



Canberra Water Supply (Googong Dam) Act 1974

Act No. 34 of 1974 as amended

This compilation was prepared on 9 July 2008
taking into account amendments up to Act No. 73 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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**An Act relating to the Construction of a Dam on
the Queanbeyan River in New South Wales and the
Supply of Water from that Dam for use in the
Australian Capital Territory, and for purposes
connected therewith**

Preamble

WHEREAS the Agreement dated 18 October 1909 made between Australia and the State of New South Wales and set out in the First Schedule to the *Seat of Government Acceptance Act 1909-1973* provides for the surrender by that State and the acceptance by Australia of certain territory described in clause 1 of that Agreement, being the territory now known as the Australian Capital Territory:

AND WHEREAS that Agreement also provides, amongst other things, that the right of the State of New South Wales or of the residents therein to the use and control of the waters of the Queanbeyan and Molonglo Rivers and their tributaries which lie to the east of the Goulburn to Cooma Railway shall be subject and secondary to the use and requirements of Australia (which are thereby declared to be paramount) for all the purposes of the Australian Capital Territory and that that State shall consent to the construction by Australia in that State of such works as are necessary for those purposes:

AND WHEREAS it is desirable, for the purpose of ensuring an adequate supply of water to the Australian Capital Territory, to construct a dam and other works for the storage and conveyance of the said waters of the Queanbeyan River:

AND WHEREAS Australia has acquired, for the purposes of the construction of such a dam and other works, certain land in the State of New South Wales referred to in this Act as the “Googong Dam Area”;

BE IT THEREFORE ENACTED by the Queen, the Senate and the House of Representatives of Australia, as follows:

1 Short title [see Note 1]

This Act may be cited as the *Canberra Water Supply (Googong Dam) Act 1974*.

2 Commencement [see Note 1]

- (1) Subject to subsection (2), this Act shall come into operation on the day on which it receives the Royal Assent.
- (2) Sections 3, 4 and 5 shall be deemed to have had effect from and including 17 October 1973.

3 Interpretation

In this Act, unless the contrary intention appears:

Assembly means the Legislative Assembly for the Australian Capital Territory.

authorized person means a person appointed under section 7.

Executive means the Australian Capital Territory Executive.

Googong Dam Area means the land described in the Schedule to the notice under subsection 10(3) of the *Lands Acquisition Act 1955-1966* dated 17 October 1973 and published in the *Gazette* on that date, being land acquired by Australia for the purpose of the provision of facilities for the storage of water and its supply for use in the Territory.

Territory:

- (a) when used in a geographical sense, means the Australian Capital Territory; and
- (b) when used in any other sense, means the body politic established by section 7 of the *Australian Capital Territory (Self-Government) Act 1988*.

Territory authority means a body, whether corporate or not:

- (a) established by or under a law made by the Assembly; or
- (b) otherwise established by the Executive.

3A Application of the *Criminal Code*

Chapter 2 of the *Criminal Code* applies to all offences created by this Act.

Note: Chapter 2 of the *Criminal Code* sets out the general principles of criminal responsibility.

4 Functions of the Executive

Subject to this section, the Executive may, on behalf of the Commonwealth, carry out, either alone or in association with other persons, the planning and provision of a dam, pipelines and other works and facilities for:

- (a) the collection, diversion and storage of water in the Googong Dam Area;
- (b) the conveyance and supply of water from that Area for use in the Territory or in a place that is the subject of an agreement under subsection 12(2) for the conveyance and supply of water;
- (c) the treatment and purification of water supplied or to be supplied from that Area; and
- (d) the prevention of the pollution of water supplied or to be supplied from that Area;

and of works and facilities for the accommodation in that Area of persons employed by the Territory or by a Territory authority in connexion with the protection or regulation of that Area or with the operation and maintenance of any such dam, pipelines, works or facilities in that Area.

5 Powers of the Executive

- (1) Subject to subsection (3), the Executive has power to do, in the Territory or elsewhere, all things necessary or convenient to be done for or in connexion with, or as incidental to, the performance of its functions under this Act.
- (2) Without limiting the generality of subsection (1), the Executive has power, for or in connexion with the performance of its functions under this Act:
 - (a) to construct, or make arrangements for the construction of, dams, pipelines, roads, bridges and other works, including works that are, in the opinion of the Executive, necessary or

desirable for the purpose of preventing or mitigating injurious effects of other works constructed in accordance with this Act;

- (b) to purchase or take on hire, and to dispose of, plant, machinery, equipment or other goods;
 - (c) to provide transport, accommodation, provisions and amenities for officers and employees of the Territory or of a Territory authority and their families; and
 - (d) to enter into an agreement, on such terms and conditions as the Executive thinks fit, with any person or body, for or in relation to the performance of work, the provision of services or the doing of any other thing by that person or body for or on behalf of the Executive.
- (3) The Executive shall not, for the purposes of this Act, enter or do any work upon land other than land owned by Australia except in accordance with the succeeding provisions of this Act or by virtue of rights in respect of that land acquired by Australia or the Executive by agreement or otherwise in accordance with law.

6 Duties of the Executive

- (1) It is the duty of the Executive to ensure that the effect on the environment of anything done or proposed to be done in the performance of its functions or the exercise of its powers under this Act is fully considered and that all reasonably practicable measures are taken for the protection of the environment, including measures by way of the making of appropriate provisions in agreements entered into by the Executive on behalf of the Territory.
- (2) In constructing a pipeline, the Executive shall ensure that, as far as practicable, the pipes are laid below the surface of the ground.

6A Manner of exercising powers etc.

- (1) The Executive shall exercise its powers, and perform its functions and duties, under this Act in accordance with:
 - (a) the conditions (if any) determined in writing by the Minister after consultation with the Executive; and
 - (b) any law made by the Assembly under subsection (2).

- (2) The Assembly may make laws prescribing the manner in which the Executive shall exercise its powers, and perform its functions and duties, under this Act, but such a law has no effect to the extent that it is inconsistent with a condition determined under paragraph (1)(a), whether so determined before or after the making of the law.

7 Authorised persons

- (1) The Executive may, by written instrument, appoint a person to be an authorized person for the purposes of this Act.
- (2) The Executive shall, upon the appointment of a person under this section, furnish to that person a certificate, signed by the Executive, stating that that person is an authorized person for the purposes of this Act.
- (3) Where the appointment of a person under this section expires or is revoked, that person shall forthwith surrender the certificate furnished to him or her under this section to the Executive or, if the Executive, by written instrument directs that person to surrender the certificate to another person specified in the writing, to that other person.

Penalty for a breach of subsection (3): \$200.

- (4) An offence under subsection (3) is an offence of strict liability.

Note: For *strict liability*, see section 6.1 of the *Criminal Code*.

8 Power to enter land

- (1) Where:
 - (a) the occupier of land has consented in writing to an authorized person entering upon the land, with such assistance as is necessary, for the purpose of exercising the functions of an authorized person under this section; or
 - (b) a warrant granted under subsection 10(2) authorizes an authorized person to enter upon land, with such assistance as is necessary, for the purpose of exercising those functions;the authorized person may, with such assistance as is necessary:
 - (c) enter upon the land; and

- (d) exercise on land so entered the functions of an authorized person under this section.
- (2) Where an authorized person enters upon land in accordance with subsection (1), he or she shall, upon demand by the occupier of the land, produce to the occupier the certificate furnished to him or her under section 7 and, if the entry is in pursuance of a warrant, that warrant.
- (3) A person shall not obstruct or hinder a person acting in pursuance of subsection (1).
Penalty: \$200.
- (3A) Subsection (3) does not apply if the person has a reasonable excuse.
Note: A defendant bears an evidential burden in relation to the matter in subsection (3A) (see subsection 13.3(3) of the *Criminal Code*).
- (4) The functions of an authorized person under this section are, for the purpose of ascertaining the suitability of land entered under this Act, or other land, for the carrying out of the functions of the Executive under this Act:
 - (a) to inspect the land so entered; and
 - (b) on land so entered by him or her to make surveys, take levels, sink bores, dig pits and examine the soil and do any other acts necessary for that purpose.
- (5) In this section, a reference to land includes a reference to land owned or occupied by a State.

9 Power to occupy land

- (1) Where:
 - (a) the occupier of land has consented in writing to the Executive entering upon the land and doing an act specified in subsection (2); or
 - (b) a warrant granted under subsection 10(1) authorizes the Executive to enter upon land and do such an act;the Executive may for the purposes of this Act:
 - (c) enter upon and occupy the land; and
 - (d) do that act on land so occupied.

- (2) The acts referred to in subsection (1) are:
 - (a) to construct, build or place any plant, machinery, equipment or goods;
 - (b) to take or deposit sand, clay, stone, earth, gravel, timber, wood or other materials or things;
 - (c) to make cuttings or excavations;
 - (d) to erect workshops, sheds and other buildings;
 - (e) to make roads; and
 - (f) to manufacture and work materials of any kind.
- (3) The Executive may demolish, destroy or remove on or from land occupied in pursuance of subsection (1) any plant, machinery, equipment, goods, workshop, shed, building or road constructed, built, placed or erected on the land in pursuance of that subsection.
- (4) A person shall not, without reasonable excuse, obstruct or hinder the exercise of the powers or rights of the Executive under this section.

Penalty: \$200.
- (5) Before occupying land in pursuance of a warrant, the Executive shall, upon demand by the occupier of the land, cause the warrant to be produced to the occupier.
- (6) In this section, a reference to land includes a reference to land owned or occupied by a State.

10 Warrants

- (1) Where application is made by the Executive to a Justice of the Peace for a warrant under this subsection, the Justice of the Peace may, if he or she is satisfied, by information on oath or affirmation:
 - (a) that the occupier of land has refused to consent, or that it is impracticable to obtain the consent of the occupier of land within a reasonable time, to the Executive entering upon, and occupying, the land and doing on the land so occupied an act specified in subsection 9(2); and
 - (b) that the doing of that act on the land is reasonably necessary for the purposes of this Act;
 grant a warrant authorizing the Executive to enter upon, and occupy, the land and do that act on land so occupied.

- (2) Where application is made by an authorized person to a Justice of the Peace for a warrant under this subsection, the Justice of the Peace may, if he or she is satisfied, by information on oath or affirmation:
- (a) that the occupier of land has refused to consent, or that it is impracticable to obtain the consent of the occupier of land within a reasonable time, to the authorized person entering upon the land with such assistance as is necessary for the purpose of exercising the functions of an authorized person under section 8; and
 - (b) that entry upon the land for that purpose is reasonably required for the purposes of this Act;
- grant a warrant authorizing that authorized person to enter upon the land with such assistance as is necessary for the purpose of exercising the functions of an authorized person under that section.

11 Rights to use and control of waters

- (1) The rights to use and dispose of all waters in the Googong Dam Area and to control, restrict or interrupt the flow of all waters in and from that Area are vested in Australia.
- (2) The rights referred to in subsection (1) are exercisable by the Executive on behalf of Australia.
- (3) In the exercise of the rights referred to in subsection (1), the Executive shall have regard to the interests of persons who are the owners or occupiers of land through or past which waters from the Googong Dam Area flow, and shall not act in a manner that interferes with the exercise and enjoyment by such persons of rights expressed to be conferred on them by or under a law of the State of New South Wales except to such an extent as is reasonably necessary for the purpose of:
 - (a) collecting and maintaining in a dam or other work constructed under this Act a quantity of water reasonably necessary for the purpose for which the dam or work is maintained; or
 - (b) testing, protecting or carrying out maintenance of such a dam or other work.

12 Use of water from Googong Dam Area

- (1) Water stored in the Googong Dam Area by means of the works constructed under this Act shall be supplied primarily and principally for use in the Territory.
- (2) Subject to subsection (1), Australia may enter into an agreement in writing with the State of New South Wales for or in relation to the supply, or the conveyance and supply, of water from the Googong Dam Area for use in a place other than the Territory.
- (3) The Minister may, in writing, authorise the Executive to exercise the rights of Australia under any such agreement, whether entered into before or after the commencement of this subsection.

13 Compensation for damage

- (1) The Executive and authorized persons, shall, in the exercise of their powers under this Act, cause as little detriment and inconvenience and do as little damage as practicable.
- (2) Where the owner or occupier of land suffers loss or damage by reason of:
 - (a) the exercise of a power conferred on the Executive by this Act; or
 - (b) the entry upon, or occupation of, land in pursuance of this Act;compensation is payable by the Territory in respect of the loss or damage.
- (3) Compensation payable under subsection (2) includes compensation in respect of:
 - (a) damage resulting from the interruption or restriction of the flow of water, or from flooding;
 - (b) damage of a temporary character as well as damage of a permanent character; and
 - (c) the taking from land, or the disposal on land, of sand, clay, stone, earth, gravel, timber, wood, materials or things by the Executive;but does not include compensation in respect of any fixture demolished, destroyed or removed in pursuance of subsection 9(3) or compensation based on an interference with rights expressed to

be conferred by a law of the State of New South Wales made after the day on which this Act received the Royal Assent or by an instrument issued under a law of that State after that date.

- (4) For the purposes of compensation under this section, a restriction or interruption, at any time, of the flow of water from the Googong Dam Area shall be taken into account only to the extent to which, by reason of the restriction or interruption, the flow, if any, that would have occurred at that time if the dam and other works constructed under this Act had not been constructed is not maintained.
- (5) Where goods, being sand, clay, stone, earth, gravel, timber, wood, materials or other things, are taken from, or disposed of on, land in pursuance of this Act and are not the property of the owner or occupier of the land, subsection (2) applies as if the reference in that subsection to the owner or occupier of the land, or both, included a reference to the owner of the goods.
- (6) Part VIII of the *Lands Acquisition Act 1989* applies in relation to the determination of compensation under this section as if anything done by the Authority under this Act had been done under Part III of the *Lands Acquisition Act 1989*.

14 Damaging works etc.

A person must not:

- (a) do an act that results in damage to the operation of a work constructed or being constructed under this Act; or
- (b) interfere with such a work.

15 Theft etc. of water

A person shall not:

- (a) take water from a dam or pipeline constructed or being constructed under this Act; or
- (b) use or consume, or cause to be wasted or diverted, water that is in such a dam or pipeline or has been so taken.

16 Penalties

- (1) A person who contravenes or fails to comply with a provision of section 14 or 15 is guilty of an offence against that section.
- (2) An offence referred to in subsection (1) may be prosecuted summarily or upon indictment, but an offender is not liable to be punished more than once in respect of the same offence.
- (3) An offence referred to in subsection (1) is punishable:
 - (a) upon summary conviction—by a fine not exceeding \$200 or imprisonment for a term not exceeding 6 months, or both; or
 - (b) upon conviction on indictment—by a fine not exceeding \$2,000 or imprisonment for a term not exceeding 2 years, or both.
- (4) Where proceedings for an offence referred to in subsection (1) are brought in a court of summary jurisdiction, the court may commit the defendant for trial or, with the consent of the defendant, determine the proceedings.

17 Areas to which access permitted

- (1) The Executive may, by notice in the *Australian Capital Territory Gazette* declare a specified area, including an area of water, forming part of the Googong Dam Area to be an area to which access by the public is, subject to this Act and the regulations, permitted.
- (2) The Executive may authorize the erection, placing or displaying in an area so declared of a sign for the purpose of:
 - (a) regulating, prohibiting or restricting entry upon a part of that area in the vicinity of and referred to in the sign;
 - (b) regulating, prohibiting or restricting the stopping or parking of vehicles, or defining the manner in which vehicles may be parked, in a part of that area in the vicinity of and referred to in the sign;
 - (c) fixing the limits of speed for vehicles in a part of that area referred to in the sign; or
 - (d) conveying information or warning to persons entering that area.

18 Regulation of Googong Dam Area

- (1) Subject to section 23, a person shall not enter or remain in a part of the Googong Dam Area unless that part of that Area is or forms part of an area declared in accordance with section 17.
- (2) Subject to section 23, a person shall not enter or remain, or stop, park or drive a vehicle, in a part of an area so declared in relation to which a sign is erected, placed, or displayed under section 17 in contravention of the sign.

Penalty: \$200.

19 Access to works

Where, with the authority of the Executive, there is erected, placed or displayed on land in the vicinity of a work constructed or being constructed under this Act outside the Googong Dam Area a sign prohibiting unauthorized entry upon an area of that land in the vicinity of and referred to in the sign, a person shall not enter or remain in the area in relation to which the sign is erected, placed or displayed.

Penalty: \$200.

20 Removal of signs

The Executive may, at any time, cause a sign erected, placed or displayed in accordance with section 17 or 19 to be removed.

21 Damaging etc. signs

- (1) A person shall not do an act that results in the removal, moving, defacing, damaging, obscuring or covering up of a sign erected, placed or displayed under section 17 or 19, or otherwise interfere with such a sign unless he or she is acting under the authority of the Executive.

Penalty: \$200.

- (2) An offence under subsection (1) is an offence of strict liability.

Note: For *strict liability*, see section 6.1 of the *Criminal Code*.

22 Evidence as to signs

Unless the contrary is proved, evidence that a sign was erected, placed or displayed in an area declared under section 17, or in the vicinity of a work constructed or being constructed under this Act, is evidence that the sign was so erected, placed or displayed by the authority of the Executive under this Act.

23 Exemption of certain persons

Subsections 18(1) and (2) and section 19 do not apply to:

- (a) an authorized person;
- (b) a person, other than an authorized person, engaged or employed in or in connexion with the construction, testing, protection, operation or maintenance of a work authorized by this Act to be constructed;
- (c) a person, other than a person referred to in paragraph (a) or (b), employed by the Territory or a Territory authority; or
- (d) the Commissioner of the Australian Federal Police, a Deputy Commissioner of the Australian Federal Police, an AFP employee or a special member of the Australian Federal Police (all within the meaning of the *Australian Federal Police Act 1979*);

acting in the execution of his or her duty or of the terms of his or her engagement or employment, or to a person who is in the company of a person referred to in paragraph (a), (b), (c) or (d) so acting.

26 Jurisdiction of State courts

For the purposes of Part X of the *Judiciary Act 1903-1973* offences against this Act or the regulations shall be taken to be offences against the laws of the Commonwealth.

27 Operation of State laws

- (1) Subject to this section, it is the intention of the Parliament that this Act and the regulations shall not operate to the exclusion of the application in the Googong Dam Area, in accordance with the *Commonwealth Places (Application of Laws) Act 1970-1973*, of the provisions of a law of the State of New South Wales (including provisions that deal with a matter that is also dealt with by this Act

or the regulations) to the extent that those provisions are capable of operating concurrently with this Act and the regulations.

- (2) In relation to the Googong Dam Area, the *Commonwealth Places (Application of Laws) Act 1970-1973* has effect as if:
- (a) the reference in subsection 4(1) of that Act to the provisions of the laws of a State as in force at a time included a reference to a provision that would be in force in that area as a law of the State of New South Wales at that time but for section 52 of the Constitution; and
 - (b) paragraph 4(2)(b) of that Act were omitted.
- (3) Without affecting the power of the Governor-General to make regulations under the *Commonwealth Places (Application of Laws) Act 1970-1973*, regulations under this Act may provide for excluding the application in or in relation to the Googong Dam Area, by virtue of that Act as affected by this section, of any provisions of a law of the State of New South Wales.

28 Regulations

The Governor-General may make regulations, not inconsistent with this Act, prescribing all matters required or permitted by this Act to be prescribed, or necessary or convenient to be prescribed for carrying out or giving effect to this Act, and, in particular, for:

- (a) regulating, controlling or restricting the entry of persons upon the Googong Dam Area and the conduct of persons in that Area;
- (b) the protection of structures, works and materials in that Area;
- (c) the protection of flora and fauna in that Area; and
- (d) the imposition of penalties not exceeding \$100 for offences against the regulations.

Table of Acts

Notes to the *Canberra Water Supply (Googong Dam) Act 1974***Note 1**

The *Canberra Water Supply (Googong Dam) Act 1974* as shown in this compilation comprises Act No. 34, 1974 amended as indicated in the Tables below.

All relevant information pertaining to application, saving or transitional provisions prior to 7 March 2000 is not included in this compilation. For subsequent information *see* Table A.

Table of Acts

Act	Number and year	Date of Assent	Date of commencement	Application, saving or transitional provisions
<i>Canberra Water Supply (Googong Dam) Act 1974</i>	34, 1974	2 Aug 1974	Ss. 3–5: 17 Oct 1973 Remainder: Royal Assent	
<i>Australian Federal Police (Consequential Amendments) Act 1979</i>	155, 1979	28 Nov 1979	19 Oct 1979 (see s. 2 and <i>Gazette</i> 1979, No. S206)	—
<i>Statute Law Revision Act 1981</i>	61, 1981	12 June 1981	Part VII (ss. 20, 21): 28 May 1980 (a)	—
<i>Australian Capital Territory (Planning and Land Management) Act 1988</i>	108, 1988	6 Dec 1988	(b)	S. 61
as amended by <i>Arts, Environment, Tourism and Territories Legislation Amendment Act 1990</i>	88, 1990	20 Nov 1990	Part 3 (ss. 5, 6): (c)	—
<i>Lands Acquisition (Repeal and Consequential Provisions) Act 1989</i>	21, 1989	20 Apr 1989	9 June 1989 (see s. 2 and <i>Gazette</i> 1989, No. S185)	—
<i>Crimes Legislation Amendment Act 1991</i>	28, 1991	4 Mar 1991	S. 74(1): Royal Assent (d)	—
<i>Australian Federal Police Legislation Amendment Act 2000</i>	9, 2000	7 Mar 2000	2 July 2000 (see <i>Gazette</i> 2000, No. S328)	Sch. 3 (items 20, 34, 35) [see Table A]

Table of Acts

<i>Transport and Regional Services Legislation Amendment (Application of Criminal Code) Act 2001</i>	143, 2001	1 Oct 2001	2 Oct 2001	S. 4 [see Table A]
<i>Statute Law Revision Act 2008</i>	73, 2008	3 July 2008	Schedule 4 (items 110–117): 4 July 2008	—

Act Notes

- (a) The *Canberra Water Supply (Googong Dam) Act 1974* was amended by Part VII (sections 20 and 21) only of the *Statute Law Revision Act 1981*, subsection 2(4) of which provides as follows:
- (4) Part VII shall be deemed to have come into operation on 28 May 1980.
- (b) The *Canberra Water Supply (Googong Dam) Act 1974* was amended by section 55 only of the *Australian Capital Territory (Planning and Land Management) Act 1988*, subsections 2(1) and (3) of which provide as follows:
- (1) Sections 1, 2 and 55 commence on the day on which this Act receives the Royal Assent.
- (3) The remaining provisions of this Act (including the other amendments in the Schedule) commence on a day or days to be fixed by Proclamation.
- The date fixed in pursuance of subsection 2(3) was 31 January 1989 (see *Gazette* 1989, No. S39).
- (c) The *Australian Capital Territory (Planning and Land Management) Act 1988* was amended by Part 3 (sections 5 and 6) only of the *Arts, Environment, Tourism and Territories Legislation Amendment Act 1990*, subsection 2(3) of which provides as follows:
- (3) Part 3 is taken to have commenced immediately after the commencement of section 55 of the *Australian Capital Territory (Planning and Land Management) Act 1988*.
- Section 55 commenced on 6 December 1988.
- (d) The *Canberra Water Supply (Googong Dam) Act 1974* was amended by subsection 74(1) only of the *Crimes Legislation Amendment Act 1991*, subsection 2(1) of which provides as follows:
- (1) Subject to this section, this Act commences on the day on which it receives the Royal Assent.

Table of Amendments**Table of Amendments**

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

Provision affected	How affected
S. 3	am. No. 108, 1988
S. 3A	ad. No. 143, 2001
Ss. 4–6	am. No. 108, 1988
S. 6A	ad. No. 108, 1988
Ss. 7, 8	am. No. 108, 1988; No. 143, 2001; No. 73, 2008
S. 9	am. No. 108, 1988 (as am. by No. 88, 1990)
S. 10	am. No. 108, 1988; No. 73, 2008
Ss. 11, 12	am. No. 108, 1988
S. 13	am. No. 108, 1988; No. 21, 1989
S. 14	rs. No. 143, 2001
S. 15	am. No. 143, 2001
S. 17	am. No. 108, 1988
S. 19	am. No. 108, 1988; No. 143, 2001
S. 20	am. No. 108, 1988
S. 21	am. No. 108, 1988; No. 143, 2001; No. 73, 2008
S. 22	am. No. 108, 1988
S. 23	am. No. 155, 1979; No. 61, 1981; No. 108, 1988; No. 28, 1991; No. 9, 2000; No. 73, 2008
Ss. 24, 25	rep. No. 108, 1988

Table A

Table A

Application, saving or transitional provisions

Australian Federal Police Legislation Amendment Act 2000
(No. 9, 2000)

Schedule 3

20 Definition

In this Part:

commencing time means the time when this Part commences.

34 Warrants or writs etc. may continue to be executed

If, immediately before the commencing time, any warrant, writ, order, permission or other instrument (the *authority*) issued under a law of the Commonwealth, a State or a Territory could be executed by a person who was at that time a member, staff member or special member of the Australian Federal Police, the authority continues to be able to be executed at and after the commencing time by the person in his or her capacity as:

- (a) the Commissioner of the Australian Federal Police; or
- (b) a Deputy Commissioner of the Australian Federal Police; or
- (c) an AFP employee; or
- (d) a special member of the Australian Federal Police;

(all within the meaning of the *Australian Federal Police Act 1979* as in force at and after the commencing time).

Note: A person who is a member or staff member of the Australian Federal Police immediately before the commencing time is taken to be engaged as an AFP employee. Similarly, a person who is a special member of the Australian Federal Police immediately before the commencing time is taken to be appointed as a special member. See item 2 of this Schedule.

35 Regulations dealing with matters of a transitional or saving nature

- (1) The Governor-General may make regulations, not inconsistent with any other provision of this Schedule, prescribing matters of a transitional or saving nature in relation to the amendments made by Schedule 1 or 2.

Table A

- (2) Regulations made under this item within one year after the commencement of this item may commence on a day earlier than the day on which they are made, but not earlier than the commencement of this item.

Transport and Regional Services Legislation Amendment (Application of Criminal Code) Act 2001 (No. 143, 2001)

4 Application of Amendments

- (1) Each amendment made by this Act applies to acts and omissions that take place after the amendment commences.
- (2) For the purposes of this section, if an act or omission is alleged to have taken place between 2 dates, one before and one on or after the day on which a particular amendment commences, the act or omission is alleged to have taken place before the amendment commences.