



AUSTRALIAN CAPITAL TERRITORY

Interpretation (Amendment) Act (No. 2) 1993

No. 43 of 1993

An Act to amend the *Interpretation Act 1967*

[Notified in ACT Gazette S165: 27 August 1993]

The Legislative Assembly for the Australian Capital Territory enacts as follows:

Short title

1. This Act may be cited as the *Interpretation (Amendment) Act (No. 2) 1993*.

Commencement

2. This Act commences on the day on which it is notified in the *Gazette*.

Principal Act

3. In this Act, “Principal Act” means the *Interpretation Act 1967*.¹

Application

4. Section 6 of the Principal Act is amended by omitting subsection (2).

Insertion

5. After section 6 of the Principal Act the following section is inserted in Part I:

Acts to bind the Crown

“7. (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 *Australian Capital Territory (Self-Government) Act 1988* of the Commonwealth 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 performs a function on behalf of the Crown.

“(6) Unless an Act provides otherwise, an Act does not apply in relation to the Territory to the extent that it requires or otherwise provides for the payment of money that, upon payment, would form part of the public money of the Territory within the meaning of the *Audit Act 1989*.”.

Meaning of certain words

6. Subsection 14 (1) of the Principal Act is amended by inserting the following definition:

“ ‘Territory Crown’ means the Crown in right of the Territory;”.

Repeal

7. Section 20A of the Principal Act is repealed.

NOTE

1. Reprinted as at 28 February 1991. See also Acts Nos. 9 and 23, 1992; Nos. 1 and 41, 1993.

[Presentation speech made in Assembly on 17 June 1993]

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