

# AUSTRALIAN CAPITAL TERRITORY

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## Instruments (Amendment) Ordinance 1989

No. 5 of 1989

I, THE GOVERNOR-GENERAL of the Commonwealth of Australia, acting with the advice of the Federal Executive Council, hereby make the following Ordinance under the *Seat of Government (Administration) Act 1910*.

Dated 22 February 1989.

BILL HAYDEN  
Governor-General

By His Excellency's Command,

CLYDE HOLDING  
Minister of State for the Arts  
and Territories

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An Ordinance to amend the *Instruments Ordinance 1933*

(Ord. 90/88)—Cat. No.

Authorised by the ACT Parliamentary Counsel—also accessible at [www.legislation.act.gov.au](http://www.legislation.act.gov.au)

**Short title**

1. This Ordinance may be cited as the *Instruments (Amendment) Ordinance 1989*.<sup>1</sup>

**Principal Ordinance**

2. In this Ordinance, “Principal Ordinance” means the *Instruments Ordinance 1933*.<sup>2</sup>

**Interpretation**

3. Section 5 of the Principal Ordinance is amended by inserting the following definition:

“ ‘ determined fee’ means the fee determined pursuant to section 37 for the purposes of the provision in which the expression occurs;”.

**Bills of sale—registration**

4. Section 9 of the Principal Ordinance is amended—

- (a) by omitting from section (1) all the words from and including “or, in the case of,” to and including “Ordinance,” (last occurring); and
- (b) by inserting after subsection (1) the following subsection:

“(1A) A bill of sale left in the office of the Registrar shall be accompanied by the determined fee.”.

**Bills of sale—transferable**

5. Section 13 of the Principal Ordinance is amended by inserting in subsection (2) “, on payment of the determined fee,” after “shall”.

**Lien on yearly crops**

6. Section 17 of the Principal Ordinance is amended by adding at the end the following subsection:

“(2) A lien left in the office of the Registrar for registration shall be accompanied by the determined fee.”.

**Lien on crops—transferable**

7. Section 21 of the Principal Ordinance is amended by inserting in subsection (2) “, on payment of the determined fee,” after “shall”.

**Right of lienee to wool as security etc.**

8. Section 25 of the Principal Ordinance is amended by adding at the end the following subsection:

“(2) A lien left in the office of the Registrar for registration shall be accompanied by the determined fee.”.

#### **Right of mortgagor where mortgagee in possession**

9. Section 27 of the Principal Ordinance is amended by adding at the end the following subsection:

“(2) A mortgage of stock left in the office of the Registrar for registration shall be accompanied by the determined fee.”.

#### **Liens on wool and stock mortgages—transferable**

10. Section 29 of the Principal Ordinance is amended by inserting in subsection (2) “, on payment of the determined fee,” after “shall”.

#### **Registration of satisfaction of mortgage**

11. Section 32 of the Principal Ordinance is amended by inserting “and on payment of the determined fee” after “relates”.

#### **Search of registers etc.**

12. Section 36 of the Principal Ordinance is amended—

(a) by omitting subsection (1) and substituting the following subsection:

“(1) A person may, on payment of the determined fee, search any book, index or register, kept pursuant to this Ordinance, during normal working hours.”; and

(b) by omitting from section (2) “upon paying the prescribed fee” and substituting “on payment of the determined fee”.

#### **Substitution**

13. Section 37 of the Principal Ordinance is repealed and the following sections are substituted:

#### **Power of Minister to determine fees**

“37. The Minister may, by notice in writing published in the *Gazette*, determine fees for the purposes of this Ordinance.

#### **Payment of determined fees**

“37A. Where a fee is payable under this Ordinance the fee shall be paid to the Registrar.”.

#### **Regulations**

14. Section 38 of the Principal Ordinance is amended by omitting all the words after “Ordinance” (third occurring).

**Repeal**

**15.** Schedule 7 to the Principal Ordinance is repealed.

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**NOTES**

1. Notified in the *Commonwealth of Australia Gazette* on 8 March 1989.
2. No. 25, 1933 as amended by No. 35, 1933; No. 1, 1936; Nos. 25 and 35, 1938; No. 10, 1949; No. 19, 1966; No. 36, 1967; No. 65, 1977; No. 46, 1978; No. 88, 1982; No. 37, 1987.