

1993

**LEGISLATIVE ASSEMBLY
FOR THE AUSTRALIAN CAPITAL TERRITORY**

INTERPRETATION (AMENDMENT) BILL 1993

EXPLANATORY MEMORANDUM

**Circulated by authority of
Terry Connolly MLA
Attorney General**

EXPLANATION OF BILL

The *Interpretation Act 1967* includes a number of provisions which apply to all ACT legislation. These provisions are included so that ACT laws will be interpreted on a uniform basis and so that they do not become cluttered with repetitive provisions.

The Act has its counterparts in Commonwealth, State and Northern Territory legislation and many of its provisions will also be found in this counterpart legislation.

The counterpart legislation includes a clause, a severability clause, which has the effect that legislation which is found to be beyond power must be closely examined to see which parts of it are not beyond power. The parts that are not beyond power can continue to operate if they can be severed from those which are beyond power.

A severability clause displaces a common law presumption which is to the effect that a legislature would intend its legislation to stand or fall as a whole. As the ACT does not have a severability clause this presumption would apply to its legislation.

The *Interpretation (Amendment) Bill 1993* inserts a severability clause in the Interpretation Act. This is achieved by clause 4.

Clauses 1, 2 and 3 are formal.

Financial implications

The Bill will have the effect of preserving ACT legislation to the maximum extent. Accordingly, the financial implications will depend on the implications for the revenue of the provisions which are saved.