

EXPLANATORY STATEMENT

AUSTRALIAN CAPITAL TERRITORY

INTERPRETATION (AMENDMENT) ORDINANCE (NO. 2) 1988

ORDINANCE NO. 77 OF 1988

The Interpretation Ordinance 1967 (the Principal Ordinance) provides a range of options for commencing ACT Regulations. At present, sub-subparagraph 50(1) (b) (i) (C) provides for Regulations to take effect on the commencement of a specified Ordinance or a specified provision of an Ordinance.

The Senate Standing Committee on Regulations and Ordinances expressed concern that because the sub-subparagraph does not refer specifically to a “date” of commencement, a commencement provision relying upon it could circumvent the rules against retrospectivity in subsection 50 (2).

Subsection 50 (2) proscribes Regulations being expressed to take effect from a date before the date of notification where existing rights would be prejudiced or liability would be imposed for past conduct.

The effect of the proposed amendment will be that such a commencement provision in Regulations need refer to the date, or date and time, of commencement of an Ordinance or a provision, thus removing any doubt about the application of subsection 50 (2) in that case. This amendment will bring the sub-subparagraph into line with the corresponding Commonwealth provision.

Details of the proposed Ordinance are as follows:

Clause 1 provides for the citation of the amending Ordinance.

Clause 2 amends section 50 of the Principal Ordinance by inserting sub-subparagraph (1) (b) (i) (C) in words which stipulate the date, or date and time, requirements.

Issued by the Authority of the Minister of
State for the Arts and Territories