Keeping the Statute Book up to date — a self-help guide[1]

Jeremy Wainwright[2]

1. Introduction

Prompted by a suggestion by a member with experience drafting in poorly-resourced jurisdictions, my purpose here is to build upon three papers delivered at the 2005 CALC Conference in London[3] by offering some practical suggestions, based on experience in legislative drafting offices in Australia (both the Commonwealth and Tasmania), Fiji and Ireland, for maintaining the statute book without resort to proprietary IT solutions or resource-intensive programs of law revision.

The suggestions that follow are directed primarily at smaller jurisdictions that employ the direct textual amendment method of drafting. However, they have relevance also for larger jurisdictions, since they reflect in large measure current practice with respect to the legislation of the Commonwealth of Australia. Likewise, as appears later in this article, they can have application also to those jurisdictions with a continuing body of "heritage" legislation affected by referential amendment.

While, as indicated above, they are not dependent on sophisticated IT applications, they are compatible with them. Again, while they can be put into practice using old-fashioned physical "cut-and-paste" methods, they encourage reasonably, but not extremely, sophisticated use of readily available "shrink-wrapped" software (e.g. Microsoft Word).

2. Comparison of updating methods

It is helpful, at the outset, to review the methods commonly (and not so commonly) used to update the statute book:

(1) Consolidation[4]

This is the traditional approach, in response to the unwieldy results of the repeated

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1 An expanded version of a presentation made at the CALC Conference, Nairobi, Kenya, 13-15 September 2007, in tandem with the paper "One Giant Leap —The Ultimate Legislation System, Available Now" by Ed Hicks, published at p. 70 of this issue of *The Loophole*.

2 Consultant legislative drafter, Canberra, Australia (nomography@hotmail.com); formerly Principal Legislative Counsel, Office of Legislative Drafting, Attorney-General's Department, Canberra, Australia, and, at the time of presentation of the abstract of this paper, Consultant Parliamentary Counsel, Office of the Parliamentary Counsel, Dublin, Ireland.

3 They were—

- Adsett, Neil, "Aspects of law revision in the Commonwealth", *The Loophole*, October 2007, p 18
- Berry, Duncan, "Keeping the Statute Book up-to-date — a personal view", *The Loophole*, October 2007, p. 33
- Erasmus, Janet, "Statute Revision in British Columbia: recent developments from a jurisdiction with a long history of statute revision", *The Loophole*, October 2007, p. 50.

4 This term has commonly been misused in Australia to refer to the process of re-publication with amendments incorporated, mentioned below.

application of the referential-amendment technique. It relies on formal re-enactment and is usually applied to a single "title" — the classic "Act to consolidate enactments relating to …", which repeals earlier statutes on a subject and makes new provision combining their respective elements and, usually, new material in (for the time being) a single, coherent package. This approach was also used in Victoria, Australia, from 1890 to 1958, for periodic "big-bang" up-dates of the whole statute book.[5]

(2) Revision

In widespread use throughout the Commonwealth (except Australia, New Zealand and the UK), this approach, which is applied in one hit to the whole statute book, relies on enabling legislation that authorises extensive re-arrangement and editorial revision, but not change in substance, and, since re-enactment is not involved, providing for a future effective date to be fixed by instrument. Initially (and still, I believe, in some jurisdictions), revised editions were issued as a collection of fixed-leaf volumes. Towards the end of the "paper era", some (for example, those of Hong Kong, Trinidad and Tobago and Fiji) were issued in loose-leaf format in an effort to maintain currency by the issue of annual sets of revised pages.

(3) Re-publication with amendments incorporated ("reprinting")

Fundamental to this approach is acknowledgement of the existence, in ethereal form (evidenced by printed texts of the constituent pieces of legislation), of an ascertainable legal text that is derived from the application of the textual-amendment technique. It is not essential that there exist any form of supporting legislation, although, in a number of jurisdictions, there is legislation dating from the "paper era" authorising (or even compelling[6]) the reprinting of laws with amendments incorporated. In some cases, that legislation also authorises some non-enacted editorial revision, along the lines of, but not as extensive as, the changes permitted by laws authorising the preparation of revised editions.[7]

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5 Unlike traditional single-subject consolidations, there was no scope for the introduction of new material in the Victorian "super-consolidations", the object being to reproduce the existing law accurately but coherently. The elaborate arrangements and herculean efforts involved, which eventually led to the abandonment of this approach, are worthy of a *Loophole* article in their own right.

6 The *Amendments Incorporation Act 1905* of the Commonwealth of Australia (accessible at www.comlaw.gov.au) provides, in subsection 2 (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 … as were made before a day specified in the reprint."

The Act extends also to legislative instruments (regulations, etc.) but, while it requires the reprinted version to include legislative history, makes no provision as to authenticity.

7 For example, Part 4, *Reprints Act 1992* (Queensland — accessible at www.legislation.qld.gov.au). The scope of the Part is indicated by the extract from the Act's table of provisions that is set out in Appendix A.

In Australia and New Zealand, during the "paper era", single-title reprints were generally produced as stand-alone pamphlets and also, in some jurisdictions, as supplements to sessional volumes. It was also the practice for "big-bang" reprints of the whole statute book to be produced from time to time but, from the 1960s, they were generally replaced by "loose-pamphlet" binder systems. This development led naturally, if rather too slowly, to emergence of systems of prompt electronic re-publication of individual titles.

(4) Restatement

The Statute Law (Restatement) Act 2002 (Ireland)[8] authorises the preparation of integrated texts of amended laws in a manner analogous both to the preparation of a title within a revised edition and to the drafting of a consolidation. A restatement, after being formally authenticated in accordance with the Act, is accorded judicial notice. However, the process does not result in a text that is susceptible of direct textual amendment. While the restatement procedure is capable of being applied in relation to both referential and direct textual amendments, I suggest that there is no call for it in relation to laws the amendment of which has been solely by means of the direct textual technique.

3. What to do?

(1) The best is the enemy of the good — the trap of relying on revised editions

The quest for completeness, worthy as it is in principle, is inimical to the attainment of significant benefits in the short term, because "big bang" exercises are prone to lengthy lead times as a result of their sheer size.[9] This is a problem that is exacerbated by the inclusion of many titles that are of low priority for various reasons, such as their sheer unimportance, the limited audience to which they are addressed and their uncomplicated legislative history.[10]

It is more effective, therefore, to deal with "bite-size" chunks, with priority being given to titles most in need of attention, having regard, in particular, to their relative importance to the public and the extent to which they have been amended, but not losing sight of the desirability of holding the line with titles that are already up-to-date. Just as jurisdictions using the reprinting approach have been able to move away from the periodic fixed-leaf, multi-volume reprinting of the complete statute book, through

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8 Accessible at www.irishstatutebook.ie.

9 For instance, the final volume of the 1951 Reprint of the Acts of the Commonwealth of Australia appeared in 1955 and the 1978 Revised Edition of the Laws of Fiji took effect in March 1982, some 38 months after the cut-off date for the restated law (31 December 1978). Nowadays, with electronic publication, that delay could be significantly reduced but not entirely eliminated.

10 Despite containing much material of this kind, the 1978 Fiji Revised Edition nevertheless omitted some laws that remained in force. Among them were laws of limited application, such as those governing pension schemes that were closed to the admission of new members, and laws expected (but not guaranteed) soon to be replaced. An outstanding example of the latter class was the Traffic Act, for which, in fact, no wholesale replacement has yet eventuated. It was reinstated (as Cap. 176) by the 1985 "mini-revision" (replacement pages for the loose-leaf 1978 edition), which took effect in 1987, but is not one of the Acts currently available on line.

the replaceable-pamphlet stage, to electronic re-publication, there is no good reason why a jurisdiction that has relied in the past on the revision system cannot make use of readily available technology to move over to piecemeal re-publication with amendments incorporated, eventually building up the complete corpus of its statute book in a form that is permanently up-to-date.

(2) Who should do it?

Legislative drafting offices have such a vital interest in the maintenance of an up-to-date statute book that, in my view, it is axiomatic that it should be their responsibility.[11] It is central to the efficient working of a legislative drafting office that it have access to accurate, up-to-date texts of all of the written laws of its jurisdiction. Near enough might be good enough for many users but, for those who have to draft laws, the platform on which they work has to be totally secure and there is no better way of ensuring that than by applying the rigor of drafting practice to the task.

This is not to say that all the work needs to be done by lawyers and, indeed, the experience in Canberra is that, with close integration of all steps in the production process[12] for new legislation and the rigorous application of editorial standards, up-dated texts can be produced to an extremely high standard by clerical staff, with minimal supervision by professional legislative counsel. In small jurisdictions, the closer involvement of legislative counsel themselves is almost inevitable.

(3) How?

(a) Standardised camera-suitable copy using defined Styles

Assuming that a legislative drafting office is using computers and a word-processing package such as Microsoft Word to prepare drafts, the first step is to adopt, for use at the drafting stage, a standardised approach to the lay-out of legislation, using defined

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11 This article was being prepared for publication after the conclusion of the 2009 CALC Conference, the theme of which was “Whose law is it?”. The papers presented examined the “ownership” of other stakeholders (and the relative evanescence of the stake of the lawmakers) but made little express reference to this tacitly-agreed continuing proprietary interest of drafters.

12 For example, the passing of the same MS Word document in electronic form (with a set suite of Styles for its textual elements) from OPC to the Parliament and on eventually to the Office of Legislative Drafting and Publication. Along the way, hard copy is generated for consultation during the drafting process, for distribution in the two chambers of the Parliament, for the production of Assent copies for signature by the Governor-General, and for the printing of copies of the Act for purchase. The electronic text is also published on the ComLaw website and, where it contains amendments of existing laws, it is used for the production of up-dated versions of those laws, which are published as soon as they are effective on the ComLaw website and are available for hard-copy publication. All hard-copy printing is done on the basis of PDF files provided to the printer. (It will be noted that what is done in Canberra is not exactly what I recommend for other jurisdictions, in that it is not OPC which produces the up-dated texts. In 1973, the then Attorney-General, in an effort to improve OPC’s ability to produce Bills for the ambitious legislative program of a reformist government, relieved it of its obligations to draft subordinate legislation and reprints, and gave those functions to a new Division within the Attorney-General’s Department, now known as OLDP. OLDP itself has complete control of the texts of Regulations and other legislative instruments made by the Governor-General.)

word-processing Styles,[13] rather than rely on the official printer to apply the house style to less disciplined "typewriting" (albeit computer-produced).

The Styles adopted should reflect the ultimate appearance of the text as intended to be finally officially printed, so as to facilitate the retention by the drafting office of control over the electronic text while making it possible to pass to the official printer acceptable copy either as a PDF file or as camera-ready hard copy. If possible, the opportunity should be taken to make improvements to the current house style, e.g. changes (say, in font sizes) to improve legibility and replacing marginal notes with provision headings (preferably incorporating the provision number).[14] The number of Styles created should be sufficient to deal with all commonly used lay-outs in use and even a few not so commonly used, so as to discourage the unnecessary cobbling together by individual legislative counsel of *ad hoc* variants, but they should not be so numerous as to be confusing.

In a number of Australian jurisdictions, adoption of the approach outlined above was facilitated by government-initiated moves away from the maintenance of fully-fledged government printing offices.[15] In jurisdictions where resistance to the encroachment by drafting offices on the preserve of the printers is encountered, it is still worthwhile to apply the discipline of the "styled" lay-out to the drafting process, even if, for purposes of compiling texts with amendments incorporated, resort has to be made, at least in the short term, to the output of the printing agency.[16]

(b) Ad hoc compilation of updated texts as part of the drafting process

When instructions to draft amendments of a particular law are received, the legislative counsel concerned should compile an integrated text of that law as it presently stands or have one compiled on his or her behalf by reliable support staff. Only in the most exigent circumstances should this be dispensed with. The time spent, while apparently costly in the short term, will be repaid in abundance in the long term.

Where the source material is available in electronic form, the first step is to capture it in the word-processing format used for drafting. This might necessitate conversion from

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13 The term "Styles" is used here (capitalised) with the meaning ascribed to it in the context of Microsoft Word, i.e. a combination of formatting commands applicable to a particular "Paragraph" (passage ending in a "hard line-feed" or, in typewriter terminology, a carriage return).

14 The substitution of provision headings for marginal notes greatly simplifies document lay-out, expediting the efficient production of both drafts and up-dated texts. It is nowhere seriously disputed that the incorporation of the provision number in a provision heading assists the reader and the Australian experience over the last couple of decades is that, even in the face of interpretation law provisions declaring marginal notes and provision headings not to form part of the law, no harm is done by making this change without legislative backing. Another advantage of incorporating the provision number in the heading is that, if the Styles adopted for the headings for Parts, Divisions, sections, etc., are created as modifications of the built-in MS Word heading Styles (Heading 1, Heading 2, etc.), Word's Outline facility can be used to automatically produce a table of provisions.

15 To the extent that, in New South Wales, the statutory office of Government Printer is held by the Parliamentary Counsel.

16 In compiling updated texts for my own use while working in Ireland, I have converted to Word format material (in HTML) from the Electronic Irish Statute Book (www.irishstatutebook.ie) and material (in PDF) from the Oireachtas website (www.oireachtas.ie). Although the process is tedious, the converted text accurately reflects the source.

another format, e.g. PDF or HTML, which will almost certainly involve some re-formatting (in particular, elimination of unwanted line-feeds) before having the drafting Styles applied. After that, the integrated text should be assembled, using the word-processing "cut-and-paste" facility. In cases where there has been a high level of "wastage" of material (e.g. successive substitutions of blocks of material, such as the repeated annual replacement of a lengthy schedule), it may be found to be more effective to postpone at least some of the refinement of formatting until after the text is assembled. However, adopting this short-cut approach works against building up of an electronic library of laws as made.

Where the source material is not available in electronic form, it will need to be captured by scanning (using optical character recognition) or by re-keying. Whether this is done before or after the assembly of the integrated text is a matter for decision based on the value that is placed on having an electronic collection of laws as made.

In either case, the compilation should be made strictly in accordance with the literal text of the amending laws. In the absence of enabling legislation for the purpose, the compiler should not presume to apply the "slip rule" to an unincorporable amendment. Instead, attention should be called to it in a note appended to the affected provision and, since the updated text is being prepared in connection with the drafting of new amendments, the opportunity should be taken to include among the new amendments one that overcomes the deficiency. The compilation should be annotated to indicate the legislative history of each provision.[17] While notes of this kind have very little use in the ordinary day-to-day use of the updated text (and, for that reason, should not take a form that is distracting), they are extremely helpful in answering questions such as "How did this provision come to look like it does?" or "Is what is written here correct?".

(c) Drafting to assist in the compilation process

As noted above, the adoption of standardised Styles and the use of provision headings incorporating provision numbers are of great assistance in creating texts that are easily manageable for updating purposes. To further simplify the task of compiling updated texts and avoid error, particularly if the compilation task is to be performed by support staff, I suggest adoption of the following drafting practices:

Standardised numbering for provisions:

Use the same form of symbol for each particular level of indent. Specifically, in "sandwich provisions" (when unavoidable), refrain from moving to the numbering convention for the next lower level of indent. Instead of —

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17 The manner and level of annotation is a matter of editorial discretion. When Australian Commonwealth legislation was printed with subject-matter marginal notes, reprints included a table of constituent legislation (footnoted to the citation provision), together with marginal notes, beside each individual subsection (or equivalent), setting out its legislative history. Upon the adoption of provision headings, the "history notes" were gathered together in a further table, at the end of the reprint, along with other notes relating to commencements, amendments not yet in force, unincorporable amendments, etc. At the same time, the level of annotation was simplified, being henceforth carried down only to the section (or equivalent) level. While I consider that a retrograde step, I am also of the view that, with the possible exception of individual definitions in an interpretation provision, it is unnecessarily complicated to annotate at the level of paragraph or lower and that the annotation of the legislative history of individual words is a distraction.

"Introductory words —

(a) first paragraph;

(b) second paragraph;

return to margin —

(i) third paragraph;

(ii) fourth paragraph.",

write —

"Introductory words —

(a) first paragraph;

(b) second paragraph,

return to margin —

(c) third paragraph;

(d) fourth paragraph.".

Standardised amending formulae:

Adopt agreed formulae for use by all legislative counsel, preferably identifying the "where" before the "what".

Rationalisation of indents:

Eliminate artificial indents in amending formulations. The easiest way to do this is to use schedules for all amendments, as is now New South Wales and Australian Commonwealth drafting practice.

Avoidance of quotation marks in amending formulations:

This overcomes the complication of quotes within quotes.

Avoidance of hidden amendments:

All textual amendments made by an Act should be "advertised" in the long title by reference to all Acts that are amended. It is also helpful to corral them in separate Parts or Schedules or under distinctive headings within Schedules.

Avoid "inferential" amendments:

It is more helpful both to general readers and to compilers of updated texts to be excruciatingly explicit than to rely on inference. For example, when inserting a subsection (2) into a previously undivided section, it is better to amend the existing text to insert the requisite "(1)" at the beginning of what will become subsection (1) than to assume that it will spring up out of necessity.

An example of recent amendments prepared in the Office of Legislative Drafting and Publication in Canberra, set out in Appendix B, illustrates a number of the above propositions.

(d) Following through

Once the amending law is made, the amendments should be applied, as they take effect, to the amended law. Once a particular title has been brought up to date, it should not be allowed to again get out of date.

Likewise, on those rare occasions when pressure of work allows, the opportunity should be taken to compile updated texts of titles that are not the subject of current drafting projects.

Even if the updated texts produced by the application of the principles outlined above are used only within the confines of the drafting office as aid in the preparation of new laws, the effort in doing so will have been worthwhile. However, the law is for all, and the resource should be made more widely available. While it is not the purpose of this paper to deal at length with the matter of publication, it is in order to make a few basic observations:

- Web publishing and demand printing are more economical than comprehensive hard-copy printing.
- Hard-copy publication should be the by-product of timely electronic publication.[18]
- It is more useful to users to make the texts of laws (either as made or as amended) available promptly in merely readable form than to make them available only after they have been embellished with hypertext links.[19]
- If it is beyond the capabilities of a jurisdiction to maintain its own legislation website, earnest consideration should be given to disseminating its laws through one of the websites of the free access to law movement, e.g. that of the Pacific Islands Legal Information Institute.[20]

(e) Dropped catches

As indicated above (paragraph (b)), when errors in amendments (or, indeed, in the drafting of the base text) are detected when compiling an updated text in preparation for the drafting of amending legislation, the opportunity should be taken to correct them in the amending legislation.

Errors that are detected in the course of applying amendments in the immediate aftermath of their making (paragraph (e)) are a different story. Without more, they should be indicated by appropriate annotation of the new update and kept under review for the next opportunity for amendment (to which, if serious enough, they may give rise). Otherwise, there is a need for standing legislation, either authorising editorial correction (as in typical revision measures and in legislation such as the Queensland *Reprints Act 1992*) or authorising the use of subordinate legislation (subject to whatever parliamentary review processes are in place) to directly amend primary legislation for the purpose. Such legislation could be of very limited compass, such as section 65 of the Interpretation Act (Fiji)[21] or more along the lines of Part 4 of the

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18 Updated texts of Australian Commonwealth legislation were, for a number of years, only uploaded to the then SCALE database after the publication of a hard-copy reprint. Nowadays, all titles are maintained in up-to-date form (within a day or two of the taking effect of amendments) on the ComLaw database, from which hard copy can be demand printed at any time and from which conventional printed versions are derived when sufficient (i.e. commercially viable) demand exists.

19 ComLaw typically offers texts in HTML, MS Word, RTF and PDF formats, without inter-textual hypertext links.

20 Accessible at www.paclii.org.

21 Rev. Ed 1985, Cap. 7 (accessible at www.itc.gov.fj/lawnet and www.paclii.org):

"65.—(1) The Attorney-General may, by order published in the Gazette**,** rectify any printing error

Queensland Act, dealing with errors and also with other desirable up-dating changes (e.g. changes of names of institutions).

(f) Authenticity

An objection that may be made to the proposals in this article is that, while they may are adequate to produce an in-house "paste-up", they are not sufficient to provide the public with texts that can be produced in court unless they are issued in hard copy over the imprint of the government's official printer. In the absence of knowledge of the evidence laws of all jurisdictions, it is impossible to provide a single, definitive answer to that objection.

However, in light of experience in Australia over recent years, the basis for that objection would appear to be more apparent than real. This is, perhaps, demonstrated most forcefully by the alacrity with which in many jurisdictions (including Australian jurisdictions while official reprint programs lagged behind the fast-flowing tide of amendments), compilations prepared by independent legal publishers have been (and in many jurisdictions, continue to be) relied upon in the court room as well as the board room.

Nevertheless, there is comfort to be had from legislative provisions that require judicial notice to be accorded to texts on official websites: see, for example, ss. 24 and 26 of the *Legislation Act 2001* (Australian Capital Territory)[22]. Similar provision is made by the combined effect of section 45C of the Interpretation Act 1987 and section 143 of the Evidence Act 1995 (New South Wales).[23]

4. Application of above principles to jurisdictions having a referential-amendment heritage

The proposals set out above are readily applied to modern, textual-amendment legislation of a jurisdiction (such as Ireland) that also has a legacy of referentially amended legislation. Indeed, in relation to legislation of that sort, there seems to me no reason at all for an Act such as the *Statute Law (Restatement) Act 2002*. In the few instances where a modern Act has been subjected also to some referential amendment, an updated text could be annotated to indicate the nature of the referential amendment (rather like the annotation that might be used for a misdescribed textual amendment that, on that account, is unincorporable) and the earliest opportunity taken to regularise the situation by direct textual amendment.

Unless the *Statute Law (Restatement) Act 2002* is amended to give a restatement the status of a newly enacted Act that is thenceforth capable of being subjected to direct textual amendment, Ireland would be better served by having the text arising from a

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appearing in any written law (other than in an applied Act).

(2) Every order made under the provisions of this section shall be laid before Parliament without unreasonable delay and if a resolution is passed at the next meeting of Parliament held after the meeting at which the order is so laid that the order be annulled, it shall thenceforth be void, but without prejudice to the validity of anything previously done thereunder, or to the making of any new order."

22 Accessible at www.legislation.act.gov.au. S. 24 (Authorised electronic version) is set out in Appendix C.

23 Accessible at www.legislation.nsw.gov.au.

restatement exercise re-enacted as a coherent whole, in much the same manner as Acts were re-enacted in the course of the Victorian wholesale consolidation of 1958. After that, the way is (comparatively) easy.

5. Conclusion

To benefit most from the direct textual amendment technique, both in the performance of the drafting task and in the delivery to all stakeholders of an authoritative statement of the law in force, it behoves any drafting office labouring under the impediment of an unruly statute book to take charge of the situation itself and to forswear the allure of the "big-bang" revision.

Appendix A — Extract from table of provisions, Reprints Act 1992 (Queensland)

Appendix B — Extracts from amending regulations (Commonwealth of Australia)[24]

3 Amendment of Ozone Protection and Synthetic Greenhouse Gas Management Regulations 1995

Schedule 1 amends the *Ozone Protection and Synthetic Greenhouse Gas Management Regulations 1995*.

…

Schedule 1 Amendments

(regulation 3)

[1][25] Regulation 110, definition of *RAC industry permit*, paragraph (d)[26]

omit[27]

permit.

insert

permit;[28]

[2] Regulation 110, definition of *RAC industry permit*, after paragraph (d)[29]

insert

(e) a restricted refrigerant trading authorisation.

[3] Regulation 110, after definition of *relevant Board*

insert

restricted refrigerant trading authorisation[30] means an authorisation granted under paragraph 140 (1) (c).

[5] After subregulation 113

insert

113A Offence — false representations

(1) A person commits an offence if:

(a) the person makes a representation …

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24 Ozone Protection and Synthetic Greenhouse Gas Management (Amendment) Regulations 2009 (No. 1), Select Legislative Instrument 2009 No. 4, accessible at www.comlaw.gov.au.

25 Schedule item numbers have their own distinctive format.

26 The "where" of the amendment is identified by "zooming in".

27 The use of italics for the "commands" is not essential but serves to clearly distinguish them. The insertion of a line feed between the "command" and the words to which it relates are integral to dispensing with quotation marks.

28 An explicit amendment, replacing the inference that formerly would have had to be drawn from the amendment made by item [2].

29 By making every amendment the subject of a separate item, artificial margins arising from paragraphing are avoided, allowing inserted material to be presented on its "natural" margin.

30 "Quoteless" definitions were adopted as part of Australian Commonwealth drafting before the move (by OLDP) to "quoteless" amending formulae. If the change in amending style had occurred earlier, there would, in my view, have been no case for the alteration of the presentation of definitions.

...

(2) An offence against subregulation (1) or (2) is an offence of strict liability.

[6] Subparagraph 120(1)(e)(i)
omit

identified;

insert

identified, except as provided for in paragraph (ea);

[7] After paragraph 120 (1) (e)
insert

(ea) to keep and make available to the public … the following details for the holder of an RAC industry permit:

(i)…

…

(v) … of the holder of the permit;

[11] After subregulation 130 (4)
insert

(5) If the authority grants a licence it must …:

[14] Table 131, item 1, column 4, paragraph (d)
omit

UEE 31306

insert

UEE 31307

[22] Subdivision 6A.2.3, heading
substitute

Subdivision 6A.2.3 Refrigerant authorisations

[31] Subregulation 141 (1)
omit everything before paragraph (b), insert

(1) Subject to …, an authorisation … is subject to the conditions that the holder:

(a) keeps up-to-date records showing the amounts, if any, of refrigerant bought, recovered, sold and otherwise disposed of during each quarter; and

[40] Paragraph 302 (1) (c)
omit

Appendix C — s. 24, Legislation Act 2001 (Australian Capital Territory)

24 Authorised electronic versions

(1) An electronic copy of a law, republication or legislative material is an authorised version if—

(a) it is accessed at, or downloaded from, an approved web site in a

format authorised by the parliamentary counsel; or

(b) it is authorised by the parliamentary counsel and is in the format in which it is authorised by the parliamentary counsel.

Example of authorised electronic format

a locked pdf file

Note An example is part of the Act, is not exhaustive and may extend, but does not limit, the meaning of the provision in which it appears (see s 126 and s 132).

(2) It is presumed, unless the contrary is proved—

(a) that an internet site purporting to be an approved web site is an approved web site; and

(b) that an electronic copy of a law, republication or legislative material accessed at, or downloaded from, an approved web site and purporting to be authorised by the parliamentary counsel (however expressed) is an authorised version of the law, republication or legislative material; and

(c) that any other electronic copy of a law, republication or legislative material purporting to be authorised by the parliamentary counsel (however expressed) is an authorised version of the law, republication or legislative material; and

(d) that an authorised electronic version of an Act or statutory instrument correctly shows the Act or instrument; and

(e) that an authorised electronic version of a republication of a law correctly shows the law as at the republication date; and

(f) that an authorised electronic version of legislative material correctly shows the material.

Examples of an electronic copy of a republication purporting to be authorised by the parliamentary counsel

1 The republication has the words ‘Authorised by the ACT Parliamentary Counsel’ on the front cover and the words ‘Authorised when accessed at www.legislation.act.gov.au or in authorised printed form’ at the foot of each page of the republication.

2 The republication has the words ‘Authorised by the ACT Parliamentary Counsel’ on the front cover and the words ‘Authorised by the ACT Parliamentary Counsel—also accessible at www.legislation.act.gov.au’ at the foot of each page of the republication.

Note A reference to an Act or statutory instrument includes a reference to a provision of the Act or instrument (see s 7 (3) and s 13 (3)). A reference to a republication includes a reference to part of a republication (see s 22A def ***republication***).