

**COMMONWEALTH PLACES (ADMINISTRATION
OF LAWS) ACT.**

New South Wales



ANNO UNDEVICESIMO

ELIZABETHÆ II REGINÆ

Act No. 80, 1970.

An Act relating to the administration of laws of the Commonwealth and of the State of New South Wales in Commonwealth places; and for purposes connected therewith. [Assented to, 9th December, 1970.]

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows :—

1. This Act may be cited as the "Commonwealth Places Short title. (Administration of Laws) Act, 1970".

2.

Commonwealth Places (Administration of Laws).

No. 80, 1970
Commence-
ment.

2. This Act shall commence upon a day to be fixed by the Governor and notified by proclamation published in the Gazette.

Interpre-
tation.
cf. Com-
monwealth
Act, s. 4.

3. In this Act, except in so far as the context or subject-matter otherwise indicates or requires—

“Authority” means—

- (a) the Governor, a Minister or a member of the Executive Council of the State;
- (b) a court of the State;
- (c) a person who holds office as a member of a court of the State;
- (d) a body created by or under a law of the State; and
- (e) an officer or employee of the State or of a body referred to in paragraph (d) of this definition;

“Commonwealth place” means a place (not being the seat of Government) whether within or without the State with respect to which the Parliament of the Commonwealth, by virtue of section 52 of the Constitution of the Commonwealth of Australia, has, subject to that Constitution, exclusive power to make laws for the peace, order, and good government of the Commonwealth;

“the applied provisions” means the provisions of the laws of the State that apply or are to be deemed to have applied in or in relation to Commonwealth places by virtue of the Commonwealth Act;

“the Commonwealth Act” means the Commonwealth Places (Application of Laws) Act 1970 of the Commonwealth and, if that Act is amended, that Act as amended;

“the

Commonwealth Places (Administration of Laws).

“the laws of the State” means the laws in force in the State, whether written or unwritten and as in force for the time being, and instruments made or having effect under those laws but does not include a law of the Commonwealth, whether written or unwritten, or an instrument made or having effect under such a law and “law of the State” has a corresponding meaning;

“the State” means the State of New South Wales.

4. (1) Where, under a law of the State, provision is made for or in relation to the exercise or performance of a power duty or function by an Authority of the State (not being a court) and under the applied provisions, provision is made for or in relation to the exercise or performance of a like power duty or function, the Governor may make an arrangement with the Governor-General of the Commonwealth for the exercise or performance of that power duty or function under the applied provisions by an Authority of the State (not being a court) in and in relation to Commonwealth places as provided in the arrangement.

(2) The Governor may make an arrangement with the Governor-General with respect to any matter necessary or convenient for the purpose of carrying out or giving effect to the Commonwealth Act in or in relation to the State.

(3) An arrangement under this section may contain such incidental or supplementary provisions as the Governor and the Governor-General think necessary.

(4) The Governor may arrange with the Governor-General for the variation or revocation of any arrangement in force under this section.

5.

Commonwealth Places (Administration of Laws).

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Authorities
may act
under
Common-
wealth Law.

5. Notwithstanding the provisions of any law of the State, an Authority may—

- (a) exercise or perform the powers or functions that it or he is empowered to exercise or perform under the Commonwealth Act; and
- (b) act in any office or capacity in accordance with the provisions of an arrangement in force under section four of this Act,

in addition to carrying out its or his duties under the laws of the State.

Causes of
action.
cf. Com-
monwealth
Act, s. 9.

6. Where an act or omission gives, or gave, to a person a cause of action under a law of the State and also gives, or gave, to that person a cause of action under a part of the applied provisions to which that law corresponds and the cause of action under the applied provisions has been extinguished the cause of action under that law is also extinguished.

Validation
of certain
acts.
cf. Com-
monwealth
Act, s. 10.

7. Where an Authority or a person has done, in or in relation to a Commonwealth place, an act in the purported exercise or performance of a power duty or function under a part of the applied provisions that is inapplicable and that act could have been done by that Authority or person in the exercise or performance of a power duty or function under a law of the State that corresponds to that part, that act shall be deemed to have been done by that Authority or person in the exercise or performance of the power duty or function under that law.

Double
jeopardy.

8. (1) Where an act or omission constitutes an offence under both a law of the State and a part of the applied provisions and the offender has been punished for the offence under that part of the applied provisions he shall not be liable to be punished for the offence under that law.

(2)

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(2) Any reference in the laws of the State to a conviction, punishment, penalty or forfeiture under a law of the State shall be deemed to include a reference to a conviction, punishment, penalty or forfeiture under that part of the applied provisions that corresponds to that law. No. 80, 1970

9. In so far as an instrument or other writing that relates to an act, matter or thing that has a connection with a place in the State that is a Commonwealth place refers to a provision as part of the applied provisions and that provision does not have effect in or in relation to that act, matter or thing, that reference has effect as if it were a reference to the law of the State that corresponds to that provision. Form of instruments. cf. Commonwealth Act, s. 11.

10. Objection shall not be allowed in any proceedings in which an offence is alleged against a law of the State by reason only that in the proceedings an offence is also alleged against a part of the applied provision to which that law corresponds. Objection not allowable where two offences charged. cf. Commonwealth Act, s. 13.

11. Where a person is charged with an offence against a provision as a part of the applied provisions and the court before which he is charged is satisfied— Continuance of proceedings where place is not a Commonwealth place. cf. Commonwealth Act, s. 14.

(a) that that provision is not a part of the applied provisions; and

(b) a law of the State corresponds to that provision,

the proceedings shall be continued as though that person had been charged with an offence against the law of the State that corresponds to that provision.

12.

No. 80, 1970 **12.** Where, on an appeal from a judgment, decree, order or sentence in proceedings under a provision as part of the applied provisions a court is satisfied that—

Proceedings
on certain
appeals.
cf. Com-
monwealth
Act, s. 15.

(a) that provision was not a part of the applied provisions; and

(b) a law of the State corresponds to that provision,

the court shall deal with the appeal as though the proceedings in relation to which the appeal was brought had been brought under that law and the judgment, decree, order or sentence had been given or made in proceedings so brought.

Certificates
as to
ownership
of land.
cf. Com-
monwealth
Act, s. 17.

13. (1) A certificate in writing given by an authorized person—

(a) as to the ownership of land, or of an estate or interest in land, specified in the certificate, on a date or during a period so specified; or

(b) as to the existence and ownership, on a date or during a period specified in the certificate, of a right so specified in respect of land so specified,

is, in proceedings under or purporting to be under, the law of the State in which any question arises whether a place is a Commonwealth place, evidence of the matters stated in the certificate.

(2) For the purposes of subsection one of this section a writing purporting to be a certificate referred to in that subsection shall, unless the contrary is proved, be deemed to be such a certificate and to have been duly given.

(3) In this section “authorized person” has the same meaning as in section seventeen of the Commonwealth Act.

14.

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14. (1) Where, upon a place becoming or having become a Commonwealth place, a law of the State ceases or ceased to have effect in or in relation to that place—

No. 80, 1970
Savings.
cf. Commonwealth
Act, s. 19.

- (a) the previous operation of that law or anything duly done or suffered under that law is not affected;
- (b) any right, privilege, obligation or liability acquired, accrued or incurred under that law is not affected;
- (c) any penalty, forfeiture or punishment incurred in respect of an offence committed against that law is not affected;
- (d) any investigation, legal proceeding or remedy in respect of any right, privilege, obligation, liability, penalty, forfeiture or punishment referred to in paragraph (b) or (c) of this subsection is not affected; and
- (e) any such investigation, legal proceeding or remedy may be instituted, continued or enforced, and any such penalty, forfeiture or punishment may be imposed, as if the law had not so ceased to have effect.

(2) Subject to subsection three of this section, when a place ceases or has ceased to be a Commonwealth place at a particular time the laws of the State in force at that particular time apply or shall be deemed to have applied in or in relation to that place as if those laws had come into operation at that particular time and every Act, whether passed before or after the commencement of this Act, and every instrument made or having effect under any such Act, shall be read and construed as if it provided expressly that it was intended to so apply or to have so applied.

(3) When a place ceases or has ceased to be a Commonwealth place at a particular time all persons things and circumstances appointed or created by or under the applied provisions in or in relation to that place or existing or continuing under the applied provisions in or in relation to that place immediately before the applied provisions cease or

ceased

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No. 80, 1970 ceased to have effect in or in relation to that place by reason of that place ceasing or having ceased to be a Commonwealth place shall under and subject to the laws of the State continue or shall be deemed to have continued to have the same status operation and effect as they respectively would have had if they had been appointed or created or existed or continued under the laws of the State.

**Duration
of Act.**

15. (1) This Act shall remain in force until the thirty-first day of December, one thousand nine hundred and seventy-one and no longer.

(2) The expiry of this Act shall not affect the previous operation thereof or the validity of any action taken thereunder or any penalty incurred in respect of any contravention of or failure to comply with this Act or any proceeding or remedy in respect of such penalty or punishment.