

AUSTRALIAN CAPITAL TERRITORY

No. 4 of 1979

An Ordinance to amend the *Interpretation Ordinance 1967*

I, THE GOVERNOR-GENERAL of the Commonwealth of Australia, acting with the advice of the Federal Executive Council, hereby make the following Ordinance under the *Seat of Government (Administration) Act 1910*.

Dated this fifteenth day of March 1979.

ZELMAN COWEN
Governor-General

By His Excellency's Command,

F. DURACK
Attorney-General

INTERPRETATION (AMENDMENT) ORDINANCE 1979

1. This Ordinance may be cited as the *Interpretation (Amendment) Ordinance 1979*.¹ Short title

2. In this Ordinance, "Principal Ordinance" means the *Interpretation Ordinance 1967*.² Principal Ordinance

3. (1) Section 8 of the Principal Ordinance is repealed and the following section substituted:

"8. (1) Where an Ordinance (in this section referred to as the Ordinance concerned), being— Exercise of certain powers between making and commencing of Ordinance

(a) an Ordinance made on or after the date of commencement of this section that is not to come into operation immediately it is made; or

(b) an Ordinance made before the date of commencement of this section that did not come into operation on or before that date,

is expressed to confer power, or to amend another Ordinance in such a manner that the other Ordinance, as amended, will confer power, to make an appointment or to make an instrument of a legislative or administrative character (including rules, regulations or by-laws), then, unless the contrary intention appears, the power may be exercised, and

anything may be done for the purpose of enabling the exercise of the power or of bringing the appointment or instrument into effect, before the Ordinance concerned comes into operation as if it had come into operation.

“(2) An appointment or instrument made by virtue of sub-section (1) or, in the case of such an instrument containing a number of provisions, each of those provisions, takes effect—

- (a) on the day on which the Ordinance concerned comes into operation; or
- (b) on the day on which the appointment, instrument or provision, as the case may be, would have taken effect if the Ordinance concerned had been in operation when the appointment or instrument was made,

whichever is the later.

“(3) Where an Ordinance is to come into operation on such date as is fixed by the Minister by notice in the *Gazette*, the notice may be published in the *Gazette* at any time after the date on which the Ordinance is notified in the *Gazette*.

“(4) Where this section applies to an Ordinance by reason of the fact that that Ordinance is expressed to amend another Ordinance in the manner referred to in sub-section (1) and that other Ordinance has not come into operation, this section has effect as if the references in sub-sections (1) and (2) to the coming into operation of the Ordinance concerned were references to the coming into operation of the other Ordinance as amended by the Ordinance concerned.

“(5) In sub-sections (1), (2), (3) and (4), a reference to an Ordinance shall be read as including a reference to any provision or provisions of an Ordinance.

“(6) In the application of this section, in accordance with section 49, to rules, regulations or by-laws (including rules, regulations or by-laws made by virtue of this section), references in this section to the making of an Ordinance shall be read as references to the making of an instrument and references in this section to an Ordinance other than the Ordinance concerned shall be read as references to an instrument.”

(2) The repeal of section 8 of the Principal Ordinance does not affect the validity of anything done in accordance with that section before the date of commencement of this section or the coming into operation on or after that date of an instrument made, granted or issued by virtue of that first-mentioned section before that date.

4. Section 14 of the Principal Ordinance is amended—

Definitions

- (a) by omitting the definition of “Lake Burley Griffin” and substituting the following definition:

“ ‘Lake Burley Griffin’ means Lake Burley Griffin as defined in the *Lakes Ordinance* 1976; ”; and

- (b) by omitting the definitions of “ ‘Territory’ or ‘Territory of Australia’ ” and “ ‘Territory of the Commonwealth’ or ‘Territory under the authority of the Commonwealth’ ” and substituting the following definition:

“ ‘Territory’, ‘Territory of the Commonwealth’, ‘Territory under the authority of the Commonwealth’ or ‘Territory of Australia’ means—

- (a) a Territory referred to in section 122 of the Constitution; and
 (b) a Territory administered by the Commonwealth under a Trusteeship Agreement; ”.

5. After section 14A of the Principal Ordinance the following section is inserted:

“14B. In an Ordinance, unless the contrary intention appears, where a word or phrase is given a particular meaning, other parts of speech and grammatical forms of that word or phrase have corresponding meanings.”

Parts of speech and grammatical forms

6. Section 16 of the Principal Ordinance is repealed and the following section substituted:

“16. In an Ordinance, unless the contrary intention appears, a reference to a Judge, or the Judge, of the Supreme Court shall be read as a reference to a Judge (including the Chief Judge) appointed under sub-section 7 (1) of the *Australian Capital Territory Supreme Court Act* 1933, and includes an additional Judge appointed under sub-section 7 (2) of that Act.”

Reference to Judge of Supreme Court

7. Section 19 of the Principal Ordinance is amended by inserting in paragraph (a) “, and words importing the feminine gender include males” after “females”.

Gender and number

8. Section 23 of the Principal Ordinance is amended—

References to Ministers

- (a) by omitting the definition of “the Minister” in sub-section (1) and substituting the following definition:

“ ‘the Minister’ means—

- (a) the Minister for the time being administering the Ordinance or enactment in which, or in respect of which, the expression is used; or
 (b) if, for the time being, different Ministers are administering that Ordinance or enactment in

different respects, each of those Ministers to the extent that he is administering that Ordinance or enactment in the relevant respect,

and includes a Minister or member of the Executive Council for the time being acting for and on behalf of that Minister or each of those Ministers.”; and

- (b) by omitting sub-section (2) and substituting the following sub-section:

“(2) In an Ordinance, unless the contrary intention appears, a reference to a particular Minister of State shall be read as including a reference to a Minister or a member of the Executive Council for the time being acting for and on behalf of that Minister.”.

Regulations

9. Section 50 of the Principal Ordinance is amended—

- (a) by inserting in paragraph (1) (a) “or places” after “place”;
- (b) by inserting after sub-section (1) the following sub-sections:

“(1A) Where a notice of the making of regulations is published in accordance with sub-section (1), copies of the regulations shall, at the time of publication of the notice or as soon as practicable thereafter, be made available for purchase at the place, or at each of the places, specified in the notice.

“(1B) Where, on the date of publication of a notice referred to in sub-section (1A), there are no copies of the regulations to which the notice relates available for purchase at the place, or at one or more of the places, specified in the notice, the Minister of State for Administrative Services shall cause to be laid before each House of the Parliament, within 15 sitting days of that House after that date, a statement that copies of the regulations were not so available and the reason why they were not so available.

“(1C) Failure to comply with a requirement of sub-section (1A) or (1B) shall not be taken to constitute a failure to comply with sub-section (1).”; and

- (c) by omitting from sub-section (2) “the last preceding sub-section” and substituting “paragraph (1) (a)”.

Schedule

10. The Principal Ordinance is amended by omitting the Schedule and substituting the Schedule set out in Schedule 1.

Formal amendments

11. The Principal Ordinance is amended as set out in Schedule 2.

SCHEDULES

SCHEDULE 1

Section 10

THE SCHEDULE

Section 14

COMMONWEALTH COUNTRIES

Commonwealth of the Bahamas
 People's Republic of Bangladesh
 Barbados
 Republic of Botswana
 Canada
 Republic of Cyprus
 Commonwealth of Dominica
 Fiji
 Republic of the Gambia
 Republic of Ghana
 Grenada
 Republic of Guyana
 Republic of India
 Jamaica
 Republic of Kenya
 Kingdom of Lesotho
 Republic of Malawi
 Malaysia
 Republic of Malta
 Mauritius
 Republic of Nauru
 New Zealand
 Federal Republic of Nigeria
 Papua New Guinea
 Republic of Seychelles
 Republic of Sierra Leone
 Republic of Singapore
 Solomon Islands
 Republic of Sri Lanka
 Kingdom of Swaziland
 United Republic of Tanzania
 Kingdom of Tonga
 Republic of Trinidad and Tobago
 Tuvalu
 Republic of Uganda
 United Kingdom of Great Britain and Northern Ireland
 Independent State of Western Samoa
 Republic of Zambia

SCHEDULE 2

Section 11

Provision	Amendment
Section 14	Omit "twelve months ending on the thirtieth day of June" from the definition of "financial year", substitute "12 months ending on 30 June".
Sub-section 32 (1)	(a) Omit from paragraph (a) "six months—Two hundred dollars", substitute "6 months—\$200". (b) Omit from paragraph (b) "exceeds six months but does not exceed one year—Four hundred dollars", substitute "exceeds 6 months but does not exceed 1 year—\$400". (c) Omit from paragraph (c) "exceeds one year but does not exceed two years—One thousand dollars", substitute "exceeds 1 year but does not exceed 2 years—\$1,000". (d) Omit from paragraph (d) "two years—Two thousand dollars", substitute "2 years—\$2,000".
Section 43	Omit "of this Ordinance" (wherever occurring).
Sub-section 49 (1)	Omit "of this Ordinance" (first occurring).

NOTES

1. Notified in the *Commonwealth of Australia Gazette* on 21 March 1979.
2. Ordinance No. 48, 1967 as amended by Nos. 18 and 42, 1972; No. 23, 1973; No. 6, 1975; No. 30, 1976; No. 24, 1977; and No. 46, 1978.