



Commonwealth Places (Administration of Laws) Act 1970

Reprinted as in force on 13 September 1995

Reprint No. 1^{*}

This reprint is prepared by
the Office of the Queensland Parliamentary Counsel
Warning—This reprint is not an authorised copy

* Minor differences in presentation between this reprint and another reprint with the same number are due to the conversion to new styles. The content has not changed.

Information about this reprint

This Act is reprinted as at 13 September 1995. The reprint—

- shows the law as amended by all amendments that commenced on or before that day (Reprints Act 1992 s 5(c))
- incorporates all necessary consequential amendments, whether of punctuation, numbering or another kind (Reprints Act 1992 s 5(d)).

The reprint includes a reference to the law by which each amendment was made—see list of legislation and list of annotations in endnotes. Also see list of legislation for any uncommenced amendments.

Minor editorial changes allowed under the provisions of the Reprints Act 1992 mentioned in the following list have also been made to—

- update citations and references (pt 4, div 2)
- update references (pt 4, div 3)
- express gender specific provisions in a way consistent with current legislative drafting practice (s 24)
- use different spelling consistent with current legislative drafting practice (s 26(2))
- use conjunctives and disjunctives consistent with current legislative drafting practice (s 28)
- use expressions consistent with current legislative drafting practice (s 29)
- use aspects of format and printing style consistent with current legislative drafting practice (s 35)
- omit provisions that are no longer required (s 39).

This page is specific to this reprint. A table of reprints is included in the endnotes.

Also see endnotes for information about—

- **when provisions commenced**
- **editorial changes made in the reprint, including table of obsolete and redundant provisions.**

Spelling

The spelling of certain words or phrases may be inconsistent with other reprints because of changes made in various editions of the Macquarie Dictionary (for example, in the dictionary, ‘lodgement’ has replaced ‘lodgment’).



Queensland

Commonwealth Places (Administration of Laws) Act 1970

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Commonwealth Places (Administration of Laws) Act 1970

[as amended by all amendments that commenced on or before 13 September 1995]

An Act relating to the administration of laws of the Commonwealth and of the State in Commonwealth places and for other purposes

1 Short title

This Act may be cited as the *Commonwealth Places (Administration of Laws) Act 1970*.

2 Commencement

This Act shall come into operation on a day to be fixed by proclamation of the Governor in Council published in the Gazette.

3 Interpretation

In this Act—

Authority, in relation to the State, means—

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

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 has, by virtue of section 52 of the Constitution of the Commonwealth of Australia, 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* (Cwlth).

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.

4 Arrangements with the Commonwealth

- (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 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 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.

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- (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 Authorities may act under Commonwealth law

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

- (a) exercise or perform the powers or functions that the Authority 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 4;

in addition to carrying out its, his or her duties as an Authority under the law of the State.

6 Causes of action

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 the law of the State is also extinguished.

7 Validation of certain acts

Where an Authority or a person has done an act in the purported exercise or performance of a power duty or function under the applied provisions and that act could have been done by that Authority or person in the exercise or performance of a power duty or function under the laws of the State, 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 the law of the State.

8 Double jeopardy

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

9 Form of instruments

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 that part of the law of the State that corresponds to that provision.

10 Objection not allowable where 2 offences charged

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.

11 Continuance of proceedings where place is not a Commonwealth place

Where a person is charged with an offence against a provision as a part of the applied provisions and the court before which the person is charged is satisfied—

- (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 Proceedings on certain appeals

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—

- (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.

13 Certificates as to ownership of land

(1) A certificate in writing given by an authorised 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 (1) 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—

authorised person has the same meaning as in section 17 of the Commonwealth Act.

14 Savings

- (1) Where, upon a place becoming or having become a Commonwealth place, a law of a State ceases or ceased to have effect in or in relation to that place—
 - (a) the previous operation of that law or anything duly done or suffered under that law is not affected; and
 - (b) any right, privilege, obligation or liability acquired, accrued or incurred under that law is not affected; and
 - (c) any penalty, forfeiture or punishment incurred in respect of an offence committed against that law is not affected; and
 - (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) 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 (3), 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 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.
- (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 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 law 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 law of the State.

Endnotes

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2 Date to which amendments incorporated

This is the reprint date mentioned in the Reprints Act 1992, section 5(c). Accordingly, this reprint includes all amendments that commenced operation on or before 13 September 1995. Future amendments of the Commonwealth Places (Administration of Laws) Act 1970 may be made in accordance with this reprint under the Reprints Act 1992, section 49.

3 Key

Key to abbreviations in list of legislation and annotations

Key	Explanation	Key	Explanation
AIA	= Acts Interpretation Act 1954	(prev)	= previously
amd	= amended	proc	= proclamation
amdt	= amendment	prov	= provision
ch	= chapter	pt	= part
def	= definition	pubd	= published
div	= division	R[X]	= Reprint No. [X]
exp	= expires/expired	RA	= Reprints Act 1992
gaz	= gazette	reloc	= relocated
hdg	= heading	renum	= renumbered
ins	= inserted	rep	= repealed
lap	= lapsed	(retro)	= retrospectively
notfd	= notified	rv	= revised edition
num	= numbered	s	= section
o in c	= order in council	sch	= schedule
om	= omitted	sdiv	= subdivision
orig	= original	SIA	= Statutory Instruments Act 1992
p	= page	SIR	= Statutory Instruments Regulation 2002
para	= paragraph	SL	= subordinate legislation
prec	= preceding	sub	= substituted
pres	= present	unnum	= unnumbered
prev	= previous		

4 Table of reprints

Reprints are issued for both future and past effective dates. For the most up-to-date table of reprints, see the reprint with the latest effective date.

If a reprint number includes a letter of the alphabet, the reprint was released in unauthorised, electronic form only.

Reprint No.	Amendments to	Effective	Reprint date
1	1974 Act No. 58	27 September 1974	13 September 1995

5 List of legislation

Commonwealth Places (Administration of Laws) Act 1970 No. 45

date of assent 21 December 1970

commenced 15 February 1971 (proc pubd Gaz 13 February 1971 p 527)

amending legislation—

Commonwealth Places (Administration of Laws) Act Amendment Act 1971 No. 63

date of assent 16 December 1971

commenced on date of assent

Endnotes

Commonwealth Places (Administration of Laws) Act Amendment Act 1972 No. 10

date of assent 15 December 1972

commenced on date of assent

Commonwealth Places (Administration of Laws) Act Amendment Act 1974 No. 58

date of assent 27 September 1974

commenced on date of assent

6 List of annotations

Interpretation

s 3 def “State” om RA s 39

Arrangements with the Commonwealth

s 4 amd 1971 No. 63 s 2

Duration

s 15 amd 1971 No. 63 s 3; 1972 No. 10 s 2

om 1974 No. 58 s 2

7 Table of obsolete and redundant provisions

under the Reprints Act 1992 s 39

Omitted provision	Provision making omitted provision obsolete/redundant
definitions to be read in context	Acts Interpretation Act 1954 s 32A
references included in citation of law	Acts Interpretation Act 1954 s 14H
references included in citation of law	Acts Interpretation Act 1954 s 35