



AUSTRALIAN CAPITAL TERRITORY

Legislation (Consequential Provisions) Act 2001

No 15 of 2001

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**An Act to amend various Acts and to repeal certain Acts
because of the enactment of the *Legislation Act 2001*, and for
other purposes**

[Notified in ACT Gazette No. 14: 5 April 2001]

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

1 Name of Act

This Act is the *Legislation (Consequential Provisions) Act 2001*.

2 Commencement

This Act commences on the commencement of section 5 (Objects) of
the *Legislation Act 2001*.

Note The provisions of an Act providing for its name and commencement automatically
commence on the date of notification of the Act (see *Interpretation Act 1967*, s 10B—that
section is to be replaced by s 75 of the *Legislation Act 2001*).

3 Acts amended

The Acts mentioned in Schedule 1 are amended.

4 Acts repealed

(1) The *Subordinate Laws Act 1989* and the *Legislation (Republication) Act 1996* are repealed.

(2) The Acts mentioned in subsection (1) are declared to be laws to which the *Legislation Act 2001*, section 88 (Repeal does not end transitional or validating effect etc) applies.

SCHEDULE 1

(See s 3)

CONSEQUENTIAL AMENDMENTS

Evidence Act 1971

[1.1] Section 6 (definition of *reserved law*)—

Omit the definition.

[1.2] Part 2—

Repeal the part.

Interpretation Act 1967

[1.3] Section 2—

Repeal the section, substitute the following section:

“2 Application of Act

“(1) This Act applies to all Acts.

“(2) This Act applies to a statutory instrument as if—

- (a) the instrument were an Act; and
- (b) each of its provisions were a section of an Act; and
- (c) a reference to the enactment or passage of the instrument were a reference to its making.”.

[1.4] Part 1A—

Repeal the Part.

[1.5] Part 2—

Repeal the Part.

[1.6] New section 11BA—

After section 11B insert the following section:

“11BA Terms used in instruments have same meanings as in authorising laws

Words and expressions used in a statutory instrument have the same meanings as they have, from time to time, in the Act or statutory instrument (the *authorising law*), or the relevant provisions of the authorising law, under which the instrument is made or in force.”.

SCHEDULE 1—continued

[1.7] Section 11F (3), example 1

Omit the example, substitute the following example:

- 1 Section 13 (4) of this Act contains definitions of *form 1* and *form 2* as tagged terms. There is nothing in this Act indicating that the definitions apply outside section 13. The definitions, therefore, apply only to section 13.

[1.8] Section 27A—

Repeal the section.

[1.9] Division 3.4—

Repeal the Division.

[1.10] Division 3.10—

Repeal the Division.

[1.11] Division 3.11—

Repeal the Division.

[1.12] Schedule 1—

Repeal the Schedule.

[1.13] Dictionary (definition of *Act*)—

Omit the definition, substitute the following definition:

“*Act*—see the *Legislation Act 2001*, sections 7 (Meaning of *Act* generally) and 17 (References to Acts include references to former Cwlth enactments etc).”.

Note The following sections of that Act may be relevant to particular references to an Act:

- section 102 (Meaning of references to a law or instrument generally)
- section 103 (References to laws and instruments with amended names)
- section 104 (References to laws include references to instruments under laws).”.

[1.14] Dictionary (definition of *commencement*)—

Omit the definition, substitute the following definition:

“*commencement*, of an Act or statutory instrument—see the *Legislation Act 2001*, section 80 (References to *commencement* of law).”.

SCHEDULE 1—continued

[1.15] Dictionary (definition of *date of notification*)—

Omit the definition.

[1.16] Dictionary (definition of *disallowable instrument*)—

Omit the definition, substitute the following definition:

“*disallowable instrument*—see the *Legislation Act 2001*, section 9 (Meaning of *disallowable instrument*).”.

[1.17] Dictionary (definitions of *enactment*)—

Omit the definitions, substitute the following definition:

“*enactment*, of an Act—see the *Legislation Act 2001*, section 29 (References to *enactment* or *passing* of Acts).”.

[1.18] Dictionary (definition of *former NSW Act and former UK Act*)—

Omit the definitions, substitute the following definitions:

“*former NSW Act* means a NSW Act mentioned in the *Legislation Act 2001*, schedule 1.

former UK Act means a UK Act mentioned in the *Legislation Act 2001*, schedule 1.”.

[1.19] Dictionary (definition of *law*, paragraph (c))—

Omit the paragraph, substitute the following paragraphs:

(c) any other statutory instrument of a legislative nature; or

(d) the common law.”.

[1.20] Dictionary (definition of *matter*)—

Omit the definition.

[1.21] Dictionary—

Insert the following definitions:

“*notifiable instrument*—see the *Legislation Act 2001*, section 10 (Meaning of *notifiable instrument*).

“*notification*—

(a) of an Act—see the *Legislation Act 2001*, section 30 (References to *notification* of Acts); and

SCHEDULE 1—continued

(b) of a statutory instrument—see the *Legislation Act 2001*, section 63 (References to *notification* of registrable instruments).

“*notification day*, for an Act or statutory instrument, means the day the Act or instrument is notified.”.

[1.22] Dictionary (definition of *passing*)—

Omit the definition, substitute the following definition:

“*passing*, of an Act—see the *Legislation Act 2001*, section 29 (References to *enactment* or *passing* of Acts).”.

[1.23] Dictionary (definition of *penalty*)—

Omit the definition.

[1.24] Dictionary (definition of *provision*)—

Omit the definition, substitute the following definition:

“*provision*—see the *Legislation Act 2001*, section 16 (Meaning of *provision*).”.

[1.25] Dictionary (definition of *statutory instrument*)—

Omit the definition, substitute the following definition:

“*statutory instrument*—see the *Legislation Act 2001*, section 13 (Meaning of *statutory instrument*).”.

[1.26] Dictionary (definition of *subordinate law*)—

Omit the definition, substitute the following definition:

“*subordinate law*—see the *Legislation Act 2001*, section 8 (Meaning of *subordinate law*).”.

Endnote

Acts amended

- 1 Evidence Act. Republished as in force on 1 September 1999 (Republication No 4). See also Acts 1999 No 66; 2000 No 17.
- 2 Interpretation Act. Republished as in force on 10 November 1999 (Republication No 6). See also Acts 1999 Nos 75 and 79; 2000 Nos 2 and 17.

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ENDNOTES—continued

[Presentation speech made in Assembly on 30 November 2000]

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