



Australian Capital Territory

Interpretation Act 1967 No 48

Republication No 6A

Effective: 10 December 1999 – 29 February 2000

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Not all amendments are in force: see last endnote

Authorised by the ACT Parliamentary Counsel

About this republication

The republished law

This is a republication of the *Interpretation Act 1967* effective from 10 December 1999 to 29 February 2000.

Kinds of republications

The Parliamentary Counsel's Office prepares 2 kinds of republications of ACT laws (see the ACT legislation register at www.legislation.act.gov.au):

- authorised republications to which the *Legislation Act 2001* applies
- unauthorised republications.

The status of this republication appears on the bottom of each page.

Editorial changes

The *Legislation (Republication) Act 1996*, part 3, division 2 authorised the Parliamentary Counsel to make editorial amendments and other changes of a formal nature when preparing a law for republication. Editorial changes do not change the effect of the law, but have effect as if they had been made by an Act commencing on the republication date (see *Legislation (Republication) Act 1996*, s 14 and s 16). The changes are made if the Parliamentary Counsel considers they are desirable to bring the law into line, or more closely into line, with current legislative drafting practice.

In preparing this republication, amendments have not been made under section 13.



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An Act to assist in interpreting, shortening and simplifying Acts, to assist in improving their quality and accessibility, and for other purposes related to legislation

PART 1—PRELIMINARY

1 Name of Act

This Act is the *Interpretation Act 1967*.

2 Application

This Act applies to all Acts.

3 Displacement of Act by contrary intention

This Act applies to an Act except so far as the contrary intention appears in this Act or the Act concerned.

7 Acts to bind the Crown

(1) Each Act binds the Crown to the extent that it is capable of doing so unless it or another Act provides otherwise.

(2) Where an Act binds the Crown, so far as the context and the legislative power of the Territory permit, the Act binds the Crown in every right but it does not bind the Crown in right of the Commonwealth unless a regulation relating to the Act is in force under the Self-Government Act for the purposes of section 27 of that Act.

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(3) Criminal liability is not imposed on the Crown by reason only that an Act binds the Crown.

(4) Where an Act—

- (a) does not bind the Crown; or
- (b) binds the Crown but not so as to impose criminal liability on the Crown;

then, unless it or another Act provides otherwise, the same degree of immunity extends to an agent of the Crown in respect of an act or omission in that capacity within the scope of his or her authority.

(5) In subsection (4)—

agent includes an instrumentality, officer or employee of the Crown and a contractor or other person who performs a function on behalf of the Crown.

(6) Unless an Act provides otherwise, an Act does not apply in relation to the Territory to the extent that it requires or otherwise provides for the payment of money that, upon payment, would form part of the public money of the Territory.

PART 1A—SOURCES OF LAW IN THE TERRITORY

Notes on sources of law

Note 1 The laws in force in the Territory consist of the written law and various unwritten laws known as the principles and rules of common law and equity.

Note 2 The written law of the Territory consists primarily of laws, known as Acts, made by the Legislative Assembly and earlier laws, previously known as ordinances, made by the Governor-General under the *Seat of Government (Administration) Act 1910* (Cwlth). It also includes regulations, rules of court and other legislative instruments made under specific powers given by Acts. (Written laws made under an Act are commonly called ‘subordinate’ or ‘delegated’ legislation.)

Note 3 Before self-government, ordinances were the main form of legislation made for the Territory. Most of the ordinances in force at self-government have been converted into Acts (see s 34 of the Self-Government Act). However, the Governor-General retains power to make ordinances for the Territory on a limited number of topics (see s 12 of the *Seat of Government (Administration) Act 1910* (Cwlth)).

Note 4 The written laws in force in the Territory also include the Commonwealth Constitution, Commonwealth Acts, and regulations and other legislative instruments made under Commonwealth Acts. As a general rule, Commonwealth Acts and legislative instruments apply in the ACT in the same way as they apply in other parts of Australia. Commonwealth Acts and instruments prevail over the Acts made by the Legislative Assembly to the extent to which they are inconsistent (see s 28 of the Self-Government Act).

7A Former NSW and UK Acts in force in Territory

The written law of the Territory includes the NSW Acts and UK Acts mentioned in Schedule 1.

Note 1 Section 65 provides that a law mentioned in Schedule 1, to the extent that the law was in force in the Territory immediately before the commencement of that section, is taken to be, for all purposes, a law made by the Legislative Assembly as if it had been enacted by the Assembly.

Note 2 The *Imperial Acts (Substituted Provisions) Act 1986* substituted provisions for certain UK Acts that applied (or may have applied) in the Territory and repealed those UK Acts. Most of the remaining substituted provisions are now set out in Part 12 of the *Law Reform (Miscellaneous Provisions) Act 1955*.

Note 3 Section 65 also provides that, to remove any doubt, the remaining substituted provisions are taken to be, for all purposes, laws made by the Legislative Assembly as if they had been enacted by the Assembly.

PART 2—NOTIFICATION, NUMBERING AND COMMENCEMENT OF ACTS

8 Notification of Acts

(1) If a proposed law has been passed by the Legislative Assembly, the Chief Minister, or a Minister authorised by the Chief Minister, must publish in the Gazette a notice of the proposed law having been passed and the place or places where copies of the law can be purchased.

(2) On the day notice of the proposed law is published in the Gazette (the *notification day*) or as soon as practicable after the notification day, copies of the law must be available for purchase at the place, or each of the places, stated in the notice.

(3) If, on the notification day, no copies of the law are available for purchase at the place, or any of the places, stated in the notice, the Chief Minister must present to the Legislative Assembly within 15 sitting days a statement—

- (a) that copies of the law were not so available; and
- (b) explaining why they were not available.

(4) Failure to comply with subsection (2) or (3) does not affect the validity of the law.

9 Numbering of Acts

The Acts passed in each year are to be numbered as nearly as practicable in the order in which they are passed.

10 Commencement of Acts on date of notification

An Act commences on its date of notification except so far as the Act otherwise expressly provides.

10A Time of commencement of Acts

If an Act or a provision of an Act commences on a day, it commences at the beginning of the day.

10B Commencement of naming and commencement provisions on date of notification

(1) The provisions of an Act providing for its name and commencement automatically commence on the date of notification of the Act.

(2) This section applies to an Act despite anything in the Act unless the Act expressly provides that it does not apply.

10C Commencement by notice

(1) If an Act or provisions of an Act are expressed to commence on a day fixed by notice—

- (a) a single day or time may be fixed; or
- (b) different days or times may be fixed for different provisions.

(2) If the day or time fixed by a notice in the Gazette for the commencement of an Act or a provision of an Act happens before the day the notice is published in the Gazette (the *notification day*)—

- (a) the notice is valid; but
- (b) the Act or provision commences on the notification day.

(3) In this section—

notice includes any instrument (however described).

10D Separate commencement of amendments

Any amendment made by a provision of an Act may be given a separate commencement, whether or not the provision is self-contained.

Examples

1 Each paragraph of a provision of an amending Act may be given a separate commencement.

2 Each item in a schedule to an amending Act may be given a separate commencement.

10E Automatic commencement of postponed law

(1) In this section—

notification day, for a postponed law, means the date of notification of—

- (a) if the postponed law is an Act—the Act; or
- (b) if the postponed law is a provision of an Act—the Act that enacts the provision.

postponed law means an Act or provision of an Act that does not commence on the notification day because a provision of an Act postpones its commencement until a day fixed by a notice or other instrument.

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- (2) If a postponed law has not commenced within 6 months beginning on the notification day, it automatically commences on the first day after that period.
- (3) This section—
- (a) applies only to a postponed law enacted after 1 January 2000; and
 - (b) applies to a postponed law unless an Act expressly states it does not apply.

Example—

The *Hypothetical Act 2000* was notified in the Gazette on 5 July 2000 and was expressed to commence on a day to be fixed by the Minister by notice in the Gazette. If the Act had not commenced by notice on or before 4 January 2001, it would automatically commence on 5 January 2001.

10F References to *enactment* and *passing* of Acts

In an Act, a reference to the *enactment* or *passing* of an Act is a reference to that Act having been notified in the Gazette under section 8.

11 References to *commencement* of Act

In an Act, a reference to the *commencement* of the Act, or another Act, (the *Act concerned*) is a reference to—

- (a) if the provisions of the Act concerned (other than those providing for its name and commencement) commence, or are required to commence, on a single day or at a single time—the commencement of the remaining provisions; or
- (b) if paragraph (a) does not apply and the reference is in a provision of the Act concerned—the commencement of the provision; or
- (c) in any other case—the commencement of the relevant provision of the Act concerned.

PART 3—INTERPRETATION OF ACTS

Division 1—General provisions

11AA Construction of Acts—legislative powers of the Assembly

(1) An Act shall be construed as operating to the full extent of, but so as not to exceed, the legislative power of the Legislative Assembly.

(2) If a provision of an Act, or the application of such a provision to a person, subject matter or circumstance, would, but for this section, be construed as being in excess of the legislative power of the Legislative Assembly, it shall be a valid provision to the extent to which it is not in excess of that power.

11A Regard to be had to purpose or object of Act

In the interpretation of a provision of an Act, a construction that would promote the purpose or object underlying the Act (whether that purpose or object is expressly stated in the Act or not) shall be preferred to a construction that would not promote that purpose or object.

11B Use of extrinsic material in interpreting an Act

(1) Subject to subsection (3), in the interpretation of a provision of an Act, if any material not forming part of the Act is capable of assisting in the ascertainment of the meaning of the provision, consideration may be given to that material—

- (a) to confirm that the meaning of the provision is the ordinary meaning conveyed by the text of the provision taking into account its context in the Act and the purpose or object underlying the Act; or
- (b) to determine the meaning of the provision when—
 - (i) the provision is ambiguous or obscure; or
 - (ii) the ordinary meaning conveyed by the text of the provision taking into account its context in the Act and the purpose or object underlying the Act leads to a result that is manifestly absurd or is unreasonable.

(2) Without limiting the generality of subsection (1), the material that may be considered in accordance with that subsection in the interpretation of a provision of an Act includes—

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- (a) all matters not forming part of the Act that are set out in the document containing the text of the Act as printed by the government printer; and
 - (b) any treaty or other international agreement that is referred to in the Act; and
 - (c) any relevant report of a royal commission, law reform commission, committee of inquiry or other similar body that was laid before the Legislative Assembly or either House of the Commonwealth Parliament before the time when the provision was enacted or made; and
 - (d) any relevant report of a committee of the Legislative Assembly that was made to that Assembly before the time when the provision was enacted; and
 - (da) any explanatory memorandum relating to the Bill containing the provision, or any other relevant document, that was laid before, or furnished to the members of, the Legislative Assembly before the time when the provision was enacted; and
 - (db) the presentation speech made to the Legislative Assembly during the passage of the Bill containing the provision by the member of the Assembly who introduced the Bill; and
 - (dc) in the case of a provision contained in a converted ordinance—any explanatory statement relating to the ordinance, or any other relevant document, that was laid before, or furnished to the members of, either House of the Commonwealth Parliament when the ordinance was laid before that House; and
 - (dd) any relevant material in the minutes of the Legislative Assembly's meetings or in any other official record of debates in the Legislative Assembly; and
 - (e) any document (whether or not a document to which a preceding paragraph applies) that is declared by the Act to be a relevant document for the purposes of this section.
- (3)** In determining whether consideration should be given to any material in accordance with subsection (1), or in considering the weight to be given to any such material, regard shall be had, in addition to any other relevant matters, to—
- (a) the desirability of persons being able to rely on the ordinary meaning conveyed by the text of the provision taking into account

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its context in the Act and the purpose or object underlying the Act; and

- (b) the need to avoid prolonging legal or other proceedings without compensating advantage.

11C Changes of drafting practice not to affect meaning

If—

- (a) a provision of an Act expresses an idea in particular words; and
- (b) a provision of the same Act, or another Act, enacted later appears to express the same idea in different words or in a different way because of a different legislative drafting practice, including, for example the use of—
 - (i) a clearer or simpler drafting style; or
 - (ii) gender-neutral language;

the ideas must not be regarded as different merely because different words are used or the idea is expressed in a different way.

11D Examples

If an Act includes an example of the operation of a provision, the example—

- (a) is not exhaustive; and
- (b) may extend, but does not limit, the meaning of the provision.

11E Defined terms—other parts of speech and grammatical forms

If an Act defines a word or expression, other parts of speech and grammatical forms of the word or expression have corresponding meanings.

11F Application of definitions in dictionaries and sections

- (1) A definition in the dictionary to this Act applies to all Acts.
- (2) A definition in the dictionary to another Act applies to the entire Act unless the Act provides for the definition to have a more limited application.

Examples

1 In an Act, the word *w* is defined in section 10, which is in Part 3 (General concepts). There is also a signpost definition ‘*w*—see section 10.’ in the Act’s dictionary. There is nothing in the Act indicating the intended application of the definition of *w*. The definition, therefore, applies to the entire Act.

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2 The dictionary to the *ABC Act 1999* includes the signpost definition ‘*x*—see *XYZ Act 1998*, section 3.’. There is nothing in the *ABC Act 1999* indicating the intended application of the definition of *x*. The definition of *x* in section 3 of the *XYZ Act 1998*, therefore, applies to the entire *ABC Act 1999*.

3 In an Act, the word *y* is defined in section 30, which is not divided into subsections and is in Part 4. Section 30 begins with the words ‘In this Part’. The definition of *y* applies only to Part 4.

4 In an Act, the word *z* is defined in the dictionary. The definition provides, in part, that ‘*z*, in Part 4 (Registration of vehicles), means ...’. The definition of *z* applies only to Part 4.

(3) A definition in a section of an Act applies only to the section unless the Act provides for the definition to have a broader application.

Examples

1 Subsection 8 (2) of this Act contains a definition of the **notification day** as a tagged term. There is nothing in this Act indicating that the definition applies outside section 8. The definition, therefore, applies only to section 8.

2 In an Act, the word *a* is defined in a section, which is not divided into subsections but contains a number of definitions. The section begins with the words ‘In this Act’. The definition of *a* applies to the entire Act.

3 In Part 6 of an Act, the word *b* is defined in a section, which is not divided into subsections but contains a number of definitions. The section begins with the words ‘In this Part’. The definition of *b* applies to Part 6.

4 In a subsection of a section of an Act, the word *c* is defined. The subsection begins with the words ‘In subsection (3)’. The definition of *c* applies only to subsection (3) of that section.

11G Definitions apply subject to contrary intention

A definition in an Act applies except so far as the contrary intention appears.

11H Material that is part of an Act

(1) A heading to a chapter, part, division, subdivision, schedule, or another provision (other than a section or subsection), to or of an Act is part of the Act.

(2) A heading to a section or subsection of an Act is part of the Act if—
(a) the Act is enacted after 1 January 2000; or
(b) the heading is amended or inserted after 1 January 2000.

(3) An example or diagram in an Act is part of the Act.

(4) A schedule, dictionary or appendix to an Act is part of the Act.

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- (5) Punctuation in an Act is part of the Act.
- (6) A provision number in an Act is part of the Act.

12 Material that is not part of an Act

- (1) A footnote, endnote, or other note, in or to an Act is not part of the Act.
- (2) A table of contents (however described), or reader's guide, in or to an Act is not part of the Act.
- (3) A heading to a section or subsection of an Act is not part of the Act if subsection 11H (2) does not apply to the heading.
- (4) This section does not prevent the amendment of a note, table or heading mentioned in subsection (1), (2) or (3).
- (5) However, such a note, table or guide does not become part of the Act because it is amended or inserted by an Act.

12A Paragraphs

Where a provision of an Act contains a reference to a paragraph of a provision of that Act or any other Act in a particular context or application (however described), the reference shall be read as a reference to that paragraph together with such other words (if any) in the provision containing it (whether preceding or following the paragraph) as are necessary to make that reference meaningful and the firstmentioned provision effective.

13 Forms

- (1) If a form is prescribed or approved under an Act, substantial compliance with the form is sufficient.
- (2) However, if a form prescribed or approved under an Act requires—
 - (a) the form to be prepared in a stated way (for example, on paper of a stated size or quality or in a stated electronic form); or
 - (b) the form to be completed in a stated way; or
 - (c) stated information to be included in the form, or stated documents to be attached to or given with the form; or
 - (d) the form, or information or documents included in, attached to or given with the form, to be verified in a stated way;the form is properly completed only if the requirement is complied with.

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- (3) Despite subsection (2), if—
- (a) a form prescribed or approved under an Act for a purpose or 2 or more purposes requires information or a document to be included in, attached to or given with the form; and
 - (b) the information or document is not reasonably necessary for the purpose or 1 or more of the purposes;

the person need not comply with the requirement.

Examples

- 1 A person need not comply with a requirement of a prescribed form to include personal information (eg marital status) irrelevant to a purpose for which the form is required.
- 2 A person need not comply with a requirement of an approved form that has some relevance to a purpose for which the form is required, but intrudes to an unreasonable extent on personal privacy.

- (4) If—
- (a) a form (**form 1**) may be prescribed or approved under an Act for a purpose or 2 or more purposes; and
 - (b) another form (**form 2**) may be prescribed or approved under the Act or another Act for the same or another purpose or purposes; and
 - (c) separate forms 1 and 2 are prescribed or approved;

a combination form, consisting of forms 1 and 2, may be prescribed or approved and used for the purpose or all of the purposes.

- (5) If, under an Act, a form is required or permitted to be filed with, or served on, a person (whether the expression ‘file’, ‘lodge’, ‘deliver’, ‘give’, ‘notify’, ‘send’ or ‘serve’ or another expression is used), the form may be filed with, or served on, someone else under arrangements made between the persons.

13A Production of records kept in computers etc

Where a person who keeps a record of information by means of a mechanical, electronic or other device is required under an Act to produce the information or a document containing the information to, or make a document containing the information available for inspection by, a court, tribunal or person, then, unless the court, tribunal or person otherwise directs, the requirement shall be deemed to oblige the person to produce or make available for inspection, as the case may be, a writing that reproduces the information in a form capable of being understood by the court, tribunal or person, and the production of such a writing to the court, tribunal or person constitutes compliance with the requirement.

13B Alterations of names and constitutions

(1) Where an Act alters the name of a body (whether or not the body is incorporated) or alters the name of an office—

- (a) the body or office continues in existence under the new name so that its identity is not affected; and
- (b) in any Act, in any instrument under an Act, in any award or other industrial determination or order or any industrial agreement, in any other order (whether executive, judicial or otherwise), in any contract, in any pleading in, or process issued in connection with, any legal or other proceedings or in any other instrument, a reference to the body or the office under the former name shall, except in relation to matters that occurred before the alteration took place, be construed as a reference to the body or the office under the new name.

(2) Where an Act alters the constitution of a body (whether or not the body is incorporated)—

- (a) the body continues in existence as newly constituted so that its identity is not affected; and
- (b) the alteration does not affect any functions, powers, property, rights, liabilities or obligations of the body; and
- (c) the alteration does not affect any legal or other proceedings instituted or to be instituted by or against the body, and any legal or other proceedings that might have been continued or commenced by or against the body as previously constituted may be continued or commenced by or against the body as newly constituted; and

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- (d) the alteration does not affect any investigation or inquiry being or proposed to be undertaken by any tribunal, authority or person into any action taken or practice engaged in by the body before the alteration took place, and any investigation or inquiry that might have been continued or commenced into any such action or practice may be continued or commenced as if the action had been taken or the practice had been engaged in by the body as newly constituted.

13C Content of statements of reasons for decisions

Where an Act requires a tribunal, body or person making a decision to give written reasons for the decision, whether the expression ‘reasons’, ‘grounds’ or any other expression is used, the instrument giving the reasons shall also set out the findings on material questions of fact and refer to the evidence or other material on which those findings were based.

13D Attainment of particular age

For the purposes of any Act, the time at which a person attains a particular age expressed in years is the commencement of the relevant anniversary of the date of birth of that person.

Division 2—Words and phrases

14 Reference to provisions of a law is inclusive

In an Act, a reference to any part of a law (including the Act) is a reference to the following:

- (a) the provision of the law that forms the beginning of the part;
- (b) the provision of the law that forms the end of the part;
- (c) any provision of the law between the beginning and end of the part.

Examples

- 1 A reference to ‘sections 5 to 9’ includes both section 5 and section 9.
- 2 A reference to ‘sections 260 to 264’ includes a provision such as a part heading between section 260 and 261.
- 3 A reference to ‘*from child to adult*’ includes both the word ‘child’ and the word ‘adult’.

15 References to persons generally

- (1) In an Act, a reference to a person generally includes a reference to a corporation as well as an individual.

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(2) Subsection (1) is not displaced merely because there is an express reference to either an individual or a corporation elsewhere in the Act.

Examples of references to a person generally

- 1 another person
- 2 anyone else
- 3 party
- 4 someone else
- 5 employer

Examples of express references to a corporation

- 1 body corporate
- 2 company

Examples of express references to an individual

- 1 adult
- 2 child
- 3 spouse
- 4 driver

16 Meaning of *may* and *must*

(1) In an Act, the word *may*, or a similar word or expression, used in relation to a power indicates that the power may be exercised or not exercised, at discretion.

(2) In an Act, the word *must*, or a similar word or expression, used in relation to a power indicates that the power is required to be exercised.

(3) This section applies despite any presumption or rule of interpretation—

- (a) to an Act enacted after 1 January 2000; or
- (b) to a provision inserted into another Act after 1 January 2000.

17A Service of documents

(1) For the purposes of any Act that authorises or requires a document to be served on a person, whether the expression ‘serve’, ‘give’ or ‘send’ or any other expression is used, the document may be served—

- (a) on a natural person—
 - (i) by delivering it to the person personally; or
 - (ii) by leaving it at, or sending it by prepaid post to, the address of the place of residence or business of the person last known to the person serving the document; or

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- (b) on a body corporate—by leaving it at, or sending it by prepaid post to, the head office, a registered office or a principal office of the body corporate.
- (2) Nothing in subsection (1)—
- (a) affects the operation of any other law of the Territory that authorises or requires the service of a document otherwise than as provided in that subsection; or
 - (b) affects the power of a court to authorise or require service of a document otherwise than as provided in that subsection.

18 Service by post

Where an Act authorises 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, 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.

19 Gender and number

In an Act—

- (a) words importing a gender include every other gender; and
- (b) words in the singular number include the plural and words in the plural number include the singular.

20 References to the Sovereign

In an Act, a reference to the Sovereign reigning at the time of the making of the Act, or to the Crown, shall be read as a reference to the Sovereign for the time being.

21 References to the Governor-General

Where, in an Act, the Governor-General is referred to, the reference shall 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

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assigned to a person as his or her deputy—that lastmentioned person in his or her capacity as deputy;

and shall, 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.

22 References to the Governor of a State

Where, in an Act, the Governor of a State is referred to, the reference shall 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 References to *the Territory* or *this Territory*

In an Act, a reference to *the Territory* or *this Territory*—

- (a) when used in a geographical sense—is a reference to the Australian Capital Territory; or
- (b) in any other case—is a reference to the body politic established by section 7 of the Self-Government Act.

24 References to *a Minister* or *the Minister*

(1) In an Act, a reference to *a Minister* is a reference to the Chief Minister or a Minister appointed under section 41 of the Self-Government Act.

(2) In a provision of an Act, a reference to *the Minister* without identifying the Minister's title or portfolio is a reference to—

- (a) the Minister for the time being administering the provision; or
- (b) if, for the time being, different Ministers administer the provision in relation to different matters—
 - (i) if only 1 Minister administers the provision in relation to the relevant matter—the Minister; or
 - (ii) if 2 or more Ministers administer the provision in relation to the relevant matter—any of the Ministers; or
- (c) if paragraph (b) does not apply and, for the time being, 2 or more Ministers administer the provision—any of the Ministers.

(3) In subsection (2)—

Minister includes a Minister for the time being acting on behalf of a Minister or 2 or more Ministers.

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(4) If an Act mentions a Minister and identifies the Minister merely by reference to the fact that the Minister administers a stated Act or provision, subsection (2) applies as if references in paragraphs (a) to (c) to the provision were references to the stated Act or provision.

(5) If an Act defines the expression *Minister* or *the Minister* for the Act or a provision of the Act in a way that does not identify a particular Minister by title or portfolio, subsections (2) and (4) apply to the Act or provision despite that definition of the expression.

24A References to a chief executive or the chief executive

(1) In an Act, a reference to *a chief executive* is a reference to a person employed under section 28 or 30 of the Public Sector Management Act to perform the duties of an office of chief executive.

(2) In a provision of an Act, a reference to *the chief executive* without identifying the chief executive's title is a reference to—

- (a) the chief executive of the administrative unit responsible for the provision; or
- (b) if, for the time being, different administrative units are responsible for the provision in relation to different matters—
 - (i) if only 1 administrative unit is responsible for the provision in relation to the relevant matter—the chief executive of the administrative unit; or
 - (ii) if 2 or more administrative units are responsible for the provision in relation to the relevant matter—the chief executive of any of the administrative units; or
- (c) if paragraph (b) does not apply and, for the time being, 2 or more administrative units are responsible for the provision—the chief executive of any of the administrative units.

(3) If an Act mentions a chief executive and identifies the chief executive merely by reference to the fact that the chief executive is the chief executive of the administrative unit responsible for a stated Act or provision, subsection (2) applies as if references in paragraphs (a) to (c) to the provision were references to the stated Act or provision.

(4) If an Act defines the expression *chief executive* or *the chief executive* for the Act or a provision of the Act in a way that does not identify a particular chief executive by title, subsections (2) and (3) apply to the Act or provision despite that definition of the expression.

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(5) In this section—

chief executive, of an administrative unit, means the person who is employed under section 28 or 30 of the Public Sector Management Act to perform the duties of the office of chief executive in the administrative unit.

Public Sector Management Act means the *Public Sector Management Act 1994*.

responsible, for a provision, means allocated responsibility for the provision under paragraph 14 (b) of the Public Sector Management Act.

25 References to officers, localities etc

(1) In an Act 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.

(2) In an Act 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.

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

25AA References to Assembly committees that no longer exist

In an Act, a reference (whether by name or description) to a committee of the Legislative Assembly that no longer exists is a reference to the committee of the Assembly nominated by the Speaker either generally or for the provision containing the reference.

25AB References to Australian Standards

In an Act, a reference consisting of the words ‘Australian Standard’ followed by a number is a reference to the standard so numbered published by or on behalf of the Standards Australia.

25A Chairperson and deputy chairperson

(1) Where an Act establishes an office of chairperson of a body, the chairperson may be referred to as the chairman or chairwoman, as the case requires.

(2) Where an Act establishes an office of deputy chairperson of a body, the deputy chairperson may be referred to as deputy chairman or deputy chairwoman, as the case requires.

Division 3—Functions and powers under Acts

26 Performance of statutory functions etc

(1) If an Act gives a function or power to an entity, the function may be performed, or the power may be exercised, from time to time.

(2) If an Act gives a function or power to the holder of a stated office, the function may be performed, or the power may be exercised, by the person for the time being occupying or acting in the office.

(3) If an Act gives a function or power to a body (whether or not incorporated), the performance of the function, or the exercise of the power, is not affected merely because of vacancies in the body's membership.

26A Power to make instrument or decision includes power to amend or repeal

(1) If an Act authorises or requires the making of an instrument or decision—

- (a) the power includes power to amend or repeal the instrument or decision; and
- (b) the power to amend or repeal the instrument or decision is exercisable in the same way, and subject to the same conditions, as the power to make the instrument or decision.

(2) For subsection (1), an Act is taken to authorise or require the making of an instrument if—

- (a) the Act authorises or requires something to be done; and
- (b) it can be done by instrument.

27 Power to make, grant or issue instruments

(2) Where an Act confers a power to make, grant or issue any instrument (including rules, regulations or by-laws) with respect to

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particular matters (however described), the power shall be construed as including a power to make, grant or issue such an instrument with respect to some only of those matters or with respect to a particular class or particular classes of those matters and to make different provision with respect to different matters or different classes of matters.

(3) Where an Act confers a power to make, grant or issue any instrument (including rules, regulations or by-laws), the power shall not be taken, by implication, not to include the power to make provision for or in relation to a particular aspect of a matter by reason only that provision is made by the Act in relation to another aspect of that matter or in relation to another matter.

(4) Where an Act confers a power to make, grant or issue an instrument (including rules, regulations or by-laws) prescribing penalties not exceeding a specified amount or imprisonment for a specified period, that limitation on the penalties that may be prescribed does not prevent the instrument from requiring the making of a statutory declaration.

27A Compliance with authorisation or requirement to do something by notice in the Gazette

(1) If a provision of an Act or regulation authorises or requires something to be done by notice in the Gazette (however the provision is expressed), it is sufficient if—

- (a) it is done by an instrument; and
- (b) notice is published in the Gazette of—
 - (i) the making of the instrument; and
 - (ii) the place or places where copies of the instrument can be purchased.

(2) Subsection (1) applies to an instrument whether or not the instrument is a subordinate law for section 6 of the *Subordinate Laws Act 1989*.

(3) Nothing in this section or section 6 of the *Subordinate Laws Act 1989* prevents a single notice published in the Gazette having effect for both sections.

(4) On the day of publication of a notice under subsection (1) (the *notification day*) or as soon as practicable after the notification day, copies of the instrument mentioned in the notice must be available for purchase at the place, or each of the places, stated in the notice.

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(5) If, on the notification day, no copies of the instrument mentioned in the notice are available for purchase at the place, or any of the places, stated in the notice, the relevant Minister must present to the Legislative Assembly within 14 sitting days a statement—

- (a) that copies of the instrument were not so available; and
- (b) explaining why they were not available.

(6) Nothing in this section or section 6 of the *Subordinate Laws Act 1989* prevents a single statement by the relevant Minister having effect for both sections.

(7) Failure to comply with subsection (4) or (5) is not to be taken as a failure to comply with subsection (1).

(8) If—

- (a) a provision of an Act authorised or required something to be done by notice in the Gazette (however the provision was expressed); and
- (b) the thing was done before the commencement of this section by an instrument, but was not done by notice in the Gazette; and
- (c) notice of the making of the instrument was published in the Gazette before the commencement, or is published in the Gazette after the commencement;

then, to remove any doubt, it is declared that the thing was not invalidly done merely because it was done by an instrument rather than by notice in the Gazette.

(9) This section does not apply to the fixing of a day or time for the commencement of an Act or regulation or a provision of an Act or regulation.

(10) In this section—

relevant Minister means—

- (a) the Minister administering the Act or regulation under which, or the part of the Act or regulation for which, the instrument was made; or
- (b) if there are 2 or more such Ministers—either or any of them.

28 Power to make appointments

(1) Subject to subsection (2), where an Act confers on a person or authority a power to make appointments to an office or place, that person or authority has the power to appoint a person to act in the office or place until—

- (a) a person is appointed to the office or place; or
- (b) the expiration of 12 months after the office or place was created or became vacant, as the case requires;

whichever first happens, and that person or authority has also 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 to an office or place is exercisable only upon the recommendation, or subject to the approval or consent, of some other person or authority, the power to make an appointment to act in the office or place or the power of removal or suspension is exercisable only upon the recommendation, or subject to the approval or consent, of that other person or authority.

28A Acting appointments

Where a provision of an Act (other than subsection 28 (1)) confers on a person or body (the *appointer*) a power to appoint a person (the *appointee*) to act in a particular office, then, except so far as the Act otherwise provides, the following paragraphs apply in relation to an appointment made under the provision:

- (a) the appointment may be expressed to have effect only in the circumstances specified in the instrument of appointment;
- (b) the appointer may—
 - (i) determine the terms and conditions of the appointment, including remuneration and allowances; and
 - (ii) terminate the appointment at any time;
- (c) where the appointee is acting in an office other than a vacant office and the office becomes vacant while the appointee is acting, then, subject to paragraph (a), the appointee may continue so to act until—
 - (i) the appointer otherwise directs; or
 - (ii) the vacancy is filled; or

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- (iii) the expiration of the period of 12 months that commenced on the day of the vacancy;
whichever happens first;
- (d) the appointment ceases to have effect if the appointee resigns in writing delivered to the appointer;
- (e) while the appointee is acting in the office—
 - (i) the appointee has and may exercise all the powers, and shall perform all the functions and duties, of the holder of the office; and
 - (ii) that or any other Act applies in relation to the appointee as if the appointee were the holder of the office.

29 Power to determine includes authority to administer oath

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

29A Delegations

Where an Act confers power to delegate a function or power, the power of delegation shall not be construed as being limited to delegating the function or power to a specified person but shall be construed as including a power to delegate the function or power to any person from time to time holding, occupying, or performing the duties of, a specified office or position.

29B Effect of delegation

Where an Act confers power on a person or body (the *authority*) to delegate a power or function—

- (a) the delegation may be made either generally or as otherwise provided by the instrument of delegation; and
- (b) the powers that may be delegated do not include that power to delegate; and
- (c) a power or function so delegated, when exercised or performed by the delegate, shall, for all purposes, be deemed to have been exercised or performed by the authority; and
- (d) a delegation by the authority does not prevent the exercise or performance of a power or function by the authority; and

- (e) if the authority is not a person—section 30 applies as if it were.

30 Exercise of certain powers and functions by delegate

Where, under an Act, 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 under a power vested in that person by that or any other Act 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.

30AA Effect on delegations—changes of office holder or changes in administration

(1) Where a person ceases to hold an office or position, a delegation made or taken to be made by that person in his or her capacity as the holder of that office or position and in force immediately before the cessation—

- (a) shall, on and after that cessation, be taken to be made by the person's successor in that office or position and shall then, subject to paragraph (b), otherwise have effect according to its tenor; and
- (b) may, by instrument, be varied or revoked by that successor.

(2) Where the administration of a particular Act or subordinate law ceases to be the responsibility of the holder of an office or position (the *former administrator*) and becomes the responsibility of the holder of another office or position (the *relevant successor*), a delegation made or taken to be made by the former administrator and in force immediately before the cessation—

- (a) shall, on and after that cessation, be taken to be made by the relevant successor and shall then, subject to paragraph (b), otherwise have effect according to its tenor; and
- (b) may, by instrument, be varied or revoked by the relevant successor.

(3) Paragraphs 29B (c) and (d), and section 30, apply in relation to a delegation referred to in subsection (1) or (2) as if it had been given by the relevant successor.

30AB Delegation includes subdelegation

In sections 29A, 29B, 30 and 30AA, references to a power to delegate, a delegate and a delegation shall be read as including references to a power to subdelegate, a subdelegate and a subdelegation, respectively.

30A Periodic reports

(1) In this section—

periodic report means a regular report relating to—

- (a) the activities, operations, business or affairs of a person; or
- (b) the administration, operation or working of an Act or part of an Act;

during a particular period but does not include a report or information presented or provided under the *Annual Reports (Government Agencies) Act 1995*.

person includes a body corporate, office, commission, authority, committee, tribunal, board, institute, organisation or other body however described.

(2) Where an Act requires a person to furnish a periodic report to a Minister but does not specify a period within which the report is to be so furnished, that person shall furnish the report to the Minister as soon as practicable after the end of the particular period to which the report relates and, in any event, within 6 months after the end of that particular period.

(3) Where an Act requires a person to furnish a periodic report to a Minister for presentation to the Legislative Assembly but does not specify a period within which the report is to be so presented, that Minister shall cause a copy of the report to be laid before the Legislative Assembly within 15 sitting days after the day on which he or she receives the report.

(4) Where this or any other Act requires a person to furnish a periodic report to a Minister within a specified period and that person is of the opinion that it will not be reasonably practicable to comply with the requirement, that person may, within the specified period, apply to the Minister for an extension of the period and, if he or she does so apply, he or she shall furnish to the Minister a statement in writing explaining why, in his or her opinion, it will not be reasonably practicable to comply with the requirement.

(5) On such an application, a Minister may grant such extension as he or she considers reasonable in the circumstances.

(6) Where a Minister grants such an extension—

- (a) the Minister shall cause to be laid before the Legislative Assembly, within 3 sitting days after the day on which he or she grants the extension, a copy of the statement furnished under subsection (4) in respect of the relevant application together with

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a statement specifying the extension granted and his or her reasons for granting the extension; and

- (b) notwithstanding subsection (2) and any other Act, the person who made the application shall furnish the periodic report to the Minister within the extended period; and
- (c) the Minister shall cause a copy of the report to be laid before the Legislative Assembly within 15 sitting days after the day on which he or she receives the report.

(7) Where this or any other Act requires a person to furnish a periodic report to a Minister within a specified period or a period as extended under subsection (5) and that person fails to do so—

- (a) that person shall, within 14 days after the end of that specified period or extended period, as the case may be, furnish to the Minister a statement in writing explaining why the report was not furnished as required; and
- (b) the Minister shall cause a copy of the statement to be laid before the Legislative Assembly within 3 sitting days after the day on which he or she receives the statement.

31 Power to make rules of court

The power of an authority to make rules of court in relation to a court shall be deemed to include a power to make rules of court for the purpose of any Act that directs or authorises anything to be done, in relation to that court, by rules of court.

Division 4—Legal proceedings, offences and penalties

31A Jurisdiction of courts

Where a provision of an Act, whether expressly or by implication, authorises a civil or criminal proceeding to be instituted in a particular court of the Territory in relation to a matter—

- (a) that provision shall be—
 - (i) deemed to vest that court with jurisdiction in that matter; and
 - (ii) construed as providing that the jurisdiction is vested so far only as the Commonwealth Constitution permits; and
- (b) except so far as the contrary intention appears, the jurisdiction so vested is not limited by any limits to which any other jurisdiction of the court may be subject.

32 Corporation liable to, and may sue for, penalties

(1) A provision of an Act relating to offences punishable on indictment or summary conviction shall be deemed to refer to corporations as well as to individuals, but where the penalty prescribed in respect of an offence is a period of imprisonment only, the court before which the offence is tried may, if it thinks fit, in the case of a corporation, impose a pecuniary penalty not exceeding—

- (a) where the period of imprisonment does not exceed 6 months—50 penalty units; and
- (b) where the period of imprisonment exceeds 6 months but does not exceed 1 year—100 penalty units; and
- (c) where the period of imprisonment exceeds 1 year but does not exceed 2 years—200 penalty units; and
- (d) where the period of imprisonment exceeds 2 years but does not exceed 5 years—500 penalty units; and
- (e) where the period of imprisonment exceeds 5 years—1,000 penalty units.

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

33 Penalties at foot of sections or subsections

(1) Subject to subsection (2), the penalty, pecuniary or other, set out—

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

indicates that a contravention of the section or the subsection, respectively, whether by act or omission, is an offence against the Act, 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 subsection of a section, of an Act is expressed to apply to a part only of the section or subsection, it applies to that part only.

33AA Meaning of penalty unit etc

In an Act, if a penalty for an offence is expressed as a number (whether whole or fractional) of penalty units—

- (a) the penalty is a fine of that number of penalty units; and

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- (b) the value of the penalty unit for the offence is—
 - (i) if the person charged is an individual—\$100; or
 - (ii) if the person charged is a corporation—\$500.

Example

‘Maximum penalty: 10 penalty units.’ means that a person who is convicted of the relevant offence is liable to a maximum fine of 10 penalty units. If the person is an individual, the maximum fine is, therefore, \$1,000 ($\100×10). If the person is a corporation, the maximum fine is, therefore, \$5,000 ($\500×10).

Note Section 63 is a transitional provision applying to Acts and republications that predate this section.

33A Effect of alterations in penalties

(1) Where an Act increases the penalty or maximum penalty for an offence, the penalty or maximum penalty as increased applies only to offences committed after the commencement of the provision of the Act increasing the penalty or maximum penalty.

(2) Where an Act reduces the penalty or maximum penalty for an offence, the penalty or maximum penalty as reduced extends to offences committed before the commencement of the provision of the Act reducing the penalty or maximum penalty, but the reduction does not affect any penalty imposed before that commencement.

33B Continuing offences

(1) Where, under a provision of an Act, an act or thing is required to be done within a particular period or before a particular time, the obligation to do that act or thing continues, notwithstanding that that period has expired or that time has passed, until that act or thing is done.

(2) Where a refusal or failure to comply with a requirement referred to in subsection (1) is an offence under an Act, a person is guilty of an offence in respect of each day during which the person refuses or fails to comply with that requirement, including the day of a conviction for any such offence or any later day.

33C Joinder of charges

(1) Charges against the same person for any number of offences under the same provision of an Act may be joined in the same information or summons if those charges are founded on the same facts or form, or are part of, a series of offences of the same or a similar character.

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(2) If a person is convicted of 2 or more offences referred to in subsection (1), being offences related to doing or failing to do the same act or thing, the court may impose 1 penalty in respect of both or all those offences, but that penalty shall not exceed the sum of the maximum penalties that could be imposed if a separate penalty were imposed in respect of each offence.

33D Indictable offences

An offence under any Act that is punishable by imprisonment for a period exceeding 1 year is an indictable offence.

33E Offences punishable on summary conviction

An offence under any Act that—

- (a) is punishable by imprisonment for a period not exceeding 1 year; or
- (b) not being punishable by imprisonment, is not declared to be an indictable offence;

is punishable on summary conviction.

33F Offences under 2 or more laws

(1) Where an act or omission constitutes an offence under each of 2 or more laws of the Territory, the offender is liable to be prosecuted and convicted under either or any of those laws but is not liable to be punished more than once in respect of that act or omission.

(2) Where an act or omission constitutes an offence under both—

- (a) a law of the Territory and a law of the Commonwealth; or
- (b) a law of the Territory and a law of a State;

and the offender has been punished for the offence under the law of the Commonwealth or the law of the State, as the case may be, the offender is not liable to be punished for the offence under the law of the Territory.

33G Application of certain sections of Commonwealth Crimes Act to Territory Acts

The provisions of sections 13, 14, 15, 17, 19A, 21, 21B and 21C of the *Crimes Act 1914* (Cwlth) shall, so far as they are applicable, apply in relation to all Acts as if an Act were a law of the Commonwealth.

34 Civil proceedings

Where moneys are due under an Act, the moneys are recoverable in a court having, in the Territory, civil jurisdiction to the extent of the amount due.

Division 5—Distance and Time

35 Measurement of distance

In the measurement of any distance for the purpose of an Act, that distance shall be measured in a straight line on a horizontal plane.

36 Reckoning of time

(1) Where, in an Act, a period of time, dating from a given day, act or event, is prescribed or allowed for any purpose, the time shall 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 Act 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—Repeal, expiry, amendment and modification of Acts

37 Definitions for div 6

In this Division—

Act includes a provision of an Act.

amend includes modify.

repeal includes expiry.

38 When repeal or expiry takes effect

If an Act is repealed or expires on a day, the Act continues in force until the end of the day and the repeal or expiry takes effect at midnight on the day.

39 Repealed and amended Acts not revived on repeal of repealing and amending Acts

(1) If an Act (the *first Act*) is repealed by another Act (the *other Act*), the first Act is not revived merely because the other Act is repealed.

Examples

- 1 Act A repeals Act B. Act A is repealed. The repeal of Act A does not revive Act B.
- 2 Act A repeals Act B. Act A is automatically repealed under section 43 of this Act. The repeal of Act A does not revive Act B.

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(2) If an Act (the *first Act*) is amended by another Act (the *other Act*), the continuing operation of the amendments made by the other Act is not affected merely because the other Act is repealed and, in particular, the first Act is not revived in the form in which it was in before the amendments took effect merely because of the repeal.

Examples

- 1 Act A amends Act B. Act A is repealed after it has commenced by a later Act C. The amendments made by Act A continue to operate, even though Act A has been repealed.
- 2 Act A amends Act B. Act A is automatically repealed under section 43 of this Act. The amendments made by Act A continue to operate, even though Act A has been repealed.

(3) This section is in addition to, and does not limit, any other provision of this Division or any provision of the Act by which the repeal is made.

40 Commencement not undone if omitted

If a provision of an Act provides for the commencement of the Act and the Act has commenced, the later omission of the provision does not affect the continuing operation of the Act.

41 Saving of operation of repealed Acts etc

- (1)** The repeal or amendment of an Act does not—
- (a) revive anything not in force or existing when the repeal or amendment takes effect; or
 - (b) affect the previous operation of the Act or anything done, begun or suffered under the Act; or
 - (c) affect a right, privilege or liability acquired, accrued or incurred under the Act; or
 - (d) affect a penalty or forfeiture incurred for an offence against the Act; or
 - (e) affect an investigation, proceeding or remedy in relation to a right, privilege, liability, penalty or forfeiture mentioned in paragraph (c) or (d).
- (2)** The investigation, proceeding or remedy may be begun, continued or completed, and the right, privilege, liability or forfeiture may be enforced and the penalty imposed, as if the repeal or amendment had not happened.

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(3) Without limiting subsections (1) and (2), the repeal or amendment of an Act does not affect—

- (a) the proof of anything that has happened; or
- (b) any right, privilege or liability saved by the Act; or
- (c) any repeal or amendment made by the Act; or
- (d) any transitional or validating effect of the Act.

(4) This section is in addition to, and does not limit, any other provision of this Division or any provision of the Act by which the repeal or amendment is made.

42 Repeal does not end transitional or validating effect etc

(1) If an Act—

- (a) declares something for a transitional purpose (whether or not the Act is expressed to be made for that purpose); or
- (b) validates something that is or may otherwise be invalid; or
- (c) declares something for a purpose that is consequential on a declaration mentioned in paragraph (a) or a validation mentioned in paragraph (b) (whether or not the Act is expressed to be made for a purpose of that kind);

the declaratory or validating effect of the Act does not end merely because of the repeal of the Act.

Example of paragraph (a)

A provision stating that an existing licence under a repealed Act is taken to be a licence of a particular kind under another Act and authorising the imposition of conditions under the other Act.

Example of paragraph (b)

A provision declaring an instrument to have been validly made and acts done in reliance on the instrument to have been validly done.

Example of paragraph (c)

A provision stating that an instrument that is declared valid is taken to have been amended in a particular way.

(2) If an Act (the *savings law*) declares an Act (the *declared law*) to be an Act to which this section applies—

- (a) the effect of the declared law does not end merely because of its repeal; and

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- (b) the effect of the savings law does not end merely because of its repeal.
- (3) A declaration may be made for subsection (2) about an Act whether or not the Act is a law to which subsection (1) applies.
- (4) A declaration made for subsection (2) about an Act does not imply that, in the absence of a declaration about it, another Act is not a law to which this section applies.
- (5) This section is in addition to, and does not limit, any other provision of this Division or any provision of the Act by which the repeal is made.

43 Automatic repeal of amending Acts

- (1) An amending Act enacted after 1 January 2000 is automatically repealed on the day after all of its provisions have commenced.
- (2) A repeal under subsection (1) has effect for all purposes, including, for example, any other provisions of this Act about repeals.
- (3) This section is in addition to, and does not limit the operation of any other provision of this Division.
- (4) In this section—

amending Act means an Act that consists only of provisions of the following kinds:

- (a) the Act's long title;
- (b) the Act's preamble (if any);
- (c) a provision about the Act's name;
- (d) a provision about the Act's commencement;
- (e) a provision about the purposes of the Act or any of its provisions;
- (f) a provision providing for the amendment or repeal of an Act or instrument (including a provision identifying the amended or repealed Act or instrument);
- (g) a provision declaring an Act to be an Act to which section 42 applies;
- (h) a provision about the renumbering of an Act or instrument;

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- (i) a provision authorising or requiring something to be done under the *Legislation (Republication) Act 1996*.

Example 1

The *Hypothetical Amending Act 2000* repeals and amends a number of Acts. The Act contains the following provisions:

- a long title
- a provision about the Act's name
- a provision about the Act's commencement
- repealing provisions (that is, a provision stating that the Act repeals the Acts mentioned in Schedule 1 and a schedule (Schedule 1) setting out the names of the repealed Acts)
- amending provisions (that is, a provision stating that the Act amends the Acts mentioned in Schedule 2 and a schedule (Schedule 2) setting out the amended Acts and the amendments made to them)
- a provision about the application of section 42 of this Act to a provision being repealed
- a provision requiring an amended Act (the *XYZ Act 1990*) to be renumbered under the *Legislation (Republication) Act 1996* in the next republication of the *XYZ Act 1990*.

The Act contains no other provisions. Its repealing provisions, and its other provisions apart from the amending provisions, commence on the date of notification, 21 March 2000. Its amending provisions commence on a date fixed by the Minister by notice in the Gazette, 12 April 2000. Under subsection (1), the *Hypothetical Amending Act 2000* is automatically repealed on 13 April 2000.

Example 2

The *Example Act 2000* contains provisions establishing a new licensing scheme. It also amends several Acts and repeals others. Because it contains the scheme provisions, it is not an amending Act covered by subsection (1).

44 Act and amending Acts to be read as one

An Act and all Acts amending it are to be read as one.

45 Insertion of definitions by amending Act

If an Act amends a provision of another Act by inserting a definition that is to form part of a series of definitions, and does not specify where it is to be inserted in the provision, the definition is to be inserted in the appropriate alphabetical position decided on a letter-by-letter basis.

46 Amendment to be made wherever possible

If an Act amends another Act—

- (a) by omitting a word; or

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- (b) by substituting a word for another word; or
- (c) by inserting a word before or after a particular word;

the amendment is to be made wherever possible in the other Act.

47 Continuance of appointments etc made under amended provisions

(1) This section applies if—

- (a) an Act expressly or impliedly authorises or requires—
 - (i) the making of an appointment or statutory instrument; or
 - (ii) the delegation of a power or function; or
 - (iii) the doing of anything else; and
- (b) the Act is amended by another Act; and
- (c) under the amended Act—
 - (i) the appointment or statutory instrument may be made; or
 - (ii) the power or function may be delegated; or
 - (iii) the thing may be done.

(2) An appointment, statutory instrument, delegation or other thing mentioned in subsection (1) that was in force immediately before the commencement of the amendment continues to have effect after the commencement as if it had been made or done under the amended Act.

(3) In this section—

amend includes omit and re-enact in the same Act (with or without changes), but does not include omit and re-enact in another Act.

48 Status of modifications

(1) In this section—

law means an Act or subordinate law.

(2) If a law is modified by another law, the law operates as modified but the modification does not amend the text of the law.

49 Relocated provisions

(1) This section applies if a provision of an Act is relocated (with or without changes) to a different place in the same Act or to a different Act.

(2) The operation or meaning of the provision is not affected merely because of the provision's relocation.

(3) Without limiting subsection (2), if before its relocation the provision was to be interpreted in a particular way, it is to be so interpreted in its new location.

Example

If a provision of an Act is to be interpreted as if it were an Act consolidating the provisions of another law or laws and it is relocated into another Act, it is to be interpreted in the same way in its new location.

(4) However, the provision has effect subject to any changes made to it.

Division 7—References to Acts

50 References to Acts generally

(1) Every Act may be referred to by the word *Act* alone.

Example

A former New South Wales Act that applies in the ACT may be referred to using its NSW short title, eg '*Truck Act 1900*'. In other words, it is not necessary to add words such as 'of the State of New South Wales in its application in the Territory'.

(2) In an Act, a reference to *an Act* includes a reference to the Act that contains the reference.

51 Citation of particular Acts

(1) An Act may be cited—

- (a) by its short title or other name; or
- (b) by reference to the year when it was enacted and its number.

(2) A Commonwealth Act may be cited—

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- (a) by its short title or other name; or
- (b) in another way sufficient in a Commonwealth Act for the citation of a Commonwealth Act;

together with a reference to the Commonwealth (or an abbreviation of the Commonwealth).

(3) An Act or ordinance of a State or another Territory may be cited—

- (a) by its short title or other name; or
- (b) in another way sufficient in an Act or ordinance of the State or other Territory for the citation of such an Act or ordinance;

together with (unless it is a continued NSW Act) a reference to the State or other Territory (or an abbreviation of it).

(4) A UK Act may be cited—

- (a) by its short title or other name; or
- (b) in another way sufficient in a UK Act for the citation of a UK Act;

together with (unless it is a continued UK Act) a reference to the United Kingdom (or an abbreviation of the United Kingdom).

52 Citation of statutory instruments

(1) A statutory instrument may be cited—

- (a) by its citation or other name; or
- (b) by reference to—
 - (i) for an instrument that has been published or notified in the Gazette—the number, date and page or pages of the Gazette in which it was published or notified; or
 - (ii) for any other instrument—the date when it was made, together with a reference to the Act or statutory instrument under which it was made.

(2) An instrument made under a Commonwealth Act, or under an instrument made under a Commonwealth Act, may be cited—

- (a) by its citation or other name; or
- (b) in another way sufficient in a Commonwealth Act for the citation of such an instrument;

together with a reference to the Commonwealth (or an abbreviation of the Commonwealth).

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(3) An instrument made under an Act or ordinance of a State or another Territory, or under an instrument made under such an Act or ordinance, may be cited—

- (a) by its citation or other name; or
- (b) in another way sufficient in an Act or ordinance of the State or other Territory for the citation of such an instrument;

together with (unless it is a New South Wales instrument applying in the Territory) a reference to the State or other Territory (or an abbreviation of it).

(4) An instrument made under a UK Act, or under an instrument made under a UK Act, may be cited—

- (a) by its citation or other name; or
- (b) in another way sufficient in a UK Act for the citation of such an instrument;

together with (unless it is a UK instrument applying in the Territory) a reference to the United Kingdom (or an abbreviation of the United Kingdom).

53 References to provisions of laws

(1) A provision of a law or instrument may, if appropriate, be cited by reference to the provision of the law or instrument in which it is contained.

Example

Paragraph (b) in subsection (2) of section 10 of an Act may be cited by reference to the section and subsection, that is, as paragraph 10 (2) (b).

(2) In this section—

instrument means an instrument (other than a law) made under a law.

law means—

- (a) an Act or subordinate law; or
- (b) a law of the Commonwealth, a State or another Territory.

54 References taken to be included in citation of a law or instrument

(1) In an Act, a reference to a law (including the Act) or instrument includes a reference to the following:

- (a) the law or instrument as originally made, and as amended from time to time since it was originally made;
- (b) if the law or instrument has been repealed and remade (with or without change) since the reference was made—the law or instrument as remade, and as amended from time to time since it was remade;
- (c) if a relevant provision of the law or instrument has been omitted and remade (with or without change) in another law or instrument since the reference was made—the other law or instrument as in force when the provision was remade, and as amended from time to time since the provision was remade.

(2) In an Act or instrument, a reference to a provision of a law (including the Act) or of an instrument (including the instrument) includes a reference to the following:

- (a) the provision as originally made, and as amended from time to time since it was originally made;
- (b) if the provision has been omitted and remade (with or without change and whether in the law or instrument or another law or instrument) since the reference was made—the provision as remade, and as amended from time to time since it was remade.

(3) In this section—

instrument means an instrument (other than a law) made under a law.

law means—

- (a) an Act or subordinate law; or
- (b) a law of the Commonwealth, a State or another Territory.

make includes enact.

55 References to changed short titles, citations and other names

(1) If the short title, citation or other name of an Act or instrument is changed, a reference in an Act to the name includes a reference to the name as amended.

(2) In this section—

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instrument means an instrument (other than a law) made under a law.

law means—

- (a) an Act or subordinate law; or
- (b) a law of the Commonwealth, a State or another Territory.

PART 4—FORMER NSW ACTS

56 Interpretation of former NSW Acts

The purpose of this Part is to assist in the interpretation of former NSW Acts.

57 Certain references in former NSW Acts

A reference in a former NSW Act to something in column 2 of the following table is a reference to the person or thing set out opposite in column 3 of the table.

Table of references

column 1 item	column 2 reference in former NSW Act	column 3 meaning of reference
1	Act	NSW Act
2	Government Printer (in relation to instruments and documents printed before 1 January 1911)	Government Printer of New South Wales
3	Government Gazette	Gazette
4	British subject	an Australian citizen, or any other person who would, if Part 2 of the <i>Australian Citizenship Act 1948</i> (Cwlth) (and the regulations made under that Act for the Part) had continued in force after 30 April 1987, have been a person who has the status of a British subject under that Part
5	Deputy Commissioner of Police	chief police officer
6	officer of police or member of a police force	police officer
7	member of a police force holding a stated rank that does not exist as a rank in the Australian Federal Police	police officer holding a rank that is declared by regulations under the <i>Australian Federal Police Act 1979</i> (Cwlth) to be the equivalent of the stated rank
8	Registrar of Titles	the registrar-general in the performance of functions, or exercise of powers, under the <i>Land Titles Act 1925</i> or the <i>Registration of Deeds Act 1957</i>

PART 5—FORMER UK ACTS

58 Interpretation of former UK Acts

(1) The purpose of this Part is to assist in the interpretation of former UK Acts.

(2) Except as provided in sections 60 and 61, Schedule 2 applies to all former UK Acts according to its terms.

(3) If a provision of Schedule 2 is inconsistent with another provision of this Act (except section 3), the provision of Schedule 2 prevails to the extent of the inconsistency.

(4) Without limiting subsection (3), if a provision of Schedule 2 dealing with a matter does not apply to all former UK Acts and another provision of this Act also deals with the matter (whether or not in the same way), then, for that subsection, the provision of Schedule 2 is taken to be intended to deal exclusively with the matter.

Example

Clause 12 of the Schedule, which deals with the measurement of distance, applies only to former UK Acts passed after 1889. Section 35 makes similar provision for measurement of distance for all Acts. Section 35 does not apply to former UK Acts passed during or before 1889.

59 Provisions applying to all former UK Acts

If the words ‘all former UK Acts’ are set out at the end of a provision of Schedule 2, the provision applies to all former UK Acts.

60 Provisions applying to former UK Acts passed after a stated year or date

If a year or a date is set out at the end of a provision of Schedule 2, the provision applies to former UK Acts passed after the year, or on or after the date.

61 Stated provisions applying to former UK Acts

(1) If a reference to subsection (2), (3) or (4) is set out at the end of a provision of Schedule 2, the provision applies to former UK Acts as set out in the subsection.

(2) Clause 10 of Schedule 2 applies—

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- (a) to former UK Acts passed before 1851 only in relation to offences punishable on indictment or summary conviction; and
 - (b) to former UK Acts passed after 1850.
- (3) Clause 13 of Schedule 2 applies to all former UK Acts, but only so far as they relate to subordinate legislation made after 1889.
- (4) Clause 15 of Schedule 2 applies to all former UK Acts passed after 1889 so far as they relate to rules, regulations and by-laws.

62 Words at end of provision of Schedule 2 do not form part of the provision

The words ‘all former UK Acts’, a year, date or reference to a subsection of section 61 set out at the end of a provision of Schedule 2 is set out for the application of this Part and does not form part of the provision.

PART 6—TRANSITIONAL

63 Transitional provisions about penalties

- (1) This section applies only to—
- (a) an Act (other than a republication of the Act) notified in the Gazette before the commencement day; or
 - (b) a republication of an Act republished as in force on a date (however expressed) before the commencement day.
- (2) In an Act, if a penalty for an offence is expressed to apply to a body corporate or corporation—
- (a) the penalty applies to any corporation; and
 - (b) the value of a penalty unit for the offence is \$100, even though the person charged is a body corporate or another corporation.
- (3) If a provision of an Act authorises the regulations under the Act to prescribe offences and expressly limits the penalty (or maximum penalty) that may be prescribed for such an offence when committed by a body corporate or corporation—
- (a) such a penalty may be prescribed for such an offence when committed by any corporation; and
 - (b) a penalty prescribed under the regulations that would, apart from this subsection, apply only to a body corporate applies to any corporation; and
 - (c) the value of a penalty unit for the offence is \$100, whether the person charged is an individual or a body corporate or another corporation.
- (4) Paragraph 33AA (b) is subject to this section.
- (5) In this section—

commencement day means the day when this section commences.

republication, of an Act, means a republication of an Act to which the *Legislation (Republication) Act 1996* applies.

64 References to Standards Association of Australia

In an Act, a reference to the *Standards Association of Australia* is, in relation to anything done or to be done on or after 1 July 1999, a reference to Standards Australia.

65 Certain NSW and UK Acts taken to be Acts of the Legislative Assembly

(1) An Act mentioned in column 2 of Schedule 1, to the extent that the Act was in force in the Territory immediately before the commencement of this section, is taken to be, for all purposes, a law made by the Legislative Assembly as if it had been enacted by the Assembly.

(2) To remove any doubt, the provisions in a Part in Schedule 2 to the *Imperial Acts (Substituted Provisions) Act 1986*, to the extent that those provisions were in force in the Territory immediately before the commencement of this section and are located to another Act by the *Law Reform (Miscellaneous Provisions) Act 1999*, are taken to be, for all purposes, a law made by the Legislative Assembly as if it had been enacted by the Assembly.

(3) This section is a provision to which section 42 of this Act applies.

(4) This section expires 1 year after it commences.

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SCHEDULE 1

(See s 7A)

ACTS INCLUDED IN SOURCES OF LAW OF THE TERRITORY

**PART 1—FORMER NSW AND UK ACTS TREATED
AS ACTS OF THE LEGISLATIVE ASSEMBLY**

column 1 item	column 2 citation (if provided by the Act) or subject matter	column 3 year (if not provided in the citation), number or date of royal assent and original jurisdiction
1	Magna Carta	(1297) 25 Edw. 1, c 29 (UK)
2	Due process of law	(1351) 25 Edw. 3, St. 5 c 4 (UK)
3	Due process of law	(1354) 28 Edw. 3 c 3 (UK)
4	Due process of law	(1368) 42 Edw. 3 c 3 (UK)
5	Free access to courts	(1400) 2 Hen. 4 c 1 (UK)
6	Offences at sea	(1536) 28 Hen. 8 c 15 (UK)
7	Demise of the Crown	(1547) 1 Edw. 6 c 7 (UK)
8	Actions for trespass or slander	(1623) 21 Jas. 1 c 16 (UK)
9	The Petition of Right	(1627) 3 Chas. 1 c 1 (UK)
10	The Bill of Rights	(1688) 1 Will. and Mary, Sess. 2 c 2 (UK)
11	Piracy	(1698) 11 Will. 3 c 7 (UK)
12	The Act of Settlement	(1700) 12 and 13 Will. 3 c 2 (UK)
13	Legal proceedings not affected by demise of Crown	(1702) 1 Anne c 2 (UK)
14	Use of Crown seals not affected by demise of Crown	(1707) 6 Anne c 41 (UK)
15	Piracy	(1717) 4 Geo. 1 c 11 (UK)
16	Piracy	(1721) 8 Geo. 1 c 24 (UK)
17	Set-off of debts	(1729) 2 Geo. 2 c 22 (UK)
18	Set-off of debts	(1735) 8 Geo. 2 c 24 (UK)
19	Piracy	(1744) 18 Geo. 2 c 30 (UK)

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SCHEDULE 1—continued

column 1 item	column 2 citation (if provided by the Act) or subject matter	column 3 year (if not provided in the citation), number or date of royal assent and original jurisdiction
20	<i>Royal Marriages Act 1772</i>	12 Geo. 3 c 11 (UK)
21	<i>Slave Trade Act 1824</i>	5 Geo. 4 c 113 (UK)
22	<i>Australian Courts Act 1828</i>	9 Geo. 4 c 83 (UK)
23	<i>Slavery Abolition Act 1833</i>	3 and 4 Will. 4 c 73 (UK)
24	<i>Slave Trade Act 1843</i>	(1843) 6 and 7 Vic. c 98 (UK)
25	<i>Foreign Tribunals Evidence Act 1856</i>	19 and 20 Vic. c 113 (UK)
26	<i>Evidence by Commission Act 1859</i>	22 Vic. c 20 (UK)
27	<i>British Law Ascertainment Act 1859</i>	22 and 23 Vic. c 63 (UK)
28	<i>Colonial Laws Validity Act 1865</i>	28 and 29 Vic. c 63 (UK)
29	<i>Slave Trade Act 1873</i>	36 and 37 Vic. c 88 (UK)
30	<i>Courts (Colonial) Jurisdiction Act 1874</i>	37 and 38 Vic. c 27 (UK)
31	<i>Public Instruction Act 1880</i>	43 Vic. No 23 (NSW)
32	<i>Evidence by Commission Act 1885</i>	48 and 49 Vic. c 74 (UK)
33	<i>Colonial Courts of Admiralty Act 1890</i>	53 and 54 Vic. c 27 (UK)
34	<i>Merchant Shipping Act 1894</i>	57 and 58 Vic. c 60 (UK)
35	<i>Contractors' Debts Act 1897</i>	1897 No 29 (NSW)
36	<i>Conveyancing and Law of Property Act 1898</i>	1898 No 17 (NSW)
37	<i>Landlord and Tenant Act 1899</i>	1899 No 18 (NSW)
38	<i>Partition Act 1900</i>	1900 No 24 (NSW)
39	<i>Inebriates Act 1900</i>	1900 No 32 (NSW)
40	<i>Truck Act 1900</i>	1900 No 55 (NSW)
41	<i>Judgment Creditors' Remedies Act 1901</i>	1901 No 8 (NSW)

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SCHEDULE 1—continued

column 1 item	column 2 citation (if provided by the Act) or subject matter	column 3 year (if not provided in the citation), number or date of royal assent and original jurisdiction
42	<i>Defamation Act 1901</i>	1901 No 22 (NSW)
43	<i>Conveyancing and Law of Property (Supplemental) Act 1901</i>	1901 No 37 (NSW)
44	<i>Forfeiture of Leases Act 1901</i>	1901 No 66 (NSW)
45	<i>Games Wagers and Betting-houses Act 1901</i>	1902 No 18 (NSW)
46	<i>Demise of the Crown Act 1901</i>	1 Edw. 7 c 5 (UK)
47	<i>Arrest on Mesne Process Act 1902</i>	1902 No 24 (NSW)
48	<i>Dedication by User Limitation Act 1902</i>	1902 No 46 (NSW)
49	<i>Common Carriers Act 1902</i>	1902 No 48 (NSW)
50	<i>Innkeepers' Liability Act 1902</i>	1902 No 64 (NSW)
51	<i>Pawnbrokers Act 1902</i>	1902 No 66 (NSW)
52	<i>Piracy Punishment Act 1902</i>	1902 No 69 (NSW)
53	<i>Public Roads Act 1902</i>	1902 No 95 (NSW)
54	<i>Anglican Church of Australia Constitutions Act 1902</i>	24 December 1902 (NSW)
55	<i>Fertilizers Act 1904</i>	1904 No 33 (NSW)
56	<i>Apportionment Act 1905</i>	1905 No 2 (NSW)
57	<i>Forfeiture and Validation of Leases Act 1905</i>	1905 No 8 (NSW)
58	<i>Free Education Act 1906</i>	1906 No 12 (NSW)
59	<i>Gaming and Betting Act 1906</i>	1906 No 13 (NSW)
60	<i>Second-hand Dealers and Collectors Act 1906</i>	1906 No 30 (NSW)
61	<i>Inebriates (Amendment) Act 1909</i>	1909 No 2 (NSW)

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SCHEDULE 1—continued

column 1 item	column 2 citation (if provided by the Act) or subject matter	column 3 year (if not provided in the citation), number or date of royal assent and original jurisdiction
62	<i>Defamation (Amendment) Act 1909</i>	1909 No 22 (NSW)

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SCHEDULE 1—continued

**PART 2—NSW ACTS APPLIED BY ACTS OF THE TERRITORY AND
TREATED AS ACTS OF THE LEGISLATIVE ASSEMBLY**

column 1 item	column 2 citation of NSW Act	column 3 Act of the Territory by which previously applied
1	<i>Scaffolding and Lifts Act 1912</i>	<i>Scaffolding and Lifts Act 1957</i>
2	<i>Anglican Church of Australia Trust Property Act 1917</i>	<i>Anglican Church of Australia Trust Property Act 1928</i>
3	<i>Conveyancing Act 1919</i>	(a) <i>Conveyancing Act 1951</i> (b) <i>Law of Property (Miscellaneous Provisions) Act 1958</i> (c) <i>Trustee Act 1957</i>
4	<i>Trustee Act 1925</i>	<i>Trustee Act 1957</i>
5	<i>Anglican Church of Australia Constitution Act 1961</i>	<i>Anglican Church of Australia Trust Property Act 1928</i>
6	<i>Dangerous Goods Act 1975</i>	<i>Dangerous Goods Act 1984</i>

Note The written law of the Territory also includes the following Acts that may not be amended or repealed by the Assembly (see the Self-Government Act, s 34):

Life, Fire and Marine Insurance Act 1902 (NSW)

Demise of the Crown Act 1760 (UK)

Naval Prize Act 1864 (UK)

Naval Prize (Procedure) Act 1916 (UK)

Prize Act (1939) (UK)

Prize Courts Act 1894 (UK)

Prize Courts Act 1915 (UK)

Prize Courts (Procedure) Act 1914 (UK)

Territorial Waters Jurisdiction Act 1878 (UK).

SCHEDULE 2

(See pt 5)

RULES FOR INTERPRETING FORMER UK ACTS

PART 1—PRELIMINARY

1 Meaning of *subordinate legislation* in sch 2

In this Schedule—

subordinate legislation means orders in council, orders, rules, regulations, schemes, warrants, by-laws and other instruments made under an Act.

2 References to *an Act* in sch 2

In a provision of this Schedule, a reference to *an Act* is a reference to an Act to which the provision applies, but this clause does not apply to references to enactments or to other Acts mentioned in subclause 19 (2).

PART 2—GENERAL PROVISIONS ABOUT ENACTMENT AND OPERATION

3 Words of enactment

Every section of a former UK Act takes effect as a substantive enactment without introductory words. (1850)

4 Judicial notice

Every former UK Act is a public Act to be judicially noticed as such. (all former UK Acts)

5 Time of commencement

A former UK Act, or provision of a former UK Act, is taken to have come into force—

- (a) if provision was made for it to come into force on a particular day—at the beginning of the day; or (1889)
- (b) if no provision was made for its coming into force—at the beginning of the day the Act received the royal assent. (1889)

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SCHEDULE 2—continued

PART 3—INTERPRETATION

6 Definitions

(1) In a former UK Act—

Bank of England means, as the context requires, the Governor and Company of the Bank of England or the bank of the Governor and Company of the Bank of England. (all former UK Acts)

British Islands means—

- (a) in a former UK Act passed after the year 1889 and before the establishment of the Irish Free State—the United Kingdom, the Channel Islands and the Isle of Man; and
- (b) in a former UK Act passed after the establishment of the Irish Free State—the United Kingdom, the Channel Islands, the Isle of Man and the Republic of Ireland.

British possession means any part of the dominions of the Crown outside the United Kingdom. (1889)

British subject means—

- (a) an Australian citizen; or
- (b) any other person who because of his or her citizenship of another country would, if Part 2 of the *Australian Citizenship Act 1948* (Cwlth) (and the regulations made under that Act for the Part) had continued in force after 30 April 1987, have been a person who has the status of a British subject under that Part. (all former UK Acts)

colonial legislature and **legislature**, of a British possession, mean the authority, other than the United Kingdom Parliament or the Crown in Council, competent to make laws for the possession. (1889)

colony means any part of the dominions of the Crown outside the British Islands and, in a former UK Act passed in or after 1889 (the **first Act**), includes any part of those dominions that has, after the passing of the first Act, ceased, under a provision of a later

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SCHEDULE 2—continued

UK Act, to be a colony, but only in the application of the first Act before the commencement of the provision of the later Act, but does not include—

- (a) countries having fully responsible status within the Commonwealth of Nations; and
- (b) associated states. (1889)

commencement, for a former UK Act or enactment of such an Act, means the time when the Act or enactment comes into force. (all former UK Acts)

Commonwealth citizen means a person other than a British subject who would, if Part 2 the *Australian Citizenship Act 1948* (Cwlth) (and regulations made under that Act for the Part) had continued in force after 30 April 1987, have been a person who has the status of a British subject under that Part. (all former UK Acts)

Comptroller and Auditor-General means the Comptroller-General of the receipt and issue of the Crown's Exchequer and Auditor-General of Public Accounts appointed under the *Imperial Exchequer and Audit Departments Act 1866* (UK). (all former UK Acts)

consular officer has the same meaning as in article 1 of the Vienna Convention set out in the Schedule to the *Consular Privileges and Immunities Act 1972* (Cwlth). (all former UK Acts)

Governor-General, of a British possession, includes any person who for the time being has the powers of the Governor-General of the possession. (1889)

Governor, of a British possession, includes the officer for the time being administering the government of the possession. (1889)

land includes messuages, tenements and hereditaments, and houses and buildings, of any tenure. (1850)

legislature—see *colonial legislature*. (1889)

Lord Chancellor means the Lord High Chancellor of Great Britain. (all former UK Acts)

month means calendar month. (1850)

Interpretation Act 1967

SCHEDULE 2—continued

person includes—

- (a) in relation to a provision of a former UK Act whenever passed, about an offence punishable on indictment or summary conviction—a corporation; and
- (b) in relation to a provision of a former UK Act passed in or after 1889—a body of persons whether incorporated or unincorporated.

Privy Council means the Lords and others of the Crown's Most Honourable Privy Council. (all former UK Acts)

rules of court, in relation to a court, means rules made by the authority having power to make rules or orders regulating the practice and procedure of the court. (1889)

Secretary of State means a Principal Secretary of State of the Crown. (all former UK Acts)

statutory declaration includes a declaration made under a law of a State, Territory or foreign country that authorises a declaration to be made otherwise than in the course of a legal proceeding. (all former UK Acts)

United Kingdom means Great Britain and Northern Ireland. (12 April 1927)

7 References to courts

In a former UK Act, a reference to any court other than a court of summary jurisdiction is a reference to the Supreme Court. (all former UK Acts)

8 Dominions under central and local legislature

For the definitions of *British possession* and *colony* in clause 6, if any part of the dominions of the Crown outside the United Kingdom are under both a central and local legislature, all parts under the central legislature are taken to be a single British possession or colony, as the case requires. (1889)

Interpretation Act 1967

SCHEDULE 2—continued

9 Power to make rules of court

(1) The power to make rules of court includes power to make rules of court for any former UK Act that authorises or requires anything to be done by rules of court. (all former UK Acts)

(2) In this clause—

rules of court—see clause 6. (all former UK Acts)

Interpretation Act 1967

SCHEDULE 2—continued

10 Gender and number

In a former UK Act—

- (a) words importing the masculine gender include the feminine; and
- (b) words importing the feminine gender include the masculine; and
- (c) words in the singular include the plural and words in the plural include the singular. (subsection 61 (2))

11 References to service by post

If a former UK Act authorises or requires a document to be served by post (whether the expression ‘serve’, ‘give’ or ‘send’ or any other expression is used), the service is taken to be made by properly addressing, prepaying and posting a letter containing the document and, unless the contrary is proved, to have been made when the letter would be delivered in the ordinary course of post. (1889)

12 References to distance

In the measurement of any distance for a former UK Act, the distance is to be measured in a straight line on a horizontal plane. (1889)

13 Interpretation of subordinate legislation

If a former UK Act gives power to make subordinate legislation, expressions in subordinate legislation made under the Act have the meaning that they have in the Act. (subsection 61 (3))

PART 4—STATUTORY FUNCTIONS AND POWERS

14 Continuity of functions and powers

(1) If a former UK Act gives a function or power to an entity, the function may be performed, or the power may be exercised, from time to time. (1889)

(2) If a former UK Act gives a function or power to the holder of a stated office, the function may be performed, or the power may be exercised, by the person for the time being occupying or acting in the office. (1889)

Interpretation Act 1967

SCHEDULE 2—continued

15 Implied power to amend

If a former UK Act gives power to make—

- (a) rules, regulations or by-laws; or
- (b) orders in council, orders or other subordinate legislation to be made by statutory instrument;

the power includes a power, exercisable in the same way and subject to the same conditions or limitations, to revoke, amend or re-enact any instrument made under the power. (subsection 61 (4))

PART 5—REPEALING ENACTMENTS

16 Repeal of repeal

If a former UK Act repeals a repealing enactment, the repeal does not revive any enactment previously repealed unless words are added reviving it. (1850)

17 General savings

(1) Without limiting clause 16, if a former UK Act repeals an enactment, the repeal does not—

- (a) revive anything not in force or existing when the repeal takes effect; or
- (b) affect the previous operation of the enactment repealed or anything done or suffered under the enactment; or
- (c) affect any right, privilege or liability acquired, accrued or incurred under the enactment; or
- (d) affect any penalty or forfeiture incurred in relation to any offence committed against the enactment; or
- (e) affect any investigation, legal proceeding or remedy in relation to that right, privilege, liability, penalty or forfeiture. (1889)

(2) The investigation, legal proceeding or remedy may be begun, continued or enforced, and any such penalty or forfeiture may be imposed, as if the repealing Act had not been passed. (1889)

Interpretation Act 1967

SCHEDULE 2—continued

18 Repeal and re-enactment

- (1) If a former UK Act repeals a previous enactment and substitutes provisions for the enactment repealed, the repealed enactment remains in force until the substituted provisions come into force. (1850)
- (2) If a former UK Act repeals and re-enacts, with or without change, a previous enactment—
- (a) any reference in any other enactment to the enactment so repealed is a reference to the enactment re-enacted; and (1889)
 - (b) so far as any subordinate legislation made or anything else done under the repealed enactment could have been made or done under the enactment re-enacted, it has effect as if made or done under that enactment. (all former UK Acts)

PART 6—MISCELLANEOUS

19 Citation of other UK Acts

- (1) If a former UK Act cites another UK Act by year, statute, session or chapter, or a provision of another UK Act by number or letter, the reference is a reference—
- (a) for Acts included in any revised edition of the UK statutes printed by authority—to that edition; and
 - (b) for Acts not so included but included in the edition prepared under the direction of the Record Commission—to that edition; and
 - (c) in any other case—to the Acts printed by the Printer to the Crown, or under the superintendence or authority of the Crown's Stationary Office. (1889)
- (2) A former UK Act may continue to be cited by the short title authorised by any enactment despite the repeal of the enactment. (all former UK Acts)

20 References to other enactments

- (1) If a former UK Act describes or cites a provision of an enactment by referring to words, sections or other parts from or to which (or from and to which) the provision extends, the provision described or cited includes the words, sections or other parts referred to. (1889)

Interpretation Act 1967

SCHEDULE 2—continued

(2) If a former UK Act refers to an enactment, the reference is a reference to the enactment as amended, and includes a reference to that enactment as extended or applied under any other enactment, including any other provision of that Act. (1889)

(3) However, if a former UK Act refers to another UK Act, the reference is a reference to the other Act as for the time being amended and in force in the Territory. (all former UK Acts)

21 Application to other instruments

Paragraph 5 (a), the definition of *United Kingdom* in clause 6, and clause 19, apply, so far as applicable, to subordinate legislation in force in the Territory under a former UK Act in the same way as they apply to former UK Acts. (all former UK Acts).

DICTIONARY⁷

(See s 11F (1))

Act—

- (a) of the Legislative Assembly—means a law (however described or entitled) made by the Legislative Assembly under the Self-Government Act; and
- (b) without specifying the kind of Act—means an Act of the Legislative Assembly, a continued NSW Act, a continued UK Act or another enactment.

Note Section 50 deals with references to Acts generally.

ADI is short for authorised deposit-taking institution.

administrative appeals tribunal (or **AAT**) means the Administrative Appeals Tribunal established under the *Administrative Appeals Tribunal Act 1989*.

administrative unit means an administrative unit for the time being established under subsection 13 (1) of the *Public Sector Management Act 1994*.

adult means an individual who is at least 18 years old.

affidavit, in relation to a person allowed by law to affirm, declare or promise, includes affirmation, declaration and promise.

amend includes—

- (a) for an Act or instrument—omit, insert, substitute, renumber or relocate a provision of the Act or instrument; and
- (b) for a provision of an Act or instrument (or part of it)—omit the provision (or part), substitute another provision for the provision (or part), renumber the provision (or part) or relocate the provision (or part); and
- (c) for an Act or provision of an Act—amend by implication; and
- (d) for an instrument, a provision of an instrument or a decision—change or alter.

DICTIONARY—continued

appoint includes reappoint.

asset includes property of any kind.

Attorney-General means the Minister designated Attorney-General by the Chief Minister.

auditor-general means the Auditor-General for the Territory.

Note The *Auditor-General Act 1996* provides for the appointment, functions and powers of the auditor-general.

Australia means the Commonwealth of Australia and, when used in a geographical sense, does not include an external Territory.

authorised deposit-taking institution means an authorised deposit-taking institution under the *Banking Act 1959* (Cwlth).

bank means an authorised deposit-taking institution that is permitted under the *Banking Act 1959* (Cwlth) to assume or use—

- (a) the word ‘bank’, ‘banker’ or ‘banking’; or
- (b) any other word (whether or not in English) similar in meaning to a word mentioned in paragraph (a).

barrister means a lawyer who practises as a barrister.

breach includes contravene.

building society means an authorised deposit-taking institution that is permitted under the *Banking Act 1959* (Cwlth) to assume or use—

- (a) the expression ‘building society’; or
- (b) any other expression (whether or not in English) similar in meaning to the expression mentioned in paragraph (a).

business day means a day that is not—

- (a) a Saturday or Sunday; or
- (b) a public holiday or bank holiday in the Territory under the *Holidays Act 1958*.

calendar month means a period beginning at the start of any day of a named month and ending—

- (a) at the end of the corresponding day of the next named month; or

DICTIONARY—continued

- (b) if there is no such corresponding day—at the end of the last day of the next named month.

calendar year means a period of 12 months commencing on 1 January.

change includes change by omission, substitution or addition.

chief executive—see section 24A.

chief health officer means the Chief Health Officer under the *Public Health Act 1997*.

Chief Justice means the Chief Justice of the Supreme Court.

Chief Magistrate means the Chief Magistrate of the Magistrates Court.

Chief Minister means the Chief Minister for the Territory.

Note The Chief Minister is elected under section 40 of the Self-Government Act.

chief police officer means the police officer responsible to the commissioner of police for the day-to-day administration and control of police services in the Territory.

child, if age rather than descendency is relevant, means an individual who is under 18 years old.

city area means the area that was *the City Area* under the *City Area Leases Act 1936* immediately before its repeal.

commencement, of an Act or a provision of an Act—see section 11.

commissioner for public administration means the Commissioner for Public Administration under the *Public Sector Management Act 1994*.

commissioner of police means the Commissioner of Police of the Australian Federal Police.

committed for trial, in relation to a person, means committed to prison or to a remand centre with a view to being tried before a judge and jury, or admitted to bail on an undertaking to appear and be tried before a judge and a jury.

Commonwealth means the Commonwealth of Australia and, when used in a geographical sense, does not include an external Territory.

Commonwealth country means a country that forms part of the Commonwealth of Nations, and includes a territory for the international relations of which a Commonwealth country is responsible.

DICTIONARY—continued

community advocate means the Community Advocate under the *Community Advocate Act 1991*.

confer, in relation to a function, includes impose.

Consumer Credit (Australian Capital Territory) Code means the provisions applying because of section 4 of the *Consumer Credit Act 1995*.

Consumer Credit (Australian Capital Territory) Regulations means the provisions applying because of section 5 of the *Consumer Credit Act 1995*.

contravene includes fail to comply with.

converted ordinance means an enactment that was an ordinance immediately before self-government day.

Coroner's Court means the Coroner's Court under the *Coroners Act 1997*.

corporation includes a body politic or corporate.

court of summary jurisdiction means the Magistrates Court.

credit tribunal means the Australian Capital Territory Credit Tribunal.

Note The *Consumer Credit (Administration) Act 1996* deals with the establishment, functions and powers of the tribunal.

credit union means an authorised deposit-taking institution that is permitted under the *Banking Act 1959* (Cwlth) to assume or use—

- (a) the expression 'credit union'; or
- (b) any other expression (whether or not in English) similar in meaning to the expression mentioned in paragraph (a).

date of notification, for an Act, means the day the Act is notified in the *Gazette* under section 8.

definition means a provision of an Act (however expressed) that—

- (a) gives a meaning to a word or expression; or
- (b) limits or extends the meaning of a word or expression.

Examples of definitions

- 1 *X* means *Y*.
- 2 *X* includes *Y*.
- 3 *X* means *Y*, and includes *Z*.

DICTIONARY—continued

- 4 A reference to *X* is a reference to *Y*.
- 5 *X*—see section *Y*.
- 6 *X*—see *XYZ Act 1999*, section *Y*.
- 7 In a proceeding against a person (the *retailer*) who claims to have bought goods in good faith from someone else, it is a defence if the retailer establishes . . .
- 8 Words and expressions used in the *XYZ Act 1999* have the same respective meanings in this Act.

director of fair trading means the Director of Fair Trading of the Australian Capital Territory.

Note The *Fair Trading (Consumer Affairs) Act 1973* provides for the appointment of the director.

director of public prosecutions (or ***DPP***) means the Director of Public Prosecutions under the *Director of Public Prosecutions Act 1990*.

disallowable instrument means an instrument that is disallowable under section 10 of the *Subordinate Laws Act 1989*.

discrimination commissioner means the Discrimination Commissioner under the *Discrimination Act 1991*.

discrimination tribunal means the Discrimination Tribunal established by the *Discrimination Act 1991*.

doctor means a registered medical practitioner under the *Medical Practitioners Act 1930*.

document includes—

- (a) anything on which there is writing; or
- (b) anything on which there are figures, marks, numbers, perforations, symbols or anything else having a meaning for persons qualified to interpret them; or
- (c) anything from which images, sounds, messages or writings can be produced or reproduced, whether with or without the aid of anything else; or
- (d) a drawing, map, photograph or plan.

enactment means a law that is—

- (a) an enactment within the meaning of the Self-Government Act because of section 34 of that Act; or

DICTIONARY—continued

- (b) an enactment because of subsection 10 (3) or 12 (2) or (3) of the *A.C.T. Self-Government (Consequential Provisions) Act 1988* (Cwlth).

enactment, of an Act—see section 10F.

entity includes a person and an unincorporated body.

establish includes constitute and continue in existence.

estate includes any charge, claim, demand, easement, encumbrance, lien, right and title, whether at law or in equity.

Executive means the Australian Capital Territory Executive.

Note The Executive is established by the Self-Government Act, s 36.

expire includes lapse or otherwise cease to have effect.

external Territory means a Commonwealth Territory, other than an internal Territory.

fail includes refuse.

Federal Court means the Federal Court of Australia.

file includes lodge.

financial year means a period of 12 months beginning on 1 July.

foreign country means a country (whether or not an independent sovereign state) outside Australia and the external Territories.

former NSW Act means a NSW Act mentioned in Schedule 1.

former UK Act means a UK Act mentioned in Part 1 of Schedule 1.

function includes duty.

Gazette means the *Australian Capital Territory Gazette*.

give, in relation to a function, includes impose.

government printer includes anyone printing for or by the authority of the Executive.

Governor, of a State—see section 22.

Governor-General—see section 21.

guardianship tribunal means the Guardianship and Management of Property Tribunal established under the *Guardianship and Management of Property Act 1991*.

High Court means the High Court of Australia.

DICTIONARY—continued

Note The High Court is established by the Commonwealth Constitution, s 71 and provided for under the *High Court of Australia Act 1979* (Cwlth).

Imperial Act means an Act of the United Kingdom Parliament.

indictment includes information.

individual means a natural person.

instrument means any writing or other document, and includes a statutory instrument.

interest, in relation to land or other property, means—

- (a) a legal or equitable estate in the land or other property; or
- (b) a right, power or privilege over, or in relation to, the land or other property.

internal Territory means the Australian Capital Territory, the Jervis Bay Territory or the Northern Territory.

Jervis Bay Territory means the Territory accepted by the Commonwealth under the *Jervis Bay Territory Acceptance Act 1915* (Cwlth).

Note The Territory is described in the agreement set out in the Schedule to the Act.

judge, of the Supreme Court, means a resident judge, additional judge or acting judge under the *Supreme Court Act 1933*.

Lake Burley Griffin means Lake Burley Griffin as defined in the *Lakes Act 1976*.

Lake Ginninderra means Lake Ginninderra as defined in the *Lakes Act 1976*.

land includes messuages, tenements and hereditaments, corporeal or incorporeal, of any tenure or description, whatever the interest in the land.

Note A number of the terms mentioned in the definition of ***land*** have a technical meaning at law. A *messuage* is a house together with its gardens, orchards and outbuildings. The term *tenement* signifies land capable of being held in freehold. *Hereditament* refers to real property that can be inherited. Hereditaments may be *corporeal*, that is, tangible things such as lands and buildings, or *incorporeal*, that is, intangible rights attaching to land such as rents, easements, tithes and profits a prendre. (Profits a prendre are the right to take some product of, or part of the soil from, the land of someone else.)

law, of the Territory, means—

- (a) an Act; or

DICTIONARY—continued

(b) a subordinate law; or

(c) the common law.

lawyer means a legal practitioner.

legal practitioner means a barrister, solicitor, barrister and solicitor or legal practitioner entered onto the High Court Register of Practitioners or on the roll, however described, of the Supreme Court of a State or Territory.

Legislative Assembly means the Legislative Assembly for the Territory.

Note The Assembly is established by the Self-Government Act, s 8 (1).

liability means any liability or obligation (whether liquidated or unliquidated, certain or contingent, or accrued or accruing).

magistrate means a Magistrate under the *Magistrates Court Act 1930*.

Magistrates Court means the Magistrates Court established by the *Magistrates Court Act 1930*.

make an instrument includes issue and grant the instrument.

master, in relation to the Supreme Court, means the Master of the Supreme Court.

may—see section 16.

mental health tribunal means the Mental Health Tribunal established by the *Mental Health (Treatment and Care) Act 1994*.

midnight, in relation to a particular day, means the time when the day ends.

Minister—see section 24.

modification includes modification by addition, omission and substitution.

month means calendar month.

must—see section 16.

name includes—

(a) for an Act—the Act's short title; and

(b) for an instrument—the instrument's citation.

named month means one of the 12 months of the year.

DICTIONARY—continued

national land means National Land under the *Australian Capital Territory (Planning and Land Management) Act 1988* (Cwlth).

Note If an area of land in the Territory is, or is intended to be, used by or on behalf of the Commonwealth, it may be declared National Land under s 27 of the *Australian Capital Territory (Planning and Land Management) Act 1988* (Cwlth).

Northern Territory means the Northern Territory of Australia.

NSW Act means an Act of the New South Wales Parliament.

number means—

- (a) a number expressed in figures or words; or
- (b) a combination of a number so expressed and a letter.

oath, in relation to a person allowed by law to affirm, declare or promise includes affirmation, declaration and promise.

office includes position.

office of fair trading means the Office of Fair Trading of the Australian Capital Territory.

Note The *Fair Trading (Consumer Affairs) Act 1973* establishes the office and deals with its functions and powers.

ombudsman means the Ombudsman under the *Ombudsman Act 1989*.

omit, in relation to a provision of an Act, includes repeal.

ordinance means an ordinance made under section 12 of the *Seat of Government (Administration) Act 1910* (Cwlth).

passing, of an Act—see section 10F.

penalty includes punishment.

penalty unit—see section 33AA.

person includes an individual and a corporation.

Note Section 15 deals with references to a person generally.

police officer means a member or special member of the Australian Federal Police.

position includes office.

power includes authority.

prescribed, in an Act, means prescribed by the Act or regulations under the Act.

proceeding means a legal or other action or proceeding.

DICTIONARY—continued

property means any legal or equitable estate or interest (whether present or future, vested or contingent, or tangible or intangible) in real or personal property of any description (including money), and includes a chose in action.

Note A chose in action is an intangible personal property right recognised and protected by the law. Examples include debts, money held in a bank, shares, rights under a trust, copyright and right to sue for breach of contract.

provision, of an Act, means words or anything else that forms part of the Act.

Examples of provisions consisting of groups of words

Sections, subsections, paragraphs, subparagraphs, sub-subparagraphs, examples.

Examples of provisions consisting of groups of other provisions

Chapters, parts, divisions, subdivisions, schedules.

public employee means—

- (a) a public servant; or
- (b) a person employed by a Territory instrumentality; or
- (c) a statutory office holder or a person employed by a statutory office holder.

public money, of the Territory, means revenues, loans and other money received by the Territory.

public servant means a person employed in the public service.

public service means the Australian Capital Territory Public Service.

Note Section 12 of the *Public Sector Management Act 1994* deals with the constitution of the public service.

public trustee means the Public Trustee for the Australian Capital Territory under the *Public Trustee Act 1985*.

registrar means—

- (a) in relation to the Supreme Court—the registrar of the Supreme Court; or
- (b) in relation to the Magistrates Court—the registrar of the Magistrates Court; or
- (c) in relation to a tribunal—the registrar of the tribunal.

DICTIONARY—continued

registrar-general means the Registrar-General under the *Registrar-General Act 1993*.

regulations, in relation to an Act, means regulations made or in force under the Act.

remuneration tribunal means the Remuneration Tribunal established by the *Remuneration Tribunal Act 1995*.

repeal includes—

- (a) for a provision of an Act or instrument—repeal the provision by omitting it; and
- (b) for an Act, instrument or provision of an Act or instrument—abrogate or limit its effect or exclude from its application any person, matter or circumstance; and
- (c) for an instrument, a provision of an instrument or a decision—revoke or cancel it.

residential tenancies tribunal means the Residential Tenancies Tribunal established by the *Residential Tenancies Act 1997*.

rules, of a court or tribunal, means rules made by the person or body having power to make rules (however described) regulating the practice and procedure of the court or tribunal.

Self-Government Act means the *Australian Capital Territory (Self-Government) Act 1988* (Cwlth).

DICTIONARY—continued

self-government day means 11 May 1989.

Note This is the day when the remaining provisions of the Self-Government Act commenced and, in particular, the Australian Capital Territory was established as a body politic, the Legislative Assembly was empowered to make laws for the Territory and the Executive was established.

sign includes attach a seal and make a mark.

sitting day, of the Legislative Assembly, means a day when the Assembly meets.

Small Claims Court means the Magistrates Court when exercising jurisdiction as the Small Claims Court.

Note The *Magistrates Court (Civil Jurisdiction) Act 1982* deals with the exercise of this jurisdiction.

solicitor means a lawyer who practises as a solicitor.

Speaker means the Presiding Officer of the Legislative Assembly.

Note The presiding officer is elected under the Self-Government Act, s 11.

Standards Australia means the company named Standards Australia International Limited (ACN 087 326 690).

State means a State of the Commonwealth, and includes the Northern Territory.

statutory declaration means a statutory declaration made under the *Statutory Declarations Act 1959* (Cwlth).

statutory instrument means an instrument (whether of a legislative or administrative nature) made under—

- (a) an Act; or
- (b) another statutory instrument; or
- (c) power given by an Act or statutory instrument and also power given otherwise by law;

and includes a subordinate law.

statutory office holder means the holder of an office established under an Act.

subordinate law means an instrument of a legislative nature (including a regulation, rule or by-law) made under—

- (a) an Act; or

DICTIONARY—continued

- (b) another subordinate law; or
- (c) power given by an Act or subordinate law and also power given otherwise by law.

Supreme Court means the Supreme Court of the Australian Capital Territory.

Note The Supreme Court is established by the *Supreme Court Act 1933*, s 3. The Self-Government Act, s 48A deals with the jurisdiction and powers of the court.

swear, in relation to a person allowed by law to affirm, declare or promise, includes affirmation, declaration and promise.

tenancy tribunal means the Tenancy Tribunal established by the *Tenancy Tribunal Act 1994*.

Territory—see section 23.

Territory authority means a body, whether or not incorporated, established under an Act.

Territory instrumentality means a corporation that—

- (a) is established under an Act or the Corporations Law; and
- (b) is a Territory instrumentality under the *Public Sector Management Act 1994*.

Note Territory instrumentality is defined in subsection 3 (1) of that Act.

Territory land means Territory Land under the Australian Capital Territory (Planning and Land Management) Act 1988 (Cwlth).

Note Section 28 of the Australian Capital Territory (Planning and Land Management) Act 1988 (Cwlth) provides that if land in the Territory is not national land (see the definition above) it is Territory land.

Treasurer means the Minister designated Treasurer by the Chief Minister.

UK Act means an Act of the United Kingdom Parliament.

under, in relation to an Act or a provision of an Act, includes—

- (a) by; and
- (b) for or for the purposes of; and
- (c) in accordance with; and
- (d) within the meaning of.

Interpretation Act 1967

DICTIONARY—continued

United Kingdom means the United Kingdom of Great Britain and Northern Ireland.

United Kingdom Parliament means—

- (a) the Parliament of England; or
- (b) the Parliament of Great Britain; or
- (c) the Parliament of the United Kingdom of Great Britain and Ireland; or
- (d) the Parliament of the United Kingdom of Great Britain and Northern Ireland.

word includes any drawing, figure, number and symbol.

writing includes any way of representing or reproducing words in visible form.

Examples

Printing, photocopying, photography, typewriting.

year, without specifying the kind of year, means calendar year.

Interpretation Act 1967

ENDNOTES

1 About this republication

This is a republication of the *Interpretation Act 1967* effective from 10 December 1999 to 29 February 2000.

Amending laws are annotated in the table of legislation and table of amendments.

2 About the republished Act

The *Interpretation Act 1967* was originally the *Interpretation Ordinance 1967*. It became an ACT Act on self-government (11 May 1989).

3 Abbreviation key

Key to abbreviations in tables

am = amended	pres = present
amdt = amendment	prev = previous
ch = chapter	(prev...) = previously
cl = clause	prov = provision
def = definition	pt = part
div = division	r = rule/subrule
exp = expires/expired	reg = regulation/subrePulation
Gaz = Gazette	renum = renumbered
hdg = heading	reloc = relocated
ins = inserted/added	R[X] = Republication No
LR = Legislation (Republication) Act 1996	s = section/subsection
mod = modified	sch = schedule
No = number	sdiv = subdivision
notfd = notified	sub = substituted
o = order	SL = Subordinate Law
om = omitted/repealed	sp = spent
orig = original	* = SL unless otherwise stated
p = page	† = Act or Ordinance unless otherwise stated
par = paragraph	

Interpretation Act 1967

4 Table of legislation

Part 1—Legislation before self-government

Ordinance†	Year and number†	Gazette notification	Commencement	Transitional provisions
<i>Interpretation Ordinance 1967</i>	1967 No 48	29 Dec 1967	29 Dec 1967	
<i>Interpretation Ordinance 1972</i>	1972 No 18	30 June 1972	30 June 1972	—
<i>Interpretation Ordinance (No 2) 1972</i>	1972 No 42	19 Dec 1972	19 Dec 1972	—
<i>Interpretation Ordinance 1973</i>	1973 No 23	30 June 1973	30 June 1973	—
<i>Police (Administration) Ordinance 1975</i>	1975 No 6	27 Mar 1975	27 Mar 1975	—
<i>Ordinances Citation Ordinance 1976</i>	1976 No 30	28 July 1976	1 Aug 1976	—
<i>Interpretation (Amendment) Ordinance 1977</i>	1977 No 24	30 June 1977	1 July 1977	—
<i>Ordinances Revision Ordinance 1977</i>	1977 No 65	22 Dec 1977	22 Dec 1977	—
<i>Ordinances Revision Ordinance 1978</i>	1978 No 46	28 Dec 1978	28 Dec 1978	—
<i>Interpretation (Amendment) Ordinance 1979</i>	1979 No 4	21 Mar 1979	21 Mar 1979	s 3 (2)
<i>Interpretation (Amendment) Ordinance 1980</i>	1980 No 31	25 Sept 1980	1 July 1980	—
<i>Interpretation (Amendment) Ordinance 1982</i>	1982 No 28	25 June 1982	25 June 1982	—
<i>Interpretation (Amendment) Ordinance 1983</i>	1983 No 5	11 Mar 1983	11 Mar 1983	—
<i>Interpretation (Amendment) Ordinance 1984</i>	1984 No 73	13 Dec 1984	13 Dec 1984	—
<i>Interpretation (Amendment) Ordinance 1985</i>	1985 No 24	28 June 1985	28 June 1985	ss 3, 7 (2) and 18 (2)
<i>Interpretation (Amendment) Ordinance (No 2) 1985</i>	1985 No 58	7 Nov 1985	7 Nov 1985	—
<i>Magistrates Court Ordinance 1985</i>	1985 No 67	19 Dec 1985	1 Feb 1986 (see Gaz 1986 No G3 p 265)	—
<i>Interpretation (Amendment) Ordinance 1986</i>	1986 No 92	12 Jan 1987	12 Jan 1987	—
<i>Administrative Arrangements (Consequential Amendments) Ordinance 1987</i>	1987 No 37	24 July 1987	24 July 1987	—
<i>Interpretation (Amendment) Ordinance 1988</i>	1988 No 36	6 July 1988	6 July 1988	s 21
<i>Interpretation (Amendment) Ordinance (No 2) 1988</i>	1988 No 77	7 Dec 1988	7 Dec 1988	—
<i>Interpretation (Amendment) Ordinance 1989</i>	1989 No 22	3 May 1989	ss 1 and 2: 3 May 1989 remainder: 11 May 1989 (see s 2 (2) and Gaz 1989 No S164)	—

Interpretation Act 1967

4 Table of legislation—continued

Part 2—Legislation after self-government

Act†	Year and number†	Gazette notification	Commencement	Transitional provisions
<i>Bail (Consequential Amendments) Act 1992</i>	1992 No 9	28 May 1992	ss 1 and 2: 28 May 1992 remainder: 28 Nov 1992	s 3
<i>Statute Law Revision (Miscellaneous Provisions) Act 1992</i>	1992 No 23	4 June 1992	4 June 1992	—
<i>Statute Law Revision (Miscellaneous Provisions) Act 1993</i>	1993 No 1	1 Mar 1993	1 Mar 1993	—
<i>Interpretation (Amendment) Act 1993</i>	1993 No 41	27 Aug 1993	27 Aug 1993	—
<i>Interpretation (Amendment) Act (No 2) 1993</i>	1993 No 43	27 Aug 1993	27 Aug 1993	—
<i>Supreme Court (Amendment) Act (No 2) 1993</i>	1993 No 91	17 Dec 1993	17 Dec 1993	—
<i>Public Sector Management (Consequential and Transitional Provisions) Act 1994</i>	1994 No 38	30 June 1994	ss 1 and 2: 30 June 1994 remainder: 1 July 1994 (see Gaz 1994 No S142 p 2)	ss 3, 5-12, 15 and 19
<i>Mental Health (Consequential Provisions) Act 1994</i>	1994 No 45	7 Sept 1994	ss 1 and 2: 7 Sept 1994 remainder: 6 Feb 1995 (see s 2 (2) and Gaz 1995 No S33 p 2)	pt VI (ss 36-38)
<i>Interpretation (Amendment) Act 1994</i>	1994 No 59	11 Oct 1994	ss 1-3: 11 Oct 1994 remainder: 14 Nov 1994 (see s 2 (2) and Gaz 1994 No S250)	—
<i>Interpretation (Amendment) Act (No 2) 1994</i>	1994 No 80	29 Nov 1994	ss 1-3: 29 Nov 1994 remainder: 29 Nov 1994 (see Gaz 1994 No S269)	—
<i>Consumer Credit (Consequential Provisions) Act 1995</i>	1995 No 19	5 Sept 1995	ss 1 and 2: 5 Sept 1995 remainder: 1 Nov 1996 (see s 2 (2) and Gaz 1996 No S273)	—
<i>Annual Reports (Government Agencies) (Consequential Provisions) Act 1995</i>	1995 No 25	5 Sept 1995	5 Sept 1995	—

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Interpretation Act 1967

4 Table of legislation—continued

Part 2—Legislation after self-government—continued

Act†	Year and number†	Gazette notification	Commencement	Transitional provisions
<i>Financial Management and Audit (Consequential and Transitional Provisions) Act 1996</i>	1996 No 26	1 July 1996	1 July 1996	—
<i>Administrative Appeals Tribunal (Amendment) Act 1996</i>	1996 No 70	20 Dec 1996	ss 1-3: 20 Dec 1996 remainder: 1 Jan 1997 (see Gaz 1996 No S352)	—
<i>Remuneration Tribunal (Consequential Amendments) Act 1997</i>	1997 No 41	19 Sept 1997	ss 1 and 2: 19 Sept 1997 remainder: 23 Sept 1997 (see Gaz 1997 No S280)	—
<i>Magistrates Court (Civil Jurisdiction) (Amendment) Act 1997</i>	1997 No 94	1 Dec 1997	ss 1-3: 1 Dec 1997 remainder: 25 May 1998 (see Gaz 1998 No S140)	—
<i>Legal Practitioners (Consequential Amendments) Act 1997</i>	1997 No 96	1 Dec 1997	ss 1 and 2: 1 Dec 1997 remainder: 1 June 1998 (see s 2 (2))	—
<i>Interpretation (Amendment) Act 1998</i>	1998 No 2	5 May 1998	5 May 1998	—
<i>Statute Law Revision (Penalties) Act 1998</i>	1998 No 54	27 Nov 1998	ss 1 and 2: 27 Nov 1998 remainder: 9 Dec 1998 (see Gaz 1998 No 49 p 1078)	—
<i>Financial Sector Reform (ACT) Act 1999</i>	1999 No 33	25 June 1999	ss 1 and 2 and dict: 25 June 1999 remainder: 1 July 1999 (see Cwlth Gaz 1999 No S289 p 2)	—
<i>Children and Young People (Consequential Amendments) Act 1999</i>	1999 No 64	10 Nov 1999	ss 1 and 2: 10 Nov 1999 remainder (ss 3 and 4): (see Note 7)	—
<i>Law Reform (Miscellaneous Provisions) Act 1999</i>	1999 No 66	10 Nov 1999	10 Nov 1999	—
<i>Interpretation Amendment Act 1999</i>	1999 No 75	10 Dec 1999	10 Dec 1999	—

5 Table of amendments

Provision	How affected†
title	sub 1999 No 66 s 6 sch 3
s 1	sub 1999 No 66 s 6 sch 3
s 2	om 1978 No 46 ad 1999 No 66 s 6 sch 3

Interpretation Act 1967

5 Table of amendments—continued

Provision	How affected†
s 3	om 1977 No 65 ad 1999 No 66 s 6 sch 3
s 4	om 1985 No 24
s 5	om 1999 No 66 s 6 sch 3
s 6	am 1993 No 43 om 1999 No 66 s 6 sch 3
s 7	om 1989 No 22 ins 1993 No 43 am 1996 No 26; 1999 No 66 s 6 sch 3
s 8	sub 1979 No 4 om 1989 No 22
pt 1A (s 7A)	ins 1999 No 66 s 6 sch 3
s 7A	ins 1999 No 66 s 6 sch 3
pt 2 (ss 8A, 8B, 9-11)	om 1999 No 66 s 6 sch 3
pt 2 (ss 8-10, 10A-10F, 11)	ins 1999 No 66 s 6 sch 3
s 8	ins 1999 No 66 s 6 sch 3
ss 8A, 8B	ins 1988 No 36 om 1999 No 66 s 6 sch 3
s 9	am 1989 No 22 sub 1999 No 66 s 6 sch 3
s 10	sub 1999 No 66 s 6 sch 3
ss 10A-10F	ins 1999 No 66 s 6 sch 3
s 11	am 1989 No 22 sub 1999 No 66 s 6 sch 3
s 11AA	ins 1993 No 41
s 11A	ins 1982 No 28 am 1985 No 24
s 11B	ins 1985 No 24 am 1989 No 22
ss 11C, 11D	ins 1988 No 36 sub 1999 No 66 s 6 sch 3
ss 11E-11H	ins 1999 No 66 s 6 sch 3
s 12	am 1980 No 31 sub 1999 No 66 s 6 sch 3
s 12A	ins 1988 No 36
s 13	sub 1999 No 66 s 6 sch 3
ss 13A, 13B	ins 1985 No 24 am 1999 No 66 s 6 sch 3
s 13C	ins 1985 No 24
s 13D	ins 1985 No 24 am 1999 No 66 s 6 sch 3
hdg to div 2 of pt 3	am 1988 No 36
s 14	am 1973 No 23; 1977 No 24; 1979 No 4; 1982 No 28; 1985 Nos 24 and 67; 1986 No 92; 1988 No 36; 1989 No 22; 1992 Nos 9 and 23; 1993 Nos 1, 43 and 91; 1994 Nos 38 and 59; 1995 No 19; 1996 Nos 26 and 70; 1997 Nos 41, 94 and 96; 1998 No 2; 1999 No 33 s 47 sch

Interpretation Act 1967

5 Table of amendments—continued

Provision	How affected†
	sub 1999 No 66 s 6 sch 3
s 14A.....	ins 1973 No 23 am 1977 No 24 om 1989 No 22
s 14B.....	ins 1979 No 4 om 1999 No 66 s 6 sch 3
s 15.....	sub 1999 No 66 s 6 sch 3
s 16.....	sub 1979 No 4 am 1985 No 24 om 1993 No 91 ins 1999 No 66 s 6 sch 3
s 17.....	sub 1985 No 24 om 1999 No 66 s 6 sch 3
s 17A.....	ins 1985 No 24 am 1999 No 66 s 6 sch 3
s 18.....	am 1999 No 66 s 6 sch 3
s 19.....	am 1979 No 4 sub 1985 No 24 am 1999 No 66 s 6 sch 3
s 20.....	am 1999 No 66 s 6 sch 3
s 20A.....	ins 1989 No 22 om 1993 No 43
ss 21, 22.....	am 1999 No 66 s 6 sch 3
s 23.....	am 1972 No 42; 1979 No 4 om 1989 No 22 ins 1999 No 66 s 6 sch 3
s 24.....	om 1989 No 22 ins 1999 No 66 s 6 sch 3
s 24A.....	ins 1972 No 42 om 1988 No 36 ins 1999 No 66 s 6 sch 3
s 24B.....	ins 1972 No 42 om 1988 No 36
s 24C.....	ins 1972 No 42 am 1975 No 6 om 1988 No 36
s 24D.....	ins 1972 No 42 om 1988 No 36
s 25.....	am 1985 No 24; 1999 No 66 s 6 sch 3
ss 25AA, 25AB.....	ins 1999 No 66 s 6 sch 3
s 25A.....	sub 1988 No 36 am 1989 No 22
hdg to div 2A of pt 3.....	am 1984 No 73
div 2A of pt III (ss. 25A- 25C)	ins 1983 No 5 om 1988 No 36
ss 25A-25C.....	ins 1983 No 5 om 1988 No 36
div 2B of pt III (ss. 25D-	ins 1984 No 73

Interpretation Act 1967

5 Table of amendments—continued

Provision	How affected†
25F)	om 1988 No 36
ss 25D-25F	ins 1984 No 73
	om 1988 No 36
div 2C of pt III (ss. 25G-	ins 1987 No 37
25I)	om 1988 No 36
ss 25G-25I	ins 1987 No 37
	om 1988 No 36
hdg to div 3 of pt 3	sub 1999 No 66 s 6 sch 3
s 26	am 1988 No 36; 1989 No 22
	sub 1999 No 66 s 6 sch 3
s 26A.....	ins 1999 No 66 s 6 sch 3
s 27	am 1985 No 24; 1988 No 36; 1999 No 66 s 6 sch 3
s 27A.....	ins 1999 No 75 s 4
s 28	am 1985 No 24; 1999 No 66 s 6 sch 3
s 28A.....	ins 1988 No 36
	am 1989 No 22
s 29A.....	ins 1985 No 24
	am 1999 No 66 s 6 sch 3
s 29B.....	ins 1988 No 36
	am 1989 No 22
s 30	am 1989 No 22; 1999 No 66 s 6 sch 3
ss 30AA, 30AB.....	ins 1994 No 38
s 30A.....	ins 1986 No 92
	am 1989 No 22; 1995 No 25; 1999 No 66 s 6 sch 3
s 31	am 1999 No 66 s 6 sch 3
hdg to div 4 of pt 3	sub 1985 No 24
	am 1999 No 66 s 6 sch 3
s 31A.....	ins 1985 No 24
	am 1992 No 23; 1999 No 66 s 6 sch 3
s 32	am 1979 No 4; 1985 No 24; 1998 No 54; 1999 No 66 s 6 sch 3
s 33AA	ins 1994 No 80
	sub 1999 No 66 s 6 sch 3
s 33A.....	ins 1985 No 24
s 33B.....	ins 1985 No 24
	am 1988 No 36; 1999 No 66 s 6 sch 3
s 33C	ins 1985 No 24
ss 33D, 33E	ins 1985 No 24
	am 1999 No 66 s 6 sch 3
s 33F.....	ins 1985 No 24
	sub 1988 No 36
	am 1999 No 66 s 6 sch 3
s 33G	ins 1985 No 24
	am 1985 No 58; 1994 No 45; 1999 No 66 s 6 sch 3
ss 34-36	am 1999 No 66 s 6 sch 3
div 6 of pt 3 (ss 37-39,	om 1999 No 66 s 6 sch 3
39A, 39B, 40, 40A, 41,	
41A, 42)	
div 6 of pt 3 (ss 37-49).....	ins 1999 No 66 s 6 sch 3

Interpretation Act 1967

5 Table of amendments—continued

Provision	How affected†
s 37	sub 1989 No 22; 1999 No 66 s 6 sch 3
s 38	sub 1999 No 66 s 6 sch 3
s 39	om 1976 No 30 ins 1985 No 24 sub 1999 No 66 s 6 sch 3
ss 39A, 39B	ins 1985 No 24 om 1999 No 66 s 6 sch 3
s 40	sub 1999 No 66 s 6 sch 3
s 40A	ins 1988 No 36 om 1999 No 66 s 6 sch 3
s 41	sub 1976 No 30 am 1989 No 22 sub 1999 No 66 s 6 sch 3
s 41A	ins 1985 No 24 om 1999 No 66 s 6 sch 3
s 42	sub 1999 No 66 s 6 sch 3
pt 4 (ss 43-45, 47, 48)	om 1999 No 66 s 6 sch 3
s 43	am 1979 No 4 sub 1999 No 66 s 6 sch 3
s 44	sub 1999 No 66 s 6 sch 3
s 45	sub 1989 No 22; 1999 No 66 s 6 sch 3
s 46	om 1989 No 22 ins 1999 No 66 s 6 sch 3
s 47	am 1989 No 22 sub 1999 No 66 s 6 sch 3
s 48	sub 1999 No 66 s 6 sch 3
pt V (ss 49, 49A, 50-54)	om 1989 No 22
div 7 of pt 3 (ss 50-55)	ins 1999 No 66 s 6 sch 3
s 49	am 1979 No 4; 1985 No 24 om 1989 No 22 ins 1999 No 66 s 6 sch 3
s 49A	ins 1988 No 36 om 1989 No 22
s 50	am 1979 No 4; 1984 No 73; 1987 No 37; 1988 Nos 38 and 77 om 1989 No 22 ins 1999 No 66 s 6 sch 3
s 51	om 1989 No 22 ins 1999 No 66 s 6 sch 3
s 52	am 1988 No 36 om 1989 No 22 ins 1999 No 66 s 6 sch 3
ss 53, 54	om 1989 No 22 ins 1999 No 66 s 6 sch 3
s 55	ins 1999 No 66 s 6 sch 3
pt 4 (ss 56, 57)	ins 1999 No 66 s 6 sch 3
ss 56, 57	ins 1999 No 66 s 6 sch 3
pt 5 (ss 58-62)	ins 1999 No 66 s 6 sch 3
ss 58-62	ins 1999 No 66 s 6 sch 3

Interpretation Act 1967

5 Table of amendments—continued

Provision	How affected†
pt 6 (ss 63-65).....	ins 1999 No 66 s 6 sch 3
ss 63-65	ins 1999 No 66 s 6 sch 3
the sch	am 1972 No 18
	sub 1979 No 4
	am 1982 No 28
	om 1992 No 23
sch 1, 2	ins 1999 No 66 s 6 sch 3
dict	ins 1999 No 66 s 6 sch 3

6 Table of earlier republications

Republication No	Amendments to	Republication date
(1)	Ordinance 1989 No 22	28 February 1991
(2)	Act 1993 No 91	31 January 1994
(3)	Act 1994 No 80	28 February 1995
(4)	Act 1996 No 70	1 January 1997
(5)	Act 1997 No 96	31 December 1997
(6)	Act 1999 No 66	10 November 1999
(7)	Act 1999 No 75	10 December 1999

7 Uncommenced amendments

The following amendments have not been included in this republication because they were uncommenced at the republication date—

Children and Young People (Consequential Amendments) Act 1999 No 64 (s 4 (1) and sch 2)

Dictionary—

Insert the following definition:

“*Childrens Court* means the Childrens Court under the *Children and Young People Act 1999*, section 53.”.

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