

LANDLORD AND TENANT.

No. 49 of 1953.

AN ACT to amend the *Landlord and Tenant Act* 1949. [16 November, 1953.]

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

Short title and citation.

1—(1) This Act may be cited as the *Landlord and Tenant Act* 1953.

(2) The *Landlord and Tenant Act* 1949, as subsequently amended, is in this Act referred to as the Principal Act.

Expiry of Act.

2 Section eighty-eight of the Principal Act is amended by omitting therefrom the words “thirty-first day of December, 1953” and substituting therefor the words “thirtieth day of March, 1954”.

RULES PUBLICATION.

No. 50 of 1953.

AN ACT to make provision with respect to the publication and printing of subordinate legislation and for matters incidental thereto. [16 November, 1953.]

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

Short title and commencement.

1—(1) This Act may be cited as the *Rules Publication Act* 1953.

(2) This Act shall commence on the first day of January, 1954.

- 2—(1)** In this Act, unless the contrary intention appears—
- “rule-making authority” means a person (other than the Governor) or a body of persons, whether incorporated or unincorporated, authorized by or under an Act to make statutory rules, however described in that Act;
- “statutory rule” means—

Interpretation.
Cf. No. 18 of 1903 (C'th), s. 2, 1936. No. 17 (N.Z.), s. 2, 9 & 10 Geo. VI. c. 36 (Imp.), s. 1, 14 Geo. VI. c. 50 (Canada), s. 2, 15 & 16 Geo. V. c. 6 (N. Ireland), s. 2.

- (a) a regulation, rule, or by-law made under the authority of an Act by the Governor or by a rule-making authority;
- (b) a proclamation or notice, or an order-in-council, order, or other instrument that—
- (i) repeals or amends; or
- (ii) extends, restricts, varies, or modifies, the provisions, scope, or application of an Act or enactment; and
- (c) an instrument of a legislative character made in the exercise of the prerogative rights of the Crown and having force in this State,

but does not include a regulation, rule, or by-law, or any other instrument of a legislative character, that is made by a local authority or by a person or body of persons having jurisdiction limited to a district, locality, or part of the State.

- (2) If a question arises as to whether an instrument is a statutory rule for the purposes of this Act, that question shall be determined by the Attorney-General, whose decision thereon is final.

- 3** This Act shall be administered by the Attorney-General.

Administra-
tion.

- 4—(1)** This Act does not apply to—

- (a) a notice under subsection (2) of this section or a notice under subsection (2) of section five;
- (b) an order or a notice made, given, or published under the *Prices Act 1948* by the Prices Commissioner or by the Minister administering that Act;
- (c) an order under section eighteen of the *Milk Act 1947*;
- (d) a decree under section eight A of the *Water, Sewerage, and Drainage Board Act 1944*;
- (e) a determination under the *Wages Boards Act 1920*;
- (f) an order or award, or a decree or decision, of a judicial tribunal; or

Exemptions.
N.Z., s. 3 (1).
Can., s. 2.
N.I., s. 2 (3).

(g) an instrument that is exempted from the operation of this Act by the Attorney-General pursuant to subsection (2) of this section.

(2) The Attorney-General may, by notice in writing under his hand, exempt from the operation of this Act any instrument or class of instruments specified in the notice, if, in his opinion, it is unnecessary or undesirable that the instrument or class of instruments should be numbered and printed in accordance with this Act.

(3) An instrument that is exempted, by or under this section, from the operation of this Act, shall, if so required by or under the Act under or for the purposes of which it is made, given, issued, or published, be published or notified in the *Gazette* in accordance with that requirement as if this Act had not been enacted.

Printing, numbering, and publication of statutory rules.

C'th., s. 5 (1), (3).
N.Z., ss. 3 (1), 4 (2).
Imp., s. 2 (1).
N.I., s. 1 (1), (3).

5—(1) Except as otherwise prescribed by or under this Act, all statutory rules made on or after the date of commencement of this Act shall, forthwith after they are made, be sent to the Government Printer, as prescribed, and shall be numbered, printed, and sold by him, as prescribed.

(2) Where, by or under an Act, statutory rules (however described in that Act) are required to be published or notified in the *Gazette*, a notice in the *Gazette* of those statutory rules having been made and of the place where copies of them can be obtained and containing a statement indicating the general purport or effect of the statutory rules is a sufficient compliance with that requirement.

(3) Where, pursuant to the regulations, a statutory rule is printed with the omission of any formal or introductory parts, there shall be printed in that statutory rule, in such manner and form as the Attorney-General may approve or direct, references to the Act or other authority pursuant to which the statutory rule was made, the date on which it was made, and the date, if any, on which it is expressed to take effect.

(4) A statutory rule, or a reprint of a statutory rule under section eight, that is printed in conformity with subsection (3) of this section shall be deemed to be a copy of that statutory rule or reprint for the purposes of section seven, notwithstanding the omission of any formal or introductory parts.

Citation of statutory rules.

C'th., s. 5 (2).
N.Z., s. 3 (3).
Imp., s. 2 (2).
Can., s. 5 (2).
N.I., s. 1 (2).

6 Without prejudice to any other mode of citation, a statutory rule may be cited—

- (a) by its short title, if any;
- (b) by reference to the year in which it is printed and the number given to it pursuant to this Act; or
- (c) by the expression "Statutory Rules" or the expression "S.R.", followed by the year in which it is made and the number given to it pursuant to this Act.

7—(1) Evidence of—

- (a) a statutory rule; or
- (b) a statutory rule that has been reprinted in accordance with section eight and of the amendments incorporated in the reprint,

Evidence of
statutory
rules.
N.Z., ss. 5, 7
(4). C'th., s.
6.

may be given, in all courts and in all legal proceedings and before all persons and tribunals acting judicially, by the production of a copy of the statutory rule purporting to be printed in accordance with this Act or, as the case may be, of a copy of the reprint purporting to be reprinted in accordance with section eight.

(2) The provisions of this section are in addition to, and not in derogation of, the provisions of sections forty-nine, fifty-one, and seventy-three of the *Evidence Act* 1910.

8—(1) Where a statutory rule has, before or after the commencement of this Act, been amended by—

- (a) the repeal or omission of any words or figures;
- (b) the substitution of any words or figures in lieu of any repealed words or figures or omitted words or figures; or
- (c) the insertion of any words or figures,

Incorporation
of amend-
ments.
Cf. N.Z., s. 7.
6 Edw. VII.
No. 9 (Taa.),
s. 2.

the Government Printer may, with the approval of the Attorney-General but not otherwise, reprint the statutory rule as so amended.

(2) In a reprint of a statutory rule reference shall be made in a footnote, or in such other manner as the Attorney-General may approve or direct, to the instrument by which each amendment is made.

(3) Before a reprint of a statutory rule is made, the Attorney-General shall cause to be prepared and shall certify a copy of the statutory rule, as so amended, up to the date specified in his certificate, and the reprint—

- (a) shall be in accordance with the copy so certified; and
- (b) shall contain—
 - (i) a copy of the certificate of the Attorney-General; and
 - (ii) a statement that it is reprinted in accordance with this section.

(4) In this section, “ words ” includes any Part, Division, heading, regulation, rule, sub-regulation, sub-rule, clause, paragraph, sub-paragraph, schedule, appendix, or other subdivision of a statutory rule.

Regulations,
C'th., s. 7.
Imp., s. 8.

9 The Governor may make regulations for the purposes of this Act, and, in particular and without prejudice to the generality of this section, may make regulations—

- (a) regulating the form and manner in which statutory rules shall be printed and numbered;
 - (b) providing for the printing of all or any statutory rules with the omission of such formal or introductory parts as the Attorney-General or a person who is authorized by him in that behalf may approve or direct;
 - (c) providing for the appointment, and regulating the functions and proceedings, of a committee to advise the Attorney-General with respect to questions relating to—
 - (i) the numbering, printing, or publication of statutory rules or any class or description thereof;
 - (ii) the exemption of instruments from the operation of this Act;
 - (iii) the preparation and publication of annual volumes of statutory rules; and
 - (iv) the administration of this Act generally;
 - (d) providing for and regulating the preparation and publication of annual volumes of statutory rules and the tables and indices (if any) to be included therein;
 - (e) prescribing the cases or classes of cases in which the exercise of a statutory power by a rule-making authority constitutes or does not constitute the making of a statutory rule for the purposes of this Act; and
 - (f) providing for and regulating the examination and certification of drafts of statutory rules proposed to be made by rule-making authorities, and prohibiting the making by rule-making authorities of statutory rules, or of any class thereof, until the drafts thereof have, in accordance with the regulations, been examined and certified as being in accordance with the law.
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