



Australian Capital Territory

Registrar-General Act 1993

A1993-63

Republication No 4

Effective: 12 April 2007 – 12 April 2008

Republication date: 12 April 2007

Last amendment made by A2007-3

Authorised by the ACT Parliamentary Counsel

About this republication

The republished law

This is a republication of the *Registrar-General Act 1993* (including any amendment made under the *Legislation Act 2001*, part 11.3 (Editorial changes)) as in force on 12 April 2007. It also includes any amendment, repeal or expiry affecting the republished law to 12 April 2007.

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 or is affected by an uncommenced amendment, the symbol **U** appears immediately before the provision heading. The text of the uncommenced provision or amendment appears only in the last endnote.

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 *Legislation Act 2001*, section 95.

Penalties

The value of a penalty unit for an offence against this republished law at the republication date is—

- (a) if the person charged is an individual—\$100; or
- (b) if the person charged is a corporation—\$500.



Australian Capital Territory

Registrar-General Act 1993

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R4
12/04/07

Registrar-General Act 1993
Effective: 12/04/07-12/04/08

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Australian Capital Territory

Registrar-General Act 1993

An Act to establish an office of registrar-general

1 Name of Act

This Act is the *Registrar-General Act 1993*.

2 Dictionary

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

Note 1 The dictionary at the end of this Act defines certain terms used in this Act.

Note 2 A definition in the dictionary applies to the entire Act unless the definition, or another provision of the Act, provides otherwise or the contrary intention otherwise appears (see Legislation Act, s 155 and s 156 (1)).

3 Notes

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

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

4 Registrar-General

- (1) The chief executive must appoint a public servant as the Registrar-General.

Note 1 For the making of appointments (including acting appointments), see the Legislation Act, pt 19.3.

Note 2 In particular, an appointment may be made by naming a person or nominating the occupant of a position (see Legislation Act, s 207).

- (2) The registrar-general has the functions given to the registrar-general by any law in force in the ACT.

- (3) Until the chief executive makes an appointment under subsection (1), the registrar-general is the public servant for the time being exercising the duties of the public service office the duties of which include exercising the functions of the registrar-general.

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- (4) Subsection (3) is a law to which the Legislation Act, section 88 (Repeal does not end effect of transitional laws etc) applies.
 - (5) Subsections (3) and (4) and this subsection expire 1 year after the day this section commences.

4A Deputy Registrars-General

- (1) The chief executive may appoint a public servant as a Deputy Registrar-General.
- (2) A deputy registrar-general may exercise any function of the registrar, subject to any direction of the registrar-general.
- (3) A function of the registrar-general, when exercised by a deputy registrar-general, is taken to have been exercised by the registrar-general.
- (4) Until the chief executive makes an appointment under subsection (1), a deputy registrar-general is a public servant for the time being exercising the duties of a public service office the duties of which include exercising the functions of a deputy registrar-general of tobacco.
- (5) Subsection (4) is a law to which the Legislation Act, section 88 (Repeal does not end effect of transitional laws etc) applies.
- (6) Subsections (4) and (5) and this subsection expire 1 year after the day this section commences.

5 Registrar-general a corporation sole

- (1) The registrar-general—
 - (a) is a corporation sole by the name of the Registrar-General of the Australian Capital Territory; and
 - (b) has perpetual succession; and
 - (c) must have an official seal; and

- (d) is capable, in the corporate name of the registrar-general, of acquiring, holding and disposing of real and personal property and suing and being sued.
- (2) The Minister must, in writing, approve the design of the official seal.
- (3) An approval under subsection (2) is a notifiable instrument.

Note A notifiable instrument must be notified under the *Legislation Act 2001*.

6 No enquiry required about deputy registrar-general's compliance with directions

A person dealing with a deputy registrar-general is not bound to enquire whether the deputy registrar-general, in exercising a function in relation to the dealing—

- (a) was subject to a direction of the registrar-general; or
- (b) complied with a direction of the registrar-general to which the deputy registrar-general was subject.

8 Liability of registrar-general and other officers

- (1) A person who exercises, or has exercised, the functions of the registrar-general or a deputy registrar-general is not personally liable to an action or other proceeding in relation to an act or omission done honestly in the exercise or purported exercise of the function.
- (2) Where, by act or omission of the registrar-general, a person sustains a loss or injury that would have entitled that person to a remedy in respect of the loss or injury if the act or omission were an act or omission of a natural person—
 - (a) the person sustaining the loss or injury is entitled to the same remedy against the registrar-general in the corporate capacity of the registrar-general as the person would have been entitled to against a natural person; and

- (b) the liability of the registrar-general must be discharged by the Territory.

9 Invalidity of documents

A document is not invalid on the ground that there was—

- (a) an informality in connection with the affixing of the seal; or
- (b) a failure to affix the seal.

Dictionary

(see s 2)

Note 1 The Legislation Act contains definitions and other provisions relevant to this Act.

Note 2 For example, the Legislation Act, dict, pt 1, defines the following terms:

- ACT
- exercise
- function
- Minister (see s 162).

registrar-general means—

- (a) the Registrar-General under section 4; or
- (b) the Registrar-General of the Australian Capital Territory in its corporate capacity under section 5.

seal means the official seal of the registrar-general mentioned in section 5 (1) (c).

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 and expiries are listed in the legislation history and the amendment history. These details are underlined. Uncommenced provisions and amendments are not included in the republished law but are set out in the last endnote.

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

| | |
|---|---|
| am = amended | ord = ordinance |
| amdt = amendment | orig = original |
| ch = chapter | par = paragraph/subparagraph |
| def = definition | pres = present |
| dict = dictionary | prev = previous |
| disallowed = disallowed by the Legislative Assembly | (prev...) = previously |
| div = division | pt = part |
| exp = expires/expired | r = rule/subrule |
| Gaz = gazette | renum = renumbered |
| hdg = heading | reloc = relocated |
| IA = Interpretation Act 1967 | R[X] = Republication No |
| ins = inserted/added | RI = reissue |
| LA = Legislation Act 2001 | s = section/subsection |
| LR = legislation register | sch = schedule |
| LRA = Legislation (Republication) Act 1996 | sdiv = subdivision |
| mod = modified/modification | sub = substituted |
| o = order | SL = Subordinate Law |
| om = omitted/repealed | <u>underlining</u> = whole or part not commenced or to be expired |

3 Legislation history

Registrar-General Act 1993 No 63

notified 6 September 1993 (Gaz 1993 No S172)

Endnotes

4 Amendment history

s 1, s 2 commenced 6 September 1993 (s 2 (1))
remainder commenced 1 October 1993 (s 2 (2) and Gaz 1993 No S207)

as amended by

Statutory Offices (Miscellaneous Provisions) Act 1994 No 97 sch 1 pt 1

notified 15 December 1994 (Gaz 1994 No S280)
s 1, s 2 commenced 15 December 1994 (s 2 (1))
sch 1 pt 1 commenced 15 December 1994 (s 2 (2) and Gaz 1994 No S293)

Legislation (Consequential Amendments) Act 2001 No 44 pt 326

notified 26 July 2001 (Gaz 2001 No 30)
s 1, s 2 commenced 26 July 2001 (IA s 10B)
pt 326 commenced 12 September 2001 (s 2 and see Gaz 2001 No S65)

Statute Law Amendment Act 2007 A2007-3 sch 3 pt 3.85

notified LR 22 March 2007
s 1, s 2 taken to have commenced 1 July 2006 (LA s 75 (2))
sch 3 pt 3.85 commenced 12 April 2007 (s 2 (1))

4 Amendment history

Name of Act

s 1 sub A2007-3 amdt 3.443

Dictionary

s 2 om 2001 No 44 amdt 1.3602
ins A2007-3 amdt 3.444

Notes

s 3 sub A2007-3 amdt 3.444
def **registrar-general** sub 1994 No 97 sch 1 pt 1
om A2007-3 amdt 3.444
def **seal** om A2007-3 amdt 3.444

Registrar-General

s 4 sub 1994 No 97 sch 1 pt 1; A2007-3 amdt 3.445
(3)-(5) exp 12 April 2008 (s 4 (5) (LA s 88 declaration applies))

Deputy Registrars-General

s 4A ins 1994 No 97 sch 1 pt 1
sub A2007-3 amdt 3.445

(4)-(6) exp 12 April 2008 (s 4A (6) (LA s 88 declaration applies))

Registrar-general a corporation sole

s 5 am 2001 No 44 amdt 1.3603
(4)-(6) exp 12 September 2002 (s 5 (6))
am A2007-3 amdt 3.446

No enquiry required about deputy registrar-general's compliance with directions

s 6 sub A2007-3 amdt 3.447

Acting appointments

s 7 om 1994 No 97 sch 1 pt 1

Liability of registrar-general and other officers

s 8 am 1994 No 97 sch 1 pt 1; A2007-3 amdt 3.448, amdt 3.449

Dictionary

dict ins A2007-3 amdt 3.450
def **registrar-general** ins A2007-3 amdt 3.450
def **seal** ins A2007-3 amdt 3.450

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 | Amendments to | Republication date |
|------------------|----------------|--------------------|
| 1 | Act 1994 No 97 | 31 January 1998 |
| 2 | Act 2001 No 44 | 13 February 2002 |
| 3 | A2001-44 | 13 September 2002 |

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