

INTERPRETATION

No. 48 of 1967

An Ordinance for the Interpretation of Ordinances and for the Shortening of their Language.

PART I.—PRELIMINARY.

- Short title.** 1. This Ordinance may be cited as the *Interpretation Ordinance 1967*.*
- Administration.** 2. This Ordinance shall be administered by the Attorney-General.
- Parts.** 3. This Ordinance is divided into Parts, as follows:—
- Part I.—Preliminary (Sections 1-6).
- Part II.—Commencement, Numbering and Citation of Ordinances (Sections 7-11).
- Part III.—Interpretation of Ordinances.
- Division 1.—General Provisions (Sections 12-13).
- Division 2.—Words and References (Sections 14-25).
- Division 3.—Powers and Duties (Sections 26-31).
- Division 4.—Offences and Penalties (Sections 32-34).
- Division 5.—Distance and Time (Sections 35-36).
- Division 6.—Effect of Repeal, Amendment or Expiration of Ordinances (Sections 37-42).
- Part IV.—Continued State Laws (Sections 43-48).
- Part V.—Instruments under Ordinances and Continued State Laws (Sections 49-54).

* Made on 27 December 1967; notified in the *Commonwealth Gazette* and commenced on 29 December 1967.

4.—(1.) The following Acts of the State of New South Wales shall cease to apply to the Territory as laws of the Territory—

Certain laws not to be in force and repeal and amendment of certain Ordinances.

- (a) the Act 16 Victoria, number 1, entitled an Act for shortening Acts of the Legislative Council;
- (b) the Act 22 Victoria, number 12, entitled an Act to amend and extend the Act passed for shortening Acts of the Legislative Council; and
- (c) the Interpretation Act of 1897.

(2.) *The Regulations Publication Ordinance* 1940 is repealed.

(3.) Sections 4, 5, 6, 8, 8A, and 10 to 16 (inclusive) of the *Interpretation Ordinance* 1937-1959 are repealed.

(4.) The *Interpretation Ordinance* 1937-1959, as amended by this Ordinance, may be cited as the *Interpretation Ordinance* 1937-1967.

5. In this Ordinance, unless the contrary intention appears, “continued State law” means—

References to continued State laws. N.T.O. 4.

- (a) a law of the State of New South Wales in its application in the Territory by virtue of section 6 of the *Seat of Government Acceptance Act* 1909-1955 and section 3 of the *Seat of Government (Administration) Act* 1910-1965, and includes such a law as modified by an Ordinance or by a law made under an Ordinance; and
- (b) the provisions of a law of the State of New South Wales that, by virtue of an Ordinance, apply in the Territory as law of the Territory, and includes such a provision as modified by an Ordinance or by a law made under an Ordinance.

6.—(1.) This Ordinance applies, unless the contrary intention appears, to every Ordinance, including this Ordinance, whether made before or after the commencement of this Ordinance.

Application Ordinance. I.O. 4.

(2.) This Ordinance binds the Crown.

PART II.—COMMENCEMENT, NUMBERING AND CITATION OF ORDINANCES.

7.—(1.) Judicial notice shall be taken by all courts and persons acting judicially of—

Judicial notice of date of making of Ordinances. A.I.A. 6.

- (a) the date on which an Ordinance was made by the Governor-General; and
- (b) the date on which an Ordinance was notified in the *Gazette*.

(2.) The dates appearing on a copy of an Ordinance purporting to have been printed by the Government Printer or by the authority of the Government of the Commonwealth and purporting to be—

- (a) the date on which the Ordinance was made by the Governor-General; and
- (b) the date on which the Ordinance was notified in the *Gazette*,

respectively, shall, in the absence of evidence to the contrary, be taken to be those dates.

Exercise of statutory powers between making and commencement of Ordinance.
A.I.A. 4.

8.—(1.) Where an Ordinance is not to come into operation immediately it is made and confers power to make an appointment, to make, grant or issue an instrument (including regulations, rules or by-laws), to give notices, to prescribe forms or to do any other thing for the purposes of the Ordinance, that power may, unless the contrary intention appears, be exercised at any time after the making of the Ordinance for the purpose of bringing the Ordinance into operation at its commencement.

(2.) An instrument made under such a power in pursuance of the last preceding sub-section does not, unless the contrary intention appears in the Ordinance or the contrary is necessary for bringing the Ordinance into operation, come into operation until the Ordinance comes into operation.

Numbering of Ordinances.
A.I.A. 39.

9. The Ordinances made in each calendar year shall be numbered in regular arithmetical series, beginning with the number one, as nearly as may be in the order in which they are made.

Citation of Ordinances.
A.I.A. 40.

10.—(1.) An Ordinance may be cited by its short title or by reference to the calendar year in which it was made and its number.

(2.) A provision of an Ordinance may be cited by reference to the Part, section, sub-section or other division of the Ordinance in which the provision is contained.

Citation of Acts.
A.I.A. 40.

11.—(1.) In an Ordinance—

- (a) an Act may be cited by its short title or by reference to the calendar year in which it was passed and its number;
- (b) an Imperial Act may be cited by its short title (if any) or in such other manner as is sufficient in an Imperial Act; and
- (c) a State Act may be cited by a reference to the State by the Parliament of which the Act was passed, together with such mode of reference as is sufficient in Acts passed by that Parliament.

(2.) In an Ordinance, an enactment may be cited by reference to the part, section, sub-section or other division of the Act, Imperial Act or State Act in which the enactment is contained.

PART III.—INTERPRETATION OF ORDINANCES.

Division 1.—General Provisions.

12.—(1.) The headings of the Parts, Divisions and Sub-divisions into which an Ordinance is divided form part of the Ordinance.

Headings,
Schedules,
marginal
notes and
footnotes.
A.I.A. 13.

(2.) A Schedule to an Ordinance forms part of the Ordinance.

(3.) The marginal notes and the footnotes to an Ordinance do not form part of the Ordinance.

13. Unless the contrary intention appears, strict compliance with the forms prescribed by or under an Ordinance is not necessary and substantial compliance, or such compliance as the circumstances of a particular case allow, is sufficient.

Compliance
with forms.
Cf. S.A. 25,
N.Z. 5 (f).

Division 2.—Words and References.

14. In an Ordinance, unless the contrary intention appears—

Definitions.

- “Act” means an Act passed by the Parliament; A.I.A. 38.
- sub* “Australia” includes the whole of the Commonwealth; A.I.A. 17.
- “British possession” means a part of the Queen’s dominions other than the United Kingdom, and in relation to parts of the Queen’s dominions that are under both a central and local legislature, includes all parts under the central legislature as if those parts were one possession; A.I.A. 18.
- “calendar year” means a period of twelve months commencing on the first day of January;
- “commencement”, in relation to an Ordinance, means the time from which the Ordinance takes effect; A.I.A. 3 (1).
- “committed for trial”, in relation to a person, means committed to prison with a view to being tried before a judge and jury, or admitted to bail upon a recognizance to appear and be tried before a judge and jury; A.I.A. 27 (d).
- “Commonwealth country” means the countries specified in the Schedule to this Ordinance, and includes—
- (a) a colony, overseas Territory or protectorate of a country specified in the Schedule to this Ordinance; and
 - (b) a Territory for the international relations of which a country so specified is responsible;

- “ Court of Petty Sessions ” means the Court of Petty Sessions established in pursuance of the *Court of Petty Sessions Ordinance 1930-1967*;
- Cf. A.I.A. 26 (d). “ court of summary jurisdiction ” means the Court of Petty Sessions;
- A.I.A. 22. “ financial year ” means a period of twelve months ending on the thirtieth day of June;
- A.I.A. 38 (2). “ Imperial Act ” means an Act passed by the Parliament of the United Kingdom;
- A.I.A. 27. “ indictment ” includes information;
- I.O. 8. “ justice of the peace ” means a justice of the peace of the Territory;
- “ Lake Burley Griffin ” means Lake Burley Griffin as defined by the *Lake Burley Griffin Ordinance 1965-1966*;
- A.I.A. 22. “ land ” includes messuages, tenements, and hereditaments, corporeal or incorporeal, of any tenure or description, whatever may be the estate or interest therein;
- “ magistrate ” means a Magistrate within the meaning of the *Court of Petty Sessions Ordinance 1930-1967*;
- A.I.A. 22. “ month ” means calendar month;
- “ Ordinance ” means an Ordinance of the Territory;
- A.I.A. 22. “ person ” and “ party ” include a body politic or corporate as well as an individual;
- A.I.A. 17. “ prescribed ” means prescribed by the Ordinance, or by regulations under the Ordinance;
- A.I.A. 17. “ proclamation ” means proclamation by the Governor-General published in the *Gazette*;
- A.I.A. 17. “ regulations ” means regulations under the Ordinance;
- A.I.A. 28 (1.). “ rules of court ”, in relation to a court, means rules made by the authority having for the time being power to make rules or orders regulating the practice and procedure of the Court;
- A.I.A. 17. “ State ” means a State of the Commonwealth;
- A.I.A. 38 (3). “ State Act ” means an Act passed by the Parliament of a State;
- A.I.A. 27 (c). “ statutory declaration ” means a statutory declaration made by virtue of the *Statutory Declarations Act 1959-1966*;

- “ Territory of the Commonwealth ” or “ Territory under the authority of the Commonwealth ” includes a territory governed by the Commonwealth under a Trusteeship Agreement; A.I.A. 17.
- “ the City Area ” means the City Area within the meaning of the *City Area Leases Ordinance 1936-1967*;
- “ the Commonwealth ” means the Commonwealth of Australia; A.I.A. 17.
- “ the Consolidated Revenue Fund ” means the Consolidated Revenue Fund of the Commonwealth; A.I.A. 17.
- “ the Constitution ” means the Constitution of the Commonwealth; A.I.A. 17.
- “ the Executive Council ” means the Federal Executive Council; A.I.A. 17.
- Part* “ the *Gazette* ” means the *Commonwealth of Australia Gazette*; A.I.A. 17.)
- “ the Government Printer ” includes any person printing for the Government of the Commonwealth; A.I.A. 17.
- “ the High Court ” means the High Court of Australia; A.I.A. 26 (a).
- “ the Jervis Bay Territory ” means the Territory accepted by the Commonwealth in pursuance of the *Jervis Bay Territory Acceptance Act 1915* and described in the Agreement set out in the Schedule to that Act;
- “ the Parliament ” means the Parliament of the Commonwealth; A.I.A. 17.
- “ the Supreme Court ” means the Supreme Court of the Australian Capital Territory; I.O. 8.
- “ the Territory ” or “ the Australian Capital Territory ” means the Territory accepted by the Commonwealth in pursuance of the *Seat of Government Acceptance Act 1909* and described in the Second Schedule to that Act; I.O. 8.
- “ the United Kingdom ” means the United Kingdom of Great Britain and Northern Ireland. A.I.A. 18.

15. In an Ordinance, unless the contrary intention appears, the words “ oath ” and “ affidavit ” shall, in the case of a person allowed by law to affirm, declare or promise instead of swearing, be read as including affirmation, declaration and promise, and the word “ swear ” shall, in the case of such a person, be read as including affirm, declare and promise. “ Oath ”, “ affidavit ” and “ swear ”. A.I.A. 27.

16. In an Ordinance, unless the contrary intention appears, a reference to the Judge of the Supreme Court shall be read as a reference to the Judge appointed under sub-section (1.) of section 7 of the *Australian Capital Territory Supreme Court Act 1933-1966* and includes an additional Judge appointed under sub-section (2.) of section 7 of that Act. References to Judge of the Supreme Court. I.O. 8A.

References to
writing.
A.I.A. 25.

17. In an Ordinance, expressions referring to writing shall, unless the contrary intention appears, be construed as including a reference to any mode of representing or reproducing words in a visible form.

Service by
post.
A.I.A. 29.

18. Where an Ordinance authorizes or requires a document to be served by post, whether the expression "serve" or the expression "give" or "send" or any other expression is used, then, unless the contrary intention appears, the service shall be deemed to be effected by properly addressing and posting (under prepaid post) the document as a letter, and, unless the contrary is proved, to have been effected at the time at which the letter would have been delivered in the ordinary course of post.

Gender and
number.
A.I.A. 23.

19. In an Ordinance, unless the contrary intention appears—

- (a) words importing the masculine gender include females; and
- (b) words in the singular include the plural, and words in the plural include the singular.

References to
the Sovereign.
A.I.A. 16.

20. In an Ordinance, unless the contrary intention appears, a reference to the Sovereign reigning at the time of the making of the Ordinance, or to the Crown, shall be read as a reference to the Sovereign for the time being.

References to
the Governor-
General.
A.I.A. 16A.

21. Where, in an Ordinance, the Governor-General is referred to, the reference shall, unless the contrary intention appears, be deemed to include—

- (a) the person for the time being administering the Government of the Commonwealth; or
- (b) where the reference occurs in or in relation to a provision conferring on the Governor-General a power or function which the Governor-General or the person administering the Government of the Commonwealth has for the time being assigned to a person as his deputy, that last-mentioned person in his capacity as deputy,

and shall, unless the contrary intention appears, be read as referring to the Governor-General, or a person so deemed to be included in the reference, acting with the advice of the Executive Council.

References to
the Governor
of a State.
A.I.A. 16B.

22. Where, in an Ordinance, the Governor of a State is referred to, the reference shall, unless the contrary intention appears, be deemed to include the Governor for the time being of the State or any other person who is, for the time being, the chief executive officer or administrator of the Government of the State.

23. In an Ordinance, unless the contrary intention appears—

- “Minister of State” or “Minister” means one of the Queen’s Ministers of State for the Commonwealth;
 “the Minister” means the Minister for the time being administering the Ordinance or enactment in which, or in respect of which, the expression is used and includes a Minister or member of the Executive Council for the time being acting for and on behalf of that Minister.

References to Ministers.
 A.I.A. 17.

24. Where an Ordinance refers to a specified Minister of State or a specified Department of State of the Commonwealth, and there is no longer any such Minister or Department—

- (a) the reference to the Minister shall be read as a reference to such Minister as is specified by order of the Governor-General made under section 19B of the *Acts Interpretation Act* 1901-1966, and includes any Minister or member of the Executive Council for the time being acting for and on behalf of the Minister so specified in the order; and
 (b) the reference to the Department shall be read as a reference to such Department as is specified by order of the Governor-General made under section 19B of the *Acts Interpretation Act* 1901-1966.

References to Ministers and Departments.
 A.I.A. 19a.

25.—(1.) In an Ordinance, unless the contrary intention appears, a reference to an officer or office by designation shall—

- (a) if there is an officer or office of that designation in and of the Territory—be read as a reference to that officer or office; or
 (b) if there is not an officer or office of that designation in and of the Territory, but there is such an officer or office in and of the Commonwealth—be read as a reference to the officer or office in and of the Commonwealth.

References to officers, localities, &c.
 N.T.O. 25.

(2.) In an Ordinance, unless the contrary intention appears, references to localities, jurisdictions and other matters and things shall be read as references to such localities, jurisdictions and other matters and things in and of the Territory.

A.I.A. 21.

(3.) Where in an Ordinance, a person holding or occupying a particular office or position is mentioned or referred to in general terms, the mention or reference, unless the contrary intention appears, includes all persons who at any time occupy that office or position for the time being.

A.I.A. 20.

Division 3.—Powers and Duties.

Exercise of powers and duties.

A.I.A. 33 (1.), (2).

26.—(1.) Where an Ordinance confers a power or imposes a duty, then, unless the contrary intention appears, the power may be exercised and the duty shall be performed from time to time as occasion requires.

(2.) Where an Ordinance confers a power or imposes a duty on the holder of an office as such, then, unless the contrary intention appears, the power may be exercised and the duty shall be performed by the holder for the time being of the office.

Power to make includes power to repeal or amend.

A.I.A. 33 (3.).

27. Where an Ordinance confers on a person or authority a power to make, grant or issue any instrument (including rules, regulations or by-laws) that person or authority has, unless the contrary intention appears, the further power, exercisable in the like manner and subject to the like conditions (if any), to repeal, rescind, revoke, amend or vary such an instrument.

Power to appoint includes power to remove or suspend.

A.I.A. 33 (4.).

28.—(1.) Subject to the next succeeding sub-section, where an Ordinance confers on a person or authority a power to make appointments to an office or place, that person or authority has, unless the contrary intention appears, the power to remove or suspend a person appointed, and to appoint another person temporarily in the place of a person so removed or suspended or in the place of a sick or absent holder of the office or place.

(2.) Where the power of a person or authority to make appointments is exercisable only upon the recommendation, or subject to the approval or consent, of some other person or authority, the power of removal or suspension is, unless the contrary intention appears, exercisable only upon the recommendation, or subject to the approval or consent, of that other person or authority.

Power to determine includes authority to administer oath.

A.I.A. 34.

29. A court, judge, magistrate, officer, commissioner, arbitrator or other person authorized by an Ordinance to hear and determine a matter has authority to receive evidence and examine witnesses and, for that purpose, to administer oaths to witnesses.

Exercise of certain powers and functions by a delegate.

A.I.A. 34A.

30. Where, under an Ordinance, the exercise of a power or function by a person is dependent upon the opinion, belief or state of mind of that person in relation to a matter and that power or function has been delegated in pursuance of any power vested in that person by an Act or an Ordinance to delegate the exercise of that power or function, that power or function may

be exercised by the delegate upon the opinion, belief or state of mind of the delegate in relation to that matter.

31. The power of an authority to make rules of court in relation to a court shall, unless the contrary intention appears, be deemed to include a power to make rules of court for the purpose of any Ordinance that directs or authorizes anything to be done, in relation to that court, by rules of court.

Power to make rules of court.
A.I.A. 28 (2).

Division 4.—Offences and Penalties.

32.—(1.) A provision of an Ordinance relating to offences punishable on indictment or summary conviction shall, unless the contrary intention appears, be deemed to refer to bodies corporate as well as to individual persons, but where the penalty prescribed in respect of an offence is a term of imprisonment only, the court before which the offence is tried may, if it thinks fit, in the case of a body corporate, impose a pecuniary penalty not exceeding—

Corporations liable to, and may sue for, penalties.
A.I.A. 24.

- (a) where the term of imprisonment does not exceed six months—Two hundred dollars;
- (b) where the term of imprisonment exceeds six months but does not exceed one year—Four hundred dollars;
- (c) where the term of imprisonment exceeds one year but does not exceed two years—One thousand dollars; and
- (d) where the term of imprisonment exceeds two years—Two thousand dollars.

(2.) Where, under an Ordinance, a forfeiture or penalty is payable to a party aggrieved, it is payable, where a body corporate is the party aggrieved, to that body corporate.

33.—(1.) Subject to the next succeeding sub-section, the penalty, pecuniary or other, set out—

- (a) at the foot of a section of an Ordinance; or
- (b) at the foot of a sub-section of a section of an Ordinance, but not at the foot of the section,

Penalties at foot of sections or sub-sections.
A.I.A. 41.

indicates that a contravention of the section or the sub-section, respectively, whether by act or omission, is an offence against the Ordinance, punishable upon conviction by a penalty not exceeding the penalty so set out.

(2.) Where a penalty set out at the foot of a section, or sub-section of a section, of an Ordinance is expressed to apply to a part only of the section or sub-section, it applies to that part only.

34. Where moneys are due in pursuance of an Ordinance, then, unless the contrary intention appears, the moneys are recoverable in a court having, in the Territory, civil jurisdiction to the extent of the amount due.

Civil proceedings.
I.O. 10.

Division 5.—Distance and Time.

Measurement
of distance.
A.I.A. 35.

35. In the measurement of any distance for the purpose of an Ordinance, that distance shall, unless the contrary intention appears, be measured in a straight line on a horizontal plane.

Reckoning of
time.
A.I.A. 36.

36.—(1.) Where, in an Ordinance, a period of time, dating from a given day, act or event, is prescribed or allowed for any purpose, the time shall, unless the contrary intention appears, be reckoned exclusive of that day or of the day of that act or event.

(2.) Where the last day of a period prescribed or allowed by an Ordinance for the doing of anything falls on a Saturday, on a Sunday or on a day that is a public holiday in the place in which the thing is to be or may be done, the thing may be done on the first day following that is not a Saturday, a Sunday or a public holiday in that place.

Division 6.—Effect of Repeal, Amendment or Expiration of Ordinances.

Effect of
repeal of
Ordinance.
A.I.A. 7.

37. The repeal of an Ordinance or part of an Ordinance by which a previous Ordinance or part of a previous Ordinance was repealed does not have the effect of reviving the last-mentioned Ordinance or part of an Ordinance without express words.

Effect of
repeal.
A.I.A. 8.

38. Where an Ordinance repeals an Ordinance or part of an Ordinance, then, unless the contrary intention appears, the repeal does not—

- (a) revive anything not in force or existing at the time at which the repeal takes effect;
- (b) affect the previous operation of the Ordinance or the part of the Ordinance so repealed, or anything duly done or suffered under the Ordinance or the part of the Ordinance so repealed;
- (c) affect a right, privilege, obligation or liability acquired, accrued or incurred under the Ordinance or the part of the Ordinance so repealed, or an investigation, legal proceeding or remedy in respect of that right, privilege, obligation or liability; or
- (d) affect a penalty, forfeiture or punishment incurred in respect of an offence committed against the Ordinance or the part of the Ordinance so repealed, or an investigation, legal proceeding or remedy in respect of that penalty, forfeiture or punishment,

and the investigation, legal proceeding, or remedy may be instituted, continued or enforced, and a penalty, forfeiture or punishment may be imposed, as if the repealing Ordinance had not been made.

39. Where an Ordinance repeals and re-enacts, with or without modification, any provisions of an Ordinance, a reference in any other Ordinance to the provisions so repealed shall, unless the contrary intention appears, be construed as a reference to the provisions so re-enacted.

References to repealed provisions.
A.I.A. 10.

40. An Ordinance amending another Ordinance shall, unless the contrary intention appears, be construed with the other Ordinance and as part of it.

Amending Ordinance to be construed with amended Ordinance.
A.I.A. 15.

41. Where, in an Ordinance, reference is made to a law of the Commonwealth or to another Ordinance and that law or that other Ordinance is subsequently amended, then, unless the contrary intention appears, the reference shall, from and including the date of the amendment, be deemed to be a reference to that law or other Ordinance as so amended.

References to amended Ordinances or laws.
A.I.A. 10A.

42. The expiration of an Ordinance does not affect any civil proceedings previously commenced under the Ordinance, and the civil proceedings may be continued, and everything in relation to the civil proceedings may be done, in all respects as if the Ordinance continued in force.

Expiration of Ordinances.
A.I.A. 11.

PART IV.—CONTINUED STATE LAWS.

43.—(1.) Subject to this Part, the provisions of Divisions 1 to 5 of Part III. of this Ordinance apply, so far as they are capable of application, to and in relation to continued State laws as if a continued State law were an Ordinance and, in the case of a continued State law, being rules, regulations or by-laws, as if each rule, regulation or by-law were a section of an Ordinance.

Application of Part III. to continued State laws.
N.T.O. 50.

(2.) Section 37 of this Ordinance applies in relation to the repeal of an Ordinance or part of an Ordinance by which a continued State law or part of such a law was repealed as if a continued State law were an Ordinance.

(3.) Sections 38 and 39 of this Ordinance apply in relation to the repeal of a continued State law or part of such a law by an Ordinance as if a continued State law were an Ordinance.

(4.) Section 40 of this Ordinance applies in relation to an Ordinance amending a continued State law as if a continued State law were an Ordinance.

(5.) Section 41 of this Ordinance applies in relation to references in an Ordinance to a continued State law that is subsequently amended by an Ordinance as if a continued State law were an Ordinance.

(6.) Section 42 of this Ordinance applies in relation to a continued State law as if a continued State law were an Ordinance.

(7.) For the purposes of sections 37, 38 and 39 of this Ordinance in their application in relation to continued State laws, an Ordinance that provides that a continued State law, or part of such a law, shall cease to apply to, or shall cease to be in force in, the Territory shall be deemed to repeal that law or that part of that law, as the case may be.

Meaning of certain words in continued State laws.
N.T.O. 51.

44.—(1.) In a continued State law, unless the contrary intention appears—

“ Act ” means an Act of the Parliament of the State of New South Wales;

“ the Government Printer ”, in relation to an instrument or other document printed before the first day of January, One thousand nine hundred and eleven, means the Government Printer of the State of New South Wales.

(2.) A reference in a continued State law to the Government Gazette of New South Wales shall be read as a reference to the *Gazette*.

N.S.W. 23.

(3.) Where, in a continued State law, a power is conferred on an officer or a person by the word “ may ”, that power may be exercised at the discretion of the officer or person.

References in continued State laws to Minister.
N.T.O. 52.

45. A reference in a continued State law to a Minister of the Crown (other than the Attorney-General) of the State of New South Wales shall be read as a reference to the Minister for the time being administering the *Seat of Government (Administration) Act 1910-1965* unless express provision is made by another Ordinance that the reference is to be read as if it were a reference to another Minister of State for the Commonwealth.

References in continued State laws to Attorney-General.
N.T.O. 53.

46.—(1.) A reference in a continued State law to the Attorney-General of the State of New South Wales shall be read as a reference to the Attorney-General of the Commonwealth.

(2.) The Attorney-General may, either generally or otherwise as provided by the instrument of delegation, by writing under his hand, delegate all or any of his powers and functions under a continued State law.

(3.) A power or function so delegated may be exercised or performed by the delegate in accordance with the instrument of delegation.

(4.) A delegation under this section is revocable at will and does not prevent the exercise of a power or the performance of a function by the Attorney-General.

References to British subjects.
N.T.O. 55.

47. Where, in a continued State law, a reference is made to a British subject, whether or not it makes a distinction between the rights, powers, privileges, obligations, duties or

liabilities of natural-born British subjects and those of naturalized British subjects, the reference shall be read as a reference to a British subject within the meaning of the *Nationality and Citizenship Act 1948-1967*.

48. In the measurement of any distance for the purposes of a continued State law, that distance shall, unless measurement in a straight line is required by that law or by the context, be computed according to the nearest route ordinarily used in travelling.

Measurement of distance in continued State laws. N.S.W. 35.

PART V.—INSTRUMENTS UNDER ORDINANCES AND CONTINUED STATE LAWS.

49.—(1.) Subject to this Part, Parts I., II. and III. of this Ordinance apply to and in relation to an instrument (including regulations, rules and by-laws) made, granted or issued, whether before or after the commencement of this Ordinance, under an Ordinance or under a continued State law as if the instrument were an Ordinance and as if each rule, regulation or by-law were a section of an Ordinance.

Application of Ordinance to instruments under Ordinances and continued State laws. A.I.A. 46.

(2.) Unless the contrary intention appears, expressions used in such an instrument have the same meanings as in the Ordinance or continued State law under which the instrument was made.

(3.) Such an instrument shall be read and construed subject to the Ordinance or continued State law under which it was made, granted or issued and so as not to exceed the power conferred on the authority by which it was made, granted or issued, to the intent that, where the instrument would, but for this sub-section, have been construed as being in excess of the power conferred upon the authority, it shall be deemed to be a valid instrument to the extent to which it is not in excess of that power.

50.—(1.) Where regulations are made under an Ordinance or under a continued State law then, unless the contrary intention appears—

Regulations. Cf. A.I.A. 48.

(a) notice of the making of the regulations, and of the place where copies of the regulations may be purchased, shall be published in the *Gazette*; and

(b) subject to this section, the regulations take effect from and including the date on which that notice is published in the *Gazette* or, where another date is specified in the regulations, from and including the date so specified.

(2.) Regulations made under an Ordinance or under a continued State law shall not be expressed to take effect from a date before the date of publication of the notice referred to

in the last preceding sub-section in a case where, if the regulations so took effect—

- (a) the rights of a person (other than the Commonwealth or an authority of the Commonwealth) existing at the date of publication would be affected in a manner prejudicial to that person; or
- (b) liabilities would be imposed on a person (other than the Commonwealth or an authority of the Commonwealth) in respect of anything done or omitted to be done before the date of publication,

and where, in any regulations, a provision is made in contravention of this sub-section, that provision is void and of no effect.

Numbering and citation of regulations, rules and by-laws.
N.T.O. 61.

51.—(1.) The regulations made in each calendar year shall be numbered in regular arithmetical series, beginning with the number one, as nearly as may be in the order in which they are made.

(2.) Any regulations may, without prejudice to any other mode of citation, be cited by the number so given and the calendar year in which they were made.

(3.) In this section, “regulations” means regulations, rules or by-laws made under an Ordinance or under a continued State law, but does not include rules of court that relate only to dates of sittings of a court.

Prescribing matters by reference to other instruments.

52. Where an Ordinance authorizes or requires provision to be made for or in relation to any matters by regulations or rules, the regulations or rules may, unless the contrary intention appears, make provision for or in relation to that matter by applying, adopting or incorporating, with or without modification—

- (a) the provisions—
 - (i) of any Act, or of any regulations or rules under an Act;
 - (ii) of any State Act, or of any regulations or rules under a State Act; or
 - (iii) of any Ordinance, or of any regulations or rules under an Ordinance,
 as in force at a particular time or as in force from time to time; or
- (b) any matter contained in any other instrument or writing as in force or existing at the time when the first-mentioned regulations or rules take effect,

but, unless the contrary intention appears, the regulations or rules shall not, except as provided by this section, make provision for or in relation to a matter by applying, adopting or incorporating any matter contained in an instrument or other writing as in force or existing from time to time.

53.—(1.) Judicial notice shall be taken by all courts and persons acting judicially of—

Judicial notice
and proof of
regulations.

- (a) the date on which regulations were made; and
- (b) where applicable, the date on which those regulations were notified in the *Gazette*.

(2.) The dates appearing on a copy of regulations purporting to have been printed by the Government Printer or by the authority of the Government of the Commonwealth and purporting to be—

- (a) the date on which the regulations were made; and
- (b) the date on which the regulations were notified in the *Gazette*,

respectively, shall, in the absence of evidence to the contrary, be taken to be those dates.

(3.) A document that purports—

- (a) to be a copy of regulations; and
- (b) to have been printed by the Government Printer or by the authority of the Government of the Commonwealth,

is in all courts evidence that those regulations have been duly made by the authority authorized to make those regulations.

(4.) In this section, “regulations” means regulations, rules or by-laws made under an Ordinance or under a continued State law by an authority authorized to make such regulations, rules or by-laws.

54. Judicial notice shall be taken by all courts and persons acting judicially of a proclamation or order by the Governor-General made, or purporting to have been made, in pursuance of an Ordinance or a continued State law.

Judicial notice
of
proclamations
and orders.

THE SCHEDULE

Section 14.

COMMONWEALTH COUNTRIES

Barbados
Botswana
Canada
Ceylon
Republic of Cyprus
The Gambia
Ghana
Guyana
India
Jamaica
Kenya
Lesotho
Malawi

Malaysia
Malta
New Zealand
Federal Republic of Nigeria
Pakistan
Sierra Leone
Republic of Singapore
United Republic of Tanzania
Trinidad and Tobago
Uganda
United Kingdom of Great Britain and Northern Ireland
Zambia

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