

INTERPRETATION ORDINANCE 1937.

No. 29 of 1937.<sup>(a)</sup>

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

**B**E it ordained by the Governor-General in and over the Commonwealth of Australia, with the advice of the Federal Executive Council, in pursuance of the powers conferred by the *Seat of Government Acceptance Act 1909* and the *Seat of Government (Administration) Act 1910-1933*, as follows:—

1. This Ordinance may be cited as the *Interpretation Ordinance 1937.*<sup>(a)</sup> Short title.
2. The Ordinances mentioned in the Schedule to this Ordinance Repeal. are repealed.
3. In this Ordinance, unless the contrary intention appears— Definition.  
“the State” means the State of New South Wales.
- 4.—(1.) This Ordinance, and this Ordinance as amended from time to time, shall, unless the contrary intention appears, apply to every Ordinance, including this Ordinance, whether made before or after the commencement of this Ordinance. Application of Ordinance.  
(2.) This Ordinance shall bind the Crown.
5. Where an Ordinance confers power to make, grant or issue any instrument (including rules, regulations or by-laws), then, unless the contrary intention appears, this Ordinance shall, so far as it is applicable, apply to the interpretation of expressions used in the instrument as if the instrument were an Ordinance. Application of Ordinance to instruments under Ordinances.
6. Subject to this Ordinance, the provisions of the *Acts Interpretation Act 1901-1937* (except sections five, fifteen A, forty-eight and forty-nine), as amended from time to time, shall, so far as they are applicable, apply to all Ordinances, including this Ordinance, as if an Ordinance were an Act. Application of Acts Interpretation Act to Ordinances.
- 7.—(1.) The provisions of sections five, seven, seven A, thirteen, fourteen, fifteen, seventeen, nineteen to twenty-one, twenty-one B and twenty-one C of the *Crimes Act 1914-1932*, as amended from time to time, shall, so far as they are applicable, apply in relation to all Ordinances as if an Ordinance were a law of the Commonwealth. Application for certain sections of Crimes Act to Ordinances.

<sup>(a)</sup> Made on the 15th December, 1937; published in *Gazette*, 23rd December, 1937.

(2.) For the purposes of this section, "Ordinance" includes rules, regulations and by-laws under an Ordinance and every law of the State in force in the Territory as a law thereof.

Deduction of certain expressions.

8. In any Ordinance, unless the contrary intention appears—

"Justice of the Peace" means a Justice of the Peace of the Territory and includes a Justice of the Peace having jurisdiction as such in the Territory;

"the Supreme Court" means the Supreme Court of the Australian Capital Territory;

"the Territory" means the Territory accepted by the Commonwealth in pursuance of the *Seat of Government Acceptance Act 1909*, and described in the Second Schedule to that Act.

Proceedings for offences.

9. All proceedings for offences (other than indictable offences) against the provisions of any Ordinance or regulations thereunder may, unless the contrary intention appears in any Ordinance, be heard and determined by a court of summary jurisdiction.

Civil proceedings.

10. Where any moneys have become due, in pursuance of the provisions of, or under, any Ordinance or any regulation thereunder, then, unless the contrary intention appears, the person, firm or company, or the body or authority, to whom or which the moneys are due, may sue for and recover those moneys, together with any costs and expenses, in any court having civil jurisdiction in the Territory to the extent of the amount due.

Effect of State laws ceasing to apply.

11. Where an Ordinance repeals in whole or in part any law of the State in its application to the Territory, or provides that any such law shall cease to apply to the Territory, then, unless the contrary intention appears, the repeal or the ceasing of the application shall not—

(a) affect the previous operation of any law so repealed or ceasing to apply, or anything duly done or suffered under any law so repealed or ceasing to apply; or

(b) affect any right, privilege, obligation or liability, acquired, accrued or incurred under any law so repealed or ceasing to apply; or

(c) affect any penalty, forfeiture or punishment incurred in respect of any offence committed against any law so repealed or ceasing to apply; or

(d) affect any investigation, legal proceeding or remedy in respect of any such right, privilege, obligation, liability, penalty, forfeiture or punishment,

and any such investigation, legal proceeding or remedy may be instituted, continued or enforced, and any such penalty, forfeiture or punishment may be imposed, as if the Ordinance by which the law is repealed or ceases to apply had not been made.

12. The repeal of an Ordinance or part thereof which provided that a law of the State or part of that law was repealed or ceased to apply to the Territory, shall not, unless the contrary intention appears, have the effect of reviving the application of that law or part thereof without express words.

Effect of repeal of Ordinance.

13. Where an Ordinance repeals any provision of a law of the State or provides that any such provision shall cease to apply to the Territory, and re-enacts any such provision with or without modification, references in any other law of the State in force in the Territory or in any other Ordinance to the provision so repealed or ceasing to apply shall, unless the contrary intention appears, be construed as references to the provision so re-enacted.

Reference to repealed provisions of State laws.

14. Where, in any Ordinance, reference is made to any law of the Commonwealth, or to any law of the State in force in the Territory, and that law of the Commonwealth is subsequently amended, or that law of the State is subsequently amended in its application to the Territory, then, unless the contrary intention appears, the reference shall, from the date of the amendment, be deemed to be to that law as so amended.

Reference to amended Commonwealth or State laws.

15. Every Ordinance amending a law of the State in force in the Territory shall, unless the contrary intention appears, be construed with that law and as part thereof.

Amending Ordinance to be construed with amended State law.

16.—(1.) Where an Ordinance confers power to make regulations, all regulations made accordingly shall, unless the contrary intention appears—

Regulations.

- (a) be notified in the *Gazette*;
- (b) take effect from the date of notification, or from a later date specified in the regulations; and
- (c) be laid before each House of the Parliament within fifteen sitting days of that House after the making of the regulations.

(2.) If either House of the Parliament passes a resolution (of which notice has been given at any time within fifteen sitting days after the regulations have been laid before such House) disallowing any regulation, that regulation shall thereupon cease to have effect.

(3.) Where a regulation is disallowed under this section, the disallowance of the regulation shall have the same effect as a repeal of the regulation.

(4.) Evidence of any regulation made under any Ordinance may be given in all Courts by the production of the *Gazette* purporting to contain it, or by the production of a document purporting to be a copy thereof and purporting to be printed by the Government Printer or by the authority of the Government of the Commonwealth.

(5.) For the purposes of this section, “regulations” includes rules under an Ordinance.

Section 2.

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THE SCHEDULE.

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REPEAL OF ORDINANCES.

*Interpretation Ordinance* 1914.  
*Interpretation Ordinance* 1919.  
*Interpretation Ordinance* 1922.  
*Interpretation Ordinance* 1925.  
*Interpretation Ordinance* 1927.  
*Interpretation Ordinance* 1929.  
*Interpretation Ordinance* 1930.  
*Interpretation Ordinance* 1933.