



**ACT**  
Government

# ACT LEGISLATION

## LEGISLATION BASICS

ACT PARLIAMENTARY COUNSEL'S  
OFFICE

VERSION 2022-1  
(SEPTEMBER 2022)



## CONTENTS

ABOUT THIS GUIDE .....	1
WHO THIS GUIDE IS FOR .....	1
WHAT THIS GUIDE COVERS .....	1
ABBREVIATIONS USED IN THIS GUIDE.....	1
OTHER PCO GUIDES .....	2
WHO TO CONTACT ABOUT THIS GUIDE.....	3
LAWS IN THE ACT .....	4
WHAT ARE LAWS? .....	4
THE LEGISLATIVE ASSEMBLY AND SELF-GOVERNMENT.....	4
LAWS APPLYING IN THE ACT .....	4
ACT LEGISLATION REGISTER .....	5
BILLS .....	6
WHAT IS A BILL? .....	6
BILL TO ACT—PRESENTATION .....	6
BILL TO ACT—DETAILED DEBATE.....	7
BILL TO ACT—NOTIFYING AN ACT .....	7
MORE INFORMATION.....	7
ACTS .....	8
WHAT IS AN ACT? .....	8
NAME OF ACT .....	8
WHEN AN ACT COMMENCES.....	8
FINDING COMMENCEMENT INFORMATION .....	9
MORE INFORMATION.....	9
STATUTORY INSTRUMENTS.....	10
WHAT ARE STATUTORY INSTRUMENTS? .....	10
REGULATIONS .....	12

WHAT IS A REGULATION? .....	12
GENERAL POWER TO MAKE REGULATION .....	12
SPECIFIC POWER TO MAKE REGULATION .....	12
HOW IS A REGULATION MADE? .....	12
NAME OF REGULATION .....	13
WHEN DOES A REGULATION COMMENCE? .....	13
FINDING COMMENCEMENT INFORMATION .....	14
<b>LEGISLATIVE INSTRUMENTS .....</b>	<b>15</b>
WHAT IS A DISALLOWABLE INSTRUMENT? .....	15
WHAT IS A NOTIFIABLE INSTRUMENT? .....	15
MORE INFORMATION.....	16
<b>REPUBLICATIONS.....</b>	<b>17</b>
WHAT IS A REPUBLICATION OF A LAW? .....	17
CURRENT VERSION.....	17
POINT-IN-TIME VERSION.....	17
‘AS NOTIFIED’ VERSION .....	18
REPUBLICATION HISTORY—ENDNOTES .....	18
MORE INFORMATION.....	18
<b>LEGISLATION GLOSSARY .....</b>	<b>19</b>

# ABOUT THIS GUIDE

## WHO THIS GUIDE IS FOR

This guide is for anyone who uses or wants to know about ACT Legislation. It sets out the material in a way that can be easily read and understood by people who have no previous knowledge of or experience with legislation, and it contains enough detail to be a useful reference for people who use legislation regularly.

## WHAT THIS GUIDE COVERS

This guide provides an overview of laws in the ACT, how they are made and the different kinds of legislation in the ACT, including the following topics:

- **Laws in the ACT:** an overview of the ACT's legislative power, the Legislative Assembly and self-government and what laws apply to the ACT
- **Bills:** what a bill is and how it becomes an Act
- **Acts:** what an Act is, its naming and commencement
- **Statutory instruments:** what a statutory instrument is and information about the different kinds of instrument
- **Regulations:** what a regulation is, how it is made, its naming and commencement
- **Legislative instruments:** what a legislative instrument is and information about the two most common kinds—disallowable instruments and notifiable instruments
- **Republications:** what a republication is and information about different versions of a law
- **Terminology:** the meaning of various technical terms used in relation to legislation.

## ABBREVIATIONS USED IN THIS GUIDE

An explanation of abbreviations used in this guide is set out in Table 1.

Table 1 Abbreviations used in this guide

Term	Meaning
<b>Cwlth</b>	Commonwealth of Australia
<b>Human Rights Act</b>	<i>Human Rights Act 2004</i>
<b>Legislation Act (or LA)</b>	<i>Legislation Act 2001</i>
<b>Legislation Register (or Register)</b>	<a href="#">ACT Legislation Register</a> <sup>1</sup>
<b>Legislative Assembly (or Assembly)</b>	Legislative Assembly for the ACT, established under the Self-Government Act, s 8 (1)
<b>Parliamentary Counsel</b>	ACT Parliamentary Counsel
<b>PCO</b>	ACT Parliamentary Counsel's Office
<b>Self-Government Act</b>	<i>Australian Capital Territory (Self-Government) Act 1988</i> (Cwlth)
<b>Standing Orders (or SO)</b>	<a href="#">Standing Orders and Continuing Resolutions of the Assembly (2 June 2022)</a> <sup>2</sup>

## OTHER PCO GUIDES

- [ACT Legislation—Reading Legislation](#)<sup>3</sup>

This guide explains how to navigate, read and understand ACT legislation. It describes the typical structure of ACT legislation, explains common provisions and identifies interpretation principles and aids.

- [Developing Legislation and Working With PCO](#)<sup>4</sup>

This guide is for officers of the ACT public service who are instructing PCO to draft legislation. It includes information about how to instruct us, what the drafting process involves and some common legislative issues that arise in developing legislative proposals.

<sup>1</sup> <https://www.legislation.act.gov.au/>

<sup>2</sup> [https://www.parliament.act.gov.au/parliamentary-business/in-the-chamber/standing-orders/standing\\_orders](https://www.parliament.act.gov.au/parliamentary-business/in-the-chamber/standing-orders/standing_orders)


<sup>3</sup> [https://www.pco.act.gov.au/\\_\\_data/assets/pdf\\_file/0020/2216072/Reading-legislation.pdf](https://www.pco.act.gov.au/__data/assets/pdf_file/0020/2216072/Reading-legislation.pdf)

<sup>4</sup> [https://www.pco.act.gov.au/\\_\\_data/assets/pdf\\_file/0003/2216037/Developing-Legislation-and-Working-with-PCO.pdf](https://www.pco.act.gov.au/__data/assets/pdf_file/0003/2216037/Developing-Legislation-and-Working-with-PCO.pdf)

## WHO TO CONTACT ABOUT THIS GUIDE

ACT Parliamentary Counsel's Office

 [pco@act.gov.au](mailto:pco@act.gov.au)

 6205 3700

# LAWS IN THE ACT

## WHAT ARE LAWS?

Laws are the rules that govern our rights and responsibilities to help us function together as a society.

For example, there are laws to protect us from being harmed by others (eg laws against assault or theft), laws that protect us from harming ourselves (eg the need to wear a seat belt or keep the workplace safe), laws that reflect an ethical or moral position (eg laws against racial vilification), laws that give support or services to people (eg laws about housing assistance), and laws that protect the State (eg anti-terrorism laws).

## THE LEGISLATIVE ASSEMBLY AND SELF-GOVERNMENT

ACT legislation is made by the Legislative Assembly, the law-making body or parliament for the ACT. In 1989, self-government started in the ACT, and from then the ACT was given the power to govern itself. That power was given to it by the Commonwealth under the Self-Government Act. This gave the ACT similar autonomy to the Northern Territory and the States.

The Self-Government Act established the Legislative Assembly. There are 25 members of the Legislative Assembly elected from 5 electorates.

The Legislative Assembly has a broad power (also called a 'plenary' power) to make laws for the 'peace, order and good government of the Territory'. However, there are a number of things that the Legislative Assembly cannot make laws about, including to establish a military force or coin money for the ACT.

## LAWS APPLYING IN THE ACT

The laws that apply in the ACT consist of the written law (legislation) and various unwritten laws (known as the principles and rules of common law and equity, which can be found in court judgments).

The written laws that apply in the ACT are outlined below:

- **ACT laws:** The main body of written laws that apply are those made by the Legislative Assembly (Acts), and laws made under specific powers given by Acts (regulations, rules of court and other legislative instruments).
- **Ordinances:** These are rare. Before self-government, ordinances were the main form of legislation in the ACT, but they were converted into Acts when self-government began. The Governor-General has an ongoing power to make ordinances for the ACT on a limited number of topics (see *Seat of Government (Administration) Act 1910* (Cwlth), s 12).



- **Commonwealth laws:** These include the Commonwealth Constitution and Acts of the Commonwealth Parliament (as well as regulations and instruments made under those 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).
- **Some NSW and UK laws:** Some limited titles of New South Wales and United Kingdom's laws also formed part of the written laws in force in the ACT, because they were part of the law when self-government began in the ACT.

## ACT LEGISLATION REGISTER

It is a basic principle of our legal system that people are presumed to know the law. This important presumption depends on the law being readily available to people, particularly the authorised text of the law currently in force.

The Legislation Register is the authorised electronic statute book that provides the community with free and quick access to ACT legislation and related information.

The register is established under the Legislation Act. It began operation on the approved secure website, the [Legislation Register](https://legislation.act.gov.au)<sup>5</sup> when the Act commenced on 12 September 2001.

The register is central to the making, notification, commencement, operation, proof, republication, amendment and repeal of legislation and instruments made under legislation.

PCO maintains the register.

---

<sup>5</sup> <https://legislation.act.gov.au>

# BILLS

## WHAT IS A BILL?

A bill is a proposed law presented to the Legislative Assembly. If agreed to by the Legislative Assembly it becomes an Act.

Most bills are government bills, which reflect policy that the government has agreed to progress as a legislative proposal. Bills may also be presented by private members of the Legislative Assembly.

PCO drafts all bills for both the government and private members of the Legislative Assembly.

Below, you will see an overview of how a bill becomes an Act.

## BILL TO ACT—PRESENTATION

Government bills are presented to the Legislative Assembly by the sponsoring Minister—usually the Minister who is responsible for the subject matter the bill covers.

Private members' bills are presented by the private member proposing the legislation.

The person presenting the bill gives a presentation speech, explaining the reasons for the bill and what it is intended to achieve.

Bills are presented with an explanatory statement that explains the purpose and intended effect of the bill. All government bills must also be accompanied by a statement by the Attorney-General about whether the bill is consistent with the human rights protected under the Human Rights Act, and if not, how it is inconsistent with those human rights (known as a compatibility statement).

At this stage, the bill may be referred to a committee of the Legislative Assembly for consideration. All bills are also referred to the Standing Committee on Justice and Community Safety, in its legislative scrutiny role. The committee scrutinises bills to ensure they do not unduly trespass on personal rights and liberties and otherwise comply with the Human Rights Act.

A motion will then be made to agree in principle to the bill, and the bill will be adjourned to another day to allow members of the Legislative Assembly, interested groups and the public to consider the bill.

All bills, along with any explanatory statement and compatibility statement, can be accessed on the Legislation Register once they have been presented.

## BILL TO ACT—DETAILED DEBATE

During the detail stage of debate, the bill is considered in detail by the Legislative Assembly, including clauses, schedules and the title. It is during this stage that amendments may be proposed to the bill, which are known as Assembly amendments.

Assembly amendments may generally be proposed by any member of the Legislative Assembly. If, however, the bill is an appropriation bill (that is, a bill that proposes public money be used for a particular purpose), a private member cannot move an amendment that would increase the amount of public money to be appropriated (see SO 201).

Following the detail stage of debate, the bill will be agreed to (with or without amendments) or negated.

## BILL TO ACT—NOTIFYING AN ACT

The Clerk of the Assembly prepares a ‘true copy’ of the Act as passed by the Legislative Assembly, and the Speaker of the Assembly requests that the Parliamentary Counsel notify the making of the Act on the Legislation Register. Notification on the Register is needed before an Act can be effective.

## MORE INFORMATION

The Legislative Assembly has useful information on its website about the various activities of the Assembly, including the legislative process—[Home - ACT Legislative Assembly](https://www.parliament.act.gov.au/).<sup>6</sup>

---

<sup>6</sup> <https://www.parliament.act.gov.au/>

# ACTS

## WHAT IS AN ACT?

An Act is a bill that has been passed by the Legislative Assembly and notified on the Legislation Register.

## NAME OF ACT

Each Act (and all other legislation) has a unique name that reflects its subject matter and the year it was made, and provides a convenient way of referring to the Act.

An Act (and all other legislation) has a naming section that sets out its name. This used to be referred to as a 'short title' or 'citation'. As well as a unique name, each Act also has a unique number.

In addition, each Act has a long title that briefly describes what the Act is about. This is located on page 1 and usually begins 'An Act about...'. As well as providing useful information to the reader, it is part of the Act and plays an important role in the debate of a bill (see SO 169).

## WHEN AN ACT COMMENCES

Each Act will include a provision about when the Act commences. There are a number of different ways that an Act can commence:

- **Standard commencement:** An Act often commences on the day after it is notified on the Legislation Register (its notification day). This is the default commencement that applies (see LA, s 73), although this is usually stated in the Act for clarity.
- **Commencement on a stated day or event:** An Act may state another time or day when it commences. For example, it may state that it commences on a particular day, after a stated period of time or on a particular event occurring (eg the commencement of another law).
- **Commencement by commencement notice:** An Act may state that it commences 'on a day fixed by the Minister by written notice'. In this case, the Act commences on a day stated in a commencement notice signed by the Minister and notified on the Legislation Register. However, if the Minister does not fix a commencement day that is within 6 months after the Act's notification day, the Act automatically commences at the end of that 6-month period (see LA, s 79).

- **Split commencement:** It may be important for different parts of an Act to commence at different times. In that case, the Act has a split commencement—that is, the commencement provision sets out different commencements (which may be different kinds of commencement) for different provisions of the Act. For example, the commencement may provide for the Act, other than part 2, to commence on the day after its notification day, and provide for part 2 to commence on a day fixed by the Minister by written notice.
- **Retrospective commencement:** An Act usually commences after its notification day. However, sometimes it is important for an Act to commence before it is notified—that is, to commence retrospectively. If an Act commences retrospectively, this is clearly expressed, usually in the form ‘This Act is taken to have commenced on...’.

## FINDING COMMENCEMENT INFORMATION

If you are trying to find out when an Act commenced, there are a number of ways you can do this:

- You can look at the commencement section of the Act. A commencement section is removed from an Act (it is repealed) once all of the provisions of the Act have commenced, so it is best to look at the ‘as notified’ version (ie the first version) of the Act for that section on the Legislation Register (see LA, s 89 (4)).
- If there is a commencement notice for the law, you can look at that notice. You can find commencement notices for an Act on the Legislation Register.
- You can look at the endnotes for the Act—located at the end of the Act. Endnote 3 sets out the legislative history of the Act, and the first entry will tell you when the Act commenced.

## MORE INFORMATION

- For more information about the commencement of Acts, see:
  - [ACT Legislation—Reading Legislation](#)<sup>7</sup>
  - Legislation Act, chapter 8 (Commencement and exercise of powers before commencement).
- For more information about the basic features of Acts and how to read Acts, see [ACT Legislation—Reading Legislation](#).

---

<sup>7</sup> [https://www.pco.act.gov.au/\\_\\_data/assets/pdf\\_file/0020/2216072/Reading-legislation.pdf](https://www.pco.act.gov.au/__data/assets/pdf_file/0020/2216072/Reading-legislation.pdf)

# STATUTORY INSTRUMENTS

## WHAT ARE STATUTORY INSTRUMENTS?

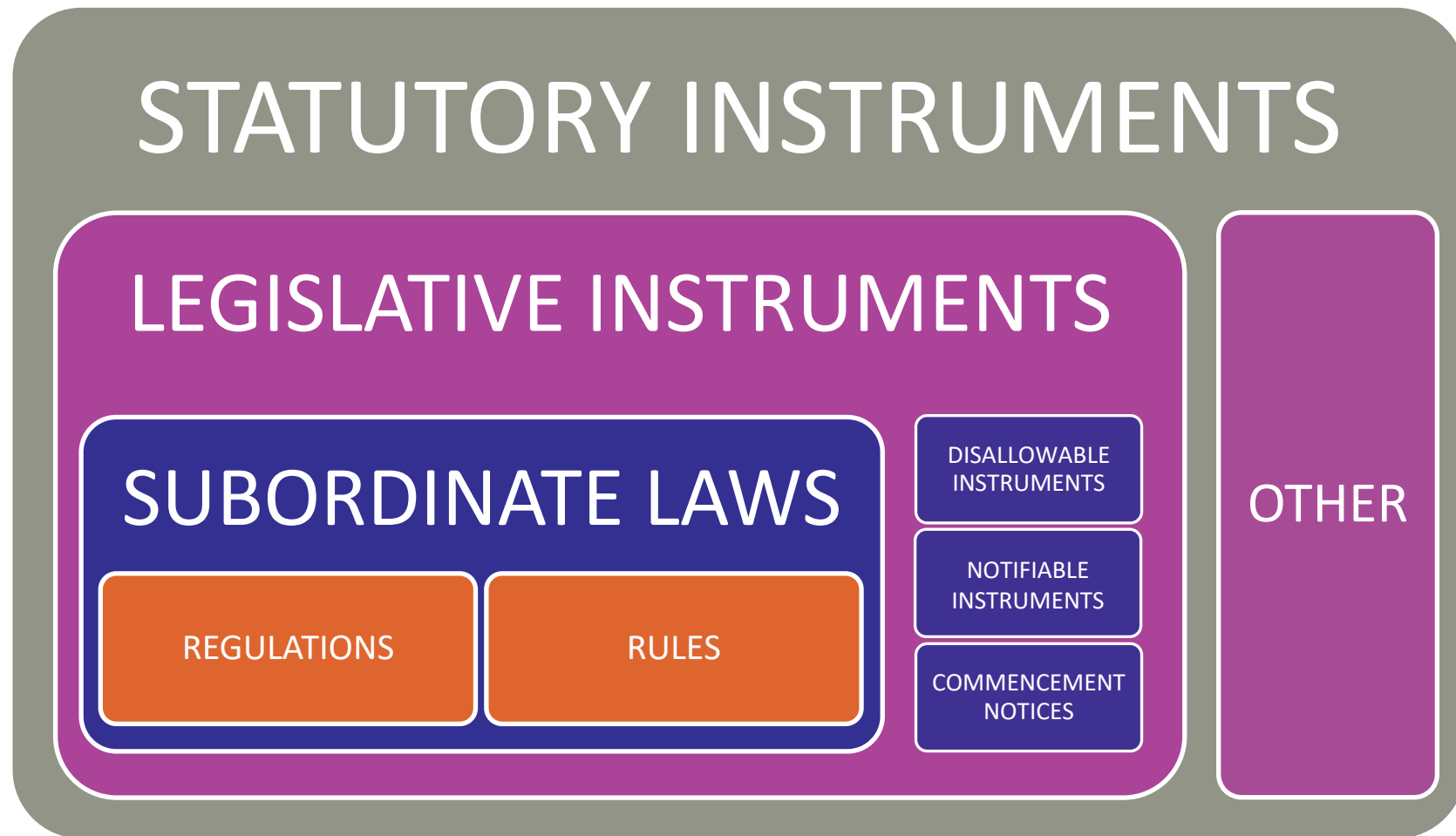
The term ‘statutory instrument’ is used in the ACT, to refer to any instrument made under an Act or another statutory instrument (the term ‘instrument’ means simply a written document).

There are a number of kinds of statutory instrument in the ACT, and the ACT has particular terms for them, as set out in Table 2. How these instruments relate to each other is shown in Figure 1.

Table 2 *Glossary of terms relating to statutory instruments*

Term	Description
<b>Statutory instrument</b>	Any instrument that is made under a law is called a ‘statutory instrument’ (an instrument is a written document).
<b>Legislative instrument</b>	<p>This is a category of statutory instrument, covering only the following instruments:</p> <ul style="list-style-type: none"> <li>• subordinate laws</li> <li>• disallowable instruments</li> <li>• notifiable instruments</li> <li>• commencement notices.</li> </ul> <p>The distinguishing characteristic of legislative instruments is that they must be notified on the Legislation Register.</p>
<b>Subordinate law</b>	<p>This is a subset of legislative instruments.</p> <p>The most common kind is a regulation, although rules (such as court rules) are also subordinate laws.</p>
<b>Disallowable instrument</b>	This is a kind of legislative instrument (discussed further below).
<b>Notifiable instrument</b>	This is a kind of legislative instrument (discussed further below).
<b>Commencement notice</b>	This is a kind of legislative instrument (discussed further below).
<b>Other statutory instruments</b>	<p>These are any instruments made under legislation that are not legislative instruments, for examples include an instrument that delegates a person’s powers under an Act to someone else.</p> <p>These instruments do not need to be published on the Legislation Register.</p>

Figure 1 *Relationship between statutory instruments*



# REGULATIONS

## WHAT IS A REGULATION?

A regulation usually sets out the detailed rules for the operation of a legislative scheme or policy established under an Act.

There are a number of reasons why law is set out in a regulation and not an Act, including because:

- it would place unnecessary pressure on the time of the Legislative Assembly
- the subject matter is too technical or detailed
- flexibility is needed to deal with a changing environment or unforeseen circumstances.

## GENERAL POWER TO MAKE REGULATION

Most Acts include a power to make regulations ‘for the Act’, which is usually found towards the end of the Act. This is a broad power that allows regulations to be made about anything that is ‘required or permitted’ to be made under the Act or another law, or ‘necessary or convenient’ for carrying out or giving effect to the Act or another law (see LA, s 44).

## SPECIFIC POWER TO MAKE REGULATION

Often Acts include powers to make regulations for particular things. For example, a provision of an Act may provide that the detail for the provision is ‘prescribed by regulation’, or the regulation-making power towards the end of the Act may list particular things that regulations can be made about.

As long as the Act includes a general power to make regulations, these specific powers do not limit the general power.

## HOW IS A REGULATION MADE?

Generally, a regulation is made by the ‘Executive’. For making a regulation, this means 2 or more Ministers, of whom one must be the Chief Minister and one must be the Minister who is responsible for administering the Act that the regulation is made under (see LA, s 41).

You can find information about which Ministers are responsible for which Acts under the Administrative Arrangements. You can find the Administrative Arrangements on the Legislation Register—there is a link on the left hand menu bar.



A regulation must be presented to the Legislative Assembly not later than 6 sitting days after it is notified on the Legislation Register. Once presented, they are not debated like bills, but can be disallowed or amended by the Legislative Assembly.

## NAME OF REGULATION

Each regulation has a unique name that reflects its subject matter and the year it is made, and provides a convenient way to refer to the regulation. A regulation has a naming section that sets out the name, which used to be referred to as the ‘short title’ or ‘citation’. As well as a unique name, each regulation also has a unique number.

## WHEN DOES A REGULATION COMMENCE?

Each regulation will include a provision about when the regulation commences. Like an Act, there are a number of different ways that a regulation can commence:

- **Standard commencement:** A regulation often commences the day after it is notified on the Legislation Register (its notification day). This is the default commencement that applies (see LA, s 73), although this is usually stated in the regulation for clarity.
- **Commencement on a stated day or event:** A regulation may state another time or day when it commences. For example, it may state that it commences on a particular day, after a stated period of time or on a particular event occurring (eg the commencement of another law).
- **Commencement by commencement notice:** A regulation may state that it commences ‘on a day fixed by the Minister by written notice’. In this case, the regulation commences on a day stated in a commencement notice signed by the Minister and notified on the Legislation Register. However, if the Minister does not fix a commencement day that is within 6 months after the regulation’s notification day, the regulation automatically commences at the end of that 6-month period (see LA, s 79).
- **Split commencement:** It may be important for different parts of a regulation to commence at different times. In that case, the regulation has a split commencement—that is the commencement provision sets out different commencements (which may be different kinds of commencement) for different provisions of the regulation. For example, the commencement may provide for the regulation, other than part 2, to commence on the day after its notification day, and provide for part 2 to commence on a day fixed by the Minister by written notice.
- **Retrospective commencement:** A regulation usually commences after its notification day. However, sometimes it is important for a regulation to commence before it is notified—that is, to commence retrospectively. If a regulation commences retrospectively, this is clearly expressed, usually in the form ‘This regulation is taken to have commenced on...’.

## FINDING COMMENCEMENT INFORMATION

If you are trying to find out when a regulation commenced, there are a number of ways you can do this:

- You can look at the commencement section of the regulation. A commencement section is removed from a regulation (it is repealed) once all of the provisions of the regulation have commenced, so it is best to look at the ‘as notified’ version (ie the first version) of the regulation for that section on the Legislation Register (see LA, s 89 (4)).
- If there is a commencement notice for the regulation, you can look at that notice. You can find commencement notices for regulations on the Legislation Register.
- You can look at the endnotes for the regulation—located at the end of the regulation. Endnote 3 sets out the legislative history of the regulation, and the first entry will tell you when the regulation commenced.

# LEGISLATIVE INSTRUMENTS

## WHAT IS A DISALLOWABLE INSTRUMENT?

A disallowable instrument is a statutory instrument that is declared to be a disallowable instrument by an Act, subordinate law or other disallowable instrument. Generally, this declaration is included in the provision that authorises the making of the instrument, usually in the form 'A [determination] is a disallowable instrument'.

A disallowable instrument must be presented to the Legislative Assembly not later than 6 sitting days after it is notified on the Legislation Register. Once presented, a disallowable instrument can be disallowed or amended by the Legislative Assembly. In this respect, a disallowable instrument is subject to the same scrutiny as a regulation.

Unlike a regulation, a disallowable instrument is usually made by one person only. As such, a disallowable instrument is often used for things that might need to be changed regularly or quickly. Examples include the appointment of a person who is not a public servant to a position created under legislation, or a fee that the government determines to be payable for a particular service it provides.

## WHAT IS A NOTIFIABLE INSTRUMENT?

A notifiable instrument is a statutory instrument that is declared to be a notifiable instrument by an Act, subordinate law, disallowable instrument or other notifiable instrument. As with disallowable instruments, this declaration is generally included in the provision that authorises the making of the instrument, usually in the form 'A [notice] is a notifiable instrument'.

A notifiable instrument does not need to be presented to the Legislative Assembly and is not subject to disallowance or amendment by the Assembly like a regulation or disallowable instrument is.

Like a disallowable instrument, a notifiable instrument is usually made by one person only. A notifiable instrument is often used for things that are appropriate to be made public and might need to be changed regularly or quickly, but are not significant enough to require scrutiny by the Legislative Assembly. Examples include a notice of a road closure or a notice about a decision of the ACT Heritage Council.

## MORE INFORMATION

- For more information about the commencement of instruments, see:
  - [ACT Legislation—Reading Legislation](#)<sup>8</sup>
  - Legislation Act, chapter 8 (Commencement and exercise of powers before commencement).
- For more information about how to read legislation (including basic features of legislation), see [ACT Legislation—Reading Legislation](#).

---

<sup>8</sup> [https://www.pco.act.gov.au/\\_\\_data/assets/pdf\\_file/0020/2216072/Reading-legislation.pdf](https://www.pco.act.gov.au/__data/assets/pdf_file/0020/2216072/Reading-legislation.pdf)

# REPUBLICATIONS

## WHAT IS A REPUBLICATION OF A LAW?

Once a new principal Act or regulation has been made and notified on the Legislation Register, it is likely that it will be amended from time to time to reflect changes in policy or to make technical amendments. A principal Act may be amended by another Act (an amending Act) and a principal regulation may be amended by an Act or another regulation (an amending regulation).

To make it easy for everyone to find the current law, once an amending Act or regulation has been made and notified, and the amendments have commenced, the principal Act or regulation will be republished to incorporate the amendments made to it by the amending Act or regulation.

## CURRENT VERSION

The current version of the law is the up-to-date version of the law as currently in force.

On the home page for an Act or regulation on the Legislation Register, the version of the law that is currently in force appears at the top of the table of republications. You can also see the republication number (indicated by R#) and date that the republication came into effect.

You can also find this information on the front cover of the Act or regulation.

## POINT-IN-TIME VERSION

Sometimes, it might be important to know what the law was at a particular point in time in the past. Each republication of an Act or regulation is preserved on the Legislation Register as a point-in-time version of the law, so you can identify what the law was at any particular point in time since the law commenced.

Point-in-time versions can be accessed on the Legislation Register. The homepage for an Act or regulation displays the current version, the version in force immediately before the current version and the as notified version of the law. All other republications of the law can be accessed by expanding the table. You can then look for the version you are after by date or republication number if known. The search function on the Legislation Register also allows you to search by a particular date or date range.

## ‘AS NOTIFIED’ VERSION

As mentioned previously, once a bill is passed by the Legislative Assembly, the Speaker of the Assembly requests that the Parliamentary Counsel notify the making of the Act on the Legislation Register. Similarly, once a regulation has been made, a person with authority requests that the Parliamentary Counsel notify the making of the regulation. The version of the Act or regulation that is notified is referred to as the ‘as notified’ version.

If you would like to access the ‘as notified’ version of an Act or regulation, you can find this on the home page of the Act or regulation. With the ‘as notified version’ of an Act, you can find any commencement notice for the Act, the bill that proposed the Act and the explanatory statement for the bill. For a regulation, you can find any commencement notice and the explanatory statement for the regulation.

## REPUBLICATION HISTORY—ENDNOTES

The endnotes of a principal Act or regulation set out useful information about the republication history of the law:

- Endnote 3 sets out the legislative history of the law, identifying each amending law that has amended the principal law, the provisions of the amending law that are relevant and the amending law’s commencement.
- Endnote 4 sets out the amendment history of the principal law, which allows you to find the full amendment history of any provision in the law—whether it has been inserted, amended or omitted by an amending law, and details of the amending law.
- Endnote 5 sets out information about the earlier republications of the principal law—the republication number and date, the date range the republication was effective for, the amending law that gave rise to the last amendment of the principal law and a brief description of the reasons for republication.

## MORE INFORMATION

See the Legislation Act, chapter 11 (Republication of Acts and statutory instruments).

# LEGISLATION GLOSSARY

Table 3 *Glossary of terms relating to ACT legislation generally*

Term	Meaning
<b>Act</b>	A law passed by the Legislative Assembly and notified on the Legislation Register.
<b>administrative arrangements</b>	The allocation of portfolio responsibilities to Ministers. Administrative arrangements establish administrative units (ie directorates and agencies) and set out the legislation and matters to be administered by those units.
<b>amendment</b>	A change to a law. An amendment can change an existing provision, add new provisions or take out provisions from laws.
<b>amendment resolution</b>	A resolution passed by the Legislative Assembly to amend a subordinate law or disallowable instrument presented to the Legislative Assembly.
<b>approval statement</b>	A statement that accompanies an approved form and verifies that it has been approved.
<b>approved form</b>	A form approved under a law for use in administering the law. Examples of approved forms include forms to register the birth of a child, donate blood or apply for a licence or permit.
<b>authorised version</b>	An official version of the law that the Parliamentary Counsel has authorised and is presumed to be a correct version of the law. Authorised versions on the Legislation Register appear in portable document format (pdf).
<b>bill</b>	A proposal for a new Act that is presented to the Legislative Assembly.
<b>commencement</b>	The time a new law begins to operate. A law may provide for its own commencement or commence by commencement notice.
<b>commencement notice</b>	A statutory instrument that fixes or otherwise determines the commencement of a law.

Term	Meaning
<b>disallowable instrument</b>	A statutory instrument that is declared to be a disallowable instrument by an Act, subordinate law or other disallowable instrument. Generally this 'declaration' is included in the provision that authorises the making of the instrument. Examples of disallowable instruments include declarations naming streets and suburbs and fee determinations. Disallowable instruments can be disallowed or amended by the Legislative Assembly. A disallowable instrument must be presented to the Legislative Assembly not later than 6 sitting days after notification
<b>disallowance resolution</b>	A resolution passed by the Legislative Assembly to disallow a subordinate law or disallowable instrument presented to the Legislative Assembly.
<b>discharged</b>	A bill is discharged if, when the bill is due to be considered by the Legislative Assembly, the member in charge of the bill discharges it (see SO 152).
<b>endnotes</b>	Notes at the end of a republication that provide information relating to the republished law. The endnotes usually include an abbreviation key, legislation history, amendment history and earlier republication table. Amending, modifying and repealing laws are annotated in the legislation history and amendment history, including commencement information.
<b>explanatory statement</b>	A document that accompanies a bill, subordinate law or disallowable instrument and explains its purpose and detail.
<b>exposure draft</b>	A proposed bill or subordinate law that is made publicly available for consultation. Exposure drafts are available on the Legislation Register. They may also be made available elsewhere, for example, on YourSay
<b>instrument</b>	A written document.
<b>lapsed</b>	A bill that remains on the Legislative Assembly Notice Paper at the end of an Assembly lapses on the polling day for the next general election.
<b>legislative instrument</b>	A subordinate law, disallowable instrument, notifiable instrument, or commencement notice. A legislative instrument is a type of



statutory instrument. Legislative instruments must be notified on the Legislation Register to be enforceable.

Term	Meaning
<b>negatived</b>	A bill is negatived if a vote by the Legislative Assembly on agreeing to the bill is lost.
<b>notifiable instrument</b>	A statutory instrument that is declared to be a notifiable instrument by an Act, subordinate law, disallowable instrument or another notifiable instrument. This 'declaration' is generally included in the provision that authorises the making of the instrument. Examples of notifiable instruments include notices of road closures and declarations about public holidays. Notifiable instruments do not have to be presented to the Legislative Assembly.
<b>notification</b>	Notification involves the publication on the Legislation Register of a statement that an Act or instrument has been made, along with the text of the Act or instrument. From 12 September 2001, ACT legislation has been notified on the legislation register and not in the government gazette.
<b>ordinance</b>	A law made by the Governor-General under the <i>Seat of Government (Administration) Act 1910</i> (Cwlth). Before self-government, ordinances made by the Governor-General were the main form of law made for the ACT. Most of the ordinances in force at self-government have been converted into Acts (see Self-Government Act, s 34). However, the Governor-General has power to make ordinances for the ACT on a limited number of topics (see <i>Seat of Government (Administration) Act 1910</i> (Cwlth), s 12).
<b>regulation</b>	A kind of subordinate law. A regulation usually provides more detailed rules needed for the operation of a scheme or policy set out in an Act.
<b>republication</b>	A new version of a law that includes any changes to the law. A strict policy of publishing separate republications for separate commencement and expiry dates has been adopted to provide point-in-time access to the law. This makes it easy to find the law as it was in force on a particular day.
<b>statutory instrument</b>	An instrument made under a law. A legislative instrument is a type of statutory instrument.

Term	Meaning
<b>subordinate law</b>	A regulation or rule made under an Act or other subordinate law. Regulations are the most common kind of subordinate law in the ACT. They can be disallowed or amended by the Legislative Assembly. A subordinate law must be presented to the Legislative Assembly not later than 6 sitting days after notification.
<b>unauthorised version</b>	A version of a law on the Legislation Register in rich text format (rtf). Unauthorised versions have not been authorised by the Parliamentary Counsel because they are not locked and the formatting cannot be guaranteed. However, unauthorised versions are generated from the same source as authorised versions.
<b>uncommenced</b>	A law or part of a law that has been notified but not yet commenced.
<b>withdrawn</b>	A bill is withdrawn if the Speaker rules the bill out of order and withdraws it from the Legislative Assembly Notice Paper.





ACT Parliamentary Counsel's Office

Version 2022-1