

2000

THE LEGISLATIVE ASSEMBLY
FOR THE AUSTRALIAN CAPITAL TERRITORY

(As presented)

(Minister for Justice and Community Safety)

**Legislation (Access and Operation)
(Consequential Provisions) Bill 2000**

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**Legislation (Access and Operation)
(Consequential Provisions) Bill 2000**

A BILL

FOR

**An Act to amend various Acts and to repeal certain Acts
because of the enactment of the *Legislation (Access and
Operation) Act 2000*, and for other purposes**

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

1 Name of Act

This Act is the *Legislation (Access and Operation) (Consequential
Provisions) Act 2000*.

5

2 Commencement

This Act commences on the commencement of section 5 (Objects) of the *Legislation (Access and Operation) Act 2000*.

5 *Note* The provisions of an Act providing for its name and commencement automatically commence on the date of notification of the Act (see *Interpretation Act 1967*, s 10B—that section is to be replaced by s 63 of the *Legislation (Access and Operation) Act 2000*).

3 Acts amended

The Acts mentioned in Schedule 1 are amended.

10 4 Acts repealed

(1) The *Subordinate Laws Act 1989* and the *Legislation (Republication) Act 1996* are repealed.

(2) The Acts mentioned in subsection (1) are declared to be laws to which the *Legislation (Operation and Access) Act 2000*, section 76 (Repeal
15 does not end transitional or validating effect etc) applies.

SCHEDULE 1

(Sec s 3)

CONSEQUENTIAL AMENDMENTS

Evidence Act 1971

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

5 Omit the definition.

[1.2] Heading to Part 2—

Omit the heading, substitute the following heading:

“PART 2—EVIDENCE OF OFFICE HOLDERS”.

[1.3] Divisions 1 and 2 of Part 2—

10 Repeal the Divisions.

[1.4] Heading to Division 3 of Part 2—

Omit the heading.

Interpretation Act 1967

[1.5] Section 2—

15 Repeal the section, substitute the following section:

“2 Application of Act

“(1) This Act applies to all Acts.

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

(a) the instrument were an Act; and

20 (b) each of its provisions were a section of an Act; and

(c) a reference to the enactment or passage of the instrument were a reference to its making.”.

[1.6] Part 1A—

Repeal the Part.

25 **[1.7] Part 2—**

Repeal the Part.

SCHEDULE 1—continued

[1.8] New section 11BA—

After section 11B insert the following section:

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

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

[1.9] Section 27A—

- 10 Repeal the section.

[1.10] Division 3.4—

Repeal the Division.

[1.11] Division 3.10—

Repeal the Division.

- 15 **[1.12] Division 3.11—**

Repeal the Division.

[1.13] Schedule 1—

Repeal the Schedule.

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

- 20 Omit the definition, substitute the following definition:

“*Act*—see the *Legislation (Access and Operation) Act 2000*, sections 7 (Meaning of *Act* generally) and 17 (References to Acts include references to former Cwlth enactments etc).”.

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

- section 90 (Meaning of references to a law or instrument generally)
- section 91 (References to laws and instruments with amended names)
- section 92 (References to laws include references to instruments under laws).”.

SCHEDULE 1—continued

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

Omit the definition, substitute the following definition:

5 “*commencement*, of an Act or statutory instrument—see the
Legislation (Access and Operation) Act 2000, section 68
(References to *commencement* of law).”.

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

Omit the definition.

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

Omit the definition, substitute the following definition:

10 “*disallowable instrument*—see the *Legislation (Access and Operation)*
Act 2000, section 9 (Meaning of *disallowable instrument*).”.

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

Omit the definitions, substitute the following definition:

15 “*enactment*, of an Act—see the *Legislation (Access and Operation)*
Act 2000, section 29 (References to *enactment* or *passing* of
Acts).”.

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

Omit the definitions, substitute the following definitions:

20 “*former NSW ACT* means a NSW Act mentioned in the *Legislation*
(Access and Operation) Act 2000, Schedule 1.”.

“*former UK Act* means a UK Act mentioned in the *Legislation (Access*
and Operation) Act 2000, Schedule 1.”.

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

Omit the paragraph, substitute the following paragraphs:

25 “(c) any other statutory instrument of a legislative nature; or
(d) the common law.”.

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

Omit the definition.

SCHEDULE 1—continued

[1.22] Dictionary—

Insert the following definitions:

“**notifiable instrument**—see the *Legislation (Access and Operation) Act 2000*, section 10 (Meaning of *notifiable instrument*).”

5 “**notification**—

(a) of an Act—see the *Legislation (Access and Operation) Act 2000*, section 30 (References to *notification* of Acts); and

(b) of a statutory instrument—see the *Legislation (Access and Operation) Act 2000*, section 51 (References to *notification* of registrable instruments).
10

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

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

Omit the definition, substitute the following definition:

15 “**passing**, of an Act—see the *Legislation (Access and Operation) Act 2000*, section 29 (References to *enactment* or *passing* of Acts).”.

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

Omit the definition.

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

20 Omit the definition, substitute the following definition:

“**provision**—see the *Legislation (Access and Operation) Act 2000*, section 16 (Meaning of *provision*).”.

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

Omit the definition, substitute the following definition:

25 “**statutory instrument**—see the *Legislation (Access and Operation) Act 2000*, section 13 (Meaning of *statutory instrument*).”.

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

Omit the definition, substitute the following definition:

SCHEDULE 1—continued

“subordinate law—see the *Legislation (Access and Operation) Act 2000*, section 8 (Meaning of subordinate law).”.

Endnote

Acts amended

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