



ACTS REPRINTING

No. 11 of 1979

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AN ACT to provide for the reprinting of Acts of the Parliament of Tasmania and of certain instruments made under the authority of those Acts, to prescribe the manner of reprinting, to authorize the making of certain amendments to those Acts and instruments, and to repeal the Amendments Incorporation Act 1906 and the provisions of certain other Acts.

[3 May 1979]

BE it enacted by His Excellency the Governor of Tasmania, by and with the advice and consent of the Legislative Council and House of Assembly, in Parliament assembled, as follows:—

1—This Act may be cited as the *Acts Reprinting Act 1979*.

Short title.

Interpretation.

2—In this Act, unless the contrary intention appears—

“amending provision” means a provision of an Act, or of any other instrument, being a provision that has commenced and that effects a direct textual amendment of an Act—

- (a) by the repeal or omission of matter contained in the amended Act without the substitution of matter to replace the repealed or omitted matter;
- (b) by the omission of matter contained in the amended Act and the substitution of matter to replace the omitted matter; or
- (c) by the insertion into the amended Act of matter, not being matter inserted to replace matter omitted from the Act,

whether the provision was enacted before or after the commencement of this Act;

“court” includes a tribunal and a person performing judicial functions;

“provision”, in relation to an Act, means words or other matter that form or forms part of the Act and includes a Part, Division, section, subsection, paragraph, subparagraph, Schedule, clause, subclause, column, or item and also includes the long title, a preamble, and a heading appearing before any such provision;

“referential expression” means an expression in or to the effect of the words—

- (a) “of this Act”;
- (b) “to this Act”;
- (c) “of this Schedule”;
- (d) “of this Part”;
- (e) “of this Division”;
- (f) “of this section”;
- (g) “of this subsection”;
- (h) “of this paragraph”;
- (i) “of this clause”;
- (j) “of this subclause”;
- (k) “of this item”;

- (l) “ before-mentioned ” or “ afore-mentioned ”;
- (m) “ hereof ”;
- (n) “ hereto ”; or
- (o) “ said ” or “ aforesaid ”,

occurring in conjunction with a number to designate a provision of the Act in which the expression appears.

3—(1) The Attorney-General may from time to time, by notice in writing given to the Government Printer, direct him to reprint any Act in a form accompanying the notice and certified by or on behalf of the Attorney-General as having been compiled in accordance with this Act. Power to direct Act to be reprinted.

(2) Where an Act that is to be reprinted under this Act has been amended by one or more amending provisions, there shall be included in the reprinted Act—

- (a) all direct textual amendments effected by that provision or those provisions before and in force at the date of reprinting; and
- (b) references, in the form of notes, to that provision or those provisions.

(3) There shall be included on the first page of every Act reprinted under this Act—

- (a) a note to the effect that the Act is reprinted under this Act; and
- (b) a note specifying the date of reprinting and, where appropriate, stating that the reprinted Act incorporates all direct textual amendments made to it before and in force at that date.

4—(1) In compiling an Act for reprinting under this Act— Alterations of a formal nature.

- (a) words that designate a number (not being an ordinal number) may be omitted and replaced by figures that designate the same number;
- (b) words that designate a sum of money, including the words “ dollars ” and “ cents ”, may be omitted and replaced by figures, together with the dollar symbol where appropriate, that designate the same sum;
- (c) a reference to an Act, or provision of an Act (whether an Act of the Parliament of Tasmania or not) for which any other Act or provision has been substituted may be altered to the substituted Act or provision;

- (d) a reference to the name or title of a person, authority, place, or thing which has been changed may be altered to the name or title as changed;
 - (e) a reference to His Majesty the King or to Her Majesty the Queen may be altered to be a reference to the Sovereign or the Crown;
 - (f) an error in spelling or punctuation may be corrected;
 - (g) any referential expression may be omitted;
 - (b) words, or words and figures, that designate a date may be omitted and replaced by an expression that designates the same date comprising—
 - (i) the ordinal number designating the day of the month in its common abbreviated form;
 - (ii) the name of the month; and
 - (iii) if relevant, the year expressed in figures;
 - (i) words, or words and figures, that designate a time of day may be omitted and replaced by an expression that designates the same time comprising figures and, where appropriate, the abbreviation “a.m.” or “p.m.”, as the case may require;
 - (j) an ordinal number used in relation to a provision of an Act may be omitted and replaced by the corresponding cardinal number; and
 - (k) effect may be given to directions issued under subsection (2).
- (2) Subject to subsection (3), the Attorney-General may issue such directions as he considers necessary for the purpose of—
- (a) achieving uniformity of style in respect of spelling and punctuation in and the numbering, lettering, indenting, and setting out of Acts; and
 - (b) improving and bringing into conformity with contemporary drafting standards the form and manner in which an Act is expressed.
- (3) Directions shall not be issued under subsection (2) which would alter, modify, or affect or have the effect of altering, modifying, or affecting the substance or operation of an Act.
- (4) The Attorney-General may, by instrument in writing, certify that any directions specified in the instrument are directions issued by him under subsection (2), and any such instrument shall, in all courts, be evidence that the directions were so issued.

(5) Where an Act that is to be reprinted includes an amending provision the substance of which is incorporated in another Act that has been reprinted under this Act or in respect of which a notice has been given under section 3 (1), that amending provision may, subject to subsection (6), be omitted from the reprint of that Act.

(6) Where in accordance with subsection (5) an amending provision is omitted from the reprint of an Act, there shall be included in that reprint an appropriate reference to the other Act or to the provision of the other Act in which the substance of the amending provision is incorporated.

5—Where the Government Printer receives a notice given under section 3 (1) together with a copy of an Act purporting to be compiled in accordance with this Act, he shall reprint the Act as so compiled.

Duty of Government Printer to reprint Act.

6—(1) When the reprinting of an Act has been completed as required by section 3, the Attorney-General shall, if satisfied that the reprinted Act—

Publication in *Gazette* of notice that Act is reprinted.

(a) has been reprinted in accordance with this Act; and

(b) correctly reproduces the original Act, having regard to any amendments that have been made to that Act, being amendments authorized or required by this Act,

publish in the *Gazette* a notice declaring the Act to have been reprinted in accordance with this Act, and the Act so reprinted shall be deemed to be published on the date of publication of the notice.

(2) A notice published under subsection (1) shall specify the date of reprinting and shall, if appropriate, state that the reprinted Act incorporates all direct textual amendments made to it before and in force at that date.

7—Where an Act reprinted under this Act is amended as authorized by section 4, the Act shall have effect as if the amendments effected under that section had been expressly made by an amending provision enacted by Parliament before the reprinting took place, and the Act as so amended shall, in all courts and by all persons, be judicially noticed and be construed accordingly.

Effect of reprinted Act.

8—(1) The Attorney-General may, by instrument in writing, delegate to the Chief Parliamentary Counsel the performance of such of his functions, and the exercise of such of his powers (other than this power of delegation), as may for the purposes of this Act be specified in the instrument of delegation, and may similarly revoke wholly or in part any such delegation.

Delegation.

(2) Any act or thing done by the Chief Parliamentary Counsel when acting in the exercise of a delegation under this section shall have the same force and effect as if the act or thing had been done by the Attorney-General personally.

(3) Notwithstanding any delegation made under this section, the Attorney-General may continue to perform all or any of the functions, and exercise all or any of the powers, delegated.

Reprinting of
subordinate
legislation.

9—(1) This Act applies with any necessary modifications to a statutory rule in the same way as it applies to an Act.

(2) In subsection (1), the reference to a statutory rule is a reference to a statutory rule within the meaning of the *Rules Publication Act 1953*.

Repeals.

10—The following enactments are repealed:—

- (a) the *Amendments Incorporation Act 1906*;
- (b) section 49 of the *Acts Interpretation Act 1931*;
- (c) section 81 of the *Stamp Duties Act 1931*; and
- (d) section 8 of the *Rules Publication Act 1953*.