



# **Acts Publication Act 1905**

## **Act No. 13 of 1905 as amended**

This compilation was prepared on 4 December 2009  
taking into account amendments up to Act No. 135 of 2008

The text of any of those amendments not in force  
on that date is appended in the Notes section

The operation of amendments that have been incorporated may be  
affected by application provisions that are set out in the Notes section

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## Contents

<b>Part 1—Preliminary</b>	1
1 Short title [ <i>see</i> Note 1].....	1
1A Definitions.....	1
<b>Part 2—Printed publication of Acts</b>	2
2 Incorporation of amendments in reprints of Acts .....	2
3 Reference to amending Act .....	2
<b>Part 3—Electronic publication of Acts</b>	3
4 Acts database .....	3
5 Effect of inclusion in an Acts database.....	3
6 Documents in an Acts database .....	4
7 How an Acts database must be kept .....	4
8 Rectification of an Acts database.....	4
<b>Part 4—Miscellaneous</b>	6
9 Regulations.....	6
<b>Notes</b>	7



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# An Act relating to the publication of Acts in printed and electronic form

## Part 1—Preliminary

### 1 Short title [see Note 1]

This Act may be cited as the *Acts Publication Act 1905*.

### 1A Definitions

In this Act:

***Acts database*** means an electronic database declared under section 4.

***compilation***, of an Act that has been amended (whether by another Act or by a legislative instrument) with effect from a particular day, means the Act as so amended and in force on that day.

***legislative instrument*** has the same meaning as in the *Legislative Instruments Act 2003*.

***Secretary*** means the Secretary of the Department.

## Part 2—Printed publication of Acts

### 2 Incorporation of amendments in reprints of Acts

- (1) When any Act has, before or after the commencement of this Act, been amended by:
  - (a) the repeal or omission of certain words or figures, or
  - (b) the substitution of certain words or figures in lieu of any repealed or omitted words or figures, or
  - (c) the insertion or addition of certain words or figures,then in any reprint of the Act by the Government Printer the Act shall be printed as so amended by all such amendments (in this section referred to as the **relevant amendments**) as were made before a day specified in the reprint.
- (2) In every reprint of any Act as so amended, reference shall be made in the margin, or in a footnote or endnote, to the enactment (or legislative instrument) by which each relevant amendment was made.
- (2A) Subsection (2) does not apply in relation to an amendment:
  - (a) deemed to have been made by the subsection for which this subsection was substituted by the *Acts Citation Act 1976*; or
  - (b) made by section 6 of that Act.
- (3) In this Act, **words** includes Part, Division, Subdivision, heading, section, subsection, paragraph, sub-paragraph, sub-sub-paragraph, clause, sub-clause and Schedule.

### 3 Reference to amending Act

There shall be printed on every reprint issued by the Government Printer of any Act which has before or after the commencement of this Act been amended a short reference to every Act (and legislative instrument, if any) by which it has been amended before a day specified in the reprint.

## **Part 3—Electronic publication of Acts**

### **4 Acts database**

- (1) The Secretary may cause to be maintained an electronic database of:
  - (a) Acts as assented to; and
  - (b) compilations of Acts.
- (2) The Secretary may, in writing, declare a database maintained under this section to be an Acts database for the purposes of this Act.
- (3) The Secretary must cause steps to be taken to ensure that Acts and compilations of Acts in an Acts database are available to the public.
- (4) A declaration made under subsection (2):
  - (a) is not a legislative instrument; and
  - (b) must be published in the *Gazette*.

### **5 Effect of inclusion in an Acts database**

- (1) An Act in an Acts database is presumed, unless the contrary is proved, to be a complete and accurate record of the Act as assented to.
- (2) A compilation of an Act in an Acts database is presumed, unless the contrary is proved, to be a complete and accurate record of the Act as amended and in force on the day specified in the compilation.
- (3) In any proceedings, proof is not required about the provisions and coming into operation (in whole or in part) of an Act as it appears in an Acts database.
- (4) A court or tribunal may inform itself about those matters in any way it thinks fit.

## Section 6

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### 6 Documents in an Acts database

A document that purports to be an extract from an Acts database is presumed, unless the contrary is proved, to be what it purports to be.

### 7 How an Acts database must be kept

- (1) The regulations may prescribe matters relating to how an Acts database must be kept, including the following:
  - (a) the way information may be recorded in an Acts database;
  - (b) the way information recorded in an Acts database may be altered;
  - (c) a system of unique identifiers for each Act and compilation in an Acts database, and the way in which they are to be recorded in Acts and compilations.
- (2) A compilation in an Acts database of an Act (the *principal Act*) must include the following information:
  - (a) a reference to the amending legislation by which each amendment was made to the principal Act;
  - (b) the amending history of each provision in the principal Act as amended by all amending legislation covered by the compilation;
  - (c) the day the compilation was prepared;
  - (d) any other information required by the regulations.

### 8 Rectification of an Acts database

- (1) The Secretary must arrange for an Acts database to be altered to rectify an error as soon as possible after the Secretary becomes aware of the error, if the Secretary is satisfied that the error has the result that:
  - (a) for an error concerning an Act—the electronic text of the Act as it appears in the database does not represent the text of the Act as assented to; or
  - (b) for an error concerning a compilation of an Act—the electronic text of the compilation as it appears in the database does not represent the state of the law that the text purports to represent.



- (2) The Secretary must arrange for the Acts database (as rectified) to be annotated to explain:
  - (a) the nature, day and time of the rectification; and
  - (b) the reason for the rectification.
- (3) An alteration of an Acts database under this section:
  - (a) does not affect any right or privilege that was acquired, or that accrued, because of reliance on the content of the database before the alteration was made; and
  - (b) does not impose or increase any obligation or liability that was incurred before the alteration was made.

## **Part 4—Miscellaneous**

### **9 Regulations**

The Governor-General may make regulations prescribing matters:

- (a) required or permitted by this Act to be prescribed; or
- (b) necessary or convenient to be prescribed for carrying out or giving effect to this Act.

**Table of Acts****Notes to the *Acts Publication Act 1905*****Note 1**

The *Acts Publication Act 1905* as shown in this compilation comprises Act No. 13, 1905 amended as indicated in the Tables below.

**Table of Acts**

Act	Number and year	Date of Assent	Date of commencement	Application, saving or transitional provisions
<i>Amendments Incorporation Act 1905</i>	13, 1905	23 Nov 1905	23 Nov 1905	
<i>Amendments Incorporation Act 1918</i>	32, 1918	11 Dec 1918	11 Dec 1918	—
<i>Statute Law Revision Act 1973</i>	216, 1973	19 Dec 1973	31 Dec 1973	Ss. 9(1) and 10
<i>Acts Citation Act 1976</i>	37, 1976	26 May 1976	1 July 1976	Ss. 5(2) and 6
<i>Amendments Incorporation Amendment Act 1980</i>	2, 1980	1 Mar 1980	1 Jan 1980	—
<i>Statute Law (Miscellaneous Provisions) Act (No. 1) 1983</i>	39, 1983	20 June 1983	S. 3: 18 July 1983 (a)	S. 7(1)
<i>Statute Law (Miscellaneous Provisions) Act (No. 2) 1985</i>	193, 1985	16 Dec 1985	S. 3: (b)	S. 16
<i>Legislative Instruments (Transitional Provisions and Consequential Amendments) Act 2003</i>	140, 2003	17 Dec 2003	Schedule 1 (item 9): (c)	—
<i>Evidence Amendment Act 2008</i>	135, 2008	4 Dec 2008	Schedule 3 (items 1–5): 4 Dec 2009	—

## Act Notes

- (a) The *Acts Publication Act 1905* was amended by section 3 only of the *Statute Law (Miscellaneous Provisions) Act (No. 1) 1983*, subsection 2(1) of which provides as follows:
- (1) Subject to this section, this Act shall come into operation on the twenty-eighth day after the day on which it receives the Royal Assent.
- (b) The *Acts Publication Act 1905* was amended by section 3 only of the *Statute Law (Miscellaneous Provisions) Act (No. 2) 1985*, subsection 2(1) of which provides as follows:
- (1) Subject to this section, this Act shall come into operation on the day on which it receives the Royal Assent.
- (c) Subsection 2(1) (item 3) of the *Legislative Instruments (Transitional Provisions and Consequential Amendments) Act 2003* provides as follows:
- (1) Each provision of this Act specified in column 1 of the table commences on the day or at the time specified in column 2 of the table.

Commencement information		
Column 1	Column 2	Column 3
Provision(s)	Commencement	Date/Details
3. Schedule 1	Immediately after the commencement of sections 3 to 62 of the <i>Legislative Instruments Act 2003</i>	1 January 2005

**Table of Amendments****Table of Amendments**

ad. = added or inserted   am. = amended   rep. = repealed   rs. = repealed and substituted

Provision affected	How affected
Title .....	rs. No. 135, 2008
<b>Part 1</b>	
Part 1 .....	ad. No. 135, 2008
S. 1 .....	rs. No. 135, 2008
S. 1A .....	ad. No. 135, 2008
<b>Part 2</b>	
Heading to Part 2 .....	ad. No. 135, 2008
S. 2 .....	am. No. 32, 1918; No. 216, 1973; No. 37, 1976; No. 2, 1980; No. 39, 1983; No. 193, 1985; No. 135, 2008
S. 3 .....	am. No. 193, 1985; No. 135, 2008
<b>Part 3</b>	
Part 3 .....	ad. No. 135, 2008
S. 4 .....	ad. No. 140, 2003 rs. No. 135, 2008
Ss. 5–8 .....	ad. No. 135, 2008
<b>Part 4</b>	
Part 4 .....	ad. No. 135, 2008
S. 9 .....	ad. No. 135, 2008