

ATTACHMENT

EXPLANATORY STATEMENT

AUSTRALIAN CAPITAL TERRITORY
INTERPRETATION (AMENDMENT) ORDINANCE 1989

ORDINANCE NO. 22 OF 1989

The Interpretation Ordinance 1967 (the Principal Ordinance) provides for the interpretation of Ordinances and for the shortening of their language.

The Interpretation (Amendment) Ordinance 1989 amends the Principal Ordinance, mainly consequent on the establishment of the Territory as a body politic under the Crown pursuant to the Australian Capital Territory (Self-Government) Act 1988.

The details of the Interpretation (Amendment) Ordinance 1989 are contained in the Attachment.

ISSUED BY THE AUTHORITY OF
THE MINISTER OF STATE
FOR THE ARTS AND TERRITORIES

INTERPRETATION (AMENDMENT) ORDINANCE 1989

Section 1 provides for the citation of the amending Ordinance.

Section 2 provides for the commencement of the Ordinance.

Subsection (1) provides that sections 1 and 2 of the Ordinance commence on gazettal. Subsection (2) provides for the remaining provisions of the Ordinance to commence on self-government day.

Section 3 provides that the Principal Ordinance referred to is the Interpretation Ordinance 1967.

Section 4 repeals sections 7 and 8 of the Principal Ordinance.

Section 7 made provision with respect to the judicial notice and proof of relevant dates in connection with the making of Ordinances. A provision to a similar effect will be enacted in proposed legislation relating to evidence. Section 8 dealt with the exercise of powers between the making and commencing of Ordinances. A provision to a similar effect will be enacted in proposed legislation dealing with subordinate laws.

Section 5 amends section 9 of the Principal Ordinance to provide for the numbering of new laws.

Section 6 amends section 11 of the Principal Ordinance with respect to the citation of Commonwealth Acts.

Section 7 amends section 11B of the Principal Ordinance to restate certain of the categories of extrinsic materials that can be used to assist in the interpretation of laws consequent on the establishment of the Legislative Assembly.

Section 8 amends section 14 of the Principal Ordinance by omitting a number of redundant definitions and substituting new definitions of commonly used words arising out of the establishment of self-government.

Section 9 repeals section 14A of the Principal Ordinance which deals with references to the Government Printer.

Section 10 inserts a new section 20A in the Principal Ordinance dealing with the capacity of the Legislative Assembly to bind the Crown.

Section 11 repeals sections 23 and 24 of the Principal Ordinance which deals with references to Ministers. The amendments of section 14 of the Principal Ordinance now contain much of the substance of those repealed sections.

Section 12 amends section 25A of the Principal Ordinance by inserting a new subsection (1) which recognises that where the office of Deputy Chairman is established the office holder may be referred to as the Deputy Chairman or Deputy Chairwoman, as the case requires.

Section 13 amends section 26 of the Principal Ordinance to omit redundant words.

Section 14 amends section 28A of the Principal Ordinance by extending the application of one of the standard provisions dealing with acting appointments to statutory offices.

Section 15 amends section 29B of the Principal Ordinance to the effect that where a delegated power or function is exercised or performed it shall for all purposes be deemed to have been exercised or performed by the delegating authority.

Section 16 amends section 30 of the Principal Ordinance consequent on citation changes arising from self government.

Section 17 amends section 30A of the Principal Ordinance to clarify a requirement to furnish periodic reports to the Legislative Assembly.

Section 18 repeals section 37 of the Principal Ordinance and substitutes a new section to restate the non-reviver rule in the case of a repeal by a repealing law.

Section 19 amends section 41 of the Principal Ordinance dealing with references to legislation, as a consequence of citation changes arising from self government.

Section 20 repeals sections 45 and 46 of the Principal Ordinance and substitutes a new section construing a reference in continued State laws to a N.S.W. Minister as being a reference to the Minister for the time being administering that law or the relevant part of the law.

Section 21 amends section 47 of the Principal Ordinance to amend the citation of a Commonwealth Act referred to in the section.

Section 22 repeals Part V of the Principal Ordinance which will be substantially re-enacted in proposed legislation dealing with subordinate laws.
