



Australian Capital Territory

## **Interpretation Act 1967    No 48**

**Republication No 2A**

**Effective: 1 July 1994 – 13 November 1994**

Republication date: 19 November 2003

Last amendment made by A1994-45  
(republication for amendments by A1994-38)

Not all amendments are in force: see last endnote

Authorised by the ACT Parliamentary Counsel

## **About this republication**

### **The republished law**

This is a republication of the *Interpretation Act 1967* effective from 1 July 1994 to 13 November 1994.

### **Kinds of republications**

The Parliamentary Counsel's Office prepares 2 kinds of republications of ACT laws (see the ACT legislation register at [www.legislation.act.gov.au](http://www.legislation.act.gov.au)):

- authorised republications to which the *Legislation Act 2001* applies
- unauthorised republications.

The status of this republication appears on the bottom of each page.



Australian Capital Territory

**INTERPRETATION ACT 1967**

**TABLE OF PROVISIONS**

Section

**PART I—PRELIMINARY**

- 1. Short title
- 5. References to continued State laws
- 6. Application
- 7. Acts to bind the Crown

**PART II—COMMENCEMENT, NUMBERING AND  
CITATION OF ACTS**

- 8A. Commencement—time of day
- 8B. Commencement of amending paragraphs etc.
- 9. Numbering of Acts
- 10. Citation of Acts
- 11. Citation of other laws

**PART III—INTERPRETATION OF ACTS**

*Division 1—General Provisions*

- 11AA. Construction of Acts—legislative powers of the Assembly
- 11A. Regard to be had to purpose or object of Act
- 11B. Use of extrinsic material in interpreting an Act
- 11C. Change of style—effect on meaning
- 11D. Examples
- 12. Headings, Schedules, marginal notes, footnotes and endnotes
- 12A. Paragraphs

**TABLE OF PROVISIONS—continued**

Section	
13.	Compliance with forms
13A.	Production of records kept in computers etc.
13B.	Alterations of names and constitutions
13C.	Content of statements of reasons for decisions
13D.	Attainment of particular age
	<i>Division 2—Words and phrases</i>
14.	Meaning of certain words
14B.	Parts of speech and grammatical forms
15.	“Oath”, “affidavit” and “swear”
17.	References to writing and documents
17A.	Service of documents
18.	Service by post
19.	Gender and number
20.	References to the Sovereign
21.	References to the Governor-General
22.	References to the Governor of a State
25.	References to officers, localities etc.
25A.	Chairperson and Deputy Chairperson
	<i>Division 3—Powers and Duties</i>
26.	Exercise of powers and duties
27.	Power to make, grant or issue instruments
28.	Power to make appointments
28A.	Acting appointments
29.	Power to determine includes authority to administer oath
29A.	Delegations
29B.	Effect of delegation
30.	Exercise of certain powers and functions by delegate
30AA.	Effect on delegations—changes of office holder or changes in administration
30AB.	Delegation includes sub-delegation
30A.	Periodic reports
31.	Power to make rules of court
	<i>Division 4—Legal proceedings</i>
31A.	Jurisdiction of courts
32.	Corporation liable to, and may sue for, penalties
33.	Penalties at foot of sections or subsections
33A.	Effect of alterations in penalties
33B.	Continuing offences
33C.	Joinder of charges
33D.	Indictable offences

**TABLE OF PROVISIONS—continued**

Section	
33E.	Offences punishable on summary conviction
33F.	Offences under 2 or more laws
33G.	Application of certain sections of Commonwealth Crimes Act to Territory Acts
34.	Civil proceedings
	<i>Division 5—Distance and Time</i>
35.	Measurement of distance
36.	Reckoning of time
	<i>Division 6—Effect of Repeal, Amendment or Expiration of Acts</i>
37.	Non-reviver rule
38.	Effect of repeal
39.	Implied repeals etc.
39A.	Effect of expiration of Act
39B.	References to part of an Act
40.	Amending Act to be construed with amended Act
40A.	Definitions inserted by amending Act
41.	References to Acts or Commonwealth Acts
41A.	References to amended or re-enacted laws of States and Territories
42.	Expiration of Acts
	<b>PART IV—CONTINUED STATE LAWS</b>
43.	Application of Part III to continued State laws
44.	Meaning of certain words in continued State laws
45.	References to State Ministers
47.	References to British subjects
48.	Measurement of distance in continued State laws





Australian Capital Territory

## INTERPRETATION ACT 1967

An Act for the Interpretation of Acts and for the Shortening of their  
Language

### PART I—PRELIMINARY

#### Short title

1. This Act may be cited as the *Interpretation Act 1967*.<sup>1</sup>

#### References to continued State laws

5. In this Act, unless the contrary intention appears, “continued State law” means—

- (a) a law of the State of New South Wales in its application in the Territory by virtue of section 6 of the *Seat of Government Acceptance Act 1909* of the Commonwealth and section 3 of the *Seat of Government (Administration) Act 1910* of the Commonwealth, and includes such a law as modified by an Act or by a law made under an Act; and
- (b) the provisions of a law of the State of New South Wales that, by virtue of an Act, apply in the Territory as law of the Territory, and includes such a provision as modified by an Act or by a law made under an Act.

#### Application

6. (1) This Act applies, unless the contrary intention appears, to every Act, including this Act, whether made before or after the commencement of this Act.

**Acts to bind the Crown**

7. (1) Each Act binds the Crown to the extent that it is capable of doing so unless it or another Act provides otherwise.

(2) Where an Act binds the Crown, so far as the context and the legislative power of the Territory permit, the Act binds the Crown in every right but it does not bind the Crown in right of the Commonwealth unless a regulation relating to the Act is in force under the *Australian Capital Territory (Self-Government) Act 1988* of the Commonwealth for the purposes of section 27 of that Act.

(3) Criminal liability is not imposed on the Crown by reason only that an Act binds the Crown.

(4) Where an Act—

- (a) does not bind the Crown; or
- (b) binds the Crown but not so as to impose criminal liability on the Crown;

then, unless it or another Act provides otherwise, the same degree of immunity extends to an agent of the Crown in respect of an act or omission in that capacity within the scope of his or her authority.

(5) In subsection (4)—

“agent” includes an instrumentality, officer or employee of the Crown and a contractor or other person who performs a function on behalf of the Crown.

(6) Unless an Act provides otherwise, an Act does not apply in relation to the Territory to the extent that it requires or otherwise provides for the payment of money that, upon payment, would form part of the public money of the Territory within the meaning of the *Audit Act 1989*.

**PART II—COMMENCEMENT, NUMBERING AND CITATION OF ACTS****Commencement—time of day**

8A. Where an Act, or any instrument (including regulations, rules or by-laws) made, granted or issued under an Act, is expressed to come into operation on a particular day (whether the expression “come into operation” or “commence” is used), it shall come into operation immediately on the expiration of the last preceding day.



**Commencement of amending paragraphs etc.**

**8B.** Where an Act amends another Act by means of—

- (a) a paragraph of a provision of the amending Act;
- (b) an item (whether or not so described) in a Schedule to the amending Act; or
- (c) a paragraph of such an item;

a separate commencement may be provided for the amendment, paragraph or item as if the paragraph or item were a self-contained provision of the amending Act.

**Numbering of Acts**

**9.** The Acts passed in each calendar year shall be numbered in regular arithmetical series as nearly as may be in the order in which they are passed.

**Citation of Acts**

**10. (1)** An Act may be cited by its short title or by reference to the calendar year in which it was made and its number.

**(2)** A provision of an Act may be cited by reference to the Part, section, subsection or other division of the Act in which the provision is contained.

**Citation of other laws**

**11. (1)** In an Act—

- (a) a Commonwealth Act may be cited by its short title or by reference to the calendar year in which it was passed and its number;
- (b) an Imperial Act may be cited by its short title (if any) or in such other manner as is sufficient in an Imperial Act; and
- (c) a State Act may be cited by a reference to the State by the Parliament of which the Act was passed, together with such mode of reference as is sufficient in Acts passed by that Parliament.

**(2)** In an Act, an enactment may be cited by reference to the part, section, subsection or other division of the Commonwealth Act, Imperial Act or State Act in which the enactment is contained.

**PART III—INTERPRETATION OF ACTS*****Division 1—General Provisions*****Construction of Acts—legislative powers of the Assembly**

**11AA. (1)** An Act shall be construed as operating to the full extent of, but so as not to exceed, the legislative power of the Legislative Assembly.

**(2)** If a provision of an Act, or the application of such a provision to a person, subject-matter or circumstance, would, but for this section, be construed as being in excess of the legislative power of the Legislative Assembly, it shall be a valid provision to the extent to which it is not in excess of that power.

**Regard to be had to purpose or object of Act**

**11A. (1)** In the interpretation of a provision of an Act, a construction that would promote the purpose or object underlying the Act (whether that purpose or object is expressly stated in the Act or not) shall be preferred to a construction that would not promote that purpose or object.

**Use of extrinsic material in interpreting an Act**

**11B. (1)** Subject to subsection (3), in the interpretation of a provision of an Act, if any material not forming part of the Act is capable of assisting in the ascertainment of the meaning of the provision, consideration may be given to that material—

- (a) to confirm that the meaning of the provision is the ordinary meaning conveyed by the text of the provision taking into account its context in the Act and the purpose or object underlying the Act; or
- (b) to determine the meaning of the provision when—
  - (i) the provision is ambiguous or obscure; or
  - (ii) the ordinary meaning conveyed by the text of the provision taking into account its context in the Act and the purpose or object underlying the Act leads to a result that is manifestly absurd or is unreasonable.

**(2)** Without limiting the generality of subsection (1), the material that may be considered in accordance with that subsection in the interpretation of a provision of an Act includes—

- (a) all matters not forming part of the Act that are set out in the document containing the text of the Act as printed by the Government Printer;
  - (b) any treaty or other international agreement that is referred to in the Act;
  - (c) any relevant report of a Royal Commission, Law Reform Commission, committee of inquiry or other similar body that was laid before the Legislative Assembly or either House of the Commonwealth Parliament before the time when the provision was enacted or made;
  - (d) any relevant report of a committee of the Legislative Assembly that was made to that Assembly before the time when the provision was enacted;
  - (da) any explanatory memorandum relating to the Bill containing the provision, or any other relevant document, that was laid before, or furnished to the members of, the Legislative Assembly before the time when the provision was enacted;
  - (db) the presentation speech made to the Legislative Assembly during the passage of the Bill containing the provision by the member of the Assembly who introduced the Bill;
  - (dc) in the case of a provision contained in a converted Ordinance—any explanatory statement relating to the Ordinance, or any other relevant document, that was laid before, or furnished to the members of, either House of the Commonwealth Parliament when the Ordinance was laid before that House;
  - (dd) any relevant material in the minutes of the Legislative Assembly's meetings or in any other official record of debates in the Legislative Assembly; and
  - (e) any document (whether or not a document to which a preceding paragraph applies) that is declared by the Act to be a relevant document for the purposes of this section.
- (3)** In determining whether consideration should be given to any material in accordance with subsection (1), or in considering the weight to be given to any such material, regard shall be had, in addition to any other relevant matters, to—

- (a) the desirability of persons being able to rely on the ordinary meaning conveyed by the text of the provision taking into account its context in the Act and the purpose or object underlying the Act; and
- (b) the need to avoid prolonging legal or other proceedings without compensating advantage.

**Change of style—effect on meaning****11C.** Where—

- (a) an Act has expressed an idea or concept in particular words; and
- (b) a later Act appears to have expressed the same idea or concept in different words for the purpose of using a clearer style;

the ideas or concepts shall not be taken to be different merely because different words were used.

**Examples**

**11D.** Where an Act includes what purports to be an example of the operation of a provision of the Act—

- (a) the example shall not be taken to be exhaustive; and
- (b) if the example is inconsistent with the provision, the provision prevails.

**Headings, Schedules, marginal notes, footnotes and endnotes**

**12. (1)** The headings of the Parts, Divisions and Subdivisions into which an Act is divided form part of the Act.

**(2)** A Schedule to an Act forms part of the Act.

**(3)** A marginal note, footnote or endnote to an Act, or a heading to a section of an Act, does not form part of the Act.

**Paragraphs**

**12A.** Where a provision of an Act contains a reference to a paragraph of a provision of that Act or any other Act in a particular context or application (however described), the reference shall be read as a reference to that paragraph together with such other words (if any) in the provision containing it (whether preceding or following the paragraph) as are necessary to make that reference meaningful and the first-mentioned provision effective.

### **Compliance with forms**

**13.** Unless the contrary intention appears, strict compliance with the forms prescribed by or under an Act is not necessary and substantial compliance, or such compliance as the circumstances of a particular case allow, is sufficient.

### **Production of records kept in computers etc.**

**13A.** Where a person who keeps a record of information by means of a mechanical, electronic or other device is required by or under an Act to produce the information or a document containing the information to, or make a document containing the information available for inspection by, a court, tribunal or person, then, unless the court, tribunal or person otherwise directs, the requirement shall be deemed to oblige the person to produce or make available for inspection, as the case may be, a writing that reproduces the information in a form capable of being understood by the court, tribunal or person, and the production of such a writing to the court, tribunal or person constitutes compliance with the requirement.

### **Alterations of names and constitutions**

**13B. (1)** Where an Act alters the name of a body (whether or not the body is incorporated) or alters the name of an office, then, unless the contrary intention appears—

- (a) the body or office continues in existence under the new name so that its identity is not affected; and
- (b) in any Act, in any instrument under an Act, in any award or other industrial determination or order or any industrial agreement, in any other order (whether executive, judicial or otherwise), in any contract, in any pleading in, or process issued in connection with, any legal or other proceedings or in any other instrument, a reference to the body or the office under the former name shall, except in relation to matters that occurred before the alteration took place, be construed as a reference to the body or the office under the new name.

**(2)** Where an Act alters the constitution of a body (whether or not the body is incorporated), then, unless the contrary intention appears—

- (a) the body continues in existence as newly constituted so that its identity is not affected;

- (b) the alteration does not affect any functions, powers, property, rights, liabilities or obligations of the body;
- (c) the alteration does not affect any legal or other proceedings instituted or to be instituted by or against the body, and any legal or other proceedings that might have been continued or commenced by or against the body as previously constituted may be continued or commenced by or against the body as newly constituted; and
- (d) the alteration does not affect any investigation or inquiry being or proposed to be undertaken by any tribunal, authority or person into any action taken or practice engaged in by the body before the alteration took place, and any investigation or inquiry that might have been continued or commenced into any such action or practice may be continued or commenced as if the action had been taken or the practice had been engaged in by the body as newly constituted.

### **Content of statements of reasons for decisions**

**13C.** Where an Act requires a tribunal, body or person making a decision to give written reasons for the decision, whether the expression “reasons”, “grounds” or any other expression is used, the instrument giving the reasons shall also set out the findings on material questions of fact and refer to the evidence or other material on which those findings were based.

### **Attainment of particular age**

**13D.** For the purposes of any Act, unless the contrary intention appears, the time at which a person attains a particular age expressed in years is the commencement of the relevant anniversary of the date of birth of that person.

## ***Division 2—Words and phrases***

### **Meaning of certain words**

**14. (1)** In an Act, unless the contrary intention appears—

“Act” means—

- (a) an Act passed by the Legislative Assembly; or
- (b) an enactment;

- “administrative unit” means an administrative unit for the time being established under subsection 13 (1) of the *Public Sector Management Act 1994*;
- “appoint” includes reappoint;
- “Australia” or “the Commonwealth” means the Commonwealth of Australia and, when used in a geographical sense, does not include an external Territory;
- “British possession” means a part of the Queen’s dominions other than the United Kingdom, and in relation to parts of the Queen’s dominions that are under both a central and local legislature, includes all parts under the central legislature as if those parts were one possession;
- “calendar month” means a period commencing at the beginning of a day of one of the 12 months of the year and ending immediately before the beginning of the corresponding day of the next month or, if there is no such corresponding day, ending at the expiration of the next month;
- “calendar year” means a period of 12 months commencing on 1 January;
- “Chief Executive” means the Chief Executive appointed under section 28 of the *Public Sector Management Act 1994* who has control of the administrative unit to which responsibility for the administration of the Act in which the expression appears, or the administration of that Act in the relevant respect, is allocated under section 14 of the *Public Sector Management Act 1994*;
- “Chief Minister” means the Chief Minister for the Territory elected under section 40 of the *Australian Capital Territory (Self-Government) Act 1988* of the Commonwealth;
- “commencement”, in relation to an Act or a provision of an Act, means the time at which the Act or provision comes into operation;
- “Commissioner for Public Administration” means the Commissioner for Public Administration appointed under section 18 of the *Public Sector Management Act 1994*;
- “Commissioner of Police” means the Commissioner of Police of the Australian Federal Police;

- “committed for trial”, in relation to a person, means committed to prison or to a remand centre with a view to being tried before a judge and jury, or admitted to bail upon an undertaking to appear and be tried before a judge and jury;
- “Commonwealth Act” means an Act passed by the Commonwealth Parliament;
- “Commonwealth country” means a country that forms part of the Commonwealth of Nations, and includes—
- (a) a colony, overseas Territory or protectorate of such a country; and
  - (b) a Territory for the international relations of which such a country is responsible;
- “*Commonwealth Gazette*” means the *Commonwealth of Australia Gazette* and includes the *Australian Government Gazette* published during the period that commenced on 1 July 1973 and ended on 30 June 1977;
- “Commonwealth Minister” means one of the Queen’s Ministers of State for the Commonwealth;
- “Consolidated Revenue Fund” means the Consolidated Revenue Fund established by section 81 of the *Audit Act 1989*;
- “contravene” includes fail to comply with;
- “converted Ordinance” means an enactment that, immediately before self-government day, was an Ordinance;
- “court of summary jurisdiction” means the Magistrates Court;
- “enactment” means a law that is—
- (a) an enactment within the meaning of the *Australian Capital Territory (Self-Government) Act 1988* of the Commonwealth by virtue of section 34 of that Act; or
  - (b) to be taken to be an enactment by virtue of subsection 10 (3) or 12 (2) or (3) of the *A.C.T. Self-Government (Consequential Provisions) Act 1988* of the Commonwealth;



- “estate” includes any estate, interest, charge, right, title, claim, demand, lien or encumbrance at law or in equity;
- “Executive” means the Australian Capital Territory Executive established by section 36 of the *Australian Capital Territory (Self-Government) Act 1988* of the Commonwealth;
- “external Territory” means a Territory, not being an internal Territory, for the government of which as a Territory provision is made by any Act of the Commonwealth;
- “financial year” means a period of 12 months commencing on 1 July;
- “foreign country” means any country (whether or not an independent sovereign state) outside Australia and the external Territories;
- “*Gazette*” means the *Australian Capital Territory Gazette*;
- “Government Printer” includes any person printing for or by the authority of the Executive or the Government of the Commonwealth;
- “Government Service” means the Australian Capital Territory Government Service established by subsection 12 (1) of the *Public Sector Management Act 1994*;
- “Imperial Act” means an Act passed by the Parliament of the United Kingdom;
- “indictment” includes information;
- “internal Territory” means the Australian Capital Territory, the Jervis Bay Territory or the Northern Territory of Australia;
- “Judge”, in relation to the Supreme Court, means a resident Judge, an additional Judge or an acting Judge within the meaning of the *Supreme Court Act 1933*;
- “justice of the peace” means a justice of the peace of the Territory;
- “Lake Burley Griffin” means Lake Burley Griffin as defined in the *Lakes Act 1976*;
- “Lake Ginninderra” means Lake Ginninderra as defined in the *Lakes Act 1976*;

“land” includes messuages, tenements, and hereditaments, corporeal or incorporeal, of any tenure or description, whatever may be the estate or interest therein;

“law of the Territory” means—

- (a) an Act;
- (b) a subordinate law;
- (c) a law specified in Schedule 3 or 5 to the *Australian Capital Territory (Self-Government) Act 1988* of the Commonwealth;
- (d) a provision of a law, being a provision specified in Schedule 3 to that Commonwealth Act;
- (e) an Ordinance;
- (f) a regulation, rule or by-law made under—
  - (i) a law that is a law of the Territory by virtue of paragraph (c); or
  - (ii) an Ordinance; or
- (g) the common law;

“Legislative Assembly” means the Legislative Assembly for the Australian Capital Territory established by section 8 of the *Australian Capital Territory (Self-Government) Act 1988* of the Commonwealth;

“magistrate” means a Magistrate within the meaning of the *Magistrates Court Act 1930*;

“Magistrates Court” means the Magistrates Court established pursuant to the *Magistrates Court Act 1930*;

“Minister” means the Chief Minister or a Minister appointed under section 41 of the *Australian Capital Territory (Self-Government) Act 1988* of the Commonwealth;

“month” means calendar month;

“National Land” has the same meaning as in the *Australian Capital Territory (Planning and Land Management) Act 1988* of the Commonwealth;

- “Northern Territory” means the Northern Territory of Australia;
- “Ordinance” means an Ordinance made pursuant to section 12 of the *Seat of Government (Administration) Act 1910* of the Commonwealth;
- “person” and “party” include a body politic or corporate as well as an individual;
- “police officer” means a member or special member of the Australian Federal Police;
- “prescribed” means prescribed by the Act, or by regulations under the Act;
- “proclamation” means proclamation by the Governor-General published in the *Gazette*;
- “public employee” means—
- (a) a public servant;
  - (b) a person employed by a Territory instrumentality within the meaning of the *Public Sector Management Act 1994*; or
  - (c) a statutory office holder within the meaning of the *Public Sector Management Act 1994* or a person employed by such a statutory office holder;
- “public servant” means a person employed in the Government Service;
- “regulations” means regulations under the Act;
- “rules of court”, in relation to a court, means rules made by the authority having for the time being power to make rules or orders regulating the practice and procedure of the Court;
- “self-government day” means the date of commencement of section 22 of the *Australian Capital Territory (Self-Government) Act 1988* of the Commonwealth;
- “sitting day” in relation to the Legislative Assembly, means a day on which the Assembly meets;
- “Standards Association of Australia” means the body incorporated by Royal Charter under that name;

- “State” means a State of the Commonwealth;
- “State Act” means an Act passed by the Parliament of a State;
- “statutory declaration” means a statutory declaration made by virtue of the *Statutory Declarations Act 1959* of the Commonwealth;
- “subordinate law” means an instrument of a legislative nature (including regulations, rules or by-laws) made under an Act;
- “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;
- “Territory authority” means a body, whether incorporated or not, established by or under an Act;
- “Territory Crown” means the Crown in right of the Territory;
- “Territory Land” has the same meaning as in the *Australian Capital Territory (Planning and Land Management) Act 1988* of the Commonwealth;
- “the City Area” means the City Area within the meaning of the *City Area Leases Act 1936*;
- “the Constitution” means the Constitution of the Commonwealth;
- “the Federal Court” means the Federal Court of Australia;
- “the High Court” means the High Court of Australia;
- “the Jervis Bay Territory” means the Territory accepted by the Commonwealth in pursuance of the *Jervis Bay Territory Acceptance Act 1915* of the Commonwealth and described in the Agreement set out in the Schedule to that Act;
- “the Minister” means—
- (a) the Minister for the time being administering the Act or other law in which, or in respect of which, the expression is used; or

- (b) if, for the time being, different Ministers are administering that Act or law in different respects, each of those Ministers to the extent that he or she is administering that Act or law in the relevant respect;

and includes a Minister for the time being acting on behalf of that Minister or each of those Ministers;

“the Supreme Court” means the Supreme Court of the Australian Capital Territory;

“the Territory” means—

- (a) when used in a geographical sense—the Australian Capital Territory; or
- (b) in any other case—the body politic established by section 7 of the *Australian Capital Territory (Self-Government) Act 1988* of the Commonwealth;

“the United Kingdom” means the United Kingdom of Great Britain and Northern Ireland.

**(1A)** In an Act, unless the contrary intention appears, a reference to a particular Minister shall be read as including a reference to a Minister for the time being acting on behalf of that Minister.

**(2)** In an Act, a reference consisting of the words “Australian Standard” followed by a number shall be read as a reference to the standard so numbered published by or on behalf of the Standards Association of Australia.

**(3)** Express references in an Act to companies, corporations or bodies corporate shall not be taken to imply that references in the Act to persons do not also include references to companies, corporations or bodies corporate.

### **Parts of speech and grammatical forms**

**14B.** In an Act, 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.

### **“Oath”, “affidavit” and “swear”**

**15.** In an Act, unless the contrary intention appears, the words “oath” and “affidavit” shall, in the case of a person allowed by law to affirm,

declare or promise instead of swearing, be read as including affirmation, declaration and promise, and the word “swear” shall, in the case of such a person, be read as including affirm, declare and promise.

### **References to writing and documents**

**17.** In an Act, unless the contrary intention appears—

“document” includes—

- (a) any paper or other material on which there is writing;
- (b) any paper or other material on which there are marks, figures, symbols or perforations having a meaning for persons qualified to interpret them; and
- (c) any article or material from which sounds, images or writings are capable of being reproduced with or without the aid of any other article or device;

“writing” includes any mode of representing or reproducing words, figures, drawings or symbols in a visible form.

### **Service of documents**

**17A. (1)** For the purposes of any Act that authorizes or requires a document to be served on a person, whether the expression “serve”, “give” or “send” or any other expression is used, then, unless the contrary intention appears, the document may be served—

- (a) on a natural person—
    - (i) by delivering it to the person personally; or
    - (ii) by leaving it at, or sending it by pre-paid post to, the address of the place of residence or business of the person last known to the person serving the document; or
  - (b) on a body corporate—by leaving it at, or sending it by pre-paid post to, the head office, a registered office or a principal office of the body corporate.
- (2)** Nothing in subsection (1)—
- (a) affects the operation of any other law of the Territory that authorizes or requires the service of a document otherwise than as provided in that subsection; or

- (b) affects the power of a court to authorize or require service of a document otherwise than as provided in that subsection.

### **Service by post**

**18.** Where an Act authorizes or requires a document to be served by post, whether the expression “serve” or the expression “give” or “send” or any other expression is used, then, unless the contrary intention appears, the service shall be deemed to be effected by properly addressing and posting (under prepaid post) the document as a letter, and, unless the contrary is proved, to have been effected at the time at which the letter would have been delivered in the ordinary course of post.

### **Gender and number**

- 19.** In an Act, unless the contrary intention appears—
- (a) words importing a gender include every other gender; and
  - (b) words in the singular number include the plural and words in the plural number include the singular.

### **References to the Sovereign**

**20.** In an Act, unless the contrary intention appears, a reference to the Sovereign reigning at the time of the making of the Act, or to the Crown, shall be read as a reference to the Sovereign for the time being.

### **References to the Governor-General**

**21.** Where, in an Act, the Governor-General is referred to, the reference shall, unless the contrary intention appears, be deemed to include—

- (a) the person for the time being administering the Government of the Commonwealth; or
- (b) where the reference occurs in or in relation to a provision conferring on the Governor-General a power or function which the Governor-General or the person administering the Government of the Commonwealth has for the time being assigned to a person as his deputy, that last-mentioned person in his capacity as deputy,

and shall, unless the contrary intention appears, be read as referring to the Governor-General, or a person so deemed to be included in the reference, acting with the advice of the Executive Council.

**References to the Governor of a State**

**22.** Where, in an Act, the Governor of a State is referred to, the reference shall, unless the contrary intention appears, be deemed to include the Governor for the time being of the State or any other person who is, for the time being, the chief executive officer or administrator of the Government of the State.

**References to officers, localities etc.**

**25. (1)** In an Act, unless the contrary intention appears, a reference to an officer or office by designation shall—

- (a) if there is an officer or office of that designation in and of the Territory—be read as a reference to that officer or office; or
- (b) if there is not an officer or office of that designation in and of the Territory, but there is such an officer or office in and of the Commonwealth—be read as a reference to the officer or office in and of the Commonwealth.

**(2)** In an Act, unless the contrary intention appears, references to localities, jurisdictions and other matters and things shall be read as references to such localities, jurisdictions and other matters and things in and of the Territory.

**(3)** Where in an Act, a person holding or occupying a particular office or position is mentioned or referred to in general terms, the mention or reference, unless the contrary intention appears, includes all persons who at any time occupy for the time being, or perform for the time being the duties of, that office or position.

**Chairperson and Deputy Chairperson**

**25A. (1)** Where an Act establishes an office of Chairperson of a body, the Chairperson may be referred to as the Chairman or Chairwoman, as the case requires.

**(2)** Where an Act establishes an office of Deputy Chairperson of a body, the Deputy Chairperson may be referred to as Deputy Chairman or Deputy Chairwoman, as the case requires.

***Division 3—Powers and Duties*****Exercise of powers and duties**

**26. (1)** Where an Act confers a power or imposes a duty, then, unless the contrary intention appears, the power may be exercised and the duty shall be performed from time to time as occasion requires.



(2) Where an Act confers a power or imposes a duty on the holder of an office as such, then, unless the contrary intention appears, the power may be exercised and the duty shall be performed by the holder for the time being of the office.

(3) Where an Act provides, by using the word “may”, that a person, court or body may do a particular act or thing, the act or thing may be done at the discretion of the person, court or body.

(4) Where an Act confers a power or function, or imposes a duty, on a body, whether incorporated or unincorporated, the exercise of the power or the performance of the function or duty is not affected merely because of a vacancy or vacancies in the membership of the body.

#### **Power to make, grant or issue instruments**

27. (1) Where an Act confers on a person or authority a power to make, grant or issue any instrument (including rules, regulations or by-laws) that person or authority has, unless the contrary intention appears, the further power, exercisable in the like manner and subject to the like conditions (if any), to repeal, rescind, revoke, amend or vary such an instrument.

(2) Where an Act confers a power to make, grant or issue any instrument (including rules, regulations or by-laws) with respect to particular matters (however described), the power shall be construed as including a power to make, grant or issue such an instrument with respect to some only of those matters or with respect to a particular class or particular classes of those matters and to make different provision with respect to different matters or different classes of matters.

(3) Where an Act confers a power to make, grant or issue any instrument (including rules, regulations or by-laws), the power shall not be taken, by implication, not to include the power to make provision for or in relation to a particular aspect of a matter by reason only that provision is made by the Act in relation to another aspect of that matter or in relation to another matter.

(4) Where an Act confers a power to make, grant or issue an instrument (including rules, regulations or by-laws) prescribing penalties not exceeding a specified amount or imprisonment for a specified period, that limitation on the penalties that may be prescribed does not prevent the instrument from requiring the making of a statutory declaration.

**Power to make appointments**

**28. (1)** Subject to the next succeeding subsection, where an Act confers on a person or authority a power to make appointments to an office or place, that person or authority has, unless the contrary intention appears, the power to appoint a person to act in the office or place until—

- (a) a person is appointed to the office or place; or
- (b) the expiration of 12 months after the office or place was created or became vacant, as the case requires,

whichever first happens, and that person or authority has also, unless the contrary intention appears, the power to remove or suspend a person appointed, and to appoint another person temporarily in the place of a person so removed or suspended or in the place of a sick or absent holder of the office or place.

**(2)** Where the power of a person or authority to make appointments to an office or place is exercisable only upon the recommendation, or subject to the approval or consent, of some other person or authority, the power to make an appointment to act in the office or place or the power of removal or suspension is, unless the contrary intention appears, exercisable only upon the recommendation, or subject to the approval or consent, of that other person or authority.

**Acting appointments**

**28A.** Where a provision of an Act (other than subsection 28 (1) of this Act) confers on a person or body (in this section called the “appointer”) a power to appoint a person (in this section called the “appointee”) to act in a particular office, then, except so far as the Act otherwise provides, the following paragraphs apply in relation to an appointment made under the provision:

- (a) the appointment may be expressed to have effect only in the circumstances specified in the instrument of appointment;
- (b) the appointer may—
  - (i) determine the terms and conditions of the appointment, including remuneration and allowances; and
  - (ii) terminate the appointment at any time;
- (c) where the appointee is acting in an office other than a vacant office and the office becomes vacant while the appointee is acting,

then, subject to paragraph (a), the appointee may continue so to act until—

- (i) the appointer otherwise directs;
- (ii) the vacancy is filled; or
- (iii) the expiration of the period of 12 months that commenced on the day of the vacancy;

whichever happens first;

- (d) the appointment ceases to have effect if the appointee resigns in writing delivered to the appointer;
- (e) while the appointee is acting in the office—
  - (i) the appointee has and may exercise all the powers, and shall perform all the functions and duties, of the holder of the office; and
  - (ii) that or any other Act applies in relation to the appointee as if the appointee were the holder of the office.

### **Power to determine includes authority to administer oath**

**29.** A court, judge, magistrate, officer, commissioner, arbitrator or other person authorized by an Act to hear and determine a matter has authority to receive evidence and examine witnesses and, for that purpose, to administer oaths to witnesses.

### **Delegations**

**29A.** Where an Act confers power to delegate a function or power, then, unless the contrary intention appears, the power of delegation shall not be construed as being limited to delegating the function or power to a specified person but shall be construed as including a power to delegate the function or power to any person from time to time holding, occupying, or performing the duties of, a specified office or position.

### **Effect of delegation**

**29B.** Where an Act confers power on a person or body (in this section called the “authority”) to delegate a power or function—

- (a) the delegation may be made either generally or as otherwise provided by the instrument of delegation;

- (b) the powers that may be delegated do not include that power to delegate;
- (c) a power or function so delegated, when exercised or performed by the delegate, shall, for all purposes, be deemed to have been exercised or performed by the authority;
- (d) a delegation by the authority does not prevent the exercise or performance of a power or function by the authority; and
- (e) if the authority is not a person, section 30 applies as if it were.

### **Exercise of certain powers and functions by delegate**

**30.** Where, under an Act, the exercise of a power or function by a person is dependent upon the opinion, belief or state of mind of that person in relation to a matter and that power or function has been delegated in pursuance of any power vested in that person by that or any other Act to delegate the exercise of that power or function, that power or function may be exercised by the delegate upon the opinion, belief or state of mind of the delegate in relation to that matter.

### **Effect on delegations—changes of office holder or changes in administration**

**30AA. (1)** Where a person ceases to hold an office or position, a delegation made or taken to be made by that person in his or her capacity as the holder of that office or position and in force immediately before the cessation—

- (a) shall, on and after that cessation, be taken to be made by the person's successor in that office or position and shall then, subject to paragraph (b), otherwise have effect according to its tenor; and
- (b) may, by instrument, be varied or revoked by that successor.

**(2)** Where the administration of a particular Act or subordinate law ceases to be the responsibility of the holder of an office or position (in this section called “the former administrator”) and becomes the responsibility of the holder of another office or position (in this section called “the relevant successor”), a delegation made or taken to be made by the former administrator and in force immediately before the cessation—

- (a) shall, on and after that cessation, be taken to be made by the relevant successor and shall then, subject to paragraph (b), otherwise have effect according to its tenor; and

- (b) may, by instrument, be varied or revoked by the relevant successor.

(3) Paragraphs 29B (c) and (d), and section 30, apply in relation to a delegation referred to in subsection (1) or (2) as if it had been given by the relevant successor.

### **Delegation includes sub-delegation**

**30AB.** In sections 29A, 29B, 30 and 30AA, references to a power to delegate, a delegate and a delegation shall be read as including references to a power to sub-delegate, a sub-delegate and a sub-delegation, respectively.

### **Periodic reports**

**30A. (1)** In this section—

“periodic report” means a regular report relating to—

- (a) the activities, operations, business or affairs of a person; or
- (b) the administration, operation or working of an Act or part of an Act,

during a particular period;

“person” includes a body corporate, office, commission, authority, committee, tribunal, board, institute, organization or other body however described.

(2) Where an Act requires a person to furnish a periodic report to a Minister but does not specify a period within which the report is to be so furnished, that person shall furnish the report to the Minister as soon as practicable after the end of the particular period to which the report relates and, in any event, within 6 months after the end of that particular period.

(3) Where an Act requires a person to furnish a periodic report to a Minister for presentation to the Legislative Assembly but does not specify a period within which the report is to be so presented, that Minister shall cause a copy of the report to be laid before the Legislative Assembly within 15 sitting days after the day on which he or she receives the report.

(4) Where this or any other Act requires a person to furnish a periodic report to a Minister within a specified period and that person is of the opinion that it will not be reasonably practicable to comply with the requirement, that person may, within the specified period, apply to the

Minister for an extension of the period and, if he or she does so apply, he or she shall furnish to the Minister a statement in writing explaining why, in his or her opinion, it will not be reasonably practicable to comply with the requirement.

(5) On such an application, a Minister may grant such extension as he or she considers reasonable in the circumstances.

(6) Where a Minister grants such an extension—

- (a) the Minister shall cause to be laid before the Legislative Assembly, within 3 sitting days after the day on which he or she grants the extension, a copy of the statement furnished pursuant to subsection (4) in respect of the relevant application together with a statement specifying the extension granted and his or her reasons for granting the extension;
- (b) notwithstanding subsection (2) and any other Act, the person who made the application shall furnish the periodic report to the Minister within the extended period; and
- (c) the Minister shall cause a copy of the report to be laid before the Legislative Assembly within 15 sitting days after the day on which he or she receives the report.

(7) Where this or any other Act requires a person to furnish a periodic report to a Minister within a specified period or a period as extended under subsection (5) and that person fails to do so—

- (a) that person shall, within 14 days after the end of that specified period or extended period, as the case may be, furnish to the Minister a statement in writing explaining why the report was not furnished as required; and
- (b) the Minister shall cause a copy of the statement to be laid before the Legislative Assembly within 3 sitting days after the day on which he or she receives the statement.

### **Power to make rules of court**

**31.** The power of an authority to make rules of court in relation to a court shall, unless the contrary intention appears, be deemed to include a power to make rules of court for the purpose of any Act that directs or authorizes anything to be done, in relation to that court, by rules of court.

**Division 4—Legal proceedings**

**Jurisdiction of courts**

**31A.** Where a provision of an Act, whether expressly or by implication, authorizes a civil or criminal proceeding to be instituted in a particular court of the Territory in relation to a matter—

- (a) that provision shall be—
  - (i) deemed to vest that court with jurisdiction in that matter; and
  - (ii) construed as providing that the jurisdiction is vested so far only as the Constitution permits; and
- (b) except so far as the contrary intention appears, the jurisdiction so vested is not limited by any limits to which any other jurisdiction of the court may be subject.

**Corporation liable to, and may sue for, penalties**

**32. (1)** A provision of an Act relating to offences punishable on indictment or summary conviction shall, unless the contrary intention appears, be deemed to refer to bodies corporate as well as to individual persons, but where the penalty prescribed in respect of an offence is a period of imprisonment only, the court before which the offence is tried may, if it thinks fit, in the case of a body corporate, impose a pecuniary penalty not exceeding—

- (a) where the period of imprisonment does not exceed 6 months—\$5,000;
- (b) where the period of imprisonment exceeds 6 months but does not exceed 1 year—\$10,000;
- (c) where the period of imprisonment exceeds 1 year but does not exceed 2 years—\$25,000;
- (d) where the period of imprisonment exceeds 2 years but does not exceed 5 years—\$50,000; and
- (e) where the period of imprisonment exceeds 5 years—\$100,000.

**(2)** Where, under an Act, a forfeiture or penalty is payable to a party aggrieved, it is payable, where a body corporate is the party aggrieved, to that body corporate.

**Penalties at foot of sections or subsections**

**33. (1)** Subject to the next succeeding subsection, the penalty, pecuniary or other, set out—

- (a) at the foot of a section of an Act; or
- (b) at the foot of a subsection of a section of an Act, but not at the foot of the section,

indicates that a contravention of the section or the subsection, respectively, whether by act or omission, is an offence against the Act, punishable upon conviction by a penalty not exceeding the penalty so set out.

**(2)** Where a penalty set out at the foot of a section, or subsection of a section, of an Act is expressed to apply to a part only of the section or subsection, it applies to that part only.

**Effect of alterations in penalties**

**33A. (1)** Where an Act increases the penalty or maximum penalty for an offence, the penalty or maximum penalty as increased applies only to offences committed after the commencement of the provision of the Act increasing the penalty or maximum penalty.

**(2)** Where an Act reduces the penalty or maximum penalty for an offence, the penalty or maximum penalty as reduced extends to offences committed before the commencement of the provision of the Act reducing the penalty or maximum penalty, but the reduction does not affect any penalty imposed before that commencement.

**Continuing offences**

**33B. (1)** Where, by or under a provision of an Act, an act or thing is required to be done within a particular period or before a particular time, unless the contrary intention appears, the obligation to do that act or thing continues, notwithstanding that that period has expired or that time has passed, until that act or thing is done.

**(2)** Where a refusal or failure to comply with a requirement referred to in subsection (1) is an offence under an Act, a person is guilty of an offence in respect of each day during which the person refuses or fails to comply with that requirement, including the day of a conviction for any such offence or any later day.



### **Joinder of charges**

**33C. (1)** Charges against the same person for any number of offences under the same provision of an Act may be joined in the same information or summons if those charges are founded on the same facts or form, or are part of, a series of offences of the same or a similar character.

**(2)** If a person is convicted of 2 or more offences referred to in subsection (1), being offences related to doing or failing to do the same act or thing, the court may impose one penalty in respect of both or all those offences, but that penalty shall not exceed the sum of the maximum penalties that could be imposed if a separate penalty were imposed in respect of each offence.

### **Indictable offences**

**33D.** An offence under any Act that is punishable by imprisonment for a period exceeding 1 year is, unless the contrary intention appears, an indictable offence.

### **Offences punishable on summary conviction**

**33E.** An offence under any Act that—

- (a) is punishable by imprisonment for a period not exceeding 1 year; or
- (b) not being punishable by imprisonment, is not declared to be an indictable offence,

is, unless the contrary intention appears, punishable on summary conviction.

### **Offences under 2 or more laws**

**33F. (1)** Where an act or omission constitutes an offence under each of 2 or more laws of the Territory, the offender is, unless the contrary intention appears, liable to be prosecuted and convicted under either or any of those laws but is not liable to be punished more than once in respect of that act or omission.

**(2)** Where an act or omission constitutes an offence under both—

- (a) a law of the Territory and a law of the Commonwealth; or
- (b) a law of the Territory and a law of a State;

and the offender has been punished for the offence under the law of the Commonwealth or the law of the State, as the case may be, the offender is not liable to be punished for the offence under the law of the Territory.

### **Application of certain sections of Commonwealth Crimes Act to Territory Acts**

**33G.<sup>2</sup> (1)** The provisions of sections 13, 14, 15, 17, 19A, 20B, 21, 21B and 21C of the *Crimes Act 1914* of the Commonwealth shall, so far as they are applicable, apply in relation to all Acts as if an Act were a law of the Commonwealth.

**(2)** In subsection (1), a reference to an Act shall be read as including a reference to a continued State law and to regulations, rules or by-laws made under an Act or continued State law.

### **Civil proceedings**

**34.** Where moneys are due in pursuance of an Act, then, unless the contrary intention appears, the moneys are recoverable in a court having, in the Territory, civil jurisdiction to the extent of the amount due.

## ***Division 5—Distance and Time***

### **Measurement of distance**

**35.** In the measurement of any distance for the purpose of an Act, that distance shall, unless the contrary intention appears, be measured in a straight line on a horizontal plane.

### **Reckoning of time**

**36. (1)** Where, in an Act, a period of time, dating from a given day, act or event, is prescribed or allowed for any purpose, the time shall, unless the contrary intention appears, be reckoned exclusive of that day or of the day of that act or event.

**(2)** Where the last day of a period prescribed or allowed by an Act for the doing of anything falls on a Saturday, on a Sunday or on a day that is a public holiday in the place in which the thing is to be or may be done, the thing may be done on the first day following that is not a Saturday, a Sunday or a public holiday in that place.

***Division 6—Effect of Repeal, Amendment or Expiration of Acts***

**Non-reviver rule**

**37.** The repeal of an Act or part of an Act by which a previous Act or Ordinance or part of a previous Act or Ordinance was repealed does not, unless the contrary intention appears, have the effect of reviving the previous Act or Ordinance or that part of the previous Act or Ordinance.

**Effect of repeal**

**38.** Where an Act repeals an Act or part of an Act, then, unless the contrary intention appears, the repeal does not—

- (a) revive anything not in force or existing at the time at which the repeal takes effect;
- (b) affect the previous operation of the Act or the part of the Act so repealed, or anything duly done or suffered under the Act or the part of the Act so repealed;
- (c) affect a right, privilege, obligation or liability acquired, accrued or incurred under the Act or the part of the Act so repealed, or an investigation, legal proceeding or remedy in respect of that right, privilege, obligation or liability; or
- (d) affect a penalty, forfeiture or punishment incurred in respect of an offence committed against the Act or the part of the Act so repealed, or an investigation, legal proceeding or remedy in respect of that penalty, forfeiture or punishment,

and the investigation, legal proceeding, or remedy may be instituted, continued or enforced, and a penalty, forfeiture or punishment may be imposed, as if the repealing Act had not been made.

**Implied repeals etc.**

**39.** A reference in section 37 or 38 to the repeal of an Act or of a part of an Act shall be read as including a reference to—

- (a) a repeal effected by implication;
- (b) the abrogation or limitation of the effect of the Act or part; and
- (c) the exclusion of the application of the Act or part to any person, subject-matter or circumstance.

**Effect of expiration of Act**

**39A.** Where an Act or a part of an Act expires, lapses or otherwise ceases to have effect, sections 37 and 38 apply as if the Act or part had been repealed by another Act.

**References to part of an Act**

**39B.** A reference in section 37, 38, 39 or 39A to a part of an Act shall be read as including a reference to any provision of, or words, figures, drawings or symbols in, an Act.

**Amending Act to be construed with amended Act**

**40.** An Act amending another Act shall, unless the contrary intention appears, be construed with the other Act and as part of it.

**Definitions inserted by amending Act**

**40A.** Where an amending Act inserts a definition in a provision of the Act being amended but does not specify the position in that provision where it is to be inserted, it shall be deemed to be inserted in the appropriate alphabetical position determined on a letter-by-letter basis.

**References to Acts or Commonwealth Acts**

**41. (1)** Where an Act contains—

- (a) a reference to the short title of another Act as originally made; or
- (b) a reference to a method of citation that is, or at any time has been, provided by law for the citation of another Act as amended,

then, except so far as the contrary intention appears—

- (c) the reference shall be construed as a reference to that other Act as originally made and as amended from time to time; and
- (d) where that other Act has been repealed and remade, with or without modification, the reference shall be construed as including a reference to the remade Act as originally made and as amended from time to time and, where, in connexion with that reference, particular provisions of the repealed Act are referred to, being provisions to which provisions of the remade Act correspond, the reference to those particular provisions shall be construed as including a reference to those corresponding provisions.

**(2)** Where an Act contains—

- (a) a reference to the short title of a Commonwealth Act as originally enacted; or
- (b) a reference to a method of citation that is, or at any time has been, provided by law for the citation of a Commonwealth Act as amended;

then, except so far as the contrary intention appears—

- (c) the reference shall be construed as a reference to the Commonwealth Act as originally enacted and as amended from time to time; and
- (d) where that Commonwealth Act has been repealed and re-enacted, with or without modification, the reference shall be construed as including a reference to the re-enacted Commonwealth Act as originally enacted and as amended from time to time and, where, in connexion with that reference, particular provisions of the repealed Commonwealth Act are referred to, being provisions to which provisions of the re-enacted Commonwealth Act correspond, the reference to those particular provisions shall be construed as including a reference to those corresponding provisions.

**References to amended or re-enacted laws of States and Territories**

**41A.** Where an Act contains a reference to a short title or other citation that is or was provided by the law of a State or another Territory for the citation of a law of that State or Territory as originally enacted or made, or as amended, then, except so far as the contrary intention appears—

- (a) the reference shall be construed as a reference to that law as originally enacted or made and as amended from time to time; and
- (b) where that law has been repealed and re-enacted or re-made, with or without modifications, the reference shall be construed as including a reference to the re-enacted or re-made law as originally enacted or made and as amended from time to time and, where, in connection with that reference, particular provisions of the repealed law are referred to, being provisions to which provisions of the re-enacted or re-made law correspond, the reference to those particular provisions shall be construed as including a reference to those corresponding provisions.

**Expiration of Acts**

42. The expiration of an Act does not affect any civil proceedings previously commenced under the Act, and the civil proceedings may be continued, and everything in relation to the civil proceedings may be done, in all respects as if the Act continued in force.

**PART IV—CONTINUED STATE LAWS****Application of Part III to continued State laws**

43. (1) Subject to this Part, the provisions of Divisions 1 to 5 of Part III apply, so far as they are capable of application, to and in relation to continued State laws as if a continued State law were an Act and, in the case of a continued State law, being rules, regulations or by-laws, as if each rule, regulation or by-law were a section of an Act.

(2) Section 37 applies in relation to the repeal of an Act or part of an Act by which a continued State law or part of such a law was repealed as if a continued State law were an Act.

(3) Sections 38 and 39 apply in relation to the repeal of a continued State law or part of such a law by an Act as if a continued State law were an Act.

(4) Section 40 applies in relation to an Act amending a continued State law as if a continued State law were an Act.

(5) Section 41 applies in relation to references in an Act to a continued State law that is subsequently amended by an Act as if a continued State law were an Act.

(6) Section 42 applies in relation to a continued State law as if a continued State law were an Act.

(7) For the purposes of sections 37, 38 and 39 in their application in relation to continued State laws, an Act that provides that a continued State law, or part of such a law, shall cease to apply to, or shall cease to be in force in, the Territory shall be deemed to repeal that law or that part of that law, as the case may be.

**Meaning of certain words in continued State laws**

44. (1) In a continued State law, unless the contrary intention appears—

“Act” means an Act of the Parliament of the State of New South Wales;

“the Government Printer”, in relation to an instrument or other document printed before the first day of January, One thousand nine hundred and eleven, means the Government Printer of the State of New South Wales.

(2) A reference in a continued State law to the Government Gazette of New South Wales shall be read as a reference to the *Gazette*.

(3) Where, in a continued State law, a power is conferred on an officer or a person by the word “may”, that power may be exercised at the discretion of the officer or person.

#### **References to State Ministers**

45. A reference in a continued State law to a Minister of State for New South Wales (however described) shall, unless the contrary intention appears, be read as a reference to the Minister for the time being administering that law or that law in the relevant respect, and as including a reference to a Minister for the time being acting on behalf of that Minister.

#### **References to British subjects**

47. Where, in a continued State law, a reference is made to a British subject, whether or not it makes a distinction between the rights, powers, privileges, obligations, duties or liabilities of natural-born British subjects and those of naturalized British subjects, the reference shall be read as a reference to a British subject within the meaning of the *Australian Citizenship Act 1948* of the Commonwealth.

#### **Measurement of distance in continued State laws**

48. In the measurement of any distance for the purposes of a continued State law, that distance shall, unless measurement in a straight line is required by that law or by the context, be computed according to the nearest route ordinarily used in travelling.

## NOTES

1. The *Interpretation Act 1967* as shown in this reprint comprises Act No. 48, 1967 amended as indicated in the Tables below.

Citation of Laws—The *Self-Government (Citation of Laws) Act 1989* (No. 21, 1989) altered the citation of most Ordinances so that after Self-Government day they are to be cited as Acts. That Act also affects references in ACT laws to Commonwealth Acts.

Table 1  
Table of Ordinances

Ordinance	Number and year	Date of notification in <i>Gazette</i>	Date of commencement	Application, saving or transitional provisions
<i>Interpretation Ordinance 1967</i>	48, 1967	29 Dec 1967	29 Dec 1967	
<i>Interpretation Ordinance 1972</i>	18, 1972	30 June 1972	30 June 1972	—
<i>Interpretation Ordinance (No. 2) 1972</i>	42, 1972	19 Dec 1972	19 Dec 1972	—
<i>Interpretation Ordinance 1973</i>	23, 1973	30 June 1973	30 June 1973	—
<i>Police (Administration) Ordinance 1975</i>	6, 1975	27 Mar 1975	27 Mar 1975	—
<i>Ordinances Citation Ordinance 1976</i>	30, 1976	28 July 1976	1 Aug 1976	—
<i>Interpretation (Amendment) Ordinance 1977</i>	24, 1977	30 June 1977	1 July 1977	—
<i>Ordinances Revision Ordinance 1977</i>	65, 1977	22 Dec 1977	22 Dec 1977	—
<i>Ordinances Revision Ordinance 1978</i>	46, 1978	28 Dec 1978	28 Dec 1978	—
<i>Interpretation (Amendment) Ordinance 1979</i>	4, 1979	21 Mar 1979	21 Mar 1979	S. 3 (2)
<i>Interpretation (Amendment) Ordinance 1980</i>	31, 1980	25 Sept 1980	1 July 1980	—
<i>Interpretation (Amendment) Ordinance 1982</i>	28, 1982	25 June 1982	25 June 1982	—
<i>Interpretation (Amendment) Ordinance 1983</i>	5, 1983	11 Mar 1983	11 Mar 1983	—
<i>Interpretation (Amendment) Ordinance 1984</i>	73, 1984	13 Dec 1984	13 Dec 1984	—
<i>Interpretation (Amendment) Ordinance 1985</i>	24, 1985	28 June 1985	28 June 1985	Ss. 3, 7 (2) and 18 (2)
<i>Interpretation (Amendment) Ordinance (No. 2) 1985</i>	58, 1985	7 Nov 1985	7 Nov 1985	—
<i>Magistrates Court Ordinance 1985</i>	67, 1985	19 Dec 1985	1 Feb 1986 (see <i>Gazette</i> 1986, No. G3, p. 265)	—
<i>Interpretation (Amendment) Ordinance 1986</i>	92, 1986	12 Jan 1987	12 Jan 1987	—
<i>Administrative Arrangements (Consequential Amendments) Ordinance 1987</i>	37, 1987	24 July 1987	S. 4: 24 July 1987 (a)	—



**NOTES—continued**

**Table of Ordinances—continued**

Ordinance	Number and year	Date of notification in <i>Gazette</i>	Date of commencement	Application, saving or transitional provisions
<i>Interpretation (Amendment) Ordinance 1988</i>	36, 1988	6 July 1988	6 July 1988	S. 21
<i>Interpretation (Amendment) Ordinance (No. 2) 1988</i>	77, 1988	7 Dec 1988	7 Dec 1988	—
<i>Interpretation (Amendment) Ordinance 1989</i>	22, 1989	3 May 1989	Ss. 1 and 2: 3 May 1989 Remainder: 11 May 1989 (see s. 2 (2) and <i>Gazette</i> 1989, No. S164)	—

**Self-Government day 11 May 1989**

Table 2

**Table of Acts**

Act	Number and year	Date of notification in <i>Gazette</i>	Date of commencement	Application, saving or transitional provisions
<i>Bail (Consequential Amendments) Act 1992</i>	9, 1992	28 May 1992	Ss. 1 and 2: 28 May 1992 Remainder: 28 Nov 1992	S. 3
<i>Statute Law Revision (Miscellaneous Provisions) Act 1992</i>	23, 1992	4 June 1992	4 June 1992	—
<i>Statute Law Revision (Miscellaneous Provisions) Act 1993</i>	1, 1993	1 Mar 1993	1 Mar 1993	—
<i>Interpretation (Amendment) Act 1993</i>	41, 1993	27 Aug 1993	27 Aug 1993	—
<i>Interpretation (Amendment) Act (No. 2) 1993</i>	43, 1993	27 Aug 1993	27 Aug 1993	—
<i>Supreme Court (Amendment) Act (No. 2) 1993</i>	91, 1993	17 Dec 1993	17 Dec 1993	—
<i>Public Sector Management (Consequential and Transitional Provisions) Act 1994</i>	38, 1994	30 June 1994	Ss. 1 and 2: 30 June 1994 Remainder: 1 July 1994 (see <i>Gazette</i> 1994, No. S142, p. 2)	Ss. 3, 5-12, 15 and 19

## NOTES—continued

## Table of Acts—continued

Act	Number and year	Date of notification in <i>Gazette</i>	Date of commencement	Application, saving or transitional provisions
<i>Mental Health (Consequential Provisions) Act 1994</i>	45, 1994	7 Sept 1994	Ss. 1 and 2: 7 Sept 1994 Remainder (ss. 3-38): (see Note 2)	—

- (a) The *Interpretation Act 1967* was amended by section 4 only of the *Administrative Arrangements (Consequential Amendments) Ordinance 1987*, subsection 2 (2) of which provides as follows:

“(2) The remaining provisions of this Ordinance shall come into operation on the day on which this Ordinance is notified in the *Gazette*.”

## Table of Amendments

ad. = added or inserted    am. = amended    rep. = repealed    rs. = repealed and substituted

Provision	How affected
S. 2	rep. No. 46, 1978
S. 3	rep. No. 65, 1977
S. 4	rep. No. 24, 1985
S. 6	am. Act No. 43, 1993
S. 7	rep. No. 22, 1989 ad. Act No. 43, 1993
S. 8	rs. No. 4, 1979 rep. No. 22, 1989
Ss. 8A, 8B	ad. No. 36, 1988
S. 9	am. No. 22, 1989
S. 11	am. No. 22, 1989
S. 11AA	ad. Act No. 41, 1993
S. 11A	ad. No. 28, 1982 am. No. 24, 1985
S. 11B	ad. No. 24, 1985 am. No. 22, 1989
Ss. 11C, 11D	ad. No. 36, 1988
S. 12	am. No. 31, 1980
S. 12A	ad. No. 36, 1988
Ss. 13A-13D	ad. No. 24, 1985
Heading to Div. 2 of Part III	am. No. 36, 1988
S. 14	am. No. 23, 1973; No. 24, 1977; No. 4, 1979; No. 28, 1982; Nos. 24 and 67, 1985; No. 92, 1986; No. 36, 1988; No. 22, 1989; Acts Nos. 9 and 23, 1992; No. 1, 1993; Nos. 43 and 91, 1993; No. 38, 1994
S. 14A	ad. No. 23, 1973

**NOTES—continued**

**Table of Amendments—continued**

ad. = added or inserted    am. = amended    rep. = repealed    rs. = repealed and substituted

Provision	How affected
	am. No. 24, 1977
	rep. No. 22, 1989
S. 14B .....	ad. No. 4, 1979
S. 16 .....	rs. No. 4, 1979
	am. No. 24, 1985
	rep. Act No. 91, 1993
S. 17 .....	rs. No. 24, 1985
S. 17A .....	ad. No. 24, 1985
S. 19 .....	am. No. 4, 1979
	rs. No. 24, 1985
S. 20A .....	ad. No. 22, 1989
	rep. Act No. 43, 1993
S. 23 .....	am. No. 42, 1972; No. 4, 1979
	rep. No. 22, 1989
S. 24 .....	rep. No. 22, 1989
Ss. 24A, 24B .....	ad. No. 42, 1972
	rep. No. 36, 1988
S. 24C .....	ad. No. 42, 1972
	am. No. 6, 1975
	rep. No. 36, 1988
S. 24D .....	ad. No. 42, 1972
	rep. No. 36, 1988
S. 25 .....	am. No. 24, 1985
S. 25A .....	ad. No. 36, 1988
	am. No. 22, 1989
Heading to Div. 2A of Part III	am. No. 73, 1984
Div. 2A of Part III (ss. 25A-25C)	ad. No. 5, 1983
	rep. No. 36, 1988
Ss. 25A-25C .....	ad. No. 5, 1983
	rep. No. 36, 1988
Div. 2B of Part III (ss. 25D-25F)	ad. No. 73, 1984
	rep. No. 36, 1988
Ss. 25D-25F .....	ad. No. 73, 1984
	rep. No. 36, 1988
Div. 2C of Part III (ss. 25G-25I)	ad. No. 37, 1987
	rep. No. 36, 1988
Ss. 25G-25I .....	ad. No. 37, 1987
	rep. No. 36, 1988
S. 26 .....	am. No. 36, 1988; No. 22, 1989
S. 27 .....	am. No. 24, 1985; No. 36, 1988
S. 28 .....	am. No. 24, 1985
S. 28A .....	ad. No. 36, 1988
	am. No. 22, 1989

**NOTES—continued****Table of Amendments—continued**

ad. = added or inserted   am. = amended   rep. = repealed   rs. = repealed and substituted

Provision	How affected
S. 29A .....	ad. No. 24, 1985
S. 29B .....	ad. No. 36, 1988 am. No. 22, 1989
S. 30 .....	am. No. 22, 1989
Ss. 30AA, 30AB .....	ad. Act No. 38, 1994
S. 30A .....	ad. No. 92, 1986 am. No. 22, 1989
Heading to Div. 4 of Part III	rs. No. 24, 1985
S. 31A .....	ad. No. 24, 1985 am. Act No. 23, 1992
S. 32 .....	am. No. 4, 1979; No. 24, 1985
S. 33A .....	ad. No. 24, 1985
S. 33B .....	ad. No. 24, 1985 am. No. 36, 1988
Ss. 33C-33E .....	ad. No. 24, 1985
S.33F .....	ad. No. 24, 1985 rs. No. 36, 1988
S.33G .....	ad. No. 24, 1985 am. No. 58, 1985
S. 37 .....	rs. No. 22, 1989
S. 39 .....	rep. No. 30, 1976 ad. No. 24, 1985
Ss. 39A, 39B .....	ad. No. 24, 1985
S. 40A .....	ad. No. 36, 1988
S.41 .....	rs. No. 30, 1976 am. No. 22, 1989
S. 41A .....	ad. No. 24, 1985
S. 43 .....	am. No. 4, 1979
S. 45 .....	rs. No. 22, 1989
S. 46 .....	rep. No. 22, 1989
S. 47 .....	am. No. 22, 1989
Part V (ss. 49, 49A, 50-54)	rep. No. 22, 1989
S. 49 .....	am. No. 4, 1979; No. 24, 1985 rep. No. 22, 1989
S.49A .....	ad. No. 36, 1988 rep. No. 22, 1989
S. 50 .....	am. No. 4, 1979; No. 73, 1984; No. 37, 1987; Nos. 36 and 77, 1988 rep. No. 22, 1989
S. 51 .....	rep. No. 22, 1989
S. 52 .....	am. No. 36, 1988 rep. No. 22, 1989
Ss. 53, 54 .....	rep. No. 22, 1989

**NOTES—continued**

**Table of Amendments—continued**

ad. = added or inserted    am. = amended    rep. = repealed    rs. = repealed and substituted

Provision	How affected
The Schedule.....	am. No. 18, 1972 rs. No. 4, 1979 am. No. 28, 1982 rep. Act No. 23, 1992

2. Section 33G of the *Interpretation Act 1967* is amended by section 30 of the *Mental Health (Consequential Provisions) Act 1994*. Section 30 provides as follows:

“30. Section 33G of the *Interpretation Act 1967* is amended by omitting from subsection (1) ‘20B.’”

Subsection 2 (2) of the *Mental Health (Consequential Provisions) Act 1994* provides as follows:

“(2) The remaining provisions commence on the day on which section 4 of the *Mental Health (Treatment and Care) Act 1994* commences.”

As at 7 September 1994 no date had been fixed for the commencement of section 4 and the amendment is not incorporated in this reprint.