

AUSTRALIAN CAPITAL TERRITORY  
INTERPRETATION (AMENDMENT) ORDINANCE 1979 No. 4

EXPLANATORY STATEMENT

This Ordinance makes a number of amendments of the Interpretation Ordinance 1967 which deals with interpretation and operation of Ordinances and instruments, such as rules, regulations and by-laws, made under Ordinances.

Section 1 is the short title section.

Section 2 defines references to the Principal Ordinance - the Interpretation Ordinance 1967.

Section 3 repeals section 8 of the Principal Ordinance which deals with the exercise of statutory powers between the making and commencement of an Ordinance, and replaces it by a more comprehensive provision similar to the equivalent provision (section 4) inserted in the Acts Interpretation Act 1901 in 1976. A major defect of section 8 of the Principal Ordinance in its present form is that such powers can only be exercised before the commencement of an Ordinance if they are for the purpose of bringing the Ordinance into operation. This qualification has been found to be too restrictive in that it did not extend to other purposes of the Ordinance. It is frequently necessary for steps to be taken before the date on which an Ordinance is brought into operation so as to enable it to operate effectively from that date. Another difficulty with the existing provision is that it has been held that the qualifying words prevent the provision from applying to amending Ordinances, so that in every case where it is intended to enable regulations to be made by virtue of an amending Ordinance before it comes into operation, a special enabling power has to be included.

12604/77

Section 4 substitutes a new definition of Lake Burley Griffin by reference to the Lakes Ordinance 1976 which repealed the Lake Burley Griffin Ordinance 1965 upon which the definition in the Principal Ordinance was based. The former definitions of 'Territory', 'Territory of Australia', 'Territory of the Commonwealth of Australia' are omitted and new definitions of 'Territory', 'Territory of the Commonwealth', 'Territory under the authority of the Commonwealth' and 'Territory of Australia' are substituted. The new definitions accord with similar definitions inserted in the Acts Interpretation Act 1901 in 1976.

Section 5 inserts a new section 14B in the Principal Ordinance to provide that where a word or phrase is defined in an Ordinance, other parts of speech and grammatical forms of that word or phrase, have corresponding meanings. Such a provision is a useful aid in interpretation and there is no such provision presently in the Principal Ordinance. A similar provision was inserted in the Acts Interpretation Act 1901 in 1976.

Section 6 recasts section 16 of the Principal Ordinance to take account of the creation of the office of Chief Judge of the A.C.T. Supreme Court by the A.C.T. Supreme Court (Amendment) Act 1976 (No. 158 of 1976).

Section 7 amends paragraph 19(a) of the Principal Ordinance which provides that words importing the masculine gender include females by making a corresponding interpretation of words importing the feminine gender.

Section 8, para (a) remakes the definition of 'the Minister' in sub-section 23(1) so as to clarify the application of the definition when an Ordinance is administered by more

than one Minister. The existing definition does not cover this situation. Paragraph (b) of the new definition will remedy the defect. The remainder of the definition is substantially unchanged. Section 8 para (b) repeals and replaces existing sub-section 23(2), which now provides that a reference in an Ordinance to the Attorney-General is to include a reference to any Minister or member of the Executive Council acting on behalf of the Attorney-General. The new sub-section applies this interpretation to a reference in an Ordinance to any particular Minister where another Minister is acting on his behalf. It is thus more effective as it is of general application.

Section 9 amends section 50 of the Principal Ordinance which deals with the giving of notice in the Gazette of the making of regulations under an Ordinance. Three new sub-sections (1A) to (1C) are inserted so as to require regulations to be available for purchase, at the place or places specified in the notice, at the time of their making or as soon as practicable thereafter.

If there are no copies available, the Minister for Administrative Services, who is the Minister responsible for the Australian Government Publishing Service, is to give an explanation to Parliament.

Failure to comply with these provisions does not, however, invalidate the notice of the making of the regulations given under sub-section 50(1). These amendments correspond to similar legislation of the Commonwealth Parliament made in 1978 with respect to the making of Statutory Rules under Acts and to the making of Territory Ordinances.

Section 10 and Schedule 1 bring up to date the list of Commonwealth countries in the Schedule to the Principal Ordinance.

Section 11 and Schedule 2 make a number of formal amendments brought about by revised legislative drafting practice e.g. numbers previously expressed in words are now expressed in figures.

The Ordinance has been considered by the A.C.T. Legislative Assembly and agreed to without amendment.

12604/77