts as set out in the subsection.

“(2) Clause 10 of Schedule 2 applies—

- (a) to former UK Acts passed before 1851 only in relation to offences punishable on indictment or summary conviction; and
- (b) to former UK Acts passed after 1850.

“(3) Clause 13 of Schedule 2 applies to all former UK Acts, but only so far as they relate to subordinate legislation made after 1889.

“(4) Clause 15 of Schedule 2 applies to all former UK Acts passed after 1889 so far as they relate to rules, regulations and by-laws.

SCHEDULE 3—continued

“62 Words at end of provision of Schedule 2 do not form part of the provision

The words ‘all former UK Acts’, a year, date or reference to a subsection of section 61 set out at the end of a provision of Schedule 2 is set out for the application of this Part and does not form part of the provision.

“PART 6—TRANSITIONAL

“63 Transitional provisions about penalties

“(1) This section applies only to—

- (a) an Act (other than a republication of the Act) notified in the Gazette before the commencement day; or
- (b) a republication of an Act republished as in force on a date (however expressed) before the commencement day.

“(2) In an Act, if a penalty for an offence is expressed to apply to a body corporate or corporation—

- (a) the penalty applies to any corporation; and
- (b) the value of a penalty unit for the offence is \$100, even though the person charged is a body corporate or another corporation.

“(3) If a provision of an Act authorises the regulations under the Act to prescribe offences and expressly limits the penalty (or maximum penalty) that may be prescribed for such an offence when committed by a body corporate or corporation—

- (a) such a penalty may be prescribed for such an offence when committed by any corporation; and
- (b) a penalty prescribed under the regulations that would, apart from this subsection, apply only to a body corporate applies to any corporation; and
- (c) the value of a penalty unit for the offence is \$100, whether the person charged is an individual or a body corporate or another corporation.

“(4) Paragraph 33AA (b) is subject to this section.

“(5) In this section—

commencement day means the day when this section commences.

SCHEDULE 3—continued

republication, of an Act, means a republication of an Act to which the *Legislation (Republication) Act 1996* applies.

“64 References to Standards Association of Australia

In an Act, a reference to the *Standards Association of Australia* is, in relation to anything done or to be done on or after 1 July 1999, a reference to Standards Australia.

“65 Certain NSW and UK Acts taken to be Acts of the Legislative Assembly

“(1) An Act mentioned in column 2 of Schedule 1, to the extent that the Act was in force in the Territory immediately before the commencement of this section, is taken to be, for all purposes, a law made by the Legislative Assembly as if it had been enacted by the Assembly.

“(2) To remove any doubt, the provisions in a Part in Schedule 2 to the *Imperial Acts (Substituted Provisions) Act 1986*, to the extent that those provisions were in force in the Territory immediately before the commencement of this section and are located to another Act by the *Law Reform (Miscellaneous Provisions) Act 1999*, are taken to be, for all purposes, a law made by the Legislative Assembly as if it had been enacted by the Assembly.

“(3) This section is a provision to which section 42 of this Act applies.

“(4) This section expires 1 year after it commences.

SCHEDULE 3—continued

SCHEDULE 1

(See s 7A)

ACTS INCLUDED IN SOURCES OF LAW OF THE TERRITORY

**PART 1—FORMER NSW AND UK ACTS TREATED
AS ACTS OF THE LEGISLATIVE ASSEMBLY**

column 1 item	column 2 citation (if provided by the Act) or subject matter	column 3 year (if not provided in the citation), number or date of royal assent and original jurisdiction
1	Magna Carta	(1297) 25 Edw. 1, c 29 (UK)
2	Due process of law	(1351) 25 Edw. 3, St. 5 c 4 (UK)
3	Due process of law	(1354) 28 Edw. 3 c 3 (UK)
4	Due process of law	(1368) 42 Edw. 3 c 3 (UK)
5	Free access to courts	(1400) 2 Hen. 4 c 1 (UK)
6	Offences at sea	(1536) 28 Hen. 8 c 15 (UK)
7	Demise of the Crown	(1547) 1 Edw. 6 c 7 (UK)
8	Actions for trespass or slander	(1623) 21 Jas. 1 c 16 (UK)
9	The Petition of Right	(1627) 3 Chas. 1 c 1 (UK)
10	The Bill of Rights	(1688) 1 Will. and Mary, Sess. 2 c 2 (UK)
11	Piracy	(1698) 11 Will. 3 c 7 (UK)
12	The Act of Settlement	(1700) 12 and 13 Will. 3 c 2 (UK)
13	Legal proceedings not affected by demise of Crown	(1702) 1 Anne c 2 (UK)
14	Use of Crown seals not affected by demise of Crown	(1707) 6 Anne c 41 (UK)
15	Piracy	(1717) 4 Geo. 1 c 11 (UK)
16	Piracy	(1721) 8 Geo. 1 c 24 (UK)
17	Set-off of debts	(1729) 2 Geo. 2 c 22 (UK)
18	Set-off of debts	(1735) 8 Geo. 2 c 24 (UK)
19	Piracy	(1744) 18 Geo. 2 c 30 (UK)
20	<i>Royal Marriages Act 1772</i>	12 Geo. 3 c 11 (UK)
21	<i>Slave Trade Act 1824</i>	5 Geo. 4 c 113 (UK)

SCHEDULE 3—continued

column 1 item	column 2 citation (if provided by the Act) or subject matter	column 3 year (if not provided in the citation), number or date of royal assent and original jurisdiction
22	<i>Australian Courts Act 1828</i>	9 Geo. 4 c 83 (UK)
23	<i>Slavery Abolition Act 1833</i>	3 and 4 Will. 4 c 73 (UK)
24	<i>Slave Trade Act 1843</i>	(1843) 6 and 7 Vic. c 98 (UK)
25	<i>Foreign Tribunals Evidence Act 1856</i>	19 and 20 Vic. c 113 (UK)
26	<i>Evidence by Commission Act 1859</i>	22 Vic. c 20 (UK)
27	<i>British Law Ascertainment Act 1859</i>	22 and 23 Vic. c 63 (UK)
28	<i>Colonial Laws Validity Act 1865</i>	28 and 29 Vic. c 63 (UK)
29	<i>Slave Trade Act 1873</i>	36 and 37 Vic. c 88 (UK)
30	<i>Courts (Colonial) Jurisdiction Act 1874</i>	37 and 38 Vic. c 27 (UK)
31	<i>Public Instruction Act 1880</i>	43 Vic. No 23 (NSW)
32	<i>Evidence by Commission Act 1885</i>	48 and 49 Vic. c 74 (UK)
33	<i>Colonial Courts of Admiralty Act 1890</i>	53 and 54 Vic. c 27 (UK)
34	<i>Merchant Shipping Act 1894</i>	57 and 58 Vic. c 60 (UK)
35	<i>Contractors' Debts Act 1897</i>	1897 No 29 (NSW)
36	<i>Conveyancing and Law of Property Act 1898</i>	1898 No 17 (NSW)
37	<i>Landlord and Tenant Act 1899</i>	1899 No 18 (NSW)
38	<i>Partition Act 1900</i>	1900 No 24 (NSW)
39	<i>Inebriates Act 1900</i>	1900 No 32 (NSW)
40	<i>Truck Act 1900</i>	1900 No 55 (NSW)
41	<i>Judgment Creditors' Remedies Act 1901</i>	1901 No 8 (NSW)
42	<i>Defamation Act 1901</i>	1901 No 22 (NSW)
43	<i>Conveyancing and Law of Property (Supplemental) Act 1901</i>	1901 No 37 (NSW)
44	<i>Forfeiture of Leases Act 1901</i>	1901 No 66 (NSW)

SCHEDULE 3—continued

column 1 item	column 2 citation (if provided by the Act) or subject matter	column 3 year (if not provided in the citation), number or date of royal assent and original jurisdiction
45	<i>Games Wagers and Betting-houses Act 1901</i>	1902 No 18 (NSW)
46	<i>Demise of the Crown Act 1901</i>	1 Edw. 7 c 5 (UK)
47	<i>Arrest on Mesne Process Act 1902</i>	1902 No 24 (NSW)
48	<i>Dedication by User Limitation Act 1902</i>	1902 No 46 (NSW)
49	<i>Common Carriers Act 1902</i>	1902 No 48 (NSW)
50	<i>Innkeepers' Liability Act 1902</i>	1902 No 64 (NSW)
51	<i>Pawnbrokers Act 1902</i>	1902 No 66 (NSW)
52	<i>Piracy Punishment Act 1902</i>	1902 No 69 (NSW)
53	<i>Public Roads Act 1902</i>	1902 No 95 (NSW)
54	<i>Anglican Church of Australia Constitutions Act 1902</i>	24 December 1902 (NSW)
55	<i>Fertilizers Act 1904</i>	1904 No 33 (NSW)
56	<i>Apportionment Act 1905</i>	1905 No 2 (NSW)
57	<i>Forfeiture and Validation of Leases Act 1905</i>	1905 No 8 (NSW)
58	<i>Free Education Act 1906</i>	1906 No 12 (NSW)
59	<i>Gaming and Betting Act 1906</i>	1906 No 13 (NSW)
60	<i>Second-hand Dealers and Collectors Act 1906</i>	1906 No 30 (NSW)
61	<i>Inebriates (Amendment) Act 1909</i>	1909 No 2 (NSW)
62	<i>Defamation (Amendment) Act 1909</i>	1909 No 22 (NSW)

SCHEDULE 3—continued

PART 2—NSW ACTS APPLIED BY ACTS OF THE TERRITORY AND
TREATED AS ACTS OF THE LEGISLATIVE ASSEMBLY

column 1 item	column 2 citation of NSW Act	column 3 Act of the Territory by which previously applied
1	<i>Scaffolding and Lifts Act 1912</i>	<i>Scaffolding and Lifts Act 1957</i>
2	<i>Anglican Church of Australia Trust Property Act 1917</i>	<i>Anglican Church of Australia Trust Property Act 1928</i>
3	<i>Conveyancing Act 1919</i>	(a) <i>Conveyancing Act 1951</i> (b) <i>Law of Property (Miscellaneous Provisions) Act 1958</i> (c) <i>Trustee Act 1957</i>
4	<i>Trustee Act 1925</i>	<i>Trustee Act 1957</i>
5	<i>Anglican Church of Australia Constitution Act 1961</i>	<i>Anglican Church of Australia Trust Property Act 1928</i>
6	<i>Dangerous Goods Act 1975</i>	<i>Dangerous Goods Act 1984</i>

“Note The written law of the Territory also includes the following Acts that may not be amended or repealed by the Assembly (see the Self-Government Act, s 34):

Life, Fire and Marine Insurance Act 1902 (NSW)

Demise of the Crown Act 1760 (UK)

Naval Prize Act 1864 (UK)

Naval Prize (Procedure) Act 1916 (UK)

Prize Act (1939) (UK)

Prize Courts Act 1894 (UK)

Prize Courts Act 1915 (UK)

Prize Courts (Procedure) Act 1914 (UK)

Territorial Waters Jurisdiction Act 1878 (UK).

SCHEDULE 3—continued

SCHEDULE 2

(See Pt 5)

RULES FOR INTERPRETING FORMER UK ACTS

“PART 1—PRELIMINARY

“1 Meaning of *subordinate legislation* in Sch 2

In this Schedule—

subordinate legislation means orders in council, orders, rules, regulations, schemes, warrants, by-laws and other instruments made under an Act.

“2 References to *an Act* in Sch 2

In a provision of this Schedule, a reference to *an Act* is a reference to an Act to which the provision applies, but this clause does not apply to references to enactments or to other Acts mentioned in subclause 19 (2).

“PART 2—GENERAL PROVISIONS ABOUT ENACTMENT AND OPERATION

“3 Words of enactment

Every section of a former UK Act takes effect as a substantive enactment without introductory words. (1850)

“4 Judicial notice

Every former UK Act is a public Act to be judicially noticed as such. (all former UK Acts)

“5 Time of commencement

A former UK Act, or provision of a former UK Act, is taken to have come into force—

- (a) if provision was made for it to come into force on a particular day—at the beginning of the day; or (1889)
- (b) if no provision was made for its coming into force—at the beginning of the day the Act received the royal assent. (1889)

SCHEDULE 3—continued

“PART 3—INTERPRETATION

“6 Definitions

“(1) In a former UK Act—

Bank of England means, as the context requires, the Governor and Company of the Bank of England or the bank of the Governor and Company of the Bank of England. (all former UK Acts)

British Islands means—

- (a) in a former UK Act passed after the year 1889 and before the establishment of the Irish Free State—the United Kingdom, the Channel Islands and the Isle of Man; and
- (b) in a former UK Act passed after the establishment of the Irish Free State—the United Kingdom, the Channel Islands, the Isle of Man and the Republic of Ireland.

British possession means any part of the dominions of the Crown outside the United Kingdom. (1889)

British subject means—

- (a) an Australian citizen; or
- (b) any other person who because of his or her citizenship of another country would, if Part 2 of the *Australian Citizenship Act 1948* (Cwlth) (and the regulations made under that Act for the Part) had continued in force after 30 April 1987, have been a person who has the status of a British subject under that Part. (all former UK Acts)

colonial legislature and ***legislature***, of a British possession, mean the authority, other than the United Kingdom Parliament or the Crown in Council, competent to make laws for the possession. (1889)

SCHEDULE 3—continued

colony means any part of the dominions of the Crown outside the British Islands and, in a former UK Act passed in or after 1889 (the *first Act*), includes any part of those dominions that has, after the passing of the first Act, ceased, under a provision of a later UK Act, to be a colony, but only in the application of the first Act before the commencement of the provision of the later Act, but does not include—

- (a) countries having fully responsible status within the Commonwealth of Nations; and
- (b) associated states. (1889)

commencement, for a former UK Act or enactment of such an Act, means the time when the Act or enactment comes into force. (all former UK Acts)

Commonwealth citizen means a person other than a British subject who would, if Part 2 the *Australian Citizenship Act 1948* (Cwlth) (and regulations made under that Act for the Part) had continued in force after 30 April 1987, have been a person who has the status of a British subject under that Part. (all former UK Acts)

Comptroller and Auditor-General means the Comptroller-General of the receipt and issue of the Crown's Exchequer and Auditor-General of Public Accounts appointed under the *Imperial Exchequer and Audit Departments Act 1866* (UK). (all former UK Acts)

consular officer has the same meaning as in article 1 of the Vienna Convention set out in the Schedule to the *Consular Privileges and Immunities Act 1972* (Cwlth). (all former UK Acts)

Governor-General, of a British possession, includes any person who for the time being has the powers of the Governor-General of the possession. (1889)

Governor, of a British possession, includes the officer for the time being administering the government of the possession. (1889)

land includes messuages, tenements and hereditaments, and houses and buildings, of any tenure. (1850)

legislature—see *colonial legislature*. (1889)

Lord Chancellor means the Lord High Chancellor of Great Britain. (all former UK Acts)

SCHEDULE 3—continued

month means calendar month. (1850)

person includes—

- (a) in relation to a provision of a former UK Act whenever passed, about an offence punishable on indictment or summary conviction—a corporation; and
- (b) in relation to a provision of a former UK Act passed in or after 1889—a body of persons whether incorporated or unincorporated.

Privy Council means the Lords and others of the Crown’s Most Honourable Privy Council. (all former UK Acts)

rules of court, in relation to a court, means rules made by the authority having power to make rules or orders regulating the practice and procedure of the court. (1889)

Secretary of State means a Principal Secretary of State of the Crown. (all former UK Acts)

statutory declaration includes a declaration made under a law of a State, Territory or foreign country that authorises a declaration to be made otherwise than in the course of a legal proceeding. (all former UK Acts)

United Kingdom means Great Britain and Northern Ireland. (12 April 1927)

“7 **References to courts**

In a former UK Act, a reference to any court other than a court of summary jurisdiction is a reference to the Supreme Court. (all former UK Acts)

“8 **Dominions under central and local legislature**

For the definitions of *British possession* and *colony* in clause 6, if any part of the dominions of the Crown outside the United Kingdom are under both a central and local legislature, all parts under the central legislature are taken to be a single British possession or colony, as the case requires. (1889)

SCHEDULE 3—continued

“9 Power to make rules of court

“(1) The power to make rules of court includes power to make rules of court for any former UK Act that authorises or requires anything to be done by rules of court. (all former UK Acts)

“(2) In this clause—

rules of court—see clause 6. (all former UK Acts)

“10 Gender and number

In a former UK Act—

- (a) words importing the masculine gender include the feminine; and
- (b) words importing the feminine gender include the masculine; and
- (c) words in the singular include the plural and words in the plural include the singular. (subsection 61 (2))

“11 References to service by post

If a former UK Act authorises or requires a document to be served by post (whether the expression ‘serve’, ‘give’ or ‘send’ or any other expression is used), the service is taken to be made by properly addressing, prepaying and posting a letter containing the document and, unless the contrary is proved, to have been made when the letter would be delivered in the ordinary course of post. (1889)

“12 References to distance

In the measurement of any distance for a former UK Act, the distance is to be measured in a straight line on a horizontal plane. (1889)

“13 Interpretation of subordinate legislation

If a former UK Act gives power to make subordinate legislation, expressions in subordinate legislation made under the Act have the meaning that they have in the Act. (subsection 61 (3))

“PART 4—STATUTORY FUNCTIONS AND POWERS

“14 Continuity of functions and powers

“(1) If a former UK Act gives a function or power to an entity, the function may be performed, or the power may be exercised, from time to time. (1889)

SCHEDULE 3—continued

“(2) If a former UK Act gives a function or power to the holder of a stated office, the function may be performed, or the power may be exercised, by the person for the time being occupying or acting in the office. (1889)

“15 **Implied power to amend**

If a former UK Act gives power to make—

- (a) rules, regulations or by-laws; or
- (b) orders in council, orders or other subordinate legislation to be made by statutory instrument;

the power includes a power, exercisable in the same way and subject to the same conditions or limitations, to revoke, amend or re-enact any instrument made under the power. (subsection 61 (4))

“PART 5—REPEALING ENACTMENTS

“16 **Repeal of repeal**

If a former UK Act repeals a repealing enactment, the repeal does not revive any enactment previously repealed unless words are added reviving it. (1850)

“17 **General savings**

“(1) Without limiting clause 16, if a former UK Act repeals an enactment, the repeal does not—

- (a) revive anything not in force or existing when the repeal takes effect; or
- (b) affect the previous operation of the enactment repealed or anything done or suffered under the enactment; or
- (c) affect any right, privilege or liability acquired, accrued or incurred under the enactment; or
- (d) affect any penalty or forfeiture incurred in relation to any offence committed against the enactment; or
- (e) affect any investigation, legal proceeding or remedy in relation to that right, privilege, liability, penalty or forfeiture. (1889)

“(2) The investigation, legal proceeding or remedy may be begun, continued or enforced, and any such penalty or forfeiture may be imposed, as if the repealing Act had not been passed. (1889)

SCHEDULE 3—continued

“18 Repeal and re-enactment

“(1) If a former UK Act repeals a previous enactment and substitutes provisions for the enactment repealed, the repealed enactment remains in force until the substituted provisions come into force. (1850)

“(2) If a former UK Act repeals and re-enacts, with or without change, a previous enactment—

- (a) any reference in any other enactment to the enactment so repealed is a reference to the enactment re-enacted; and (1889)
- (b) so far as any subordinate legislation made or anything else done under the repealed enactment could have been made or done under the enactment re-enacted, it has effect as if made or done under that enactment. (all former UK Acts)

“PART 6—MISCELLANEOUS

“19 Citation of other UK Acts

“(1) If a former UK Act cites another UK Act by year, statute, session or chapter, or a provision of another UK Act by number or letter, the reference is a reference—

- (a) for Acts included in any revised edition of the UK statutes printed by authority—to that edition; and
- (b) for Acts not so included but included in the edition prepared under the direction of the Record Commission—to that edition; and
- (c) in any other case—to the Acts printed by the Printer to the Crown, or under the superintendence or authority of the Crown’s Stationary Office. (1889)

“(2) A former UK Act may continue to be cited by the short title authorised by any enactment despite the repeal of the enactment. (all former UK Acts)

“20 References to other enactments

“(1) If a former UK Act describes or cites a provision of an enactment by referring to words, sections or other parts from or to which (or from and to which) the provision extends, the provision described or cited includes the words, sections or other parts referred to. (1889)

SCHEDULE 3—continued

“(2) If a former UK Act refers to an enactment, the reference is a reference to the enactment as amended, and includes a reference to that enactment as extended or applied under any other enactment, including any other provision of that Act. (1889)

“(3) However, if a former UK Act refers to another UK Act, the reference is a reference to the other Act as for the time being amended and in force in the Territory. (all former UK Acts)

“21 **Application to other instruments**

Paragraph 5 (a), the definition of *United Kingdom* in clause 6, and clause 19, apply, so far as applicable, to subordinate legislation in force in the Territory under a former UK Act in the same way as they apply to former UK Acts. (all former UK Acts).

“DICTIONARY

(See s 11F (1))

Act—

- (a) of the Legislative Assembly—means a law (however described or entitled) made by the Legislative Assembly under the Self-Government Act; and
- (b) without specifying the kind of Act—means an Act of the Legislative Assembly, a continued NSW Act, a continued UK Act or another enactment.

Note Section 50 deals with references to Acts generally.

ADI is short for authorised deposit-taking institution.

administrative appeals tribunal (or **AAT**) means the Administrative Appeals Tribunal established under the *Administrative Appeals Tribunal Act 1989*.

administrative unit means an administrative unit for the time being established under subsection 13 (1) of the *Public Sector Management Act 1994*.

adult means an individual who is at least 18 years old.

affidavit, in relation to a person allowed by law to affirm, declare or promise, includes affirmation, declaration and promise.

amend includes—

- (a) for an Act or instrument—omit, insert, substitute, renumber or relocate a provision of the Act or instrument; and

SCHEDULE 3—continued

- (b) for a provision of an Act or instrument (or part of it)—omit the provision (or part), substitute another provision for the provision (or part), renumber the provision (or part) or relocate the provision (or part); and
- (c) for an Act or provision of an Act—amend by implication; and
- (d) for an instrument, a provision of an instrument or a decision—change or alter.

appoint includes reappoint.

asset includes property of any kind.

Attorney-General means the Minister designated Attorney-General by the Chief Minister.

auditor-general means the Auditor-General for the Territory.

Note The *Auditor-General Act 1996* provides for the appointment, functions and powers of the auditor-general.

Australia means the Commonwealth of Australia and, when used in a geographical sense, does not include an external Territory.

authorised deposit-taking institution means an authorised deposit-taking institution under the *Banking Act 1959* (Cwlth).

bank means an authorised deposit-taking institution that is permitted under the *Banking Act 1959* (Cwlth) to assume or use—

- (a) the word ‘bank’, ‘banker’ or ‘banking’; or
- (b) any other word (whether or not in English) similar in meaning to a word mentioned in paragraph (a).

barrister means a lawyer who practises as a barrister.

breach includes contravene.

building society means an authorised deposit-taking institution that is permitted under the *Banking Act 1959* (Cwlth) to assume or use—

- (a) the expression ‘building society’; or
- (b) any other expression (whether or not in English) similar in meaning to the expression mentioned in paragraph (a).

business day means a day that is not—

- (a) a Saturday or Sunday; or
- (b) a public holiday or bank holiday in the Territory under the *Holidays Act 1958*.

SCHEDULE 3—continued

calendar month means a period beginning at the start of any day of a named month and ending—

- (a) at the end of the corresponding day of the next named month; or
- (b) if there is no such corresponding day—at the end of the last day of the next named month.

calendar year means a period of 12 months commencing on 1 January.

change includes change by omission, substitution or addition.

chief executive—see section 24A.

chief health officer means the Chief Health Officer under the *Public Health Act 1997*.

Chief Justice means the Chief Justice of the Supreme Court.

Chief Magistrate means the Chief Magistrate of the Magistrates Court.

Chief Minister means the Chief Minister for the Territory.

Note The Chief Minister is elected under section 40 of the Self-Government Act.

chief police officer means the police officer responsible to the commissioner of police for the day-to-day administration and control of police services in the Territory.

child, if age rather than descendance is relevant, means an individual who is under 18 years old.

city area means the area that was *the City Area* under the *City Area Leases Act 1936* immediately before its repeal.

commencement, of an Act or a provision of an Act—see section 11.

commissioner for public administration means the Commissioner for Public Administration under the *Public Sector Management Act 1994*.

commissioner of police means the Commissioner of Police of the Australian Federal Police.

committed for trial, in relation to a person, means committed to prison or to a remand centre with a view to being tried before a judge and jury, or admitted to bail on an undertaking to appear and be tried before a judge and a jury.

Commonwealth means the Commonwealth of Australia and, when used in a geographical sense, does not include an external Territory.

SCHEDULE 3—continued

Commonwealth country means a country that forms part of the Commonwealth of Nations, and includes a territory for the international relations of which a Commonwealth country is responsible.

community advocate means the Community Advocate under the *Community Advocate Act 1991*.

confer, in relation to a function, includes impose.

Consumer Credit (Australian Capital Territory) Code means the provisions applying because of section 4 of the *Consumer Credit Act 1995*.

Consumer Credit (Australian Capital Territory) Regulations means the provisions applying because of section 5 of the *Consumer Credit Act 1995*.

contravene includes fail to comply with.

converted ordinance means an enactment that was an ordinance immediately before self-government day.

Coroner's Court means the Coroner's Court under the *Coroners Act 1997*.

corporation includes a body politic or corporate.

court of summary jurisdiction means the Magistrates Court.

credit tribunal means the Australian Capital Territory Credit Tribunal.

Note The *Consumer Credit (Administration) Act 1996* deals with the establishment, functions and powers of the tribunal.

credit union means an authorised deposit-taking institution that is permitted under the *Banking Act 1959* (Cwlth) to assume or use—

- (a) the expression 'credit union'; or
- (b) any other expression (whether or not in English) similar in meaning to the expression mentioned in paragraph (a).

date of notification, for an Act, means the day the Act is notified in the *Gazette* under section 8.

definition means a provision of an Act (however expressed) that—

- (a) gives a meaning to a word or expression; or
- (b) limits or extends the meaning of a word or expression.

Examples of definitions

- 1 X means Y.
- 2 X includes Y.
- 3 X means Y, and includes Z.

SCHEDULE 3—continued

- 4 A reference to *X* is a reference to *Y*.
- 5 *X*—see section *Y*.
- 6 *X*—see *XYZ Act 1999*, section *Y*.
- 7 In a proceeding against a person (the *retailer*) who claims to have bought goods in good faith from someone else, it is a defence if the retailer establishes . . .
- 8 Words and expressions used in the *XYZ Act 1999* have the same respective meanings in this Act.

director of fair trading means the Director of Fair Trading of the Australian Capital Territory.

Note The *Fair Trading (Consumer Affairs) Act 1973* provides for the appointment of the director.

director of public prosecutions (or ***DPP***) means the Director of Public Prosecutions under the *Director of Public Prosecutions Act 1990*.

disallowable instrument means an instrument that is disallowable under section 10 of the *Subordinate Laws Act 1989*.

discrimination commissioner means the Discrimination Commissioner under the *Discrimination Act 1991*.

discrimination tribunal means the Discrimination Tribunal established by the *Discrimination Act 1991*.

doctor means a registered medical practitioner under the *Medical Practitioners Act 1930*.

document includes—

- (a) anything on which there is writing; or
- (b) anything on which there are figures, marks, numbers, perforations, symbols or anything else having a meaning for persons qualified to interpret them; or
- (c) anything from which images, sounds, messages or writings can be produced or reproduced, whether with or without the aid of anything else; or
- (d) a drawing, map, photograph or plan.

enactment means a law that is—

- (a) an enactment within the meaning of the Self-Government Act because of section 34 of that Act; or

SCHEDULE 3—continued

- (b) an enactment because of subsection 10 (3) or 12 (2) or (3) of the *A.C.T. Self-Government (Consequential Provisions) Act 1988* (Cwlth).

enactment, of an Act—see section 10F.

entity includes a person and an unincorporated body.

establish includes constitute and continue in existence.

estate includes any charge, claim, demand, easement, encumbrance, lien, right and title, whether at law or in equity.

Executive means the Australian Capital Territory Executive.

Note The Executive is established by the Self-Government Act, s 36.

expire includes lapse or otherwise cease to have effect.

external Territory means a Commonwealth Territory, other than an internal Territory.

fail includes refuse.

Federal Court means the Federal Court of Australia.

file includes lodge.

financial year means a period of 12 months beginning on 1 July.

foreign country means a country (whether or not an independent sovereign state) outside Australia and the external Territories.

former NSW Act means a NSW Act mentioned in Schedule 1.

former UK Act means a UK Act mentioned in Part 1 of Schedule 1.

function includes duty.

Gazette means the *Australian Capital Territory Gazette*.

give, in relation to a function, includes impose.

government printer includes anyone printing for or by the authority of the Executive.

Governor, of a State—see section 22.

Governor-General—see section 21.

guardianship tribunal means the Guardianship and Management of Property Tribunal established under the *Guardianship and Management of Property Act 1991*.

SCHEDULE 3—continued

High Court means the High Court of Australia.

Note The High Court is established by the Commonwealth Constitution, s 71 and provided for under the *High Court of Australia Act 1979* (Cwlth).

Imperial Act means an Act of the United Kingdom Parliament.

indictment includes information.

individual means a natural person.

instrument means any writing or other document, and includes a statutory instrument.

interest, in relation to land or other property, means—

- (a) a legal or equitable estate in the land or other property; or
- (b) a right, power or privilege over, or in relation to, the land or other property.

internal Territory means the Australian Capital Territory, the Jervis Bay Territory or the Northern Territory.

Jervis Bay Territory means the Territory accepted by the Commonwealth under the *Jervis Bay Territory Acceptance Act 1915* (Cwlth).

Note The Territory is described in the agreement set out in the Schedule to the Act.

judge, of the Supreme Court, means a resident judge, additional judge or acting judge under the *Supreme Court Act 1933*.

Lake Burley Griffin means Lake Burley Griffin as defined in the *Lakes Act 1976*.

Lake Ginninderra means Lake Ginninderra as defined in the *Lakes Act 1976*.

land includes messuages, tenements and hereditaments, corporeal or incorporeal, of any tenure or description, whatever the interest in the land.

Note A number of the terms mentioned in the definition of **land** have a technical meaning at law. A *messuage* is a house together with its gardens, orchards and outbuildings. The term *tenement* signifies land capable of being held in freehold. *Hereditament* refers to real property that can be inherited. Hereditaments may be *corporeal*, that is, tangible things such as lands and buildings, or *incorporeal*, that is, intangible rights attaching to land such as rents, easements, tithes and profits a prendre. (Profits a prendre are the right to take some product of, or part of the soil from, the land of someone else.)

law, of the Territory, means—

- (a) an Act; or
- (b) a subordinate law; or

SCHEDULE 3—continued

(c) the common law.

lawyer means a legal practitioner.

legal practitioner means a barrister, solicitor, barrister and solicitor or legal practitioner entered onto the High Court Register of Practitioners or on the roll, however described, of the Supreme Court of a State or Territory.

Legislative Assembly means the Legislative Assembly for the Territory.

Note The Assembly is established by the Self-Government Act, s 8 (1).

liability means any liability or obligation (whether liquidated or unliquidated, certain or contingent, or accrued or accruing).

magistrate means a Magistrate under the *Magistrates Court Act 1930*.

Magistrates Court means the Magistrates Court established by the *Magistrates Court Act 1930*.

make an instrument includes issue and grant the instrument.

master, in relation to the Supreme Court, means the Master of the Supreme Court.

may—see section 16.

mental health tribunal means the Mental Health Tribunal established by the *Mental Health (Treatment and Care) Act 1994*.

midnight, in relation to a particular day, means the time when the day ends.

Minister—see section 24.

modification includes modification by addition, omission and substitution.

month means calendar month.

must—see section 16.

name includes—

- (a) for an Act—the Act’s short title; and
- (b) for an instrument—the instrument’s citation.

named month means one of the 12 months of the year.

national land means National Land under the *Australian Capital Territory (Planning and Land Management) Act 1988* (Cwlth).

Note If an area of land in the Territory is, or is intended to be, used by or on behalf of the Commonwealth, it may be declared National Land under s 27 of the *Australian Capital Territory (Planning and Land Management) Act 1988* (Cwlth).

Northern Territory means the Northern Territory of Australia.

SCHEDULE 3—continued

NSW Act means an Act of the New South Wales Parliament.

number means—

- (a) a number expressed in figures or words; or
- (b) a combination of a number so expressed and a letter.

oath, in relation to a person allowed by law to affirm, declare or promise includes affirmation, declaration and promise.

office includes position.

office of fair trading means the Office of Fair Trading of the Australian Capital Territory.

Note The *Fair Trading (Consumer Affairs) Act 1973* establishes the office and deals with its functions and powers.

ombudsman means the Ombudsman under the *Ombudsman Act 1989*.

omit, in relation to a provision of an Act, includes repeal.

ordinance means an ordinance made under section 12 of the *Seat of Government (Administration) Act 1910* (Cwlth).

passing, of an Act—see section 10F.

penalty includes punishment.

penalty unit—see section 33AA.

person includes an individual and a corporation.

Note Section 15 deals with references to a person generally.

police officer means a member or special member of the Australian Federal Police.

position includes office.

power includes authority.

prescribed, in an Act, means prescribed by the Act or regulations under the Act.

proceeding means a legal or other action or proceeding.

property means any legal or equitable estate or interest (whether present or future, vested or contingent, or tangible or intangible) in real or personal property of any description (including money), and includes a chose in action.

Note A chose in action is an intangible personal property right recognised and protected by the law. Examples include debts, money held in a bank, shares, rights under a trust, copyright and right to sue for breach of contract.

SCHEDULE 3—continued

provision, of an Act, means words or anything else that forms part of the Act.

Examples of provisions consisting of groups of words

Sections, subsections, paragraphs, subparagraphs, sub-subparagraphs, examples.

Examples of provisions consisting of groups of other provisions

Chapters, parts, divisions, subdivisions, schedules.

public employee means—

- (a) a public servant; or
- (b) a person employed by a Territory instrumentality; or
- (c) a statutory office holder or a person employed by a statutory office holder.

public money, of the Territory, means revenues, loans and other money received by the Territory.

public servant means a person employed in the public service.

public service means the Australian Capital Territory Public Service.

Note Section 12 of the *Public Sector Management Act 1994* deals with the constitution of the public service.

public trustee means the Public Trustee for the Australian Capital Territory under the *Public Trustee Act 1985*.

registrar means—

- (a) in relation to the Supreme Court—the registrar of the Supreme Court; or
- (b) in relation to the Magistrates Court—the registrar of the Magistrates Court; or
- (c) in relation to a tribunal—the registrar of the tribunal.

registrar-general means the Registrar-General under the *Registrar-General Act 1993*.

regulations, in relation to an Act, means regulations made or in force under the Act.

remuneration tribunal means the Remuneration Tribunal established by the *Remuneration Tribunal Act 1995*.

repeal includes—

- (a) for a provision of an Act or instrument—repeal the provision by omitting it; and

SCHEDULE 3—continued

- (b) for an Act, instrument or provision of an Act or instrument—
abrogate or limit its effect or exclude from its application any
person, matter or circumstance; and
- (c) for an instrument, a provision of an instrument or a decision—
revoke or cancel it.

residential tenancies tribunal means the Residential Tenancies Tribunal established by the *Residential Tenancies Act 1997*.

rules, of a court or tribunal, means rules made by the person or body having power to make rules (however described) regulating the practice and procedure of the court or tribunal.

Self-Government Act means the *Australian Capital Territory (Self-Government) Act 1988* (Cwlth).

self-government day means 11 May 1989.

Note This is the day when the remaining provisions of the Self-Government Act commenced and, in particular, the Australian Capital Territory was established as a body politic, the Legislative Assembly was empowered to make laws for the Territory and the Executive was established.

sign includes attach a seal and make a mark.

sitting day, of the Legislative Assembly, means a day when the Assembly meets.

Small Claims Court means the Magistrates Court when exercising jurisdiction as the Small Claims Court.

Note The *Magistrates Court (Civil Jurisdiction) Act 1982* deals with the exercise of this jurisdiction.

solicitor means a lawyer who practises as a solicitor.

Speaker means the Presiding Officer of the Legislative Assembly.

Note The presiding officer is elected under the Self-Government Act, s 11.

Standards Australia means the company named Standards Australia International Limited (ACN 087 326 690).

State means a State of the Commonwealth, and includes the Northern Territory.

statutory declaration means a statutory declaration made under the *Statutory Declarations Act 1959* (Cwlth).

SCHEDULE 3—continued

statutory instrument means an instrument (whether of a legislative or administrative nature) made under—

- (a) an Act; or
- (b) another statutory instrument; or
- (c) power given by an Act or statutory instrument and also power given otherwise by law;

and includes a subordinate law.

statutory office holder means the holder of an office established under an Act.

subordinate law means an instrument of a legislative nature (including a regulation, rule or by-law) made under—

- (a) an Act; or
- (b) another subordinate law; or
- (c) power given by an Act or subordinate law and also power given otherwise by law.

Supreme Court means the Supreme Court of the Australian Capital Territory.

Note The Supreme Court is established by the *Supreme Court Act 1933*, s 3. The Self-Government Act, s 48A deals with the jurisdiction and powers of the court.

swear, in relation to a person allowed by law to affirm, declare or promise, includes affirmation, declaration and promise.

tenancy tribunal means the Tenancy Tribunal established by the *Tenancy Tribunal Act 1994*.

Territory—see section 23.

Territory authority means a body, whether or not incorporated, established under an Act.

Territory instrumentality means a corporation that—

- (a) is established under an Act or the Corporations Law; and
- (b) is a Territory instrumentality under the *Public Sector Management Act 1994*.

Note Territory instrumentality is defined in subsection 3 (1) of that Act.

SCHEDULE 3—continued

Territory land means Territory Land under the *Australian Capital Territory (Planning and Land Management) Act 1988* (Cwlth).

Note Section 28 of the *Australian Capital Territory (Planning and Land Management) Act 1988* (Cwlth) provides that if land in the Territory is not national land (see the definition above) it is Territory land.

Treasurer means the Minister designated Treasurer by the Chief Minister.

UK Act means an Act of the United Kingdom Parliament.

under, in relation to an Act or a provision of an Act, includes—

- (a) by; and
- (b) for or for the purposes of; and
- (c) in accordance with; and
- (d) within the meaning of.

United Kingdom means the United Kingdom of Great Britain and Northern Ireland.

United Kingdom Parliament means—

- (a) the Parliament of England; or
- (b) the Parliament of Great Britain; or
- (c) the Parliament of the United Kingdom of Great Britain and Ireland; or
- (d) the Parliament of the United Kingdom of Great Britain and Northern Ireland.

word includes any drawing, figure, number and symbol.

writing includes any way of representing or reproducing words in visible form.

Examples

Printing, photocopying, photography, typewriting.

year, without specifying the kind of year, means calendar year.”.

Justices of the Peace Act 1989

New section 3A—

After section 3 the following section is inserted:

“3A Resignation

A person may resign as a justice of the peace by signed notice of resignation given to the Minister.”.

SCHEDULE 3—continued

Law Reform (Miscellaneous Provisions) Act 1955

New Part 12—

After section 35 the following part is inserted:

“PART 12—UNITED KINGDOM LAWS (SUBSTITUTED PROVISIONS)

“Note The provisions of the Divisions of this Part were relocated from Schedule 2 to the *Imperial Acts (Substituted Provisions) Act 1986*. (For the effect of a relocation, see *Interpretation Act 1967*, s 49.) The 1986 Act substituted provisions for certain UK Acts that applied (or may have applied) in the Territory and repealed those Acts. Subsection 4 (1) of the 1986 Act provided, in effect, that the rules of law about the interpretation of consolidating Acts apply to the interpretation of the provisions of a law set out in Schedule 2. These rules of law continue to apply to the Divisions of this Part (see *Interpretation Act 1967*, s 49 (3)).

“Division 1—Guardians of children except testamentary guardians

“Note The provisions of this Division were substituted for 52 Hen. 3 c 17 (1267) (also known as the Statute of Marlborough).

“Division 2—Partition of land owned jointly

“Note The provisions of this Division were substituted for 31 Hen. 8 c 1 (1539) and 32 Hen. 8 c 32 (1540).

“38 Partition Act not affected

Section 37 does not affect the operation of the *Partition Act 1900*.

“Division 3—Application of law to aliens

“Note The provisions of this Division were substituted for 32 Hen. 8 c 16 (1540).

“Division 4—Lessee’s covenants and lessor’s covenants

“Note The provisions of this Division were substituted for 32 Hen. 8 c 34 (1540).

“Division 5—Alienation of property to defraud creditors

“Note The provisions of this Division were substituted for 13 Eliz. 1 c 5 (1571) and 27 Eliz. 1 c 4 (1585).

“Division 6—Ending of estate or interest for life

“Note The provisions of this Division were substituted for 18 and 19 Chas. 2 c 11 (1666) and 6 Anne c 72 (1707).

SCHEDULE 3—continued

“Division 7—Instruments required to be in writing

“Note The provisions of this Division were substituted for 29 Chas. 2 c 3, s 1, s 2, s 3, s 7, s 8 and s 9 (1677) (also known as the *Statute of Frauds 1677*).

“Division 8—Renewal of headlease without surrender of under-leases

“Note The provisions of this Division were substituted for 4 Geo. 2 c 28, s 6 (1730).

“Division 9—Action for use and occupation of land

“Note The provisions of this Division were substituted for 11 Geo. 2 c 19, s 14 (1737).

“Division 10—Liability for fires accidentally begun

“Note The provisions of this Division were substituted for 24 Geo. 3 c 78, s 86 (1774).

“Division 11—Trials for treason

“Note The provisions of this Division were substituted for 39 and 40 Geo. 3 c 93 (1800).

“Division 12—Writs of habeas corpus

“Note The provisions of this Division were substituted for 56 Geo. 3 c 100 (1816).

“Division 13—Power to appoint property

“Note The provisions of this Division were substituted for 37 and 38 Vic. c 37 (1874).

“63 Application of Div 13

This Division applies to appointments made after 26 June 1986 in the exercise of powers created before, on or after that date.

“Division 14—Evidence about colonial stock

“Note The provisions of this Division were substituted for 40 and 41 Vic. c 59, s 17 and s 18 (1877).”.

Legal Practitioners Act 1970

Section 3—

Insert the following definition:

“Trans-Tasman Mutual Recognition Act means the *Trans-Tasman Mutual Recognition Act 1997* (Cwlth).”.

Subsection 11 (3)—

Omit the subsection.

SCHEDULE 3—continued

Section 12—

After “Act” insert “or section 18 of the Trans-Tasman Mutual Recognition Act”.

Paragraph 15 (b)—

Omit the paragraph.

Section 16—

Repeal the section.

Heading to section 16A—

After “Act” insert “**or Trans-Tasman Mutual Recognition Act**”.

Subsection 16A (1)—

After “Act” insert “or the Trans-Tasman Mutual Recognition Act”.

Subsection 16B (2)—

Omit the subsection.

Subsection 16B (3)—

After “Act” insert “or the Trans-Tasman Mutual Recognition Act”.

Subsection 16C (2)—

After “Scheme” insert “and Trans-Tasman Mutual Recognition Scheme”.

Subsection 16D (2)—

Omit “and becomes entitled to registration under that Act”, substitute “or section 18 of the Trans-Tasman Mutual Recognition Act and becomes entitled to registration under either of those Acts”.

Heading to section 29—

After “Act” insert “**or Trans-Tasman Mutual Recognition Act**”.

Subsection 29 (1)—

Omit “State or”, substitute “State, New Zealand or”.

Paragraph 29 (1) (b)—

After “Act” insert “or section 18 of the Trans-Tasman Mutual Recognition Act”.

SCHEDULE 3—continued

Legislation (Republication) Act 1996

Section 8—

Add at the end the following subsection:

“(2) The parliamentary counsel may authorise the republication of 2 or more laws in a collection.”.

New Division 4 of Part 3—

After Division 3 of Part 3 insert the following division:

Division 4—Collections of laws

“19A Application of Act to collections

“(1) If the parliamentary counsel authorises the republication of 2 or more laws in a collection, this Act applies to each of the laws in the collection as if it were republished separately.

“(2) Subsection (1) does not prevent the use of—

- (a) a single table of contents for the collection; or
- (b) annotations applying to 2 or more laws in the collection.”.

Magistrates Court Act 1930

Subsection 5 (1) (definition of *information*)—

Omit the definition, substitute the following definition:

“*information* includes a complaint on which an order may be made for the payment of money under a Territory law.”.

Subsection 19 (2)—

Omit “Where, by any law in force in the Territory pursuant to section 6 of the *Seat of Government Acceptance Act 1909* of the Commonwealth or the *Imperial Acts Application Act 1986*, any jurisdiction is given”, substitute “If a Territory law mentioned in column 2 of Schedule 1 to the *Interpretation Act 1967* gives jurisdiction”.

Paragraph 54A (5A) (i)—

Omit the paragraph.

Subsection 107 (2)—

Omit “court” (wherever occurring), substitute “Supreme Court”.

SCHEDULE 3—continued

Subsection 108 (1)—

- (a) Omit “court” (first occurring), substitute “Magistrates Court”.
- (b) Omit “court” (second occurring), substitute “Supreme Court”.

Subparagraph 248C (2) (c) (vi)—

Omit the subparagraph.

Magistrates Court (Civil Jurisdiction) Act 1982

Paragraph 4 (c)—

Add at the end “and”.

Paragraph 4 (d)—

Omit the paragraph.

New section 12A—

After section 12, insert the following section in Part 2:

“12A Disputes under the Residential Tenancies Act

The Magistrates Court has no jurisdiction in relation to a dispute to which the *Residential Tenancies Act 1997* applies if the amount in dispute is \$10,000 or less.”.

Paragraph 234 (2) (a)—

Omit “subject to subsection (4),”.

Subsection 394 (1) (definition of *debt declaration*)—

Omit all the words from and including “and includes an order”.

Subsection 402 (6)—

Omit the subsection, substitute the following subsection:

“(6) This section does not apply to an application for a common boundaries determination.”.

Subsection 453 (1)—

Omit “\$5,000”, substitute “\$10,000”.

Subsection 453 (3)—

Omit “\$5,000” (wherever occurring), substitute “\$10,000”.

SCHEDULE 3—continued

Subsection 456 (3)—

After “costs” insert “(except costs for representation by a legal practitioner or anyone else)”.

Section 476—

Omit “the partner, or the Registrar or other employee,” substitute “a partner or employee”.

Meat Act 1931

Subsection 19A (2)—

Omit “the medical officer of health under the *Public Health Act 1928*”, substitute “an authorised medical officer under the *Public Health Act 1997*”.

Mediation Act 1997

Subsection 3 (1) (definition of *approved agency*)—

Omit the definition, substitute the following definition:

“***approved agency*** means an entity that is declared to be an approved agency under subsection 4 (2).”.

Section 4—

Repeal the section, substitute the following section:

“4 **Declarations about competency standards and approved agencies**

“(1) The Minister may declare standards of competency required for the registration of a person under section 5.

“(2) The Minister may declare an entity to be an approved agency for this Act.

“(3) A declaration under this section is a disallowable instrument for section 10 of the *Subordinate Laws Act 1989*.”.

Mental Health (Treatment and Care) Act 1994

Section 4 (definition of *Registrar*)—

Omit the definition, substitute the following definition:

“***registrar*** means the registrar of the tribunal.”.

SCHEDULE 3—continued

New section 12A—

After section 12, insert the following section in Part 3:

“12A Registrar and deputy registrar

“(1) The registrar of the Magistrates Court is the registrar of the tribunal.

“(2) Each deputy registrar of the Magistrates Court is a deputy registrar of the tribunal.

“(3) Subject to any direction of the registrar, a deputy registrar of the tribunal may exercise the powers of the registrar of the tribunal.

“(4) The registrar may, by signed writing, delegate to a public servant all or any of his or her powers under this Act.”.

Occupational Health and Safety Act 1989

Subsection 5 (1) (definition of associated law, paragraphs (b) and (c))—

Omit the paragraphs, substitute the following paragraphs:

“(b) the *Dangerous Goods Act 1975*;

(c) the *Dangerous Goods Regulations 1978*.”.

Subsection 5 (1) (definition of associated law, paragraphs (h) and (i))—

Omit the paragraphs, substitute the following paragraphs:

“(h) the *Scaffolding and Lifts Act 1912*;

(i) the *Scaffolding and Lifts Regulations 1950*.”.

Subsection 84P (2)—

(a) Omit “or a Judge of the Court sitting in chambers”.

(b) Omit “or Judge”.

Subsection 84P (3)—

Omit “or a Judge of the Court sitting in chambers”.

Partition Act 1900

Subsections 4 (2) and (3)—

Omit the subsections.

Sections 15 and 18—

Repeal the sections.

SCHEDULE 3—continued

Pawnbrokers Act 1902

Subsection 19 (1)—

Omit “any sum above \$10”, substitute “more than \$500”.

Residential Tenancies Act 1997

Subsection 3 (1) (definitions of *Director* and *Registrar*)—

Omit the definitions, substitute the following definitions:

“***director*** means the director of fair trading under the *Fair Trading (Consumer Affairs) Act 1973*.

registrar means the registrar of the tribunal.”.

Section 32—

After subsection (1) insert the following subsection:

“(1A) If an application is made by a person under subsection (1) in relation to a residential tenancy agreement, the person may only make a further application in relation to the same agreement with the registrar’s permission.”.

Paragraph 34 (1) (b)—

Omit “14”, substitute “10”.

Section 114—

Repeal the section, substitute the following section:

“114 Registrar and deputy registrar

“(1) The registrar of the Magistrates Court is the registrar of the tribunal.

“(2) Each deputy registrar of the Magistrates Court is a deputy registrar of the tribunal.

“(3) Subject to any direction of the registrar, a deputy registrar of the tribunal may exercise the powers of the registrar of the tribunal.

“(4) The registrar may, by signed writing, delegate to a public servant all or any of his or her powers under this Act.”.

SCHEDULE 3—continued

Subsection 115 (1)—

Omit the subsection, substitute the following subsection:

“(1) Subject to this section and section 48A of the Self-Government Act, the tribunal has exclusive jurisdiction to hear and decide any matter that may be the subject of an application to it under this Act or the prescribed terms.

“*Note* The Self-Government Act, s 48A deals with the jurisdiction and powers of the Supreme Court.”.

Schedule (clause 13)—

Omit “Director of Consumer Affairs”, substitute “director of fair trading”.

Sexually Transmitted Diseases Act 1956

Section 14—

Repeal the section.

Subsection 15 (1)—

Omit “, sitting in chambers,”.

Subordinate Laws Act 1989

Subsection 2A (1)—

Omit “the purposes of”.

Section 2A—

Add at the end the following subsection:

“(3) In this section—

for an Act includes for the purposes of the Act.”.

Section 7—

Omit “subsection”, substitute “section”.

Subsection 8 (1)—

Omit “law or disallowable instrument” (wherever occurring), substitute “law”.

SCHEDULE 3—continued

Subparagraph 8 (1) (a) (i)—

Omit the subparagraph, substitute the following subparagraph:

“(i) of any Act or subordinate law; or”.

Subsection 8 (2)—

Omit the subsection, substitute the following subsection:

“(2) In this section—

disallowable instrument means—

- (a) for an instrument under an Act—a disallowable instrument under section 10; or
- (b) for an instrument under a Commonwealth Act—a disallowable instrument under section 46A of the *Acts Interpretation Act 1901* (Cwlth).”.

Subsection 9 (1)—

- (a) Omit “Parts I, II and III of the *Interpretation Act 1967* apply”, substitute “The *Interpretation Act 1967* applies”.
- (b) Omit “, granted or issued”.

Subsections 9 (2) and (3)—

Omit “, granted or issued” (wherever occurring).

Section 10—

Repeal the section, substitute the following section:

“10 Disallowable instruments

“(1) In this section—

disallowable instrument means a statutory instrument that is declared by an Act or subordinate law to be a disallowable instrument for this Act, whether or not the instrument is declared to be a disallowable instrument for the purposes of this section.

“(2) The following sections of this Act apply to a disallowable instrument as if it were a subordinate law:

- section 6 (Notification, tabling and disallowance)
- section 7 (Retrospectivity)
- section 8 (Prescribing matters by reference to other instruments)

SCHEDULE 3—continued

- section 8A (Amendment by Act)
- section 9 (Application of *Interpretation Act 1967*).”.

Supreme Court Act 1933

Subsection 36 (1)—

After paragraph (b), insert the following paragraph:

“(ba) for prescribing anything that is, under the *Administration and Probate Act 1929*, required or permitted to be prescribed for carrying out or giving effect to that Act; and”.

Paragraphs 37 (2) (a) and (b)—

Omit “filing fees or fees for the service and execution of process”, substitute “fees for the service and execution of process or other fees”.

Paragraphs 37B (2) (c)—

Omit “filing”, substitute “lodging”.

Sub-subparagraph 37B (2) (c) (v) (F)—

Omit the sub-subparagraph.

Paragraphs 37D (1) (a)—

Omit “the remission or refund of”, substitute “the refusal to remit or refund”.

Paragraphs 37D (1) (b)—

Omit “the deferral of liability for the payment of”, substitute “the refusal to defer liability for paying”.

Taxation Administration Act 1999

Section 78—

After “function” insert “or power”.

Tenancy Tribunal Act 1994

Section 3 (definition of *Director* and *Registrar*)—

Omit the definitions, substitute the following definitions:

“***director*** means the director of fair trading under the *Fair Trading (Consumer Affairs) Act 1973*.

SCHEDULE 3—continued

registrar means the registrar of the tribunal.”.

Sections 67, 68 and 69—

Repeal the sections, substitute the following section:

“67 Registrar and deputy registrar

“(1) The registrar of the Magistrates Court is the registrar of the tribunal.

“(2) Each deputy registrar of the Magistrates Court is a deputy registrar of the tribunal.

“(3) Subject to any direction of the registrar, a deputy registrar of the tribunal may exercise the powers of the registrar of the tribunal.

“(4) The registrar may, by signed writing, delegate to a public servant all or any of his or her powers under this Act.”.

Section 71—

Omit “Tribunal, the Acting President or the Registrar”, substitute “tribunal or the acting president”.

Theatres and Public Halls Act 1928

Section 27—

Repeal the section.

Trustee Act 1925

Subsection 91 (1)—

Omit “at chambers”.

New Division 6 of Part 3—

After Division 5 of Part 3 insert the following Division in Part 3:

“Division 6—Charitable trusts

“Note The provisions of this Division were relocated from Part 18 of Schedule 2 to the *Imperial Acts (Substituted Provisions) Act 1986*. (For the effect of a relocation, see *Interpretation Act 1967*, s 49.) The 1986 Act substituted provisions for certain UK Acts that applied (or may have applied) in the Territory and repealed those Acts. The provisions of Part 18 of Schedule 2 were substituted for 52 Geo. 3 c 101 (1812). Subsection 4 (1) of the 1986 Act provided, in effect, that the rules of law about the interpretation of consolidating Acts apply to the interpretation of the provisions of a law set out in Schedule 2. These rules of law continue to apply to this Division (see *Interpretation Act 1967*, s 49 (3)).

SCHEDULE 3—continued

“94 Reference to order made under s 94A

In section 94D, the reference to *an order made under section 94A* is, if the order is appealed against, a reference to the order as affirmed or varied, or the order substituted, on appeal.”.

New section 103A—

After section 103, insert the following section in Part 5:

“103A Preamble to Charitable Uses Act 1601

For the law of the Territory, the text set out in the Schedule is taken to be the text of the preamble to the United Kingdom Act 43 Eliz. c 4 (also known as the *Charitable Uses Act 1601*).”.

Schedule heading—

After section 106 insert the following headings:

“SCHEDULE (see s 103A)

PREAMBLE TO CHARITABLE USES ACT 1601”.

Tuberculosis Act 1950

Section 3 (definition of the Court)—

Omit “, constituted by a magistrate sitting in chambers”.

Subsection 10 (1)—

Omit the subsection, substitute the following subsection:

“(1) If the chief health officer or anyone else is dissatisfied with an order or decision of the Magistrates Court under section 9, the chief health officer or other person may appeal to the Supreme Court within 7 days after the making of the order or decision or any further time the Supreme Court allows.”.

Uncollected Goods Act 1996

Subsection 16 (2)—

Omit “The Chief Executive”, substitute “A chief executive”.

Paragraph 16 (3) (b)—

Omit “the Chief Executive”, substitute “a chief executive”.

SCHEDULE 3—continued

Subsection 16 (4)—

Omit “The Chief Executive shall issue to an”, substitute “If a person becomes an authorised person, the relevant chief executive must issue to the”.

Subsection 16 (5)—

Omit “the Chief Executive”, substitute “the chief executive who issued the identity card”.

University of Canberra Act 1989

Paragraph 38 (a)—

Omit “Australian Securities Commission”, substitute “Australian Securities and Investments Commission”.

Wills Act 1968

Paragraphs 16 (6) (a), (b) and (c)—

Omit the paragraphs, substitute the following paragraphs:

“(a) members of the Defence Force who are in actual armed service;”.

Workers’ Compensation Act 1951

Subsection 26 (2)—

Omit “Part XIX A”, substitute “Part 21”.

Paragraph 26 (2) (a)—

Omit “subsection 282C (2)”, substitute “subsection 387 (2)”.

SCHEDULE 4

(See s 7)

AMENDMENTS OF REGULATIONS

Co-operative Societies Regulations

Regulation 1—

Repeal the regulation, substitute the following regulation:

“1 Name of regulations

These regulations are the *Co-operative Societies Regulations 1945*.”

Paragraph 2ABA (2) (d)—

Omit “Australian Securities Commission”, substitute “Australian Securities and Investments Commission”.

Dangerous Goods Regulation

Clause 1—

Repeal the clause, substitute the following clause:

“1 Name of regulations

These regulations are the *Dangerous Goods Regulations 1978*.”

Consequential amendments—

The following provisions are amended by omitting “this Regulation” (wherever occurring) and substituting “these regulations”:

Clause 4, paragraphs 8 (2) (a) and 15A (8) (b), subclauses 17 (1) and (3), paragraph 18 (f), subclause 21 (4), paragraph 24 (b), clauses 27 to 33 and 37, paragraph 43 (6) (d), subclause 43 (6B), paragraphs 45 (2) (a), 50 (b) and 74 (1) (c), subclauses 75 (2) and 76 (1), clauses 77, 84 and 85, subclauses 89 (3), 94 (3), 95 (4), 96 (4), 99 (2) and 111 (4), subparagraph 125 (2) (b) (ii), subclauses 156 (8) and 162 (5), paragraph 169 (4) (c), clause 175, subclauses 187 (1), 189 (1), 235 (4) and 237 (1), clause 247, subclauses 255 (2) and 259 (2), paragraph 261 (c), subclauses 263 (2), 275 (12), 286 (2) and 288 (2) and clause 289.

Heading to clause 37—

Omit “*Regulation*”, substitute “*Regulations*”.

Door-to-Door Trading Regulations

Regulation 1—

Repeal the regulation, substitute the following regulation:

SCHEDULE 4—continued

“1 Name of regulations

These regulations are the *Door-to-Door Trading Regulations 1991*.”.

Schedule, Form 1, (foot of the form)—

Omit “**ACT Consumer Affairs Bureau**”, substitute “**Office of Fair Trading**”.

Schedule, Form 2, (foot of the form)—

Omit “**ACT Consumer Affairs Bureau**”, substitute “**Office of Fair Trading**”.

Remand Centres Regulations

Regulation 1—

Omit the regulation, substitute the following regulation:

“1 Name of regulations

These regulations are the *Remand Centres Regulations 1976*.”.

Subregulation 23 (1)—

Omit “Attorney-General”, substitute “Minister”.

Subregulation 23 (3)—

Omit the subregulation, substitute the following subregulation:

“(3) Within 30 days after the end of each quarter of a financial year, the Minister must consolidate the notices received by the Minister under subregulation (1) during the quarter (if any) and give a copy of the consolidation (if any) to the Standing Committee on Justice and Community Safety of the Legislative Assembly.”.

[Presentation speech made in Assembly on 2 September 1999]