

1996

**THE LEGISLATIVE ASSEMBLY FOR THE
AUSTRALIAN CAPITAL TERRITORY**

LEGISLATION (REPUBLICATION) BILL 1996

EXPLANATORY MEMORANDUM

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Attorney-General**

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Outline

The Legislation (Republication) Bill 1996 provides a facility for improving the form of, and gives authorised status to, republications of laws.

Amongst other things, the various provisions of the Bill will facilitate:

- the removal of sexist language;
- simplification of expression;
- removal of redundant provisions;
- amendments that go to spelling, punctuation, grammar or syntax;
- numbering and renumbering;
- the republication of laws in accordance with current ACT legislative drafting practices.

Financial implications

The Legislation (Republication) Bill 1996 will generally obviate the necessity for the preparation and printing of Statute Law Revision Bills together with the accompanying abundance of papers. There is no negative budget impact.

The provisions of the Bill

Clause 1—This clause provides for the citation of the Bill.

Clause 2—This clause provides that the Bill will commence on the date on which its passage as an Act is notified in the *Gazette*.

Clause 3—This clause sets out the objects sought to be achieved by the Act.

Clause 4—This clause provides that the Act will only apply to specifically authorised republications printed by or on behalf of the Government Publisher and authorised by the Parliamentary Counsel.

Clause 5—This clause defines terms commonly used in the Act.

Clause 6—This clause sets out the role of the Government Publisher.

Clause 7—This clause requires that the republication of a law by the Government Publisher include an annotation to the effect that it has been prepared by or on behalf of the Government Publisher.

Clause 8—This clause sets out the role of the Parliamentary Counsel.

Clause 9—This clause requires that the republication of a law authorised by the Parliamentary Counsel include an annotation to the effect that it has been authorised by the Parliamentary Counsel.

Clause 10—This clause deals with the manner in which amendments of a law are to be incorporated in a republication.

Clause 11—This clause requires the republication of a law to specify the law by which each amendment to the law being republished was made. Subsection (2) provides for exceptions to this requirement.

Clause 12—This clause provides that not all provisions of a law need always be shown in the republication of the law, or to be shown in the same position when the law was made. But if the provision is not so shown or positioned, the republication must, by annotation, indicate the fact.

Clause 13—This clause, in association with clause 15, specifies the nature of the amendments that the Parliamentary Counsel is authorised to make in the preparation of the republication of a law.

Clause 14—This clause renders ineffectual any amendment of a law made under clause 13 that would effect a substantive change to the law being republished.

Clause 15—This clause specifies the kinds of editorial changes that may be made in a law that is being republished.

Clause 16—This clause provides that changes to a law effected under clause 13 have the same effect in relation to the law being republished, on and after its date of republication, as if it had been amended by another law before that date. Subsection (2) clarifies the point that, where a subordinate law is amended under clause 13, it may be amended by a later subordinate law.

Clause 17—This clause provides that where editorial amendments are made to a law under clause 13, an annotation to that effect is to be included in the republication of the law.

Clause 18—This clause provides that, within specified limitations, references in a provision of another law to a provision that is renumbered under clause 13 shall be construed as a reference to the provision as so renumbered.

Clause 19—This clause authorises the Parliamentary Counsel to make alterations to the manner in which the republication of a law may be set out or the style in which it may be republished so as to reflect current legislative drafting practices.

Clause 20—This clause provides that courts, tribunals and persons acting judicially shall take judicial notice of republications to which the Bill applies.

Clause 21—This clause provides that the purported republication of a law by or on behalf of the Government Publisher is to be taken to have been so published unless there is evidence to the contrary.

Clause 22—This clause provides that the republication of a law purportedly with the authority of the Parliamentary Counsel is to be taken to have been so authorised unless there is evidence to the contrary.

Clause 23—This clause provides that the text of a republished law is to be taken to be correct unless there is evidence to the contrary.

Clause 24—This clause empowers the Executive to make regulations for the purposes of the Act.

Clause 25—This clause provides for the repeal of the *Amendments Incorporation Act 1929* as a consequence of the passage of this Bill.

Schedule—The Schedule sets out the referential expressions that may be omitted from a republished law.