

EXPLANATORY STATEMENT

AUSTRALIAN CAPITAL TERRITORY

INTERPRETATION (AMENDMENT) ORDINANCE 1982

No.28 of 1982

The purpose of this Ordinance is to amend the Interpretation Ordinance 1967 (which deals with the interpretation and operation of Ordinances and instruments, such as rules, regulations and by-laws, made under Ordinances) with respect to the interpretation generally of those laws and the definitions of the expressions "committed for trial", "police officer" and "Commonwealth country" when used in those laws.

Clauses 1 and 2 are the short title and interpretation clauses.

Clause 3 inserts in Part III (headed "Interpretation of Ordinances") a new section 11A which is identical to section 15AA of the Acts Interpretation Act 1901.

There will consequently be a consistency in the rules of interpretation that apply to Acts of the Commonwealth Parliament and Ordinances of the Territory. The effect of section 11A will be to confirm that in interpreting a provision of an Ordinance regard is to be had to the object or purpose underlying the Ordinance in question. Further, the section will require that preference is to be given to a construction that would promote such a purpose or object rather than to a construction that was not of that character.



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It is intended that the question of courts using extraneous materials such as reports and explanatory memoranda will be fully explored in the near future. If the Acts Interpretation Act 1901 were to be amended in this respect, a similar amendment would be proposed for the Interpretation Ordinance 1967. In the meantime, sub-section 11A(2) will preserve the present position by providing that the new provision is not to be construed as authorising the consideration of extraneous materials for any purpose for which they could not be considered if the new provision had not been passed.

Clause 4 amends the definition of "committed for trial" in section 14 of the Interpretation Ordinance 1967 and adds a definition of "police officer" to that section.

In its present form the definition of "committed for trial" refers only to persons committed to "prison". It is doubtful whether it covers persons committed to a remand centre established under the Remand Centres Ordinance 1976. The proposed amendment removes that doubt.

In the definition that is added "police officer" is defined to mean a member or special member of the Australian Federal Police.

Clause 5 brings up to date the list of Commonwealth countries in the Schedule to the Interpretation Ordinance 1967.

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Authorised by the
Attorney-General