



Australian Capital Territory

## **Interpretation Act 1967    No 48**

**Republication No 7 (RI)**

**Effective: 24 May 2001 – 4 September 2001**

Republication date: 24 May 2001  
(Reissued: 21 February 2003)

Last amendment made by Act 2002 No 27

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* as in force from 24 May 2001 to 5 September 2001.

### **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](http://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.



Australian Capital Territory

# Interpretation Act 1967

## Contents

---

	Page	
<b>Part 1</b>	<b>Preliminary</b>	
1	Name of Act	2
2	Application	2
3	Displacement of Act by contrary intention	2
7	Acts to bind the Crown	2
<b>Part 1A</b>	<b>Sources of law in the Territory</b>	
7A	Former NSW and UK Acts in force in Territory	4
<b>Part 2</b>	<b>Notification, numbering and commencement of Acts</b>	
8	Notification of Acts	6
9	Numbering of Acts	6
10	Commencement of Acts on date of notification	6
10A	Time of commencement of Acts	7

---

## Contents

---

	Page	
10B	Commencement of naming and commencement provisions on date of notification	7
10C	Commencement by notice	7
10D	Separate commencement of amendments	8
10E	Automatic commencement of postponed law	8
10F	References to enactment and passing of Acts	9
11	References to commencement of Act	9

### **Part 3 Interpretation of Acts**

#### **Division 3.1 General provisions**

11AA	Construction of Acts—legislative powers of the Assembly	10
11A	Regard to be had to purpose or object of Act	10
11B	Use of extrinsic material in interpreting an Act	10
11BA	Terms used in instruments have same meanings as in authorising laws	12
11C	Changes of drafting practice not to affect meaning	12
11D	Examples	13
11E	Defined terms—other parts of speech and grammatical forms	13
11F	Application of definitions in dictionaries and sections	13
11G	Definitions apply subject to contrary intention	14
11H	Material that is part of an Act	14
12	Material that is not part of an Act	15
12A	Paragraphs	15
13	Forms	16
13A	Production of records kept in computers etc	17
13B	Change of name of entity or position	18
13BA	Change of membership of body	18
13BB	Functions and powers etc of bodies	18
13C	Content of statements of reasons for decisions	19
13D	Attainment of particular age	19
13E	Power to determine includes authority to administer oath	19

#### **Division 3.2 Words and phrases**

14	Reference to provisions of a law is inclusive	19
15	References to persons generally	20

	Page	
16	Meaning of <i>may</i> and <i>must</i>	21
17A	Service of documents	21
18	Service by post	22
19	Gender and number	22
20	References to the Sovereign	22
21	References to the Governor-General	22
22	References to the Governor of a State	23
23	References to the <i>Territory</i> or <i>this Territory</i>	23
23A	References to Territory implied	23
24	References to a <i>Minister</i> or <i>the Minister</i>	24
24A	References to a <i>chief executive</i> or <i>the chief executive</i>	25
25	References to occupant of position	26
25AA	References to Assembly committees that no longer exist	26
25AB	References to Australian Standards	27
25A	Chairperson and deputy chairperson	27
<b>Division 3.3      General provisions about functions and powers</b>		
25B	Provision giving function gives power to exercise function	27
26	Performance of statutory functions etc	27
27	Power to make decision includes power to reverse or change	28
27A	Compliance with authorisation or requirement to do something by notice in the Gazette	28
<b>Division 3.4      Instruments under Acts</b>		
27B	Meaning of <i>matter</i> in div 3.4	30
27C	Power to make instruments	30
27D	Power to make instrument includes power to amend or repeal	30
27E	Power to make instrument includes power to make different provision for different categories etc	30
27F	Single instrument may exercise several powers or satisfy several requirements	31
27G	Relationship between authorising Act and instrument dealing with same matter	32
27GA	Instrument may make provision in relation to land by reference to map etc	32
27GB	Instrument may authorise determination of matter etc	32
27GC	Instrument may prohibit	33

## Contents

---

	Page
27GD Instrument may provide for reconsideration etc	33
27H Instrument may require the making of statutory declaration	33
27I Power to make rules of court	34
<b>Division 3.5 Appointments</b>	
28 Appointments—general	34
28A Acting appointments—incidents	36
<b>Division 3.6 Delegations</b>	
29A Delegations	38
29B Effect of delegation	38
30 Exercise of certain powers and functions by delegate	38
30AA Effect on delegations—changes of office holder or changes in administration	39
30AB Delegation includes subdelegation	40
<b>Division 3.7 Reports</b>	
30A Periodic reports	40
<b>Division 3.8 Legal proceedings, offences and penalties</b>	
31A Jurisdiction of courts	42
32 Corporations liable to offences etc	42
32A Penalties at end of sections and subsections	43
33 Penalties not at end of sections and subsections	45
33AA Meaning of penalty unit etc	46
33A Effect of alterations in penalties	46
33B Continuing offences	47
33C Joinder of charges	47
33D Indictable offences	48
33E Offences punishable on summary conviction	48
33F Offences under 2 or more laws	48
33G Application of certain sections of Cwlth Crimes Act to Territory Acts	48
34 Civil proceedings	49
<b>Division 3.9 Distance and time</b>	
35 Measurement of distance	49
36 Reckoning of time	49

	Page
<b>Division 3.10</b>	<b>Repeal, expiry, amendment and modification of Acts</b>
37	Definitions for div 3.10 49
38	When repeal or expiry takes effect 50
39	Repealed and amended Acts not revived on repeal of repealing and amending Acts 50
40	Commencement not undone if omitted 51
41	Saving of operation of repealed Acts etc 51
42	Repeal does not end transitional or validating effect etc 52
43	Automatic repeal of certain Acts and provisions 53
44	Act and amending Acts to be read as one 55
45	Insertion of provisions by amending Act 55
46	Amendment to be made wherever possible 57
46A	Provisions included in another provision for amendment purposes 57
47	Continuance of appointments etc made under amended provisions 58
48	Status of modifications 59
49	Relocated provisions 60
<b>Division 3.11</b>	<b>Referring to other laws</b>
50	References to Acts generally 60
51	Citation of particular Acts 60
52	Citation of statutory instruments 61
53	References to provisions of laws 63
54	References taken to be included in citation of a law or instrument 63
55	References to changed short titles, citations and other names 64
55A	References to laws include references to instruments under laws 65
55B	References in statutory instruments to <i>the Act</i> 65
55C	References to repealed laws 65
<b>Part 4</b>	<b>Former NSW Acts</b>
56	Interpretation of former NSW Acts 67
57	Certain references in former NSW Acts 67
<b>Part 5</b>	<b>Former UK Acts</b>
58	Interpretation of former UK Acts 69
59	Provisions applying to all former UK Acts 69

## Contents

---

		Page
60	Provisions applying to former UK Acts passed after a stated year or date	69
61	Stated provisions applying to former UK Acts	70
62	Words at end of provision of sch 2 do not form part of the provision	70
<b>Part 6</b>	<b>Transitional</b>	
63	Transitional provisions about penalties	71
64	References to Standards Association of Australia	72
<b>Schedule 1</b>	<b>Acts included in sources of law of the territory</b>	
<b>Part 1</b>	<b>Former NSW and UK Acts treated as Acts of the Legislative Assembly</b>	73
<b>Part 2</b>	<b>NSW Acts applied by Acts of the territory and treated as Acts of the Legislative Assembly</b>	77
<b>Schedule 2</b>	<b>Rules for interpreting former UK Acts</b>	79
<b>Part 1</b>	<b>Preliminary</b>	79
1	Meaning of <i>subordinate legislation</i> in sch 2	79
2	References to <i>an Act</i> in sch 2	79
<b>Part 2</b>	<b>General provisions about enactment and operation</b>	80
3	Words of enactment	80
4	Judicial notice	80
5	Time of commencement	80
<b>Part 3</b>	<b>Interpretation</b>	81
6	Definitions for pt 3	81
7	References to courts	84
8	Dominions under central and local legislature	84
9	Power to make rules of court	84
10	Gender and number	84
11	References to service by post	84
12	References to distance	85



	Page
13 Interpretation of subordinate legislation	85
<b>Part 4 Statutory functions and powers</b>	<b>86</b>
14 Continuity of functions and powers	86
15 Implied power to amend	86
<b>Part 5 Repealing enactments</b>	<b>87</b>
16 Repeal of repeal	87
17 General savings	87
18 Repeal and re-enactment	87
<b>Part 6 Miscellaneous</b>	<b>89</b>
19 Citation of other UK Acts	89
20 References to other enactments	89
21 Application to other instruments	90
 <b>Dictionary</b>	 <b>91</b>
 <b>Endnotes</b>	
1 About the endnotes	112
2 Abbreviation key	112
3 Legislation history	113
4 Amendment history	118
5 Earlier republications	125
6 Uncommenced provisions and amendments	126





Australian Capital Territory

## Interpretation Act 1967

---

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*.

### **U** 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.
- (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 exercises 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.

## **U** 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 Self-Government Act, s 34). However, the Governor-General retains power to make ordinances for the Territory on a limited number of topics (see *Seat of Government (Administration) Act 1910* (Cwlth), s 12).
- 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 Self-Government Act, s 28).

## **U** 7A Former NSW and UK Acts in force in Territory

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

- Note 1* Section 65 (now expired) provided that a law mentioned in sch 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. Section 65 is a law to which section 42 (Repeal does not end transitional or validating effect etc) of this Act applies (see s 65 (3)).

*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 the *Law Reform (Miscellaneous Provisions) Act 1955*, pt 12.

*Note 3* Section 65 also provided 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.

## **U** Part 2 Notification, numbering and commencement of Acts

### **U** 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.

### **U** 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.

### **U** 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.



**U 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.

**U 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.

**U 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).

**U 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.

**U 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.

- (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.

**U 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.

**U 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 3.1 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—
- (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 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.

**U 11BA Terms used in instruments have same meanings as in authorising laws**

**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.

**U 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.
- 2 The *ABC Act 1999*, dictionary 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 the *XYZ Act 1998*, section 3, 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 Section 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.
- (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 section 11H (2) does not apply to the heading.
- (4) This section does not prevent the amendment of a note, table or heading mentioned in section (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 signed; or
  - (b) 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
  - (c) the form to be completed in a stated way; or
  - (d) stated information to be included in the form, or stated documents to be attached to or given with the form; or
  - (e) 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.

- (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 Change of name of entity or position**

- (1) This section applies if an Act changes the name of an entity or position established under an Act.
- (2) The entity or position continues in existence under the new name and its identity is not affected by the change.
- (3) A reference in an Act or document to the entity or position by its previous name is taken, after the change, to be a reference to the entity or position by its new name.

**13BA Change of membership of body**

- (1) This section applies if an Act changes the membership of a body established under an Act.
- (2) The body continues in existence as newly constituted and its identity is not affected by the change.
- (3) Without limiting subsection (2), the change does not affect—
  - (a) any function, power, right, liability or property of the body; or
  - (b) the bringing of a proceeding, or the continuation of a proceeding, by or against the body; or
  - (c) the undertaking of an investigation or inquiry, or the continuation of an investigation or inquiry, in relation to anything done or not done by the body.

**13BB Functions and powers etc of bodies**

- (1) If an Act authorises or requires a body to exercise a function or power, it may do so by resolution.
- (2) If an Act authorises or requires a signature by a person and the person is a body, the signature of a person authorised by the body for the purpose is taken to be the signature of the body.

- (3) If an Act gives a function or power to a body, the exercise of the function or power is not affected merely because of vacancies in the body's membership.
- (4) Without limiting subsection (3), if a body does something in exercise of a function or power under an Act and the membership of the body changes, the thing done by the body continues in force but may be ended or changed by the body as constituted for the time being.

**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.

**13E 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.

**Division 3.2 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.
- (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
  - (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 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 the Self-Government Act, section 7.

## **23A References to Territory implied**

- (1) In an Act—
- (a) a reference to an entity or position by name or description is a reference to the entity or position of that name or description in and for the Territory; and
- (b) a reference to a place, jurisdiction or anything else by name or description is a reference to the place, jurisdiction or thing of that name or description in and of the Territory.

- (2) In an Act, a reference to an entity or position established under an Act whose name includes the words ‘of the Australian Capital Territory’, ‘for the Australian Capital Territory’, ‘(ACT)’, or words having a similar effect, need not include the words.

## 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 the Self-Government Act, section 41.
- (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.
- (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 the Public Sector Management Act, section 28 or 30 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.
- (5) In this section:

*chief executive*, of an administrative unit, means the person who is employed under the Public Sector Management Act, section 28 or 30 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 the Public Sector Management Act, section 14 (b).

## **25 References to occupant of position**

In an Act, a reference to the occupant of a position includes a reference to anyone for the time being occupying the 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 Standards Australia.

**25A Chairperson and deputy chairperson**

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

**Division 3.3 General provisions about functions and powers**

**25B Provision giving function gives power to exercise function**

- (1) A provision of an Act that gives an entity a function also gives the entity the powers necessary and convenient to exercise the function.
- (2) The powers given to an entity under subsection (1) are additional to any other powers of the entity under the Act or any other law.

**26 Performance of statutory functions etc**

- (1) If an Act gives a function or power to an entity, the function or power may be exercised from time to time.
- (2) If an Act gives a function or power to the occupant of a position, the function or power may be exercised by the person for the time being occupying the position.

**27 Power to make decision includes power to reverse or change**

- (1) Power given by an Act to make a decision includes power to reverse or change the decision.
- (2) The power to reverse or change the decision is exercisable in the same way, and subject to the same conditions, as the power to make the decision.

**U 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 the *Subordinate Laws Act 1989*, section 6.
- (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.
- (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.
- (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.

**U** Division 3.4 Instruments under Acts

**U** 27B Meaning of *matter* in div 3.4

In this division:

*matter*, in relation to an instrument, includes circumstance, place and person.

**U** 27C Power to make instruments

If a provision of an Act gives a power that can be exercised by making an instrument, the provision gives power to make the instrument.

**U** 27D Power to make instrument includes power to amend or repeal

- (1) Power given by an Act to make an instrument includes power to amend or repeal the instrument.
- (2) The power to amend or repeal the instrument is exercisable in the same way, and subject to the same conditions, as the power to make the instrument.

**U** 27E Power to make instrument includes power to make different provision for different categories etc

- (1) Power given by an Act to make an instrument includes power—
  - (a) to make different provision with respect to different matters or different classes of matters; or
  - (b) to make an instrument that applies differently by reference to stated exceptions or factors.
- (2) Without limiting subsection (1), a power given by an Act to make an instrument about particular matters (however described) includes power to make an instrument about 1 or more of those matters or a particular class of those matters.



- (3) For this section, a class may consist of a single matter.

**U 27F**      **Single instrument may exercise several powers or satisfy several requirements**

- (1) A power under an Act may be exercised with other powers to make a single instrument—
- (a) whether or not the powers are exercised in relation to separate provisions, some of the same provisions or all of the provisions of the instrument; or
  - (b) whether or not the other powers are given under the same Act, another Act or any other Territory law.

**Example**

If copies of a subordinate law are not available for purchase as required by the *Subordinate Laws Act 1989*, section 6 (3), section 6 (4) of that Act requires a Minister to cause a statement to that effect, and the reason for their non-availability, to be laid before the Legislative Assembly. Section 27A (5) of this Act requires a similar statement to be presented to the Legislative Assembly if copies of an instrument mentioned in section 27A (1) are not available. Section 27F (1) allows a single statement to have effect for the *Subordinate Laws Act 1989* and section 27A of this Act.

- (2) A statutory instrument, or a provision of a statutory instrument, is taken—
- (a) to be made under each power given by Territory law under which it could be made; and
  - (b) to satisfy each requirement under Territory law that it could satisfy.
- (3) Subsection (2) applies to an instrument even though—
- (a) it is stated to be made under a particular Territory law (the authorising law) or a particular provision of the authorising law; and
  - (b) it is stated to be made under a particular Territory law (the requiring law) or a particular provision of the requiring law.

**U 27G Relationship between authorising Act and instrument dealing with same matter**

If an Act gives power to make an instrument about a matter, the instrument may make provision with respect to a particular aspect of the matter even though provision is made by the Act in relation to another aspect of the matter or in relation to another matter.

**U 27GA Instrument may make provision in relation to land by reference to map etc**

- (1) This section applies if an Act authorises or requires provision to be made by instrument in relation to land or waters.
- (2) Provision may be made by reference to—
  - (a) a particular map or plan held by an entity; or
  - (b) a particular entry in a register kept by an entity;

if the map, plan or register is available for inspection by members of the public, whether or not on payment of a fee.

**U 27GB Instrument may authorise determination of matter etc**

- (1) This section applies if an Act (the *authorising law*) authorises or requires provision to be made about a matter by statutory instrument.
- (2) An instrument made under the authorising law may make provision about the matter by authorising or requiring the matter, or any aspect of the matter, to be determined, applied or regulated by a stated entity, whether or not from time to time.

**Example**

If an Act provides that an application is to be in a prescribed form, regulations made under the Act may provide that the form is to be that approved by the Minister.

**U 27GC Instrument may prohibit**

If an Act authorises or requires a matter to be regulated (however described) by statutory instrument, the power may be exercised by prohibiting, by statutory instrument, the matter or any aspect of the matter.

**U 27GD Instrument may provide for reconsideration etc**

- (1) A statutory instrument may provide for the reconsideration or review of, or a right of appeal against, a decision made under—
  - (a) the statutory instrument; or
  - (b) the Act under which the statutory instrument is made or in force.
- (2) For subsection (1), a statutory instrument that is a subordinate law may give jurisdiction to any court, tribunal or other entity.
- (3) In this section:

*decision* includes a failure to make a decision, whether or not within a particular time.

**U 27H Instrument may require the making of statutory declaration**

- (1) If an Act gives power to make an instrument, the instrument may require the making of a statutory declaration.
- (2) Subsection (1) applies—
  - (a) whether or not the Act authorises or requires penalties to be prescribed by instrument; and
  - (b) if the Act authorises or requires penalties to be prescribed by instrument—irrespective of the level of penalties that may be prescribed.

**U 271 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 3.5 Appointments**

### **28 Appointments—general**

- (1) This section applies if an Act authorises or requires an entity (the *appointer*) to appoint a person (the *appointee*)—
  - (a) to a position under an Act; or
  - (b) to exercise a power or do anything else under an Act.
- (2) The appointer may make the appointment by naming the appointee or by naming a position occupied by the appointee.
- (3) The appointer's power to make the appointment includes the power—
  - (a) to suspend the appointment and end the suspension; or
  - (b) to end the appointment and appoint someone else or reappoint the appointee if the appointee is eligible to be appointed to the position; or
  - (c) to reappoint the appointee if the appointee is eligible to be appointed to the position.
- (4) If the appointer's power is the power to make an appointment to a position, the power to make the appointment also includes the power to appoint a person to act in the position—
  - (a) during any vacancy, or all vacancies, in the position, whether or not an appointment has previously been made to the position; or

(b) during any period, or all periods, when the appointee cannot for any reason exercise the functions of the position.

(5) The power to suspend, end the appointment or to appoint a person to act is exercisable in the same way, and subject to the same conditions, as the power to make the appointment.

**Example**

If the appointment power is exercisable only on the recommendation of a body, the power to suspend, end the appointment or appoint a person to act is exercisable only on the recommendation of the body.

(6) Without limiting subsection (5), if the Act (or another Act) requires—

(a) the appointee to hold a qualification; or

(b) that the appointer (or someone else) be satisfied about the appointee's suitability (whether in terms of knowledge, experience or any other personal quality) before appointing the appointee to the position;

a person may only be appointed to act in the position if the person holds the qualification or the appointer (or other person) is satisfied about the person's suitability.

**Examples**

1 If an Act requires the appointee to be a magistrate, a person can be appointed to act in the position only if the person is a magistrate.

2 If an Act requires the appointee to be a lawyer of at least 5 years standing, a person can be appointed to act in the position only if the person is a lawyer of at least 5 years standing.

3 If an Act requires the appointee to have, in the Executive's opinion, appropriate expertise, training or experience in relation to the needs of a particular group of people, a person can be appointed to act in the position only if the person has, in the Executive's opinion, that expertise, training or experience.

(7) An appointment or suspension, or the ending of an appointment or suspension, must be made, or evidenced by, writing signed by the appointer.

- (8) An appointment ends if the person appointed resigns by signed notice of resignation given to the appointer.
- (9) However, if the appointer is the Executive, the notice of resignation may be given to a Minister.
- (10) An appointment, or anything done under an appointment, is not invalid merely because of a defect or irregularity in relation to the appointment.
- (11) In subsections (7) to (10):  
*appointment* includes an appointment to act.

## **28A Acting appointments—incidents**

- (1) This section applies if an Act gives an entity (the *appointer*) a power to appoint a person (the *appointee*) to act in a position under an Act.
- (2) The instrument making or evidencing the appointment may provide that the appointment has effect only in stated circumstances or subject to stated conditions or limitations.

### **Examples**

- 1 The instrument relating to a standing (or dormant) acting appointment for a position provides that when the substantive occupant of the position (Y) is overseas X may act in the position, but may exercise stated powers of the position only with Y's approval.
  - 2 X is appointed to act in Y's position if Y is out of the Territory and a declaration of acute fire danger is published under the Bushfire Act.
- (3) The appointer may—
    - (a) decide the terms and conditions of the appointment, including any remuneration and allowances; and
    - (b) end the appointment at any time.
  - (4) If the appointee acts in the position while it is vacant, the appointee may not act for more than 1 year after the position became vacant.

- (5) Subject to subsection (2), if the appointee is acting in a position that becomes vacant while the appointee is acting, the appointee may continue to act until—
- (a) the appointer ends the appointment; or
  - (b) the vacancy is filled; or
  - (c) 1 year after the position became vacant;
- whichever happens first.
- (6) If the appointee acts in the position because the occupant of the position cannot exercise his or her functions and the occupant resumes the exercise of the functions, the appointment no longer authorises the appointee to act on that occasion.
- (7) If the appointee is the occupant of another position under an Act (the *substantive position*), the appointee does not cease to occupy the substantive position merely because of the appointee's appointment or because the appointee acts under the appointment.
- (8) While the appointee is acting in the position—
- (a) the appointee has, subject to the instrument making or evidencing the appointment, all the functions and powers of the occupant of the position; and
  - (b) all Acts apply in relation to the appointee as if the appointee were the occupant of the position.
- (9) Anything done by or in relation to the appointee while the appointee purports to act in the position is not invalid merely because—
- (a) the occasion for the appointment had not arisen or had ended; or
  - (b) the appointment had ended; or
  - (c) the occasion for the appointee to act had not arisen or had ended.

## Division 3.6 Delegations

### 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 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 by the delegate, shall, for all purposes, be deemed to have been exercised by the authority; and
- (d) a delegation by the authority does not prevent the exercise 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) Sections 29B (c) and (d) and 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.

## **Division 3.7 Reports**

### **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 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.

## **Division 3.8                      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                      Corporations liable to offences etc**

- (1) A provision of an Act about offences punishable on indictment or summary conviction applies to corporations as well as to individuals.
- (2) A provision of an Act can apply to a corporation even though a contravention of the provision is punishable by imprisonment (with or without another penalty).

#### **Example**

A provision of an Act contains the following penalty provision:

‘Maximum penalty: 2,000 penalty units, imprisonment for 1 year or both.’

---

The provision can apply to a corporation.

- (3) If a court convicts a corporation of an offence and, apart from this section, the penalty for the offence is a period of imprisonment only, the court may impose a maximum penalty of—
- (a) if the period of imprisonment is not longer than 6 months—50 penalty units; and
  - (b) if the period of imprisonment is longer than 6 months but not longer than 1 year—100 penalty units; and
  - (c) if the period of imprisonment is longer than 1 year but not longer than 2 years—200 penalty units; and
  - (d) if the period of imprisonment is longer than 2 years but not longer than 5 years—500 penalty units; and
  - (e) if the period of imprisonment is longer than 5 years—1,000 penalty units.

*Note* Section 33AA explains the meaning and value of penalty units.

- (4) A provision of an Act about a forfeiture or penalty payable to a party aggrieved applies to corporations as well as to individuals.

### **32A Penalties at end of sections and subsections**

- (1) This section applies if a penalty (however expressed) is stated in an Act—
- (a) at the end of a section (whether or not the section is divided into subsections) and not expressed in a way that indicates that it applies only to a provision of the section; or
  - (b) at the end of a subsection (but not at the end of a section) and not expressed in a way that indicates that it applies only to a provision of the subsection; or

- (c) at the end of a section or subsection and expressed in a way that indicates that it applies only to a provision of the section or subsection (the *relevant provision*).

**Example of paragraph (a)**

The following penalty at the end of a section:

‘Maximum penalty: 20 penalty units.’

**Example of paragraph (b)**

The following penalty at the end of a subsection, but not at the end of a section:

‘Maximum penalty: 20 penalty units.’

**Examples of paragraph (c)**

- 1 The following penalty at the end of a section divided into subsections:  
‘Maximum penalty (subsection (3)): 20 penalty units.’
- 2 The following penalty at the end of a subsection, but not at the end of a section:  
‘Maximum penalty:  
(a) for paragraph (b)—20 penalty units; or  
(b) for another paragraph—50 penalty units, imprisonment for 6 months or both.’

- (2) If an offence is not expressly mentioned in the section, subsection or relevant provision, the penalty indicates that contravention of the section, subsection or relevant provision is an offence punishable on conviction as provided by subsection (4).

**Example**

A person must not contravene a notice.

Maximum penalty: 20 penalty units.

- (3) If an offence is expressly mentioned in the section, subsection or relevant provision, the penalty indicates that the offence is punishable on conviction as provided by subsection (4).

**Example**

A person who contravenes a notice commits an offence.

Maximum penalty: 20 penalty units.

- (4) The penalty that may be imposed for the offence is—
  - (a) if only a single penalty is stated (whether as a maximum penalty or a penalty)—not more than the stated penalty; or
  - (b) if a minimum as well as a maximum penalty is stated—not less than the minimum and not more than the maximum.
- (5) In working out for this section whether a penalty is at the end of a section or subsection, any example or note is to be disregarded.
- (6) In applying this section to a subordinate law or disallowable instrument or to a provision of a schedule to an Act, a reference to a section or subsection is a reference to an equivalent provision of the law, instrument or schedule.

### **33 Penalties not at end of sections and subsections**

- (1) This section applies if a penalty (however expressed) is stated in a provision of an Act other than at the end of a section or subsection.

#### **Example**

A person who contravenes subsection (3) commits an offence punishable, on conviction, by a fine not exceeding 20 penalty units.

- (2) If an offence is expressly mentioned in the provision, the penalty indicates that the offence is punishable on conviction as provided by subsection (4).
- (3) If an offence is not expressly mentioned in the provision, the penalty indicates that contravention of the provision (or a stated part of the provision) is an offence punishable on conviction as provided by subsection (4).
- (4) The penalty that may be imposed for the offence is—
  - (a) if only a single penalty is stated (whether as a maximum penalty or a penalty)—not more than the stated penalty; or

- (b) if a minimum as well as a maximum penalty is stated—not less than the minimum and not more than the maximum.
- (5) In working out for this section whether a penalty is at the end of a section or subsection, any example or note is to be disregarded.
- (6) In applying this section to a subordinate law or disallowable instrument or to a provision of a schedule to an Act, a reference to a section or subsection is a reference to an equivalent provision of the law, instrument or schedule.

### **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
- (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 (\$100x10). If the person is a corporation, the maximum fine is, therefore, \$5,000 (\$500x10).

*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.
- (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 Cwlth Crimes Act to Territory Acts**

The provisions of the *Crimes Act 1914* (Cwlth), sections 13, 14, 15, 17, 19A, 21, 21B and 21C 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 3.9 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.

**U Division 3.10 Repeal, expiry, amendment and modification of Acts**

**U 37 Definitions for div 3.10**

In this division:

*Act* includes a provision of an Act.

*amend* includes modify.

*repeal* includes expiry.

**U 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.

**U 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.

- (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.

(4) In this section:

*amend* does not include modify.

**U 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.

**U 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.
- (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.

**U 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

- (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.

**U 43 Automatic repeal of certain Acts and provisions**

- (1) An amending Act enacted after 1 January 2000 is automatically repealed on the day after all of its provisions have commenced.
- (2) An appropriation Act is automatically repealed on the last day of the financial year for which it makes appropriations.
- (3) An amending section or subsection is automatically repealed on the day after all of its provisions have commenced.
- (4) A commencement provision of an Act is automatically repealed on the day after all of the provisions of the Act have commenced.
- (5) A repeal under this section has effect for all purposes, including, for example, any other provisions of this Act about repeals.
- (6) This section is in addition to, and does not limit the operation of any other provision of this division.
- (7) 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 about the effect of notes;
- (g) a provision providing for the amendment or repeal of an Act or instrument (including a provision identifying the amended or repealed Act or instrument);
- (h) a provision declaring an Act to be an Act to which section 42 applies;
- (i) a provision about the renumbering of an Act or instrument;
- (j) a provision authorising or requiring something to be done under the *Legislation (Republication) Act 1996*.

***amending section or subsection*** means a section or subsection that only amends or repeals an Act or instrument, and includes any other provision (for example, a schedule) that only identifies the Act or instrument amended or repealed by the section or subsection.

***appropriation Act***—see the *Financial Management Act 1996*, section 3.

***commencement provision***, of an Act, means a provision of the Act that only provides for the commencement of the Act.

**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).

**U 44 Act and amending Acts to be read as one**

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

**U 45 Insertion of provisions by amending Act**

- (1) This section applies if an Act (the *amending Act*) amends another Act or a subordinate law (the *amended law*) by inserting any of the following provisions, and does not exactly specify the position in the Act where it is to be inserted:
  - (a) a chapter, part, division, subdivision, section or subsection (an *inserted chapter, part, division, subdivision, section or subsection*);
  - (b) a paragraph (an *inserted paragraph*);
  - (c) a subparagraph (an *inserted subparagraph*);
  - (d) a sub-subparagraph (an *inserted sub-subparagraph*);
  - (e) a definition (an *inserted definition*);

- (f) any other provision (a *miscellaneous inserted provision*).
- (2) An inserted chapter, part, division, subdivision, section or subsection is inserted in the appropriate numerical or alphanumerical position in the amended law.
- (3) An inserted paragraph is inserted in the appropriate alphabetical position in the amended law.
- (4) An inserted subparagraph is inserted in the appropriate numerical or alphanumerical position in the amended law.
- (5) An inserted sub-subparagraph is inserted in the appropriate alphabetical position in the amended law.
- (6) An inserted definition is inserted in the appropriate alphabetical position (worked out on a letter-by-letter basis) in a series of definitions in the amended law.
- (7) A miscellaneous inserted provision is inserted in the appropriate position in the amended law.
- (8) In working out the appropriate position where a provision is to be inserted in the amended law, regard may be had to the following:
- (a) the provision number or letter;
  - (b) the heading of the relevant amending provision of the amending Act;
  - (c) any other amendments in the amending Act including the order of amendments;
  - (d) current ACT legislative drafting practice.

**Examples**

- 1 If a part numbered '3' is to be inserted into an amended law with an existing sequence of parts 'part 1—part 2—part 4', inserted part 3 is inserted between parts 2 and 4.
- 2 If a division numbered '2.2A' is to be inserted into an amended law with an existing sequence of divisions in part 2 'division 2.1—division

- 2.2—division 2.3’, inserted division 2.2A is inserted between divisions 2.2 and 2.3.
- 3 If a section numbered ‘6AA’ is to be inserted into an amended law with an existing sequence of sections ‘section 6—section 6A—section 6B’, inserted section 6AA is inserted between sections 6A and 6B.
  - 4 If a section numbered ‘7A’ is to be inserted, by an amending section headed ‘new section 7A, division 2.2’, into an amended law with an existing sequence ‘section 7 [in division 2.2]—division 2.3 [heading]—section 8’, inserted section 7A is inserted between section 7 and the heading to division 2.3 (that is, at the end of division 2.2).
  - 5 If a section numbered ‘7A’ is to be inserted, by an amending section headed ‘new section 7A, division 2.3’, into an amended law with an existing sequence ‘section 7 [in division 2.2]—division 2.3 [heading]—section 8’, inserted section 7A is inserted between the heading to division 2.3 and section 8 (that is, at the beginning of division 2.3).

**U 46 Amendment to be made wherever possible**

If an Act amends another Act—

- (a) by omitting a word; or
- (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.

**U 46A Provisions included in another provision for amendment purposes**

- (1) This section applies for the purpose of amending an Act.
- (2) The heading to a chapter, part, division, subdivision, schedule, dictionary, section or any other provision of the Act forms part of the provision to which it is a heading.
- (3) An example at the end of a provision of the Act is part of the provision unless the example is expressed in a way that indicates that it applies only to a different provision.

(4) A note at the end of a provision of the Act is taken, for this section, to be part of the provision unless the note is expressed in a way that indicates that it applies only to another provision.

(5) However, a note in an Act is not, for any other purpose, part of the Act.

*Note* Section 12 (Material that is not part of an Act) deals with the status of notes.

(6) A penalty at the end of a subsection of the Act—

(a) is part of the subsection unless the penalty is expressed in a way that indicates that it applies only to other subsections of the section; or

(b) if the penalty is expressed in a way that indicates that it applies only to other subsections—is part of the section.

(7) A penalty at the end of a section of the Act that is not divided into subsections is part of the section.

(8) The word ‘and’, ‘or’ or ‘but’, or a similar word, at the end of a paragraph, subparagraph, sub-subparagraph or another provision of the Act is part of the provision.

(9) In working out whether an example or note is at the end of a provision of the Act, any penalty is to be disregarded, and, for an example, any note is to be disregarded.

*Note* According to current ACT legislative drafting practice, penalties, examples and notes to a provision are arranged in the following order at the end of provisions:

1 penalty (first)

2 examples

3 notes (last).

**U 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.

**U** 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.

**U** 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.

**U** **Division 3.11 Referring to other laws**

**U** 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.

**U** 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—

- (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).

## **U** 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).
- (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).

**U 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 section 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.

**U 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.

**U 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:

***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.

**U 55A**      **References to laws include references to instruments under laws**

- (1) In an Act or statutory instrument a reference (either generally or specifically) to an Act or statutory instrument, or to a provision of an Act or statutory instrument, includes a reference to the statutory instruments made or in force under the Act, statutory instrument or provision.
- (2) In an Act or statutory instrument a reference (either generally or specifically) to an Act, ordinance or statutory instrument of another jurisdiction, or to a provision of an Act, ordinance or statutory instrument of another jurisdiction, includes a reference to the statutory instruments made or in force under the Act, ordinance, instrument or provision.
- (3) In subsection (2):

*another jurisdiction* means the Commonwealth, a State or another Territory.

*statutory instrument* means an instrument (whether of a legislative or administrative nature) made or in force under the Act, ordinance or statutory instrument concerned.

**U 55B**      **References in statutory instruments to *the Act***

In a statutory instrument, a reference to *Act* or *the Act*, without mentioning a particular Act, is a reference to the Act under which the instrument is made or in force.

**U 55C**      **References to repealed laws**

- (1) If an Act or statutory instrument refers to a law as repealed, the reference is a reference to the law as in force immediately before it was repealed.

**Example**

A reference to the ‘repealed *XYZ Act 2000*’ is a reference to the *XYZ Act 2000* immediately before it was repealed.

(2) In this section:

*law* means—

- (a) an Act, subordinate law or statutory instrument; 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 the following table, column 2, is a reference to the person or thing set out opposite in column 3.

#### 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 the <i>Australian Citizenship Act 1948</i> (Cwlth), part 2 (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

<b>column 1 item</b>	<b>column 2 reference in former NSW Act</b>	<b>column 3 meaning of reference</b>
		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 exercise of functions or 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

Schedule 2, clause 12, 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) Schedule 2, clause 10 applies—
  - (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) Schedule 2, clause 13 applies to all former UK Acts, but only so far as they relate to subordinate legislation made after 1889.
- (4) Schedule 2, clause 15 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 sch 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) Section 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.

**U** **Schedule 1**      **Acts included in sources of  
law of the territory**

(See s 7A)

**Part 1**                      **Former NSW and UK Acts  
treated as Acts of the  
Legislative Assembly**

<b>column 1 item</b>	<b>column 2 citation (if provided by the Act) or subject matter</b>	<b>column 3 year (if not provided in the citation), number or date of royal assent and original jurisdiction</b>
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)

**Schedule 1** Acts included in sources of law of the territory  
**Part 1** Former NSW and UK Acts treated as Acts of the Legislative Assembly

<b>column 1</b> <b>item</b>	<b>column 2</b> <b>citation (if provided by the Act) or subject matter</b>	<b>column 3</b> <b>year (if not provided in the citation), number or date of royal assent and original jurisdiction</b>
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)
20	<i>Royal Marriages Act 1772</i>	12 Geo. 3 c 11 (UK)
22	<i>Australian Courts Act 1828</i>	9 Geo. 4 c 83 (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)
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)

<b>column 1</b> <b>item</b>	<b>column 2</b> <b>citation (if provided by the Act) or subject matter</b>	<b>column 3</b> <b>year (if not provided in the citation), number or date of royal assent and original jurisdiction</b>
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)
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)

**Schedule 1** Acts included in sources of law of the territory  
**Part 1** Former NSW and UK Acts treated as Acts of the Legislative Assembly

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

**Part 2** **NSW Acts applied by Acts of  
the territory and treated as  
Acts of the Legislative  
Assembly**

<b>column 1 item</b>	<b>column 2 citation of NSW Act</b>	<b>column 3 Act of the Territory by which previously applied</b>
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)*

**Schedule 1** Acts included in sources of law of the territory  
**Part 2** NSW Acts applied by Acts of the territory and treated as Acts of the  
Legislative Assembly

---

*Prize Courts Act 1915 (UK)*

*Prize Courts (Procedure) Act 1914 (UK)*

*Territorial Waters Jurisdiction Act 1878 (UK).*



## **Schedule 2**      **Rules for interpreting former UK Acts**

(See pt 5)

### **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 clause 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)

## Part 3 Interpretation

### 6 Definitions for pt 3

- (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 the *Australian Citizenship Act 1948* (Cwlth), part 2 (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 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 the *Australian Citizenship Act 1948* (Cwlth), part 2 (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 *Consular Privileges and Immunities Act 1972* (Cwlth), schedule. (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)

**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.

**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)

**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)

**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. (section 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. (section 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 or power may be exercised, from time to time. (1889)
- (2) If a former UK Act gives a function or power to the occupant of a position, the function or power may be exercised by the person for the time being occupying the position.

### **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. (section 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)

### **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)
- (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**

Clause 5 (a), clause 6, definition of *United Kingdom* 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).

## **U** Dictionary

(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 former NSW Act, a former UK Act or another enactment.

*Note* Section 50 deals with references to Acts generally.

**ACT** means the Australian Capital Territory.

**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 the *Public Sector Management Act 1994*, section 13 (1).

**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.

**ambulance service** means the ACT Ambulance Service under the *Emergency Management Act 1999*.

**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.

***appoint*** includes reappoint.

***asset*** includes property of any kind.

***Attorney-General*** means the Minister designated Attorney-General by the Chief Minister, and includes a Minister authorised by the Chief Minister to act on behalf of the Attorney-General.

***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.

***Australian driver licence*** means an Australian driver licence under the *Road Transport (Driver Licensing) Act 1999*.

*Note* ***Australian driver licence*** is defined in the dictionary to that Act to mean a driver licence of any kind issued under the law of the Commonwealth or a State or Territory. It includes a driver licence issued under ACT law (see also definition of ***driver licence***).

***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.

**body** includes any group of people joined together for a common purpose, whether or not incorporated.

**Examples**

- 1 A company.
- 2 A statutory corporation, whether or not it has members.
- 3 An association, club or society.
- 4 A partnership.
- 5 A joint venture.
- 6 A corporation sole.

**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 day before the corresponding day of the next named month; or

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

**Examples**

- 1 The period beginning at the start of 5 July 2000 and ending at midnight on 4 August 2000 is a calendar month.
- 2 The period beginning at the start of 30 January 2001 and ending at midnight on 28 February 2001 is a calendar month. The calendar month ends on the last day of February because in that year February does not have a day corresponding to 29 January (because 2001 is not a leap year). If the period began at the start of 30 January 2004 (ie, a leap year), the calendar month would end at midnight on 29 February 2004.

**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 the Self-Government Act, s 40.

**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 descendance is relevant, means an individual who is under 18 years old.

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

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



**clerk**, in relation to the Legislative Assembly, means the Clerk of the Legislative Assembly.

*Note* The office of Clerk is established under the *Public Sector Management Act 1994*.

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

**commissioner for fair trading** means the Commissioner for Fair Trading of the Australian Capital Territory.

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

**commissioner for housing** means the Commissioner for Housing under the *Housing Assistance Act 1987*.

**commissioner for land and planning** means the Commissioner for Land and Planning under the *Land (Planning and Environment) Act 1991*.

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

**commissioner for revenue** means the Commissioner for Australian Capital Territory Revenue under the *Taxation Administration Act 1999*.

**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.

**Commonwealth Gazette** means the *Commonwealth of Australia Gazette* or the *Australian Government Gazette*.

*Note* The *Australian Government Gazette* was published from 1 July 1973 to 30 June 1976.

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

**confer**, in relation to a function, includes impose.

**conservator of flora and fauna** means the Conservator of Flora and Fauna under the *Nature Conservation Act 1980*.

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

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

**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.

**daylight** means the period in a day from sunrise to sunset.

**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**.
- 4 A reference to **x** is a reference to **y**.
- 5 **x**—see section **y**.
- 6 **x**—see the *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.

**dentist** means a registered dentist under the *Dentists Act 1931*.

**dental prosthetist** means a registered dental prosthetist under the *Dental Technicians and Dental Prosthetists Registration Act 1988*.

**dental technician** means a registered dental technician under the *Dental Technicians and Dental Prosthetists Registration Act 1988*.

**designation**, of a position under the *Public Sector Management Act 1994*, includes a designation given under that Act.

**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 for 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.

**driver licence** means a driver licence under the *Road Transport (Driver Licensing) Act 1999*.

*Note* **Driver licence** is defined in the dictionary to that Act to mean a driver licence of any kind issued under that Act (see also definition of *Australian driver licence*).

***electoral commission*** means the Australian Capital Territory Electoral Commission established by the *Electoral Act 1992*.

***electoral commissioner*** means the Electoral Commissioner under the *Electoral Act 1992*.

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

***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.

***exercise*** a function includes perform the function.

***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.

**fire brigade** means the Australian Capital Territory Fire Brigade established by the *Fire Brigade (Administration) Act 1974*.

**fire commissioner** means the Fire Commissioner under the *Fire Brigade (Administration) Act 1974*.

**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 schedule 1, part 1.

**found guilty**, of an offence, includes—

- (a) having the offence taken into account under the *Crimes Act 1900*, section 448; and
- (b) having an order made in relation to the offence under the *Crimes Act 1900*, section 556A or the *Children and Young People Act 1999*, section 96.

**function** includes authority, duty and power.

**gambling and racing commission** means the Gambling and Racing Commission established under the *Gambling and Racing Control Act 1999*.

**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.

**government solicitor** means the Government Solicitor under the *Government Solicitor Act 1989*.

**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.

*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
- (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.

*Note* The office of master is established under the *Supreme Court Act 1933*.

**matter**, for division 3.4 (Instruments under Acts)—see section 27B.

**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; and
- (c) for a position—the position’s title or designation.

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

**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 the *Australian Capital Territory (Planning and Land Management) Act 1988* (Cwlth), s 27.

**night** means the period between sunset on one day and sunrise on the next day.

**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 of the alphabet.

**nurse** means a registered nurse under the *Nurses Act 1988*.

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

**occupy**, in relation to a position, includes hold, or exercise the functions of, an office.

**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 the *Seat of Government (Administration) Act 1910* (Cwlth), section 12.

**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.

**pharmacist** means a registered pharmacist under the *Pharmacy Act 1931*.

**planning authority** means the Australian Capital Territory Planning Authority under the *Land (Planning and Environment) Act 1991*.

**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.

**privacy commissioner** means the Privacy Commissioner under the *Privacy Act 1998* (Cwlth).

**proceeding** means a legal or other action or proceeding.

**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 health officer***—see the *Public Health Act 1997*, dictionary.

***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* The *Public Sector Management Act 1994* s 12 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.

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

***registrar of firearms*** means the Registrar of Firearms under the *Firearms Act 1996*.

**registrar of liquor licences** means the Registrar of Liquor Licences under the *Liquor Act 1975*.

**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*.

**road transport authority** means the Australian Capital Territory Road Transport Authority.

*Note* The chief executive of the department responsible for the *Road Transport (General) Act 1999* is the road transport authority (see *Road Transport (General) Act 1999*, s 16).

**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.

**rural firefighting service** means the Rural Firefighting Service established by the *Bushfire Act 1936*.

**see**, followed by a reference to, or to a provision of, an Act, statutory instrument or document, when used to define a word, entity or anything else, means the word, entity or thing has the same meaning as it has in the provision, Act, instrument or document, as in force from time to time.

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

***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 person occupying a position 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
- (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 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 section 3 (1) of that Act.

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

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

**Territory owned corporation** means a Territory owned corporation under the *Territory Owned Corporations Act 1990*.

**Territory plan** means the Territory plan as in force from time to time under the *Land (Planning and Environment) Act 1991*.

**transitional** includes saving.

**Treasurer** means the Minister designated Treasurer by the Chief Minister, and includes a Minister authorised by the Chief Minister to act on behalf of the Treasurer.

**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.

**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.

***veterinary surgeon*** means a registered veterinary surgeon under the *Veterinary Surgeons Act 1965*.

***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.

## Endnotes

1 About the endnotes

---

## Endnotes

### 1 About the endnotes

Amending and modifying laws are annotated in the legislation history and the amendment history. Current modifications are not included in the republished law but are set out in the endnotes.

Not all editorial amendments made under the *Legislation (Republication) Act 1996*, section 13 are annotated in the amendment history. Full details of any amendments can be obtained from the Parliamentary Counsel's Office.

Uncommenced amending laws are listed in the legislation history and the amendment history. These details are underlined. Uncommenced provisions and amendments are not included in the republished law but are set out in the last endnotes.

If all the provisions of the law have been renumbered, a table of renumbered provisions gives details of previous and current numbering.

The endnotes also include a table of earlier republications.

If the republished law includes penalties, current information about penalty unit values appears on the republication inside front cover.

### 2 Abbreviation key

am = amended	p = page
amdt = amendment	par = paragraph
ch = chapter	pres = present
cl = clause	prev = previous
def = definition	(prev...) = previously
dict = dictionary	prov = provision
div = division	pt = part
exp = expires/expired	r = rule/subrule
Gaz = Gazette	reg = regulation/subregulation
hdg = heading	renum = renumbered
lap = lapsed	reloc = relocated
LRA = Legislation (Republication) Act 1996	R[X] = Republication No
mod = modified	s = section/subsection
No = number	sch = schedule
notfd = notified	sdiv = subdivision
o = order	sub = substituted
om = omitted/repealed	SL = Subordinate Law
orig = original	sp = spent
	<u>underlining</u> = whole or part not commenced

### 3 Legislation history

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

#### Legislation before self-government

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

## Endnotes

### 3 Legislation history

Legislation	Year and number	Gazette notification	Commencement
Interpretation (Amendment) Ordinance (No 2) 1988	1988 No 77	7 Dec 1988	7 Dec 1988
Interpretation (Amendment) Ordinance 1989	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)
<b>Legislation after self-government</b>			
Bail (Consequential Amendments) Act 1992	1992 No 9	28 May 1992	ss 1 and 2: 28 May 1992 remainder: 28 Nov 1992
Statute Law Revision (Miscellaneous Provisions) Act 1992	1992 No 23	4 June 1992	4 June 1992
Statute Law Revision (Miscellaneous Provisions) Act 1993	1993 No 1	1 Mar 1993	1 Mar 1993
Interpretation (Amendment) Act 1993	1993 No 41	27 Aug 1993	27 Aug 1993
Interpretation (Amendment) Act (No 2) 1993	1993 No 43	27 Aug 1993	27 Aug 1993
Supreme Court (Amendment) Act (No 2) 1993	1993 No 91	17 Dec 1993	17 Dec 1993
Public Sector Management (Consequential and Transitional Provisions) Act 1994	1994 No 38	30 June 1994	ss 1 and 2: 30 June 1994 remainder: 1 July 1994 (see Gaz 1994 No S142 p 2)
Mental Health (Consequential Provisions) Act 1994	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)
Interpretation (Amendment) Act 1994	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)

## Endnotes

Legislation history 3

Legislation	Year and number	Gazette notification	Commencement
Interpretation (Amendment) Act (No 2) 1994	1994 No 80	29 Nov 1994	ss 1-3: 29 Nov 1994 remainder: 29 Nov 1994 (see Gaz 1994 No S269)
Consumer Credit (Consequential Provisions) Act 1995	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)
Annual Reports (Government Agencies) (Consequential Provisions) Act 1995	1995 No 25	5 Sept 1995	5 Sept 1995
Financial Management and Audit (Consequential and Transitional Provisions) Act 1996	1996 No 26	1 July 1996	1 July 1996
Administrative Appeals Tribunal (Amendment) Act 1996	1996 No 70	20 Dec 1996	ss 1-3: 20 Dec 1996 remainder: 1 Jan 1997 (see Gaz 1996 No S352)
Remuneration Tribunal (Consequential Amendments) Act 1997	1997 No 41	19 Sept 1997	ss 1 and 2: 19 Sept 1997 remainder: 23 Sept 1997 (see Gaz 1997 No S280)
Magistrates Court (Civil Jurisdiction) (Amendment) Act 1997	1997 No 94	1 Dec 1997	ss 1-3: 1 Dec 1997 remainder: 25 May 1998 (see Gaz 1998 No S140)
Legal Practitioners (Consequential Amendments) Act 1997	1997 No 96	1 Dec 1997	ss 1 and 2: 1 Dec 1997 remainder: 1 June 1998 (see s 2 (2))
Interpretation (Amendment) Act 1998	1998 No 2	5 May 1998	5 May 1998

## Endnotes

### 3 Legislation history

Legislation	Year and number	Gazette notification	Commencement
Statute Law Revision (Penalties) Act 1998	1998 No 54	27 Nov 1998	ss 1 and 2: 27 Nov 1998 remainder: 9 Dec 1998 (see Gaz 1998 No 49 p 1078)
Financial Sector Reform (ACT) Act 1999	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)
Children and Young People (Consequential Amendments) Act 1999	1999 No 64	10 Nov 1999	ss 1 and 2: 10 Nov 1999 remainder: 10 May 2000 (see s 2 (2))
Law Reform (Miscellaneous Provisions) Act 1999	1999 No 66	10 Nov 1999	10 Nov 1999
Interpretation Amendment Act 1999	1999 No 75	10 Dec 1999	10 Dec 1999
Road Transport Legislation Amendment Act 1999	1999 No 79	23 Dec 1999	1 Mar 2000 (see s 2 and Gaz No S5)
Justice and Community Safety Legislation Amendment Act 2000 (No 2)	2000 No 2	9 Mar 2000	9 Mar 2000
Justice and Community Safety Legislation Amendment Act 2000 (No 3)	2000 No 17	1 June 2000	1 June 2000
Statute Law Amendment Act 2000	2000 No 80	21 Dec 2000	21 Dec 2000
Surveyors (Consequential Amendments) Act 2001	2001 No 3	8 Mar 2001	s 1, s 2: 8 Mar 2001 remainder: <u>awaiting commencement</u> (s 2) (see last endnote)
Crimes Amendment Act 2001	2001 No.8	8 Mar 2001	8 Mar 2001
Justice and Community Safety Amendment Act 2001	2001 No 9	8 Mar 2001	8 Mar 2001
Statute Law Amendment Act 2001	2001 No 11	29 Mar 2001	29 Mar 2001

## Endnotes

Legislation history 3

---

Legislation	Year and number	Gazette notification	Commencement
Legislation (Consequential Provisions) Act 2001	2001 No 15	5 Apr 2001	s 1, s 2: 5 Apr 2001 remainder: <u>awaiting commencement</u> (s 2) (see last endnote)
Road Transport Legislation Amendment Act 2001	2001 No 27	24 May 2001	s 1, s 2 and amdt 3.1: 24 May 2001

## Endnotes

4 Amendment history

---

### 4 Amendment history

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 ins 1999 No 66 s 6 sch 3 <u>sub 2001 No 15 amdt 1.3</u>
s 3.....	om 1977 No 65 ins 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; 2000 No 2 s 3 sch
pt 1A hdg.....	ins 1999 No 66 s 6 sch <u>om 2001 No 15 amdt 1.4</u>
s 7A.....	ins 1999 No 66 s 6 sch 3 am 2000 No 2 s 3 sch <u>om 2001 No 15 amdt 1.4</u>
pt 2 hdg.....	sub 1999 No 66 s 6 sch 3 <u>om 2001 No 15 amdt 1.5</u>
s 8.....	sub 1979 No 4 om 1989 No 22 ins 1999 No 66 s 6 sch 3 <u>om 2001 No 15 amdt 1.5</u>
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 <u>om 2001 No 15 amdt 1.5</u>
s 10.....	sub 1999 No 66 s 6 sch 3 <u>om 2001 No 15 amdt 1.5</u>
ss 10A-10F.....	ins 1999 No 66 s 6 sch 3 <u>om 2001 No 15 amdt 1.5</u>
s 11.....	am 1989 No 22 sub 1999 No 66 s 6 sch 3 <u>om 2001 No 15 amdt 1.5</u>
div 3.1 hdg.....	(prev div 1 of pt 3) renum 2000 No 80 amdt 2.1



- 
- 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  
**s 11BA**.....ins 2001 No 15 amdt 1.6  
**ss 11C, 11D**.....ins 1988 No 36  
   sub 1999 No 66 s 6 sch 3  
**s 11E**.....ins 1999 No 66 s 6 sch 3  
**s 11F**.....ins 1999 No 66 s 6 sch 3  
   am 2001 No 15 amdt 1.7  
**ss 11G, 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  
   am 2000 No 80 amdt 2.2, amdt 2.3  
**s 13A** .....ins 1985 No 24  
   am 1999 No 66 s 6 sch 3  
**s 13B** .....ins 1985 No 24  
   am 1999 No 66 s 6 sch 3  
   sub 2000 No 2 s 3 sch  
**s 13BA**.....ins 2000 No 2 s 3 sch  
**s 13BB hdg** .....sub 2000 No 80 amdt 2.15  
**s 13BB**.....(prev s 31AA) ins 2000 No 2 s 3 sch  
   reloc 2000 No 80 amdt 2.15  
**s 13C** .....ins 1985 No 24  
**s 13D** .....ins 1985 No 24  
   am 1999 No 66 s 6 sch 3  
**s 13E**.....(prev s 29) reloc 2000 No 80 amdt 2.11  
**div 3.2 hdg** .....(prev div 2 of pt 3) am 1988 No 36  
   renum 2000 No 80 amdt 2.4  
**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  
   sub 1999 No 66 s 6 sch 3  
**s 14A** .....ins 1973 No 23  
   am 1977 No 24  
   om 1989 No 22
-

## Endnotes

### 4 Amendment history

---

- 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 23A .....ins 2000 No 2 s 3 sch
- 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  
sub 2000 No 2 s 3 sch
- s 25AA .....ins 1999 No 66 s 6 sch 3
- s 25AB .....ins 1999 No 66 s 6 sch 3  
am 2000 No 80 amdt 2.5
- pt 3 div 2A hdg .....ins 1983 No 5

---

	am 1984 No 73 om 1988 No 36
s 25A .....	ins 1983 No 5 sub 1988 No 36 am 1989 No 22; 2000 No 2 s 3 sch
ss 25B, 25C .....	ins 1983 No 5 om 1988 No 36
pt 3 div 2B hdg .....	ins 1984 No 73 om 1988 No 36
ss 25D-25F .....	ins 1984 No 73 om 1988 No 36
pt 3 div 2C hdg .....	ins 1987 No 37 om 1988 No 36
ss 25G-25I .....	ins 1987 No 37 om 1988 No 36
div 3.3 hdg .....	(prev div 3 of pt 3) sub 1999 No 66 s 6 sch 3; 2000 No 80 amdt 2.6 renum 2000 No 80 amdt 2.6
s 25B .....	ins 2000 No 80 amdt 2.7
s 26 .....	am 1988 No 36; 1989 No 22 sub 1999 No 66 s 6 sch 3 am 2000 No 2 s 3 sch
s 26A .....	ins 1999 No 66 s 6 sch 3 om 2000 No 80 amdt 2.8
s 27 .....	am 1985 No 24; 1988 No 36; 1999 No 66 s 6 sch 3 sub 2000 No 80 amdt 2.8
s 27A .....	ins 1999 No 75 s 4 am 2000 No 80 amdt 2.9 <u>om 2001 No 15 amdt 1.8</u>
div 3.4 hdg .....	ins 2000 No 80 amdt 2.10 <u>om 2001 No 15 amdt 1.9</u>
ss 27B-27G.....	ins 2000 No 80 amdt 2.10 <u>om 2001 No 15 amdt 1.9</u>
ss 27GA-27GD .....	ins 2001 No 11 amdt 2.1 <u>om 2001 No 15 amdt 1.9</u>
s 27H .....	ins 2000 No 80 amdt 2.10 <u>om 2001 No 15 amdt 1.9</u>
s 27I .....	(prev s 31) am 1999 No 66 s 6 sch 3 reloc 2000 No 80 amdt 2.14 <u>am 2001 No 15 amdt 1.9</u>
div 3.5 hdg .....	ins 2000 No 80 amdt 2.10

---

## Endnotes

### 4 Amendment history

---

- s 28 .....am 1985 No 24; 1999 No 66 s 6 sch 3  
sub 2000 No 2 s 3 sch
- s 28A .....ins 1988 No 36  
am 1989 No 22  
sub 2000 No 2 s 3 sch
- s 29 .....reloc as s 13E
- div 3.6 hdg .....ins 2000 No 80 amdt 2.12
- s 29A .....ins 1985 No 24  
am 1999 No 66 s 6 sch 3; 2000 No 2 s 3 sch
- s 29B .....ins 1988 No 36  
am 1989 No 22; 2000 No 2 s 3 sch
- s 30 .....am 1989 No 22; 1999 No 66 s 6 sch 3
- ss 30AA, 30AB.....ins 1994 No 38
- div 3.7 hdg .....ins 2000 No 80 amdt 2.13
- s 30A .....ins 1986 No 92  
am 1989 No 22; 1995 No 25; 1999 No 66 s 6 sch 3
- s 31 .....reloc as s 27I
- s 31AA.....reloc as s 13BB
- div 3.8 hdg .....(prev div 4 of pt 3) sub 1985 No 24  
am 1999 No 66 s 6 sch 3  
renum 2000 No 80 amdt 2.16
- 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  
sub 2000 No 80 amdt 2.17
- s 32A .....ins 2001 No 11 amdt 2.2
- s 33 .....sub 2001 No 11 amdt 2.2
- 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
- s 34 .....am 1999 No 66 s 6 sch 3
- div 3.9.....(prev div 5 of pt 3) renum 2000 No 80 amdt 2.18
- s 35 .....am 1999 No 66 s 6 sch 3
- s 36 .....am 1999 No 66 s 6 sch 3
- div 3.10 hdg .....(prev div 6 of pt 3) sub 1999 No 66 s 6 sch 3  
renum 2000 No 80 amdt 2.19  
om 2001 No 15 amdt 1.10
- s 37 hdg.....sub 2000 No 80 amdt 2.20
- s 37 .....sub 1989 No 22; 1999 No 66 s 6 sch 3  
om 2001 No 15 amdt 1.10
- s 38 .....sub 1999 No 66 s 6 sch 3  
om 2001 No 15 amdt 1.10
- s 39 .....om 1976 No 30  
ins 1985 No 24  
sub 1999 No 66 s 6 sch 3  
am 2001 No 11 amdt 2.3  
om 2001 No 15 amdt 1.10
- 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  
om 2001 No 15 amdt 1.10
- 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  
om 2001 No 15 amdt 1.10
- s 41A .....ins 1985 No 24  
om 1999 No 66 s 6 sch 3
- s 42 .....sub 1999 No 66 s 6 sch 3  
om 2001 No 15 amdt 1.10
- s 43 hdg.....sub 2001 No 11 amdt 2.4
- s 43 .....am 1979 No 4  
sub 1999 No 66 s 6 sch 3  
am 2000 No 80 amdts 2.21-2.25; 2001 No 11 amdts  
2.5-2.10  
om 2001 No 15 amdt 1.10
- s 44 .....sub 1999 No 66 s 6 sch 3  
om 2001 No 15 amdt 1.10

## Endnotes

### 4 Amendment history

---

- s 45 .....sub 1989 No 22; 1999 No 66 s 6 sch 3; 2001 No 11  
amdt 2.11  
om 2001 No 15 amdt 1.10
- s 46 .....om 1989 No 22  
ins 1999 No 66 s 6 sch 3  
om 2001 No 15 amdt 1.10
- s 46A .....ins 2001 No 11 amdt 2.12  
om 2001 No 15 amdt 1.10
- s 47 .....am 1989 No 22  
sub 1999 No 66 s 6 sch 3  
om 2001 No 15 amdt 1.10
- s 48 .....sub 1999 No 66 s 6 sch 3  
om 2001 No 15 amdt 1.10
- s 49 .....am 1979 No 4; 1985 No 24  
om 1989 No 22  
ins 1999 No 66 s 6 sch 3  
om 2001 No 15 amdt 1.10
- s 49A .....ins 1988 No 36  
om 1989 No 22
- div 3.11 hdg .....(prev pt 3 div 7 hdg) ins 1999 No 66 s 6 sch 3  
om 2001 No 11 amdt 2.13  
ins and renum 2001 No 11 amdt 2.13  
om 2001 No 15 amdt 1.11
- 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  
om 2001 No 15 amdt 1.11
- s 51 .....om 1989 No 22  
ins 1999 No 66 s 6 sch 3  
om 2001 No 15 amdt 1.11
- s 52 .....am 1988 No 36  
om 1989 No 22  
ins 1999 No 66 s 6 sch 3  
om 2001 No 15 amdt 1.11
- ss 53, 54 .....om 1989 No 22  
ins 1999 No 66 s 6 sch 3  
om 2001 No 15 amdt 1.11
- s 55 .....ins 1999 No 66 s 6 sch 3  
om 2001 No 15 amdt 1.11
- ss 55A-55C .....ins 2001 No 11 amdt 2.14  
om 2001 No 15 amdt 1.11
- pt 4 hdg .....sub 1999 No 66 s 6 sch 3

---

s 56 .....	ins 1999 No 66 s 6 sch 3
s 57 .....	ins 1999 No 66 s 6 sch 3 am 2000 No 2 s 3 sch
pt 5 hdg .....	om 1989 No 22 ins 1999 No 66 s 6 sch 3
ss 58-62 .....	ins 1999 No 66 s 6 sch 3
pt 6 hdg .....	ins 1999 No 66 s 6 sch 3
ss 63-64 .....	ins 1999 No 66 s 6 sch 3
s 65 .....	ins 1999 No 66 s 6 sch 3 exp 10 November 2000 (s 65 (4))
sch.....	am 1972 No 18 sub 1979 No 4 am 1982 No 28 om 1992 No 23
sch 1 .....	ins 1999 No 66 s 6 sch 3 am 2001 No 8 s 6 <u>om 2001 No 15 amdt 1.12</u>
sch 2 .....	ins 1999 No 66 s 6 sch 3 am 2000 No 2 s 3 sch
dict.....	ins 1999 No 66 s 6 sch 3 am 1999 No 64 s 4 sch 2; 1999 No 79 s 5 sch 3; 2000 No 2 s 3 sch; 2000 No 17 s 3 sch 1; 2000 No 80 amdts 2.26-2.30; <u>2001 No 3 sch 1</u> ; 2001 No 9 amdts 1.16, 1.17; 2001 No 11 amdts 2.15-2.18; <u>2001 No 15 amdt 1.13</u> ; 2001 No 27 amdt 3.1

## 5 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

## Endnotes

### 6 Uncommenced provisions and amendments

---

6A	Act 1999 No 66	10 November 1999
6B	Act 1999 No 75	10 December 1999
6C	Act 1999 No 79	1 March 2000
6D	Act 2000 No 2	9 March 2000
6E	Act 2000 No 2	10 May 2000
6F	Act 2000 No 17	1 June 2000

## 6 Uncommenced provisions and amendments

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

### **Surveyors (Consequential Amendments) Act 2001 No 3 sch 1**

## Dictionary

Insert the following definitions:

“*commissioner for surveys* means the Commissioner for Surveys under the *Surveyors Act 2001*.

“*registered surveyor* means a surveyor under the *Surveyors Act 2001*.”.

### **Legislation (Consequential Provisions) Act 2001 No 15 sch 1**

## [1.3] Section 2—

Repeal the section, substitute the following section:

## “2 Application of Act

“(1) This Act applies to all Acts.

“(2) This Act applies to a statutory instrument as if—

(a) the instrument were an Act; and

(b) each of its provisions were a section of an Act; and



---

(c) a reference to the enactment or passage of the instrument were a reference to its making.”.

**[1.4] Part 1A—**

Repeal the Part.

**[1.5] Part 2—**

Repeal the Part.

**[1.6] New section 11BA—**

After section 11B insert the following section:

**“11BA Terms used in instruments have same meanings as in authorising laws**

Words and expressions used in a statutory instrument have the same meanings as they have, from time to time, in the Act or statutory instrument (the *authorising law*), or the relevant provisions of the authorising law, under which the instrument is made or in force.”.

**[1.7] Section 11F (3), example 1**

Omit the example, substitute the following example:  
Section 13 (4) of this Act contains definitions of *form 1* and *form 2* as tagged terms. There is nothing in this Act indicating that the definitions apply outside section 13. The definitions, therefore, apply only to section 13.

**[1.8] Section 27A—**

Repeal the section.

**[1.9] Division 3.4—**

Repeal the Division.

**[1.10] Division 3.10—**

Repeal the Division.

**[1.11] Division 3.11—**

Repeal the Division.

**[1.12] Schedule 1—**

Repeal the Schedule.

**[1.13] Dictionary (definition of *Act*)—**

Omit the definition, substitute the following definition:

“*Act*—see the *Legislation Act 2001*, sections 7 (Meaning of *Act* generally) and 17 (References to Acts include references to former Cwlth enactments etc).”.

*Note* The following sections of that Act may be relevant to particular references to an Act:

- section 102 (Meaning of references to a law or instrument generally)
- section 103 (References to laws and instruments with amended names)
- section 104 (References to laws include references to instruments under laws).”.

**[1.14] Dictionary (definition of *commencement*)—**

Omit the definition, substitute the following definition:

“*commencement*, of an Act or statutory instrument—see the *Legislation Act 2001*, section 80 (References to *commencement* of law).”.

**[1.15] Dictionary (definition of *date of notification*)—**

Omit the definition.

- 
- [1.16] Dictionary (definition of *disallowable instrument*)—**  
Omit the definition, substitute the following definition:  
“*disallowable instrument*—see the *Legislation Act 2001*, section 9 (Meaning of *disallowable instrument*).”.
- [1.17] Dictionary (definitions of *enactment*)—**  
Omit the definitions, substitute the following definition:  
“*enactment*, of an Act—see the *Legislation Act 2001*, section 29 (References to *enactment* or *passing* of Acts).”.
- [1.18] Dictionary (definition of *former NSW Act* and *former UK Act*)—**  
Omit the definitions, substitute the following definitions:  
“*former NSW Act* means a NSW Act mentioned in the *Legislation Act 2001*, schedule 1.  
*former UK Act* means a UK Act mentioned in the *Legislation Act 2001*, schedule 1.”.
- [1.19] Dictionary (definition of law, paragraph (c))—**  
Omit the paragraph, substitute the following paragraphs:  
“(c) any other statutory instrument of a legislative nature;  
or  
(d) the common law.”.
- [1.20] Dictionary (definition of *matter*)—**  
Omit the definition.
- [1.21] Dictionary—**  
Insert the following definitions:

“*notifiable instrument*—see the *Legislation Act 2001*, section 10 (Meaning of *notifiable instrument*).

“*notification*—

- (a) of an Act—see the *Legislation Act 2001*, section 30 (References to *notification* of Acts); and
- (b) of a statutory instrument—see the *Legislation Act 2001*, section 63 (References to *notification* of registrable instruments).

“*notification day*, for an Act or statutory instrument, means the day the Act or instrument is notified.”.

**[1.22] Dictionary (definition of *passing*)—**

Omit the definition, substitute the following definition:

“*passing*, of an Act—see the *Legislation Act 2001*, section 29 (References to *enactment* or *passing* of Acts).”.

**[1.23] Dictionary (definition of *penalty*)—**

Omit the definition.

**[1.24] Dictionary (definition of *provision*)—**

Omit the definition, substitute the following definition:

“*provision*—see the *Legislation Act 2001*, section 16 (Meaning of *provision*).”.

**[1.25] Dictionary (definition of *statutory instrument*)—**

Omit the definition, substitute the following definition:

“*statutory instrument*—see the *Legislation Act 2001*, section 13 (Meaning of *statutory instrument*).”.

**[1.26] Dictionary (definition of *subordinate law*)—**

Omit the definition, substitute the following definition:

“*subordinate law*—see the *Legislation Act 2001*, section 8 (Meaning of *subordinate law*).”.



© Australian Capital Territory 2003

Authorised by the ACT Parliamentary Counsel—also accessible at [www.legislation.act.gov.au](http://www.legislation.act.gov.au)