



## AUSTRALIAN CAPITAL TERRITORY

---

### **Self-Government (Consequential Amendments) Ordinance 1990**

**No. 5 of 1990**

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 18 June 1990.

BILL HAYDEN  
Governor-General

By His Excellency's Command,

BOB McMULLAN  
Parliamentary Secretary to the Treasurer for and  
on behalf of the Attorney-General

---

An Ordinance to amend certain laws of the Territory consequent upon the conversion of those laws into enactments and for other purposes

(Ord. 10/90)—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 *Self-Government (Consequential Amendments) Ordinance 1990*.<sup>1</sup>

**Commencement**

2. (1) Section 1 and this section commence on the day on which this Ordinance is notified in the *Gazette*.

(2) The remaining provisions commence on 1 July 1990.

**Amendments of Ordinances**

3. The Ordinances specified in Schedule 1 are amended as set out in that Schedule.

**Amendments of Crimes Act, 1900 (NSW)**

4. The Crimes Act, 1900 of the State of New South Wales in its application in the Territory is amended as set out in Schedule 2.

**Amendments of regulations and rules**

5. The regulations and rules specified in Schedule 3 are amended as set out in that Schedule.

**Formal amendments relating to gender**

6. (1) The Ordinances specified in Schedule 1 (except the *Legal Practitioners Ordinance 1970*), the Crimes Act, 1900 of the State of New South Wales in its application in the Territory and the rules specified in Schedule 3 are amended—

- (a) by inserting “she or” before “he” (wherever occurring);
- (b) by inserting “her or” before “him” (wherever occurring);
- (c) by inserting “her or” before “his” (wherever occurring); and
- (d) by inserting “herself or” before “himself” (wherever occurring).

(2) Subsection (1) does not apply to a provision in which—

- (a) “he” is followed by “or she”;
- (b) “him” is followed by “or her”;
- (c) “his” is followed by “or her”; or
- (d) “himself” is followed by “or herself”.

## SCHEDULES

### SCHEDULE 1

Section 3

#### AMENDMENTS OF ORDINANCES

##### *Children's Services Act 1986, Part III*

**Subsection 22 (2)**—

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

##### *Coroners Ordinance 1956*

**Section 4 (definition of “medical practitioner”)**—

Omit “a State or Territory of the Commonwealth”, substitute “the Territory, a State or another Territory”.

**Subsection 6 (1)**—

(a) Omit “Attorney-General”, substitute “Executive”.

(b) Omit “under his hand”.

**Section 7**—

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

**Subsection 22 (4)**—

Insert “Territory or of the” before “Commonwealth”.

**Section 46**—

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

##### *Criminal Injuries Compensation Ordinance 1983*

**Section 2 (definition of “Secretary”)**—

Omit the definition.

**Paragraphs 10 (4) (a), 12 (2) (c) and 21 (1) (c)**—

Omit “Secretary”, substitute “administrative head”.

**Sections 27 and 28**—

Omit “Commonwealth”, substitute “Territory”.

**Subsection 29 (1)**—

Omit “Commonwealth”, substitute “Territory”.

**Subsection 29 (2)**—

(a) Omit “Commonwealth”, substitute “Territory”.

(b) Omit “Secretary”, substitute “administrative head”.

**Paragraphs 30 (1) (b) and (2) (b)**—

Omit “Secretary”, substitute “administrative head”.

**Subsection 30 (3)**—

Omit “Secretary”, substitute “administrative head”.

**SCHEDULE 1**—continued**Paragraph 31 (a)**—

Omit “an Act”, substitute “a Commonwealth Act”.

**Section 34**—

Omit “Commonwealth”, substitute “Territory”.

**Subsection 35 (2)**—

- (a) Omit “each House of the Parliament”, substitute “the Legislative Assembly”.
- (b) Omit “that House”, substitute “the Assembly”.

**Section 36**—

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

***Legal Practitioners Ordinance 1970*****Subsections 6 (6) and (7)**—

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

**Paragraphs 6 (7) (a) and (b)**—

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

**Subsection 6A (1)**—

Omit the subsection, substitute the following subsections:

“(1) The Executive may appoint, by commission, a person who is a barrister and solicitor to be one of Her Majesty’s Counsel for the Territory.

“(1A) When making an appointment under subsection (1), the Executive shall have regard to the recommendation of the Chief Justice of the Court.”.

**Subsection 6A (3)**—

Omit “Commonwealth”, substitute “Territory”.

**Subsection 42L (3)**—

Omit “of the Territory”.

**Paragraph 42M (3) (d)**—

Omit the paragraph, substitute the following paragraph:

“(d) to a police officer acting in the course of her or his duties.”.

**Paragraphs 65 (1) (e) and (2) (e) and 68 (1) (e) and (2) (e)**—

Omit the paragraph, substitute the following paragraph:

“(e) to a police officer acting in the course of her or his duties.”.

**Paragraph 74A (1) (b)**—

Omit “of the Territory”.

**Section 77**—

Omit “of the Territory”.

**Subsection 123 (3) (paragraphs (a) and (b) of the definition of “public officer”)—**

Omit the paragraphs, substitute the following paragraphs:

- “(a) a public servant;
- (b) a person employed under a law in force in the Territory; and”.

**Subparagraph 124 (2) (b) (i)—**

Omit “within the meaning of the *Interpretation Act 1967* of the Territory”.

**Subsection 130 (1)—**

- (a) Omit “Commonwealth”, substitute “Territory”.
- (b) Omit “Secretary to the Attorney-General’s Department”, substitute “administrative head”.

**Subsection 130 (4)—**

Omit “Commonwealth”, substitute “Territory”.

**Section 133—**

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

**Further amendments—**

The following provisions are amended by omitting “Chairman” (wherever occurring) and substituting “Chairperson”:

Subsections 9 (2), (3), (4) and (5), 25 (7), 25A (2), 28 (2), (3) and (4) and 32 (1), section 33, subsections 36 (4) and (6) and 39 (1) and paragraph 39 (2) (a).

***Limitation Ordinance 1985***

**Amendments—**

The following provisions are amended by omitting “of the Territory”:

Subsection 8 (1) (definitions of “land”, “mortgage” and “personal representative”), section 16, subsection 21 (1), section 22, subsection 36 (5) and paragraph 37 (2) (b).

***Magistrates Court Ordinance 1930***

**Subsection 5 (1)—**

Insert the following definition:

“ ‘Director of Public Prosecutions’ means—

- (a) the Director of Public Prosecutions appointed under the *Director of Public Prosecutions Act 1990*; or
- (b) the Director of Public Prosecutions appointed under the *Director of Public Prosecutions Act 1983* of the Commonwealth;

as the case requires;”.

**Subsection 6 (2)—**

Omit the subsection.

**Subsection 10P (2)—**

Omit “Judge”, substitute “Chief Justice of the Supreme Court”.

**SCHEDULE 1**—continued**Section 17**—

Omit “Ordinance or”.

**Subsection 18 (1)**—

Omit “appointed by proclamation”, substitute “notified in the *Gazette*”.

**Subsection 19 (2)**—

Insert “or the *Imperial Acts Application Act 1986*” after “*Seat of Government Acceptance Act 1909*”.

**Subsection 27 (2)**—

Omit “Ordinance”, substitute “Act, Ordinance”.

**Subsection 31 (2)**—

- (a) Omit “Ordinance or any other”.
- (b) Omit “Ordinance or” (last occurring).

**Subsection 37 (4)**—

Omit the subsection.

**Subsection 43 (1)**—

Insert “, Attorney-General of the Commonwealth” after “Attorney-General”.

**Paragraph 54A (5A) (iv)**—

Omit “*Compensation (Commonwealth Government Employees) Act 1971*”, substitute “*Commonwealth Employees’ Rehabilitation and Compensation Act 1988*”.

**Section 59**—

Omit “Ordinance”, substitute “Act, Ordinance”.

**Subsection 90A (8)**—

Insert “or the Attorney-General of the Commonwealth” after “Attorney-General”.

**Section 164**—

Omit “or any other Ordinance or”, substitute “Act or any other Act, Ordinance,”.

**Subsection 188 (2)**—

- (a) Omit “an Ordinance, other than this Ordinance or any law”, substitute “any law in force in the Territory (other than this Act)”.
- (b) Omit “Ordinance” (last occurring), substitute “law”.

**Section 193**—

Omit “Ordinance”, substitute “Act, Ordinance”.

**Subsection 255 (1)**—

Omit “or any other Ordinance”, substitute “Act or any other Act or Ordinance”.

**Section 258**—

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

**Paragraph 258 (e)—**

Omit “Ordinance”, substitute “law”.

**Further amendments—**

1. The following provisions are amended by omitting “of the Territory” (wherever occurring):

Subsection 5 (1) (definitions of “Information”, “Motor Traffic Act”, “Remand Centre” and “Superintendent”), paragraphs 54A (5A) (i) and (v), subsections 80 (2), 116A (1) (definition of “prescribed offence”), 141 (1A), 147 (2) and 190 (1), paragraph 245A (1) (a), subsections 248A (2A) and (2B) (definition of “drug”) and 248B (4A) and paragraph 254 (1) (a).

2. The following provisions are amended by omitting “Governor-General” and substituting “Executive”:

Subsection 7 (2), sections 10 and 10B, subsections 10C (1), (5), (6) and (7) and sections 10H, 10K and 10L.

***Magistrates Court (Civil Jurisdiction) Ordinance 1982***

**Paragraph 83 (2) (a)—**

Omit “Director of Legal Services, Australian Capital Territory”, substitute “Australian Government Solicitor”.

**Subsection 282B (2)—**

Omit “Ordinance”, substitute “Act or Ordinance”.

**Subsection 307A (1)—**

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

**Section 308—**

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

**Further amendments—**

The following provisions are amended by omitting “of the Territory”:

Paragraphs 4 (c) and (d), 83 (1) (a), (c) and (2) (aa), 95 (1) (b) and 292 (5) (b), subsections 307A (1) and (2) and the Schedule (Form 30).

***Police Ordinance 1927***

**Subsection 13 (2)—**

Insert “the Territory or” before “the Commonwealth”.

**Section 20—**

Omit “of the Territory”.

**Subsections 21 (1) and 24 (2A)—**

Omit “of the Territory”.

***Small Claims Ordinance 1974***

**Subsection 4 (2)—**

Omit “\$2,000”, substitute “\$5,000”.

**Section 8—**

**SCHEDULE 1—continued**

Omit “\$2,000” (wherever occurring), substitute “\$5,000”.

**Subsection 17 (1)—**

Omit “\$2,000”, substitute “\$5,000”.

**Subsection 17 (3)—**

Omit “\$2,000” (wherever occurring), substitute “\$5,000”.

**Subsection 24 (1)—**

Omit “\$2,000”, substitute “\$5,000”.

**Subsection 27 (6)—**

Omit “Australia”, substitute “the Territory”.

**Section 51—**

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

***Supreme Court Ordinance 1952*****Section 3—**

- (a) Omit “Commonwealth”, substitute “Territory”.
  - (b) Add at the end the following subsection:
    - “(2) In this section “officer of the Territory” means—
    - (a) a public servant; or
    - (b) a person who constitutes, or who is an officer or employee of, a Territory authority (including the Australian Capital Territory Teaching Service).”.
-



## SCHEDULE 2

Section 4

### AMENDMENTS OF CRIMES ACT, 1900 (NSW)

#### **Subsection 4 (1)—**

Insert the following definition:

“ ‘Director of Public Prosecutions’ means—

- (a) the Director of Public Prosecutions appointed under the *Director of Public Prosecutions Act 1990*; or
- (b) the Director of Public Prosecutions appointed under the *Director of Public Prosecutions Act 1983* of the Commonwealth;

as the case requires;”.

#### **Subsection 4 (1) (definition of “the Crimes Act”)—**

Omit “in its application to”, substitute “in its application in”.

#### **Subsection 29 (1) (definitions of “drug” and “motor vehicle”)—**

Omit “of the Territory”.

#### **Subsection 92L (4)—**

Omit the subsection.

#### **Subsection 131 (2)—**

- (a) Insert “the Territory or” before “the Commonwealth” (first occurring).
- (b) Omit “the Commonwealth or of a Territory”, substitute “the Territory, the Commonwealth or another Territory”.

#### **Subsection 358A (3)—**

- (a) Omit “Governor-General”, substitute “Executive”.
- (b) Omit “proclamation” (first occurring), substitute “notification in the *Gazette*”.
- (c) Omit “proclamation” (second occurring), substitute “notification”.

#### **Section 468—**

Omit “sections four hundred and thirty-seven and four hundred and fifty-seven”, substitute “section 437”.

#### **Subsections 475 (1) and (4)—**

Omit “Governor-General” (wherever occurring), substitute “Executive”.

#### **Third Schedule, Forms 3 and 4—**

Insert “Her or” before “His”.

#### **Schedule 5, Forms 1 and 2—**

Omit “in its application to”, substitute “in its application in”.

#### **Further amendments—**

The following provisions are amended by omitting “Commonwealth” (wherever occurring) and substituting “Territory”:

**SCHEDULE 2—continued**

Subsections 116 (3) and 145 (2), paragraphs 527A (3) (c) and (d), subsection 527A (4), subparagraph 556B (1) (a) (iii) and subsections 556E (1) and (2).

---

**SCHEDULE 3**

Section 5

AMENDMENTS OF RULES AND REGULATIONS

**Magistrates Court Rules**

**Paragraph 92 (b)—**

- (a) Omit “husband”, substitute “person”.
- (b) Omit “a wife”, substitute “her or his spouse”.

**Subrules 97A (3) and 97B (4) and (6)—**

Insert “of the Commonwealth” after “Attorney-General”.

**First Schedule, Form 4—**

- (a) Omit “Man in possession”, substitute “Possession for”.
- (b) Omit “landlord”, substitute “lessor”.

**Small Claims Regulations**

**Regulation 3—**

Omit “is \$20”, substitute the following:

“is—

- (a) in the case of proceedings in respect of an amount not exceeding \$2,000—\$20; and
- (b) in the case of proceedings in respect of an amount exceeding \$2,000—\$50.”.

**Workmen’s Compensation Rules**

**Amendments—**

The following provisions are amended by omitting “of the Territory” (wherever occurring):

Subrule 5 (1) (definition of “the Act”), the First Schedule (Forms 5, 6, 7, 20, 27, 42, 43, 45, 48, 49, 50, 62, 63 and 69) and the Third Schedule.

---

**NOTES**

- 1. Notified in the *Commonwealth of Australia Gazette* on 27 June 1990.

**NOTE ABOUT HEADINGS**

On the day on which the laws referred to below are amended by this Ordinance, headings to provisions of those laws are amended as set out in the following table:

Provision	Alteration
	<b>Crimes Act, 1900 (NSW)</b>
Subsection 475 (1)	Omit from the heading “ <b>Governor-General</b> ”, substitute “ <b>Executive</b> ”.
	<b>Legal Practitioners Ordinance 1970</b>

<b>12</b>	<i>Self-Government (Consequential Amendments) No. 5, 1990</i>
Section 126	Omit from the heading “ <b>Ordinance</b> ” (wherever occurring), substitute “ <b>Act</b> ”.
	<i>Limitation Ordinance 1985</i>
Section 47	Omit from the heading “ <b>Ordinance</b> ”, substitute “ <b>Act</b> ”.
	<i>Magistrates Court Ordinance 1930</i>
Sections 67A and 67B	Omit from the headings “ <b>Ordinance</b> ”, substitute “ <b>Act</b> ”.
Sections 231 and 241	Insert in the headings “ <b>her or</b> ” before “ <b>his</b> ”.
Section 249	Omit from the heading “ <b>Ordinance</b> ”, substitute “ <b>Act</b> ”.
	<i>Magistrates Court (Civil Jurisdiction) Ordinance 1982</i>
Section 248	Omit from the heading “ <b>Ordinance</b> ”, substitute “ <b>Act</b> ”.
	<i>Small Claims Ordinance 1974</i>
Sections 4, 23 and 24	Omit from the headings “ <b>Ordinance</b> ” (wherever occurring), substitute “ <b>Act</b> ”.
	<b>Magistrates Court Rules</b>
Rule 93	Omit from the heading “ <b>Ordinance</b> ”, substitute “ <b>Act</b> ”.

---