

# REFERENCE

## ACT Laws Still Rule

Sue Milne

High Court of Australia Library

Hobbled by the mysteries of ACT law-making? Who isn't? But seriously, it is a problem for us all, particularly since the Commonwealth and States often use the ACT as a "test case" for uniform legislation to be adopted in all jurisdictions. As an example, the Corporations law was first enacted as the *Corporations Act 1989 (Cth)*, and then converted into a law for the government of the ACT by Part 2 of the *Corporations Legislation Amendment Act 1990 (Cth)*.<sup>1</sup> The status of the law as applicable to the ACT is not immediately obvious however, lacking as we do a comprehensive list or guide to the laws governing the ACT. *The Australian Capital Territory Alphabetical Tables of Legislation* published by the ACT government is a start, as is the quarterly *Table of ACT Laws* yet they do not provide the complete picture. Further, as from 1 August 1993 the Australian Government Publishing Service wound down its operations in respect of ACT laws. This means, for example, that the *Australian Capital Territory Legislation Catalogue* published by the AGPS, which lists all principal acts and their amending acts and subsidiary legislation, may no longer be available in its current form, as the ACT Public Service lacks the resources of the Commonwealth. More information on the changeover can be obtained from Jan Casson on (06) 205 0254.

From another perspective, the jurisdictional ambit of the ACT comes in variant forms. For example, the Jervis Bay Territory is sometimes seen as a part of the ACT,<sup>2</sup> and all laws, ordinances and regulations which are from time to time in force in the ACT so far as applicable shall be in force in the Jervis Bay Territory: *Jervis Bay Territory Acceptance Act 1915 (Cth)*, s.4. Yet the Jervis Bay Territory is

capable of enacting its own laws, which are not always so easily traceable. Recently we received a request to track down a Jervis Bay Territory Ordinance and found its existence in the Commonwealth Gazette, but could only obtain the Ordinance from the administration's office in Jervis Bay!<sup>3</sup> As neither the *Digest* nor *Current Law* appear to have listed the Ordinance, I can only suggest that the Commonwealth Department of Arts, Sport, The Environment and Territories be contacted for further inquiries on "external" territories legislative matters. As an addendum, an excellent resource on the legal make-up of the external territories is *Islands in the Sun : the Legal Regimes of Australia's External Territories and the Jervis Bay Territory* (a report of the House of Representatives Standing Committee on Legal and Constitutional Affairs, March 1991).

- 1 Sections 122 and 52(i) of the Constitution grant the Federal Parliament power to legislate for the ACT
- 2 In keeping, briefly, with the corporations law theme, see for example, s 80 *Corporations Act 1989 (Cth)* (as amended) where it is declared that the Jervis Bay Territory is taken to be part of the Australian Capital Territory
- 3 For the curious, *Leases Ordinance 1992* (Jervis Bay Territory) was gazetted in the Commonwealth Gazette, 16 December 1992.

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## ***Canadian Abridgment, Second Edition***

**Nicholas Pengelley**

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With the recent revision of the *Canadian Abridgment* and Carswell's instructions to remove a large number of volumes from the shelves a question arose as to whether to keep or retain the old volumes. I faxed Carswell in Canada for their advice and received the following reply:

"There is an element of desirability in retaining the unrevised Second Edition volumes, although in each case the decision of whether to keep or discard will ultimately depend on individual circumstances, especially on the availability or lack of shelf or storage space.

In the revision process decisions were made to remove certain obsolete material which appeared in the original volumes, such as cases on Coloured Separate Schools, cases decided under repealed or ultra vires farmers' relief legislation, and cases on divorce prior to the Divorce Act 1968. Researchers who are interested in historical aspects of Canadian law may wish to retain the old volumes. Only one Subject Title was not carried over into the Revised Second Edition : Income Tax. This decision was made because of the rapidly changing nature of this area of law. If you wish to have Canadian jurisprudence on this subject, then the Volume and the Permanent Supplements and looseleaf binders which contain the Income Tax Subject Title should be retained.

Subject to the above, subscribers can safely discard the unrevised Second Edition volumes."

**MICHAEL JOHNSON**

Editor, The Canadian Abridgment

25 June 1993

[Monash, as a research library, made the decision to retain the volumes. - NP]

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## ***AGLIBS - A list of subject terms used in AGIS***

**Karyn Gladwish**

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The 1993 edition of AGLIBS - A list of subject terms used in AGIS is now available. For more information contact Karyn Gladwish, AGIS Manager, Lionel Murphy Library, Attorney-General's Department, phone (06) 250 6520.

AGLIBS is a working tool used for assigning descriptors to articles indexed in AGIS : The Attorney-General's Information Service. AGLIBS has been prepared and maintained by Lionel Murphy Library staff since 1975. The list covers all aspects of law including public administration, political science, sociology, criminology, management and marketing.

AGLIBS, while still primarily an indexing tool, can be used as an aid for online searching of AGIS, which is available through the SCALE, INFO-ONE, OZLINE and KIWINET databases and on the CD-ROM AUSTROM.

New subject terms are added as and when new subject areas are indexed. For example Performance Appraisal, Enterprise Bargaining, Republic, Judicial Education, Bias, Outsourcing, Consumers and Marketing are new terms that have been added this year.

Users with access to SCALE can search AGLIBS online by selecting AGLIBS from the SCALE main menu.

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