

Australian Capital Territory

Legislation Act 2001

A2001-14

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Authorised by the ACT Parliamentary Counsel—also accessible at www.legislation.act.gov.au

About this republication

The republished law

This is a republication of the *Legislation Act 2001* (including any amendment made under the *Legislation Act 2001*, part 11.3 (Editorial changes)) as in force on 23 February 2026. It also includes any commencement, amendment, repeal or expiry affecting this republished law to 23 February 2026.

The legislation history and amendment history of the republished law are set out in endnotes 3 and 4.

Kinds of republications

The Parliamentary Counsel's Office prepares 2 kinds of republications of ACT laws (see the ACT legislation register at www.legislation.act.gov.au):

- authorised republications to which the *Legislation Act 2001* applies
- unauthorised republications.

The status of this republication appears on the bottom of each page.

Editorial changes

The *Legislation Act 2001*, part 11.3 authorises the Parliamentary Counsel to make editorial amendments and other changes of a formal nature when preparing a law for republication. Editorial changes do not change the effect of the law, but have effect as if they had been made by an Act commencing on the republication date (see *Legislation Act 2001*, s 115 and s 117). The changes are made if the Parliamentary Counsel considers they are desirable to bring the law into line, or more closely into line, with current legislative drafting practice.

This republication does not include amendments made under part 11.3 (see endnote 1).

Uncommenced provisions and amendments

If a provision of the republished law has not commenced, the symbol **U** appears immediately before the provision heading. Any uncommenced amendments that affect this republished law are accessible on the ACT legislation register (www.legislation.act.gov.au). For more information, see the home page for this law on the register.

Modifications

If a provision of the republished law is affected by a current modification, the symbol **M** appears immediately before the provision heading. The text of the modifying provision appears in the endnotes. For the legal status of modifications, see the *Legislation Act 2001*, section 95.

Penalties

At the republication date, the value of a penalty unit for an offence against this law is $160 for an individual and $810 for a corporation (see *Legislation Act 2001*, s 133).



Australian Capital Territory

Legislation Act 2001

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Australian Capital Territory

Legislation Act 2001

An Act about legislation

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Chapter 1 Preliminary

Part 1.1 General

1 Name of Act

This Act is the *Legislation Act 2001*.

2 Dictionary

The dictionary at the end of this Act is part of this Act.

Note 1 The dictionary at the end of an Act usually defines certain terms used in the Act, and includes references (***signpost definitions***) to other terms defined elsewhere in the Act. However, in this Act the dictionary is divided into 2 parts.

Note 2 Pt 1 defines terms commonly used in Acts (including this Act) and statutory instruments. For example, because of the definition '***calendar month*** means one of the 12 months of the year.', the term 'calendar month' has the defined meaning wherever the term is used in an Act or statutory instrument unless the Act or instrument provides otherwise or the contrary intention otherwise appears (see s 144 and s 155).

Note 3 Pt 2 defines certain terms used in this Act. For example, the signpost definition '***administrator***, for part 19.5 (Service of documents)—see section 246.' means that the term 'administrator' is defined in s 246 for this Act, pt 19.5. A definition in pt 2 applies to all of this Act unless the definition, or another provision of this Act, provides otherwise or the contrary intention otherwise appears (see s 155 and s 156 (1)).

2A Notes

A note included in this Act is explanatory and is not part of this Act.

Note See s 127 (1), (4) and (5) for the legal status of notes.

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3 Objects

(1) The main object of this Act is to make legislation more accessible.

(2) This is to be achieved particularly by—

(a) encouraging access to legislation through the internet, while maintaining access to printed legislation; and

(b) restating the law dealing with the 'life cycle' of legislation, improving its structure and content, and simplifying its provisions where practicable; and

(c) assisting users of legislation to find, read, understand and use legislation by—

(i) facilitating the shortening and simplification of legislation; and

(ii) promoting consistency in the form and language of legislation; and

(iii) providing rules about the interpretation of legislation; and

(iv) facilitating the updating and republication of legislation to ensure its ready availability.

(3) For this section, the '***life cycle***' of legislation includes the making (where relevant), notification, commencement, presentation and disallowance (where relevant), operation, interpretation, proof, republication, amendment and repeal of legislation and instruments made under legislation.

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4 Application of Act

(1) This Act applies to all Acts (including this Act) and statutory instruments.

(2) In particular, Acts and statutory instruments are taken to be made on the basis that they will operate in conjunction with this Act.

Examples

1 An Act imposes an obligation and provides that people who 'fail' to carry out the obligation are liable to the penalty. The Act does not, however, define 'fail' or indicate that the word is used in a special way. In accordance with this Act, dictionary, pt 1 (see s 144), the word 'fail' includes 'refuse'. In other words, a person who refuses to carry out the obligation will be subject to the penalty in the same way as someone who only neglects the obligation. In this case, the presence in an Act of a word that is defined in this Act attracts the operation of the definition in the dictionary.

2 The *XYZ Act 2001* contains the following provision:

The Minister may determine fees for this Act.

Because the XYZ Act authorises a fee to be determined 'for this Act', this Act, s 56 applies and therefore the provisions of pt 6.3 (Making of certain statutory instruments about fees) apply to the determination of fees under the provision. In this case, the operation of provisions of this Act is attracted because the *XYZ Act 2001* contains a provision that triggers the application of the part.

Note The determination of a fee by a Minister under an Act is a disallowable instrument and must be in writing (see s 9 (1) (b) and s 42 (2)).

(3) This section is a determinative provision.

Note See s 5 for the meaning of determinative provisions, and s 6 for their displacement.

5 Determinative and non-determinative provisions

(1) This Act consists of determinative and non-determinative provisions.

(2) A ***determinative provision*** is a provision of this Act that is declared to be a determinative provision.

Example

Section 4 (3) provides that s 4 is a determinative provision.

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(3) A ***non-determinative provision*** is any other provision of this Act.

Example

Section 3 does not contain a provision corresponding to s 4 (3). Therefore, s 3 is not a determinative provision.

6 Legislation Act provisions must be applied

(1) A provision of this Act must be applied to an Act or statutory instrument, in accordance with the terms of the provision, except so far as it is displaced.

(2) A determinative provision may be displaced expressly or by a manifest contrary intention.

(3) A non-determinative provision may be displaced expressly or by a contrary intention.

Note For the distinction between a 'manifest contrary intention' (see s (2)) and 'contrary intention' (see s (3)), see the examples in this section.

(4) The declaration of a provision as 'determinative' indicates that it is the intention of the Legislative Assembly that, if the provision is to be displaced at all in a particular case, a more deliberate displacement is required than if the provision were a non-determinative provision.

(5) This section applies despite any presumption or rule of interpretation.

(6) A provision of this Act must not be taken to be displaced by a provision of an Act or statutory instrument so far as the provisions can operate concurrently.

(7) In particular and without limiting subsection (6), a provision of this Act is not displaced by a provision of an Act or statutory instrument because the provisions deal with the same or a similar subject matter.

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(8) This section is a determinative provision.

Examples—different kinds of displacement

1 *Determinative provision—express displacement*

The *Collections Regulation Act 1999* (hypothetical), s 83 contains the following provision:

(2) The Legislation Act, section 47 (3) does not apply to a regulation under this Act.

Section 83 (2) illustrates a provision expressly displacing this Act, s 47 (3), a determinative provision.

2 *Determinative provision—manifest contrary intention*

The *Motor Repairers Act 2001* (hypothetical) does not contain a provision like the *Collections Regulation Act 1999*, s 83, but s 79 contains the following provision:

(3) A regulation may apply, adopt or incorporate an instrument or provision of an instrument as in force from time to time.

Section 79 (3) illustrates a provision displacing this Act, s 47 (3), a determinative provision, by a manifest contrary intention because s 79 (3) clearly contradicts s 47 (3).

3 *Non-determinative provision—contrary intention*

The master of a vessel is charged with contravening the *Liquor Act 2001* (hypothetical), s 126 by selling liquor on or from 'licensed premises' otherwise than at a time authorised by the Act. It is claimed that the sale took place on the vessel. The Act defines 'licensed premises' to mean that part or those parts of a building or buildings and of the land adjoining it or them as defined by the licensing court. It is argued that the complaint is defective in that a vessel cannot be 'licensed premises'. However, s 126 is expressed to apply to 'a licensee, servant, agent or master who sells liquor on or from licensed premises'. In this case, the reference to 'master' indicates a contrary intention indicating that the section is intended to apply to liquor sold on or from vessels.

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Example—concurrent operation (no displacement)

The *Small Clubs Act 2002* (hypothetical) contains the following provision about how notice of the club's annual general meeting may be served on members of a registered small club:

60 Serving notice of annual general meeting

The executive committee of a registered small club may serve notice of the annual general meeting of the club on members by pinning the notice to a noticeboard in the club house.

This Act, s 247, a non-determinative provision, allows a document to be served on an individual under an Act in a number of ways (by giving the document to the individual, by sending it by prepaid post etc), but does not mention pinning the document to a noticeboard as a method of giving the notice.

Section 247 is not displaced by the *Small Clubs Act 2002*, s 60, because—

- s 60 does not expressly displace section 247 nor does it indicate a contrary intention (see s 6 (1) and (3)) and, in particular, s 60 does not indicate an intention that the method of service it authorises is to be the only method of serving notice of annual general meetings on members of small clubs; and
- the application of s 247 is not displaced by any presumption or rule of interpretation (see s 6 (5)); and
- s 60 and s 247 can operate concurrently (see s 6 (6)) by allowing complementary methods of service; and
- the fact that s 60 and s 247 deal with the same (or a similar) subject matter does not of itself displace s 247 (see s 6 (7) and also s 6 (5)).

It follows, therefore, that the executive committee is free to serve notice of the annual general meeting under s 60 or s 247.

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Part 1.2 Basic concepts

7 Meaning of *Act* generally

(1) An ***Act*** is an Act of the Legislative Assembly.

(2) An ***Act of the Legislative Assembly*** is a law (however described or named) made by the Legislative Assembly under the Self-Government Act.

(3) A reference to an ***Act*** includes a reference to a provision of an Act.

Note 1 Section 17 deals with former Commonwealth enactments, and former NSW and UK Acts, that have become ACT Acts.

Note 2 Section 100 (1) deals with references to particular Acts.

8 Meaning of *subordinate law*

(1) A ***subordinate law*** is a regulation or rule (whether or not legislative in nature) 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.

(2) A reference to a ***subordinate law*** includes a reference to a provision of a subordinate law.

9 Meaning of *disallowable instrument*

(1) A ***disallowable instrument*** is—

(a) a statutory instrument (whether or not legislative in nature) that is declared to be a disallowable instrument by an Act, subordinate law or another disallowable instrument; or

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(b) a determination of fees or charges by a Minister under an Act or subordinate law.

Note ***Statutory instrument*** is defined in s 13.

(2) A reference to a ***disallowable instrument*** includes a reference to a provision of a disallowable instrument.

10 Meaning of *notifiable instrument*

(1) A ***notifiable instrument*** is a statutory instrument (whether or not legislative in nature) that is declared to be a notifiable instrument by an Act, subordinate law, disallowable instrument or another notifiable instrument.

(2) A reference to a ***notifiable instrument*** includes a reference to a provision of a notifiable instrument.

11 Meaning of *commencement notice*

(1) A ***commencement notice*** is a statutory instrument that fixes or otherwise determines the commencement of an Act, subordinate law, disallowable instrument or notifiable instrument.

(2) A reference to a ***commencement notice*** includes a reference to a provision of a commencement notice.

12 Meaning of *legislative instrument*

(1) A ***legislative instrument*** is—

(a) a subordinate law; or

(b) a disallowable instrument; or

(c) a notifiable instrument; or

(d) a commencement notice.

(2) A reference to a ***legislative instrument*** includes a reference to a provision of a legislative instrument.

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13 Meaning of *statutory instrument*

(1) A ***statutory instrument*** is an instrument (whether or not legislative in 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.

(2) A ***statutory instrument*** includes a subordinate law, disallowable instrument, notifiable instrument and commencement notice.

(3) A reference to a ***statutory instrument*** includes a reference to a provision of a statutory instrument.

14 Meaning of *instrument*

(1) An ***instrument*** is any writing or other document.

Note ***Writing*** is defined in the dictionary, pt 1.

(2) A reference to an ***instrument*** includes a reference to a provision of an instrument.

15 Meaning of *authorised republication*

(1) An ***authorised republication*** is a republication of a law authorised by the parliamentary counsel under this Act.

(2) A reference to an ***authorised republication*** includes a reference to a provision of an authorised republication.

(3) In this section:

law—see section 107 (Definitions—ch 11).

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16 Meaning of *provision*

A ***provision*** of an Act or instrument is any words or anything else that forms part of the Act or instrument.

Examples—provisions consisting of groups of words

sections, subsections, paragraphs, subparagraphs, sub-subparagraphs, examples

Examples—provisions consisting of groups of other provisions

chapters, parts, divisions, subdivisions, schedules

Note See s 126 and s 127 for material that is, or is not, part of an Act or statutory instrument.

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Part 1.3 Sources of law in the ACT

Notes on sources of law

Note 1 The laws in force in the ACT 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. 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 made by the Governor-General under the *Seat of Government (Administration) Act 1910* (Cwlth) were the main form of legislation made for the ACT. Most of the ordinances in force at self-government have been converted into Acts (see the Self-Government Act, s 34). However, the Governor-General has power to make ordinances for the ACT on a limited number of topics (see *Seat of Government (Administration) Act 1910* (Cwlth), s 12).

Note 4 The written laws in force in the ACT 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 Self-Government Act, s 28).

Note 5 Certain Acts of New South Wales and the United Kingdom also formed part of the written laws in force in the ACT. Because of the *Interpretation Act 1967*, s 65, these are now taken to be laws made by the Legislative Assembly as if they had been enacted by the Assembly. (Section 65 has expired, but its previous operation was saved–see s 65 (3)). These Acts are listed in sch 1.

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17 References to Acts include references to former Cwlth enactments etc

(1) A reference to an ***Act*** includes a reference to a former Commonwealth enactment.

(2) Without limiting subsection (1), a reference to an ***Act*** includes a reference to a former NSW Act or former UK Act mentioned in schedule 1.

(3) In this section:

former Commonwealth enactment means a Commonwealth Act or ordinance, a New South Wales Act or Imperial Act that is—

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

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

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Chapter 2 ACT legislation register and website

18 ACT legislation register

(1) The parliamentary counsel must establish and maintain a register of Acts and statutory instruments (the ***ACT legislation register***).

(2) The register must be kept electronically.

19 Contents of register

(1) The ACT legislation register must contain the following:

(a) authorised republications of laws currently in force;

(b) Acts as made;

(c) subordinate laws as made;

(d) disallowable instruments as made;

(e) notifiable instruments as made;

(f) commencement notices as made;

(g) resolutions passed, or taken to have been passed, by the Legislative Assembly to disallow a subordinate law or disallowable instrument;

(h) resolutions passed, or taken to have been passed, by the Legislative Assembly to amend a subordinate law or disallowable instrument;

(i) bills presented to the Legislative Assembly;

(j) explanatory statements for bills, and amendments of bills, presented to the Legislative Assembly;

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(k) explanatory statements, and regulatory impact statements under chapter 5, for subordinate laws and disallowable instruments.

(2) The ACT legislation register must also contain the following:

(a) notifications of the making of Acts;

(b) notifications of the making of subordinate laws;

(c) notifications of the making of disallowable instruments;

(d) notifications of the making of notifiable instruments;

(e) notifications of the making of commencement notices;

(f) notifications of the disallowance of subordinate laws or disallowable instruments under section 65 (Disallowance by resolution of Assembly);

(g) notifications of the amendment of subordinate laws or disallowable instruments under section 68 (Amendment by resolution of Assembly).

(3) The parliamentary counsel may enter additional material in the register if the parliamentary counsel considers that it is likely to be useful to users of the register.

(4) Without limiting subsection (3), the additional material may include the following:

(a) unauthorised republications of laws currently in force;

(b) past versions of unauthorised republications;

(c) past versions of authorised republications;

(d) statutory instruments that are not legislative instruments;

(e) repealed Acts and statutory instruments;

(f) Commonwealth laws that apply in or in relation to the ACT;

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(g) material relevant to interpreting the rights set out in the *Human Rights Act 2004*, including documents mentioned in that Act, dictionary, definition of ***international law***.

(5) The parliamentary counsel may enter additional material in the register in any way the parliamentary counsel considers is likely to be helpful to users of the register.

Example

An instrument under the Self-Government Act notifying the appointment of Ministers is entered in the register as a notifiable instrument even though the instrument is not taken to be a notifiable instrument under s 10 (Meaning of *notifiable instrument*). The instrument is also numbered as a notifiable instrument. The page of the register for the notification mentions that it is made under the Self-Government Act and is not a notifiable instrument but is included in the register for information.

(6) Without limiting subsection (3) or (5), a regulation may prescribe requirements to be satisfied for additional material to be entered in the register under this section, including, for example, requirements about—

(a) the form of the material; and

(b) the making of requests for its entry in the register.

(7) A regulation may also make provision about the following in relation to instruments (other than legislative instruments) to be entered in the register under this section:

(a) the numbering of the instruments by the parliamentary counsel, whether in a series of numbers allocated under section 59 (Numbering) or otherwise;

(b) the identification of the instruments, including, for example, authorising the parliamentary counsel to—

(i) add a name to an unnamed instrument; or

(ii) amend an instrument's name; or

(iii) add notes to an instrument to assist in its identification; or

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(iv) do anything else in relation to an instrument to assist users of the register to identify or refer to the instrument.

(8) If the register contains an authorised republication of a law currently in force, and the law is amended, the parliamentary counsel must replace the republication with an authorised republication of the law as amended.

(9) If the register contains an authorised republication of a law, and the law is repealed, expires or, for a subordinate law or disallowable instrument, is disallowed by the Legislative Assembly, the parliamentary counsel must ensure that the republication is no longer shown as a republication of law currently in force.

(10) If the parliamentary counsel considers it likely to be useful to users of the register to enter information (in any form) in the register, the parliamentary counsel may enter the information at any time.

(11) If an Act passed by the Legislative Assembly, or a legislative instrument made, before the commencement of this Act need not be notified under this Act, the parliamentary counsel may enter the text of the Act or instrument in the register.

(12) The parliamentary counsel may correct any mistake, error or omission in the register subject to the requirements (if any) of the regulations.

(13) In this section:

amended includes modified.

law—see section 107 (Definitions—ch 11).

repealed includes lapsed and expired.

20 Prompt registration

The parliamentary counsel must ensure that anything the parliamentary counsel is required to do in relation to the register is done promptly.

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21 Approved website

(1) The parliamentary counsel must approve an internet site, and may approve additional internet sites, for this Act.

(2) The parliamentary counsel may enter into agreements or arrangements to ensure that users can authenticate an approved website or the material accessible on an approved website.

22 Access to registered material at approved website

(1) The parliamentary counsel must ensure, as far as practicable, that a copy of the material mentioned in section 19 (1) and (2) (Contents of register) is accessible at all times on an approved website.

(2) Access is to be provided without charge by the Territory.

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Chapter 3 Authorised versions and evidence of laws and legislative material

22A Definitions—ch 3

In this chapter:

law means an Act or statutory instrument, whether or not it has been amended, and includes, in relation to a republication—

(a) a collection of 2 or more Acts or statutory instruments; or

(b) all or part of an agreement or other instrument that has the force of law or is in, or attached to, an Act or statutory instrument.

Note A reference to an Act or statutory instrument includes a reference to a provision of the Act or instrument (see s 7 and s 13).

legislative material means material (other than a law or provision of a law) relating to an Act or statutory instrument.

Examples—legislative material

1 Additional material entered in the register under s 19 (3) (Contents of register) that is not an Act or statutory instrument, for example, appointments of Ministers. Ministers are appointed by the Chief Minister under the Self-Government Act, s 41. An instrument notifying an appointment may be entered in the register even though the instrument is not a statutory instrument.

2 Material that may be considered under ch 14 in working out the meaning of an Act or statutory instrument, for example, an explanatory statement for the bill that became the relevant Act that was presented to the Legislative Assembly before the Act was passed.

republication includes part of a republication.

23 Authorisation of versions by parliamentary counsel

The parliamentary counsel may authorise written or electronic versions of a law, republication or legislative material.

Note ***Written*** includes printed (see dict, pt 1, def ***writing***).

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24 Authorised electronic versions

(1) An electronic copy of a law, republication or legislative material is an authorised version if—

(a) it is accessed at, or downloaded from, an approved website in a format authorised by the parliamentary counsel; or

(b) it is authorised by the parliamentary counsel and is in the format in which it is authorised by the parliamentary counsel.

(2) It is presumed, unless the contrary is proved—

(a) that an internet site purporting to be an approved website is an approved website; and

(b) that an electronic copy of a law, republication or legislative material accessed at, or downloaded from, an approved website and purporting to be authorised by the parliamentary counsel (however expressed) is an authorised version of the law, republication or legislative material; and

(c) that any other electronic copy of a law, republication or legislative material purporting to be authorised by the parliamentary counsel (however expressed) is an authorised version of the law, republication or legislative material; and

(d) that an authorised electronic version of an Act or statutory instrument correctly shows the Act or instrument; and

(e) that an authorised electronic version of a republication of a law correctly shows the law as at the republication date; and

(f) that an authorised electronic version of legislative material correctly shows the material.

Examples—electronic copy of republication purporting to be authorised by parliamentary counsel

1 The republication has the words 'Authorised by the ACT Parliamentary Counsel' on the front cover and the words 'Authorised when accessed at www.legislation.act.gov.au or in authorised printed form' at the foot of each page of the republication.

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2 The republication has the words 'Authorised by the ACT Parliamentary Counsel' on the front cover and the words 'Authorised by the ACT Parliamentary Counsel—also accessible at www.legislation.act.gov.au' at the foot of each page of the republication.

Note A reference to an Act or statutory instrument includes a reference to a provision of the Act or instrument (see s 7 (3) and s 13 (3)). A reference to a republication includes a reference to part of a republication (see s 22A def ***republication***).

25 Authorised written versions

(1) A written copy of a law, republication or legislative material is an authorised version if—

(a) it is a written copy produced directly from an authorised electronic version of the law, republication or legislative material; or

(b) it is a written copy of another version of the law, republication or legislative material authorised by the parliamentary counsel.

Example—par (a)

An authorised electronic version of an Act is downloaded from an approved website and printed. The printed copy is an authorised written version of the Act.

(2) It is presumed, unless the contrary is proved—

(a) that a written copy of a law, republication or legislative material purporting to be authorised by the parliamentary counsel (however expressed) is an authorised version of the law, republication or legislative material; and

(b) that an authorised written version of an Act or statutory instrument correctly shows the Act or instrument; and

(c) that an authorised written version of a republication of a law correctly shows the law as at the republication date; and

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(d) that an authorised written version of legislative material correctly shows the material.

Examples—written copy of republication purporting to be authorised by parliamentary counsel

1 The republication has the words 'Authorised by the ACT Parliamentary Counsel' on the front cover and the words 'Authorised by the parliamentary counsel and printed by authority of the ACT Government' at the foot of each page of the republication.

2 The republication has the words 'Authorised by the ACT Parliamentary Counsel and printed by authority of the ACT Government' on the front cover and the words 'Authorised by the ACT Parliamentary Counsel—also accessible at www.legislation.act.gov.au' at the foot of each page of the republication.

3 The republication has the words 'Authorised by the ACT Parliamentary Counsel' on the front cover and the words 'Authorised by the ACT Parliamentary Counsel—also accessible at www.legislation.act.gov.au' at the foot of each page of the republication.

Note A reference to an Act or statutory instrument includes a reference to a provision of the Act or instrument (see s 7 (3) and s 13 (3)). A reference to a republication includes a reference to part of a republication (see s 22A def ***republication***).

26 Judicial notice of certain matters

(1) Proof is not required about—

(a) the passing of a proposed law by the Legislative Assembly or its notification in the register, the gazette or otherwise under section 28 (2) (b); or

(b) the making, or notification or publication in the register, the gazette or otherwise under section 61 (2) (b), of a subordinate law, disallowable instrument, notifiable instrument, commencement notice or any other statutory instrument; or

(c) the approval (however described) of a statutory instrument by the Executive, a Minister or any other entity; or

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(d) the provisions of an Act, subordinate law, disallowable instrument, notifiable instrument, commencement notice or any other statutory instrument; or

(e) the commencement of an Act, subordinate law, disallowable instrument, notifiable instrument, or any other statutory instrument; or

(f) the presentation of a subordinate law, disallowable instrument or any other statutory instrument to the Legislative Assembly; or

(g) anything done or not done by or in the Legislative Assembly in relation to a subordinate law, disallowable instrument or any other statutory instrument; or

(h) amendments or other changes made under chapter 11 (Republication of Acts and statutory instruments); or

(i) the authorisation of a republication under this Act, the provisions of an authorised republication or the republication date of an authorised republication.

(2) A court or tribunal may inform itself of anything mentioned in subsection (1) in any way it considers appropriate.

Examples—ways that may be appropriate

1 using a version of an Act downloaded from an approved website using the internet

2 using information obtained from an approved website using the internet

3 using an authorised written version of a republication

(3) However, the court or tribunal must consider whether the source it intends to use appears to be a reliable source of information.

(4) For subsection (3), an authorised version of a law, republication or legislative material is a reliable source of information.

(5) This section does not limit any other law providing how a court or tribunal may be informed about a matter mentioned in subsection (1).

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Chapter 4 Numbering and notification of Acts

27 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.

28 Notification of Acts

(1) If a proposed law is passed by the Legislative Assembly, the Speaker must ask the parliamentary counsel to notify the making of the law.

(2) If the Speaker asks the parliamentary counsel to notify the making of the proposed law, the parliamentary counsel must—

(a) notify the making of the law in the register; or

(b) if it is not practicable to notify the making of the proposed law in the register—notify the making of the law in another place the parliamentary counsel considers appropriate.

Examples—other places

1 another government website

2 outside the Legislative Assembly

(3) If the Speaker asks the parliamentary counsel to notify the making of the proposed law on a particular day, the parliamentary counsel must notify the making of the law on that day unless it is impracticable to do so.

(4) The making of the proposed law is notified in the register by entering in the register—

(a) a statement that the law has been passed by the Legislative Assembly; and

(b) the text of the law.

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(5) The making of the proposed law is notified under subsection (2) (b) by—

(a) publishing the text of the law in the place decided by the parliamentary counsel under subsection (2) (b); or

(b) publishing in that place a statement that—

(i) the law has been passed by the Legislative Assembly; and

(ii) copies of the law can be obtained at a stated place or stated places (whether by purchase or otherwise).

(6) If the making of the proposed law is notified under subsection (2) (b), the parliamentary counsel must as soon as practicable enter in the register—

(a) a statement that the law—

(i) has been passed by the Legislative Assembly; and

(ii) was notified in the stated place on a stated date; and

(b) the text of the law.

(7) If the making of the proposed law is notified by publishing the statement mentioned in subsection (5) (b), copies of the law must be available on the day of publication, or as soon as practicable after that day, at the stated place or each of the stated places.

(8) If on that day no copies of the law are available at the stated place or any of the stated places, the parliamentary counsel must give the Minister a statement—

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

(b) explaining why they were not available.

(9) The Minister must present the statement to the Legislative Assembly not later than 6 sitting days after receiving it.

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(10) This section is a determinative provision.

Note See s 5 for the meaning of determinative provisions, and s 6 for their displacement.

29 References to *enactment* or *passing* of Acts

In an Act or statutory instrument, a reference to the ***enactment*** or ***passing*** of an Act is a reference to the making of the Act having been notified in the register, the gazette or otherwise under section 28 (2) (b).

30 References to *notification* of Acts

In an Act or statutory instrument, a reference to the ***notification*** of an Act is a reference to the making of the Act having been notified in the register, the gazette or otherwise under section 28 (2) (b).

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Chapter 5 Regulatory impact statements for subordinate laws and disallowable instruments

Part 5.1 Preliminary

31 Definitions—ch 5

In this chapter:

authorising law, in relation to a proposed subordinate law or disallowable instrument (the ***proposed law***), means the Act or statutory instrument (and, if appropriate, the provision of the Act or statutory instrument) under which the proposed law will be made.

benefits includes—

(a) advantages; and

(b) direct and indirect economic, environmental and social benefits.

costs includes—

(a) burdens and disadvantages; and

(b) direct and indirect economic, environmental and social costs.

scrutiny committee principles means the terms of reference of the Legislative Assembly standing committee performing the duties of a scrutiny of bills and subordinate legislation committee that apply to subordinate laws and disallowable instruments.

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32 Other publication or consultation requirements not affected

(1) Part 5.2 (Requirements for regulatory impact statements) does not affect any requirements in any other territory law for publication or consultation about a proposal to make a subordinate law or disallowable instrument.

(2) Part 5.2 does not apply to the subordinate law or disallowable instrument if the requirements are of a comparable level to publication and consultation under the part.

33 Guidelines about costs of proposed subordinate laws and disallowable instruments

(1) The Minister may issue guidelines to be applied in deciding whether a proposed subordinate law or disallowable instrument is, or is not, likely to impose appreciable costs on the community or a part of the community.

(2) A guideline is a disallowable instrument.

Note A disallowable instrument must be notified, and presented to the Legislative Assembly, under this Act.

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Part 5.2 Requirements for regulatory impact statements

34 Preparation of regulatory impact statements

(1) If a proposed subordinate law or disallowable instrument (the ***proposed law***) is likely to impose appreciable costs on the community, or a part of the community, then, before the proposed law is made, the Minister administering the authorising law (the ***administering Minister***) must arrange for a regulatory impact statement to be prepared for the proposed law.

(2) However, this section does not apply to the proposed law if the administering Minister exempts the proposed law from subsection (1).

Note Section 32 and s 36 also state other circumstances when a regulatory impact statement is not required.

(3) An exemption under subsection (2) (the ***RIS exemption***) is a disallowable instrument.

Note A disallowable instrument must be notified, and presented to the Legislative Assembly, under this Act.

(4) If the RIS exemption is disallowed under this Act after the proposed law has been made, the administering Minister must arrange for a regulatory impact statement to be prepared for the subordinate law or disallowable instrument.

(5) The regulatory impact statement prepared under subsection (4) must be presented to the Legislative Assembly not later than 5 sitting days after the day the RIS exemption is disallowed.

(6) This chapter (other than section 37 (When must regulatory impact statement be presented?)) applies to the law as if the law were a proposed subordinate law or disallowable instrument.

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35 Content of regulatory impact statements

A regulatory impact statement for a proposed subordinate law or disallowable instrument (the ***proposed law***) must include the following information about the proposed law in clear and precise language:

(a) the authorising law;

(b) a brief statement of the policy objectives of the proposed law and the reasons for them;

(c) a brief statement of the way the policy objectives will be achieved by the proposed law and why this way of achieving them is reasonable and appropriate;

(d) a brief explanation of how the proposed law is consistent with the policy objectives of the authorising law;

(e) if the proposed law is inconsistent with the policy objectives of another territory law—

(i) a brief explanation of the relationship with the other law; and

(ii) a brief explanation for the inconsistency;

(f) if appropriate, a brief statement of any reasonable alternative way of achieving the policy objectives (including the option of not making a subordinate law or disallowable instrument) and why the alternative was rejected;

(g) a brief assessment of the benefits and costs of implementing the proposed law that—

(i) if practicable and appropriate, quantifies the benefits and costs; and

(ii) includes a comparison of the benefits and costs with the benefits and costs of any reasonable alternative way of achieving the policy objectives stated under paragraph (f);

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(h) a brief assessment of the consistency of the proposed law with the scrutiny committee principles and, if it is inconsistent with the principles, the reasons for the inconsistency.

36 When is preparation of regulatory impact statement unnecessary?

(1) A regulatory impact statement need not be prepared for a proposed subordinate law or disallowable instrument (the ***proposed law***) if the proposed law only provides for, or to the extent it only provides for, any of the following:

(a) a matter that is not of a legislative nature, including, for example, a matter of a machinery, administrative, drafting or formal nature;

(b) a matter that does not operate to the disadvantage of anyone (other than the Territory or a territory authority or instrumentality) by—

(i) adversely affecting the person's rights; or

(ii) imposing liabilities on the person;

(c) an amendment of a territory law to take account of current legislative drafting practice;

(d) the commencement of an Act or statutory instrument;

Note A reference to an Act or statutory instrument includes a reference to a provision of the Act or instrument (see s 7 and s 13).

(e) an amendment of a territory law that does not fundamentally affect the law's application or operation;

(f) a matter of a transitional character;

(g) a matter arising under a territory law that is part of a uniform scheme of legislation or complementary with legislation of the Commonwealth, a State or New Zealand;

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(h) a matter involving the adoption of an Australian or international protocol, standard, code, or intergovernmental agreement or instrument, if an assessment of the benefits and costs has already been made and the assessment was made for, or is relevant to, the ACT;

(i) a proposal to make, amend or repeal rules of court;

(j) a matter advance notice of which would enable someone to gain unfair advantage;

(k) an amendment of a fee, charge or tax consistent with announced government policy.

(2) A regulatory impact statement also need not be prepared for the proposed law if, or to the extent that, it would be against the public interest because of the nature of the proposed law or the circumstances in which it is made.

Example

A law may need to be made urgently for controlling the spread of a disease or dealing with another urgent situation.

Note Section 32 and s 34 also state other circumstances when a regulatory impact statement is not required.

37 When must regulatory impact statement be presented?

(1) This section applies if a regulatory impact statement for a proposed subordinate law or disallowable instrument (the ***proposed law***) has been prepared and the proposed law is made.

(2) The statement must be presented to the Legislative Assembly with the subordinate law or disallowable instrument.

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Part 5.3 Failure to comply with requirements for regulatory impact statements

38 Effect of failure to comply with pt 5.2

(1) Failure to comply with part 5.2 (Requirements for regulatory impact statements) in relation to a subordinate law or disallowable instrument (the ***law***) does not—

(a) affect the law's validity; or

(b) create rights or impose legally enforceable obligations on the Territory, a Minister or anyone else.

(2) In addition, a decision made, or appearing to be made, under part 5.2 is final.

(3) In this section:

decision includes—

(a) conduct engaged in to make a decision; and

(b) conduct related to making a decision; and

(c) failure to make a decision.

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Chapter 6 Making, notification and numbering of statutory instruments

Part 6.1 General

39 Meaning of *matter*—ch 6

In this chapter:

matter, in relation to a statutory instrument, includes circumstance, person, place and purpose.

40 Presumption of validity

It is presumed, unless the contrary is proved, that all conditions and steps required for the making of a statutory instrument have been satisfied and carried out.

41 Making of certain statutory instruments by Executive

(1) This section applies if an Act authorises or requires the Executive to make a subordinate law or disallowable instrument.

(2) The subordinate law or disallowable instrument is taken to be made by the Executive if—

(a) it is signed by 2 or more Ministers who are members of the Executive; and

(b) the signing Ministers include the Chief Minister and the responsible Minister.

(3) A subordinate law or disallowable instrument made in accordance with subsection (2) is taken to be made when it is signed by the second Minister signing.

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(4) If the Chief Minister or responsible Minister cannot sign because that Minister is absent from the ACT, ill or on leave, the signing Ministers need not include that Minister.

(5) In this section:

responsible Minister means—

(a) the Minister for the time being administering the Act; or

(b) if, for the time being, different Ministers administer the Act in relation to different matters—

(i) if only 1 Minister administers the Act in relation to the relevant matter—that Minister; or

(ii) if 2 or more Ministers administer the Act in relation to the relevant matter—any of the Ministers; or

(iii) if subparagraph (ii) does not apply and, for the time being, 2 or more Ministers administer the Act—any of the Ministers;

but does not include a Minister for the time being acting on behalf of the Minister or 2 or more Ministers.

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Part 6.2 Making of statutory instruments generally

42 Power to make statutory instruments

(1) If an Act or statutory instrument gives a power that can be exercised by making an instrument, the Act or statutory instrument gives power to make the instrument.

Example

An Act gives a Minister power to approve codes of practice, but does not require the approval to be in writing or to be given by a particular instrument. The power can be exercised by giving a written approval. The Act, therefore, gives power to make an instrument, namely, a written approval.

(2) If an Act or statutory instrument gives power to make an instrument that would be a legislative instrument, the power can only be exercised by making an instrument.

(3) If an Act or statutory instrument gives power to make an instrument, the power may be exercised from time to time.

(4) This section is a determinative provision.

Note See s 5 for the meaning of determinative provisions, and s 6 for their displacement.

43 Statutory instruments to be interpreted not to exceed powers under authorising law

(1) A statutory instrument is to be interpreted as operating to the full extent of, but not to exceed, the power given by the Act or statutory instrument under which it is made (the ***authorising law***).

(2) Without limiting subsection (1), if a provision of a statutory instrument would, apart from this section, be interpreted as exceeding power—

(a) the provision is valid to the extent to which it does not exceed power; and

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(b) the remainder of the instrument is not affected.

Example 1

The *Agriculture Services Determination* 2001, pt 4 exceeds the determination–making power given by the *Agriculture Services Act 2000* (hypothetical). The other provisions of the determination are within power.

The determination (apart from pt 4) operates effectively. Pt 4 is treated as if it did not form part of the determination and is disregarded.

Note The kind of interpretation indicated in example 1 is known as a divisible interpretation of the determination.

Example 2

The *Goats Regulation 2001* (hypothetical) is made under the *Goats Act 2001*. The *Goats Regulation 2001*, s 39 seeks to impose rules about the care of 'animals', but the Act only gives power to make regulations about goats.

Section 39 is read restrictively ('read down') as if it mentioned goats. In other words, the section is effective but treated as if it applied only to goats.

Note The kind of interpretation indicated in example 2 is known as a distributive interpretation of the regulation.

Example 3

The *Wombat Protection Act 2003* (hypothetical) provides that the Minister may appoint a Wombat Advocate. The instrument making the appointment states that the appointment is for 5 years, but the maximum term of appointment authorised under the Act is 4 years.

The instrument is read restrictively ('read down') as if it referred to 4 years. In other words, the instrument is effective but the appointment is only valid for 4 years.

Note The kind of interpretation indicated in example 3 is known as a distributive interpretation of the instrument.

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(3) Without limiting subsection (1), if the application of a provision of a statutory instrument to a matter would, apart from this section, be interpreted as exceeding power, the provision's application to other matters is not affected.

Example

The *Community Safety Order 2001* is expressed to apply to all members of the community without qualification although it is in fact made under the *Building Industry (Safety) Act 2000* (hypothetical). That Act is restricted in its operation to the building industry. The order is cast in such wide terms that it cannot be interpreted divisibly or distributively. However, the order applies to entities such as XYZ Constructions Pty Ltd because it is a company in the construction industry.

(4) This section is in addition to any provision of the statutory instrument or authorising law.

(5) This section is a determinative provision.

Note See s 5 for the meaning of determinative provisions, and s 6 for their displacement.

44 Power to make statutory instruments for Act etc

(1) If an Act or statutory instrument (the ***authorising law***) authorises or requires the making of a statutory instrument for the authorising law or another Act or statutory instrument (the ***other law***), the power authorises a statutory instrument to be made in relation to any matter that—

(a) is required or permitted to be prescribed by the authorising law or other law; or

(b) is necessary or convenient to be prescribed for carrying out or giving effect to the authorising law or other law.

(2) Subsection (1) applies to the authorising law even though the authorising law—

(a) only authorises the making of a statutory instrument for the authorising law; or

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(b) also authorises or requires the making of a statutory instrument about a particular matter.

(3) Power given by the authorising law to make a statutory instrument about a particular matter does not limit power given by the authorising law or other law to make a statutory instrument (whether or not of the same kind) about any other matter.

(4) This section is a determinative provision.

Note See s 5 for the meaning of determinative provisions, and s 6 for their displacement.

45 Power to make court rules

(1) The power of an entity to make rules for a court includes power to make rules in relation to any matter necessary or convenient to be prescribed for carrying out or giving effect to the court's jurisdiction under any law that authorises or requires anything to be done in or in relation to the court.

(2) This section is additional to section 44.

(3) This section is a determinative provision.

Note See s 5 for the meaning of determinative provisions, and s 6 for their displacement.

(4) In this section:

court includes a tribunal.

disallowable legislative instrument, for a Commonwealth Act, means a legislative instrument that can be disallowed under the *Legislation Act 2003* (Cwlth), chapter 3, part 2 (Parliamentary scrutiny of legislative instruments), including that part, or provisions of that part, applied by another Commonwealth law.

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law means—

(a) an Act, subordinate law or disallowable instrument; or

Note A reference to an Act, subordinate law or disallowable instrument includes a reference to a provision of the Act, law or instrument (see s 7, s 8 and s 9).

(b) a Commonwealth Act or a disallowable legislative instrument under a Commonwealth Act (or a provision of such an Act or instrument).

46 Power to make instrument includes power to amend or repeal

(1) Power given under an Act or statutory instrument (the ***authorising law***) to make a statutory instrument includes power to amend or repeal the instrument.

(2) The power to amend or repeal the instrument is exercisable in the same way, and subject to the same conditions, as the power to make the instrument.

Examples

1 If the instrument is a disallowable instrument, an amendment or repeal of the instrument is also a disallowable instrument.

2 If the instrument is a notifiable instrument, an amendment or repeal of the instrument is also a notifiable instrument.

3 If notice of the making of the instrument must be published in a newspaper, notice of an amendment or repeal of the instrument must also be published in the newspaper.

(3) Despite subsection (1), a form that is a legislative instrument may be repealed or repealed and remade (with or without changes), but may not be amended.

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(4) This section is a determinative provision.

Note See s 5 for the meaning of determinative provisions, and s 6 for their displacement.

47 Statutory instrument may make provision by applying law or instrument

(1) This section applies if an Act, subordinate law or disallowable instrument (the ***authorising law***) authorises or requires the making of a statutory instrument (the ***relevant instrument***) about a matter.

(2) The relevant instrument may make provision about the matter by applying an ACT law—

(a) as in force at a particular time; or

(b) as in force from time to time.

(3) The relevant instrument may make provision about the matter by applying a law of another jurisdiction, or an instrument, as in force only at a particular time.

Note For information on the operation of s (3), see the examples to s (9).

(4) If the relevant instrument makes provision about the matter by applying a law of another jurisdiction or an instrument, the following provisions apply:

(a) if subsection (3) is displaced by, or under authority given by, an Act or the authorising law—the law of the other jurisdiction or instrument is applied as in force from time to time;

Note For the displacement of s (3), see s 6, examples 1 and 2.

(b) if subsection (3) is not so displaced and the relevant instrument does not provide that the law of the other jurisdiction or instrument is applied as in force at a particular time—the law or instrument is taken to be applied as in force when the relevant instrument is made.

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Examples—s (4) (b)

1 The *Locust Damage Compensation Determination 2003* (a hypothetical disallowable instrument) provides for the making of claims against a compensation fund. Section 43 states that disputes about claims must be decided in accordance with the *Commercial Arbitration Act 1984* (NSW) (the ***NSW Act***) as in force from time to time. The determination is made on 1 August 2003. The Act under which the determination is made does not displace s (3). Therefore, even though s 43 purports to apply the NSW Act as in force from time to time, the NSW Act as in force on 1 August 2003 is applied by the determination.

2 The *Locust Damage Compensation Determination 2003* (mentioned in example 1), s 43 states that disputes about claims must be decided in accordance with the *Commercial Arbitration Act 1984* (NSW) (the ***NSW Act***), but does not state that the NSW Act is to be applied as in force from time to time or at a particular time. The determination is made on 1 August 2003. The Act under which the determination is made does not displace s (3). Therefore, the NSW Act as in force on 1 August 2003 is applied by the determination.

(5) If a law of another jurisdiction or an instrument is applied as in force at a particular time, the text of the law or instrument (as in force at that time) is taken to be a notifiable instrument made under the relevant instrument by the entity authorised or required to make the relevant instrument.

(6) If subsection (3) is displaced and a law of another jurisdiction or an instrument is applied as in force from time to time, the text of each of the following is taken to be a notifiable instrument made under the relevant instrument by the entity authorised or required to make the relevant instrument:

(a) the law or instrument as in force at the time the relevant instrument is made;

(b) each subsequent amendment of the law or instrument;

(c) if the law or instrument is repealed and remade (with or without changes)—the law or instrument as remade and each subsequent amendment of the law or instrument;

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(d) if a provision of the law or instrument is omitted and remade (with or without changes) in another law or instrument—the provision as remade and each subsequent amendment of the provision.

(7) The authorising law or, if the relevant instrument is a subordinate law or disallowable instrument, the relevant instrument may provide that—

(a) subsection (5) or (6) does not apply to the relevant instrument; or

(b) subsection (5) or (6) applies with the modifications stated in the authorising law or relevant instrument.

(8) If a provision of an Act, subordinate law or disallowable instrument authorises or requires the application of a law or instrument, the provision authorises the making of changes or modifications to the law or instrument for that application.

(9) This section is a determinative provision.

Examples—s (3) and s (9)

Here are 2 examples about the operation of s (3) and (9): the first illustrates how s (3) might be displaced and the second illustrates how a law of another jurisdiction that applies as in force from time to time would operate—

1 The effect of s (3) and s (9), and s (10), def ***applying***, is that if it is intended to apply, adopt or incorporate a law or instrument as in force from time to time, the authorising law would need to expressly displace s (3) (as illustrated in s 6, examples of different kinds of displacement, example 1) *or* indicate a manifest contrary intention (as illustrated in example 2 in those examples).

2 The *ABC Regulation 2001* (made under a provision like those illustrated in s 6, examples of different kinds of displacement, examples 1 and 2) provides that noise measurements are to be taken in accordance with the NSW noise control manual as in force from time to time. The effect of the *ABC Regulation 2001* is that whenever the NSW noise control manual is amended in future, the noise measurements must be taken in accordance with the manual as last amended.

Note See s 5 for the meaning of determinative provisions, and s 6 for their displacement.

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(10) In this section:

ACT law means an Act, subordinate law or disallowable instrument.

Note A reference to an Act, subordinate law or disallowable instrument includes a reference to a provision of the Act, law or instrument (see s 7, s 8 and s 9).

applying includes adopting or incorporating.

Note See also s 157 (Defined terms–other parts of speech and grammatical forms).

disallowable legislative instrument, for a Commonwealth Act, means a legislative instrument that can be disallowed under the *Legislation Act 2003* (Cwlth), chapter 3, part 2 (Parliamentary scrutiny of legislative instruments), including that part, or provisions of that part, applied by another Commonwealth law.

instrument includes a provision of an instrument, but does not include an ACT law or a law of another jurisdiction.

law of another jurisdiction means—

(a) a Commonwealth Act or a disallowable legislative instrument under a Commonwealth Act; or

(b) a State Act, or any regulation or rule under a State Act; or

(c) a New Zealand or Norfolk Island Act, or any regulation or rule under a New Zealand or Norfolk Island Act; or

(d) a provision of a law mentioned in paragraphs (a) to (c).

48 Power to make instrument includes power to make different provision for different categories etc

(1) Power given under an Act or statutory instrument to make a statutory instrument includes power—

(a) to make different provision in relation to different matters or different classes of matters; or

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(b) to make an instrument that applies differently by reference to stated exceptions or factors.

(2) Without limiting subsection (1), power given under an Act or statutory instrument to make a statutory instrument about particular matters includes power to make a statutory instrument about any 1 or more of the matters or a particular class of the matters.

(3) For this section, a class may consist of a single matter.

(4) This section is a determinative provision.

Note See s 5 for the meaning of determinative provisions, and s 6 for their displacement.

49 Single instrument may exercise several powers or satisfy several requirements

(1) Power given under an Act or statutory instrument may be exercised with any other power to make a single instrument—

(a) whether or not the powers are exercised in relation to separate provisions, some of the same provisions, or all of the provisions, of the instrument; or

(b) whether or not the other powers are given under the same Act or statutory instrument, another Act or statutory instrument or any other territory law.

(2) A statutory instrument is taken—

(a) to be made under each power given under territory law under which it could be made; and

(b) to satisfy each requirement under territory law that it could satisfy.

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(3) Without limiting subsection (2), that subsection applies to an instrument even though—

(a) it is stated to be made under a particular territory law (the ***authorising law***) or a particular provision of the authorising law; and

(b) it is stated to be made for a particular territory law (the ***requiring law***) or a particular provision of the requiring law.

(4) This section is a determinative provision.

Note See s 5 for the meaning of determinative provisions, and s 6 for their displacement.

50 Relationship between authorising law and instrument dealing with same matter

(1) If an Act or statutory instrument (the ***authorising law***) gives power to make a statutory instrument about a matter, the instrument may make provision in relation to a particular aspect of the matter even though provision is made by the authorising law in relation to another aspect of the matter or in relation to another matter.

(2) This section is a determinative provision.

Note See s 5 for the meaning of determinative provisions, and s 6 for their displacement.

51 Instrument may make provision in relation to land by reference to map etc

(1) This section applies if an Act or statutory instrument authorises or requires provision to be made by statutory instrument in relation to land or waters.

(2) Provision may be made by reference to—

(a) a particular map or plan held by an entity; or

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(b) a particular entry in a register kept by an entity;

if the map, plan or register is available for inspection (on the internet or otherwise) by members of the public, whether or not on payment of a fee.

52 Instrument may authorise determination of matter etc

(1) This section applies if an Act or statutory instrument (the ***authorising law***) authorises or requires provision to be made about a matter by statutory instrument.

(2) A statutory instrument made under the authorising law may make provision about the matter by authorising or requiring a stated entity to make provision about the matter, or any aspect of the matter, whether or not from time to time.

(3) This section is a determinative provision.

Note See s 5 for the meaning of determinative provisions, and s 6 for their displacement.

(4) In this section:

provision, for a matter, includes determining or regulating the matter, applying the instrument to the matter, being satisfied or forming an opinion about anything relating to the matter, or doing anything else in relation to the matter.

53 Instrument may prohibit

(1) If an Act or statutory instrument authorises or requires a matter to be regulated (however described) by statutory instrument, the power may be exercised by prohibiting by statutory instrument the matter or any aspect of the matter.

(2) This section is a determinative provision.

Note See s 5 for the meaning of determinative provisions, and s 6 for their displacement.

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54 Instrument may require making of statutory declaration

(1) If an Act or statutory instrument (the ***authorising law***) gives power to make a statutory instrument, the instrument may require the making of a statutory declaration.

Note The *Statutory Declarations Act 1959* (Cwlth) applies to the making of statutory declarations under territory laws (see that Act, s 5).

(2) Subsection (1) applies—

(a) whether or not the authorising law authorises or requires penalties to be prescribed by instrument; and

(b) if the authorising law authorises or requires penalties to be prescribed by instrument—irrespective of the level of penalties that may be prescribed.

(3) This section is a determinative provision.

Note See s 5 for the meaning of determinative provisions, and s 6 for their displacement.

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Part 6.3 Making of certain statutory instruments about fees

55 Definitions—pt 6.3

In this part:

fee includes a charge or other amount.

provide a service includes exercise a function.

service includes a function or facility.

56 Determination of fees by disallowable instrument

(1) This section applies if an Act (the ***authorising law***) authorises fees to be determined for an Act or statutory instrument (the ***relevant law***).

(2) The authorising law authorises a fee to be determined in relation to any matter under or related to the relevant law.

(3) To remove any doubt, a fee may be determined for a provision of the relevant law even though the provision does not mention a fee.

Note The determination of a fee by a Minister under an Act is a disallowable instrument and must be in writing (see s 9 (1) (b) and s 42 (2)).

(4) A fee may be determined—

(a) by stating the fee; or

(b) by setting a rate, or providing a formula or other method, by which the fee is to be worked out; or

(c) by a combination of a stated fee and a rate, formula or other method.

(5) The determination—

(a) must provide by whom the fee is payable; and

(b) must provide to whom the fee is to be paid; and

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(c) may make provision about the circumstances in which the fee is payable; and

(d) may make provision about exempting a person from payment of the fee; and

(e) may make provision about when the fee is payable and how it is to be paid (for example, as a lump sum or by instalments); and

(f) may mention the service for which the fee is payable; and

(g) may make provision about waiving, postponing or refunding the fee (completely or partly); and

(h) may make provision about anything else relating to the fee.

(6) This section is a determinative provision.

Note See s 5 for the meaning of determinative provisions, and s 6 for their displacement.

57 Fees payable in accordance with determination etc

(1) A fee determined by a disallowable instrument is payable by the person by whom the fee is payable under the determination, in relation to the service (if any) mentioned in the determination and in accordance with the determination, to the person to whom the fee is payable under the determination.

(2) If a service is mentioned in the determination, the fee is payable before the service is provided unless the determination provides otherwise.

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(3) If the fee is payable in relation to a service mentioned in the determination and the fee has not been paid in accordance with the determination, no-one is obliged to provide the service.

(4) Subsection (3) applies to a service even though, apart from that subsection, someone is under a duty to provide the service.

(5) This section is a determinative provision.

Note See s 5 for the meaning of determinative provisions, and s 6 for their displacement.

58 Regulations may make provision about fees

(1) This section applies if an Act (the ***authorising law***)—

(a) authorises or requires fees to be determined for the authorising law, or another Act or a statutory instrument (the ***fees law***); and

(b) the authorising law authorises the making of regulations by the Executive.

(2) A regulation under the authorising law may make provision in relation to—

(a) the payment, collection and recovery of determined fees; and

(b) the waiver, postponement or refund of the fees (completely or partly); and

(c) anything else about which provision may, under section 56 (Determination of fees by disallowable instrument), be made by determination in relation to determined fees.

(3) The power mentioned in subsection (2) (b) includes power to make provision in relation to an entitlement to a waiver, postponement or refund of determined fees in circumstances prescribed by regulation (including the removal of a statutory capacity).

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(4) A regulation or the authorising law may make provision in relation to the payment of determined fees by cheque or credit card, including, for example, the consequences of a cheque not being honoured on presentation or a credit card transaction not being honoured.

(5) A regulation or the authorising law may make provision in relation to the removal of a statutory capacity if any determined fee—

(a) is not paid when it is required to be paid; or

(b) is paid by cheque and the cheque is not honoured on presentation; or

(c) is paid by credit card and the credit card transaction is not honoured.

(6) A regulation or the authorising law may make provision in relation to the restoration of a statutory capacity (whether prospectively or during any past period).

(7) This section is in addition to any provision of the authorising law or fees law.

(8) This section is a determinative provision.

Note See s 5 for the meaning of determinative provisions, and s 6 for their displacement.

(9) In this section:

credit card includes debit card.

removal, of a statutory capacity, includes suspension, cancellation, revocation, withdrawal, surrender or other prescribed restriction or termination of a statutory capacity under the fees law or authorising law.

statutory capacity includes an accreditation, approval, assessment, authority, certificate, condition, decision, determination, exemption, licence, permission, permit, registration or other prescribed thing giving a status, privilege or benefit under the fees law or authorising law (whether or not required under either law for doing anything).

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Part 6.4 Numbering and notification of legislative instruments

59 Numbering

(1) The legislative instruments registered in each year must be numbered by the parliamentary counsel as nearly as practicable in the order in which they are notified.

(2) However, the parliamentary counsel may—

(a) allocate different kinds of legislative instruments to different series for numbering purposes; or

(b) add distinguishing letters to numbers to indicate the kind of legislative instrument.

(3) Also, a regulation may provide that this section does not apply to a notifiable instrument of a kind prescribed by regulation.

60 Correction etc of name of instrument

(1) This section applies if a legislative instrument, or a statutory instrument entered on the register under section 19 (3), is unnamed or the name it gives to itself—

(a) includes a year that is not the year in which the instrument was notified; or

(b) is the same as another instrument that has been, or is to be, notified under this Act; or

(c) includes a number that is not consecutive with other instruments that have been notified under this Act; or

(d) does not include a number that would give the instrument a unique name; or

(e) is otherwise not in accordance with current legislative drafting practice.

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(2) The parliamentary counsel may, before notifying the instrument under this Act—

(a) add a name to an unnamed instrument; or

(b) amend the instrument's name to bring it into line with current legislative drafting practice.

(3) If the name of an instrument is added or amended under this section, the instrument has effect for all purposes as if the instrument were made with the name as added or amended.

(4) If the name of an instrument is added or amended under this section, the parliamentary counsel may make a corresponding change to any explanatory statement or regulatory impact statement for the instrument.

60A Correction of name of explanatory statement etc

(1) This section applies if an explanatory statement or regulatory impact statement for a legislative instrument—

(a) does not include the instrument's number or name in an appropriate place; or

(b) includes a reference to the instrument's number or name that is incorrect.

(2) The parliamentary counsel may, before entering the statement in the register—

(a) include the instrument's number or name in an appropriate place in the statement; or

(b) correct the reference to the instrument's number or name.

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61 Notification of legislative instruments

(1) If a legislative instrument is made, an authorised person for making a notification request for the instrument may ask the parliamentary counsel to notify the making of the instrument.

(2) If an authorised person for making a notification request for a legislative instrument asks the parliamentary counsel to notify the making of the instrument and complies with the requirements (if any) prescribed by regulation (whether in relation to the form of the instrument, in relation to the making of the request or otherwise), the parliamentary counsel must—

(a) notify the making of the instrument in the register; or

(b) if it is not practicable to notify the making of the instrument in the register—notify the making of the instrument in another place the parliamentary counsel considers appropriate.

Examples—other places

1 another government website

2 outside the Legislative Assembly

(3) The making of the legislative instrument is notified in the register by entering in the register—

(a) a statement that the instrument has been made; and

(b) the text of the instrument.

(4) The making of the legislative instrument is notified under subsection (2) (b) by—

(a) publishing the text of the instrument in the place decided by the parliamentary counsel under subsection (2) (b); or

(b) publishing in that place a statement that—

(i) the instrument has been made; and

(ii) copies of the instrument can be obtained at a stated place or stated places (whether by purchase or otherwise).

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(5) If the making of the legislative instrument is notified under subsection (2) (b), the parliamentary counsel must as soon as practicable enter in the register—

(a) a statement that the instrument—

(i) has been made; and

(ii) was notified in the stated place on a stated date; and

(b) the text of the instrument.

(6) If the making of the legislative instrument is notified by publishing the statement mentioned in subsection (4) (b), copies of the instrument must be available on the day of publication, or as soon as practicable after that day, at the stated place or each of the stated places.

(7) If on that day no copies of the legislative instrument are available at the stated place or any of the stated places, the parliamentary counsel must give the Minister a statement—

(a) that copies of the instrument were not available; and

(b) explaining why they were not available.

(8) The Minister must present the statement to the Legislative Assembly not later than 6 sitting days after receiving it.

(9) Despite subsection (2), the parliamentary counsel may notify the making of a legislative instrument even though a requirement prescribed by regulation for subsection (2) (a ***prescribed requirement***) is not complied with.

(10) The notification of a legislative instrument is valid even if—

(a) a prescribed requirement was not complied with; or

(b) the notification was made on the request of a person who was not, or was no longer, a delegate of an authorised person for making a notification request for the instrument.

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(11) This section is a determinative provision.

Note See s 5 for the meaning of determinative provisions, and s 6 for their displacement.

(12) In this section:

authorised person, for making a notification request for a legislative instrument, means—

(a) the maker of the instrument; or

(b) for a legislative instrument made by the Executive—a Minister or director-general; or

(c) for a legislative instrument made by a Minister—a director-general; or

(d) for a legislative instrument made by the rule-making committee—

(i) the secretary of the committee; or

(ii) the registrar of a court or tribunal in relation to which the instrument applies; or

(e) for any other legislative instrument made by a court or tribunal, or by a member (however described) of a court or tribunal—the registrar of the court or tribunal; or

(f) for any other legislative instrument (other than an instrument prescribed by regulation for this paragraph)—a director-general; or

(g) for a legislative instrument prescribed by regulation for this paragraph—a person prescribed by regulation as an authorised person for making a notification request for the instrument.

rule-making committee means the rule-making committee established under the *Court Procedures Act 2004*.

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62 Effect of failure to notify legislative instrument

(1) A legislative instrument is not enforceable by or against the Territory or anyone else unless it is notified.

(2) This section is a determinative provision.

Note See s 5 for the meaning of determinative provisions, and s 6 for their displacement.

63 References to *notification* of legislative instruments

In an Act or statutory instrument, a reference to the ***notification*** of a legislative instrument is a reference to the instrument having been notified in the register, the gazette or otherwise under section 61 (2) (b).

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Chapter 7 Presentation, amendment and disallowance of subordinate laws and disallowable instruments

Note In this chapter, a reference to a subordinate law or disallowable instrument includes a reference to a provision of a subordinate law or disallowable instrument (see s 8 (2) and s 9 (2)).

64 Presentation of subordinate laws and disallowable instruments

(1) A subordinate law or disallowable instrument must be presented to the Legislative Assembly not later than 6 sitting days after its notification day.

(2) If a subordinate law or disallowable instrument is not presented in accordance with subsection (1), it is taken to be repealed.

(3) This section is a determinative provision.

Note See s 5 for the meaning of determinative provisions, and s 6 for their displacement.

65 Disallowance by resolution of Assembly

(1) This section applies if notice of a motion to disallow a subordinate law or disallowable instrument is given in the Legislative Assembly not later than 6 sitting days after the day it is presented to the Assembly.

(2) If the Legislative Assembly passes a resolution to disallow the subordinate law or disallowable instrument, it is taken to be repealed—

(a) on the day after the day the disallowance is notified; or

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(b) if the resolution provides that it takes effect on the day the resolution is passed—that day.

(3) For this chapter, the Legislative Assembly is taken to have passed a resolution to disallow the subordinate law or disallowable instrument if, at the end of 6 sitting days after the day the notice is given—

(a) the notice has not been withdrawn and the motion has not been called on; or

(b) the motion has been called on and moved, but has not been withdrawn or otherwise disposed of.

(4) If subsection (3) applies, the resolution is taken to be the resolution set out in the motion for the resolution.

(5) A disallowance under this section has effect for all purposes as if it were a repeal made by an Act.

(6) This section is a determinative provision.

Note See s 5 for the meaning of determinative provisions, and s 6 for their displacement.

65A Notification of disallowance by resolution of Assembly

(1) If a subordinate law or disallowable instrument is disallowed, or taken to have been disallowed, under section 65, the Speaker must ask the parliamentary counsel to notify the disallowance.

(2) If the Speaker asks the parliamentary counsel to notify the disallowance, the parliamentary counsel must—

(a) notify the disallowance in the register; or

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(b) if it is not practicable to notify the disallowance in the register—notify the disallowance in another place the parliamentary counsel considers appropriate.

Examples—other places

1 another government website

2 outside the Legislative Assembly

(3) If the Speaker asks the parliamentary counsel to notify the disallowance on a particular day, the parliamentary counsel must notify the disallowance on that day unless it is impracticable to do so.

(4) The disallowance is notified in the register by entering in the register—

(a) a statement that the subordinate law or disallowable instrument has been disallowed under section 65; and

(b) the text of the resolution passed, or taken to have been passed, by the Legislative Assembly under section 65; and

(c) the day when the resolution was passed or taken to have been passed; and

(d) the day when the subordinate law or disallowable instrument is taken to be repealed because of the resolution.

(5) The disallowance is notified under subsection (2) (b) by publishing in the place decided by the parliamentary counsel under that subsection—

(a) a statement that the subordinate law or disallowable instrument has been disallowed under section 65; and

(b) the text of the resolution passed, or taken to have been passed, by the Legislative Assembly under section 65; and

(c) the day when the resolution was passed or taken to have been passed; and

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(d) the day when the subordinate law or disallowable instrument is taken to be repealed because of the resolution.

(6) If the disallowance is notified under subsection (2) (b), the parliamentary counsel must enter in the register—

(a) a statement that the subordinate law or disallowable instrument has been disallowed under section 65; and

(b) a statement that the disallowance was notified under subsection (2) (b) in a stated place on a stated date; and

(c) the text of the resolution passed, or taken to have been passed, under section 65; and

(d) the day when the resolution was passed or taken to have been passed; and

(e) the day when the subordinate law or disallowable instrument is taken to be repealed because of the resolution.

(7) This section is a determinative provision.

Note See s 5 for the meaning of determinative provisions, and s 6 for their displacement.

66 Revival of affected laws

(1) This section applies if—

(a) a subordinate law or disallowable instrument (the ***disallowed law***) is taken to be repealed under section 64 (Presentation of subordinate laws and disallowable instruments) or section 65 (Disallowance by resolution of Assembly); and

(b) the disallowed law repealed or amended an Act or statutory instrument (the ***affected law***); and

(c) the repeal or amendment has commenced.

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(2) The affected law is revived, from the beginning of the day after the disallowed law is taken to have been repealed, as if the disallowed law had never been made.

(3) This section is a determinative provision.

Note See s 5 for the meaning of determinative provisions, and s 6 for their displacement.

67 Making of instrument same in substance within 6 months after disallowance

(1) This section applies if a subordinate law or disallowable instrument (the ***disallowed law***) is disallowed under section 65 (Disallowance by resolution of Assembly).

(2) A subordinate law or disallowable instrument the same in substance must not be made within 6 months beginning on the day of the disallowance unless the Legislative Assembly has—

(a) rescinded the resolution that disallowed the disallowed law; or

(b) by resolution, approved the making of—

(i) a subordinate law or disallowable instrument in those terms; or

(ii) a subordinate law or disallowable instrument the same in substance as the disallowed law.

(3) A subordinate law or disallowable instrument made in contravention of this section is void.

(4) This section is a determinative provision.

Note See s 5 for the meaning of determinative provisions, and s 6 for their displacement.

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68 Amendment by resolution of Assembly

(1) In this section:

amendment does not include an amendment that would have the effect of waiving or changing any fee, charge, penalty or other amount payable to the Territory.

disallowable instrument does not include a determination of fees or charges by a Minister under an Act or subordinate law.

(2) This section applies if notice of a motion to amend a subordinate law or disallowable instrument is given in the Legislative Assembly not later than 6 sitting days after the day it is presented to the Assembly.

(3) If the Legislative Assembly passes a resolution to amend the subordinate law or disallowable instrument, it is amended accordingly—

(a) on the day after the day the amendment is notified; or

(b) if the resolution provides that it takes effect on the day the resolution is passed—that day.

(4) For this chapter, the Legislative Assembly is taken to have passed a resolution to amend the subordinate law or disallowable instrument if, at the end of 6 sitting days after the day the notice is given—

(a) the notice has not been withdrawn and the motion has not been called on; or

(b) the motion has been called on and moved, but has not been withdrawn or otherwise disposed of.

(5) If subsection (4) applies, the resolution is taken to be the resolution set out in the motion for the resolution.

(6) An amendment under this section has effect for all purposes as if it had been made by an Act.

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(7) Without limiting subsection (6), section 83 (Consequences of amendment of statutory instrument by Act) applies to the amendment as if it had been made by an Act.

(8) This section is a determinative provision.

Note See s 5 for the meaning of determinative provisions, and s 6 for their displacement.

69 Notification of amendments made by resolution of Assembly

(1) If a subordinate law or disallowable instrument (the ***amended law***) is amended under section 68, the Speaker must ask the parliamentary counsel to notify the amendment.

(2) If the Speaker asks the parliamentary counsel to notify the amendment, the parliamentary counsel must—

(a) notify the amendment in the register; or

(b) if it is not practicable to notify the amendment in the register—notify the amendment in another place the parliamentary counsel considers appropriate.

Examples—other places

1 another government website

2 outside the Legislative Assembly

(3) If the Speaker asks the parliamentary counsel to notify the amendment on a particular day, the parliamentary counsel must notify the amendment on that day unless it is impracticable to do so.

(4) The amendment is notified in the register by entering in the register—

(a) a statement that the amendment of the amended law has been made under section 68; and

(b) the text of the resolution passed, or taken to have been passed, by the Legislative Assembly under section 68; and

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(c) the day when the resolution was passed or taken to have been passed; and

(d) the day when the subordinate law or disallowable instrument is taken to be amended because of the resolution.

(5) The amendment is notified under subsection (2) (b) by publishing in the place decided by the parliamentary counsel under that subsection—

(a) a statement that the amendment of the amended law has been made under section 68; and

(b) the text of the resolution passed, or taken to have been passed, by the Legislative Assembly under section 68; and

(c) the day when the resolution was passed or taken to have been passed; and

(d) the day when the subordinate law or disallowable instrument is taken to be amended because of the resolution.

(6) If the amendment is notified under subsection (2) (b), the parliamentary counsel must enter in the register—

(a) a statement that the amendment of the amended law has been made under section 68; and

(b) a statement that the amendment was notified under subsection (2) (b) in a stated place on a stated date; and

(c) the text of the resolution passed, or taken to have been passed, by the Legislative Assembly under section 68; and

(d) the day when the resolution was passed or taken to have been passed; and

(e) the day when the subordinate law or disallowable instrument is taken to be amended because of the resolution.

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(7) This section is a determinative provision.

Note See s 5 for the meaning of determinative provisions, and s 6 for their displacement.

70 Making of amendment restoring effect of law within 6 months after amendment

(1) This section applies if a subordinate law or disallowable instrument (the ***amended law***) is amended under section 68 (Amendment by resolution of Assembly).

(2) A subordinate law or disallowable instrument the same in substance as the amended law before the amendment (the ***earlier law***) must not be made within 6 months beginning on the day the amendment is made unless the Legislative Assembly has—

(a) rescinded the resolution that made the amendment; or

(b) by resolution approved the making of—

(i) a subordinate law or disallowable instrument in those terms; or

(ii) a subordinate law or disallowable instrument the same in substance as the earlier law.

(3) A subordinate law or disallowable instrument made in contravention of this section is void.

(4) This section is a determinative provision.

Note See s 5 for the meaning of determinative provisions, and s 6 for their displacement.

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71 Effect of dissolution or expiry of Assembly on notice of motion

(1) This section applies if—

(a) notice of motion to disallow or amend a subordinate law or disallowable instrument is given in the Legislative Assembly not later than 6 sitting days after the day the instrument is presented to the Assembly; and

(b) not later than 6 sitting days after the day the notice is given, the Assembly is dissolved or expires; and

(c) at the time of the dissolution or expiry—

(i) the notice has not been withdrawn and the motion has not been called on; or

(ii) the motion has been called on and moved, but has not been withdrawn or otherwise disposed of.

(2) For this chapter, the subordinate law or disallowable instrument is taken to have been presented to the Legislative Assembly on the first sitting day of the Assembly after the next general election of members of the Assembly.

(3) This section is a determinative provision.

Note See s 5 for the meaning of determinative provisions, and s 6 for their displacement.

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Chapter 8 Commencement and exercise of powers before commencement

72 Meaning of *law*—ch 8

In this chapter:

law means an Act or statutory instrument.

Note A reference to an Act or statutory instrument includes a reference to a provision of the Act or instrument (see s 7 and s 13).

73 General rules about commencement

(1) An Act commences—

(a) on the day after its notification day; or

(b) if the Act or another Act provides for a different date or time of commencement—on that date or at that time.

(2) A legislative instrument commences—

(a) on the day after its notification day; or

(b) if an Act or the instrument provides for a later date or time of commencement—on that date or at that time; or

(c) if an Act provides for an earlier date or time of commencement—on that date or at that time; or

(d) if the instrument, under authority given by an Act, provides for an earlier date or time—on that date or at that time.

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(3) Without limiting subsection (2), if a legislative instrument is notified on a day after the day or time provided by the instrument for its commencement, and subsection (2) (c) or (d) does not apply to the instrument—

(a) the instrument is valid; but

(b) the instrument commences on the day after its notification day.

(4) A statutory instrument that is not a legislative instrument commences—

(a) on the day after the day it is made or, if it is required under an Act or statutory instrument to be approved (however described) by the Executive, a Minister or any other entity, the day after the day it is approved; or

(b) if an Act or the instrument provides for a later date or time of commencement—on that date or at that time; or

(c) if an Act provides for an earlier date or time of commencement—on that date or at that time; or

(d) if the instrument, under authority given by an Act, provides for an earlier date or time—on that date or at that time.

(5) This section is subject to the following sections:

(a) section 75 (Commencement of naming and commencement provisions);

(b) section 76 (Non-prejudicial provision may commence retrospectively);

(c) section 79 (Automatic commencement of postponed law);

(d) section 79A (Commencement of amendment of uncommenced law);

(e) section 81 (Exercise of powers between notification and commencement).

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(6) This section is a determinative provision.

Note See s 5 for the meaning of determinative provisions, and s 6 for their displacement.

74 Time of commencement

(1) If an Act commences on a day, it commences at the beginning of the day unless a different time of commencement is provided by the Act, another Act, or a commencement notice providing for the commencement of the Act.

(2) If a statutory instrument commences on a day, it commences at the beginning of the day unless a different time of commencement is provided by the instrument, an Act, or a commencement notice providing for the commencement of the instrument.

75 Commencement of naming and commencement provisions

(1) The provisions of a law providing for its name and commencement automatically commence on its notification day.

(2) However, if a provision of the law commences before the law's notification day, the naming and commencement provisions are taken to have automatically commenced—

(a) on that commencement; or

(b) if 2 or more provisions of the law commence at different times before the notification day—on the earlier or earliest of the commencements.

(3) In the application of this section to a statutory instrument that is not a legislative instrument, a reference to the instrument's ***notification day*** is a reference to the day after the day it is made or, if it is required under an Act or statutory instrument to be approved (however described) by the Executive, a Minister or any other entity, the day after the day it is approved.

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(4) This section is a determinative provision.

Note See s 5 for the meaning of determinative provisions, and s 6 for their displacement.

75AA Commencement of provisions identifying amended laws

(1) This section applies if a law amends another law and includes a provision (a ***legislation amended provision***) identifying the amended law.

(2) The legislation amended provision automatically commences (or is taken to have automatically commenced)—

(a) on the commencement of the amendments; or

(b) if the amendments commence at different times—on the commencement of the earlier or earliest of the amendments.

(3) This section is a determinative provision.

Note See s 5 for the meaning of determinative provision, and s 6 for their displacement.

75A Meaning of commences *retrospectively*

(1) An Act or legislative instrument commences ***retrospectively*** if it commences on a day or at a time earlier than the day after its notification day.

Note A reference to an Act or legislative instrument includes a reference to a provision of an Act or legislative instrument (see s 7 (3) and s 12 (2)).

(2) A statutory instrument that is not a legislative instrument commences ***retrospectively*** if it commences on a day or at a time earlier than the day after the day it is made or, if it is required under an Act or statutory instrument to be approved (however described) by the Executive, a Minister or any other entity, the day after the day it is approved.

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75B Retrospective commencement requires clear indication

(1) A law must not be taken to provide for the law (or another law) to commence retrospectively unless the law clearly indicates that it is to commence retrospectively.

Example

The *XYZ Act 2003* was notified on 1 July 2003. It contains the following provision:

2 Commencement

This Act is taken to have commenced on 17 October 2001.

Section 2 clearly indicates that the Act is to commence retrospectively.

(2) This section is a determinative provision.

Note See s 5 for the meaning of determinative provisions, and s 6 for their displacement.

76 Non–prejudicial provision may commence retrospectively

(1) A statutory instrument may provide that a non-prejudicial provision of the instrument commences retrospectively.

(2) Unless this subsection is displaced by, or under authority given by, an Act, a statutory instrument cannot provide that a prejudicial provision of the instrument commences retrospectively.

Example

The *Locust Damage Compensation Determination 2003* (a hypothetical disallowable instrument) sets out (among other things) the people who are eligible for compensation under a compensation fund. Previously, there was no restriction on who was eligible. The determination provides that it is taken to have commenced on 1 July 2003, but it is not notified until 15 August 2003. There is nothing in the Act under which the determination is made (or any other Act) that authorises the retrospective commencement.

The provision of the determination that limits who can apply for compensation is a prejudicial provision (ie it adversely affects some people's right to receive compensation) and cannot commence retrospectively. Instead, it would commence on the day after the determination's notification day (see s 73 (3)).

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(3) This section is a determinative provision.

Note See s 5 for the meaning of determinative provisions, and s 6 for their displacement.

(4) In this section:

non-prejudicial provision means a provision that is not a prejudicial provision.

prejudicial provision means a provision that operates to the disadvantage of a person (other than the Territory or a territory authority or instrumentality) by—

(a) adversely affecting the person's rights; or

(b) imposing liabilities on the person.

77 Commencement by commencement notice

(1) If a law is expressed to commence on a day fixed or otherwise determined by a notice—

(a) a single day, or a time on a single day, may be fixed or determined; or

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

(2) A commencement notice for a law is valid even if the day or time fixed or otherwise determined by the notice happens before the notice's notification day.

(3) If the day or time fixed or otherwise determined by a commencement notice for a law happens on or before the notice's notification day, the law commences on the day after the notice's notification day.

(4) However, subsection (3) does not apply to the commencement notice if—

(a) the notice clearly indicates that the law is to commence at an earlier date or time; and

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(b) the notice provides for the earlier date or time under authority given by an Act.

(5) This section is a determinative provision.

Note See s 5 for the meaning of determinative provisions, and s 6 for their displacement.

78 Separate commencement of amendments

(1) Amendments made by a provision of a law may be given separate commencements, whether or not the provision is self-contained.

Examples

1 A provision of an amending law inserts 2 sections. The sections may be given separate commencements.

2 A provision of an amending law inserts a section that is divided into paragraphs. The paragraphs may be given separate commencements.

(2) This section is a determinative provision.

Note See s 5 for the meaning of determinative provisions, and s 6 for their displacement.

79 Automatic commencement of postponed law

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

(2) This section applies to a law unless it is displaced by, or under authority given by, an Act or, if the postponed law is a subordinate law or disallowable instrument, the postponed law.

(3) This section is a determinative provision.

Note See s 5 for the meaning of determinative provisions, and s 6 for their displacement.

(4) In this section:

enact includes make.

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law means an Act, subordinate law, disallowable instrument or notifiable instrument.

Note A reference to an Act, subordinate law, disallowable instrument or notifiable instrument includes a reference to a provision of the Act, law or instrument (see s 7, s 8, s 9 and s 10).

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

(a) if the postponed law is a law—the law; or

(b) if the postponed law is a provision of a law—the law that enacts the provision.

postponed law means a law that does not commence on its notification day because a law postpones its commencement until a day or time fixed or determined by a commencement notice.

79A Commencement of amendment of uncommenced law

(1) This section applies if a law (the ***amending law***) amends a law that has not commenced (the ***uncommenced law***).

(2) The amendment of the uncommenced law does not of itself commence that law.

(3) The amendment made by the amending law commences on the commencement of the uncommenced law.

(4) This section is a determinative provision.

Note See s 5 for the meaning of determinative provisions, and s 6 for their displacement.

80 References to *commencement* of law

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

(a) if the provisions of the law 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

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(b) if paragraph (a) does not apply and the reference is in a provision of the law concerned—the commencement of the provision; or

(c) in any other case—the commencement of the relevant provision of the law concerned.

81 Exercise of powers between notification and commencement

(1) This section applies to a power to make an appointment or statutory instrument, or to do anything else, in the following situations:

(a) the power is given by a law (the ***authorising law***) that has been notified but has not commenced;

(b) the power is given by a law (the ***authorising law***) as amended by another law (the ***amending law***) and the laws have been notified, but all or any of them have not commenced.

Examples—powers to which section applies

1 power to delegate a function

2 power to give or issue an approval, consent, licence, permit or other authority (however described)

3 power to make an acting appointment

4 power to issue guidelines

(2) To remove any doubt and without limiting subsection (1), this section applies to any of the following powers if the power is to be exercised in relation to an entity to be established by the authorising law or the authorising law as amended by the amending law:

(a) a power to make an appointment to the entity;

(b) a power to make a statutory instrument for the purposes of the entity;

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(c) a power to do anything else in relation to the entity.

Example

This section applies to powers under an authorising law to be exercised in relation to the conduct of an election for members of a board to be established as a corporation by the authorising law.

(3) The power may be exercised at any time even though the authorising law, or the authorising law and amending law (or either of them), is not in force at the time.

(4) For the exercise of the power, the authorising law, or the authorising law and amending law, are taken to be in force at the time of the exercise of the power.

(5) Also, anything else may be done under the power at any time for the purpose of bringing, or in relation to bringing, the authorising law, or the authorising law as amended by the amending law, into operation.

(6) If an appointment or statutory instrument made under this section declares that this subsection applies to it, then, unless the appointment or instrument commences on a different date or at a different time under another provision of this chapter, the appointment or instrument commences on—

(a) for an appointment or statutory instrument that is a legislative instrument—the day after its notification day; or

(b) for any other appointment or statutory instrument—the day after the day it is made or, if it is required under an Act or statutory instrument to be approved (however described) by the Executive, a Minister or any other entity, the day after the day it is approved.

(7) In any other case, an appointment or statutory instrument made under this section commences on the latest of the following:

(a) the commencement of the authorising law or, if subsection (1) (b) applies and the amending law commences after the authorising law, the commencement of the amending law;

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(b) on the day or at the time the appointment or instrument would have commenced if it had not been made under this section.

(8) In the application of this section to a statutory instrument that is not a legislative instrument, a reference to the instrument being ***notified*** is a reference to the instrument being made or, if it is required under an Act or statutory instrument to be approved (however described) by the Executive, a Minister or any other entity, to the instrument being approved.

(9) This section is a determinative provision.

Note See s 5 for the meaning of determinative provisions, and s 6 for their displacement.

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Chapter 9 Repeal and amendment of laws

Part 9.1 General

82 Definitions—ch 9

In this chapter:

amend includes modify.

law means an Act or statutory instrument.

Note A reference to an Act or statutory instrument includes a reference to a provision of the Act or instrument (see s 7 and s 13).

repeal includes lapse and expire.

83 Consequences of amendment of statutory instrument by Act

(1) If an Act amends a statutory instrument, the instrument may be amended or repealed as if the amendment had been made by another statutory instrument of that kind.

(2) This section is a determinative provision.

Note See s 5 for the meaning of determinative provisions, and s 6 for their displacement.

84 Saving of operation of repealed and amended laws

(1) The repeal or amendment of a law 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 law or anything done, begun or suffered under the law; or

(c) affect an existing right, privilege or liability acquired, accrued or incurred under the law.

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(2) An investigation, proceeding or remedy in relation to an existing right, privilege or liability under the law may be started, exercised, continued or completed, and the right, privilege or liability may be enforced and any penalty imposed, as if the repeal or amendment had not happened.

(3) Without limiting subsections (1) and (2), the repeal or amendment of a law does not affect—

(a) the proof of anything that has happened; or

(b) any right, privilege or liability saved by the law.

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

(5) This section is a determinative provision.

Note See s 5 for the meaning of determinative provisions, and s 6 for their displacement.

(6) In this section:

liability includes liability to penalty for an offence against the law.

penalty includes punishment and forfeiture.

privilege includes immunity.

right includes capacity, interest, status and title.

84A Creation of offences and changes in penalties

(1) If a law makes an act or omission an offence, the act or omission is only an offence if done or not done after the law commences.

(2) If a law increases the maximum or minimum penalty, or the penalty, for an offence, the increase applies only to an offence committed after the law commences.

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(3) If a law reduces the maximum or minimum penalty, or the penalty, for an offence, the reduction applies to an offence committed before or after the law commences, but does not affect any penalty imposed before the law commences.

(4) In this section:

law means an Act or subordinate law.

Note A reference to an Act or statutory instrument includes a reference to a provision of the Act or instrument (see s 7 and s 8).

(5) This section is a determinative provision.

Note See s 5 for the meaning of determinative provisions, and s 6 for their displacement.

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Part 9.2 Repeal

85 When repeal takes effect

(1) This section applies if a law is repealed on a day.

(2) If the law is remade on that day (with or without changes), the repeal takes effect when the remade law commences.

Note Under s 74, if a law commences on a day, it commences at the beginning of the day unless otherwise provided.

(3) If the law is not remade on that day (with or without changes), the law continues in force until the end of the day and the repeal takes effect at midnight on the day.

86 Repealed and amended laws not revived on repeal of repealing and amending laws

(1) If a law (the ***first law***) is repealed by another law (the ***other law***), the first law is not revived only because the other law is repealed.

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

(3) This section does not limit any other provision of this chapter and is in addition to any provision of the law by which the repeal is made.

(4) This section is a determinative provision.

Note See s 5 for the meaning of determinative provisions, and s 6 for their displacement.

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(5) In this section:

amended does not include modified.

law includes a rule of the common law (including equity).

Examples

1 a common law offence

2 a common law rule of practice or procedure

3 a right to equitable relief

87 Commencement not undone if repealed

(1) If a provision of a law providing for the commencement of the law is repealed after the law has commenced, the repeal of the provision does not affect the continuing operation of the law.

(2) If a commencement notice providing for the commencement of a law is repealed after the law has commenced, the repeal of the notice does not affect the continuing operation of the law.

(3) This section does not limit any other provision of this chapter and is in addition to any provision of the law by which the repeal is made.

(4) This section is a determinative provision.

Note See s 5 for the meaning of determinative provisions, and s 6 for their displacement.

88 Repeal does not end effect of transitional laws etc

(1) The continuing operation of a transitional law or validating law is not affected only because the law is repealed.

(2) Subsection (1) does not apply to a law that is a transitional law or validating law because of modifications that it makes to another law.

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(3) If a law (the ***savings law***) declares a law (the ***declared law***) to be a law to which this section applies—

(a) the effect of the declared law does not end only because of its repeal; and

(b) the effect of the savings law does not end only because of its repeal.

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

(5) A declaration made for subsection (3) about a law does not imply that, in the absence of a declaration about it, another law is not a law to which this section applies.

(6) This section does not limit any other provision of this chapter and is in addition to any provision of the law by which the repeal is made.

(7) This section is a determinative provision.

Note See s 5 for the meaning of determinative provisions, and s 6 for their displacement.

(8) To remove any doubt and without limiting section 6 (Legislation Act provisions must be applied), the application of this section to a law is not displaced only because the law is repealed and, in particular, the repeal of the law does not of itself imply an intention to displace the application of this section to the law.

(9) In this section:

transitional law means—

(a) a law made or expressed to be made for a transitional purpose; or

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(b) a law that makes provision consequential on a law mentioned in paragraph (a).

Examples

1 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

2 a provision stating that a provision applies to certain applications made before the commencement of an amendment or only to applications made after the commencement of an amendment

3 a declaration made for s (3)

Note ***Transitional*** is defined in the dictionary to include application and savings.

validating law means—

(a) a law that validates something that is or may be invalid; or

(b) a law that makes provision consequential on a law mentioned in paragraph (a).

Examples

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

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

89 Automatic repeal of certain laws and provisions

(1) An amending law is automatically repealed on the day after—

(a) all of its provisions have commenced; or

(b) the last of its provisions that have not commenced are omitted or cannot commence.

Example—provision that can no longer commence

The *ABC Act 2005* includes a provision that amends the *XYZ Act 2000*. Before the provision commences, the *XYZ Act 2000* is repealed. The provision can, therefore, no longer commence.

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(2) An appropriation Act is automatically repealed on the last day of the financial year for which it makes appropriations.

(3) An amending provision of a law is automatically repealed immediately after all of the amendments and repeals made by it (or to which it relates) have commenced.

(4) A commencement provision of a law is automatically repealed immediately after all of the provisions of the law have commenced.

(5) A commencement notice is automatically repealed on the day after the day, or the last of the days, fixed or otherwise determined by the notice for the commencement of a law.

(6) If an instrument making, or evidencing, an appointment (including an acting appointment) is a legislative instrument, the instrument is automatically repealed—

(a) on the day the appointment ends; or

(b) if the instrument makes 2 or more appointments that end on different days—on the day the last-ending appointment ends.

(7) A repeal under this section has effect for all purposes, including, for example, any other provisions of this chapter about repeals.

(8) If apart from this subsection a law would be automatically repealed on a day that is earlier than its notification day, the law is instead automatically repealed on the day after its notification day.

(9) In the application of subsection (8) to a statutory instrument that is not a legislative instrument, a reference to the instrument's ***notification day*** is a reference to the day after the day it is made or, if it is required under an Act or statutory instrument to be approved (however described) by the Executive, a Minister or any other entity, the day after the day it is approved.

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(10) This section does not limit any other provision of this chapter.

(11) This section is a determinative provision.

Note See s 5 for the meaning of determinative provisions, and s 6 for their displacement.

(12) In this section:

amend does not include modify.

amending law means a law that consists only of provisions of the following kinds:

(a) for an Act—the Act's long title;

(b) a preamble or recital (however described);

(c) a provision about the law's name;

(d) a provision about the law's commencement;

(e) a provision about the purposes of the law or any of its provisions;

(f) a provision about the effect of notes;

Note A note itself is not part of an Act or statutory instrument (see s 127).

(g) a provision providing for the amendment or repeal of a law (including a provision identifying the amended or repealed law);

(h) a provision declaring a law to be a law to which section 88 (Repeal does not end effect of transitional laws etc) applies;

(i) a provision about the renumbering of a law;

(j) a provision authorising or requiring something to be done under chapter 11 (Republication of Acts and statutory instruments).

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amending provision, of a law, means a provision of the law that only amends or repeals a law, and includes—

(a) any other provision (for example, a schedule) of the law that only identifies the law amended or repealed; and

(b) any other provision (for example, a part heading) of the law that only identifies (or groups) provisions that are amended or repealed.

appropriation Act—see the *Financial Management Act 1996*, dictionary.

commencement provision, of a law, means a provision of the law that only provides for the commencement of the law.

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Part 9.3 Amendment

90 Law and amending laws to be read as one

A law and all laws amending it are to be read as one.

91 Insertion of provisions by amending law

(1) This section applies if a law (the ***amending law***) amends another law (the ***amended law***) by inserting any of the following provisions, and does not exactly specify the position in the amended law where it is to be inserted:

(a) a chapter, part, division, subdivision, section or subsection (an ***inserted chapter, part, division, subdivision, section*** or ***subsection***);

(b) a paragraph (an ***inserted paragraph***);

(c) a subparagraph (an ***inserted subparagraph***);

(d) a sub-subparagraph (an ***inserted sub-subparagraph***);

(e) a definition (an ***inserted definition***);

(f) any other provision (a ***miscellaneous inserted provision***).

(2) An inserted chapter, part, division, subdivision, section or subsection is inserted in the appropriate numerical or alphanumerical position in the amended law.

(3) An inserted paragraph is inserted in the appropriate alphabetical position in the amended law.

(4) An inserted subparagraph is inserted in the appropriate numerical or alphanumerical position in the amended law.

(5) An inserted sub-subparagraph is inserted in the appropriate alphabetical position in the amended law.

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(6) An inserted definition is inserted in the appropriate alphabetical position (worked out on a letter-by-letter basis) in a series of definitions in the amended law.

(7) A miscellaneous inserted provision is inserted in the appropriate position in the amended law.

(8) In applying this section to a law that is divided otherwise than into sections, a reference to a section or subsection is a reference to a corresponding provision of the law.

(9) In working out the appropriate position where a provision is to be inserted in the amended law, regard may be had to the following:

(a) the provision number or letter;

(b) the heading of the relevant amending provision of the amending law;

(c) any other amendments in the amending law including the order of amendments;

(d) anything else in the amending law or amended law;

(e) current legislative drafting practice.

(10) This section is a determinative provision.

Note See s 5 for the meaning of determinative provisions, and s 6 for their displacement.

(11) In this section:

insert includes relocate.

92 Amendment to be made wherever possible

(1) If a law amends another law—

(a) by omitting a word; or

(b) by substituting a word for another word; or

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(c) by inserting a word before or after a particular word;

the amendment is to be made wherever possible in the other law.

(2) This section is a determinative provision.

Note See s 5 for the meaning of determinative provisions, and s 6 for their displacement.

93 Provisions included in another provision for amendment purposes

(1) This section applies for the purpose of amending a law.

(2) The heading to a chapter, part, division, subdivision, schedule, dictionary, section or any other provision of the law forms part of the provision to which it is a heading.

(3) An example at the end of a provision of the law is part of the provision unless the example is expressed in a way that indicates that it applies only to another provision.

(4) A note at the end of a provision of the law is taken, for this section, to be part of the provision unless the note is expressed in a way that indicates that it applies only to another provision.

(5) However, a note in a law is not, for any other purpose, part of the law.

Note Section 127 (Material that is not part of Act or statutory instrument) deals with the status of notes.

(6) A penalty at the end of a subsection of the law—

(a) is part of the subsection unless the penalty is expressed in a way that indicates that it applies only to other subsections of the section; or

(b) if the penalty is expressed in a way that indicates that it applies only to other subsections—is part of the section.

(7) A penalty at the end of a section of the law that is not divided into subsections is part of the section.

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(8) The word 'and', 'or' or 'but', or a similar word, at the end of a paragraph, subparagraph, sub-subparagraph or another provision of the law is part of the provision.

(9) In working out whether an example or note is at the end of a provision of the law, any penalty is to be disregarded, and, for an example, any note is to be disregarded.

Note According to current legislative drafting practice, examples, notes and penalties to a provision are arranged in the following order at the end of provisions:

1 penalty (first)
2 examples
3 notes (last).

(10) In applying this section to a law that is divided otherwise than into sections, a reference to a section or subsection is a reference to a corresponding provision of the law.

(11) This section is a determinative provision.

Note See s 5 for the meaning of determinative provisions, and s 6 for their displacement.

94 Continuance of appointments etc made under amended provisions

(1) This section applies if—

(a) a law expressly or impliedly authorises or requires—

(i) the making of an appointment or statutory instrument; or

(ii) the delegation of a function; or

(iii) the issue of a licence or permit (however described); or

(iv) the doing (however described) of anything else; and

(b) the law is amended by another law; and

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(c) under the amended law—

(i) the appointment or statutory instrument may be made; or

(ii) the function may be delegated; or

(iii) the licence or permit may be issued; or

(iv) the thing may be done;

whether by the same or a different entity.

Examples—par (a) (iv)

1 the giving of an approval, consent or permission

2 the making of a recommendation

(2) An appointment, statutory instrument, delegation, licence, permit or anything else mentioned in subsection (1) that was in force immediately before the commencement of the amendment continues to have effect as if it had been made, issued or done (however described) under the amended law.

(3) This section is a determinative provision.

Note See s 5 for the meaning of determinative provisions, and s 6 for their displacement.

(4) In this section:

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

appointment includes acting appointment.

95 Status of modifications

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

(2) This section is a determinative provision.

Note See s 5 for the meaning of determinative provisions, and s 6 for their displacement.

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96 Relocated provisions

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

(2) The operation or meaning of the provision is not affected only because of the provision's relocation.

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

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

(5) This section is a determinative provision.

Note See s 5 for the meaning of determinative provisions, and s 6 for their displacement.

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Chapter 10 Referring to laws

97 Definitions—ch 10

(1) In this chapter:

ACT law means an Act or statutory instrument.

Note A reference to an Act or statutory instrument includes a reference to a provision of the Act or instrument (see s 7 and s 13).

law means an ACT law or a law of another jurisdiction.

law of another jurisdiction means an Act or statutory instrument of another jurisdiction, and includes a provision of an Act or statutory instrument of another jurisdiction.

Note ***Another jurisdiction*** means the Commonwealth, a State, another Territory, the United Kingdom or New Zealand (see dict, pt 2).

(2) In this section:

Act, in relation to another Territory, includes ordinance.

statutory instrument, of another jurisdiction, means an instrument (whether or not legislative in nature) made under—

(a) an Act of the other jurisdiction; or

(b) another statutory instrument of the other jurisdiction; or

(c) power given by an Act or statutory instrument of the other jurisdiction and also power given otherwise by law.

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98 References to ACT law include law containing reference

In an ACT law, a reference in general terms to an ACT law of the same kind includes a reference to the law itself.

Example

The *ABC Act 2001*, s 27 gives a power to confiscate property under certain circumstances. Section 93 of the same Act provides 'If an Act authorises the confiscation of property, the owner of the property has a right of appeal to the Magistrates Court.' The right of appeal under s 93 also applies to the power given by s 27 because the reference to 'an Act' in s 93 includes a reference to the *ABC Act 2001*.

99 References in ACT statutory instruments to *the Act*

In a statutory instrument, a reference to ***Act*** or ***the Act***, without mentioning a particular Act, is a reference to the Act under which the instrument is made or in force.

100 Referring to particular ACT laws

(1) An Act may be referred to by—

(a) the name the Act gives to itself; or

(b) the year it was passed and its number, together with a reference (if necessary) to indicate that it is an Act.

(2) A statutory instrument may be referred to by—

(a) any name the instrument gives to itself; or

(b) if the instrument was notified in the register, the gazette or otherwise under section 61 (2) (b) and was numbered under this Act or another territory law—the year it was notified and its number, together with a reference (if necessary) to the kind of instrument; or

(c) if the instrument was not notified but was numbered under a territory law—the year it was made and its number, together with a reference (if necessary) to the kind of instrument; or

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(d) if the instrument was notified in the gazette before the commencement of this Act—the number, date and page of the gazette where it was notified; or

(e) the date it was made, together with a reference to the Act or statutory instrument under which it was made.

101 Referring to particular laws of other jurisdictions etc

(1) In an ACT law, a law of another jurisdiction (the ***relevant law***) may be referred to—

(a) by the name the relevant law gives to itself; or

(b) in any other way sufficient in a law of the other jurisdiction for referring to the relevant law; or

(c) in any way that, under current legislative drafting practice, would be sufficient for referring to the relevant law if it were an ACT law;

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

(2) In an ACT law, a provision of a law of another jurisdiction may be referred to—

(a) in a way sufficient in a law of the other jurisdiction for referring to the provision; or

(b) in any way that, under current legislative drafting practice, would be sufficient for referring to the provision if it were a provision of an ACT law.

(3) Subsection (2) does not limit any other provision of this chapter.

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102 References to laws include references to laws as in force from time to time

(1) In an ACT law, a reference to a law includes a reference to the following:

(a) the law as originally made, and as amended from time to time since it was originally made;

(b) if the law has been repealed and remade (with or without changes) since the reference was made—the law as remade (or last remade), and as amended from time to time since it was remade (or last remade);

(c) if a relevant provision of the law has been omitted and remade (with or without changes) in another law since the reference was made—the law in which the provision was remade (or last remade), as in force when the provision was remade (or last remade), and as amended from time to time since the provision was remade (or last remade).

(2) In an ACT law, a reference to a provision of a law 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 changes and whether in the law or another law) since the reference was made—the provision as remade (or last remade), and as amended from time to time since it was remade (or last remade).

(3) To remove any doubt, if the name of a law is amended, a reference in an ACT law to the law by its name before the amendment includes a reference to the law by its name as amended.

(4) This section is subject to section 47 (Statutory instrument may make provision by applying law or instrument).

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(5) In this section:

made includes enacted.

103 References to repealed laws

In an ACT law, a reference to a law as repealed is a reference to the law as in force immediately before it was repealed.

104 References to laws include references to instruments under laws

(1) In an ACT law, a reference (either generally or specifically) to a law includes a reference to the statutory instruments made or in force under the law.

(2) In subsection (1), a reference to the statutory instruments made or in force under the law includes a reference to any law or instrument applied, adopted or incorporated (with or without change) under the law.

(3) This chapter applies to an instrument applied, adopted or incorporated under a law as if—

(a) the instrument were a law; and

(b) any other necessary changes were made.

105 Referring to provisions of laws

In an ACT law, a provision of a law may be referred to by reference to the provision of the law in which it is contained.

Example

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

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106 References to provisions of laws are inclusive

In an ACT law, a reference to any part of a law is a reference to the following:

(a) the provision of the law that begins the part;

(b) the provision of the law that ends 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 section 261.

3 A reference to '*from* child *to* adult' includes both the word 'child' and the word 'adult'.

106A References to paragraphs etc of laws

(1) In an ACT law, a reference to a paragraph of a provision of a law includes any words in the provision before or after the paragraph that are necessary or desirable to make the reference meaningful.

Note Although this section contains a reference to an ACT law and a reference to a law, s 98 makes it clear that the references can be to the same law.

(2) In this section:

paragraph includes a subparagraph and a sub-subparagraph.

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Chapter 11 Republication of Acts and statutory instruments

Part 11.1 General

107 Definitions—ch 11

In this chapter:

law means an Act or statutory instrument, whether or not it has been amended, and includes—

(a) a collection of 2 or more Acts or statutory instruments; or

(b) all or part of an agreement or other instrument that has the force of law or is in, or attached to, an Act or statutory instrument.

Note A reference to an Act or statutory instrument includes a reference to a provision of the Act or instrument (see s 7 and s 13).

republication means a republication of a law.

108 Republication in register

(1) The parliamentary counsel may republish a law by entering the text of the law in the register.

(2) This section does not limit the ways in which the parliamentary counsel may republish a law.

109 Republications may be published with other information

The parliamentary counsel may publish information not required by this chapter with a written or electronic version of an authorised republication if the parliamentary counsel considers that the information is likely to be useful to users of the republication.

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110 Collections of laws

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

(2) This section does not prevent the use of—

(a) a single contents for the collection; or

(b) information applying to 2 or more laws in the collection.

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Part 11.2 Substantive amendments made by laws

111 Incorporation of amendments

(1) This section applies to a law if the law has been amended by another law by the omission, insertion, substitution, renumbering or relocation of provisions.

(2) An authorised republication of the law must show the law as amended by all amendments that commenced on or before the day stated in the republication as the republication date.

(3) This section does not prevent an authorised republication of the law showing the law as it would be amended by amendments that have not commenced on or before the republication date if the republication indicates, in a suitable place, that the amendments have not commenced.

112 Reference to amending laws

An authorised republication of a law that shows the law as amended must include, in a suitable place, a reference to the law by which each amendment was made.

113 Provisions not republished or relocated

(1) This part does not require—

(a) every provision of a law to be shown in an authorised republication of the law; or

(b) each provision of a law to be shown in an authorised republication of the law in the place in the law where it was located when the provision was made.

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(2) If a provision of a law is not shown in an authorised republication, the republication must indicate that fact in a suitable place.

(3) If a provision of a law is shown in an authorised republication in a different place in the law to the place where it was located when the provision was made, the republication must indicate that fact in a suitable place.

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Part 11.3 Editorial changes

114 Authorisation for parliamentary counsel

In preparing a law for republication, the parliamentary counsel is authorised—

(a) to make editorial amendments and other textual amendments of a formal nature that the parliamentary counsel considers desirable to bring the law into line, or more closely into line, with current legislative drafting practice; and

(b) to make other editorial changes by way of format, layout or printing style, or in any other presentational respect, that the parliamentary counsel considers desirable to bring the law into line, or more closely into line, with current legislative drafting practice.

115 Amendments not to change effect

This part does not permit the making of an amendment of a law that would change the effect of the law.

116 Ambit of editorial amendments

(1) An ***editorial amendment*** of a law is an amendment that—

(a) corrects a typographical error; or

(b) corrects or updates a reference to a law, position, entity, place or thing; or

(c) goes only to a matter of spelling, punctuation, grammar or syntax or the use of conjunctives and disjunctives; or

(d) changes the name of the law or a provision of the law; or

(e) numbers or renumbers a provision of the law; or

(f) changes the order of definitions or other provisions of the law; or

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(g) replaces a reference to a provision of a law with a different form of reference to the provision; or

(h) changes the way of referring to or expressing a number, year, date, time, amount of money, penalty, quantity, measurement, or other matter, idea or concept; or

(i) replaces a word indicating gender or that could be taken to indicate gender in accordance with current legislative drafting practice; or

(j) replaces a reference to the Queen, the King or the Crown with a reference to the Sovereign or the Territory; or

(k) omits—

(i) the enacting words or the law-making words (including any signatures); or

(ii) a provision that consists only of a description of how the law is arranged into groups of provisions; or

(iii) a provision that has expired, the operation of which is exhausted or spent or that is otherwise obsolete or redundant; or

(l) omits, inserts or changes a referential term; or

(m) inserts, omits or changes a note; or

(n) updates a reference to the heading to a provision; or

(o) is consequential on any amendment made to the law by another law; or

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(p) is consequential on any other editorial amendment (whether made to that law or another law).

Examples—consequential amendments—par (o)

1 If an amendment adds 1 or more subsections to a section that is not already divided into subsections, the subsection number (1) may be inserted.

2 If an amendment omits subsection (1) from a section with 2 subsections, the subsection number (2) may be omitted.

3 If an amendment omits subsection (2) from a series of 4 subsections (subsections (1) to (4)), subsections (3) and (4) may be renumbered as subsections (2) and (3).

4 If an amendment adds a new subsection (3A) to a series of 5 subsections (subsections (1) to (5)), the new subsection and subsections (4) and (5) may be renumbered as subsections (4), (5), and (6).

5 If an amendment omits paragraph (b) from a series of 4 paragraphs (paragraphs (a) to (d)), paragraphs (c) and (d) may be renumbered as paragraphs (b) and (c).

6 If an amendment adds a new paragraph (aa) to a series of 3 paragraphs (paragraphs (a) to (c)), the paragraphs may be renumbered as paragraphs (a), (b), (c) and (d).

7 If an amendment makes a change mentioned in any of examples 1 to 6, a cross-reference in any law to any of the provisions that have been renumbered may be correspondingly renumbered.

8 If an amendment adds a paragraph as the last paragraph in a series of paragraphs that end in a full stop, the full stop may be changed to a semicolon and, if the series of paragraphs is joined by a conjunction (eg 'and'), the conjunction may be added after the semicolon.

9 If an amendment omits a section example from a section that has 2 section examples, the number of the remaining example may be omitted.

10 If an amendment adds a subsection note to a subsection that already has a subsection note, the notes may be numbered.

(2) In this section:

law includes a law of another jurisdiction.

law of another jurisdiction—see section 97 (1).

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referential term means a term that identifies a provision as a provision, or part of a provision, of the Act, statutory instrument or provision in which it appears.

Examples

1 of this Act
2 of this section
3 hereof
4 said

117 Legal effect of editorial changes

(1) A law that is amended or otherwise changed under this part in preparing an authorised republication of the law has effect for all purposes, on and after the republication date, as if the changes had been made by an Act that commenced on the republication date.

(2) Without limiting subsection (1), section 83 (Consequences of amendment of statutory instrument by Act) applies to an amendment made under this part as if the amendment had been made by an Act.

(3) This section is subject to section 115 (Amendments not to change effect).

118 Reference to editorial amendments

If a law is amended under this part in preparing an authorised republication of the law, the republication must indicate that fact in a suitable place.

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Chapter 12 Scope of Acts and statutory instruments

120 Act to be interpreted not to exceed legislative powers of Assembly

(1) An Act is to be interpreted as operating to the full extent of, but not to exceed, the legislative power of the Legislative Assembly.

(2) Without limiting subsection (1), if a provision of an Act would, apart from this section, be interpreted as exceeding the legislative power of the Legislative Assembly—

(a) the provision is valid to the extent to which it does not exceed power; and

(b) the remainder of the Act is not affected.

(3) Without limiting subsection (1), if the application of a provision of an Act to a matter would, apart from this section, be interpreted as exceeding power, the provision's application to other matters is not affected.

(4) This section is in addition to any provision of the Act itself.

Note For the equivalent provision for statutory instruments, see s 43.

(5) This section is a determinative provision.

Note See s 5 for the meaning of determinative provisions, and s 6 for their displacement.

121 Binding effect of Acts

(1) An Act binds everyone, including people who are not Australian citizens and all governments.

Note See the Self-Government Act, s 27 which provides that, except as provided by the regulations under that Act, an ACT enactment does not bind the Crown in right of the Commonwealth. See also s 120.

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(2) However, an Act does not bind the Territory to the extent that it requires or otherwise provides for the payment of money that, on payment, would form part of the public money of the Territory.

(3) Also, subsection (1) does not make a government liable to be prosecuted for an offence.

(4) To the extent that an Act does not bind a government, the same degree of immunity extends to a government entity in relation to an authorised act or omission of the entity.

(5) This section is a determinative provision.

Note See s 5 for the meaning of determinative provisions, and s 6 for their displacement.

(6) In this section:

authorised—an act or omission of a government entity is ***authorised*** if—

(a) for an instrumentality—the act or omission relates to a matter within the scope of the instrumentality's functions; and

(b) for an officer or employee of the government—the act or omission relates to a matter within the scope of the duties of the officer or employee; and

(c) for a contractor who exercises a function on behalf of the government—the act or omission relates to a matter within the scope of the contract; and

(d) for anyone else who exercises a function on behalf of the government—the act or omission relates to a matter within the scope of the person's engagement.

government includes the Territory, the Commonwealth, a State, another Territory or New Zealand.

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government entity includes—

(a) an instrumentality, officer or employee of the government; and

(b) a contractor or anyone else who exercises a function on behalf of the government.

122 Application to Territory

(1) In an Act or statutory instrument—

(a) a reference to an entity or position by name or description is a reference to the entity or position of that name or description in or for the Territory; and

(b) a reference to a place, jurisdiction or anything else by name or description is a reference to the place, jurisdiction or thing of that name or description in or for the Territory.

(2) If the name of an entity or position established under an Act or statutory instrument includes the words 'of the Australian Capital Territory', 'for the Australian Capital Territory', '(ACT)', or words having a similar effect, a reference in an Act or statutory instrument to the entity or position need not include the words.

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Chapter 13 Structure of Acts and statutory instruments

Part 13.1 General

125 Meaning of *law*—ch 13

In this chapter:

law means an Act, subordinate law or disallowable instrument.

Note A reference to an Act, subordinate law or disallowable instrument includes a reference to a provision of the Act, law or instrument (see s 7, s 8 and s 9).

126 Material that is part of Act or statutory instrument

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

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

(a) the Act was enacted, or the instrument was made, after 1 January 2000; or

(b) the heading was amended or inserted into the Act or instrument after 1 January 2000.

(3) A preamble or other recital to an Act or statutory instrument is part of the Act or instrument.

(4) An example or diagram in an Act or statutory instrument is part of the Act or instrument.

(5) A schedule, dictionary or appendix to an Act or statutory instrument is part of the Act or instrument.

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(6) Punctuation in an Act or statutory instrument is part of the Act or instrument.

(7) A provision number in an Act or statutory instrument is part of the Act or instrument.

(8) In applying this section to an Act or statutory instrument that is divided otherwise than into sections, a reference to a section or subsection is a reference to a corresponding provision of the Act or instrument.

Note A reference to an Act or statutory instrument includes a reference to a provision of the Act or instrument (see s 7 and s 13).

(9) This section is a determinative provision.

Note See s 5 for the meaning of determinative provisions, and s 6 for their displacement.

127 Material that is not part of Act or statutory instrument

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

(2) A table of contents (however described), or reader's guide or index, in or to an Act or statutory instrument is not part of the Act or instrument.

(3) A heading to a section or subsection of an Act or statutory instrument is not part of the Act or instrument if section 126 (2) does not apply to the heading.

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

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

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(6) In applying this section to an Act or statutory instrument that is divided otherwise than into sections, a reference to a section or subsection is a reference to a corresponding provision of the Act or instrument.

Note A reference to an Act or statutory instrument includes a reference to a provision of the Act or instrument (see s 7 and s 13).

(7) This section is a determinative provision.

Note See s 5 for the meaning of determinative provisions, and s 6 for their displacement.

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Part 13.2 Particular kinds of provisions

130 What is a *definition*?

A ***definition*** is a provision (however expressed) of an Act or statutory instrument that—

(a) gives a meaning to a term; or

(b) limits or extends the meaning of a term.

Examples—definitions

1 ***X*** means Y.

2 ***X*** includes Y.

3 ***X*** means Y, and includes Z.

4 A reference to ***X*** is a reference to Y.

5 ***X***—see section Y.

6 ***X***—see the *XYZ Act 1999*, section Y.

7 In a proceeding against a person (the ***retailer***), it is a defence if the retailer establishes that the goods were bought honestly.

8 ***excluded***—a claim is ***excluded*** if the claim is not brought within 1 year after the day the claimant becomes aware of the failure to account to which the claim relates.

9 A term used in the *XYZ Act 2003* has the same meaning in this Act.

10 A term defined in the *XYZ Act 2003* has the same meaning in this Act.

Note 1 Examples 5 and 6 illustrate signpost definitions, that is, definitions that do not themselves directly define a term but point the reader to the place where the term is defined (see s 131).

Note 2 Example 7 illustrates a tagged-term definition (***retailer***) that takes its meaning from the context of the provision where the defined term is found.

Note 3 Example 8 illustrates a definition that does not begin with the defined term.

Note 4 For other provisions about definitions, see pt 15.2.

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131 Signpost definitions

(1) In an Act or statutory instrument, a definition of a term that includes the word 'see' followed by a reference to a law or instrument (a ***signpost definition***) means the term has the same meaning as the term (or, if the reference includes a reference to the definition of another term, that term) has in the law or instrument, as in force from time to time.

Examples

1 A signpost definition '***food***—see section 10.' in the dictionary to an Act means that the word 'food' when used in the Act has the same meaning as it has in section 10, as in force from time to time.

2 A signpost definition '***injury***—see the *XYZ Act 2001*, dictionary.' in the dictionary to another Act means that the word 'injury', when used in the other Act, has the same meaning as it has in the definition of ***injury*** in the *XYZ Act 2001*, dictionary, as in force from time to time.

3 A signpost definition 'Work Safety Council—see the *XYZ Act 2000*, dictionary, definition of ***council***.' means that the expression 'Work Safety Council' has the same meaning as the word 'council' has in the definition of ***council*** in the *XYZ Act 2000*, dictionary, as in force from time to time.

(2) This section is subject to section 47 (Statutory instrument may make provision by applying law or instrument).

(3) In this section:

instrument includes a provision of an instrument.

law includes a law, or a provision of a law, of the Commonwealth, a State or another Territory.

Note For other provisions about definitions, see pt 15.2.

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132 Examples

(1) An example in an Act or statutory instrument—

(a) is not exhaustive; and

(b) may extend, but does not limit, the meaning of the Act or instrument, or the particular provision to which it relates.

(2) An example may take either of the following forms:

(a) a statement at the end of the provision it illustrates (or at the end of a provision containing the provision it illustrates);

(b) a statement forming part of the text of a provision that illustrates the operation of the provision, whether or not the words 'for example' are used.

(3) Subsection (2) does not limit the form that an example may take.

(4) This section is a determinative provision.

Note See s 5 for the meaning of determinative provisions, and s 6 for their displacement.

133 Penalty units

(1) In a law, if a penalty for an offence is expressed as a number (whether whole or fractional) of penalty units, the penalty for the offence is a fine of that number of penalty units.

(2) A ***penalty unit*** is—

(a) for an offence committed by an individual—$160; or

(b) for an offence committed by a corporation—$810.

(3) The Attorney-General must review the amount of a penalty unit at least once every 4 years after the day this subsection commences.

(4) This section is a determinative provision.

Note See s 5 for the meaning of determinative provisions, and s 6 for their displacement.

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134 Penalties at end of sections and subsections

(1) This section applies if a penalty (however expressed) is stated in a law—

(a) at the end of a section (whether or not the section is divided into subsections) and not expressed in a way that indicates that it applies only to a provision of the section; or

(b) at the end of a subsection (but not at the end of a section) and not expressed in a way that indicates that it applies only to a provision of the subsection; or

(c) at the end of a section or subsection and expressed in a way that indicates that it applies only to a provision of the section or subsection (the ***relevant provision***).

Example—par (a)

the following penalty at the end of a section:

'Maximum penalty: 20 penalty units.'

Example—par (b)

the following penalty at the end of a subsection, but not at the end of a section:

'Maximum penalty: 20 penalty units.'

Examples—par (c)

1 the following penalty at the end of a section divided into subsections:

'Maximum penalty (subsection (3)): 20 penalty units.'.

2 the following penalty at the end of a subsection, but not at the end of a section:

'Maximum penalty:

(a) for paragraph (b)—20 penalty units; or

(b) for another paragraph—50 penalty units, imprisonment for 6 months or both.'

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(2) If an offence is not expressly mentioned in the section, subsection or relevant provision, the penalty indicates that contravention of the section, subsection or relevant provision is an offence punishable on conviction as provided by subsection (4).

Example—penalty applying to entire section or subsection

A person must not contravene a notice.

Maximum penalty: 20 penalty units.

Example—penalty applying to a stated provision

(2) The register of transactions—

(a) may be kept in electronic form; and

(b) must contain the particulars mentioned in section 91C.

Maximum penalty (paragraph (b)): 20 penalty units.

(3) If an offence is expressly mentioned in the section, subsection or relevant provision, the penalty indicates that the offence is punishable on conviction as provided by subsection (4).

Example—penalty applying to entire section or subsection

A person who contravenes a notice commits an offence.

Maximum penalty: 20 penalty units.

Example—penalty applying to a stated provision

(2) If a person keeps the person's identity card after ceasing to be an officer—

(a) the person commits an offence; and

(b) the identity card is forfeited to the Territory.

Maximum penalty (paragraph (a)): 20 penalty units.

(4) The penalty that may be imposed for the offence is—

(a) if only a single penalty is stated (whether as a maximum penalty or a penalty)—not more than the stated penalty; or

(b) if a minimum as well as a maximum penalty is stated—not less than the minimum and not more than the maximum.

(5) If—

(a) a penalty (however expressed) is stated in a law at the end of a section divided into subsections; and

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(b) another penalty (however expressed) is stated at the end of another subsection of the section; and

(c) the first penalty is not expressed in a way that indicates that it applies only to a particular provision of the last subsection;

the first penalty is taken, for this section, to be expressed in a way that indicates that it applies only to the last subsection.

Example

In the following example, s (4) is the last subsection and the penalty stated at the end applies only to that subsection:

'(2) A permit holder must record all transactions under this Act.

Maximum penalty: 20 penalty units.

(3) If a permit holder is convicted of an offence against subsection (2), the registrar must cancel the permit.

(4) A permit holder must not sell a declared substance in contravention of this Act.

Maximum penalty: 100 penalty units, imprisonment for 1 year or both.'.

(6) In working out for this section whether a penalty is at the end of a section or subsection, the position of any example or note is to be disregarded.

(7) This section is a determinative provision.

Note See s 5 for the meaning of determinative provisions, and s 6 for their displacement.

135 Penalties not at end of sections and subsections

(1) This section applies if a penalty (however expressed) is stated in a provision of a law other than at the end of a section or subsection.

(2) If an offence is expressly mentioned in the provision, the penalty indicates that the offence is punishable on conviction as provided by subsection (4).

Example

A person who contravenes s (3) commits an offence punishable by a fine of not more than 20 penalty units.

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(3) If an offence is not expressly mentioned in the provision, the penalty indicates that contravention of the provision (or a stated part of the provision) is an offence punishable on conviction as provided by subsection (4).

Example

A person who contravenes s (3) must pay a fine of not more than 20 penalty units.

(4) The penalty that may be imposed for the offence is—

(a) if only a single penalty is stated (whether as a maximum penalty or a penalty)—not more than the stated penalty; or

(b) if a minimum as well as a maximum penalty is stated—not less than the minimum and not more than the maximum.

(5) In working out for this section whether a penalty is at the end of a section or subsection, the position of any example or note is to be disregarded.

(6) This section is a determinative provision.

Note See s 5 for the meaning of determinative provisions, and s 6 for their displacement.

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Chapter 14 Interpretation of Acts and statutory instruments

Part 14.1 Purpose and scope

136 Meaning of *Act*—ch 14

In this chapter:

Act includes a statutory instrument.

Note Section 7 (3) provides that a reference to an Act includes a reference to a provision of an Act. Section 13 (3) provides that a reference to a statutory instrument includes a reference to a provision of a statutory instrument.

137 Purpose and scope—ch 14

(1) The purpose of this chapter is to provide guidance about the interpretation of Acts.

(2) This chapter is not intended to be a comprehensive statement of the law of interpretation applying to Acts.

(3) In particular, this chapter assumes that common law presumptions operate in conjunction with this chapter.

(4) Subsection (3) also applies to common law presumptions that come into existence after the commencement of this chapter.

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Part 14.2 Key principles of interpretation

138 Meaning of *working out the meaning of an Act*—pt 14.2

In this part:

working out the meaning of an Act means—

(a) resolving an ambiguous or obscure provision of the Act; or

(b) confirming or displacing the apparent meaning of the Act; or

(c) finding the meaning of the Act when its apparent meaning leads to a result that is manifestly absurd or is unreasonable; or

(d) finding the meaning of the Act in any other case.

139 Interpretation best achieving Act's purpose

(1) In working out the meaning of an Act, the interpretation that would best achieve the purpose of the Act is to be preferred to any other interpretation.

(2) This section applies whether or not the Act's purpose is expressly stated in the Act.

Note The *Human Rights Act 2004*, s 30 (which is about interpreting legislation to be consistent with human rights) is also relevant to interpreting territory laws.

140 Legislative context

In working out the meaning of an Act, the provisions of the Act must be read in the context of the Act as a whole.

Examples

1 The long title of an Act provides that it is an Act to give certain benefits to the holders of pensioner cards. Section 4 provides 'This Act applies to a holder of a pensioner card'. Section 22 provides that the commissioner may grant 'a person' an exemption from payment of rates. The Act does not contain a definition of 'person'. Section 22 must be read in the context of the Act as a whole so that the commissioner may only grant exemptions to people who are holders of pensioner cards.

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2 The *Drug Testing Regulation 2001* (made under the *Drug Testing Act 2000* (hypothetical)), s 6 contains the following heading:

6 Corresponding law—Act, s 100, def *corresponding law*

The heading indicates that the section has been made for the definition of ***corresponding law*** in the *Drug Testing Act 2000*, s 100.

3 Section 12 (1) of a subordinate law refers to 'a non-conviction order under the *Crimes (Sentencing) Act 2005*'. No other kind of order is mentioned in the section and the word 'order' is not otherwise defined in the subordinate law. Subsections (2), (4), (7) and (9) of the same section, which only refer to 'the order', are to be understood as referring to the order mentioned in s (1).

Note See s 126 and s 127 for material that is, or is not, part of an Act or statutory instrument.

141 Non-legislative context generally

(1) In working out the meaning of an Act, material not forming part of the Act may be considered.

Note 1 See s 146 for the meaning of ***may*** and ***must***.

Note 2 See s 126 and s 127 for material that is, or is not, part of an Act or statutory instrument.

Note 3 See s 142 for material that may be considered in working out the meaning of an Act or statutory instrument.

(2) In deciding whether material not forming part of an Act should be considered in working out the meaning of the Act, and the weight to be given to the material, the following matters must be taken into account:

(a) the desirability of being able to rely on the ordinary meaning of the Act, having regard to the purpose of the Act and the provisions of the Act read in the context of the Act as a whole;

(b) the undesirability of prolonging proceedings without compensating advantage;

(c) the accessibility of the material to the public.

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(3) Subsection (2) does not limit the matters that may be taken into account.

(4) For subsection (2) (c), material in the register is taken to be accessible to the public.

Note The register is the ACT legislation register (see dict, pt 2, def ***register***).

142 Non-legislative context—material that may be considered

(1) In working out the meaning of an Act, material mentioned in table 142, column 2 may be considered.

(2) In working out the meaning of a statutory instrument, material mentioned in table 142, column 3 may be considered.

(3) This section does not limit the material that may be considered in working out the meaning of an Act or statutory instrument.

Table 142

column 1 item	column 2 Act	column 3 statutory instrument
1	material not forming part of the Act contained in an authorised version of the Act *Note* See ch 3 (Authorised versions and evidence of laws and legislative material).	material not forming part of the statutory instrument contained in an authorised version of the instrument *Note* See ch 3 (Authorised versions and evidence of laws and legislative material).
2	any relevant report of a royal commission, law reform commission, committee of inquiry or other similar entity that was presented to the Legislative Assembly before the Act was passed	any relevant report of a royal commission, law reform commission, committee of inquiry or other similar entity that was presented to the Legislative Assembly— (a) if the statutory instrument was presented to the Assembly—before the end of 6 sitting days after the day the instrument was presented to the Assembly; or (b) in any other case—before the instrument was made

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column 1 item	column 2 Act	column 3 statutory instrument
3	any relevant report of a committee of the Legislative Assembly that was made to the Assembly before the Act was passed	any relevant report of a committee of the Legislative Assembly that was made to the Assembly— (a) if the statutory instrument was presented to the Assembly—before the end of 6 sitting days after the day the instrument was presented to the Assembly; or (b) in any other case—before the instrument was made
4	any explanatory statement (however described) for the bill that became the Act, or any other relevant document, that was presented to the Legislative Assembly before the Act was passed	if the statutory instrument was presented to the Legislative Assembly—any explanatory statement (however described) for the instrument, or any other relevant document, that was presented to the Legislative Assembly before the end of 6 sitting days after the instrument was presented to the Assembly
5	the presentation speech made to the Legislative Assembly during the passage of the bill that became the Act	if the statutory instrument was presented to the Legislative Assembly by a member of the Assembly—any presentation speech made to the Assembly
6	official reports of proceedings in the Legislative Assembly in relation to the bill that became the Act	if the statutory instrument was presented to the Legislative Assembly—official reports of proceedings in the Legislative Assembly in relation to the statutory instrument
7	any relevant treaty or other international agreement to which Australia is a party	any relevant treaty or other international agreement to which Australia is a party

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143 Law stating material for consideration in working out meaning

(1) If a relevant law provides that stated material may or must be considered in working out the meaning of an Act or statutory instrument, that does not by implication prevent other material of the same or similar kind being considered in working out the meaning of the Act or instrument.

(2) In this section:

relevant law means—

(a) in working out the meaning of an Act—the Act or another Act; or

(b) in working out the meaning of a statutory instrument made under an Act—the Act, another Act or the instrument; or

(c) in working out the meaning of a statutory instrument made under another statutory instrument—an Act or either instrument.

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Chapter 15 Aids to interpretation

Part 15.1 General

144 Meaning of commonly-used terms

A definition in the dictionary, part 1 applies to all Acts and statutory instruments.

Note See s 130 for the def ***definition*** and s 131 for provisions about signpost definitions.

145 Gender and number

In an Act or statutory instrument—

(a) words indicating a gender include every other gender; and

(b) words in the singular number include the plural and words in the plural number include the singular.

146 Meaning of *may* and *must*

(1) In an Act or statutory instrument, the word ***may***, or a similar term, used in relation to a function indicates that the function may be exercised or not exercised, at discretion.

Note ***Function*** is defined in the dictionary, pt 1 to include authority, duty and power.

(2) In an Act or statutory instrument, the word ***must***, or a similar term, used in relation to a function indicates that the function is required to be exercised.

(3) This section is a determinative provision so far as it applies to an applicable law or an applicable provision.

Note See s 5 for the meaning of determinative provisions, and s 6 for their displacement.

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(4) In this section:

applicable law means an Act enacted, or statutory instrument made, after the application date.

applicable provision means a provision inserted after the application date into an Act or statutory instrument that is not an applicable law.

application date means—

(a) for an Act, subordinate law or disallowable instrument—1 January 2000; and

(b) for any other statutory instrument—1 January 2006.

inserted, for a provision, includes inserted in substitution for another provision.

147 Changes of drafting practice not to affect meaning

(1) The purpose of this section is to encourage the making of progressive improvements in the form of the statute book without inadvertently changing the substantive effect of the law.

Note See also s 96 (Relocated provisions).

(2) This is to be achieved particularly by updating the language and structure of Acts and statutory instruments to replace older forms of legislative expression with forms reflecting current legislative drafting practice.

(3) If an Act or statutory instrument is amended so that it contains an older form of legislative expression in a provision and a newer form in another, the ideas in the 2 provisions must not be regarded as different only because different words are used or the provisions are structured in different ways.

(4) Subsection (3) also applies if the provisions are in different Acts or statutory instruments.

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(5) Also, if an Act or statutory instrument is amended so that a provision containing an older form of legislative expression is replaced (whether or not in the same position) by a provision in a newer form, the ideas in the 2 provisions must not be regarded as different only because different words are used or the provisions are structured in different ways.

(6) In deciding whether the ideas are different, regard must be had to the context and history of the 2 provisions.

(7) Subsection (6) does not limit the matters to which regard may be had.

(8) This section is a determinative provision.

Note See s 5 for the meaning of determinative provisions, and s 6 for their displacement.

148 Terms used in instruments have same meanings as in authorising laws

Terms 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.

149 Age in years

For an Act or statutory instrument, a person is an age in years at the beginning of the person's birthday for the age.

150 Measurement of distance

In applying an Act or statutory instrument, distance is to be measured in a straight line on a horizontal plane.

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151 Working out periods of time generally

(1) This section applies in working out periods of 1 day or longer for an Act or statutory instrument, whether the period is a period in the future or the past.

Note 1 The following definitions in the dictionary, pt 1 are also relevant to periods of time:

- ***business day***
- ***calendar month***
- ***calendar year***
- ***financial year***
- ***midnight***
- ***month***
- ***quarter***
- ***working day***
- ***year***.

Note 2 The *Standard Time and Summer Time Act 1972* deals with the meaning of a reference to a time.

(2) A period of time mentioned in an Act or statutory instrument that is of a kind mentioned in an item in the following table is to be worked out according to the rule mentioned in column 3 of the item:

Table 151 Working out periods of time

column 1 item	column 2 If the period of time—	column 3 then the period—
1	is described as beginning at, on or with a stated day, act or event	includes the stated day or the day of the stated act or event
2	is described as beginning from or after a stated day, act or event	does not include the stated day or the day of the stated act or event
3	is described as ending at, by, on or with, or as continuing to or until, a stated day, act or event	includes the stated day or the day of the stated act or event

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column 1 item	column 2 If the period of time—	column 3 then the period—
4	is described as ending before a stated day, act or event	does not include the stated day or the day of the stated act or event
5	is described as occurring between 2 events	does not include the days when the events happen

Example—item 1

If a licence begins on the first day of a financial year, the licence is in force on that day.

Example—item 2

If a disallowable instrument is described as beginning from 30 June, the instrument starts to operate on 1 July.

Example—item 3

If a person's right to apply for review of a decision ends on the last day of a financial year, the person may apply for review of the decision on that day.

Example—item 4

If a person may apply for renewal of accreditation not later than 6 months before the day the accreditation period ends, and the accreditation period ends on 2 November, the person may apply for renewal at any time during the 6-month period ending on 1 November.

Example—item 5

A court rule requires a notice of motion to be served 2 days before the return date for the application. If the return date is Friday, that day and the day the application is served are not counted in working out the 2 days. For service to be valid, the application must be served on or before the Tuesday before the return date.

(3) Despite table 151, item 2, if, under an Act or statutory instrument, something must or may be done within a particular period of time after a stated day, the thing may be done on the stated day.

(4) This section is a determinative provision so far as it applies to an applicable law or applicable provision.

Note See s 5 for the meaning of determinative provisions, and s 6 for their displacement.

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(5) In this section:

applicable law means an Act enacted, or statutory instrument made, after 1 January 2006.

applicable provision means a provision inserted after 1 January 2006 into an Act or statutory instrument that is not an applicable law.

inserted, for a provision, includes inserted in substitution for another provision.

151A Periods of time ending on non-working days

(1) This section applies if—

(a) under an Act or statutory instrument, something must or may be done on a particular day or within a particular period of time; and

(b) the day, or the last day of the period, is not a working day.

(2) The thing must or may be done on the next day that is a working day.

(3) This section is a determinative provision so far as it applies to an applicable law or applicable provision.

Note See s 5 for the meaning of determinative provisions, and s 6 for their displacement.

(4) In this section:

applicable law means an Act enacted, or statutory instrument made, after 1 January 2006.

applicable provision means a provision inserted after 1 January 2006 into an Act or statutory instrument that is not an applicable law.

inserted, for a provision, includes inserted in substitution for another provision.

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public entity means—

(a) a court or tribunal; or

(b) an administrative unit; or

(c) a statutory office-holder; or

(d) any other entity established for a public purpose under a law.

working day means—

(a) for doing something at an office (however described) of a public entity where the thing must or may be done—a day when the office is open; and

(b) for doing anything else—a day that is not—

(i) a Saturday or Sunday; or

(ii) a public holiday at the place where the thing must or may be done; or

(iii) if the thing is to be done by or in relation to an authorised deposit-taking institution—a day observed by the institution as a bank holiday at the place where the thing must or may be done.

Example—par (a)

filing a document at a court registry

151B Doing things for which no time is fixed

(1) This section applies if—

(a) under an Act or statutory instrument, something must or may be done; but

(b) no time is provided for doing the thing.

(2) The thing must or may be done as soon as possible and as often as needed.

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151C Power to extend time

(1) This section applies if, under an Act or statutory instrument—

(a) something must or may be done on a particular day or within a particular period of time; but

(b) a court or other entity has power to extend the time (the ***relevant time***) for doing the thing.

(2) A person may apply to the court or other entity for the relevant time to be extended even though the relevant time has ended.

(3) The court or other entity may extend the relevant time even though the relevant time has ended.

(4) This section is a determinative provision.

Note See s 5 for the meaning of determinative provisions, and s 6 for their displacement.

(5) This section applies only to an applicable law or applicable provision.

(6) In this section:

applicable law means an Act enacted, or statutory instrument made, after 1 January 2006.

applicable provision means a provision inserted after 1 January 2006 into an Act or statutory instrument that is not an applicable law.

inserted, for a provision, includes inserted in substitution for another provision.

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152 Continuing effect of obligations

If, under a provision of an Act or statutory instrument, an act is required to be done, the obligation to do the act continues until the act is done even if—

(a) the provision required the act to be done within a particular period or before a particular time, and the period has ended or the time has passed; or

(b) someone has been convicted of an offence in relation to failure to do the act.

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Part 15.2 Definitions

Note See also s 130 (What is a definition?), s 131 (Signpost definitions) and s 148 (Terms used in instruments have same meanings as in authorising laws).

155 Definitions apply subject to contrary intention

(1) A definition in an Act or statutory instrument applies except so far as the contrary intention appears.

(2) This section is a determinative provision.

Note See s 5 for the meaning of determinative provisions, and s 6 for their displacement.

156 Application of definitions in dictionaries and sections

(1) A definition in the dictionary to an Act or statutory instrument applies to the entire Act or instrument unless the Act or instrument provides for the definition to have a more limited application.

Examples

1 The dictionary to the *ABC Act 1999* includes the signpost definition '***x***—see the *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 the *XYZ Act 1998*, s 3, therefore, applies to the entire *ABC Act 1999*.

2 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 pt 4.

3 In pt 6 of an Act (which is headed 'Part 6 Complaints'), the word ***a*** is defined in s 50. The section is not divided into subsections but contains a number of definitions. Section 50 begins with the words 'In this part:'. However, the dictionary to the Act contains the following definition:

a—see section 50.

The definition of ***a*** applies to the entire Act (compare s (2) example 2).

Note 1 See s 144 (Meaning of commonly-used terms) for the application of the definitions in this Act, dict, pt 1.

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Note 2 Section 148 (Terms used in instruments have same meanings as in authorising laws) provides that terms used in a statutory instrument have the same meaning as they have in the Act or statutory instrument under which the statutory instrument is made.

(2) A definition in a section of an Act or statutory instrument applies only to the section unless the Act or instrument provides for the definition to have a broader application.

Examples

1 This Act, s 255 (7) (Forms) contains definitions of ***form 1*** and ***form 2*** as tagged terms. There is nothing in this Act indicating that the definitions apply outside s 255. The definitions apply only to s 255.

2 In pt 6 of an Act (which is headed 'Part 6 Complaints'), the word ***a*** is defined in s 50. The section is not divided into subsections but contains a number of definitions. Section 50 begins with the words 'In this part:'. However, the dictionary to the Act contains the following definition:

a, for part 6 (Complaints)—see section 50.

The definition of ***a*** applies to all of pt 6, but not to provisions of the Act outside pt 6 (compare s (1) example 3).

3 In 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 Act:'. The definition of ***b*** applies to the entire Act.

(3) A definition in a section of an Act or statutory instrument applies to the entire section unless the Act or instrument provides for the definition to have a more limited application.

Example

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 s (3) of that section.

(4) In applying this section to an Act or statutory instrument that is divided otherwise than into sections, a reference to a section is a reference to a corresponding provision of the Act or instrument.

Note A reference to an Act or statutory instrument includes a reference to a provision of the Act or instrument (see s 7 and s 13).

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157 Defined terms—other parts of speech and grammatical forms

If an Act or statutory instrument defines a term, other parts of speech and grammatical forms of the term have corresponding meanings.

Example

The *Publication (Grants) Act 2001* contains a definition of ***publish*** and also contains other forms of the same word ('published', 'publisher', 'publishes', 'publishing' and 'publication'). Because of this section, all forms of the word will have the same meaning except so far as the Act otherwise expressly provides or a contrary intention appears (see s 6 (3)).

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Part 15.3 References to various entities and things

Note See also ch 10 (Referring to laws).

160 References to people generally

(1) In an Act or statutory instrument, a reference to a ***person*** generally includes a reference to a corporation as well as an individual.

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

Examples—references to a person generally

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

Examples—express references to a corporation

1 body corporate
2 company

Examples—express references to an individual

1 adult
2 child
3 spouse
4 driver

(3) Subsection (2) does not limit the operation of section 6.

Note Section 6 deals with the displacement of a provision of this Act.

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161 Corporations liable to offences

(1) A provision of a law that creates an offence (whether indictable or summary) applies to corporations as well as to individuals.

(2) A provision of a law that creates an offence can apply to a corporation even though contravention of the provision is punishable by imprisonment (with or without another penalty).

Example

A provision of an Act contains the following penalty:

'Maximum penalty: 100 penalty units, imprisonment for 1 year or both.'

The provision can apply to a corporation.

(3) If a corporation is convicted of an offence and, apart from this subsection, the penalty for the offence is a period of imprisonment only, the court may impose a maximum penalty of—

(a) if the period of imprisonment is not longer than 6 months—50 penalty units; and

(b) if the period of imprisonment is longer than 6 months but not longer than 1 year—100 penalty units; and

(c) if the period of imprisonment is longer than 1 year but not longer than 2 years—200 penalty units; and

(d) if the period of imprisonment is longer than 2 years but not longer than 5 years—500 penalty units; and

(e) if the period of imprisonment is longer than 5 years but not longer than 10 years—1 000 penalty units; and

(f) if the period of imprisonment is longer than 10 years—1 500 penalty units.

Note Section 133 explains the meaning and value of penalty units.

(4) In this section:

law means an Act, subordinate law or disallowable instrument.

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162 References to *a Minister* or *the Minister*

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

Note ***Chief Minister***—see the dictionary, pt 1.

(2) In a provision of an Act or statutory instrument, 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 the Minister or 2 or more Ministers.

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

Note ***Attorney-General*** and ***Treasurer***—see the dictionary, pt 1.

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163 References to *a director-general* or *the director-general*

(1) In an Act or statutory instrument, a reference to ***a director-general*** is a reference to a person employed under the Public Sector Management Act, section 31 (Engagement of SES member) to perform the duties of an office of director-general.

(2) In a provision of an Act or statutory instrument, a reference to ***the director-general*** without identifying the director-general's title is a reference to—

(a) the director-general 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 director-general of the administrative unit; or

(ii) if 2 or more administrative units are responsible for the provision in relation to the relevant matter—the director-general 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 director-general of any of the administrative units.

Note ***Administrative unit***—see the dictionary, pt 1.

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

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(4) In this section:

director-general, of an administrative unit, means the person who is employed under the Public Sector Management Act, section 31 (Engagement of SES member) to perform the duties of the office of director-general in the administrative unit.

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

responsible, for a provision, means allocated responsibility for the provision under the Public Sector Management Act, section 14 (1) (b) (Ministerial responsibility and functions of administrative units).

164 References to Australian Standards etc

(1) In an Act or statutory instrument, a reference consisting of the words 'Australian Standard' or 'AS' followed by a number is a reference to the standard so numbered published by or on behalf of Standards Australia.

(2) In an Act or statutory instrument, a reference consisting of the words 'Australian/New Zealand Standard' or 'AS/NZS' followed by a number is a reference to the standard so numbered published jointly by or on behalf of Standards Australia and Standards New Zealand.

165 References to Assembly committees that no longer exist

In an Act or statutory instrument, 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.

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168 References to person with interest in land include personal representative etc

In an Act or statutory instrument, a reference to a person with an interest in land or other property includes a reference to the person's personal representatives, successors and assigns.

Examples—references to people with interests in land

1 proprietor
2 transferor or transferee
3 mortgagor or mortgagee
4 lessor or lessee
5 sublessor or sublessee
6 trustee

169 References to *domestic partner* and *domestic partnership*

(1) In an Act or statutory instrument, a reference to a person's ***domestic partner*** is a reference to someone who lives with the person in a domestic partnership, and includes a reference to a spouse, civil union partner or civil partner of the person.

(2) In an Act or statutory instrument, a ***domestic partnership*** is the relationship between 2 people living together as a couple on a genuine domestic basis.

Example—indicators to decide whether 2 people are in a domestic partnership

1 the length of their relationship
2 whether they are living together
3 if they are living together—how long and under what circumstances they have lived together
4 whether there is a sexual relationship between them
5 their degree of financial dependence or interdependence, and any arrangements for financial support, between or by them
6 the ownership, use and acquisition of their property, including any property that they own individually

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7 their degree of mutual commitment to a shared life
8 whether they mutually care for and support children
9 the performance of household duties
10 the reputation, and public aspects, of the relationship between them

(3) In an Act or statutory instrument, a reference to a ***domestic partnership*** includes a reference to a marriage, a civil union and a civil partnership.

169A References to *transgender people*

(1) A ***transgender person*** is a person who—

(a) identifies as a member of a different sex by living, or seeking to live, as a member of that sex; or

(b) has identified as a member of a different sex by living as a member of that sex;

whether or not the person is a recognised transgender person.

(2) A ***transgender person*** includes a person who is thought of as a transgender person, whether or not the person is a recognised transgender person.

(3) A ***recognised transgender person*** is a person the record of whose sex is altered under the *Births, Deaths and Marriages Registration Act 1997*, part 4 or the corresponding provisions of a law of a State or another Territory.

169B References to *intersex people*

An ***intersex person*** is a person who has physical, hormonal or genetic features that are—

(a) not fully female or fully male; or

(b) a combination of male or female; or

(c) not female or male.

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Part 15.4 Preservation of certain common law privileges

170 Privileges against self-incrimination and exposure to civil penalty

(1) An Act or statutory instrument must be interpreted to preserve the common law privileges against self-incrimination and exposure to the imposition of a civil penalty.

(2) However, this section does not affect the operation of the *Evidence Act 2011*.

Note The *Evidence Act 2011*, s 128 contains provisions that apply if a witness raises these privileges in a proceeding. The privileges have been abolished for bodies corporate (see *Evidence Act 2011*, s 187).

(3) This section is a determinative provision.

Note See s 5 for the meaning of determinative provisions, and s 6 for their displacement.

171 Client legal privilege

(1) An Act or statutory instrument must be interpreted to preserve the common law privilege in relation to client legal privilege (also known as legal professional privilege).

(2) However, this section does not affect the operation of the *Evidence Act 2011*.

Note The *Evidence Act 2011*, div 3.10.1 contains provisions about client legal privilege.

(3) This section is a determinative provision.

Note See s 5 for the meaning of determinative provisions, and s 6 for their displacement.

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Chapter 16 Courts, tribunals and other decision-makers

175 Meaning of *law*—ch 16

In this chapter:

law means an Act, subordinate law or disallowable instrument.

Note A reference to an Act, subordinate law or disallowable instrument includes a reference to a provision of the Act, law or instrument (see s 7, s 8 and s 9).

176 Jurisdiction of courts and tribunals

(1) This section applies if a law, whether expressly or by implication, authorises a proceeding (whether civil or criminal) to be brought in a particular court or tribunal in relation to a matter.

(2) The law vests the court or tribunal with jurisdiction in the matter.

(3) The jurisdiction so vested is not limited by any limits to which any other jurisdiction of the court or tribunal may be subject.

Note See also s 45 which relates to the making of rules carrying out or giving effect to the jurisdiction of the court or tribunal.

177 Recovery of amounts owing under laws

If an amount is owing under a law to a person (the ***creditor***) by another person (the ***debtor***), the creditor may recover the amount as a debt owing by the debtor to the creditor in a court of competent jurisdiction or the ACAT.

178 Power to decide includes power to take evidence etc

(1) A court, tribunal or other entity authorised by law to hear and decide a matter (however expressed) has power—

(a) to take evidence, including evidence on oath; and

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(b) to examine witnesses; and

(c) to administer oaths to witnesses.

(2) The court, tribunal or other entity may authorise a person to administer an oath to a witness.

(3) This section does not limit any other power of the court, tribunal or other entity.

179 Content of statements of reasons for decisions

(1) This section applies if a law requires a tribunal or other entity making a decision to give written reasons for the decision, whether the term 'reasons', 'grounds' or any other term is used.

(2) The document giving the reasons must also set out the findings on material questions of fact and refer to the evidence or other material on which the findings were based.

(3) This section is a determinative provision.

Note See s 5 for the meaning of determinative provisions, and s 6 for their displacement.

180 Power to make decision includes power to reverse or change

(1) Power given by a law to make a decision includes power to reverse or change the decision.

(2) The power to reverse or change the decision is exercisable in the same way, and subject to the same conditions, as the power to make the decision.

Example

If the power to include land in a special reserve is exercisable only on the resolution of the Legislative Assembly, the power to excise land from a special reserve is exercisable only on the resolution of the Assembly.

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Chapter 17 Entities and positions

182 Meaning of *law*—ch 17

In this chapter:

law means an Act or statutory instrument.

Note A reference to an Act or statutory instrument includes a reference to a provision of the Act or instrument (see s 7 and s 13).

183 Change of name of entity

(1) If a law changes the name of an entity established under a law, the entity continues in existence under the new name and its identity is not affected by the change.

(2) If the name of an entity is changed, a reference in a law to the entity by its previous name is taken, after the change, to be a reference to the entity by its new name.

(3) To remove any doubt, subsection (2) applies to all entities, whether or not in or for the Territory, including entities established under a law of another jurisdiction.

Note ***Another jurisdiction*** means the Commonwealth, a State, another Territory, the United Kingdom or New Zealand (see dict, pt 2).

184 Change in constitution of entity

(1) This section applies if a law changes how an entity established under a law is constituted.

(2) The entity continues in existence as newly constituted and its identity is not affected by the change.

(3) Without limiting subsection (2), the change does not affect—

(a) any function, right, privilege, liability or property of the entity; or

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(b) the bringing of a proceeding, or the continuation of a proceeding, by or against the entity; or

(c) the carrying out of an investigation or inquiry, or the continuation of an investigation or inquiry, in relation to anything done or not done by or in relation to the entity.

Note ***Function*** is defined in the dictionary, pt 1 to include authority, duty and power.

184A References to entity

(1) In a law, a reference to an entity includes a reference to a person exercising a function of the entity, whether under a delegation, subdelegation or otherwise.

(2) To remove any doubt, this section applies to all entities, whether or not in or for the Territory, including entities established under a law of another jurisdiction.

185 References to occupant of position

(1) In a law, a reference to the occupant of a position (however expressed) includes a reference to anyone for the time being occupying the position.

(2) To remove any doubt, this section applies to all positions, whether or not in or for the Territory, including positions established under a law of another jurisdiction.

Note See s 200 (1) (Functions of occupants of positions) and defs ***occupy*** and ***position*** in the dictionary, pt 1.

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186 Change of name of position

(1) If a law changes the name of a position established under a law, the position continues in existence under the new name and its identity is not affected by the change.

(2) If the name of a position is changed, a reference in a law to the position by its previous name is taken, after the change, to be a reference to the position by its new name.

(3) To remove any doubt, subsection (2) applies to all positions, whether or not in or for the Territory, including positions established under a law of another jurisdiction.

187 Chair and deputy chair etc

(1) If a law establishes a position of chair or chairperson of an entity, the chair or chairperson may be referred to as chairman, chairwoman, chairperson or chair.

(2) If a law establishes a position of deputy chair or deputy chairperson of an entity, the deputy chair or deputy chairperson may be referred to as deputy chairman, deputy chairwoman, deputy chairperson or deputy chair.

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Chapter 18 Offences

Note See also s 133 to s 135 (which relate to penalty units and penalty provisions) and s 161 (Corporations liable to offences).

188 Meaning of *ACT law*—ch 18

In this chapter:

ACT law means an Act or subordinate law.

Note A reference to an Act or subordinate law includes a reference to a provision of the Act or law (see s 7 and s 8).

189 Reference to offence includes reference to related ancillary offences

A reference to an offence against an ACT law includes a reference to an offence against the Criminal Code, part 2.4 (Extensions of criminal responsibility) or section 717 (Accessory after the fact) that relates to the ACT law.

Example

X is the holder of a licence under the *Plant Development Act 2001* (hypothetical). The Plant Development Act, s 23 provides for the cancellation of a licence if a licence holder commits an offence against the Act. While his business premises are being inspected, X incites an employee to obstruct the inspector. As a result, the employee obstructs the inspector (which is an offence against the Act). X is later convicted of the offence of incitement against the Criminal Code, s 47 (which is an offence in the Criminal Code, pt 2.4). Because of the Legislation Act, s 189, X is taken to have committed an offence against the Plant Development Act and is therefore liable to have his licence cancelled.

Note The result would be the same if X had been convicted of conspiracy relating to the offence of obstruction in the Plant Development Act.

Apart from the Legislation Act, s 189, the following offences in the Criminal Code, pt 2.4 could also apply to the offence in the Plant Development Act:

- attempt (s 44 (Attempt))
- aiding and abetting (s 45 (Complicity and common purpose)).

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190 Indictable and summary offences

(1) An offence is an ***indictable offence*** if—

(a) it is punishable by imprisonment for longer than 2 years; or

(b) it is declared by an ACT law to be an indictable offence.

(2) An ***indictable offence*** includes an indictable offence that is or may be dealt with summarily.

(3) Any other offence is a ***summary offence*** and is punishable on summary conviction.

191 Offences against 2 or more laws

(1) If an act or omission by a person is an offence against 2 or more ACT laws, the person may be prosecuted for and convicted of any of the offences, but is not liable to be punished more than once for the act or omission.

(2) If—

(a) an act or omission by a person is an offence against both an ACT law and a law of another jurisdiction; and

(b) the person has been punished for the offence against the law of the other jurisdiction;

the person is not liable to be punished for the offence against the ACT law.

192 When must prosecutions begin?

(1) A prosecution for the following offences against an ACT law may be begun at any time:

(a) an offence by an individual punishable by imprisonment for longer than 6 months;

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(b) an offence by a corporation punishable by a prescribed fine;

Note See s 161 for the fines that may be imposed on a corporation for offences punishable only by imprisonment.

(c) an aiding and abetting offence by an individual in relation to an offence by a corporation punishable by a prescribed fine.

(2) A prosecution for any other offence against an ACT law must be begun not later than—

(a) 1 year after the day of commission of the offence; or

(b) if an ACT law provides for another period—that period.

(3) However, if a coroner's inquest or inquiry, or an inquiry under the *Inquiries Act 1991* or the *Royal Commissions Act 1991*, is held into a matter that discloses or is otherwise found to relate to an offence mentioned in subsection (2), a prosecution for the offence may be begun not later than 1 year after the day when—

(a) the coroner's report is made; or

(b) the report of the board of inquiry or royal commission is given to the Chief Minister.

(4) In this section:

aiding and abetting offence means an offence against the Criminal Code, section 45 (Complicity and common purpose).

prescribed fine, for an offence, means—

(a) if the penalty for the offence is expressed in penalty units—100 penalty units or more; or

(b) if the penalty for the offence is expressed as an amount of money—$50 000 or more.

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193 Continuing offences

(1) This section applies to a requirement to do an act if—

(a) the act is required to be done under an ACT law within a particular period or before a particular time; and

(b) failure to comply with the requirement is an offence against the law.

(2) A person who fails to comply with the requirement commits an offence for each day until the act is done.

(3) A day mentioned in subsection (2) includes any day of conviction for an offence and any later day.

Note See also s 152 (Continuing effect of obligations).

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Chapter 19 Administrative and machinery provisions

Part 19.1 Introductory

195 Meaning of *law*—ch 19

In this chapter:

law means an Act, subordinate law or disallowable instrument.

Note A reference to an Act, subordinate law or disallowable instrument includes a reference to a provision of the Act, law or instrument (see s 7, s 8 and s 9).

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Part 19.2 Functions

Note ***Function*** is defined in the dictionary, pt 1 to include authority, duty and power.

196 Provision giving function gives power to exercise function

(1) A provision of a law that gives a function to an entity also gives the entity the powers necessary and convenient to exercise the function.

Note ***Entity*** and ***exercise***—see the dictionary, pt 1.

(2) The powers given to the entity under subsection (1) are in addition to any other powers of the entity under the law.

197 Statutory functions may be exercised from time to time

If a law gives a function to an entity, the function may be exercised from time to time.

Note See also s 42 (3) (Power to make statutory instruments).

199 Functions of bodies

(1) If a law authorises or requires a body to exercise a function, it may do so by resolution.

Note ***Body***—see the dictionary, pt 1.

(2) To remove any doubt, subsection (1) applies in relation to a function even though a law authorises or requires the function to be exercised in writing.

(3) If a law authorises or requires a signature by a person and the person is a body, the signature of a person authorised by the body for the purpose is taken to be the signature of the body.

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(4) If a law gives a function to a body, the function may be exercised by the body as constituted for the time being.

Example

The ACT Conference Organisers Registration Board is a statutory body consisting of 5 members. At a meeting of the board it is agreed to exempt a conference organiser from registration on certain conditions. On the day after the meeting, 1 of the members of the board (X) resigns and another person (Y) is appointed to the board in X's place. At the next meeting of the board, the board considers additional information submitted by the conference organiser and agrees to amend the conditions of exemption. Because of s (4), the board's ability to use its power of exemption is not affected by a change in the membership of the board.

(5) The exercise of the function is not affected only because of vacancies in the body's membership.

(6) Subsections (4) and (5) do not affect any quorum requirement applying to the body.

Example

The Act establishing the board mentioned in the example to s (4) provides that the quorum for a meeting of the board is the chair or deputy chair and 2 other members. If the quorum requirement was complied with at each meeting mentioned in the example, the result mentioned in the example would be the same whether or not X attended the first meeting and whether or not Y attended the second meeting.

(7) If a body as constituted for the time being does something in exercise of a function given to the body under a law, the effect of the thing done by the body does not end only because the membership of the body changes.

Note See also s 211 (Appointment not affected by appointer changes), s 224 (Acting appointment not affected by appointer changes), and s 241 (Delegation not affected by appointer changes).

(8) Subsection (7) does not prevent the thing done by the body being ended or changed by the body as subsequently constituted for the time being.

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200 Functions of occupants of positions

(1) If a law gives a function to the occupant of a position, the function may be exercised by the person for the time being occupying the position.

Note See s 185 (References to occupant of position) and dictionary, pt 1, defs ***occupy*** and ***position***.

(2) If the person for the time being occupying a position does something in exercise of a function given to the occupant of the position under a law, the thing done by the person does not end only because the person ceases to be the occupant of the position.

Note See also s 211 (Appointment not affected by appointer changes), s 224 (Acting appointment not affected by appointer changes), and s 241 (Delegation not affected by appointer changes).

(3) Subsection (2) does not prevent the thing done by the person being ended or changed by any person subsequently occupying the position for the time being.

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Part 19.3 Appointments

Division 19.3.1 Appointments—general

Note Certain statutory appointments made by a Minister require consultation with a relevant Assembly committee and are disallowable (see div 19.3.3 (Appointments—Assembly consultation)).

205 Application—div 19.3.1

This division applies if a law authorises or requires an entity (the ***appointer***) to appoint a person—

(a) to a position under a law; or

(b) to exercise a function or do anything else under a law.

Note ***Function*** is defined in the dictionary, pt 1 to include authority, duty and power.

206 Appointments must be in writing etc

(1) An appointment must be made, or evidenced, by writing (the ***instrument of appointment***) signed by the appointer.

(2) If a law provides for a maximum or minimum period of appointment, the instrument of appointment must state the period for which the appointment is made.

Examples—stated appointment periods

1 2 years

2 until age 65

207 Appointment may be by name or position

(1) The appointer may make an appointment by—

(a) naming the person appointed; or

(b) nominating the occupant of a position (however described), at a particular time or from time to time.

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(2) For this division, the person named, or the occupant of the position nominated, is the ***appointee***.

208 Power of appointment includes power to suspend etc

(1) The appointer's power to make the appointment includes the power—

(a) to suspend the appointee, and end the suspension; or

(b) to end the appointment, and appoint someone else or reappoint the appointee if the appointee is eligible to be appointed to the position; or

(c) to reappoint the appointee if the appointee is eligible to be appointed to the position.

(2) The power to suspend the appointee, end the appointment or reappoint the appointee is exercisable in the same way, and subject to the same conditions, as the power to make the appointment.

Example

If the appointment power is exercisable only on the recommendation of a body, the power to suspend, end the appointment or reappoint is exercisable only on the recommendation of the body.

209 Power of appointment includes power to make acting appointment

(1) If the appointer's power is the power to make an appointment to a position, the power to make the appointment also includes power to appoint a person, or 2 or more people, to act in the position—

(a) during any vacancy, or all vacancies, in the position, whether or not an appointment has previously been made to the position; or

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(b) during any period, or all periods, when the appointee cannot for any reason exercise functions of the position.

Examples—par (b)

1 the appointee is ill or on leave

2 the appointee is acting in another position

3 the appointee is outside the ACT or Australia

Note ***Function*** is defined in the dictionary, pt 1 to include authority, duty and power.

(2) The power to appoint a person to act is exercisable in the same way, and subject to the same conditions, as the power to make the appointment.

Example

If the appointment power is exercisable only on the recommendation of a body, the power to appoint a person to act is exercisable only on the recommendation of the body.

(3) Without limiting subsection (2), if the law (or another law) requires—

(a) the appointee to hold a qualification; or

(b) the appointer (or someone else) to be satisfied about the appointee's suitability (whether in terms of knowledge, experience, character or any other personal quality) before appointing the appointee to the position;

a person may only be appointed to act in the position if the person holds the qualification or the appointer (or other person) is satisfied about the person's suitability.

Examples

1 If an Act requires the appointee to be a magistrate, a person can be appointed to act in the position only if the person is a magistrate.

2 If a regulation requires the appointee to be a lawyer of at least 5 years standing, a person can be appointed to act in the position only if the person is a lawyer of at least 5 years standing.

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3 If an Act requires the appointee to have, in the Executive's opinion, appropriate expertise, training or experience in relation to the needs of a particular group of people, a person can be appointed to act in the position only if the person has, in the Executive's opinion, that expertise, training or experience.

210 Resignation of appointment

(1) An appointment ends if the appointee resigns by signed notice of resignation given to the appointer.

(2) However, if the appointer is the Executive, the notice of resignation may be given to a Minister.

211 Appointment not affected by appointer changes

(1) If the appointer is a body, an appointment made by the body does not end only because the membership of the body changes.

(2) If the appointer is the person for the time being occupying a position, an appointment made by the person does not end only because the person ceases to be the occupant of the position.

(3) This section does not limit the following sections:

- section 199 (Functions of bodies)
- section 200 (Functions of occupants of positions).

212 Appointment not affected by defect etc

An appointment, or anything done under an appointment, is not invalid only because of a defect or irregularity in or in relation to the appointment.

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Division 19.3.2 Acting appointments

215 Application—div 19.3.2

This division applies if a law gives an entity (the ***appointer***) power to appoint a person to act in a position under a law.

Note A power to make an appointment includes power to make an acting appointment (see s 209).

216 Acting appointments must be in writing etc

(1) An acting appointment must be made, or evidenced, by writing (the ***instrument of appointment***) signed by the appointer.

(2) If a law provides for a maximum or minimum period of appointment, the instrument of appointment must state the period for which the acting appointment is made.

Examples—stated appointment periods

1 1 year

2 until 31 December 2002 (a period of 9 months)

Note See also s 219 (Appointer may decide terms of acting appointment etc) and s 221 (How long does an acting appointment operate?)

217 Acting appointment may be made by name or position

(1) The appointer may make an acting appointment by—

(a) naming the person appointed; or

(b) nominating the occupant of a position (however described), at a particular time or from time to time.

(2) For this division, the person named, or the occupant of the position nominated, is the ***appointee***.

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218 Instrument may provide when acting appointment has effect etc

The instrument making or evidencing the acting appointment may provide that the appointment has effect only in stated circumstances or subject to stated conditions or limitations.

Examples

1 The instrument relating to a standing (or dormant) acting appointment for a position provides that when the substantive occupant of the position (Y) is overseas X may act in the position, but may exercise stated powers of the position only with Y's approval.

2 X is appointed to act in Y's position if Y is out of the ACT and a declaration of acute fire danger is published under the *ABC Act 2000*.

219 Appointer may decide terms of acting appointment etc

(1) The appointer may—

(a) decide the terms of the acting appointment, including any remuneration and allowances; and

(b) end the appointment at any time.

Example—par (b)

A appoints X to act in a position for 10 months. Two months after X begins to act, A ends the appointment.

Note See also s 221 (How long does an acting appointment operate?)

(2) The power to end the acting appointment is exercisable in the same way, and subject to the same conditions, as the power to make the acting appointment.

Example

If the power to make the acting appointment is exercisable only on the recommendation of a body, the power to end the appointment is exercisable only on the recommendation of the body.

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220 Appointee may exercise functions under acting appointment etc

While the appointee is acting in the position—

(a) the appointee has, subject to the instrument making or evidencing the appointment, all the functions of the occupant of the position; and

(b) all territory laws apply in relation to the appointee as if the appointee were the occupant of the position.

Note ***Function*** is defined in the dictionary, pt 1 to include authority, duty and power.

221 How long does an acting appointment operate?

(1) If the appointee acts in the position because it is vacant, the appointee may not act for more than 1 year after the position became vacant.

Note See also s 219 (Appointer may decide terms of acting appointment etc).

(2) If the appointee is acting in a position that becomes vacant while the appointee is acting, the appointee may continue to act until the first of the following happens:

(a) the appointer ends the appointment;

(b) the vacancy is filled;

(c) 1 year after the position became vacant.

Example

A appoints X to act in Y's position for a year while Y is on secondment in another agency. Three months after X begins to act, Y is permanently transferred to the other agency. One month later, Z is appointed to the position in which X is acting. The appointment of Z brings X's acting appointment to an end.

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(3) If the appointee acts in the position because the occupant of the position cannot exercise functions and the occupant resumes the exercise of the functions, the appointment no longer authorises the appointee to act on that occasion.

Note ***Function*** is defined in the dictionary, pt 1 to include authority, duty and power.

222 Resignation of acting appointment

(1) An acting appointment ends if the appointee resigns by signed notice of resignation given to the appointer.

(2) However, if the appointer is the Executive, the notice of resignation may be given to a Minister.

223 Effect of acting appointment on substantive appointment etc

(1) If the appointee is the occupant of another position under a law (the ***substantive position***), the appointee does not cease to occupy the substantive position only because of the appointee's appointment or because the appointee acts under the appointment.

(2) This section does not prevent an acting appointment being made to the substantive position.

224 Acting appointment not affected by appointer changes

(1) If the appointer is a body, an acting appointment made by the body does not end only because the membership of the body changes.

(2) If the appointer is the person for the time being occupying a position, an acting appointment made by the person does not end only because the person ceases to be the occupant of the position.

(3) This section does not limit the following sections:

- section 199 (Functions of bodies)
- section 200 (Functions of occupants of positions).

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225 Acting appointment not affected by defect etc

(1) An acting appointment, or anything done under an acting appointment, is not invalid only because of a defect or irregularity in or in relation to the appointment.

(2) Anything done by or in relation to the appointee while the appointee purports to act in the position is not invalid only because—

(a) the occasion for the appointment had not arisen or had ended; or

(b) the appointment had ended; or

(c) the occasion for the appointee to act had not arisen or had ended.

Division 19.3.2A Standing acting arrangements

225A Application—div 19.3.2A

This division applies to a position if a law provides that a person acts in the position in stated circumstances.

Example

The *Hypothetical Act 2003* provides for the deputy director of the hypothetical entity to act in the position of director of the entity if the position is vacant or the director cannot for any reason exercise the functions of the position.

225B Person acting under standing acting arrangement may exercise functions etc

(1) A person acting in the position has, subject to the law providing for the acting or any other law, all the functions of the occupant of the position.

Note ***Function*** is defined in the dictionary, pt 1 to include authority, duty and power.

(2) All territory laws apply in relation to the person as if the person were the occupant of the position.

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Division 19.3.3 Appointments—Assembly consultation

226 Meaning of *statutory position*—div 19.3.3

In this division:

statutory position means a position (including as a member of a territory authority) established under an Act.

Note ***Position*** includes office (see dict, pt 1, def ***position***).

227 Application—div 19.3.3

(1) This division applies if a Minister has the power under an Act to appoint a person to a statutory position.

(2) However, this division does not apply to an appointment of—

(a) a public servant to a statutory position (whether or not the Act under which the appointment is made requires that the appointee be a public servant); or

(b) a person to, or to act in, a statutory position for not longer than 6 months, unless the appointment is of the person to, or to act in, the position for a 2nd or subsequent consecutive period; or

(c) a person to a statutory position if the only function of the position is to advise the Minister.

228 Consultation with relevant Assembly committee

(1) Before making an appointment to a statutory position, a Minister must consult the relevant Assembly committee.

(2) The committee may make a recommendation to the Minister about the proposed appointment.

(3) The Minister must not make the appointment until the Minister has received a recommendation or 30 days have passed since the consultation took place, whichever happens first.

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(4) In making the appointment, the Minister must have regard to any recommendation received.

(5) In this section:

relevant Assembly committee means a standing committee of the Legislative Assembly nominated, in writing, by the Speaker for subsection (1).

229 Appointment is disallowable instrument

The instrument making, or evidencing, an appointment to which this division applies is a disallowable instrument.

Note A disallowable instrument must be notified and presented to the Legislative Assembly (see ch 7 (Presentation, amendment and disallowance of subordinate laws and disallowable instruments)).

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Part 19.4 Delegations

230 Application—pt 19.4 generally

This part applies if a law authorises or requires an entity (the ***appointer***) to delegate (or subdelegate) a function.

Note ***Function*** is defined in the dictionary, pt 1 to include authority, duty and power.

231 Application—pt 19.4 to subdelegations

(1) This part applies to the subdelegation of a function in the same way as it applies to the delegation of the function.

(2) However, if the appointer delegates a function to a delegate, the delegate may not subdelegate the function.

(3) Subsection (2) is a determinative provision.

Examples

1 The *ABC Act 2003* provides that an appointer (X) may delegate X's functions to Y. The Act is silent on the subdelegation of the functions. Y may not subdelegate X's functions to Z.

2 The *ABC Act 2003* provides that an appointer (X) may delegate X's functions to Y, with authority for Y to subdelegate the functions. Because the Act authorises subdelegation, it expressly displaces this Act, section 231 (2) (see s 6). Y can therefore subdelegate X's functions to Z (compare s 236, which deals with the subdelegation of a power to delegate).

Note See s 5 for the meaning of determinative provisions, and s 6 for their displacement.

232 Delegation must be in writing etc

A delegation must be made, or evidenced, by writing signed by the appointer.

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233 Delegation may be made by name or position

(1) The appointer may delegate by—

(a) naming the person to whom the delegation is made; or

(b) nominating the occupant of a position (however described), at a particular time or from time to time.

(2) For this part, the person named, or the occupant of the position nominated, is the ***delegate***.

234 Instrument may provide when delegation has effect etc

The instrument making or evidencing a delegation may provide—

(a) that the delegation has effect only in stated circumstances or subject to stated conditions, limitations or directions; or

(b) that all of a function, or a stated part of the function, is delegated.

Examples

1 The delegation provides that, when the appointer (Y) is outside Australia, the delegate (X) may exercise her functions except that stated functions may only be exercised with Y's approval.

2 The delegation provides that X may enter into a contract for the purchase of property of not more than $50 000 in value.

3 The delegation provides that X may grant licences under a stated Act but that, in considering applications, X must take account of the policy of the agency (authorised by the Act) that there should not be more than 100 licences current at any time.

235 Delegation may be made to 2 or more delegates

The appointer may delegate the appointer's function, or any part of the function, to 2 or more delegates.

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236 Power to delegate may not be delegated

(1) The appointer may not delegate the appointer's power to delegate.

(2) Subsection (1) is a determinative provision.

Note See s 5 for the meaning of determinative provisions, and s 6 for their displacement.

Examples

1 The *ABC Act 2003* provides that an appointer (X) may delegate X's functions to Y. The Act is silent on X's power to delegate the power to delegate. X may not delegate X's power to delegate to Y.

2 The *ABC Act 2003* provides that an appointer (X) may delegate X's functions to Y, with authority for X to delegate X's power to delegate. Because the Act authorises the delegation of the power to delegate, it expressly displaces this Act, s 236 (1) (see s 6). X can therefore delegate X's power to delegate to Y (compare s 231, which deals with the subdelegation of a delegated function).

237 Delegation may be amended or revoked

(1) The appointer may amend a delegation or revoke it completely or partly.

(2) The power to amend or revoke a delegation is exercisable in the same way, and subject to the same conditions, as the power to delegate.

Example

If the power to delegate is exercisable only with the Minister's approval, the power to revoke the delegation is exercisable only with the Minister's approval.

238 Appointer responsible for delegated function

The delegation of a function, or a part of a function, does not relieve the appointer of the appointer's obligation to ensure that the function is properly exercised.

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239 Exercise of delegation by delegate

(1) A delegate must exercise the delegation subject to any conditions, limitations or directions in the instrument making or evidencing the delegation.

(2) All territory laws apply to the delegate in the exercise of the delegation as if the delegate were the appointer.

(3) Without limiting subsection (2), if the exercise of a function by the appointer is dependent on the appointer's state of mind and the function is delegated, the function may be exercised by the delegate on the delegate's state of mind.

(4) Anything done by or in relation to the delegate in the exercise of the delegation is taken to have been done by or in relation to the appointer.

Note 1 Section 94 provides that a delegation under a law that is in force immediately before an amendment of the law continues to have effect as if made under the amended law.

Note 2 Section 196 gives a delegate the powers necessary or convenient to exercise a delegated function.

(5) In this section:

state of mind includes knowledge, intention, opinion, belief or purpose.

240 Appointer may exercise delegated function

A function that has been delegated may, despite the delegation, be exercised by the appointer.

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241 Delegation not affected by appointer changes

(1) If the appointer is a body, a delegation made by the body does not end only because the membership of the body changes.

(2) If the appointer is the person for the time being occupying a position, a delegation made by the person does not end only because the person ceases to be the occupant of the position.

(3) This section does not limit the following sections:

- section 199 (Functions of bodies)
- section 200 (Functions of occupants of positions).

242 Delegation not affected by defect etc

(1) A delegation, or anything done under a delegation, is not invalid only because of a defect or irregularity in or in relation to the delegation.

(2) Anything done by or in relation to the delegate while the delegate purports to exercise the delegation is not invalid only because—

(a) the delegation had been amended or revoked; or

(b) the occasion for the delegate to exercise the delegation had not arisen or had ended.

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Part 19.5 Service of documents

245 Application—pt 19.5

This part applies to a document that is authorised or required under a law to be served (whether the word 'serve', 'give', 'notify', 'send' or 'tell' or any other word is used).

246 Definitions—pt 19.5

In this part:

administrator, of a law, means the entity administering or responsible for the law.

agency means—

(a) an administrative unit; or

(b) a statutory office-holder; or

(c) any other entity established for a public purpose under a law;

and includes a member of, or a member of the staff of, the agency.

business address, of an individual, corporation or agency in relation to anything done or to be done under a law, includes the latest business address, or address for service of notices (however described), of the individual, corporation or agency (if any) recorded in a register or other records kept by the administrator of the law.

corporation does not include an agency.

document includes a notice, an article that may be sent by post or anything else.

email address, of an individual, corporation or agency in relation to anything done or to be done under a law, includes the latest email address of the individual, corporation or agency (if any) recorded in a register or other records kept by the administrator of the law.

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executive officer means—

(a) for a corporation—a person (however described and whether or not the person is a director of the corporation) who is concerned with, or takes part in, the corporation's management; or

(b) for an agency that is an administrative unit—the director-general of the administrative unit; or

(c) for an agency that is a statutory office-holder—the occupant of the position; or

(d) for an agency constituted by 2 or more people—the person who is entitled, because of the position occupied by the person, to preside at any meeting of the agency at which the person is present; or

(e) for any other agency—the chief executive officer (however described) of the agency; or

(f) for any agency—a person (however described) who is concerned with, or takes part in, the agency's management.

fax number, of an individual, corporation or agency in relation to anything done or to be done under a law, includes the latest fax number of the individual, corporation or agency (if any) recorded in a register or other records kept by the administrator of the law.

home address, of an individual in relation to anything done or to be done under a law, includes the latest home address, or address for service of notices (however described), of the person (if any) recorded in a register or other records kept by the administrator of the law.

responsible, for a law, means allocated responsibility for the law under the *Public Sector Management Act 1994*, section 14 (1) (b) (Ministerial responsibility and functions of administrative units).

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247 Service of documents on individuals

(1) A document may be served on an individual—

(a) by giving it to the individual; or

(b) by sending it by prepaid post, addressed to the individual, to a home or business address of the individual; or

(c) by faxing it to a fax number of the individual; or

(d) by emailing it to an email address of the individual; or

(e) by leaving it, addressed to the individual, at a home or business address of the individual with someone who appears to be at least 16 years old and to live or be employed at the address.

Note See s 251 for service of documents under other laws.

(2) This section applies to service of a document outside the ACT in the same way as it applies to service of the document in the ACT.

248 Service of documents on corporations

(1) A document may be served on a corporation—

(a) by giving it to an executive officer of the corporation; or

(b) by sending it by prepaid post, addressed to the corporation (or an executive officer of the corporation), to the address of any of its registered offices or any other business address of the corporation; or

(c) by faxing it to a fax number of the corporation; or

(d) by emailing it to an email address of the corporation; or

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(e) by leaving it, addressed to the corporation (or an executive officer of the corporation), at the address of any of the corporation's registered offices, or any other business address of the corporation, with someone who appears to be at least 16 years old and to be employed at the address.

Note See s 251 for service of documents under other laws.

(2) This section applies to service of a document outside the ACT in the same way as it applies to service of the document in the ACT.

249 Service of documents on agencies

A document may be served on an agency—

(a) by giving it to an executive officer of the agency; or

(b) by sending it by prepaid post, addressed to the agency (or an executive officer of the agency), to the address of any office of the agency or any other business address of the agency; or

(c) by faxing it to a fax number of the agency; or

(d) by emailing it to an email address of the agency; or

(e) by leaving it, addressed to the agency (or an executive officer of the agency), at the address of any of the agency's offices or any other business address of the agency with someone who appears to be employed at the agency.

Note See s 251 for service of documents under other laws.

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250 When document taken to be served

(1) A document served by post under this part is taken to be served when the document would have been delivered in the ordinary course of post.

(2) However, subsection (1) does not affect the operation of the *Evidence Act 2011*, section 160 (Postal articles).

Note The *Evidence Act 2011*, s 160 provides a rebuttable presumption that a postal article sent by prepaid post addressed to a person at an address in Australia or an external territory was received on the 7th working day after posting.

(3) If the sender has no reason to suspect that a document served by fax or email under this part was not received by the recipient when sent, the document is presumed to be served when sent unless evidence sufficient to raise doubt about the presumption is given.

(4) For subsection (3), the sender has reason to suspect that a document served by fax or email under this part was not received by the recipient when sent only if, on the day the document was sent or on the next working day, the equipment the sender used to send the document indicated by way of a signal or other message that—

(a) the equipment did not send the document when the equipment was used to send the document; or

(b) for a fax—the number to which the fax was sent to the recipient was not a fax number of the recipient; or

(c) for an email—the address to which the email was sent was not an email address of the recipient.

(5) A document addressed to the recipient, and left for the recipient as mentioned in section 247 (e), section 248 (e) or section 249 (e), is taken to be served when it was left.

(6) In this section:

recipient, for a document, means the individual, corporation or agency on whom the document is intended to be served.

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sender, for a document served, or to be served, by fax or email, means the person sending, or seeking to send, the document.

251 Other laws not affected etc

(1) This part does not affect the operation of any other law that authorises or requires service of a document otherwise than as provided under this part.

(2) Despite this part, a law (or, if the law is an Act, a regulation under the Act) may provide—

(a) that a document of a particular kind may or must be served (however described) only in a particular way or to a particular address or number; or

(b) for the date (or date and time) when service (however described) of a document is taken to have been made.

252 Powers of courts and tribunals not affected

This part does not affect the power of a court or tribunal to authorise or require service of a document otherwise than as provided under this part.

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Part 19.6 Functions of Executive and Ministers

253 Exercise of functions of Executive

(1) A function given to the Executive under an Act may be exercised by any 2 Ministers acting in concert.

(2) The exercise of a function under subsection (1) is taken to be the exercise of the function by the Executive.

(3) Despite subsection (1), a statutory instrument (other than a subordinate law or disallowable instrument) to be made by the Executive must be signed by the Chief Minister and 1 or more other Ministers who are members of the Executive.

(4) A statutory instrument mentioned in subsection (3) made in accordance with the subsection is taken to be made when it is signed by the second Minister signing.

(5) This section is subject to section 41 (Making of certain statutory instruments by Executive).

(6) In this section:

Act includes an Act of the Commonwealth.

statutory instrument includes an instrument (whether or not legislative in nature) made under—

(a) an Act of the Commonwealth; or

(b) another statutory instrument of the Commonwealth; or

(c) power given by an Act or statutory instrument of the Commonwealth and also power given otherwise by law.

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254 Administration of matters not allocated

If a matter relating to the Executive's functions is not allocated under the Self-Government Act, section 43 (1), the Chief Minister administers the matter.

254A Delegation by Minister

A Minister may delegate the Minister's functions under an Act or statutory instrument to anyone else.

Note For the making of delegations and the exercise of delegated functions, see pt 19.4.

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Part 19.7 Other matters

255 Forms

(1) This section applies if an Act, subordinate law or disallowable instrument (the ***authorising law***) authorises or requires a form to be approved or prescribed under an Act or statutory instrument (the ***relevant law***).

Note See also s 46 (3), which deals with the repeal and replacement of forms that are legislative instruments and prevents their amendment.

(2) The authorising law authorises a form to be approved or prescribed in relation to any matter under or in relation to the relevant law.

(3) To remove any doubt, a form may be approved or prescribed for a provision of the relevant law even though the provision does not mention a form.

(4) Substantial compliance with a form is sufficient.

(5) However, if a form requires—

(a) the form to be signed; or

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

(c) the form to be completed in a particular way; or

(d) particular information to be included in the form, or a particular document to be attached to or given with the form; or

(e) the form, information in the form, or a document attached to or given with the form, to be verified in a particular way (for example, by statutory declaration);

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

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(6) Despite subsection (5), the person need not comply with the requirement mentioned in subsection (5) (d) (and the form is taken to be properly completed despite the noncompliance) if—

(a) the form is approved or prescribed for a purpose; and

(b) the information or document is not reasonably necessary for the purpose.

Examples

1 A person need not comply with a requirement of an approved 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.

(7) If—

(a) a form (***form 1***) may be approved or prescribed for a purpose; and

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

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

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

(8) If, under a law, a form is authorised or required to be filed with (however described), or served on (however described), a person, the form may be filed with, or served on, someone else under arrangements made between them.

(9) This section is a determinative provision.

Note See s 5 for the meaning of determinative provisions, and s 6 for their displacement.

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256 Production of records kept in computers etc

(1) This section applies if—

(a) a person uses an electronic or other device to keep a record of information; and

(b) the person is required under a law (however the law is expressed) to give the information, or a document containing the information, to an authority.

(2) The requirement obliges the person to give to the authority a document that accurately reproduces or contains the information in a form that can be understood by the authority.

(3) In this section:

authority means a court, tribunal or other entity.

257 Out-of-session presentation of documents to Legislative Assembly

(1) This section applies if a provision of a law requires a person to present a document to the Legislative Assembly within a stated period that is not expressed as a stated number of sitting days.

(2) If it is not reasonably practicable to present the document within the stated period—

(a) the person may give the document, and a copy for each member of the Legislative Assembly, to the Speaker before the end of the stated period; and

(b) the document is taken for all purposes to have been presented to the Legislative Assembly on the day the person gives it to the Speaker; and

(c) the Speaker must arrange for a copy of the document to be given to each member of the Legislative Assembly; and

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(d) the Speaker must present the document to the Legislative Assembly—

(i) on the next sitting day; or

(ii) if the next sitting day is the first meeting of the Legislative Assembly after a general election of members of the Assembly—on the second sitting day after the election.

(3) In this section:

Speaker includes—

(a) if the Speaker is unavailable—the Deputy Speaker; and

(b) if both the Speaker and the Deputy Speaker are unavailable—the clerk of the Legislative Assembly.

unavailable—the Speaker or Deputy Speaker is ***unavailable*** if—

(a) he or she is absent from duty; or

(b) there is a vacancy in the office of Speaker or Deputy Speaker.

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Chapter 20 Miscellaneous

300 Delegation by parliamentary counsel

(1) The parliamentary counsel may delegate the parliamentary counsel's functions under this Act or another territory law to a public servant.

Note For the making of delegations and the exercise of delegated functions, see pt 19.4.

(2) However, the parliamentary counsel may only delegate a function under part 11.3 (Editorial changes) to—

(a) a person performing the duties of deputy parliamentary counsel in the public service; or

(b) a public servant prescribed by regulation.

301 References to Administration Act 1989 etc

(1) In any Act, statutory instrument or document, a reference to the *Administration Act 1989*, the *Interpretation Act 1967*, the *Legislation (Republication) Act 1996* or the *Subordinate Laws Act 1989* is, in relation to anything dealt with in this Act, a reference to this Act.

(2) In any Act, statutory instrument or document, a reference to a particular provision of the *Administration Act 1989*, the *Interpretation Act 1967*, the *Legislation (Republication) Act 1996* or the *Subordinate Laws Act 1989* is, in relation to anything dealt with in this Act, a reference to the corresponding provision of this Act.

302 Regulation-making power

The Executive may make regulations for this Act.

Note A regulation must be notified, and presented to the Legislative Assembly, under this Act.

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Schedule 1 Acts included in sources of law in the ACT

(see s 17)

Part 1.1 Former NSW and UK Acts in force before establishment of Territory

column 1 item	column 2 name of Act	column 3 number or date of assent and original jurisdiction
1	Magna Carta	(1297) 25 Edw 1 c 29 (UK)
2	*Criminal and Civil Justice Act 1351*	25 Edw 3 St 5 c 4 (UK)
3	*Due Process of Law Act 1354*	28 Edw 3 c 3 (UK)
4	*Due Process of Law Act 1368*	42 Edw 3 c 3 (UK)
5	*Free Access to Courts Act 1400*	2 Hen 4 c 1 (UK)
6	*Petition of Right 1627*	3 Chas 1 c 1 (UK)
7	*Bill of Rights 1688*	1 Will and Mary sess 2 c 2 (UK)
8	*Act of Settlement 1700*	12 and 13 Will 3 c 2 (UK)
9	*Crimes Act 1900*	1900 No 40 (NSW)
10	*Pawnbrokers Act 1902*	1902 No 66 (NSW)
11	*Public Roads Act 1902*	1902 No 95 (NSW)
12	*Anglican Church of Australia Constitutions Act 1902*	24 December 1902 (NSW)
13	*Fertilisers (Labelling and Sale) Act 1904*	1904 No 33 (NSW)
14	*Second-hand Dealers Act 1906*	1906 No 30 (NSW)

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Part 1.2 Former NSW Acts applied after establishment of Territory

Note The former NSW Acts mentioned in this part are in force in the ACT as Acts of the Legislative Assembly

column 1 item	column 2 name of NSW Act	column 3 applying Territory Act
1	*Scaffolding and Lifts Act 1912*	*Scaffolding and Lifts Act 1957* (repealed)
2	*Anglican Church of Australia Trust Property Act 1917*	*Anglican Church of Australia Trust Property Act 1928*
3	*Trustee Act 1925*	*Trustee Act 1957* (repealed)
4	*Anglican Church of Australia Constitution Act 1961*	*Anglican Church of Australia Trust Property Act 1928*

Note The written law of the ACT also includes the following Acts that may not be amended or repealed by the Assembly (see 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).

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Dictionary

(see s 2)

Part 1 Meaning of commonly-used terms

(see s 144)

Note Terms that are defined only for this Act are set out in pt 2.

ACAT means the ACT Civil and Administrative Tribunal established under the *ACT Civil and Administrative Tribunal Act 2008*.

Act—see the following sections:

(a) section 7 (Meaning of *Act* generally);

(b) section 17 (References to Acts include references to former Cwlth enactments etc).

Note See also s 102 (References to laws include references to laws as in force from time to time) and s 104 (References to laws include references to instruments under laws).

ACT means the Australian Capital Territory.

ADI—see ***authorised deposit-taking institution***.

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

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

ambulance service means the ACT Ambulance Service established under the *Emergencies Act 2004*.

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amend includes—

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

(b) for an Act or statutory instrument (or a provision of it)—amend by implication; and

(c) for a provision of an Act or statutory instrument—omit the provision (or a part of it), substitute another provision for the provision (or a part of it), renumber the provision (or a part of it) or relocate the provision (or a part of it); and

(d) for any other instrument, a provision of an instrument or a decision—change or alter.

appoint includes reappoint.

AS—see section 164 (1) (References to Australian Standards etc).

AS/NZS—see section 164 (2) (References to Australian Standards etc).

asset includes property of any kind.

Attorney-General means the Minister designated Attorney-General by the Chief Minister, and includes a Minister authorised by the Chief Minister to act on behalf of the Attorney-General.

auditor-general means the Auditor-General for the Territory under the *Auditor-General Act 1996*.

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

Australian citizen means a person who is an Australian citizen under the *Australian Citizenship Act 2007* (Cwlth).

Australian Consumer Law (ACT) means the provisions applying because of the *Fair Trading (Australian Consumer Law) Act 1992*, section 7 (Application of Australian Consumer Law).

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Australian Criminal Intelligence Commission means the Australian Crime Commission established by the *Australian Crime Commission Act 2002* (Cwlth), section 7, and also known as the Australian Criminal Intelligence Commission.

Note The *Australian Crime Commission Act 2002* (Cwlth), s 7 (1A) provides that the Australian Crime Commission may also be known by a name specified in the regulations. The *Australian Crime Commission Regulations 2002* (Cwlth), s 3A specifies the Australian Criminal Intelligence Commission for that Act, s 7 (1A).

Australian driver licence—see the *Road Transport (Driver Licensing) Act 1999*, dictionary.

Note ***Australian driver licence*** is defined in the *Road Transport (Driver Licensing) Act 1999*, dict to mean a licence (including a conditional licence, learner licence, probationary licence, provisional licence or restricted licence or a driver licence receipt) issued under the law of the ACT, the Commonwealth, a State or an internal Territory authorising the holder to drive a motor vehicle on a road or road related area.

Australian/New Zealand Standard—see section 164 (2) (References to Australian Standards etc).

Australian Standard—see section 164 (1) (References to Australian Standards etc).

Australian statistician means the Australian Statistician under the *Australian Bureau of Statistics Act 1975* (Cwlth).

authorised deposit-taking institution (or ***ADI***) 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).

bank holiday means a day that is a bank holiday in the ACT under the *Holidays Act 1958*, section 4.

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bankrupt or personally insolvent—an individual is ***bankrupt or personally insolvent*** if the individual—

(a) under the *Bankruptcy Act 1966* (Cwlth)—

(i) is bankrupt; or

(ii) is a party to a debt agreement as a debtor; or

(iii) is a party to a personal insolvency agreement as a debtor and the obligations created by the agreement remain undischarged; or

(iv) authorises a controlling trustee to control the individual's property, whether or not the individual has entered into a personal insolvency agreement as a debtor; or

(b) has a status under a law of a foreign country substantially similar to an individual mentioned in paragraph (a); or

(c) otherwise applies to take the benefit of any law for the relief of bankrupt or insolvent debtors.

barrister means a lawyer who practises as a barrister.

body includes any group of people joined together for a common purpose, whether or not incorporated.

Examples

1 a company
2 a statutory corporation, whether or not it has members
3 an association, club or society
4 a partnership
5 a joint venture
6 a corporation sole

breach includes contravene.

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building code means the building code under the *Building Act 2004*, section 136.

Note The building code is the Building Code of Australia, as amended from time to time by the Australian Building Codes Board and the Australian Capital Territory Appendix to the Building Code of Australia.

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

(a) the term 'building society'; or

(b) any other term (whether or not in English) similar in meaning.

business day means a day that is not—

(a) a Saturday or Sunday; or

(b) a public holiday or bank holiday in the ACT.

by regulation includes under a regulation.

Note See also def ***under***, in relation to an Act or statutory instrument.

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

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

Canberra Institute of Technology means the Canberra Institute of Technology under the *Canberra Institute of Technology Act 1987*.

change includes change by alteration, omission, substitution or addition.

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 the Self-Government Act, s 40.

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chief officer (ambulance service) means the chief officer (ambulance service) under the *Emergencies Act 2004*.

chief officer (fire and rescue service) means the chief officer (fire and rescue service) under the *Emergencies Act 2004*.

chief officer (rural fire service) means the chief officer (rural fire service) under the *Emergencies Act 2004*.

chief officer (SES) means the chief officer (SES) under the *Emergencies Act 2004*.

chief planner means the Chief Planner under the *Planning Act 2023*.

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 ACT.

chief solicitor means the chief solicitor under the *Law Officers Act 2011*.

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

children and young people commissioner means the Children and Young People Commissioner under the *Human Rights Commission Act 2005*.

Childrens Court means the Childrens Court under the *Magistrates Court Act 1930*, section 287.

city area means the area that was ***the City Area*** under the *City Area Leases Act 1936* (repealed).

Note See s 103 for the meaning of references to repealed laws.

city renewal authority means the City Renewal Authority established under the *City Renewal Authority and Suburban Land Agency Act 2017*, section 7.

civil partner—a person who is in a civil partnership with someone else is the ***civil partner*** of the other person.

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civil partnership means a civil partnership under the *Domestic Relationships Act 1994*.

civil union means a civil union under the *Civil Unions Act 2012*.

civil union partner—a person who is in a civil union with someone else is the ***civil union partner*** of the other person.

clerk, in relation to the Legislative Assembly, means the Clerk of the Legislative Assembly.

Note The clerk is appointed under the *Legislative Assembly (Office of the Legislative Assembly) Act 2012*.

commencement, of an Act or statutory instrument—see section 80.

commencement notice—see section 11.

commissioner for fair trading means the Commissioner for Fair Trading of the Australian Capital Territory under the *Fair Trading (Australian Consumer Law) Act 1992*.

commissioner for revenue means the Commissioner for Australian Capital Territory Revenue under the *Taxation Administration Act 1999*.

commissioner for sustainability and the environment means the Commissioner for Sustainability and the Environment under the *Commissioner for Sustainability and the Environment Act 1993*.

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

commit, a person for trial, means—

(a) to order that the person be remanded in custody until tried by the Supreme Court; or

(b) to grant bail to the person to appear and be tried by the Supreme Court.

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

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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.

Commonwealth Criminal Code means the criminal code set out in the *Criminal Code Act 1995* (Cwlth), schedule.

Commonwealth DPP means the Director of Public Prosecutions under the *Director of Public Prosecutions Act 1983* (Cwlth).

Commonwealth gazette means the Commonwealth of Australia Gazette or the Australian Government Gazette.

Note The *Australian Government Gazette* was published from 1 July 1973 to 30 June 1976.

confer, in relation to a function, includes impose.

conservator of flora and fauna means the Conservator of Flora and Fauna under the *Nature Conservation Act 2014*.

construction occupations registrar means the Australian Capital Territory Construction Occupations Registrar under the *Construction Occupations (Licensing) Act 2004*.

contravene includes fail to comply with.

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

Co-operatives National Law (ACT) means the provisions applying in the ACT because of the *Co-operatives National Law (ACT) Act 2017*, section 7 (1) (Application of Co-operatives National Law and Co-operatives National Regulations).

Co-operatives National Regulation (ACT) means the provisions applying in the ACT because of the *Co-operatives National Law (ACT) Act 2017*, section 7 (5) (Application of Co-operatives National Law and Co-operatives National Regulations).

coroner means a coroner under the *Coroners Act 1997*.

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

corporation includes a body politic or corporate.

Corporations Act means the *Corporations Act 2001* (Cwlth).

correctional centre means a correctional centre under the *Corrections Management Act 2007*.

corrections officer means a corrections officer under the *Corrections Management Act 2007*.

Court of Appeal means the Court of Appeal constituted under the *Supreme Court Act 1933*.

court of summary jurisdiction means the Magistrates Court.

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

(a) the term 'credit union'; or

(b) any other term (whether or not in English) similar in meaning.

Criminal Code means the *Criminal Code 2002*.

daylight means the period in a day from sunrise to sunset.

definition—see section 130.

dental prosthetist—

(a) means a person registered under the *Health Practitioner Regulation National Law (ACT)* to practise the health profession of dental prosthetist (other than as a student); and

(b) for an activity, includes a person mentioned in paragraph (a) holding limited or provisional registration, to the extent that the person is allowed to do the activity under the person's registration.

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dentist—

(a) means a person registered under the *Health Practitioner Regulation National Law (ACT)* to practise the health profession of dentist (other than as a student); and

(b) for an activity, includes a person mentioned in paragraph (a) holding limited or provisional registration, to the extent that the person is allowed to do the activity under the person's registration.

Deputy Speaker means the Deputy Presiding Officer of the Legislative Assembly.

Note The Deputy Presiding Officer is elected under the Self-Government Act, s 21 (2).

detention place—see the *Children and Young People Act 2008*, section 142.

director-general—see section 163.

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

disability and community services commissioner means the Disability and Community Services Commissioner under the *Human Rights Commission Act 2005*.

disallowable instrument—see section 9.

discrimination commissioner means the Discrimination Commissioner under the *Human Rights Commission Act 2005*.

doctor—

(a) means a person registered under the *Health Practitioner Regulation National Law (ACT)* to practise in the medical profession (other than as a student); and

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(b) for an activity, includes a person mentioned in paragraph (a) holding limited or provisional registration, to the extent that the person is allowed to do the activity under the person's registration.

document means any record of information, and 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 people 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.

domestic partner—see section 169 (1).

domestic partnership—see section 169 (2).

DPP—see ***director of public prosecutions***.

driver licence—see the *Road Transport (Driver Licensing) Act 1999*, dictionary.

Note ***Driver licence*** is defined in the *Road Transport (Driver Licensing) Act 1999*, dict to mean a licence (including a conditional licence, learner licence, probationary licence, provisional licence or restricted licence issued under that Act or a driver licence receipt issued under that Act) authorising the holder to drive a motor vehicle on a road or road related area.

electoral commission means the Australian Capital Territory Electoral Commission established under the *Electoral Act 1992*.

electoral commissioner means the Electoral Commissioner under the *Electoral Act 1992*.

emergency service means the ambulance service, the fire and rescue service, the rural fire service or the SES.

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emergency services commissioner means the ACT Emergency Services Commissioner under the *Emergencies Act 2004*.

enactment, of an Act—see section 29 (References to *enactment* or *passing* of Acts).

enrolled nurse—

(a) means a person registered under the *Health Practitioner Regulation National Law (ACT)*—

(i) to practise in the nursing profession (other than as a student); and

(ii) in the enrolled nurses (division 2) division; and

(b) for an activity, includes a person mentioned in paragraph (a) holding limited or provisional registration, to the extent that the person is allowed to do the activity under the person's registration.

entity includes an unincorporated body and a person (including a person occupying a position).

environment protection authority means the Environment Protection Authority established under the *Environment Protection Act 1997*.

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.

exercise a function includes perform the function.

expire includes lapse or otherwise cease to have effect.

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

fail includes refuse.

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Federal Court means the Federal Court of Australia.

file includes lodge.

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

fire and rescue service means the ACT Fire and Rescue Service established under the *Emergencies Act 2004*.

for, in relation to an Act or statutory instrument, includes for the purposes of the Act or statutory instrument.

Note Under s 7 (3) and s 13 (3) a reference to an Act or statutory instrument includes a reference to a provision of an Act or statutory instrument.

foreign country means a country (whether or not an independent sovereign country) outside Australia and the external territories, and includes a state, province or other part of such a country.

former NSW Act means an Act corresponding to a NSW Act mentioned in schedule 1.

Note 1 The *Crimes Act 1900* is taken to have been enacted by the Legislative Assembly because of the *Crimes Legislation (Status and Citation) Act 1992*. The 1992 Act was repealed by the *Law Reform (Miscellaneous Provisions) Act 1999*, but its previous operation was saved (see s 5 (2)).

Note 2 The other former NSW Acts are taken to have been enacted by the Legislative Assembly because of the *Interpretation Act 1967*, s 65. Section 65 has expired, but its previous operation was saved (see s 65 (3)).

former UK Act means an Act corresponding to a UK Act mentioned in schedule 1.

Note Former UK Acts are also taken to have been enacted by the Legislative Assembly because of the *Interpretation Act 1967*, s 65. Section 65 has expired, but its previous operation was saved (see s 65 (3)).

found guilty, of an offence, includes—

(a) having an order made for the offence under the *Crimes (Sentencing) Act 2005*, section 17 (Non-conviction orders—general); and

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(b) having the offence taken into account under the *Crimes (Sentencing) Act 2005*, section 57 (Outstanding additional offences taken into account in sentencing).

function includes authority, duty and power.

gambling and racing commission means the Gambling and Racing Commission established under the *Gambling and Racing Control Act 1999*.

gazette means—

(a) the Australian Capital Territory Gazette; or

(b) for a notice or other information that must or may be notified or published in the gazette—a place approved by the public sector standards commissioner.

give, in relation to a function, includes impose.

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

government solicitor means the Government Solicitor for the Territory under the *Law Officers Act 2011*.

Governor means—

(a) for a State (other than the Northern Territory)—the Governor of the State, and includes a person administering the Government of the State; or

(b) for the Northern Territory—the Administrator of the Northern Territory, and includes a person administering the Government of the Northern Territory.

Governor-General means the Governor-General of the Commonwealth, and includes a person administering the Government of the Commonwealth.

GST—see the *A New Tax System (Goods and Services Tax) Act 1999* (Cwlth), dictionary.

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head of service means the head of service under the *Public Sector Management Act 1994*.

health practitioner means a person registered under the *Health Practitioner Regulation National Law (ACT)* to practise a health profession (other than as a student).

Health Practitioner Regulation National Law (ACT) means the provisions applying because of the *Health Practitioner Regulation National Law (ACT) Act 2010*, section 6 (Application of Health Practitioner Regulation National Law).

health services commissioner means the Health Services Commissioner under the *Human Rights Commission Act 2005*.

Heavy Vehicle National Law (ACT) means the provisions applying in the ACT because of the *Heavy Vehicle National Law (ACT) Act 2013*, section 7 (Application of Heavy Vehicle National Law).

heritage council means the Australian Capital Territory Heritage Council under the *Heritage Act 2004*.

heritage register means the heritage register under the *Heritage Act 2004*.

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).

home address, for an individual, means the address of the place where the individual usually lives.

housing commissioner means the Commissioner for Social Housing under the *Housing Assistance Act 2007*.

human rights commission means the Human Rights Commission established under the *Human Rights Commission Act 2005*.

human rights commissioner means the Human Rights Commissioner under the *Human Rights Commission Act 2005*.

Imperial Act means an Act of the United Kingdom Parliament.

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independent competition and regulatory commission means the Independent Competition and Regulatory Commission for the Australian Capital Territory established under the *Independent Competition and Regulatory Commission Act 1997*.

indictable offence—see section 190.

indictment includes information.

individual means a natural person.

Industrial Court means the Industrial Court under the *Magistrates Court Act 1930*, section 291P.

information privacy commissioner means the Information Privacy Commissioner appointed under the *Information Privacy Act 2014*, section 26.

infringement notice includes an infringement notice under the *Magistrates Court Act 1930* or the *Road Transport (General) Act 1999*.

in relation to includes the following:

(a) in respect of;

(b) with respect to;

(c) in connection with;

(d) in regard to;

(e) with reference to;

(f) relating to;

(g) for or with respect to.

instrument—see section 14.

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

(a) a legal or equitable estate in the land or other property; or

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(b) a right, power or privilege over, or in relation to, the land or other property.

integrity commission means the ACT Integrity Commission established under the *Integrity Commission Act 2018*.

integrity commissioner means the ACT Integrity Commissioner appointed under the *Integrity Commission Act 2018*.

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

intersex person—see section 169B.

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

Note The Jervis Bay Territory is described in the agreement set out in that Act, sch.

judge 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*.

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.)

land titles register means the register kept under the *Land Titles Act 1925*, section 43.

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law, of the Territory, means—

(a) an Act; or

(b) a subordinate law; or

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

(d) the common law.

lawyer means a legal practitioner.

legal aid commission means the Legal Aid Commission (A.C.T.) established under the *Legal Aid Act 1977*.

legal practitioner means a person who is admitted to the legal profession under the *Legal Profession Act 2006* or a law that is a corresponding law for that Act.

Legislation Act means the *Legislation Act 2001*.

Legislative Assembly means the Legislative Assembly for the Australian Capital Territory.

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

legislative instrument—see section 12.

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 under the *Magistrates Court Act 1930*.

make an instrument includes issue and grant the instrument.

making, of a statutory instrument, means the signing, sealing, approval or other endorsement of the instrument by the entity authorised or required to make it.

Authorised by the ACT Parliamentary Counsel—also accessible at www.legislation.act.gov.au

may—see section 146.

medical practitioner means a doctor.

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

midwife—

(a) means a person registered under the *Health Practitioner Regulation National Law (ACT)* to practise in the midwifery profession (other than as a student); and

(b) for an activity, includes a person mentioned in paragraph (a) holding limited or provisional registration, to the extent that the person is allowed to do the activity under the person's registration.

Minister—see section 162.

modification includes modification by alteration, omission, substitution and addition.

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

(a) immediately before the start of the corresponding day of the next calendar month; or

(b) if there is no such corresponding day—at the end of the next calendar month.

Examples

1 The period beginning at the start of 8 May 2014 and ending at midnight on 7 June 2014 is a month.

2 The period beginning at the start of 30 January 2014 and ending at midnight on 28 February 2014 is a month. The month ends on the last day of February because in that year, February does not have a day corresponding to 29 January (because 2014 is not a leap year). If the period began at the start of 30 January 2016 (ie a leap year), the month would end at midnight on 29 February 2016.

must—see section 146.

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name includes—

(a) for an Act—the Act's short title; and

(b) for an instrument—the instrument's citation; and

(c) for a position—the position's title or designation.

national capital authority means the National Capital Authority established under the *Australian Capital Territory (Planning and Land Management) Act 1988* (Cwlth).

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

National Credit Code—see the *National Consumer Credit Protection Act 2009* (Cwlth), section 5 (1).

National Electricity (ACT) Law means the provisions applying in the ACT because of the *Electricity (National Scheme) Act 1997*, section 5 (Application in ACT of National Electricity Law).

National Electricity (ACT) Regulation means the provisions applying because of the *Electricity (National Scheme) Act 1997*, section 6 (Application of regulations under National Electricity Law).

National Energy Retail Law (ACT) means the provisions applying because of the *National Energy Retail Law (ACT) Act 2012*, section 6 (Application of National Energy Retail Law).

National Energy Retail Regulation (ACT) means the provisions applying because of the *National Energy Retail Law (ACT) Act 2012*, section 7 (Application of regulations under National Energy Retail Law).

National Gas (ACT) Law means the provisions applying because of the *National Gas (ACT) Act 2008*, section 8 (Application in the ACT of National Gas Law).

Authorised by the ACT Parliamentary Counsel—also accessible at www.legislation.act.gov.au

National Gas (ACT) Regulation means the provisions applying because of the *National Gas (ACT) Act 2008*, section 9 (Application in the ACT of regulations under National Gas Law).

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

night means the period between sunset on one day and sunrise on the next day.

Northern Territory means the Northern Territory of Australia.

notifiable instrument—see section 10.

notification—

(a) of an Act—see section 30; and

(b) of a legislative instrument—see section 63.

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

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

NSW correctional centre means a correctional centre (however described) under the *Crimes (Administration of Sentences) Act 1999* (NSW).

number means—

(a) a number expressed in figures or words; or

(b) a combination of a number expressed in figures or words and of a letter of the alphabet.

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nurse—

(a) means a person registered under the *Health Practitioner Regulation National Law (ACT)* to practise in the nursing profession (other than as a student); and

(b) for an activity, includes a person mentioned in paragraph (a) holding limited or provisional registration, to the extent that the person is allowed to do the activity under the person's registration; but

(c) does not include an enrolled nurse.

nurse practitioner—

(a) means a person whose registration as a registered health practitioner under the *Health Practitioner Regulation National Law (ACT)* is endorsed as being qualified to practise as a nurse practitioner; and

(b) for an activity, includes a person mentioned in paragraph (a) holding limited or provisional registration, to the extent that the person is allowed to do the activity under the person's registration.

oath includes affirmation.

Note The *Evidence Act 2011*, div 2.1.2 and the *Oaths and Affirmations Act 1984* deal with oaths and affirmations.

occupational discipline order means an order for occupational discipline made by the ACAT.

Note Occupational discipline orders are made under the *ACT Civil and Administrative Tribunal Act 2008*, s 66 and under authorising laws (***authorising law***—see *ACT Civil and Administrative Tribunal Act 2008*, dict).

occupy a position includes hold the position, act in the position or exercise functions of the position (including under a delegation or subdelegation).

office includes position.

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Office of the Legislative Assembly means the Office of the Legislative Assembly established under the *Legislative Assembly (Office of the Legislative Assembly) Act 2012*.

officer of the Assembly means—

(a) the auditor-general; or

(b) the electoral commissioner; or

(c) the integrity commissioner; or

(d) the inspector of the integrity commission under the *Integrity Commission Act 2018*; or

(e) the ombudsman.

official visitor means an official visitor appointed under the *Official Visitor Act 2012*, section 10.

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

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

optometrist—

(a) means a person registered under the *Health Practitioner Regulation National Law (ACT)* to practise in the optometry profession (other than as a student); and

(b) for an activity, includes a person mentioned in paragraph (a) holding limited or provisional registration, to the extent that the person is allowed to do the activity under the person's registration.

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

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parent, of a child, means—

(a) the child's mother; or

(b) the child's father; or

(c) someone else who is presumed under the *Parentage Act 2004*, part 2 to be a parent of the child.

Note A child cannot have more than 2 parents at any one time (see *Parentage Act 2004*, s 14).

parliamentary counsel means the person performing the duties of Parliamentary Counsel in the public service.

passing, of an Act—see section 29.

penalty unit—see section 133.

person—see section 160 (References to people generally).

pharmacist—

(a) means a person registered under the *Health Practitioner Regulation National Law (ACT)* to practise in the pharmacy profession (other than as a student); and

(b) for an activity, includes a person mentioned in paragraph (a) holding limited or provisional registration, to the extent that the person is allowed to do the activity under the person's registration.

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 by regulation under the Act.

present an indictment includes lay an information.

proceeding means a legal or other action or proceeding.

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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 thing in action.

Note A *thing 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.

provision, of an Act or instrument—see section 16.

public advocate means the Public Advocate under the *Human Rights Commission Act 2005*.

public employee means—

(a) a public servant; or

(b) a public sector member; or

(c) a person employed by a territory instrumentality.

public health officer means a public health officer under the *Public Health Act 1997*.

public holiday means a day that is a public holiday in the ACT under the *Holidays Act 1958*, section 3.

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

public notice, if required by a Territory law, means—

(a) a dated notice on an ACT government website; or

(b) notice in a daily newspaper circulating generally in the ACT.

public sector body—

(a) means a body made up of public sector members; and

(b) includes a body made up of 1 statutory office-holder.

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public sector member means a public sector member under the *Public Sector Management Act 1994*, section 150.

public sector standards commissioner means the Public Sector Standards Commissioner under the *Public Sector Management Act 1994*.

public servant means a person employed in the public service.

public service means the Australian Capital Territory Public Service.

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

public trustee and guardian means the Public Trustee and Guardian under the *Public Trustee and Guardian Act 1985*.

quarter means a period of 3 months beginning on 1 January, 1 April, 1 July or 1 October in any year.

Rail Safety National Law (ACT) means the provisions applying in the ACT because of the *Rail Safety National Law (ACT) Act 2014*, section 6 (Application of Rail Safety National Law).

recognised transgender person—see section 169A (3).

registered surveyor means a surveyor under the *Surveyors Act 2007*.

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*.

registrar of firearms means the Registrar of Firearms under the *Firearms Act 1996*.

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

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

repeal includes—

(a) for an Act or statutory instrument—omit a provision of the Act or instrument; and

(b) for a provision of an Act or statutory instrument—omit the provision (or a part of it); and

(c) for an Act or statutory instrument (or a provision of it)—abrogate or limit its effect, or exclude from its application any circumstance, matter, person, place or purpose; and

(d) for an Act or statutory instrument (or a provision of it)—any other implied repeal; and

(e) for a statutory instrument—revoke the instrument (or part of it); and

(f) for a decision—revoke it or cancel it.

resident judge means a resident judge under the *Supreme Court Act 1933*.

retrospectively, for the commencement of legislation—see section 75A.

reviewable decision notice—see the *ACT Civil and Administrative Tribunal Act 2008*, section 67A.

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road transport authority means the Australian Capital Territory Road Transport Authority.

Note 1 In relation to the exercise of a function by the road transport authority under a provision of the road transport legislation, the director-general of the administrative unit responsible for the provision is the road transport authority.

Note 2 ***Road transport legislation***—see the *Road Transport (General) Act 1999*, s 6.

rules means—

(a) of a court or tribunal—rules made by the entity having power to make rules (however described) regulating the practice and procedure of the court or tribunal; and

(b) in relation to an Act—rules made or in force under the Act.

rural fire service means the ACT Rural Fire Service under the *Emergencies Act 2004*.

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 ACT and the Executive was established.

sentence administration board means the Sentence Administration Board under the *Crimes (Sentence Administration) Act 2005*.

SES means the ACT State Emergency Service established under the *Emergencies Act 2004*.

sign includes attach a seal and make a mark.

signpost definition—see section 131 (Signpost definition).

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sitting day, of the Legislative Assembly, means a period that commences on a day the Assembly meets and continues until the Assembly next adjourns.

Note A sitting day may continue for 1 or more days.

solicitor means a lawyer who practises as a solicitor.

solicitor-general means the Solicitor-General for the Territory under the *Law Officers Act 2011*.

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 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).

statutory instrument—see section 13.

statutory office-holder means a person occupying a position under an Act or statutory instrument (other than a position in the public service).

subordinate law—see section 8.

suburban land agency means the Suburban Land Agency established under the *City Renewal Authority and Suburban Land Agency Act 2017*, section 37.

summary offence—see section 190.

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.

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surveyor-general means the surveyor-general under the *Surveyors Act 2007*.

swear an oath includes make an affirmation.

take an oath includes make an affirmation.

territory authority means a body established for a public purpose under an Act, but does not include a body declared by regulation not to be a territory authority.

territory instrumentality means a corporation that is a territory instrumentality under the *Public Sector Management Act 1994*.

Note ***Territory instrumentality*** is defined in the *Public Sector Management Act 1994*, dict.

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

Note The *Australian Capital Territory (Planning and Land Management) Act 1988* (Cwlth), s 28 provides that if land in the ACT is not national land it is territory land.

territory law—see ***law***, of the Territory.

territory lease—

(a) means—

(i) a lease granted under the *Planning Act 2023*; or

(ii) a lease that is, under the *Unit Titles Act 2001*, taken to be granted by the Territory under the *Planning Act 2023*; but

(b) does not include—

(i) a sublease of land approved under the *Planning Act 2023*, section 284; or

(ii) any other sublease.

territory-owned corporation means a territory-owned corporation under the *Territory-owned Corporations Act 1990*, section 6 (1).

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territory plan means the territory plan under the *Planning Act 2023*.

territory planning authority means the Territory Planning Authority established under the *Planning Act 2023*.

the Territory means—

(a) when used in a geographical sense—the Australian Capital Territory; or

(b) in any other case—the body politic established by the Self-Government Act, section 7.

transgender person—see section 169A (1) and (2).

transitional includes application and saving.

Treasurer means the Minister designated Treasurer by the Chief Minister, and includes a Minister authorised by the Chief Minister to act on behalf of the Treasurer.

tribunal includes any entity that is authorised to hear, receive and examine evidence.

UK Act means an Act of the United Kingdom Parliament.

under, in relation to an Act or statutory instrument, includes the following:

(a) by;

(b) by virtue of;

(c) for or for the purposes of;

(d) in accordance with;

(e) in pursuance of;

(f) pursuant to;

(g) within the meaning of.

Note A reference to an Act or statutory instrument includes a reference to a provision of the Act or instrument (see s 7 and s 13).

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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.

veterinary practitioner means a person registered as a veterinary practitioner under the *Veterinary Practice Act 2018*.

victims of crime commissioner means the Victims of Crime Commissioner under the *Human Rights Commission Act 2005*.

will includes a codicil.

word includes any drawing, figure, number and symbol.

work health and safety commissioner means the Work Health and Safety Commissioner under the *Work Health and Safety Act 2011*, schedule 2, section 2.21.

working day means a day that is not—

(a) a Saturday or Sunday; or

(b) a public holiday in the ACT.

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.

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Part 2 Terms for Legislation Act 2001 only

Note Terms that apply to all Acts and statutory instruments are set out in pt 1.

Act, for chapter 14 (Interpretation of Acts and statutory instruments)—see section 136.

Note See also def ***Act*** in the dictionary, pt 1.

ACT law—

(a) for chapter 10 (Referring to laws)—see section 97 (1); and

(b) for chapter 18 (Offences)—see section 188.

administrator, for part 19.5 (Service of documents)—see section 246.

agency, for part 19.5 (Service of documents)—see section 246.

amend, for chapter 9 (Repeal and amendment of laws)—see section 82.

another jurisdiction means the Commonwealth, a State, another Territory, the United Kingdom or New Zealand.

appointee—

(a) for division 19.3.1 (Appointments—general)—see section 207 (2); and

(b) for division 19.3.2 (Acting appointments)—see section 217 (2).

appointer—

(a) for division 19.3.1 (Appointments—general)—see section 205; and

(b) for division 19.3.2 (Acting appointments)—see section 215; and

(c) for part 19.4 (Delegations)—see section 230 (1).

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approved website means an internet site approved under section 21.

authorised republication—see section 15.

authorising law, for chapter 5 (Regulatory impact statements for subordinate laws and disallowable instruments)—see section 31.

benefits, for chapter 5 (Regulatory impact statements for subordinate laws and disallowable instruments)—see section 31.

business address, for part 19.5 (Service of documents)—see section 246.

corporation, for part 19.5 (Service of documents)—see section 246.

costs, for chapter 5 (Regulatory impact statements for subordinate laws and disallowable instruments)—see section 31.

current legislative drafting practice means the legislative drafting practices from time to time used in the Parliamentary Counsel's Office.

delegate, for part 19.4 (Delegations)—see section 233 (2).

determinative provision—see section 5 (2).

document, for part 19.5 (Service of documents)—see section 246.

Note See also def ***document*** in the dictionary, pt 1

editorial amendment, of a law—see section 116.

email address, for part 19.5 (Service of documents)—see section 246.

executive officer, for part 19.5 (Service of documents)—see section 246.

fax number, for part 19.5 (Service of documents)—see section 246.

fee, for part 6.3 (Making of certain statutory instruments about fees)—see section 55.

home address, for part 19.5 (Service of documents)—see section 246.

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law—

(a) for chapter 3 (Authorised versions and evidence of laws and legislative material)—see section 22A; and

(b) for chapter 8 (Commencement and exercise of powers before commencement)—see section 72; and

(c) for chapter 9 (Repeal and amendment of laws)—see section 82; and

(d) for chapter 10 (Referring to laws)—see section 97 (1); and

(e) for chapter 11 (Republication of Acts and statutory instruments)—see section 107; and

(f) for chapter 13 (Structure of Acts and statutory instruments)—see section 125; and

(g) for chapter 16 (Courts, tribunals and other decision-makers)—see section 175; and

(h) for chapter 17 (Entities and positions)—see section 182; and

(i) for chapter 19 (Administrative and machinery provisions)—see section 195.

law of another jurisdiction, for chapter 10 (Referring to laws)—see section 97 (1).

legislative material, for chapter 3 (Authorised versions and evidence of laws and legislative material)—see section 22A.

non-determinative provision—see section 5 (3).

provide a service, for part 6.3 (Making of certain statutory instruments about fees)—see section 55.

register means the ACT legislation register.

repeal, for chapter 9 (Repeal and amendment of laws)—see section 82.

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republication—

(a) for chapter 3 (Authorised versions and evidence of laws and legislative material)—see section 22A; and

(b) for chapter 11 (Republication of Acts and statutory instruments)—see section 107.

republication date, for an authorised republication, means the date stated in the republication as the republication date.

responsible, for part 19.5 (Service of documents)—see section 246.

scrutiny committee principles, for chapter 5 (Regulatory impact statements for subordinate laws and disallowable instruments)—see section 31.

service, for part 6.3 (Making of certain statutory instruments about fees)—see section 55.

working out the meaning of an Act, for part 14.2 (Key principles of interpretation)—see section 138.

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Endnotes

1 About the endnotes

Amending and modifying laws are annotated in the legislation history and the amendment history. Current modifications are not included in the republished law but are set out in the endnotes.

Not all editorial amendments made under the *Legislation Act 2001*, part 11.3 are annotated in the amendment history. Full details of any amendments can be obtained from the Parliamentary Counsel's Office.

Uncommenced amending laws are not included in the republished law. The details of these laws are underlined in the legislation history. Uncommenced expiries are underlined in the legislation history and amendment history.

If all the provisions of the law have been renumbered, a table of renumbered provisions gives details of previous and current numbering.

The endnotes also include a table of earlier republications.

2 Abbreviation key

A = Act
AF = Approved form
am = amended
amdt = amendment
AR = Assembly resolution
ch = chapter
CN = Commencement notice
def = definition
DI = Disallowable instrument
dict = dictionary
disallowed = disallowed by the Legislative Assembly
div = division
exp = expires/expired
Gaz = gazette
hdg = heading
IA = Interpretation Act 1967
ins = inserted/added
LA = Legislation Act 2001
LR = legislation register
LRA = Legislation (Republication) Act 1996
mod = modified/modification
NI = Notifiable instrument
o = order
om = omitted/repealed
ord = ordinance
orig = original
par = paragraph/subparagraph
pres = present
prev = previous
(prev...) = previously
pt = part
r = rule/subrule
reloc = relocated
renum = renumbered
R[X] = Republication No
RI = reissue
s = section/subsection
sch = schedule
sdiv = subdivision
SL = Subordinate law
sub = substituted
underlining = whole or part not commenced or to be expired

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3 Legislation history

Legislation Act 2001 A2001-14
notified 5 April 2001 (Gaz 2001 No 14)
s 1, s 2 commenced 5 April 2001 (IA s 10B)
remainder commenced 12 September 2001 (s 2 and Gaz 2001 No S65)

as amended by

Legislation (Consequential Amendments) Act 2001 A2001-44 pt 220
notified 26 July 2001 (Gaz 2001 No 30)
s 1, s 2 commenced 26 July 2001 (IA s 10B)
pt 220 commenced 12 September 2001 (s 2 and see Gaz 2001 No S65)

Statute Law Amendment Act 2001 (No 2) A2001-56 pt 2.2
notified 5 September 2001 (Gaz 2001 No S65)
s 1, s 2 commenced 5 September 2001 (IA s 10B)
amdts 2.67, 2.69, 2.78, 2.81 commenced 12 September 2001 (s 2 (2))
pt 2.2 remainder commenced 5 September 2001 (s 2 (1))

as modified by

Legislation Regulations 2001 SL2001-34 reg 6
notified LR 13 September 2001
commenced 13 September 2001 (reg 2)

as amended by

Justice and Community Safety Legislation Amendment Act 2001 A2001-70 sch 1
notified LR 14 September 2001
amdt commenced 14 September 2001 (s 2 (5))

Defamation Act 2001 A2001-88 s 43 (2)
notified LR 24 September 2001
s 1, s 2 commenced 24 September 2001 (LA s 75)
s 43 (2) commenced 1 July 2002 (s 2)

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Legislation Amendment Act 2002 A2002-11 ss 3-29, sch 1, pt 2.29
notified LR 27 May 2002
s 1, s 2 commenced 27 May 2002 (LA s 75)
ss 3-29, sch 1, pt 2.29 commenced 28 May 2002 (s 2 (1))

Justice and Community Safety Legislation Amendment Act 2002 A2002-27 pt 8
notified LR 9 September 2002
s 1, s 2 commenced 9 September 2002 (LA s 75)
pt 8 commenced 7 October 2002 (s 2 (2))

Statute Law Amendment Act 2002 A2002-30 pt 2.1
notified LR 16 September 2002
s 1, s 2 taken to have commenced 19 May 1997 (LA s 75 (2))
amdt 2.3 taken to have commenced 12 September 2001 (s 2 (2))
pt 2.1 remainder commenced 17 September 2002 (s 2 (1))

Civil Law (Wrongs) Act 2002 A2002-40 div 3.2.8
notified LR 10 October 2002
s 1, s 2 commenced 10 October 2002 (LA s 75 (1))
div 3.2.8 commenced 1 November 2002 (s 2 (2) and CN2002-13)

Statute Law Amendment Act 2002 (No 2) A2002-49 pt 2.1
notified LR 20 December 2002
s 1, s 2 taken to have commenced 7 October 1994 (LA s 75 (2))
pt 2.1 commenced 17 January 2003 (s 2 (1))

Criminal Code 2002 No 51 pt 1.12
notified LR 20 December 2002
s 1, s 2 commenced 20 December 2002 (LA 75 (1))
pt 1.12 commenced 1 January 2003 (s 2 (1))

Planning and Land (Consequential Amendments) Act 2002 A2002-56 pt 3.13
notified LR 20 December 2002
s 1, s 2 commenced 20 December 2002 (LA s 75 (1))
sch 3 pt 3.13 commenced 1 July 2003 (s 2 and see Planning and Land Act 2002 A2002-55, s 2)

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Legislation (Gay, Lesbian and Transgender) Amendment Act 2003 A2003-14 pt 2
notified LR 27 March 2003
s 1, s 2 commenced 27 March 2003 (LA s 75 (1))
pt 2 commenced 28 March 2003 (s 2)

Consumer and Trader Tribunal Act 2003 A2003-16 s 70
notified LR 9 April 2003
s 1, s 2 commenced 9 April 2003 (LA s 75 (1))
s 70 commenced 9 October 2003 (s 2 and LA s 79)

Legislation (Statutory Interpretation) Amendment Act 2003 A2003-18
notified LR 9 April 2003
s 1, s 2 commenced 9 April 2003 (LA s 75 (1))
remainder commenced 10 April 2003 (s 2)

Statute Law Amendment Act 2003 A2003-41 sch 2 pt 2.1
notified LR 11 September 2003
s 1, s 2 commenced 11 September 2003 (LA s 75 (1))
sch 2 pt 2.1 commenced 9 October 2003 (s 2 (1))

Statute Law Amendment Act 2003 (No 2) A2003-56 sch 2 pt 2.1
notified LR 5 December 2003
s 1, s 2 commenced 5 December 2003 (LA s 75 (1))
sch 2 pt 2.1 commenced 19 December 2003 (s 2)

Parentage Act 2004 A2004-1 sch 1 pt 1.7
notified LR 18 February 2004
s 1, s 2 commenced 18 February 2004 (LA s 75 (1))
sch 1 pt 1.7 commenced 22 March 2004 (s 2 and CN2004-3)

Human Rights Act 2004 A2004-5 sch 2 pt 2.3
notified LR 10 March 2004
s 1, s 2 commenced 10 March 2004 (LA s 75 (1))
sch 2 pt 2.3 commenced 1 July 2004 (s 2)

Dangerous Substances Act 2004 A2004-7 sch 1 pt 1.4
notified LR 19 March 2004
s 1, s 2 commenced 19 March 2004 (LA s 75 (1))
sch 1 pt 1.4 commenced 5 April 2004 (s 2 and CN2004-6)

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Nurse Practitioners Legislation Amendment Act 2004 A2004-10 pt 3

notified LR 19 March 2004

s 1, s 2 commenced 19 March 2004 (LA s 75 (1))

pt 3 commenced 27 May 2004 (s 2 and CN2004-9)

Construction Occupations Legislation Amendment Act 2004 A2004-13 sch 2 pt 2.20

notified LR 26 March 2004

s 1, s 2 commenced 26 March 2004 (LA s 75 (1))

sch 2 pt 2.20 commenced 1 September 2004 (s 2 and see Construction Occupations (Licensing) Act 2004 A2004-12, s 2 and CN2004-8)

Education Act 2004 A2004-17 sch 2 pt 2.5

notified LR 8 April 2004

s 1, s 2 commenced 8 April 2004 (LA s 75 (1))

sch 2 pt 2.5 commenced 1 January 2005 (s 2)

Emergencies Act 2004 A2004-28 sch 3 pt 3.12

notified LR 29 June 2004

s 1, s 2 commenced 29 June 2004 (LA s 75 (1))

sch 3 pt 3.12 commenced 1 July 2004 (s 2 (1) and CN2004-11)

Justice and Community Safety Legislation Amendment Act 2004 (No 2) A2004-32 pt 13

notified LR 29 June 2004

s 1, s 2 commenced 29 June 2004 (LA s 75 (1))

pt 13 commenced 13 July 2004 (s 2 (3))

Health Professionals Legislation Amendment Act 2004 A2004-39 sch 3 pt 3.1, sch 4 pt 4.3, sch 5 pt 5.9, sch 6 pt 6.6, sch 8 pt 8.2, sch 11A pt 11A.1 (as am by A2005-28 amdt 1.61)

notified LR 8 July 2004

s 1, s 2 commenced 8 July 2004 (LA s 75 (1))

sch 5 pt 5.9 commenced 7 July 2005 (s 2 and see Health Professionals Act 2004 A2004-38, s 2 and CN2005-11)

sch 6 pt 6.6 commenced 17 January 2006 (s 2 and see Health Professionals Act 2004 A2004-38, s 2 (as am by A2005-28 amdt 1.1) and CN2006-2)

sch 3 pt 3.1, sch 4 pt 4.3, sch 8 pt 8.2, sch 11A pt 11A.1 commenced 9 January 2007 (s 2 and see Health Professionals Act 2004 A2004-38, s 2 (as am by A2005-28 amdt 1.1; A2006-27 s 12))

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Statute Law Amendment Act 2004 A2004-42 sch 2 pt 2.1
notified LR 11 August 2004
s 1, s 2 commenced 11 August 2004 (LA s 75 (1))
sch 2 pt 2.1 commenced 25 August 2004 (s 2 (1))

Heritage Act 2004 A2004-57 sch 1 pt 1.8
notified LR 9 September 2004
s 1, s 2 commenced 9 September 2004 (LA s 75 (1))
sch 1 pt 1.8 commenced 9 March 2005 (s 2 and LA s 79)

Court Procedures (Consequential Amendments) Act 2004 A2004-60 sch 1 pt 1.37
notified LR 2 September 2004
s 1, s 2 commenced 2 September 2004 (LA s 75 (1))
sch 1 pt 1.37 commenced 10 January 2005 (s 2 and see Court Procedures Act 2004 A2004-59, s 2 and CN2004-29)

Justice and Community Safety Legislation Amendment Act 2005 A2005-5 pt 7
notified LR 23 February 2005
s 1, s 2 commenced 23 February 2005 (LA s 75 (1))
pt 7 commenced 24 February 2005 (s 2 (2))

Optometrists Legislation Amendment Act 2005 A2005-9 sch 1 pt 1.1
notified LR 14 March 2005
s 1, s 2 commenced 14 March 2005 (LA s 75 (1))
sch 1 pt 1.1 commenced 14 September 2005 (s 2 and LA s 79)

Statute Law Amendment Act 2005 A2005-20 sch 2 pt 2.1
notified LR 12 May 2005
s 1, s 2 taken to have commenced 8 March 2005 (LA s 75 (2))
sch 2 pt 2.1 commenced 2 June 2005 (s 2 (1))

Health Legislation Amendment Act 2005 A2005-28 amdt 1.61
notified LR 6 July 2005
s 1, s 2 commenced 6 July 2005 (LA s 75 (1))
amdt 1.61 commenced 9 January 2007 (LA s 79A)

Note This Act only amends the Health Professionals Legislation Amendment Act 2004 A2004-39.

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Human Rights Commission Legislation Amendment Act 2005 A2005-41 sch 1 pt 1.8 (as am by A2006-3 amdt 1.3)

notified LR 1 September 2005

s 1, s 2 commenced 1 September 2005 (LA s 75 (1))

sch 1 pt 1.8 commenced 1 November 2006 (s 2 (3) (as am by A2006-3 amdt 1.3) and see Human Rights Commission Act 2005 A2005-40, s 2 (as am by A2006-3 s 4) and CN2006-21)

Public Sector Management Amendment Act 2005 (No 2) A2005-44 sch 1 pt 1.4

notified LR 30 August 2005

s 1, s 2 commenced 30 August 2005 (LA s 75 (1))

sch 1 pt 1.4 commenced 8 September 2005 (s 2 and CN2005-19)

Human Rights Commission (Children and Young People Commissioner) Amendment Act 2005 A2005-46 sch 1 pt 1.1 (as am by A2006-3 amdt 1.2)

notified LR 2 September 2005

s 1, s 2 commenced 2 September 2005 (LA s 75 (1))

sch 1 pt 1.1 commenced 1 November 2006 (s 2 (as am by A2006-3 amdt 1.2) and see Human Rights Commission Act 2005 A2005-40, s 2 (as am by A2006-3 s 4) and CN2006-21)

Public Advocate Act 2005 A2005-47 sch 1 pt 1.6 (as am by A2006-3 amdt 1.8)

notified LR 2 September 2005

s 1, s 2 commenced 2 September 2005 (LA s 75 (1))

sch 1 pt 1.6 commenced 1 March 2006 (s 2 (1) as am by A2006-3 amdt 1.8)

Criminal Code (Administration of Justice Offences) Amendment Act 2005 A2005-53 sch 1 pt 1.18

notified LR 26 October 2005

s 1, s 2 commenced 26 October 2005 (LA s 75 (1))

sch 1 pt 1.18 commenced 23 November 2005 (s 2)

Statute Law Amendment Act 2005 (No 2) A2005-62 sch 2 pt 2.1

notified LR 21 December 2005

s 1, s 2 commenced 21 December 2005 (LA s 75 (1))

sch 2 pt 2.1 commenced 11 January 2006 (s 2 (1))

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Human Rights Commission Legislation Amendment Act 2006 A2006-3 amdts 1.2, 1.3, 1.8

notified LR 22 February 2006

s 1, s 2 commenced 22 February 2006 (LA s 75 (1))

amdts 1.2, 1.3, 1.8 commenced 23 February 2006 (s 2)

Note This Act only amends the Human Rights Commission Legislation Amendment Act 2005 A2005-41, Human Rights Commission (Children and Young People Commissioner) Amendment Act 2005 A2005-46 and the Public Advocate Act 2005 A2005-47

Civil Unions Act 2006 A2006-22 sch 1 pt 1.21

notified LR 19 May 2006

s 1, s 2 commenced 19 May 2006 (LA s 75 (1))

sch 1 pt 1.21 never commenced

Note Act repealed by disallowance 14 June 2006 (see Cwlth Gaz 2006 No S93)

Sentencing Legislation Amendment Act 2006 A2006-23 sch 1 pt 1.26

notified LR 18 May 2006

s 1, s 2 commenced 18 May 2006 (LA s 75 (1))

sch 1 pt 1.26 commenced 2 June 2006 (s 2 (1) and see Crimes (Sentence Administration) Act 2005 A2005-59 s 2, Crimes (Sentencing) Act 2005 A2005-58, s 2 and LA s 79)

Legal Profession Act 2006 A2006-25 sch 2 pt 2.8

notified LR 21 June 2006

s 1, s 2 commenced 21 June 2006 (LA s 75 (1))

sch 2 pt 2.8 commenced 1 July 2006 (s 2)

Administrative (Miscellaneous Amendments) Act 2006 A2006-30 sch 1 pt 1.7

notified LR 16 June 2006

s 1, s 2 commenced 16 June 2006 (LA s 75 (1))

sch 1 pt 1.7 commenced 1 July 2006 (s 2 (1))

Civil Law (Property) Act 2006 A2006-38 sch 1 pt 1.6

notified LR 28 September 2006

s 1, s 2 commenced 28 September 2006 (LA s 75 (1))

sch 1 pt 1.6 commenced 28 March 2007 (s 2 and LA s 79)

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Statute Law Amendment Act 2006 A2006-42 sch 2 pt 2.1
notified LR 26 October 2006
s 1, s 2 taken to have commenced 12 November 2005 (LA s 75 (2))
sch 2 pt 2.1 commenced 16 November 2006 (s 2 (1))

Health Legislation Amendment Act 2006 (No 2) A2006-46 sch 2 pt 2.11
notified LR 17 November 2006
s 1, s 2 commenced 17 November 2006 (LA s 75 (1))
sch 2 pt 2.11 commenced 18 November 2006 (s 2 (1))

Statute Law Amendment Act 2007 A2007-3 sch 2 pt 2.1
notified LR 22 March 2007
s 1, s 2 taken to have commenced 1 July 2006 (LA s 75 (2))
sch 2 pt 2.1 commenced 12 April 2007 (s 2 (1))

Housing Assistance Act 2007 A2007-8 sch 1 pt 1.6
notified LR 10 May 2007
s 1, s 2 commenced 10 May 2007 (LA s 75 (1))
sch 1 pt 1.6 commenced 10 November 2007 (s 2 and LA s 79)

Statute Law Amendment Act 2007 (No 2) A2007-16 sch 2
notified LR 20 June 2007
s 1, s 2 taken to have commenced 12 April 2007 (LA s 75 (2))
sch 2 commenced 11 July 2007 (s 2 (1))

Planning and Development (Consequential Amendments) Act 2007 A2007-25 sch 1 pt 1.22
notified LR 13 September 2007
s 1, s 2 commenced 13 September 2007 (LA s 75 (1))
sch 1 pt 1.22 commenced 31 March 2008 (s 2 and see Planning and Development Act 2007 A2007-24, s 2 and CN2008-1)

Surveyors Act 2007 A2007-33 sch 1 pt 1.4
notified LR 25 October 2007
s 1, s 2 commenced 25 October 2007 (LA s 75 (1))
sch 1 pt 1.4 commenced 14 November 2007 (s 2 and CN2007-15)

Civil Partnerships Act 2008 A2008-14 sch 1 pt 1.17
notified LR 15 May 2008
s 1, s 2 commenced 15 May 2008 (LA s 75 (1))
sch 1 pt 1.17 commenced 19 May 2008 (s 2 and CN2008-8)

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National Gas (ACT) Act 2008 A2008-15 sch 2 pt 2.3

notified LR 30 June 2008

s 1, s 2 commenced 30 June 2008 (LA s 75 (1))

sch 2 pt 2.3 commenced 1 July 2008 (s 2 (1) and see National Gas (South Australia) Act 2008 (SA), s 7)

Children and Young People (Consequential Amendments) Act 2008 A2008-20 sch 2 pt 2.11, sch 4 pt 4.18

notified LR 17 July 2008

s 1, s 2 commenced 17 July 2008 (LA s 75 (1))

s 3 commenced 18 July 2008 (s 2 (1))

sch 2 pt 2.11 commenced 9 September 2008 (s 2 (3) and see Children and Young People Act 2008 A2008-19, s 2 and CN2008-13)

sch 4 pt 4.18 commenced 27 February 2009 (s 2 (5) and see Children and Young People Act 2008 A2008-19, s 2 and CN2008-17 (and see CN2008-13))

Statute Law Amendment Act 2008 A2008-28 sch 2

notified LR 12 August 2008

s 1, s 2 commenced 12 August 2008 (LA s 75 (1))

sch 2 commenced 26 August 2008 (s 2)

ACT Civil and Administrative Tribunal Legislation Amendment Act 2008 A2008-36 sch 1 pt 1.34

notified LR 4 September 2008

s 1, s 2 commenced 4 September 2008 (LA s 75 (1))

sch 1 pt 1.34 commenced 2 February 2009 (s 2 (1) and see ACT Civil and Administrative Tribunal Act 2008 A2008-35, s 2 (1) and CN2009-2)

ACT Civil and Administrative Tribunal Legislation Amendment Act 2008 (No 2) A2008-37 sch 1 pt 1.66

notified LR 4 September 2008

s 1, s 2 commenced 4 September 2008 (LA s 75 (1))

sch 1 pt 1.66 commenced 2 February 2009 (s 2 (1) and see ACT Civil and Administrative Tribunal Act 2008 A2008-35, s 2 (1) and CN2009-2)

Crimes Legislation Amendment Act 2008 A2008-44 sch 1 pt 1.10

notified LR 9 September 2008

s 1, s 2 commenced 9 September 2008 (LA s 75 (1))

sch 1 pt 1.10 commenced 30 May 2009 (s 2 and CN2009-4)

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Statute Law Amendment Act 2009 A2009-20 sch 2
notified LR 1 September 2009
s 1, s 2 commenced 1 September 2009 (LA s 75 (1))
sch 2 commenced 22 September 2009 (s 2)

Work Safety Legislation Amendment Act 2009 A2009-28 sch 2 pt 2.8
notified LR 9 September 2009
s 1, s 2 commenced 9 September 2009 (LA s 75 (1))
sch 2 pt 2.8 commenced 1 October 2009 (s 2 and see Work Safety Act 2008 A2008-51 s 2 (1) (b) and CN2009-11)

Legislation (Penalty Units) Amendment Act 2009 A2009-35
notified LR 20 October 2009
s 1, s 2 commenced 20 October 2009 (LA s 75 (1))
remainder commenced 21 October 2009 (s 2)

Unlawful Gambling Act 2009 A2009-39 sch 2 pt 2.2
notified LR 17 November 2009
s 1, s 2 commenced 17 November 2009 (LA s 75 (1))
sch 2 pt 2.2 commenced 22 March 2010 (s 2 and CN2010-2)

Statute Law Amendment Act 2009 (No 2) A2009-49 sch 2
notified LR 26 November 2009
s 1, s 2 commenced 26 November 2009 (LA s 75 (1))
sch 2 commenced 17 December 2009 (s 2)

Building and Construction Industry (Security of Payment) Act 2009 A2009-50 s 50
notified LR 15 October 2009
s 1, s 2 commenced 15 October 2009 (LA s 75 (1))
s 50 commenced 1 July 2010 (s 2)

Surveyors Amendment Act 2010 A2010-6 sch 1 pt 1.4
notified LR 2 March 2010
s 1, s 2 commenced 2 March 2010 (LA s 75 (1))
sch 1 pt 1.4 commenced 3 March 2010 (s 2)

Health Practitioner Regulation National Law (ACT) Act 2010 A2010-10 sch 2 pt 2.13
notified LR 31 March 2010
s 1, s 2 commenced 31 March 2010 (LA s 75 (1))
sch 2 pt 2.13 commenced 1 July 2010 (s 2 (1) (a))

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Justice and Community Safety Legislation Amendment Act 2010 (No 3) A2010-40 sch 1 pt 1.8

notified LR 5 October 2010
s 1, s 2 commenced 5 October 2010 (LA s 75 (1))
s 3, sch 1 pt 1.8 commenced 6 October 2010 (s 2 (1))

Fair Trading (Australian Consumer Law) Amendment Act 2010 A2010-54 sch 3 pt 3.15

notified LR 16 December 2010
s 1, s 2 commenced 16 December 2010 (LA s 75 (1))
sch 3 pt 3.15 commenced 1 January 2011 (s 2 (1))

Administrative (One ACT Public Service Miscellaneous Amendments) Act 2011 A2011-22 sch 1 pt 1.91

notified LR 30 June 2011
s 1, s 2 commenced 30 June 2011 (LA s 75 (1))
sch 1 pt 1.91 commenced 1 July 2011 (s 2 (1))

Statute Law Amendment Act 2011 (No 2) A2011-28 sch 2

notified LR 31 August 2011
s 1, s 2 commenced 31 August 2011 (LA s 75 (1))
sch 2 commenced 21 September 2011 (s 2 (1))

Law Officers Act 2011 A2011-30 sch 1 pt 1.4

notified LR 29 August 2011
s 1, s 2 commenced 29 August 2011 (LA s 75 (1))
sch 1 pt 1.4 commenced 31 August 2011 (s 2 and CN2011-9)

Evidence (Consequential Amendments) Act 2011 A2011-48 sch 1 pt 1.22

notified LR 22 November 2011
s 1, s 2 commenced 22 November 2011 (LA s 75 (1))
sch 1 pt 1.22 commenced 1 March 2012 (s 2 (1) and see Evidence Act 2011 A2011-12, s 2 and CN2012-4)

Justice and Community Safety Legislation Amendment Act 2011 (No 3) A2011-49 sch 1 pt 1.5

notified LR 22 November 2011
s 1, s 2 commenced 22 November 2011 (LA s 75 (1))
sch 1 pt 1.5 commenced 23 November 2011 (s 2 (1))

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Statute Law Amendment Act 2011 (No 3) A2011-52 sch 2
notified LR 28 November 2011
s 1, s 2 commenced 28 November 2011 (LA s 75 (1))
sch 2 commenced 12 December 2011 (s 2)

Work Health and Safety (Consequential Amendments) Act 2011 A2011-55 sch 1 pt 1.9
notified LR 14 December 2011
s 1, s 2 commenced 14 December 2011 (LA s 75 (1))
sch 1 pt 1.9 commenced 1 January 2012 (s 2 and see Work Health and Safety Act 2011 A2011-35, s 2 and CN2011-12)

Statute Law Amendment Act 2012 A2012-21 sch 2
notified LR 22 May 2012
s 1, s 2 commenced 22 May 2012 (LA s 75 (1))
amdt 2.1 commenced 5 June 2012 (s 2 (1))
sch 2 remainder commenced 5 June 2012 (s 2 (2))

Commissioner for the Environment Amendment Act 2012 A2012-25 sch 1 pt 1.2
notified LR 28 May 2012
s 1, s 2 commenced 28 May 2012 (LA s 75 (1))
sch 1 pt 1.2 commenced 29 May 2012 (s 2)

Legislative Assembly (Office of the Legislative Assembly) Act 2012 A2012-26 sch 1 pt 1.6
notified LR 24 May 2012
s 1, s 2 commenced 24 May 2012 (LA s 75 (1))
sch 1 pt 1.6 commenced 1 July 2012 (s 2)

National Energy Retail Law (Consequential Amendments) Act 2012 A2012-32 pt 11
notified LR 14 June 2012
s 1, s 2 commenced 14 June 2012 (LA s 75 (1))
pt 11 commenced 1 July 2012 (s 2 (1) and see National Energy Retail Law (ACT) Act 2012 A2012-31, s 2 (1) and CN2012-12)

Official Visitor Act 2012 A2012-33 sch 1 pt 1.5
notified LR 15 June 2012
s 1, s 2 commenced 15 June 2012 (LA s 75 (1))
sch 1 pt 1.5 commenced 1 September 2013 (s 2 (as am by A2013-22 s 4))

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Civil Unions Act 2012 A2012-40 sch 3 pt 3.19
notified LR 4 September 2012
s 1, s 2 commenced 4 September 2012 (LA s 75 (1))
sch 3 pt 3.19 commenced 11 September 2012 (s 2)

Statute Law Amendment Act 2013 A2013-19 sch 2
notified LR 24 May 2013
s 1, s 2 commenced 24 May 2013 (LA s 75 (1))
sch 2 commenced 14 June 2013 (s 2)

Legislation (Penalty Units) Amendment Act 2013 A2013-30
notified LR 22 August 2013
s 1, s 2 commenced 22 August 2013 (LA s 75 (1))
remainder commenced 23 August 2013 (s 2)

Marriage Equality (Same Sex) Act 2013 A2013-39 sch 2 pt 2.17
notified LR 4 November 2013
s 1, s 2 commenced 4 November 2013 (LA s 75 (1))
sch 2 pt 2.17 commenced 7 November 2013 (s 2 and CN2013-11)

Note The High Court held this Act to be of no effect (see *Commonwealth v Australian Capital Territory* [2013] HCA 55)

Officers of the Assembly Legislation Amendment Act 2013 A2013-41 sch 1 pt 1.5
notified LR 7 November 2013
s 1, s 2 commenced 7 November 2013 (LA s 75 (1))
sch 1 pt 1.5 commenced 1 July 2014 (s 2)

Magistrates Court (Industrial Proceedings) Amendment Act 2013 A2013-43 sch 1 pt 1.3
notified LR 7 November 2013
s 1, s 2 commenced 7 November 2013 (LA s 75 (1))
sch 1 pt 1.3 commenced 8 November 2013 (s 2)

Statute Law Amendment Act 2013 (No 2) A2013-44 sch 2
notified LR 11 November 2013
s 1, s 2 commenced 11 November 2013 (LA s 75 (1))
sch 2 commenced 25 November 2013 (s 2)

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Heavy Vehicle National Law (Consequential Amendments) Act 2013 A2013-52 pt 3

notified LR 9 December 2013
s 1, s 2 commenced 9 December 2013 (LA s 75 (1))
pt 3 commenced 10 February 2014 (s 2 and see Heavy Vehicle National Law (ACT) Act 2013 A2013-51, s 2 (1) and CN2014-2)

Births, Deaths and Marriages Registration Amendment Act 2014 A2014-8 sch 1 pt 1.2

notified LR 27 March 2014
s 1, s 2 commenced 27 March 2014 (LA s 75 (1))
sch 1 pt 1.2 commenced 26 April 2014 (s 2)

Statute Law Amendment Act 2014 A2014-18 sch 2

notified LR 20 May 2014
s 1, s 2 commenced 20 May 2014 (LA s 75 (1))
sch 2 commenced 10 June 2014 (s 2 (1))

Legislation (Penalty Units) Amendment Act 2014 A2014-37

notified LR 22 August 2014
s 1, s 2 commenced 22 August 2014 (LA s 75 (1))
remainder commenced 23 August 2014 (s 2)

Statute Law Amendment Act 2014 (No 2) A2014-44 sch 2

notified LR 5 November 2014
s 1, s 2 commenced 5 November 2014 (LA s 75 (1))
sch 2 commenced 19 November 2014 (s 2)

Justice and Community Safety Legislation Amendment Act 2014 (No 2) A2014-49 sch 1 pt 1.11

notified LR 10 November 2014
s 1, s 2 commenced 10 November 2014 (LA s 75 (1))
sch 1 pt 1.11 commenced 17 November 2014 (s 2)

Canberra Institute of Technology Amendment Act 2014 A2014-55 s 35, s 36

notified LR 3 December 2014
s 1, s 2 commenced 3 December 2014 (LA s 75 (1))
s 35, s 36 commenced 1 July 2015 (s 2 (2))

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Nature Conservation Act 2014 A2014-59 sch 2 pt 2.9
notified LR 11 December 2014
s 1, s 2 commenced 11 December 2014 (LA s 75 (1))
sch 2 pt 2.9 commenced 11 June 2015 (s 2 (1) and LA s 79)

Courts Legislation Amendment Act 2015 A2015-10 pt 11
notified LR 7 April 2015
s 1, s 2 commenced 7 April 2015 (LA s 75 (1))
pt 11 commenced 21 April 2015 (s 2 (2))

Statute Law Amendment Act 2015 A2015-15 sch 2
notified LR 27 May 2015
s 1, s 2 commenced 27 May 2015 (LA s 75 (1))
sch 2 commenced 10 June 2015 (s 2)

Planning and Development (University of Canberra and Other Leases) Legislation Amendment Act 2015 A2015-19 pt 14
notified LR 11 June 2015
s 1, s 2 commenced 11 June 2015 (LA s 75 (1))
pt 14 commenced 1 July 2015 (s 2 and CN2015-9)

Veterinary Surgeons Act 2015 A2015-29 sch 2 pt 2.8
notified LR 20 August 2015
s 1, s 2 commenced 20 August 2015 (LA s 75 (1))
sch 2 pt 2.8 commenced 1 December 2015 (s 2 (1) and CN2015-22)

Red Tape Reduction Legislation Amendment Act 2015 A2015-33 sch 1 pt 1.42
notified LR 30 September 2015
s 1, s 2 commenced 30 September 2015 (LA s 75 (1))
sch 1 pt 1.42 commenced 14 October 2015 (s 2)

Statute Law Amendment Act 2015 (No 2) A2015-50 sch 2
notified LR 25 November 2015
s 1, s 2 commenced 25 November 2015 (LA s 75 (1))
sch 2 commenced 9 December 2015 (s 2)

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Protection of Rights (Services) Legislation Amendment Act 2016 (No 2) A2016-13 sch 1 pt 1.27

notified LR 16 March 2016
s 1, s 2 commenced 16 March 2016 (LA s 75 (1))
sch 1 pt 1.27 commenced 1 April 2016 (s 2 and see Protection of Rights (Services) Legislation Amendment Act 2016 A2016-1 s 2)

Emergencies Amendment Act 2016 A2016-33 sch 1 pt 1.12

notified LR 20 June 2016
s 1, s 2 commenced 20 June 2016 (LA s 75 (1))
sch 1 pt 1.12 commenced 21 June 2016 (s 2)

Public Sector Management Amendment Act 2016 A2016-52 sch 1 pt 1.45

notified LR 25 August 2016
s 1, s 2 commenced 25 August 2016 (LA s 75 (1))
sch 1 pt 1.45 commenced 1 September 2016 (s 2)

Statute Law Amendment Act 2017 A2017-4 sch 2

notified LR 23 February 2017
s 1, s 2 commenced 23 February 2017 (LA s 75 (1))
sch 2 commenced 9 March 2017 (s 2)

Co-operatives National Law (ACT) Act 2017 A2017-8 sch 2 pt 2.4

notified LR 4 April 2017
s 1, s 2 commenced 4 April 2017 (LA s 75 (1))
sch 2 pt 2.4 commenced 1 May 2017 (s 2)

City Renewal Authority and Suburban Land Agency Act 2017 A2017-12 sch 1 pt 1.3

notified LR 18 May 2017
s 1, s 2 commenced 18 May 2017 (LA s 75 (1))
sch 1 pt 1.3 commenced 1 July 2017 (s 2 and CN2017-3)

Road Transport Reform (Light Rail) Legislation Amendment Act 2017 A2017-21 sch 1 pt 1.9

notified LR 8 August 2017
s 1, s 2 commenced 8 August 2017 (LA s 75 (1))
sch 1 pt 1.9 commenced 15 August 2017 (s 2)

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Statute Law Amendment Act 2017 (No 2) A2017-28 sch 2 pt 2.1
notified LR 27 September 2017
s 1, s 2 commenced 27 September 2017 (LA s 75 (1))
sch 2 pt 2.1 commenced 11 October 2017 (s 2)

Courts and Other Justice Legislation Amendment Act 2018 A2018-9 pt 12
notified LR 29 March 2018
s 1, s 2 commenced 29 March 2018 (LA s 75 (1))
pt 12 commenced 26 April 2018 (s 2)

Veterinary Practice Act 2018 A2018-32 sch 3 pt 3.10
notified LR 30 August 2018
s 1, s 2 commenced 30 August 2018 (LA s 75 (1))
sch 3 pt 3.10 commenced 21 December 2018 (s 2 and CN2018-12)

Crimes Legislation Amendment Act 2018 (No 2) A2018-40 pt 7
notified LR 7 November 2018
s 1, s 2 commenced 7 November 2018 (LA s 75 (1))
pt 7 commenced 8 November 2018 (s 2)

Integrity Commission Act 2018 A2018-52 sch 1 pt 1.15 (as am by A2019-18 s 4)
notified LR 11 December 2018
s 1, s 2 commenced 11 December 2018 (LA s 75 (1))
sch 1 pt 1.15 commenced 1 July 2019 (s 2 (1) as am by A2019-18 s 4)

Integrity Commission Amendment Act 2019 A2019-18 s 4
notified LR 14 June 2019
s 1, s 2 commenced 14 June 2019 (LA s 75 (1))
s 4 commenced 1 July 2019 (s 2 (1))

Note This Act only amends the Integrity Commission Act 2018 A2018-52.

Work Health and Safety Amendment Act 2019 A2019-38 sch 1 pt 1.6
notified LR 31 October 2019
s 1, s 2 commenced 31 October 2019 (LA s 75 (1))
sch 1 pt 1.6 commenced 30 April 2020 (s 2 (1) and LA s 79)

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Unit Titles Legislation Amendment Act 2020 A2020-4 pt 8
notified LR 27 February 2020
s 1, s 2 commenced 27 February 2020 (LA s 75 (1))
pt 8 commenced 1 November 2020 (s 2 (1) and CN2020-11)

Land Titles (Electronic Conveyancing) Legislation Amendment Act 2020 A2020-16 sch 1 pt 1.8
notified LR 13 May 2020
s 1, s 2 commenced 13 May 2020 (LA s 75 (1))
sch 1 pt 1.8 commenced 1 June 2020 (s 2 and see Electronic Conveyancing National Law (ACT) Act 2020 A2020-15 s 3)

Justice and Community Safety Legislation Amendment Act 2021 A2021-3 pt 11
notified LR 19 February 2021
s 1, s 2 commenced 19 February 2021 (LA s 75 (1))
pt 11 commenced 26 February 2021 (s 2 (1))

Statute Law Amendment Act 2021 A2021-12 sch 2
notified LR 9 June 2021
s 1, s 2 commenced 9 June 2021 (LA s 75 (1))
sch 2 commenced 23 June 2021 (s 2 (1))

Legislation (Legislative Assembly Committees) Amendment Act 2022 A2022-4 sch 1 pt 1.14
notified LR 30 March 2022
s 1, s 2 commenced 30 March 2022 (LA s 75 (1))
sch 1 pt 1.14 commenced 6 April 2022 (s 2)

Planning (Consequential Amendments) Act 2023 A2023-36 sch 1 pt 1.44
notified LR 29 September 2023
s 1, s 2 commenced 29 September 2023 (LA s 75 (1))
sch 1 pt 1.44 commenced 27 November 2023 (s 2 (1) and see Planning Act 2023 A2023-18, s 2 (2) and CN2023-10)

Courts Legislation Amendment Act 2023 A2023-37 sch 1 pt 1.10
notified LR 29 September 2023
s 1, s 2 commenced 29 September 2023 (LA s 75 (1))
sch 1 pt 1.10 commenced 30 September 2023 (s 2)

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Statute Law Amendment Act 2025 A2025-29 sch 2 pt 2.1

notified LR 6 November 2025

s 1, s 2 commenced 6 November 2025 (LA s 75 (1))

sch 2 pt 2.1 commenced 16 November 2025 (s 2 (1))

Justice and Community Safety Legislation Amendment Act 2026 A2026-4 pt 10

notified LR 16 February 2026

s 1, s 2 commenced 16 February 2026 (LA s 75 (1))

pt 10 commenced 23 February 2026 (s 2)

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4 Amendment history

Dictionary

s 2 — orig s 2 om LA s 89 (4)
(prev s 3) am A2001-56 amdt 2.18
renum A2002-11 s 5
am A2003-56 amdt 2.1; A2014-44 amdt 2.1

Notes

s 2A — (prev s 4) am A2001-56 amdt 2.19; A2002-11 amdt 1.1
renum A2002-11 s 5
(2), (3) exp 2 September 2003 (s 2A (3))

Objects

s 3 — orig s 3 renum as s 2
(prev s 5) am A2002-11 s 4
renum A2002-11 s 5

Application of Act

s 4 — orig s 4 renum as s 2A
ins A2002-11 s 6
am A2006-42 amdt 2.1, amdt 2.2

Determinative and non-determinative provisions

s 5 — orig s 5 renum as s 3
ins A2002-11 s 6

Legislation Act provisions must be applied

s 6 — sub A2002-11 s 6
am A2021-12 amdt 2.1

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s 48 am A2002-11 amdt 1.10; A2002-49 amdt 2.54

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pt 15.2 hdg ins A2001-56 amdt 2.68

Definitions apply subject to contrary intention
s 155 ins A2001-56 amdt 2.68
am A2002-11 amdt 1.97, amdt 1.98

Application of definitions in dictionaries and sections
s 156 ins A2001-56 amdt 2.68
am A2003-56 amdt 2.42; A2005-20 amdts 2.78-2.80

Defined terms—other parts of speech and grammatical forms
s 157 ins A2001-56 amdt 2.68
sub A2002-11 amdt 1.99
am A2003-56 amdt 2.43

References to various entities and things
pt 15.3 hdg ins A2001-56 amdt 2.68

References to people generally
s 160 ins A2001-56 amdt 2.68
am A2002-11 amdt 1.100, amdt 1.101; A2009-20 amdt 2.8

Corporations liable to offences
s 161 ins A2001-56 amdt 2.68
am A2002-11 amdt 1.102; A2002-51 amdt 1.23; A2002-49 amdt 2.33

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References to *a Minister* or *the Minister*
s 162 ins A2001-56 amdt 2.68

References to *a director-general* or *the director-general*
s 163 ins A2001-56 amdt 2.68
am A2005-44 amdt 1.5
sub A2011-22 amdt 1.276
am A2017-28 amdt 2.2, amdt 2.3

References to Australian Standards etc
s 164 ins A2001-56 amdt 2.68
sub A2003-56 amdt 2.44
am A2021-12 amdt 2.13

References to Assembly committees that no longer exist
s 165 ins A2001-56 amdt 2.68

References to person with interest in land include personal representative etc
s 168 ins A2001-56 amdt 2.68
am A2002-11 amdt 1.103

References to *domestic partner* and *domestic partnership*
s 169 ins A2003-14 s 4
am A2006-22 amdt 1.72, amdt 1.73 (A2006-22 rep before commenced by disallowance (see Cwlth Gaz 2006 No S93)); A2008-14 amdt 1.42, amdt 1.43; A2012-40 amdt 3.63, amdt 3.64; A2013-39 amdt 2.36 (A2013-39 never effective (see *Commonwealth v Australian Capital Territory* [2013] HCA 55)); A2026-4 s 32, s 33

References to *transgender people*
s 169A ins A2003-14 s 4

References to *intersex people*
s 169B ins A2003-14 s 4
sub A2014-8 amdt 1.6

Preservation of certain common law privileges
pt 15.4 hdg ins A2002-11 s 22

Privileges against self-incrimination and exposure to civil penalty
s 170 ins A2002-11 s 22
am A2011-48 amdt 1.34

Client legal privilege
s 171 ins A2002-11 s 22
am A2011-48 amdt 1.35

Courts, tribunals and other decision-makers
ch 16 hdg ins A2001-56 amdt 2.68

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Meaning of *law*—ch 16
s 175 ins A2001-56 amdt 2.68
am A2005-20 amdt 2.81

Jurisdiction of courts and tribunals
s 176 ins A2001-56 amdt 2.68
am A2002-11 amdt 1.104

Recovery of amounts owing under laws
s 177 ins A2001-56 amdt 2.68
am A2002-11 amdt 1.105
sub A2008-37 amdt 1.296

Power to decide includes power to take evidence etc
s 178 hdg am A2003-41 amdt 2.30
s 178 ins A2001-56 amdt 2.68
am A2002-11 amdt 1.106, amdt 1.107; A2003-41 amdt 2.31
sub A2005-53 amdt 1.92

Content of statements of reasons for decisions
s 179 ins A2001-56 amdt 2.68
am A2002-11 amdt 1.108; A2003-56 amdt 2.45

Power to make decision includes power to reverse or change
s 180 ins A2001-56 amdt 2.68
am A2002-11 amdt 1.109

Entities and positions
ch 17 hdg ins A2001-56 amdt 2.68

Meaning of *law*—ch 17
s 182 (prev s 185) ins A2001-56 amdt 2.68
renum A2002-11 amdt 1.110
sub A2003-56 amdt 2.46
am A2005-20 amdt 2.82

Change of name of entity
s 183 (prev s 187) ins A2001-56 amdt 2.68
renum A2002-11 amdt 1.112
am A2003-56 amdt 2.47
sub A2005-20 amdt 2.83

Change in constitution of entity
s 184 (prev s 188) ins A2001-56 amdt 2.68
renum A2002-11 amdt 1.112

References to entity
s 184A ins A2005-20 amdt 2.84

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References to occupant of position

s 185 orig s 185 renum as s 182
(prev s 189) ins A2001-56 amdt 2.68
renum A2002-11 amdt 1.112
am A2003-56 amdt 2.48; A2005-20 amdt 2.85, amdt 2.86

Change of name of position

s 186 (orig s 186) ins A2001-56 amdt 2.68
om A2002-11 amdt 1.111
(prev s 190) ins A2001-56 amdt 2.68
renum A2002-11 amdt 1.112
am A2003-56 amdt 2.49
sub A2005-20 amdt 2.87

Chair and deputy chair etc

s 187 orig s 187 renum as s 183
(prev s 191) ins A2001-56 amdt 2.68
renum A2002-11 amdt 1.112
sub A2005-20 amdt 2.88

Offences

ch 18 hdg orig ch 18 hdg renum as ch 19 hdg
ins A2002-11 s 23

Introductory

pt 18.1 hdg renum as pt 19.1 hdg

Functions

pt 18.2 hdg renum as pt 19.2 hdg

Appointments

pt 18.3 hdg renum as pt 19.3 hdg

Appointments—other than acting appointments

div 18.3.1 hdg renum as div 19.3.1.hdg

Acting appointments

div 18.3.2 hdg renum as div 19.3.2 hdg

Delegations

pt 18.4 hdg renum as pt 19.4 hdg

Service of documents

pt 18.5 hdg renum as pt 19.5 hdg

Other matters

pt 18.6 hdg renum as pt 19.7 hdg

Meaning of *ACT law*—ch 18

s 188 orig s 188 renum as s 184
ins A2002-11 s 23
sub A2005-20 amdt 2.89

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Reference to offence includes reference to related ancillary offences

s 189 orig s 189 renum as s 185
ins A2002-11 s 23
am A2002-51 amdt 1.24, amdt 1.25; A2005-20 amdt 2.90, amdt 2.91; A2005-53 amdt 1.93

Indictable and summary offences

s 190 orig s 190 renum as s 186
ins A2002-11 s 23
am A2003-56 amdt 2.50; ss renum R21 LA (see A2003-56 amdt 2.51); A2005-20 amdt 2.92; A2008-44 amdt 1.62

Offences against 2 or more laws

s 191 orig s 191 renum as s 187
ins A2002-11 s 23
am A2005-20 amdts 2.93-2.96

When must prosecutions begin?

s 192 ins A2002-11 s 23
am A2002-51 amdt 1.26; A2004-32 s 90; A2005-5 s 27; A2005-20 amdt 2.97; A2005-53 amdt 1.94; A2005-62 amdt 2.15, amdt 2.16; A2007-16 amdt 2.1, amdt 2.2

Continuing offences

s 193 ins A2002-11 s 23
am A2005-20 amdt 2.98

Administrative and machinery provisions

ch 19 hdg (prev ch 12 hdg) renum as ch 19 hdg and then ch 20 hdg
(prev ch 18 hdg) ins A2001-56 amdt 2.68
renum as ch 19 hdg A2002-11 s 24

Introductory

pt 19.1 hdg (prev pt 18.1 hdg) ins A2001-56 amdt 2.68
renum A2002-11 s 24

Meaning of *law*—ch 19

s 195 ins A2001-56 amdt 2.68
am A2005-20 amdt 2.99

Functions

pt 19.2 hdg (prev pt 18.2 hdg) ins A2001-56 amdt 2.68
renum A2002-11 s 24

Provision giving function gives power to exercise function

s 196 ins A2001-56 amdt 2.68

Statutory functions may be exercised from time to time

s 197 ins A2001-56 amdt 2.68
am A2002-11 amdt 1.113, amdt 1.114; A2005-20 amdt 2.100

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Functions of bodies

s 199 ins A2001-56 amdt 2.68
am A2002-11 amdt 1.115, amdt 1.116; ss renum R5 LA (see A2002-11 amdt 1.117); A2003-41 amdt 2.32, amdt 2.33; ss renum R20 LA (see A2003-41 amdt 2.34)

Functions of occupants of positions

s 200 ins A2001-56 amdt 2.68

Appointments

pt 19.3 hdg (prev pt 18.3 hdg) ins A2001-56 amdt 2.68
renum A2002-11 s 24

Appointments—general

div 19.3.1 hdg (prev div 18.3.1 hdg) ins A2001-56 amdt 2.68
renum A2002-11 s 24
sub A2003-56 amdt 2.52

div 19.3.1 note ins A2002-11 amdt 1.118
am A2022-4 amdt 1.43

Application—div 19.3.1

s 205 ins A2001-56 amdt 2.68
am A2002-11 amdt 1.119, amdt 1.120

Appointments must be in writing etc

s 206 ins A2001-56 amdt 2.68
sub A2002-11 s 25

Appointment may be by name or position

s 207 ins A2001-56 amdt 2.68

Power of appointment includes power to suspend etc

s 208 ins A2001-56 amdt 2.68
am A2005-20 amdt 2.101

Power of appointment includes power to make acting appointment

s 209 ins A2001-56 amdt 2.68

Resignation of appointment

s 210 ins A2001-56 amdt 2.68

Appointment not affected by appointer changes

s 211 ins A2001-56 amdt 2.68

Appointment not affected by defect etc

s 212 ins A2001-56 amdt 2.68

Acting appointments

div 19.3.2 hdg (prev div 18.3.2 hdg) ins A2001-56 amdt 2.68
renum A2002-11 s 24

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Application—div 19.3.2
s 215 ins A2001-56 amdt 2.68
am A2002-11 amdt 1.121, amdt 1.122

Acting appointments must be in writing etc
s 216 ins A2001-56 amdt 2.68
sub A2002-11 s 26

Acting appointment may be made by name or position
s 217 ins A2001-56 amdt 2.68

Instrument may provide when acting appointment has effect etc
s 218 ins A2001-56 amdt 2.68

Appointer may decide terms of acting appointment etc
s 219 ins A2001-56 amdt 2.68
am A2002-11 amdt 1.123

Appointee may exercise functions under acting appointment etc
s 220 ins A2001-56 amdt 2.68

How long does an acting appointment operate?
s 221 ins A2001-56 amdt 2.68
am A2002-11 amdt 1.124

Resignation of acting appointment
s 222 ins A2001-56 amdt 2.68

Effect of acting appointment on substantive appointment etc
s 223 ins A2001-56 amdt 2.68

Acting appointment not affected by appointer changes
s 224 ins A2001-56 amdt 2.68

Acting appointment not affected by defect etc
s 225 ins A2001-56 amdt 2.68

Standing acting arrangements
div 19.3.2A hdg ins A2003-41 amdt 2.35

Application—div 19.3.2A
s 225A ins A2003-41 amdt 2.35

Person acting under standing acting arrangement may exercise functions etc
s 225B hdg sub A2005-20 amdt 2.102
s 225B ins A2003-41 amdt 2.35

Appointments—Assembly consultation
div 19.3.3 hdg ins A2002-11 s 27

Meaning of *statutory position*—div 19.3.3
s 226 ins A2002-11 s 27

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Application—div 19.3.3

s 227 ins A2002-11 s 27
am A2002-49 amdt 2.34; A2004-28 amdt 3.32
(3), (4) exp 22 December 2004 (s 227 (4) and see A2004-28, s 211 (1) and NI2004-486)
am A2007-3 amdt 2.1

Consultation with relevant Assembly committee

s 228 hdg sub A2022-4 amdt 1.44
s 228 ins A2002-11 s 27
am A2022-4 amdt 1.45, amdt 1.46

Appointment is disallowable instrument

s 229 hdg sub A2002-49 amdt 2.35
s 229 ins A2002-11 s 27

Delegations

pt 19.4 hdg (prev pt 18.4 hdg) ins A2001-56 amdt 2.68
renum A2002-11 s 24

Application—pt 19.4 generally

s 230 ins A2001-56 amdt 2.68
am A2002-11 amdt 1.125; A2005-20 amdt 2.103, amdt 2.104

Application—pt 19.4 to subdelegations

s 231 ins A2001-56 amdt 2.68
am A2002-11 amdt 1.126; A2003-56 amdt 2.53, amdt 2.54

Delegation must be in writing etc

s 232 ins A2001-56 amdt 2.68

Delegation may be made by name or position

s 233 ins A2001-56 amdt 2.68

Instrument may provide when delegation has effect etc

s 234 ins A2001-56 amdt 2.68
am A2003-41 amdt 2.36

Delegation may be made to 2 or more delegates

s 235 ins A2001-56 amdt 2.68

Power to delegate may not be delegated

s 236 ins A2001-56 amdt 2.68
am A2002-11 amdt 1.127
sub A2003-56 amdt 2.55

Delegation may be amended or revoked

s 237 ins A2001-56 amdt 2.68
am A2005-20 amdt 2.105

Appointer responsible for delegated function

s 238 ins A2001-56 amdt 2.68

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Exercise of delegation by delegate
s 239 ins A2001-56 amdt 2.68
am A2002-49 amdt 2.36, amdt 2.37; A2003-56 amdt 2.56

Appointer may exercise delegated function
s 240 ins A2001-56 amdt 2.68

Delegation not affected by appointer changes
s 241 ins A2001-56 amdt 2.68

Delegation not affected by defect etc
s 242 ins A2001-56 amdt 2.68

Service of documents
pt 19.5 hdg (prev pt 18.5 hdg) ins A2001-56 amdt 2.68
renum A2002-11 s 24

Application—pt 19.5
s 245 ins A2001-56 amdt 2.68

Definitions—pt 19.5
s 246 ins A2001-56 amdt 2.68
def ***executive officer*** am A2011-22 amdt 1.277
def ***home address*** am A2002-30 amdt 2.7

Service of documents on individuals
s 247 ins A2001-56 amdt 2.68
am A2002-49 amdt 2.38, amdt 2.39

Service of documents on corporations
s 248 ins A2001-56 amdt 2.68
am A2002-49 amdt 2.40, amdt 2.41

Service of documents on agencies
s 249 ins A2001-56 amdt 2.68

When document taken to be served
s 250 hdg sub A2005-20 amdt 2.106
s 250 ins A2001-56 amdt 2.68
am A2002-11 amdt 1.128; A2011-48 amdt 1.36; A2018-9 s 102

Other laws not affected etc
s 251 ins A2001-56 amdt 2.68
am A2002-11 amdt 1.129

Powers of courts and tribunals not affected
s 252 ins A2001-56 amdt 2.68

Functions of Executive and Ministers
pt 19.6 hdg ins A2002-11 s 29

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Exercise of functions of Executive
s 253 ins A2002-11 s 29
am A2003-41 amdt 2.37; A2005-62 amdt 2.17; A2021-3 s 27

Administration of matters not allocated
s 254 ins A2002-11 s 29

Delegation by Minister
s 254A ins A2002-11 s 29

Other matters
pt 19.7 hdg (prev pt 18.6 hdg) ins A2001-56 amdt 2.68
sub A2002-11 s 28

Forms
s 255 ins A2001-56 amdt 2.68
am A2002-11 amdt 1.130, amdt 1.131; A2002-49 amdt 2.42; A2003-41 amdt 2.38; A2005-20 amdt 2.107, amdt 2.108; A2006-42 amdt 2.12, amdt 2.19; A2021-12 amdt 2.11

Production of records kept in computers etc
s 256 ins A2001-56 amdt 2.68
am A2005-20 amdt 2.109

Out-of-session presentation of documents to Legislative Assembly
s 257 ins A2015-50 amdt 2.2
am A2021-12 amdt 2.13

Delegation by parliamentary counsel
s 260 (prev s 119) renum A2001-56 amdt 2.67
om A2002-11 amdt 1.132

References to Administration Act 1989 etc
s 261 (prev s 120) renum A2001-56 amdt 2.67
om A2002-11 amdt 1.132

Regulation-making power
s 262 (prev s 121) renum as s 262 and then s 302

Application of s 28
s 263 (prev s 122) renum A2001-56 amdt 2.67
exp 12 March 2002 (s 263 (2))

Application of s 47 (2) to (6)
s 264 (prev s 122A) renum as s 264 and then s 304

Application of s 61 and s 62
s 265 (prev s 123) renum as s 265 and then s 305

Application of s 69
s 266 (prev s 124) renum A2001-56 amdt 2.67
exp 12 March 2002 (s 266 (2))

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Transitional regulations
s 267 (prev s 125) renum as s 267 and then s 306

Modification of ch 20's operation
s 268 (prev s 126) renum as s 268 and then s 307

Status of certain instruments as disallowable instruments
s 269 (prev s 127) renum as s 269 and then s 308

Status of certain instruments as notifiable instruments
s 270 (prev s 128) renum as s 270 and then s 309

Compliance with authorisation or requirement to do something by notice in gazette
s 271 (prev s 129) renum as s 271 and then s 310

Commencement of Acts that refer to notification or notice in the gazette
s 271B renum as s 311

Commencement of registrable instruments that refer to notification or notice in the gazette
s 271C renum as s 312

Status of republications under Legislation (Republication) Act 1996
s 272 (prev s 130) renum as s 272 and then s 313

Transitional provisions about penalties
s 273 renum as s 314

Status of certain determinations
s 274 renum as s 315

Miscellaneous
ch 20 hdg (prev ch 13 hdg) renum as ch 20 hdg and then ch 21 hdg
(prev ch 12 hdg) renum as ch 19 hdg A2001-56 amdt 2.66
renum as ch 20 hdg A2002-11 s 24

Delegation by parliamentary counsel
s 300 ins A2002-11 amdt 1.132
am A2004-60 amdt 1.175

References to Administration Act 1989 etc
s 301 ins A2002-11 amdt 1.132

Regulation-making power
s 302 (prev s 121) renum as s 262 A2001-56 amdt 2.67
renum as s 302 R5 LA (see A2002-11 amdt 1.133)
sub A2003-41 amdt 2.39
am A2006-42 amdt 2.19; A2011-28 amdt 2.18

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Transitional

ch 21 hdg (prev ch 13 hdg) renum as ch 20 hdg A2001-56 amdt 2.66
renum as ch 21 hdg A2002-11 s 24
om R29 LA

Transitional—meaning of optometrist

s 303 ins A2005-9 amdt 1.1
exp 9 January 2007 (see the Health Professionals Act 2004 s 136 (1) (h)) (s 303 (2))

Application of s 47 (2) to (6)

s 304 hdg (prev s 122A hdg) renum as s 264 hdg and then s 304 hdg
sub A2002-11 amdt 1.134

s 304 (prev s 122A) ins A2001-44 amdt 1.2623
renum as s 264 A2001-56 amdt 2.67
am A2002-11 amdt 1.135
renum as s 304 R5 LA (see A2002-11 amdt 1.136)
exp 12 September 2004 (s 304 (4))

Application of s 61 and s 62

s 305 (prev s 123) renum as s 265 A2001-56 amdt 2.67
renum as s 305 R5 LA (see A2002-11 amdt 1.136)
exp 12 September 2002 (s 305 (3))

Transitional regulations

s 306 (prev s 125) am A2001-44 amdt 1.2624
renum as s 267 A2001-56 amdt 2.67
am A2001-56 amdts 2.69-2.71; A2002-11 amdts 1.137-1.140
renum as s 306 R5 LA (see A2002-11 amdt 1.136)
exp 28 May 2003 (s 306 (5))

Modification of ch 20's operation

s 307 hdg (prev s 268 hdg) sub A2001-56 amdt 2.72

s 307 (prev s 126) renum as s 268 A2001-56 amdt 2.67
am A2002-11 amdt 1.141
renum as s 307 R5 LA (see A2002-11 amdt 1.13)
am A2002-49 amdt 2.54
exp 28 May 2003 (s 307 (2))

Status of certain instruments as disallowable instruments

s 308 (prev s 127) renum as s 269 A2001-56 amdt 2.67
renum as s 308 R5 LA (see A2002-11 amdt 1.136)
exp 12 September 2004 (s 308 (4))

Status of certain instruments as notifiable instruments

s 309 (prev s 128) renum as s 270 A2001-56 amdt 2.67
renum as s 309 R5 LA (see A2002-11 amdt 1.136)
exp 12 September 2004 (s 309 (7))

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Compliance with authorisation or requirement to do something by notice in gazette

s 310 (prev s 129) renum as s 271 A2001-56 amdt 2.67
am A2001-56 amdt 2.73
renum as s 310 R5 LA (see A2002-11 amdt 1.136)
exp 12 September 2004 (s 310 (5))

Application of s 89 to registrable instrument

s 310A ins A2003-56 amdt 2.57
exp 12 September 2004 (s 310A (2))

Commencement of Acts that refer to notification or notice in the gazette

s 311 (prev s 271B) ins as mod SL2001-34 reg 6
renum R5 LA (see A2002-11 amdt 1.136)
exp 13 September 2002 (s 311 (5))

Commencement of registrable instruments that refer to notification or notice in the gazette

s 312 (prev s 271C) ins as mod SL2001-34 reg 6
renum R5 LA (see A2002-11 amdt 1.136)
exp 13 September 2002 (s 312 (5))

Status of republications under Legislation (Republication) Act 1996

s 313 (prev s 130) renum as s 272 A2001-56 amdt 2.67
renum as s 313 R5 LA (see A2002-11 amdt 1.136)
exp 12 September 2004 (s 313 (3))

Transitional provisions about penalties

s 314 (prev s 273) ins A2001-56 amdt 2.74
renum R5 LA (see A2002-11 amdt 1.136)
exp 12 September 2003 (s 314 (5))

Status of certain determinations

s 315 (prev s 274) ins A2001-56 amdt 2.74
renum R5 LA (see A2002-11 amdt 1.136)
exp 12 September 2003 (s 315 (6))

Delegations under Administration Act 1989

s 316 ins A2003-56 amdt 2.58
exp 12 September 2004 (s 316 (3))

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Former NSW and UK Acts in force before establishment of Territory

sch 1 pt 1.1 hdg	(prev sch 1 pt 1 hdg) sub and renum A2001-56 amdt 2.75
sch 1 pt 1.1	am A2001-44 amdt 1.2625; A2001-56 amdts 2.76-2.79; A2001-88 s 43 (2); A2002-40 amdt 3.28; items renum R11 LA (see A2002-40 amdt 3.29)
	sub A2002-49 amdt 2.43
	am A2003-56 amdt 2.59; items renum R21 LA (see A2003-56 amdt 2.60); A2004-17 amdt 2.10; items renum R30 LA (see A2004-17 amdt 2.11); A2004-60 amdt 1.176; items renum R31 LA (see A2004-60 amdt 1.177); A2006-38 amdt 1.9; items renum R52 LA (see A2006-38 amdt 1.10); A2009-39 amdt 2.5; items renum R70 LA; A2009-50 s 50; items renum R71 LA; A2021-12 amdt 2.12; items renum R121 LA

Former NSW Acts applied after establishment of Territory

sch 1 pt 1.2 hdg	(prev sch 1 pt 2 hdg) sub and renum A2001-56 amdt 2.80
sch 1 pt 1.2	am A2001-44 amdt 1.2626, amdt 1.2627; A2001-56 amdt 2.81; A2004-7 amdt 1.5; A2006-38 amdt 1.11; items renum R52 LA (see A2006-38 amdt 1.12)

Meaning of commonly-used terms

dict pt 1 hdg	sub A2003-56 amdt 2.61
dict pt 1 note	sub A2003-56 amdt 2.61
dict pt 1	def ***AAT*** ins A2002-49 amdt 2.44
	om A2008-37 amdt 1.297
	def ***ACAT*** ins A2008-36 amdt 1.409
	def ***Act*** sub A2001-56 amdt 2.82
	am A2005-20 amdt 2.110
	def ***ACT*** reloc from IA A2001-56 amdt 2.16
	def ***ADI*** reloc from IA A2001-56 amdt 2.16
	sub A2002-49 amdt 2.45
	def ***administrative appeals tribunal*** reloc from IA A2001-56 amdt 2.16
	om A2008-37 amdt 1.297
	def ***administrative unit*** reloc from IA A2001-56 amdt 2.16
	def ***adult*** reloc from IA A2001-56 amdt 2.16
	def ***affidavit*** reloc from IA A2001-56 amdt 2.16
	om A2005-53 amdt 1.95
	def ***ambulance service*** reloc from IA A2001-56 amdt 2.16
	sub A2004-28 amdt 3.33
	def ***amend*** sub A2001-56 amdt 2.82
	am A2005-20 amdt 2.111, amdt 2.112
	def ***appoint*** reloc from IA A2001-56 amdt 2.16
	def ***AS*** ins A2009-20 amdt 2.9
	def ***AS/NZS*** ins A2009-20 amdt 2.9
	def ***asset*** reloc from IA A2001-56 amdt 2.16
	def ***associate judge*** ins A2015-10 s 32
	om A2023-37 amdt 1.16

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def ***Attorney-General*** ins A2001-56 amdt 2.82
def ***auditor-general*** reloc from IA A2001-56 amdt 2.16
sub A2005-20 amdt 2.113
def ***Australia*** reloc from IA A2001-56 amdt 2.16
def ***Australian citizen*** ins A2012-21 amdt 2.1
def ***Australian Consumer Law (ACT)*** ins A2010-54 amdt 3.38
def ***Australian Criminal Intelligence Commission*** ins A2017-4 amdt 2.2
def ***Australian driver licence*** reloc from IA A2001-56 amdt 2.16
sub A2025-29 amdt 2.2
def ***Australian/New Zealand Standard*** ins A2009-20 amdt 2.9
def ***Australian Standard*** ins A2009-20 amdt 2.9
def ***Australian Statistician*** ins A2005-20 amdt 2.114
def ***authorised deposit-taking institution*** reloc from IA A2001-56 amdt 2.16
sub A2002-49 amdt 2.46
def ***bank*** reloc from IA A2001-56 amdt 2.16
def ***bank holiday*** ins A2011-28 amdt 2.19
def ***bankrupt or personally insolvent*** ins A2009-49 amdt 2.1
def ***barrister*** reloc from IA A2001-56 amdt 2.16
def ***body*** reloc from IA A2001-56 amdt 2.16
def ***breach*** reloc from IA A2001-56 amdt 2.16
def ***building code*** ins A2004-13 amdt 2.79
def ***building society*** reloc from IA A2001-56 amdt 2.16
sub A2003-56 amdt 2.62
def ***business day*** reloc from IA A2001-56 amdt 2.16
am A2011-28 amdt 2.20
def ***by*** ins A2005-20 amdt 2.115
def ***by-law*** ins A2005-20 amdt 2.116
om A2017-28 amdt 2.4
def ***by-laws*** ins A2002-11 amdt 1.142
om A2005-20 amdt 2.116
def ***calendar month*** reloc from IA A2001-56 amdt 2.16
sub A2014-44 amdt 2.4
def ***calendar year*** reloc from IA A2001-56 amdt 2.16
def ***Canberra Institute of Technology*** ins A2014-55 s 35
def ***change*** reloc from IA A2001-56 amdt 2.16
sub A2006-42 amdt 2.13
def ***chief executive*** ins A2001-56 amdt 2.82
om A2011-22 amdt 1.278
def ***chief fire control officer*** ins A2001-56 amdt 2.82
om A2004-28 amdt 3.34
def ***chief health officer*** reloc from IA A2001-56 amdt 2.16
def ***Chief Justice*** reloc from IA A2001-56 amdt 2.16

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def ***Chief Magistrate*** reloc from IA A2001-56 amdt 2.16
def ***Chief Minister*** reloc from IA A2001-56 amdt 2.16
def ***chief officer (ambulance service)*** ins A2004-28 amdt 3.35
def ***chief officer (fire and rescue)*** ins A2012-21 amdt 2.2
om A2016-33 amdt 1.29
def ***chief officer (fire and rescue service)*** ins A2016-33 amdt 1.30
def ***chief officer (fire brigade)*** ins A2004-28 amdt 3.35
om A2012-21 amdt 2.2
def ***chief officer (rural fire service)*** ins A2004-28 amdt 3.35
def ***chief officer (SES)*** ins A2004-28 amdt 3.35
def ***chief planner*** ins A2023-36 amdt 1.238
def ***chief planning executive*** ins A2002-56 amdt 3.43
sub A2005-20 amdt 2.117; A2007-25 amdt 1.96
om A2023-36 amdt 1.239
def ***chief police officer*** reloc from IA A2001-56 amdt 2.16
def ***chief solicitor*** ins A2004-42 amdt 2.39
am A2011-30 amdt 1.8
def ***chief surveyor*** ins A2007-33 amdt 1.9
om A2010-6 amdt 1.10
def ***child*** reloc from IA A2001-56 amdt 2.16
def ***children and young people commissioner*** ins A2005-46 amdt 1.1
def ***Childrens Court*** reloc from IA A2001-56 amdt 2.16
sub A2008-20 amdt 4.42
def ***city area*** reloc from IA A2001-56 amdt 2.16
am A2005-20 amdt 2.118
def ***city renewal authority*** ins A2017-12 amdt 1.3
def ***civil partner*** ins A2008-14 amdt 1.44
def ***civil partnership*** ins A2008-14 amdt 1.44
sub A2012-40 amdt 3.65
def ***civil union*** ins A2006-22 amdt 1.74 (A2006-22 rep before commenced by disallowance (see Cwlth Gaz 2006 No S93))
ins A2012-40 amdt 3.66
sub A2013-39 amdt 2.37 (A2013-39 never effective (see *Commonwealth v Australian Capital Territory* [2013] HCA 55))
def ***civil union partner*** ins A2012-40 amdt 3.66
def ***clerk*** reloc from IA A2001-56 amdt 2.16
am A2012-26 amdt 1.31
def ***commencement*** sub A2001-56 amdt 2.82
def ***commencement notice*** sub A2001-56 amdt 2.82
def ***commissioner for fair trading*** reloc from IA A2001-56 amdt 2.16
sub A2005-20 amdt 2.119
am A2010-54 amdt 3.39

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def ***commissioner for health complaints*** ins A2001-56 amdt 2.82
om A2005-41 amdt 1.110
def ***commissioner for housing*** reloc from IA A2001-56 amdt 2.16
om A2007-8 amdt 1.12
def ***commissioner for land and planning*** reloc from IA A2001-56 amdt 2.16
om A2002-56 amdt 3.44
def ***commissioner for public administration*** reloc from IA A2001-56 amdt 2.16
om A2016-52 amdt 1.117
def ***commissioner for revenue*** reloc from IA A2001-56 amdt 2.16
def ***commissioner for surveys*** reloc from IA A2001-56 amdt 2.16
om A2007-33 amdt 1.10
def ***commissioner for sustainability and the environment*** ins A2012-25 amdt 1.2
def ***commissioner for the environment*** ins A2001-56 amdt 2.82
om A2012-25 amdt 1.2
def ***commissioner of police*** reloc from IA A2001-56 amdt 2.16
def ***commit*** ins A2006-23 amdt 1.212
def ***committed for trial*** reloc from IA A2001-56 amdt 2.16
om A2006-23 amdt 1.212
def ***Commonwealth*** reloc from IA A2001-56 amdt 2.16
def ***Commonwealth country*** reloc from IA A2001-56 amdt 2.16
def ***Commonwealth Criminal Code*** ins A2025-29 amdt 2.3
def ***Commonwealth DPP*** ins A2005-20 amdt 2.120
def ***Commonwealth gazette*** reloc from IA A2001-56 amdt 2.16
def ***community advocate*** reloc from IA A2001-56 amdt 2.16
om A2005-47 amdt 1.12
def ***confer*** reloc from IA A2001-56 amdt 2.16
def ***conservator of flora and fauna*** reloc from IA A2001-56 amdt 2.16
am A2014-59 amdt 2.36
def ***construction occupations registrar*** ins A2004-13 amdt 2.80
sub A2005-20 amdt 2.121
def ***consumer and trader tribunal*** ins A2003-16 s 70
om A2008-36 amdt 1.410

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def ***Consumer Credit (Australian Capital Territory) Code*** reloc from IA A2001-56 amdt 2.16
om A2010-40 amdt 1.25
def ***Consumer Credit (Australian Capital Territory) Regulations*** reloc from IA A2001-56 amdt 2.16
om A2010-40 amdt 1.25
def ***contravene*** reloc from IA A2001-56 amdt 2.16
def ***converted ordinance*** reloc from IA A2001-56 amdt 2.16
def ***Co-operatives National Law (ACT)*** ins A2017-8 amdt 2.5
def ***Co-operatives National Regulation (ACT)*** ins A2017-8 amdt 2.5
def ***coroner*** ins A2014-18 amdt 2.1
def ***Coroner's Court*** reloc from IA A2001-56 amdt 2.16
def ***corporation*** reloc from IA A2001-56 amdt 2.16
def ***Corporations Act*** ins in IA 2001No 56 amdt 2.14
reloc from IA A2001-56 amdt 2.16
def ***correctional centre*** ins A2006-23 amdt 1.213
def ***corrections officer*** ins A2006-23 amdt 1.213
def ***Court of Appeal*** ins A2004-42 amdt 2.39
def ***court of summary jurisdiction*** reloc from IA A2001-56 amdt 2.16
def ***credit tribunal*** reloc from IA A2001-56 amdt 2.16
sub A2005-20 amdt 2.122
om A2008-36 amdt 1.410
def ***credit union*** reloc from IA A2001-56 amdt 2.16
sub A2003-56 amdt 2.63
def ***Criminal Code*** ins A2002-51 amdt 1.27
def ***CrimTrac*** ins A2011-52 amdt 2.1
om A2017-4 amdt 2.3
def ***custodial escort*** ins A2002-30 amdt 2.8
om A2006-23 amdt 1.214
def ***daily newspaper*** ins A2009-20 amdt 2.10
om A2015-33 amdt 1.139
def ***daylight*** reloc from IA A2001-56 amdt 2.16
def ***definition*** ins A2001-56 amdt 2.82
def ***dental prosthetist*** reloc from IA A2001-56 amdt 2.16
sub A2004-39 amdt 3.1; A2010-10 amdt 2.69
def ***dental technician*** reloc from IA A2001-56 amdt 2.16
sub A2004-39 amdt 3.2
om A2011-28 amdt 2.21
def ***dentist*** reloc from IA A2001-56 amdt 2.16
sub A2004-39 amdt 4.3; A2010-10 amdt 2.70
def ***Deputy Speaker*** ins A2005-20 amdt 2.123
def ***designation*** reloc from IA A2001-56 amdt 2.16
om A2016-52 amdt 1.117
def ***detention place*** ins A2008-20 amdt 2.22
def ***director-general*** ins A2011-22 amdt 1.279

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def ***director of corrective services*** ins A2002-30 amdt 2.8
om A2006-23 amdt 1.215
def ***director of public prosecutions*** (or ***DPP***) reloc from IA A2001-56 amdt 2.16
def ***disability and community services commissioner*** ins A2005-41 amdt 1.111
def ***disallowable instrument*** sub A2001-56 amdt 2.82
def ***discrimination commissioner*** reloc from IA A2001-56 amdt 2.16
sub A2005-41 amdt 1.112
def ***discrimination tribunal*** reloc from IA A2001-56 amdt 2.16
om A2008-36 amdt 1.410
def ***doctor*** reloc from IA A2001-56 amdt 2.16
sub A2004-39 amdt 5.13; A2010-10 amdt 2.71
def ***document*** reloc from IA A2001-56 amdt 2.16
am A2003-56 amdt 2.64
def ***domestic partner*** ins A2003-14 s 5
def ***domestic partnership*** ins A2003-14 s 5
def ***DPP*** ins A2002-49 amdt 2.47
def ***driver licence*** reloc from IA A2001-56 amdt 2.16
sub A2025-29 amdt 2.4
def ***electoral commission*** reloc from IA A2001-56 amdt 2.16
def ***electoral commissioner*** reloc from IA A2001-56 amdt 2.16
def ***emergency service*** ins A2004-28 amdt 3.35
sub A2012-21 amdt 2.3; A2016-33 amdt 1.31
def ***emergency services authority*** ins A2004-28 amdt 3.35
om A2007-3 amdt 2.2
def ***emergency services commissioner*** ins A2004-28 amdt 3.35
def ***enactment*** sub A2001-56 amdt 2.82
def ***enrolled nurse*** ins A2006-46 amdt 2.28
sub A2010-10 amdt 2.72
am A2025-29 amdt 2.5
def ***entity*** ins A2001-56 amdt 2.82
def ***environment protection authority*** ins A2002-11 amdt 1.142
def ***establish*** reloc from IA A2001-56 amdt 2.16
def ***estate*** reloc from IA A2001-56 amdt 2.16
def ***Executive*** reloc from IA A2001-56 amdt 2.16
def ***exercise*** reloc from IA A2001-56 amdt 2.16
def ***expire*** reloc from IA A2001-56 amdt 2.16
def ***external territory*** reloc from IA A2001-56 amdt 2.16
def ***fail*** reloc from IA A2001-56 amdt 2.16
def ***Federal Court*** reloc from IA A2001-56 amdt 2.16
def ***file*** reloc from IA A2001-56 amdt 2.16
def ***financial year*** reloc from IA A2001-56 amdt 2.16

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def ***fire and rescue*** ins A2012-21 amdt 2.4
om A2016-33 amdt 1.32
def ***fire and rescue service*** ins A2016-33 amdt 1.33
def ***fire brigade*** reloc from IA A2001-56 amdt 2.16
sub A2004-28 amdt 3.36
om A2012-21 amdt 2.5
def ***fire commissioner*** reloc from IA A2001-56 amdt 2.16
om A2004-28 amdt 3.37
def ***for*** ins A2002-11 amdt 1.142
def ***foreign country*** reloc from IA A2001-56 amdt 2.16
sub A2006-42 amdt 2.14
def ***former NSW Act*** sub A2001-56 amdt 2.82; A2002-11 amdt 1.143
def ***former UK Act*** sub A2001-56 amdt 2.82; A2002-11 amdt 1.143
def ***found guilty*** reloc from IA A2001-56 amdt 2.16
sub A2002-49 amdt 2.48; A2006-23 amdt 1.216
am A2008-20 amdt 4.43
def ***function*** reloc from IA A2001-56 amdt 2.16
def ***gambling and racing commission*** reloc from IA A2001-56 amdt 2.16
def ***gazette*** reloc from IA A2001-56 amdt 2.16
sub A2009-49 amdt 2.2
am A2016-52 amdt 1.118
def ***give*** reloc from IA A2001-56 amdt 2.16
def ***government printer*** reloc from IA A2001-56 amdt 2.16
def ***government solicitor*** reloc from IA A2001-56 amdt 2.16
sub A2011-30 amdt 1.9
def ***Governor*** ins A2001-56 amdt 2.82
def ***Governor-General*** ins A2001-56 amdt 2.82
def ***GST*** ins A2002-27 s 27
def ***guardianship tribunal*** reloc from IA A2001-56 amdt 2.16
om A2008-36 amdt 1.410
def ***head of service*** ins A2016-52 amdt 1.119
def ***health practitioner*** ins A2010-10 amdt 2.73
def ***Health Practitioner Regulation National Law (ACT)*** ins A2010-10 amdt 2.73
def ***health services commissioner*** ins A2005-41 amdt 1.113
def ***Heavy Vehicle National Law (ACT)*** ins A2013-52 s 6
def ***heritage council*** ins A2004-57 amdt 1.53
def ***heritage register*** ins A2004-57 amdt 1.53
def ***High Court*** reloc from IA A2001-56 amdt 2.16
def ***home address*** ins A2009-49 amdt 2.3
def ***housing commissioner*** ins A2007-8 amdt 1.13
def ***human rights commission*** ins A2005-41 amdt 1.113
def ***human rights commissioner*** ins A2005-41 amdt 1.113
def ***Imperial Act*** reloc from IA A2001-56 amdt 2.16

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def ***independent competition and regulatory commission*** ins A2004-42 amdt 2.39
def ***indictable offence*** ins A2001-56 amdt 2.82
sub A2002-11 amdt 1.144; A2003-56 amdt 2.65
def ***indictment*** reloc from IA A2001-56 amdt 2.16
def ***individual*** reloc from IA A2001-56 amdt 2.16
def ***Industrial Court*** ins A2013-43 amdt 1.3
def ***information privacy commissioner*** ins A2014-49 amdt 1.26
def ***infringement notice*** ins A2004-42 amdt 2.39
def ***in relation to*** ins A2002-49 amdt 2.49
def ***insolvent under administration*** ins A2003-56 amdt 2.66
om A2005-20 amdt 2.124
def ***institute of technology*** ins A2007-3 amdt 2.3
om A2014-55 s 36
def ***instrument*** sub A2001-56 amdt 2.82
def ***integrity commission*** ins A2018-52 amdt 1.90
def ***integrity commissioner*** ins A2018-52 amdt 1.90
def ***interest*** reloc from IA A2001-56 amdt 2.16
def ***internal territory*** reloc from IA A2001-56 amdt 2.16
def ***intersex person*** ins A2003-14 s 5
def ***Jervis Bay Territory*** reloc from IA A2001-56 amdt 2.16
def ***judge*** reloc from IA A2001-56 amdt 2.16
am A2002-11 amdt 1.145
def ***Lake Burley Griffin*** reloc from IA A2001-56 amdt 2.16
def ***Lake Ginninderra*** reloc from IA A2001-56 amdt 2.16
om A2017-4 amdt 2.4
def ***land*** reloc from IA A2001-56 amdt 2.16
def ***land development agency*** ins A2002-56 amdt 3.45
sub A2005-20 amdt 2.125; A2007-25 amdt 1.97
om A2017-12 amdt 1.4
def ***land titles register*** ins A2020-16 amdt 1.27
def ***law*** reloc from IA A2001-56 amdt 2.16
def ***lawyer*** reloc from IA A2001-56 amdt 2.16
def ***legal aid commission*** ins A2001-56 amdt 2.82
def ***legal practitioner*** reloc from IA A2001-56 amdt 2.16
sub A2006-25 amdt 2.16
def ***Legislation Act*** ins A2002-49 amdt 2.50
def ***Legislative Assembly*** reloc from IA A2001-56 amdt 2.16
def ***legislative instrument*** ins A2006-42 amdt 2.15
def ***liability*** reloc from IA A2001-56 amdt 2.16
def ***magistrate*** reloc from IA A2001-56 amdt 2.16
def ***Magistrates Court*** reloc from IA A2001-56 amdt 2.16
def ***make*** reloc from IA A2001-56 amdt 2.16
def ***making*** sub A2001-56 amdt 2.82

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def ***marriage*** ins A2013-39 amdt 2.38 (A2013-39 never effective (see *Commonwealth v Australian Capital Territory* [2013] HCA 55))
def ***master*** reloc from IA A2001-56 amdt 2.16
om A2015-10 s 33
def ***may*** ins A2001-56 amdt 2.82
def ***medical practitioner*** ins A2001-56 amdt 2.82
def ***mental health tribunal*** reloc from IA A2001-56 amdt 2.16
om A2008-36 amdt 1.410
def ***midnight*** reloc from IA A2001-56 amdt 2.16
def ***midwife*** ins A2006-46 amdt 2.28
sub A2010-10 amdt 2.74
am A2025-29 amdt 2.6
def ***Minister*** ins A2001-56 amdt 2.82
def ***modification*** reloc from IA A2001-56 amdt 2.16
sub A2006-42 amdt 2.16
def ***month*** reloc from IA A2001-56 amdt 2.16
sub A2014-44 amdt 2.5
def ***must*** ins A2001-56 amdt 2.82
def ***name*** reloc from IA A2001-56 amdt 2.16
def ***named month*** reloc from IA A2001-56 amdt 2.16
om A2014-44 amdt 2.6
def ***national capital authority*** ins A2002-11 amdt 1.146
def ***national capital plan*** ins A2004-42 amdt 2.39
def ***National Credit Code*** ins A2010-40 amdt 1.26
am A2025-29 amdt 2.7
def ***National Electricity (ACT) Law*** ins A2011-52 amdt 2.1
def ***National Electricity (ACT) Regulation*** ins A2011-52 amdt 2.1
def ***National Energy Retail Law (ACT)*** ins A2012-32 s 64
def ***National Energy Retail Regulation (ACT)*** ins A2012-32 s 64
def ***National Gas (ACT) Law*** ins A2008-15 amdt 2.11
def ***National Gas (ACT) Regulation*** ins A2008-15 amdt 2.11
def ***national land*** reloc from IA A2001-56 amdt 2.16
def ***night*** reloc from IA A2001-56 amdt 2.16
def ***Northern Territory*** reloc from IA A2001-56 amdt 2.16
def ***notifiable instrument*** sub A2001-56 amdt 2.82
def ***notification*** sub A2001-56 amdt 2.82
am A2004-42 amdt 2.40; A2006-42 amdt 2.18
def ***notification day*** sub A2001-56 amdt 2.82
def ***NSW Act*** reloc from IA A2001-56 amdt 2.16
def ***NSW correctional centre*** ins A2006-23 amdt 1.217
def ***number*** reloc from IA A2001-56 amdt 2.16
def ***nurse*** reloc from IA A2001-56 amdt 2.16
sub A2004-39 amdt 6.7; A2010-10 amdt 2.75
am A2025-29 amdt 2.8, amdt 2.9

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def ***nurse practitioner*** ins A2004-10 s 6
sub A2004-39 amdt 6.8; A2010-10 amdt 2.76
def ***oath*** reloc from IA A2001-56 amdt 2.16
sub A2005-53 amdt 1.96
am A2011-48 amdt 1.37
def ***occupational discipline order*** ins A2008-36 amdt 1.411
def ***occupy*** ins A2001-56 amdt 2.82
sub A2005-20 amdt 2.126
def ***office*** reloc from IA A2001-56 amdt 2.16
def ***office of fair trading*** reloc from IA A2001-56 amdt 2.16
sub A2005-20 amdt 2.127
om A2010-54 amdt 3.40
def ***Office of the Legislative Assembly*** ins A2012-26 amdt 1.32
def ***officer of the Assembly*** ins A2013-41 amdt 1.27
am A2018-52 amdt 1.91; pars renum R116 LA
def ***official visitor*** ins A2012-33 amdt 1.37
def ***OH&S commissioner*** ins A2003-41 amdt 2.40
om A2009-28 amdt 2.21
def ***ombudsman*** reloc from IA A2001-56 amdt 2.16
def ***omit*** ins A2001-56 amdt 2.82
def ***optometrist*** ins A2005-9 amdt 1.2
note exp 9 January 2007 (see the Health Professionals Act 2004 s 136 (1) (h)) (s 303 (2))
sub A2010-10 amdt 2.77
def ***ordinance*** reloc from IA A2001-56 amdt 2.16
def ***parent*** ins A2004-1 amdt 1.22
def ***parliamentary counsel*** sub A2001-56 amdt 2.82
def ***passing*** sub A2001-56 amdt 2.82
def ***penalty unit*** ins A2001-56 amdt 2.82
def ***person*** ins A2001-56 amdt 2.82
sub A2009-20 amdt 2.11
def ***pharmacist*** reloc from IA A2001-56 amdt 2.16
sub A2004-39 amdt 8.2; A2010-10 amdt 2.78
def ***planning and land authority*** ins A2002-56 amdt 3.47
sub A2005-20 amdt 2.128; A2007-25 amdt 1.98
om A2023-36 amdt 1.239
def ***planning and land council*** ins A2002-56 amdt 3.46
sub A2005-20 amdt 2.129
om A2006-30 amdt 1.70
def ***planning authority*** reloc from IA A2001-56 amdt 2.16
om A2002-56 amdt 3.47
def ***police officer*** reloc from IA A2001-56 amdt 2.16
def ***position*** reloc from IA A2001-56 amdt 2.16
def ***power*** reloc from IA A2001-56 amdt 2.16
def ***prescribed*** reloc from IA A2001-56 amdt 2.16
am A2002-49 amdt 2.51; A2005-20 amdt 2.130

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def ***present*** ins A2005-5 s 28
def ***privacy commissioner*** reloc from IA A2001-56 amdt 2.16
om A2014-49 amdt 1.27
def ***proceeding*** reloc from IA A2001-56 amdt 2.16
def ***property*** reloc from IA A2001-56 amdt 2.16
def ***provision*** sub A2001-56 amdt 2.82
def ***public advocate*** ins A2005-47 amdt 1.13
am A2016-13 amdt 1.92
def ***public employee*** reloc from IA A2001-56 amdt 2.16
sub A2016-52 amdt 1.120
def ***public health officer*** reloc from IA A2001-56 amdt 2.16
sub A2005-20 amdt 2.131
def ***public holiday*** ins A2011-28 amdt 2.22
def ***public money*** reloc from IA A2001-56 amdt 2.16
def ***public notice*** ins A2015-33 amdt 1.140
def ***public sector body*** ins A2016-52 amdt 1.121
sub A2025-29 amdt 2.10
def ***public sector member*** ins A2016-52 amdt 1.121
def ***public sector standards commissioner*** ins A2016-52 amdt 1.121
def ***public servant*** reloc from IA A2001-56 amdt 2.16
def ***public service*** reloc from IA A2001-56 amdt 2.16
def ***public trustee*** reloc from IA A2001-56 amdt 2.16
om A2016-13 amdt 1.93
def ***public trustee and guardian*** ins A2016-13 amdt 1.94
def ***quarter*** ins A2002-30 amdt 2.8
def ***Rail Safety National Law (ACT)*** ins A2017-21 amdt 1.25
def ***recognised transgender person*** ins A2003-14 s 5
def ***registered surveyor*** reloc from IA A2001-56 amdt 2.16
am A2007-33 amdt 1.11
def ***registrable instrument*** sub A2001-56 amdt 2.82
om A2006-42 amdt 2.17
def ***registrar*** reloc from IA A2001-56 amdt 2.16
def ***registrar-general*** reloc from IA A2001-56 amdt 2.16
def ***registrar of firearms*** reloc from IA A2001-56 amdt 2.16
def ***registrar of liquor licences*** reloc from IA A2001-56 amdt 2.16
om A2009-20 amdt 2.12
def ***regulations*** reloc from IA A2001-56 amdt 2.16
om A2005-20 amdt 2.132
def ***regulation*** ins A2005-20 amdt 2.132
def ***remand centre*** ins A2002-30 amdt 2.8
om A2006-23 amdt 1.218
def ***remand centre administrator*** ins A2002-30 amdt 2.8
om A2006-23 amdt 1.218
def ***remuneration tribunal*** reloc from IA A2001-56 amdt 2.16

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def ***repeal*** sub A2001-56 amdt 2.82
pars renum A2002-11 amdt 1.147
am A2002-11 amdt 1.148; A2004-42 amdts 2.41-2.43;
pars renum R27 LA (see A2004-42 amdt 2.44); A2005-20 amdt 2.133, amdt 2.134
def ***residential tenancies tribunal*** reloc from IA A2001-56 amdt 2.16
om A2008-36 amdt 1.412
def ***resident judge*** ins A2004-42 amdt 2.45
def ***retrospectively*** reloc from dict, pt 2 A2005-20 amdt 2.148
def ***reviewable decision notice*** ins A2008-36 amdt 1.413
def ***road transport authority*** reloc from IA A2001-56 amdt 2.16
am A2011-22 amdt 1.280; A2011-49 amdt 1.10
def ***rules*** reloc from IA A2001-56 amdt 2.16
sub A2002-11 amdt 1.149
am A2005-20 amdt 2.135
def ***rural firefighting service*** reloc from IA A2001-56 amdt 2.16
om A2004-28 amdt 3.38
def ***rural fire service*** ins A2004-28 amdt 3.38
def ***see*** ins A2001-56 amdt 2.82
om A2009-20 amdt 2.13
def ***Self-Government Act*** reloc from IA A2001-56 amdt 2.16
def ***self-government day*** reloc from IA A2001-56 amdt 2.16
def ***sentence administration board*** ins A2002-30 amdt 2.8
sub A2006-23 amdt 1.219
def ***SES*** ins A2004-28 amdt 3.39
def ***sign*** reloc from IA A2001-56 amdt 2.16
def ***signpost definition*** ins A2009-20 amdt 2.14
def ***sitting day*** reloc from IA A2001-56 amdt 2.16
sub A2009-20 amdt 2.15
def ***Small Claims Court*** reloc from IA A2001-56 amdt 2.16
sub A2004-60 amdt 1.178
om A2008-36 amdt 1.414
def ***solicitor*** reloc from IA A2001-56 amdt 2.16
def ***solicitor-general*** ins A2011-30 amdt 1.10
def ***Speaker*** reloc from IA A2001-56 amdt 2.16
def ***spouse*** ins A2013-39 amdt 2.38 (A2013-39 never effective (see *Commonwealth v Australian Capital Territory* [2013] HCA 55))
def ***Standards Australia*** reloc from IA A2001-56 amdt 2.16
am A2013-44 amdt 2.1
def ***State*** reloc from IA A2001-56 amdt 2.16
def ***statutory declaration*** reloc from IA A2001-56 amdt 2.16
def ***statutory instrument*** sub A2001-56 amdt 2.82

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def ***statutory office-holder*** ins A2001-56 amdt 2.82
sub A2002-11 amdt 1.150
def ***subordinate law*** sub A2001-56 amdt 2.82
def ***suburban land agency*** ins A2017-12 amdt 1.5
def ***summary offence*** ins A2001-56 amdt 2.82
sub A2002-11 amdt 1.151; A2003-56 amdt 2.67
def ***Supreme Court*** reloc from IA A2001-56 amdt 2.16
def ***surveyor-general*** ins A2010-6 amdt 1.11
def ***swear*** reloc from IA A2001-56 amdt 2.16
sub A2005-53 amdt 1.97
def ***take*** ins A2005-53 amdt 1.98
def ***tenancy tribunal*** reloc from IA A2001-56 amdt 2.16
om A2002-49 amdt 2.52
def ***territory authority*** reloc from IA A2001-56 amdt 2.16
sub A2003-41 amdt 2.41; A2008-28 amdt 2.1
def ***territory instrumentality*** ins A2001-56 amdt 2.82
am A2007-3 amdt 2.4; A2016-52 amdt 1.122
def ***territory land*** reloc from IA A2001-56 amdt 2.16
def ***territory law*** ins A2005-62 amdt 2.18
def ***territory lease*** ins A2007-25 amdt 1.99
am A2015-19 s 74; A2020-4 s 44
sub A2023-36 amdt 1.240
def ***territory-owned corporation*** reloc from IA A2001-56 amdt 2.16
sub A2025-29 amdt 2.11
def ***territory plan*** reloc from IA A2001-56 amdt 2.16
am A2002-49 amdt 2.53
sub A2007-25 amdt 1.100; A2023-36 amdt 1.240
def ***territory planning authority*** ins A2023-36 amdt 1.241
def ***the Territory*** ins A2001-56 amdt 2.82
def ***transgender person*** ins A2003-14 s 5
def ***transitional*** reloc from IA A2001-56 amdt 2.16
sub A2005-20 amdt 2.136
def ***Treasurer*** ins A2001-56 amdt 2.82
def ***tribunal*** sub A2001-56 amdt 2.82
def ***UK Act*** reloc from IA A2001-56 amdt 2.16
def ***under*** ins A2001-52 amdt 2.82
sub A2002-30 amdt 2.9
am A2005-20 amdt 2.137, amdt 2.138
def ***United Kingdom*** reloc from IA A2001-56 amdt 2.16
def ***United Kingdom Parliament*** reloc from IA A2001-56 amdt 2.16
def ***veterinary practitioner*** ins A2018-32 amdt 3.27
def ***veterinary surgeon*** reloc from IA A2001-56 amdt 2.16
sub A2004-39 amdt 11A.1 (as am by A2005-28 amdt 1.61)
am A2015-29 amdt 2.62
om A2018-32 amdt 3.28

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def ***victims of crime commissioner*** ins A2016-13 amdt 1.95
def ***will*** ins A2001-56 amdt 2.82
def ***word*** reloc from IA A2001-56 amdt 2.16
def ***work health and safety commissioner*** ins A2019-38 amdt 1.12
def ***working day*** ins A2002-11 amdt 1.152
sub A2003-56 amdt 2.68
am A2011-28 amdt 2.23
def ***work safety commissioner*** ins A2009-28 amdt 2.22
sub A2011-55 amdt 1.23; A2017-28 amdt 2.5
om A2019-38 amdt 1.13
def ***writing*** reloc from IA A2001-56 amdt 2.16
def ***year*** reloc from IA A2001-56 amdt 2.16

Terms for Legislation Act 2001 only

dict pt 2 hdg sub A2003-56 amdt 2.69
dict pt 2 note sub A2003-56 amdt 2.69
dict pt 2 def ***Act*** ins A2003-41 amdt 2.42
def ***ACT law*** ins A2005-20 amdt 2.139
def ***administrator*** ins A2001-56 amdt 2.82
def ***agency*** ins A2001-56 amdt 2.82
def ***amend*** ins A2005-20 amdt 2.140
def ***another jurisdiction*** ins A2005-20 amdt 2.141
def ***appointee*** ins A2001-56 amdt 2.82
am A2003-56 amdt 2.70
def ***appointer*** ins A2001-56 amdt 2.82
am A2003-56 amdt 2.71
def ***approved website*** sub A2001-56 amdt 2.82
def ***authorised republication*** sub A2001-56 amdt 2.82
def ***authorising law*** sub A2001-56 amdt 2.82
def ***benefits*** sub A2001-56 amdt 2.82
def ***business address*** ins A2001-56 amdt 2.82
def ***corporation*** ins A2001-56 amdt 2.82
def ***costs*** sub A2001-56 amdt 2.82
def ***current legislative drafting practice*** sub A2001-56 amdt 2.82
def ***delegate*** ins A2001-56 amdt 2.82
def ***determinative provision*** ins A2002-11 amdt 1.153
def ***document*** ins A2001-56 amdt 2.82
def ***editorial amendment*** sub A2001-56 amdt 2.82
def ***email address*** ins A2001-56 amdt 2.82
def ***executive officer*** ins A2001-56 amdt 2.82
def ***fax number*** ins A2001-56 amdt 2.82
def ***fee*** sub A2001-56 amdt 2.82
def ***home address*** ins A2001-56 amdt 2.82

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def ***law*** sub A2001-56 amdt 2.82
am A2002-11 amdt 1.154; pars renum A2002-11 amdt 1.155; A2003-41 amdt 2.43; pars renum R20 LA (see A2003-41 amdt 2.44); A2005-20 amdt 2.142, amdt 2.143; pars renum R34 LA (see A2005-20 amdt 2.144)
def ***law of another jurisdiction*** ins A2005-20 amdt 2.145
def ***legislative material*** ins A2003-41 amdt 2.45
def ***non-determinative provision*** ins A2002-11 amdt 1.156
def ***provide*** sub A2001-56 amdt 2.82
def ***referential term*** ins A2003-56 amdt 2.72
reloc to s 116 (2) A2005-20 amdt 2.146
def ***referential words*** sub A2001-56 amdt 2.82
om A2003-56 amdt 2.72
def ***register*** sub A2001-56 amdt 2.82
def ***repeal*** ins A2005-20 amdt 2.147
def ***republication*** sub A2001-56 amdt 2.82; A2003-41 amdt 2.46
def ***republication date*** sub A2001-56 amdt 2.82
def ***responsible*** ins A2001-56 amdt 2.82
def ***retrospectively*** ins A2003-56 amdt 2.73
reloc to dict, pt 1 A2005-20 amdt 2.148
def ***scrutiny committee principles*** sub A2001-56 amdt 2.82
def ***service*** sub A2001-56 amdt 2.82
def ***working out the meaning of an Act*** ins A2003-41 amdt 2.47

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5 Earlier republications

Some earlier republications were not numbered. The number in column 1 refers to the publication order.

Since 12 September 2001 every authorised republication has been published in electronic pdf format on the ACT legislation register. A selection of authorised republications have also been published in printed format. These republications are marked with an asterisk (*) in column 1. Electronic and printed versions of an authorised republication are identical.

Republication No and date	Effective	Last amendment made by	Republication for
R0A 17 Sept 2002	12 Sept 2001– 12 Sept 2001	A2001-56	amendments by A2001-44, A2001-56 and retrospective amendments by A2002-30
R1 13 Sept 2001	13 Sept 2001– 13 Sept 2001	SL2001-34	modification by SL2001-34
R1 (RI) 17 Sept 2001	13 Sept 2001– 13 Sept 2001	SL2001-34	reissue for retrospective amendments by A2002-30
R2 14 Sept 2001	14 Sept 2001– 20 Feb 2002	A2001-70	amendments by A2001-70
R2 (RI) 17 Sept 2002	14 Sept 2001– 20 Feb 2002	A2001-70	reissue for retrospective amendments by A2002-30
R3 21 Feb 2002	21 Feb 2002– 12 Mar 2002	A2001-88	changed endnotes and editorial changes
R3 (RI) 17 Sept 2002	21 Feb 2002– 12 Mar 2002	A2001-88	reissue for retrospective amendments by A2002-30
R4 13 Mar 2002	13 Mar 2002– 27 May 2002	A2001-88	commenced expiry

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Republication No and date	Effective	Last amendment made by	Republication for
R4 (RI) 17 Sept 2002	13 Mar 2002– 27 May 2002	A2001-88	reissue for retrospective amendments by A2002-30
R5* 28 May 2002	28 May 2002– 30 June 2002	A2002-11	amendments by A2002-11
R5 (RI) 17 Sept 2002	28 May 2002– 30 June 2002	A2002-11	reissue for retrospective amendments by A2002-30
R6 1 July 2002	1 July 2002– 12 Sept 2002	A2002-11	amendments by A2001-88
R6 (RI) 17 Sept 2002	1 July 2002– 12 Sept 2002	A2002-11	reissue for retrospective amendments by A2002-30
R7 13 Sept 2002	13 Sept 2002– 13 Sept 2002	A2002-27	commenced expiry
R7 (RI) 17 Sept 2002	13 Sept 2002– 13 Sept 2002	A2002-27	reissue for retrospective amendments by A2002-30
R8 14 Sept 2002	14 Sept 2002– 16 Sept 2002	A2002-27	commenced expiry
R8 (RI) 17 Sept 2002	14 Sept 2002– 16 Sept 2002	A2002-27	reissue for retrospective amendments by A2002-30
R9 17 Sept 2002	17 Sept 2002– 6 Oct 2002	A2002-30	amendments by A2002-30
R10 7 Oct 2002	7 Oct 2002– 31 Oct 2002	A2002-30	amendments by A2002-27
R11 1 Nov 2002	1 Nov 2002– 31 Dec 2002	A2002-40	amendments by A2002-40
R12 1 Jan 2003	1 Jan 2003– 16 Jan 2003	A2002-56	amendments by A2002-51

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Republication No and date	Effective	Last amendment made by	Republication for
R13 17 Jan 2003	17 Jan 2003– 27 Mar 2003	A2002-56	amendments by A2002-49
R14 28 Mar 2003	28 Mar 2003– 9 Apr 2003	A2003-14	amendments by A2003-14
R15 10 Apr 2003	10 Apr 2003– 28 May 2003	A2003-18	amendments by A2003-18
R16 29 May 2003	29 May 2003– 30 June 2003	A2003-18	commenced expiry
R17 1 July 2003	1 July 2003– 2 Sept 2003	A2003-18	amendments by A2002-56
R18 3 Sept 2003	3 Sept 2003– 12 Sept 2003	A2003-18	commenced expiry
R19 13 Sept 2003	13 Sept 2003– 8 Oct 2003	A2003-41	commenced expiry
R20* 9 Oct 2003	9 Oct 2003– 18 Dec 2003	A2003-41	amendments by A2003-16 and A2003-41
R21 19 Dec 2003	19 Dec 2003– 21 Mar 2004	A2003-56	amendments by A2003-56
R22 22 Mar 2004	22 Mar 2004– 4 Apr 2004	A2004-10	amendments by A2004-1
R23 5 Apr 2004	5 Apr 2004– 26 May 2004	A2004-10	amendments by A2004-7
R24 27 May 2004	27 May 2004– 30 June 2004	A2004-17	amendments by A2004-10
R25 1 July 2004	1 July 2004– 12 July 2004	A2004-28	amendments by A2004-5 and A2004-28
R26 13 July 2004	13 July 2004– 24 Aug 2004	A2004-32	amendments by A2004-32
R27 25 Aug 2004	25 Aug 2004– 31 Aug 2004	A2004-42	amendments by A2004-42
R28 1 Sept 2004	1 Sept 2004– 12 Sept 2004	A2004-42	amendments by A2004-13

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Republication No and date	Effective	Last amendment made by	Republication for
R29 13 Sept 2004	13 Sept 2004– 22 Dec 2004	A2004-42	commenced expiry
R29A 23 Dec 2004	23 Dec 2004– 31 Dec 2004	A2004-42	commenced expiry
R30 (RI) 5 Jan 2005	1 Jan 2005– 9 Jan 2005	A2004-60	amendments by A2004-17 reissue for commenced expiry
R31 10 Jan 2005	10 Jan 2005– 23 Feb 2005	A2004-60	amendments by A2004-60
R32 24 Feb 2005	24 Feb 2005– 8 Mar 2005	A2005-5	amendments by A2005-5
R33 9 Mar 2005	9 Mar 2005– 1 June 2005	A2005-5	amendments by A2004-57
R34* 2 June 2005	2 June 2005– 6 July 2005	A2005-20	amendments by A2005-20
R35 7 July 2005	7 July 2005– 7 Sept 2005	A2005-20	amendments by A2004-39 as am by A2005-28
R36 8 Sept 2005	8 Sept 2005– 13 Sept 2005	A2005-47	amendments by A2005-44
R37 14 Sept 2005	13 Sept 2005– 22 Nov 2005	A2005-47	amendments by A2005-9
R38 23 Nov 2005	23 Nov 2005– 10 Jan 2006	A2005-53	amendments by A2005-53
R39 11 Jan 2006	11 Jan 2006– 16 Jan 2006	A2005-62	amendments by A2005-62
R40 17 Jan 2006	17 Jan 2006– 22 Feb 2006	A2005-62	amendments by A2004-39
R41 23 Feb 2006	23 Feb 2006– 28 Feb 2006	A2006-3	updated endnotes as amended by A2006-3

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Republication No and date	Effective	Last amendment made by	Republication for
R42 1 Mar 2006	1 Mar 2006– 1 June 2006	A2006-3	amendments by A2005-47 as amended by A2006-3
R43 2 June 2006	2 June 2006– 15 June 2006	A2006-23	amendments by A2006-23
R44 16 June 2006	16 June 2006– 30 June 2006	A2006-23	updated endnotes as amended by A2006-27
R45 1 July 2006	1 July 2006– 31 Oct 2006	A2006-30	amendments by A2006-25 and A2006-30
R46 1 Nov 2006	1 Nov 2006– 15 Nov 2006	A2006-42	amendments by A2005-41 and A2005-46 as amended by A2006-3
R47 16 Nov 2006	16 Nov 2006– 17 Nov 2006	A2006-42	amendments by A2006-42
R48 18 Nov 2006	18 Nov 2006– 8 Jan 2007	A2006-46	amendments by A2006-46
R49 9 Jan 2007	9 Jan 2007– 9 Jan 2007	A2006-46	amendments by A2004-39
R50 10 Jan 2007	10 Jan 2007– 11 Jan 2007	A2006-46	commenced expiry
R51* 12 Jan 2007	12 Jan 2007– 27 Mar 2007	A2006-46	commenced expiry
R52 28 Mar 2007	28 Mar 2007– 11 Apr 2007	A2007-3	amendments by A2006-38
R53 12 Apr 2007	12 Apr 2007– 10 July 2007	A2007-3	amendments by A2007-3
R54 11 July 2007	11 July 2007– 9 Nov 2007	A2007-16	amendments by A2007-16
R55 10 Nov 2007	10 Nov 2007– 13 Nov 2007	A2007-33	amendments by A2007-8

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Republication No and date	Effective	Last amendment made by	Republication for
R56 14 Nov 2007	14 Nov 2007– 30 Mar 2008	A2007-33	amendments by A2007-33
R57 31 Mar 2008	31 Mar 2008– 18 May 2008	A2007-33	amendments by A2007-25
R58 19 May 2008	19 May 2008– 30 June 2008	A2008-14	amendments by A2008-14
R59 1 July 2008	1 July 2008– 25 Aug 2008	A2008-15	amendments by A2008-15
R60 26 Aug 2008	26 Aug 2008– 8 Sept 2008	A2008-28	amendments by A2008-28
R61 9 Sept 2008	9 Sept 2008– 1 Feb 2009	A2008-44	amendments by A2008-20
R62 2 Feb 2009	2 Feb 2009– 26 Feb 2009	A2008-44	amendments by A2008-36 and A2008-37
R63 27 Feb 2009	27 Feb 2009– 29 May 2009	A2008-44	amendments by A2008-20
R64 30 May 2009	30 May 2009– 21 Sept 2009	A2008-44	amendments by A2008-44
R65 22 Sept 2009	22 Sept 2009– 30 Sept 2009	A2009-28	amendments by A2009-20
R66 1 Oct 2009	1 Oct 2009– 20 Oct 2009	A2009-28	amendments by A2009-28
R67 21 Oct 2009	21 Oct 2009– 16 Dec 2009	A2009-35	amendments by A2009-35
R68 17 Dec 2009	17 Dec 2009– 2 Mar 2010	A2009-50	amendments by A2009-49
R69 3 Mar 2010	3 Mar 2010– 21 Mar 2010	A2010-6	amendments by A2010-6
R70 22 Mar 2010	22 Mar 2010– 30 June 2010	A2010-6	amendments by A2009-39
R71 1 July 2010	1 July 2010– 5 Oct 2010	A2010-10	amendments by A2009-50 and A2010-10

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Republication No and date	Effective	Last amendment made by	Republication for
R72 6 Oct 2010	6 Oct 2010– 31 Dec 2010	A2010-40	amendments by A2010-40
R73 1 Jan 2011	1 Jan 2011– 30 June 2011	A2010-54	amendments by A2010-54
R74 1 July 2011	1 July 2011– 30 Aug 2011	A2011-22	amendments by A2011-22
R75 31 Aug 2011	31 Aug 2011– 20 Sept 2011	A2011-30	amendments by A2011-30
R76 21 Sept 2011	21 Sept 2011– 22 Nov 2011	A2011-30	amendments by A2011-28
R77 23 Nov 2011	23 Nov 2011– 11 Dec 2011	A2011-49	amendments by A2011-49
R78 12 Dec 2011	12 Dec 2011– 31 Dec 2011	A2011-52	amendments by A2011-52
R79 1 Jan 2012	1 Jan 2012– 29 Feb 2012	A2011-55	amendments by A2011-55
R80 1 Mar 2012	1 Mar 2012– 28 May 2012	A2011-55	amendments by A2011-48
R81 29 May 2012	29 May 2012– 4 June 2012	A2012-25	amendments by A2012-25
R82 5 June 2012	5 June 2012– 30 June 2012	A2012-25	amendments by A2012-21
R83 1 July 2012	1 July 2012– 10 Sept 2012	A2012-32	amendments by A2012-26 and A2012-32
R84 11 Sept 2012	11 Sept 2012– 13 June 2013	A2012-40	amendments by A2012-40
R85 14 June 2013	14 June 2013– 22 Aug 2013	A2013-19	amendments by A2013-19
R86 23 Aug 2013	23 Aug 2013– 31 Aug 2013	A2013-30	amendments by A2013-30
R87 1 Sept 2013	1 Sept 2013– 6 Nov 2013	A2013-30	amendments by A2012-33

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Republication No and date	Effective	Last amendment made by	Republication for
R88 7 Nov 2013	never effective	A2013-39 (never effective)	amendments by A2013-39
R88 (RI) 24 Feb 2014	7 Nov 2013– 7 Nov 2013	A2013-39 (never effective)	reissue because of High Court decision in relation to A2013-39
R89 8 Nov 2013	never effective	A2013-43	amendments by A2013-43
R89 (RI) 24 Feb 2014	8 Nov 2013– 24 Nov 2013	A2013-43	reissue because of High Court decision in relation to A2013-39
R90 25 Nov 2013	never effective	A2013-44	amendments by A2013-44
R90 (RI) 24 Feb 2014	25 Nov 2013– 9 Feb 2014	A2013-44	reissue because of High Court decision in relation to A2013-39
R91 10 Feb 2014	never effective	A2013-52	removed from LR because of High Court decision in relation to A2013-39
R91 (RI) 24 Feb 2014	10 Feb 2014– 25 Apr 2014	A2013-52	reissue because of High Court decision in relation to A2013-39
R92 26 Apr 2014	26 Apr 2014– 9 June 2014	A2014-8	amendments by A2014-8
R93 10 June 2014	10 June 2014– 30 June 2014	A2014-18	amendments by A2014-18
R94 1 July 2014	1 July 2014– 22 Aug 2014	A2014-18	amendments by A2013-41
R95 23 Aug 2014	23 Aug 2014– 16 Nov 2014	A2014-37	amendments by A2014-37

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Republication No and date	Effective	Last amendment made by	Republication for
R96 17 Nov 2014	17 Nov 2014– 18 Nov 2014	A2014-49	amendments by A2014-49
R97 19 Nov 2014	19 Nov 2014– 20 Apr 2015	A2014-49	amendments by A2014-44
R98 21 Apr 2015	21 Apr 2015– 9 June 2015	A2015-10	amendments by A2015-10
R99 10 June 2015	10 June 2015– 10 June 2015	A2015-15	amendments by A2015-15
R100 11 June 2015	11 June 2015– 30 June 2015	A2015-15	amendments by A2014-59
R101 1 July 2015	1 July 2015– 13 Oct 2015	A2015-19	amendments by A2014-55 and A2015-19
R102 14 Oct 2015	14 Oct 2015– 30 Nov 2015	A2015-33	amendments by A2015-33
R103 1 Dec 2015	1 Dec 2015– 8 Dec 2015	A2015-33	amendments by A2015-29
R104 9 Dec 2015	9 Dec 2015– 31 Mar 2016	A2015-50	amendments by A2015-50
R105 1 Apr 2016	1 Apr 2016– 20 June 2016	A2016-13	amendments by A2016-13
R106 21 June 2016	21 June 2016– 31 Aug 2016	A2016-33	amendments by A2016-33
R107 1 Sept 2016	1 Sept 2016– 8 Mar 2017	A2016-52	amendments by A2016-52
R108 9 Mar 2017	9 Mar 2017– 30 Apr 2017	A2017-4	amendments by A2017-4
R109 1 May 2017	1 May 2017– 30 June 2017	A2017-8	amendments by A2017-8
R110 1 July 2017	1 July 2017– 14 Aug 2017	A2017-12	amendments by A2017-12
R111 15 Aug 2017	15 Aug 2017– 10 Oct 2017	A2017-21	amendments by A2017-21

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Republication No and date	Effective	Last amendment made by	Republication for
R112 11 Oct 2017	11 Oct 2017– 25 Apr 2018	A2017-28	amendments by A2017-28
R113 26 Apr 2018	26 Apr 2018– 7 Nov 2018	A2018-9	amendments by A2018-9
R114 8 Nov 2018	8 Nov 2018– 20 Dec 2018	A2018-40	amendments by A2018-40
R115 21 Dec 2018	21 Dec 2018– 30 June 2019	A2018-40	amendments by A2018-32
R116 1 July 2019	1 July 2019– 29 Apr 2020	A2019-18	amendments by A2018-52 as amended by A2019-18
R117 30 Apr 2020	30 Apr 2020– 31 May 2020	A2019-38	amendments by A2019-38
R118 1 June 2020	1 June 2020– 31 Oct 2020	A2020-16	amendments by A2020-16
R119 1 Nov 2020	1 Nov 2020– 25 Feb 2021	A2020-16	amendments by A2020-4
R120 26 Feb 2021	26 Feb 2021– 22 June 2021	A2021-3	amendments by A2021-3
R121 23 June 2021	23 June 2021– 5 Apr 2022	A2021-12	amendments by A2021-12
R122 6 Apr 2022	6 Apr 2022– 29 Sept 2023	A2022-4	amendments by A2022-4
R123 30 Sept 2023	30 Sept 2023– 26 Nov 2023	A2023-37	amendments by A2023-37
R124 27 Nov 2023	27 Nov 2023– 15 Nov 2025	A2023-37	amendments by A2023-36
R125 16 Nov 2025	16 Nov 2025– 22 Feb 2026	A2025-29	amendments by A2025-29

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