



# **Acts Interpretation Act 1901**

## **Act No. 2 of 1901 as amended**

This compilation was prepared on 4 December 2009  
taking into account amendments up to Act No. 135 of 2008

The text of any of those amendments not in force  
on that date is appended in the Notes section

The operation of amendments that have been incorporated may be  
affected by application provisions that are set out in the Notes section

Prepared by the Office of Legislative Drafting and Publishing,  
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# **An Act for the Interpretation of Acts of Parliament and for Shortening their Language**

## **Part I—Preliminary**

### **1 Short title** *[see Note 1]*

This Act may be cited as the *Acts Interpretation Act 1901*.

### **2 Application of Act**

- (1) Except so far as the contrary intention appears, this Act applies to all Acts, including this Act.
- (2) This Act shall bind the Crown.

## Part II—Commencement of Acts

### 3 Meaning of *commencement*

- (1) In every Act, *commencement*, in relation to an Act or a provision of an Act, means the time at which the Act or provision comes into operation.
- (2) Where an Act, or any instrument (including any rules regulations or by-laws) made granted or issued under a power conferred by 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.

### 4 Exercise of certain powers between passing and commencing of Act

- (1) Where an Act (in this section referred to as the Act concerned), being:
  - (a) an Act enacted on or after the date of commencement of this section that is not to come into operation immediately upon its enactment; or
  - (b) an Act enacted before the date of commencement of this section that did not come into operation on or before that date;

is expressed to confer power, or to amend another Act in such a manner that the other Act, as amended, will confer power, to make an appointment or to make an instrument of a legislative or administrative character (including rules, regulations or by-laws), then, unless the contrary intention appears, the power may be exercised, and anything may be done for the purpose of enabling the exercise of the power or of bringing the appointment or instrument into effect, before the Act concerned comes into operation as if it had come into operation.

- (1A) Where:
  - (a) an Act that is in operation (in this subsection called the *parent Act*) is expressed to confer power to make an



instrument of a legislative or administrative character (including rules, regulations or by-laws); and

- (b) the Act concerned is expressed to amend the parent Act in such a manner that the parent Act, as amended, will confer additional power to make such an instrument;

then, unless the contrary intention appears:

- (c) the powers mentioned in paragraphs (a) and (b) may be exercised by making a single instrument; and
- (d) such an instrument is to be treated as made under subsection (1) so far as any provisions contained in it required an exercise of the additional power mentioned in paragraph (b).

- (2) An appointment made under subsection (1) takes effect:

- (a) on the day specified in the appointment, being a day that is not earlier than the day on which the Act concerned comes into operation; or
- (b) if a day is not specified in the appointment—on the day on which the Act concerned comes into operation.

- (2A) Where, because of some or all of its provisions (in this subsection called the *relevant provisions*), an instrument is made under subsection (1), each relevant provision takes effect, as declared in the instrument:

- (a) on a specified date that is not earlier than the date when the Act concerned comes into operation; or
- (b) from a specified time on a specified date that is not earlier than the date and time when the Act concerned comes into operation; or
- (c) on the date, or from the date and time, when the Act concerned comes into operation.

- (3) Where an Act is to come into operation on a date to be fixed by a Proclamation or other instrument, the Proclamation or other instrument may be made and published at any time after the enactment of the Act.

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- (4) Where this section applies to an Act by reason of the fact that that Act is expressed to amend another Act in the manner referred to in subsection (1) and that other Act has not come into operation, this section has effect as if the references in subsections (1), (2) and (2A) to the coming into operation of the Act concerned were references to the coming into operation of the other Act as amended by the Act concerned.
- (5) In subsections (1), (1A), (2), (2A), (3) and (4) a reference to an Act shall be read as including a reference to any provision or provisions of an Act.
- (6) In the application of this section to an instrument of a legislative character (including such an instrument made by virtue of this section):
  - (a) references in this section to the enactment of an Act are to be read as references to the making of such an instrument; and
  - (b) references in this section to an Act other than the Act concerned are to be read as references to instruments of a legislative character.

**5 Commencement of Acts**

- (1) Every Act to which the Royal Assent has been given by the Governor-General for and on behalf of the King on or before 31 December 1937, shall be deemed to have come into operation on the day on which that Act received the Royal Assent, unless the contrary intention appears in the Act.
- (1A) Every Act (other than an Act to alter the Constitution) to which the Royal Assent is given by the Governor-General for and on behalf of the King on or after 1 January 1938, shall come into operation on the twenty-eighth day after the day on which that Act receives the Royal Assent, unless the contrary intention appears in the Act.
- (1B) Every Act to alter the Constitution to which the Royal Assent is given by the Governor-General for and on behalf of the King on or after 1 January 1938, shall come into operation on the day on which that Act receives the Royal Assent, unless the contrary intention appears in that Act.

- (2) Every Act reserved for the signification of the King's pleasure thereon shall come into operation on the day on which His Majesty's assent is proclaimed in the *Gazette* by the Governor-General, unless the contrary intention appears in such Act.

### **6 Evidence of date of assent or proclamation**

The date appearing on the copy of an Act printed by the Government Printer, and purporting to be the date on which the Governor-General assented thereto, or made known the King's assent, shall be evidence that such date was the date on which the Governor-General so assented or made known the King's assent, and shall be judicially noticed.

## Part III—Repeal and expiration of Acts

### 7 Effect of repeal of Act

The repeal of an Act or part thereof by which a previous Act or part thereof was repealed shall not have the effect of reviving such last-mentioned Act or part thereof without express words.

### 8 Effect of repeal

Where an Act repeals in the whole or in part a former Act, then unless the contrary intention appears the repeal shall not:

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

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

### 8A Implied repeals etc.

A reference in section 7 or 8 to the repeal of an Act or of a part of an Act includes 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.

**8B Effect of expiration of Act**

Where an Act or a part of an Act expires, lapses or otherwise ceases to have effect, sections 7 and 8 apply as if the Act or part had been repealed by another Act.

**8C References to part of an Act**

A reference in section 7, 8, 8A or 8B to a part of an Act includes a reference to any provision of, or words, figures, drawings or symbols in, an Act.

**9 Repealed Acts in force until substituted provisions operate**

Where an Act repeals in the whole or in part a former Act and substitutes provisions in lieu thereof, the repealed provisions shall remain in force until the substituted provisions come into operation.

**10 References to amended or re-enacted Acts**

Where an Act contains a reference to a short title that is or was provided by law for the citation of another Act as originally enacted, or of another Act as amended, then, except so far as the contrary intention appears:

- (a) the reference shall be construed as a reference to that other Act as originally enacted and as amended from time to time; and
- (b) where that other Act has been repealed and re-enacted, with or without modifications, the reference shall be construed as including a reference to the re-enacted Act as originally enacted 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 re-enacted Act correspond, the reference to those particular provisions shall be construed as including a reference to those corresponding provisions.

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**10A References to amended or re-enacted laws of States and Territories**

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 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.

**11 Expiration of Act**

The expiration of an Act shall not affect any civil proceeding previously commenced under such Act, but every such proceeding may be continued and everything in relation thereto be done in all respects as if the Act continued in force.

## **Part IV—General provisions**

### **12 Every section a substantive enactment**

Every section of an Act shall have effect as a substantive enactment without introductory words.

### **13 Headings, schedules, marginal notes, footnotes and endnotes**

- (1) The headings of the Parts Divisions and Subdivisions into which any Act is divided shall be deemed to be part of the Act.
- (2) Every schedule to an Act shall be deemed to form part thereof.
- (3) No marginal note, footnote or endnote to an Act, and no heading to a section of an Act, shall be taken to be part of the Act.

### **14 Acts may be altered etc. in same session**

An Act may be altered amended or repealed in the same session of Parliament in which it was passed.

### **14A Definitions inserted by amending Act**

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.

### **14B Commencement of paragraphs etc. in amending Act**

Where:

- (a) an Act makes an amendment of another Act; and
- (b) the amendment is in the form of:
  - (i) a paragraph of a provision of the amending Act;
  - (ii) an item (whether or not so described) in a Schedule to the amending Act; or

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(iii) a paragraph of such an item;  
a separate commencement date may be given to the amendment, paragraph or item as if the paragraph or item were a self-contained provision of the amending Act.

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

Every Act amending another Act shall, unless the contrary intention appears, be construed with such other Act and as part thereof.

**15A Construction of Acts to be subject to Constitution**

Every Act shall be read and construed subject to the Constitution, and so as not to exceed the legislative power of the Commonwealth, to the intent that where any enactment thereof would, but for this section, have been construed as being in excess of that power, it shall nevertheless be a valid enactment to the extent to which it is not in excess of that power.

**15AA Regard to be had to purpose or object of Act**

- (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.

**15AB Use of extrinsic material in the interpretation of an Act**

- (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 relevant report of a Royal Commission, Law Reform Commission, committee of inquiry or other similar body that was laid before either House of the Parliament before the time when the provision was enacted;
  - (c) any relevant report of a committee of the Parliament or of either House of the Parliament that was made to the Parliament or that House of the Parliament before the time when the provision was enacted;
  - (d) any treaty or other international agreement that is referred to in the Act;
  - (e) 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, either House of the Parliament by a Minister before the time when the provision was enacted;
  - (f) the speech made to a House of the Parliament by a Minister on the occasion of the moving by that Minister of a motion that the Bill containing the provision be read a second time in that House;
  - (g) 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; and
  - (h) any relevant material in the Journals of the Senate, in the Votes and Proceedings of the House of Representatives or in any official record of debates in the Parliament or either House of the Parliament.
- (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:
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- (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.

**15AC Changes to style not to affect meaning**

Where:

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

the ideas shall not be taken to be different merely because different forms of words were used.

**15AD Examples**

Where an Act includes an example of the operation of a provision:

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

**15AE Legislative instruments etc.**

*Instruments that are described as legislative instruments*

- (1) If a provision of a law requires or permits an instrument that is described as a legislative instrument to be made, then an instrument made under that provision:
  - (a) must be in writing; and
  - (b) is a legislative instrument for the purposes of the *Legislative Instruments Act 2003*.
- (2) However, the fact that a provision of a law requires or permits an instrument that is described as a legislative instrument to be made does not imply that an instrument made under that provision is or must be of legislative character (within the ordinary meaning of that term).

*Instruments that are described as not being legislative instruments*

- (3) If a provision of a law requires or permits an instrument that is described as not being a legislative instrument to be made, then an instrument made under that provision is not a legislative instrument for the purposes of the *Legislative Instruments Act 2003*.
- (4) However, the fact that a provision of a law requires or permits an instrument that is described as not being a legislative instrument to be made does not imply that an instrument made under that provision is not, or must not be, of legislative character (within the ordinary meaning of that term).

*No inference to be drawn from express statements*

- (5) In determining whether an instrument made under a provision of a law is a legislative instrument for the purposes of the *Legislative Instruments Act 2003*, no inference may be drawn from the fact that an instrument made under another provision of that or any other law is described as a legislative instrument, or as not being a legislative instrument.

Example: In determining whether a Ministerial direction under a provision is a legislative instrument, no inference may be drawn from the fact that a Ministerial direction under another provision is described as being a legislative instrument.

*Definition*

- (6) In this section:

**law** means an Act or regulations or any other instrument made under an Act.

**15B Application of Acts in coastal sea**

- (1) Except so far as the contrary intention appears:
  - (a) the provisions of every Act, whether passed before or after the commencement of this section, shall be taken to have effect in and in relation to the coastal sea of Australia as if the coastal sea of Australia were part of Australia; and

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- (b) any reference in an Act, whether passed before or after the commencement of this section, to Australia or to the Commonwealth shall be read as including a reference to the coastal sea of Australia.
- (2) Except so far as the contrary intention appears:
- (a) the provisions of an Act, whether passed before or after the commencement of this section, that are in force in an external Territory shall be taken to have effect in and in relation to the coastal sea of the Territory as if the coastal sea of the Territory were part of the Territory; and
  - (b) any reference in an Act, whether passed before or after the commencement of this section, to all or any of the external Territories (whether or not a particular Territory or particular Territories is or are referred to) shall be read as including a reference to the coastal sea of any Territory to which the reference relates.
- (3) Nothing in subsection (1) or (2) shall be taken as limiting the operation that any Act had before the commencement of this section.
- (4) In this section, *coastal sea*:
- (a) in relation to Australia, means:
    - (i) the territorial sea of Australia; and
    - (ii) the sea on the landward side of the territorial sea of Australia and not within the limits of a State or internal Territory;and includes the airspace over, and the sea-bed and subsoil beneath, any such sea; and
  - (b) in relation to an external Territory, means:
    - (i) the territorial sea adjacent to the Territory; and
    - (ii) the sea on the landward side of the territorial sea adjacent to the Territory and not within the limits of the Territory;and includes the airspace over, and the sea-bed and subsoil beneath, any such sea.

**15C Jurisdiction of courts**

Where a provision of an Act, whether expressly or by implication, authorizes a civil or criminal proceeding to be instituted in a particular court in relation to a matter:

- (a) that provision shall be deemed to vest that court with jurisdiction in that matter;
- (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; and
- (c) in the case of a court of a Territory, that provision shall be construed as providing that the jurisdiction is vested so far only as the Constitution permits.

## **Part V—Words and references in Acts**

### **16 References to the Sovereign**

In any Act references to the Sovereign reigning at the time of the passing of such Act, or to the Crown, shall unless the contrary intention appears be construed as references to the Sovereign for the time being.

#### **16A References to the Governor-General**

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.

#### **16B References to the Governor of a State**

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.

#### **16C References to Stipendiary Magistrate and Magistrate**

- (1) Where, in an Act, reference is made to a Stipendiary Magistrate, the reference shall be read as including a reference to any Magistrate in respect of whose office an annual salary is payable.

- (2) Where, in an Act passed after the date of commencement of this section, reference is made to a Magistrate, the reference shall, unless the contrary intention appears, be read as a reference to:
- (a) a Chief, Police, Stipendiary, Resident or Special Magistrate; or
  - (b) any other Magistrate in respect of whose office an annual salary is payable.
- (3) Unless the contrary intention appears, a reference in an Act to a **Magistrate** does not include a reference to a Federal Magistrate.

### **17 Constitutional and official definitions** [see Note 2]

In any Act, unless the contrary intention appears:

- (a) **Australia** or **the Commonwealth** means the Commonwealth of Australia and, when used in a geographical sense, includes the Territory of Christmas Island and the Territory of Cocos (Keeling) Islands, but does not include any other external Territory;
- (c) **The Constitution** shall mean the Constitution of the Commonwealth;
- (d) **The Constitution Act** shall mean *The Commonwealth of Australia Constitution Act*;
- (e) **The Parliament** shall mean the Parliament of the Commonwealth;
- (g) **The Executive Council** shall mean the Federal Executive Council;
- (h) **Minister of State** or **Minister** shall mean one of the King's Ministers of State for the Commonwealth;
- (j) **Proclamation** shall mean Proclamation by the Governor-General that is published in the *Gazette* or entered on the Federal Register of Legislative Instruments established under the *Legislative Instruments Act 2003*;
- (k) **Consolidated Revenue Fund** means the Consolidated Revenue Fund referred to in section 81 of the Constitution;
- (l) **The seat of Government** shall mean the seat of Government of the Commonwealth;
- (m) **Gazette** means the *Commonwealth of Australia Gazette*, and includes the *Australian Government Gazette* published during the period commencing on 1 July 1973 and ending

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immediately before the commencement of subsection 5(2) of the *Acts Interpretation Amendment Act 1976*;

- (n) **The Government Printer** shall include any person printing for the Government of the Commonwealth;
- (o) **State** shall mean a State of the Commonwealth;
- (p) **Territory, Territory of the Commonwealth, Territory under the authority of the Commonwealth or Territory of Australia** means a Territory referred to in section 122 of the Constitution, and includes a Territory administered by the Commonwealth under a Trusteeship Agreement;
- (pb) **The Jervis Bay Territory** means the Territory referred to in the *Jervis Bay Territory Acceptance Act 1915*;
- (pc) **The Northern Territory** means the Northern Territory of Australia;
- (pd) **External Territory** means a Territory, not being an internal Territory, for the government of which as a Territory provision is made by any Act;
- (pe) **Internal Territory** means the Australian Capital Territory, the Jervis Bay Territory or the Northern Territory;
- (q) **Prescribed** means prescribed by the Act, or by Regulations under the Act;
- (r) **Regulations** means Regulations under the Act.

**17AA Definitions relating to the Australian Public Service**

In any Act, unless the contrary intention appears:

**acting SES employee** has the same meaning as in the *Public Service Act 1999*.

**APS employee** has the same meaning as in the *Public Service Act 1999*.

**SES employee** has the same meaning as in the *Public Service Act 1999*.

**17A Paper or document purporting to be printed by Government Printer**

For the purposes of an Act in which reference is made to a paper or document purporting to be printed by the Government Printer, the



words “Government Printer of the Commonwealth”, “Government Printer of the Commonwealth of Australia”, “Commonwealth Government Printer” or “Government Printer of Australia” appearing on a paper or document shall be deemed to refer to the Government Printer.

## **18 Interpretation**

In any Act, unless the contrary intention appears:

- (a) *The United Kingdom* shall mean the United Kingdom of Great Britain and Northern Ireland;
- (b) *British possession* shall mean any part of the King’s dominions exclusive of the United Kingdom, and where parts of such dominions are under both a central and a local Legislature all parts under the central Legislature shall for the purposes of this definition be deemed to be one British possession.

### **18A Parts of speech and grammatical forms**

In any 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.

### **18B How Chairs and Deputy Chairs may be referred to**

- (1) Where an Act establishes an office of Chair of a body, the Chair may be referred to as Chair, Chairperson, Chairman, Chairwoman or by any other such term as the person occupying the office so chooses.
- (2) If a person occupying an office mentioned in subsection (1) does not make known his or her choice of term, the person may be referred to by whichever of the following terms that a person addressing that person considers appropriate:
  - (a) Chair;
  - (b) Chairperson;
  - (c) Chairman;
  - (d) Chairwoman.

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- (3) Where an Act establishes an office of Deputy Chair of a body, the Deputy Chair may be referred to as Deputy Chair, Deputy Chairperson, Deputy Chairman, Deputy Chairwoman or by any other such term as the person occupying the office so chooses.
- (4) If a person occupying an office mentioned in subsection (3) does not make known his or her choice of term, the person may be referred to by whichever of the following terms that a person addressing that person considers appropriate:
  - (a) Deputy Chair;
  - (b) Deputy Chairperson;
  - (c) Deputy Chairman;
  - (d) Deputy Chairwoman.

**18C Portfolio Minister may authorise a non-portfolio Minister or a member of the Executive Council who is not a Minister to act on his or her behalf in the performance of statutory functions or the exercise of statutory powers**

- (1) A Minister (the *authorising Minister*) who administers (whether alone or jointly with one or more other Ministers) an Act or a provision of an Act may authorise:
  - (a) a Minister who does not administer the Act or provision; or
  - (b) a member of the Executive Council who is not a Minister;to act on behalf of the authorising Minister in the performance of functions, or the exercise of powers, that the authorising Minister may perform or exercise under the Act or provision.
- (2) An authorisation under subsection (1) in relation to an Act or a provision of an Act extends to the performance of functions, or the exercise of powers, that the authorising Minister may perform or exercise under an instrument (including a regulation, rule or Proclamation) having effect under or for the purposes of the Act or provision.
- (3) Subject to subsection (4), an authorisation under subsection (1) may be expressed:
  - (a) to have effect only during a period or periods, or during the existence of a circumstance or circumstances, referred to in the authorisation; or

- (b) to take effect immediately, or at a time referred to in the authorisation, and afterwards to continue to have effect until another person is appointed to the office held by the authorising Minister.
- (4) Despite subsection (3), an authorisation under subsection (1) may be revoked at any time by the authorising Minister.
- (5) An authorisation under subsection (1), and the revocation of such an authorisation, must be in writing.
- (6) This section does not affect the giving, under a power existing apart from this section, of an authorisation to a Minister or other member of the Executive Council to act on behalf of another Minister.
- (7) In this section:  
*function* includes duty.

## **19 Mention of Minister**

Where in an Act any Minister is referred to, such reference shall be deemed to include any Minister or member of the Executive Council for the time being acting for or on behalf of such Minister.

### **19A References to Ministers and Departments**

- (1) If a provision of an Act:
  - (aa) refers to a Minister by using the expression “the Minister” without specifying which Minister is referred to; or
  - (ab) refers to a particular Minister;then, unless the contrary intention appears, the reference is a reference to:
  - (a) if, for the time being, different Ministers administer the provision in respect of different matters:
    - (i) if 2 or more Ministers administer the provision in respect of the relevant matter—any one of those Ministers; or
    - (ii) if only one Minister administers the provision in respect of the relevant matter—that Minister;

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- (b) if paragraph (a) does not apply and, for the time being, 2 or more Ministers administer the provision—any one of those Ministers; or
  - (c) if paragraphs (a) and (b) do not apply—the Minister for the time being administering the provision.
- (2) Where an Act refers to a Minister, specifying the Minister merely by reference to the fact that the Minister administers a specified Act or enactment, subsection (1) applies as if references in paragraphs (1)(a), (b) and (c) to the provision were references to the specified Act or enactment.
- (3) Where a provision of an Act refers to a Department, using the expression “the Department” without specifying which Department is referred to, then, unless the contrary intention appears, the expression means:
  - (a) if, for the time being, different Ministers administer the provision in respect of different matters—the department of state of the Commonwealth that:
    - (i) deals with the relevant matter; and
    - (ii) is administered by the Minister or Ministers administering the provision in respect of that matter; or
  - (b) in any other case—the Department of State of the Commonwealth that:
    - (i) deals with the matters to which the provision relates; and
    - (ii) is administered by the Minister or Ministers for the time being administering the provision.
- (4) For avoidance of doubt, it is declared that where:
  - (a) a provision of an Act is administered by 2 or more Ministers; and
  - (b) by virtue of this section, the provision requires or permits anything to be done by or in relation to any one of those Ministers;the provision shall not be taken to require or permit it to be done in any particular case by or in relation to more than one of those Ministers.

**19B Reference to Minister, Department etc. where no longer any such Minister, or Department abolished etc.**

- (1) Where:
- (a) reference is made in a provision of an Act to a particular Minister of State;
  - (b) there is no longer any such Minister; and
  - (c) the Governor-General, by order under this section, directs that the provision, or provisions that include the provision, shall have effect:
    - (i) as if there were substituted for that reference a reference to a Minister or Ministers specified in the order; or
    - (ii) as if, in so far as the provision applies in a particular respect specified in the order, being one of several respects so specified, there were substituted for that reference a reference to a Minister or Ministers specified in the order;

the provision shall, on and from the date of the order or such later date as is specified in the order, have effect accordingly for all purposes, including the purpose of the making of any subsequent order under this subsection or subsection 19BA(1), other than such an order that is expressed to have effect as if the first-mentioned order had not been made.

- (2) Where:
- (a) reference is made in a provision of an Act to a particular Department of State of the Commonwealth;
  - (b) the Department has been abolished or the name of the Department has been changed; and
  - (c) the Governor-General, by order under this section, directs that the provision, or provisions that include the provision, shall have effect:
    - (i) as if there were substituted for that reference a reference to such Department as is specified in the order; or
    - (ii) as if, in so far as the provision applies in a particular respect specified in the order, being one of several respects so specified, there were substituted for that reference a reference to such Department as is specified in the order;

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the provision shall, on and from the date of the order or such later date as is specified in the order, have effect accordingly for all purposes, including the purpose of the making of any subsequent order under this subsection or subsection 19BA(2), other than such an order that is expressed to have effect as if the first-mentioned order had not been made.

(3) Where:

- (a) reference is made in a provision of an Act to a particular office, being an office of Secretary of a Department within the meaning of the *Public Service Act 1999*;
- (b) the office has been abolished (whether by reason of the abolition of the Department or otherwise) or the name of the office has been changed; and
- (c) the Governor-General, by order under this section, directs that the provision, or provisions that include the provision, shall have effect:
  - (i) as if there were substituted for that reference a reference to such office as is specified in the order; or
  - (ii) as if, in so far as the provision applies in a particular respect specified in the order, being one of several respects so specified, there were substituted for that reference a reference to such office as is specified in the order;

the provision shall, on and from the date of the order or such later date as is specified in the order, have effect accordingly for all purposes, including the purpose of the making of any subsequent order under this subsection or subsection 19BA(3), other than such an order that is expressed to have effect as if the first-mentioned order had not been made.

**19BA Reference to Minister, Department etc. inconsistent with changed administrative arrangements**

(1) Where:

- (a) reference is made in a provision of an Act to a particular Minister of State;
- (b) because of any order or appointment made by the Governor-General, there is a change in the administration of the provision or of provisions that include the provision or the reference to that Minister is no longer appropriate; and

- (c) the Governor-General, by order under this section, directs that the provision, or provisions that include the provision, shall have effect:
- (i) as if there were substituted for that reference a reference to a Minister or Ministers specified in the order; or
  - (ii) as if, in so far as the provision applies in a particular respect specified in the order, being one of several respects so specified, there were substituted for that reference a reference to a Minister or Ministers specified in the order;

the provision shall, on and from the date of the order or such later date as is specified in the order, have effect accordingly for all purposes, including the purpose of the making of any subsequent order under this subsection or subsection 19B(1), other than such an order that is expressed to have effect as if the first-mentioned order had not been made.

(2) Where:

- (a) reference is made in a provision of an Act to a particular Department of State of the Commonwealth;
- (b) by virtue of administrative arrangements ordered by the Governor-General, there is a change in the matters dealt with by the Department but the name of the Department is not changed; and
- (c) the Governor-General, by order under this section, directs that the provision, or provisions that include the provision, shall have effect:
  - (i) as if there were substituted for that reference a reference to such Department as is specified in the order; or
  - (ii) as if, in so far as the provision applies in a particular respect specified in the order, being one of several respects so specified, there were substituted for that reference a reference to such Department as is specified in the order;

the provision shall, on and from the date of the order or such later date as is specified in the order, have effect accordingly for all purposes, including the purpose of the making of any subsequent order under this subsection or subsection 19B(2), other than such an order that is expressed to have effect as if the first-mentioned order had not been made.

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- (3) Where:
- (a) reference is made in a provision of an Act to a specified office, being an office of Secretary of a Department within the meaning of the *Public Service Act 1999*;
  - (b) by virtue of administrative arrangements ordered by the Governor-General, there is a change in the matters dealt with by the Department but the name of the office is not changed; and
  - (c) the Governor-General, by order under this section, directs that the provision, or provisions that include the provision, shall have effect:
    - (i) as if there were substituted for that reference a reference to such office as is specified in the order; or
    - (ii) as if, in so far as the provision applies in a particular respect specified in the order, being one of several respects so specified, there were substituted for that reference a reference to such office as is specified in the order;

the provision shall, on and from the date of the order or such later date as is specified in the order, have effect accordingly for all purposes, including the purpose of the making of any subsequent order under this subsection or subsection 19B(3), other than such an order that is expressed to have effect as if the first-mentioned order had not been made.

**19BAA Application of sections 19B and 19BA where Department abolished and Department with same name established**

Where a Department of State of the Commonwealth is abolished and, immediately after its abolition, a Department with the same name as the abolished Department is established:

- (a) the first-mentioned Department shall, for the purposes of section 19B, be deemed not to have been abolished; and
- (b) that Department and the other Department shall, for the purposes of section 19BA, be deemed to be the same Department.

**19BB Revocation of orders made under sections 19B and 19BA**

- (1) The Governor-General may, by order under this section, revoke, in whole or in part, an order made under section 19B or 19BA.



- (2) Where an order under section 19B or 19BA in force in relation to a provision of an Act is revoked by an order under subsection (1), in whole or with respect to that provision, the provision has effect on and from the date of the order under subsection (1) or such later date as is specified in that order as if the revoked order had not been made in relation to that provision.

**19BC Orders under sections 19B, 19BA and 19BB to be published in *Gazette***

Where an order is made by the Governor-General under section 19B, 19BA or 19BB, the Minister shall cause a copy of the order to be published in the *Gazette*.

**19C References in agreements to a Department, Minister, officer or body**

- (1) Where an agreement is or has been entered into, either before or after the commencement of this section, by or on behalf of the Commonwealth and, after the date of the agreement, the functions of a Department of State of the Commonwealth in relation to the administration of matters to which the agreement relates (in this section referred to as *the former Department*) are or have been allotted to another Department (in this section referred to as *the new Department*):
- (a) any reference in the agreement to a Minister administering the former Department shall be read as a reference to a Minister administering the new Department or to a member of the Executive Council acting for the time being for him and on his behalf;
  - (b) any reference in the agreement to the former Department shall be read as a reference to the new Department; and
  - (c) any reference in the agreement to an officer or body of persons shall be read as a reference to:
    - (i) any other officer or body for the time being exercising the powers or performing the functions of the first-mentioned officer or body; or
    - (ii) an officer or body specified, by order, by a Minister administering the new Department.
- (2) In this section:

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*officer* includes an APS employee.

**20 Mention of an officer in general terms**

Where in an Act any person holding or occupying a particular office or position is mentioned or referred to in general terms, such mention or reference shall unless the contrary intention appears be deemed to include all persons who at any time occupy for the time being, or perform for the time being the duties of, the said office or position.

**21 Office etc. means office etc. of the Commonwealth**

- (1) In any Act, unless the contrary intention appears:
- (a) references to any officer or office shall be construed as references to such officer or office in and for the Commonwealth; and
  - (b) references to localities jurisdictions and other matters and things shall be construed as references to such localities jurisdictions and other matters and things in and of the Commonwealth.

- (2) In this section:

*office* includes a position occupied by an APS employee.

*officer* includes an APS employee.

**22 Meaning of certain words**

- (1) In any Act, unless the contrary intention appears:
- (a) expressions used to denote persons generally (such as “person”, “party”, “someone”, “anyone”, “no-one”, “one”, “another” and “whoever”), include a body politic or corporate as well as an individual;
  - (aa) *individual* means a natural person;
  - (b) *Month* shall mean calendar month;
  - (c) *Land* shall include messuages tenements and hereditaments, corporeal and incorporeal, of any tenure or description, and whatever may be the estate or interest therein;
  - (d) *Estate* shall include any estate or interest charge right title claim demand lien or incumbrance at law or in equity;

- (e) **Financial year** means a period of 12 months commencing on 1 July;
  - (f) **Foreign country** means any country (whether or not an independent sovereign state) outside Australia and the external Territories;
  - (g) **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;
  - (h) **Calendar year** means a period of 12 months commencing on 1 January; and
  - (j) **Contravene** includes fail to comply with.
- (2) Express references in an Act to companies, corporations or bodies corporate do not imply that expressions in the Act of the kind mentioned in paragraph (1)(a) do not include companies, corporations or bodies corporate.
- (3) In any Act, unless the contrary intention appears, a reference to the law of the Commonwealth or to a law of the Commonwealth does not include, and shall be deemed never to have included, a reference to a law in force in a Territory in so far as the law is so in force by virtue of an Act providing for the acceptance, administration or government of that Territory.

## **22A References to de facto partners**

For the purposes of a provision of an Act that is a provision in which de facto partner has the meaning given by this Act, a person is the **de facto partner** of another person (whether of the same sex or a different sex) if:

- (a) the person is in a registered relationship with the other person under section 22B; or
- (b) the person is in a de facto relationship with the other person under section 22C.

## **22B Registered relationships**

For the purposes of paragraph 22A(a), a person is in a **registered relationship** with another person if the relationship between the

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persons is registered under a prescribed law of a State or Territory as a prescribed kind of relationship.

**22C De facto relationships**

- (1) For the purposes of paragraph 22A(b), a person is in a *de facto relationship* with another person if the persons:
  - (a) are not legally married to each other; and
  - (b) are not related by family (see subsection (6)); and
  - (c) have a relationship as a couple living together on a genuine domestic basis.
- (2) In determining for the purposes of paragraph (1)(c) whether 2 persons have a relationship as a couple, all the circumstances of their relationship are to be taken into account, including any or all of the following circumstances:
  - (a) the duration of the relationship;
  - (b) the nature and extent of their common residence;
  - (c) whether a sexual relationship exists;
  - (d) the degree of financial dependence or interdependence, and any arrangements for financial support, between them;
  - (e) the ownership, use and acquisition of their property;
  - (f) the degree of mutual commitment to a shared life;
  - (g) the care and support of children;
  - (h) the reputation and public aspects of the relationship.
- (3) No particular finding in relation to any circumstance mentioned in subsection (2) is necessary in determining whether 2 persons have a relationship as a couple for the purposes of paragraph (1)(c).
- (4) For the purposes of paragraph (1)(c), the persons are taken to be living together on a genuine domestic basis if the persons are not living together on a genuine domestic basis only because of:
  - (a) a temporary absence from each other; or
  - (b) illness or infirmity of either or both of them.
- (5) For the purposes of subsection (1), a de facto relationship can exist even if one of the persons is legally married to someone else or is in a registered relationship (within the meaning of section 22B) with someone else or is in another de facto relationship.

(6) For the purposes of paragraph (1)(b), 2 persons are *related by family* if:

- (a) one is the child (including an adopted child) of the other; or
- (b) one is another descendant of the other (even if the relationship between them is traced through an adoptive parent); or
- (c) they have a parent in common (who may be an adoptive parent of either or both of them).

For this purpose, disregard whether an adoption is declared void or has ceased to have effect.

(7) For the purposes of subsection (6), *adopted* means adopted under the law of any place (whether in or out of Australia) relating to the adoption of children.

### **23 Rules as to gender and number**

In any 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.

### **25 References to writing, documents and records**

In any 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.

*record* includes information stored or recorded by means of a computer.

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

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**25A Production of records kept in computers etc.**

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.

**25B Alterations of names and constitutions**

- (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.
- (1A) Where a law of a State or Territory alters the name of a body (whether or not incorporated) or of an office, then, unless the contrary intention appears, a reference in an Act or an instrument made under an Act to the body or office under the former name is to be construed, except in relation to matters that occurred before the alteration, as a reference to the body or 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.
- (3) In this section:

*office* includes a position occupied by an APS employee.

### **25C Compliance with forms**

Where an Act prescribes a form, then, unless the contrary intention appears, strict compliance with the form is not required and substantial compliance is sufficient.

### **25D Content of statements of reasons for decisions**

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.

### **25E Attainment of particular age**

For the purposes of any Act, unless the contrary intention appears, the time at which a person attains a particular age expressed in

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years is the commencement of the relevant anniversary of the date of the birth of that person.



## Part VI—Judicial expressions

### 26 Judicial definitions

In any Act, unless the contrary intention appears:

- (a) ***The High Court*** shall mean the High Court of Australia;
- (b) ***Federal Court*** shall mean the High Court or any court created by the Parliament;
- (c) ***Court exercising federal jurisdiction*** shall mean any court when exercising federal jurisdiction and shall include federal courts;
- (d) ***Court of summary jurisdiction*** shall mean any justice or justices of the peace or other magistrate of the Commonwealth or part of the Commonwealth, or of a State or part of a State, or of an external Territory, sitting as a court (other than the Federal Magistrates Court) for the making of summary orders or the summary punishment of offences under the law of the Commonwealth or part of the Commonwealth or under the law of the State or external Territory or by virtue of his or their commission or commissions or any Imperial Act;
- (e) ***Justice of the Peace*** includes a Justice of the Peace for a State or part of a State or for a Territory.

### 27 Meaning of certain words [see Note 3]

In any Act, unless the contrary intention appears:

- (b) The words “oath” and “affidavit” shall, in the case of persons allowed by law to affirm declare or promise instead of swearing, include affirmation, declaration, and promise, and the word “swear” shall in the like case include affirm, declare, and promise;
- (c) The words “statutory declaration” shall mean a declaration made by virtue of any Act authorizing a declaration to be made otherwise than in the course of a judicial proceeding.

### 27A Documents commencing proceedings

A reference in a provision of an Act to any one or more of the following in connection with court proceedings:

- (a) a summons;
- (b) an information;
- (c) a claim;
- (d) a complaint;
- (e) a declaration;

is taken to include a reference to any document through which proceedings may be instituted in a court.

Note: An example of such a document is a court attendance notice under the *Criminal Procedure Act 1986* of New South Wales.

### 28 Rules of Court

- (1) In any Act, unless the contrary intention appears, the expression “Rules of Court” when used in relation to any court shall mean rules made by the authority having for the time being power to make rules or orders regulating the practice and procedure of such court.
- (2) The power of such authority to make Rules of Court shall, unless the contrary intention appears, include a power to make Rules of Court for the purpose of any Act which directs or authorizes anything to be done by Rules of Court.

### 28A Service of documents

- (1) For the purposes of any Act that requires or permits 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 by 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 Commonwealth, or any law of a State or Territory, that authorizes the service of a document otherwise than as provided in that subsection; or
  - (b) affects the power of a court to authorize service of a document otherwise than as provided in that subsection.

## **29 Meaning of service by post**

- (1) Where an Act authorizes or requires any 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 prepaying and posting the document as a letter, and unless the contrary is proved to have been effected at the time at which the letter would be delivered in the ordinary course of post.
- (2) This section does not affect the operation of section 160 of the *Evidence Act 1995*.

## Part VII—Powers conferred and duties imposed by Acts

### 33 Exercise of powers and duties

- (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.
- (2AA) In subsection (2), *office* includes a position occupied by an APS employee.
- (2A) Where an Act assented to after the commencement of this subsection provides that a person, court or body may do a particular act or thing, and the word *may* is used, the act or thing may be done at the discretion of the person, court or body.
- (2B) 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.
- (3) Where an Act confers a power to make, grant or issue any instrument (including rules, regulations or by-laws) the power shall, unless the contrary intention appears, be construed as including a power exercisable in the like manner and subject to the like conditions (if any) to repeal, rescind, revoke, amend, or vary any such instrument.
- (3A) 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 the matters are 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.

(3B) 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 upon any person or authority a power to make appointments to any office or place, the power shall, unless the contrary intention appears, be construed as including a 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 as also including a power to remove or suspend any person appointed, and to appoint another person temporarily in the place of any person so suspended or in place of any sick or absent holder of such office or place:

Provided that where the power of such person or authority to make any such appointment is only exercisable upon the recommendation or subject to the approval or consent of some other person or authority, such power to make an appointment to act in an office or place or such power of removal shall, unless the contrary intention appears, only be exercisable upon the recommendation or subject to the approval or consent of such other person or authority.

(4A) In any Act, *appoint* includes re-appoint.

(5) 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.

### **33A Acting appointments**

(1) Where a provision of an Act (other than subsection 33(4) of this Act) confers on a person or body (in this section called the

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**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;
- (ba) where the appointment is to act in a vacant office, the appointee must not continue to act in the office for more than 12 months;
- (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) a period of 12 months from the day of the vacancy ends;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.

(2) In this section:

**office** includes a position occupied by an APS employee.

**33B Participation in meetings by telephone etc.**

- (1) This section applies to a body (whether or not incorporated) established by an Act if the Act requires or permits meetings of the members of the body to be held.

- (2) The body may permit its members to participate in a meeting, or all meetings, by:
  - (a) telephone; or
  - (b) closed-circuit television; or
  - (c) any other means of communication.
- (3) A member who participates in a meeting under a permission under subsection (2) is taken to be present at the meeting.
- (4) This section has effect subject to any contrary intention in the Act.

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

Any court, Judge, justice of the peace, officer, commissioner, arbitrator, or other person authorized by law, or by consent of parties, to hear and determine any matter, shall have authority to receive evidence and examine witnesses and to administer an oath to all witnesses legally called before them respectively.

### **34AA Delegations**

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, even if the office or position does not come into existence until after the delegation is given.

### **34AB Effect of delegation**

Where an Act confers power on a person or body (in this section called the *authority*) to delegate a function or power:

- (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 function or power so delegated, when performed or exercised by the delegate, shall, for the purposes of the Act, be deemed to have been performed or exercised by the authority;

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- (d) a delegation by the authority does not prevent the performance or exercise of a function or power by the authority; and
- (e) if the authority is not a person, section 34A applies as if it were.

**34A Exercise of certain powers and functions by a delegate**

Where, under any 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 that or any other Act, 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.

**34B Presentation of papers to the Parliament**

- (1) Where, by an Act or a law of a Territory, provision is made requiring or permitting the presentation (however expressed) of a paper to the Parliament or to both Houses, or to each or either House, of the Parliament, it is sufficient compliance with the provision, in relation to a House, if:
  - (a) the paper is presented in that House in accordance with the rules or orders of the House or, if, under the rules or orders of the House, papers are deemed to be presented to the House if they are delivered to the Clerk of the House and recorded in the records of the proceedings of the House, the paper is so delivered and recorded;
  - (b) where the provision provides for a specified person to present the paper or to cause the paper to be presented—that person, or any other person who could by virtue of this Act or of any other Act, or of a law of a Territory, act in the place of that person, makes or causes to be made, as the case may be, the presentation or the delivery of the paper referred to in the last preceding paragraph; and
  - (c) where the provision specifies a period within which the paper is to be presented—the presentation, or the delivery and recording, of the paper referred to in paragraph (a) takes place within that period.
- (1A) For the purposes of an Act or a law of a Territory that refers to papers presented (however the presentation is described) to the



Parliament or to both Houses, or to each or either House, of the Parliament:

- (a) presentation of a paper in a House of the Parliament in accordance with the rules or orders of the House; or
- (b) if, under the rules or orders of a House of the Parliament, papers are to be deemed to be presented to the House if they are delivered to the Clerk of the House and recorded in the records of the proceedings of the House—such a delivery and recording of a paper;

shall be deemed to have been presentation of the paper to that House, as described in that Act or law, effected or caused by the person who so presented or delivered the paper or caused the paper to be so presented or delivered.

- (2) In this section, *paper* includes:
  - (a) an ordinance, rule, regulation or by-law;
  - (b) a report; and
  - (c) any other document or instrument whatsoever.

### **34C Periodic reports**

- (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 that ends on or after 30 June 1983.

*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 Parliament but does not specify a

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period within which the report is to be so presented, that Minister shall cause a copy of the periodic report to be laid before each House of the Parliament within 15 sitting days of that House after the day on which he 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 possible to comply with the requirement, that person may, within the specified period, apply to the Minister for an extension of the period, and, where he does so apply, he shall furnish to the Minister a statement in writing explaining why, in that person's opinion, it will not be reasonably possible to comply with the requirement.
- (5) A Minister may, on application under subsection (4), grant such extension as he considers reasonable in the circumstances.
- (6) Notwithstanding subsection (2) and the provisions of any other Act, where a Minister grants an extension pursuant to an application under subsection (4):
  - (a) the Minister shall cause to be laid before each House of the Parliament, within 3 sitting days of that House after the day on which he grants the extension, a copy of the statement furnished pursuant to subsection (4) in respect of the application together with a statement specifying the extension granted and his reasons for granting the extension;
  - (b) the person who made the application shall furnish the periodic report to the Minister within the period as so extended; and
  - (c) the Minister shall cause a copy of the periodic report to be laid before each House of the Parliament within 15 sitting days of that House after the day on which he 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 an extension of that period under this section and that person fails to do so:
  - (a) that person shall, not later than 14 days after the end of that specified period or extension, 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 each House of the Parliament within 3 sitting days of that House after the day on which he receives the statement.
- (8) This section does not apply in relation to the Australian Security Intelligence Organisation, the Australian Secret Intelligence Service or the Office of National Assessments.

## **Part VIII—Distance and time**

### **35 Measurement of distance**

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

### **36 Reckoning of time**

- (1) Where in an Act any 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 such day or of the day of such act or event.
- (2) Where the last day of any period prescribed or allowed by an Act for the doing of anything falls on a Saturday, on a Sunday or on a day which is a public holiday or a bank 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 which is not a Saturday, a Sunday or a public holiday or bank holiday in that place.

### **37 Expressions of time**

Where in an Act any reference to time occurs, such time shall, unless it is otherwise specifically stated, be deemed in each State or part of the Commonwealth to mean the standard or legal time in that State or part of the Commonwealth.

## **Part IX—Citation of Acts**

### **38 Reference to Acts**

- (1) An Act passed by the Parliament of the Commonwealth may be referred to by the word “Act” alone.
- (2) An Act passed by the Parliament of the United Kingdom may be referred to by the term “Imperial Act”.
- (3) An Act passed by the Parliament of a State may be referred to by the term “State Act”.

### **39 Numbering of Acts**

The Acts passed in each secular year shall be numbered in regular arithmetical series, beginning with the number 1, in the order in which the Governor-General assents thereto or makes known the King’s assent thereto.

### **40 Citation of Acts**

- (1) In any Act, instrument or document:
  - (a) any Act may be cited by its short title, or by reference to the secular year in which it was passed and its number; and
  - (b) any 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) any State Act may be cited by a reference to the State by the Parliament whereof the Act was passed, together with such mode of reference as is sufficient in Acts passed by such Parliament.
- (2) Any enactment may be cited by reference to the part, section, subsection, or other division of the Act, Imperial Act or State Act, in which the enactment is contained.
- (3) Every such reference shall be made according to the copy of such Act printed by the Government Printer of the Commonwealth or of the State, or of the King’s Printer in London (as the case may be), or purporting to be so printed.

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- (4) For the purposes of subsection (3), a reference in relation to a Commonwealth Act may also be made according to a copy of the Act, or a compilation of the Act, as it appears in an Acts database declared under section 4 of the *Acts Publication Act 1905*.

**40A References to the new corporations and ASIC legislation**

- (1) A reference in an Act to:
- (a) an Act, or regulations or another instrument, that is part of the new corporations legislation or the new ASIC legislation; or
  - (b) a provision, or group of provisions, of such an Act, regulations or other instrument;
- is taken to include a reference to:
- (c) the corresponding part, provision or provisions of the old corporations legislation or the old ASIC legislation; and
  - (d) any relevant earlier law.
- (2) Subsection (1) does not apply to:
- (a) a reference in an Act that is part of the new corporations legislation or the new ASIC legislation; or
  - (b) a reference in the *Corporations (Repeals, Consequential and Transitional) Act 2001*; or
  - (c) a reference that identifies an Act that is part of the new corporations legislation or the new ASIC legislation as an Act to be amended; or
  - (d) a reference in a provision that applies an Act that is part of the new corporations legislation or the new ASIC legislation, or a provision or group of provisions, of such an Act to a particular matter (whether with or without modification).
- (3) Subsection (1) has effect:
- (a) subject to an express provision to the contrary in the Act concerned; and
  - (b) subject to regulations made for the purposes of subsection (5).

- (4) For the purposes of this section:
- (a) the question whether a part, provision or provisions of the old corporations legislation *corresponds* to a part, provision or provisions of the new corporations legislation is to be determined in the same way as it is determined for the purposes of Part 10.1 of the *Corporations Act 2001*; and
  - (b) the question whether a part, provision or provisions of the old ASIC legislation *corresponds* to a part, provision or provisions of the new ASIC legislation is to be determined in the same way as it is determined for the purposes of Part 16 of the *Australian Securities and Investments Commission Act 2001*.
- (5) The regulations may provide that subsection (1) does not apply in relation to a particular reference, or class of references, in an Act.
- (6) In this section:

*new ASIC legislation* has the same meanings as in Part 16 of the *Australian Securities and Investments Commission Act 2001*.

*new corporations legislation* has the same meanings as in Part 10.1 of the *Corporations Act 2001*.

*old ASIC legislation* has the same meanings as in Part 16 of the *Australian Securities and Investments Commission Act 2001*.

*old corporations legislation* has the same meanings as in Part 10.1 of the *Corporations Act 2001*.

*relevant earlier law*, in relation to a provision of the old corporations legislation, or the old ASIC legislation, means a law that was:

- (a) a corresponding previous law (as defined for the purposes of that provision or provisions that included that provision); or
- (b) a relevant previous law (as defined for the purposes of that provision or provisions that included that provision).

## Part XI—Non-legislative instruments and resolutions

### 46 Construction of instruments

- (1) If a provision confers on an authority the power to make an instrument that is neither a legislative instrument for the purposes of the *Legislative Instruments Act 2003* nor a rule of court, then, unless the contrary intention appears:
  - (a) this Act applies to any instrument so made as if it were an Act and as if each provision of the instrument were a section of an Act; and
  - (b) expressions used in any instrument so made have the same meaning as in the enabling legislation; and
  - (c) any instrument so made is to be read and construed subject to the enabling legislation, and so as not to exceed the power of the authority.
- (2) If any instrument so made would, but for subsection (1), be construed as being in excess of the authority's power, it is to be taken to be a valid instrument to the extent to which it is not in excess of that power.
- (3) If a provision confers on an authority the power to make an instrument (that is not a legislative instrument or a rule of court):
  - (a) specifying, declaring or prescribing a matter or thing; or
  - (b) doing anything in relation to a matter or thing;then, in exercising the power, the authority may identify the matter or thing by reference to a class or classes of matters or things.

Note: This provision has a parallel, in relation to legislative instruments, in section 13 of the *Legislative Instruments Act 2003*.

### 46AA Prescribing matters by reference to other instruments

- (1) If legislation authorises or requires provision to be made in relation to any matter in an instrument that is neither a legislative instrument for the purposes of the *Legislative Instruments Act 2003* nor a rule of court, that instrument may, unless the contrary intention appears, make provision in relation to that matter:



- (a) by applying, adopting or incorporating, with or without modification, the provisions of any Act, or of any disallowable legislative instrument for the purposes of the *Legislative Instruments Act 2003*, as in force at a particular time or as in force from time to time; or
  - (b) subject to subsection (2), by applying, adopting or incorporating, with or without modification, any matter contained in any other instrument or writing as in force or existing at the time when the first-mentioned instrument takes effect.
- (2) Unless the contrary intention appears, the instrument may not make provision in relation to that matter by applying, adopting or incorporating any matter contained in an instrument or other writing as in force or existing from time to time.

Note: This provision has a parallel, in relation to legislative instruments, in section 14 of the *Legislative Instruments Act 2003*.

#### **46B Disallowable non-legislative instruments**

- (1) This section applies to instruments:
- (a) that are neither legislative instruments for the purposes of the *Legislative Instruments Act 2003* nor rules of court; and
  - (b) that are made under a provision of an Act or legislative instrument (the *enabling provision*); and
  - (c) that are expressly declared by the enabling provision or by another provision of the Act or instrument to be disallowable instruments for the purposes of this section.
- (2) An instrument to which this section applies that is made on or after the commencing day for the purposes of the *Legislative Instruments Act 2003*, or a particular provision of such an instrument, takes effect from:
- (a) the day specified in the instrument for the purposes of the commencement of the instrument or provision; or
  - (b) the day and time specified in the instrument for the purposes of the commencement of the instrument or provision; or
  - (c) the day, or day and time, of the commencement of an Act, or of a provision of an Act, or of the occurrence of an event, that is specified in the instrument for the purposes of the commencement of the instrument or provision; or

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- (d) in any other case—the first moment of the day next following the day of notification under subsection (5).
- (3) An instrument to which this section applies, or a provision of such an instrument, has no effect if, apart from this subsection, it would take effect before the date of its notification under subsection (5) and as a result:
- (a) the rights of a person (other than the Commonwealth or an authority of the Commonwealth) as at the date of notification would be affected so as to disadvantage that person; or
  - (b) liabilities would be imposed on a person (other than the Commonwealth or an authority of the Commonwealth) in respect of anything done or omitted to be done before the date of notification.
- (4) The effect of subsections (2) and (3) on an instrument is subject to any contrary provision for commencement of the instrument in the enabling legislation for the instrument if the enabling legislation is an Act or a provision of an Act.
- (5) An instrument to which this section applies must be notified in the *Gazette* and, if the instrument is not so notified by being published in full in the *Gazette*, a notice in the *Gazette* of the instrument's having been made, and of the place or places where copies of it can be purchased, is sufficient compliance with that requirement.
- (6) If a notice of the making of an instrument is published in accordance with subsection (5), copies of the instrument must, at the time of publication of the notice or as soon as practicable thereafter, be made available for purchase at the place, or at each of the places, specified in the notice.
- (7) If, on the day of publication of a notice referred to in subsection (5), there are no copies of the instrument to which the notice relates available for purchase at the place, or at one or more of the places, specified in the notice, the Minister administering the enabling provision must cause to be laid before each House of the Parliament, within 15 sitting days of that House after that day, a statement that copies of the instrument were not so available and the reason why they were not so available.

- (8) Failure to comply with a requirement of subsection (6) or (7) in relation to any instrument does not constitute a failure to comply with subsection (5).
- (9) A copy of an instrument to which this section applies must be laid before each House of the Parliament not later than 6 sitting days of that House after the instrument is made and, for that purpose, must be delivered to the House by the person or body authorised to make the instrument.
- (10) If a copy of an instrument is not laid before each House of the Parliament in accordance with subsection (9), it thereupon ceases to have effect.
- (11) Unless the law otherwise provides, Part 5 of the *Legislative Instruments Act 2003*, other than sections 38, 39, 40 and 44, applies in relation to an instrument to which this section applies as if:
- (aa) the reference in section 37 of the *Legislative Instruments Act 2003* to registered were omitted, and the note to that section were repealed; and
  - (a) references to legislative instruments or to a legislative instrument were references to an instrument to which this section applies; and
  - (b) references to enabling legislation were references to the enabling provision; and
  - (c) references to repeal were references to revocation; and
  - (ca) references to registered were references to made; and
  - (cb) references to subsection 38(1) of the *Legislative Instruments Act 2003* were references to subsection (9) of this section; and
  - (cc) references to subsection 38(3) of the *Legislative Instruments Act 2003* were references to subsection (10) of this section; and
  - (d) references in subsection 45(2) of the *Legislative Instruments Act 2003* to another legislative instrument included references to a provision of another non-legislative instrument made under the enabling provision.

**47 Construction of resolutions**

Where any resolution is or has been passed by either House of the Parliament in purported pursuance of any Act, then, unless the contrary intention appears, the resolution shall be read and construed subject to the Constitution and to the Act under which it purports to have been passed, to the intent that where the resolution would, but for this section, have been construed as being in excess of authority, it shall nevertheless be a valid resolution to the extent to which it is not in excess of authority.

## **Part XII—Regulations**

### **51 Regulations**

The Governor-General may make regulations prescribing matters:

- (a) required or permitted by this Act to be prescribed; or
- (b) necessary or convenient to be prescribed for carrying out or giving effect to this Act.



**Table of Acts****Notes to the *Acts Interpretation Act 1901*****Note 1**

The *Acts Interpretation Act 1901* as shown in this compilation comprises Act No. 2, 1901 amended as indicated in the Tables below.

For application, saving or transitional provisions made by the *Corporations (Repeals, Consequential and Transitional) Act 2001*, see Act No. 55, 2001.

All relevant information pertaining to application, saving or transitional provisions prior to 21 December 1998 is not included in this compilation. For subsequent information see Table A.

**Table of Acts**

Act	Number and year	Date of Assent	Date of commencement	Application, saving or transitional provisions
<i>Acts Interpretation Act 1901</i>	2, 1901	12 July 1901	12 July 1901	
<i>Acts Interpretation Act 1916</i>	4, 1916	30 May 1916	30 May 1916	—
<i>Acts Interpretation Act 1918</i>	8, 1918	11 June 1918	11 June 1918	—
<i>Acts Interpretation Act 1930</i>	23, 1930	14 Aug 1930	S. 3: 27 Oct 1930 (see <i>Gazette</i> 1930, p. 2093) Remainder: Royal Assent	—
<i>Acts Interpretation Act 1932</i>	24, 1932	30 May 1932	30 May 1932	—
<i>Acts Interpretation Act 1937</i>	10, 1937	27 Aug 1937	11 Oct 1937 (see <i>Gazette</i> 1937, p. 1695)	S. 14
<i>Acts Interpretation Act 1941</i>	7, 1941	4 Apr 1941	S. 5: 3 Sept 1939 Remainder: Royal Assent	—
<i>Defence (Transitional Provisions) Act 1947</i>	78, 1947	11 Dec 1947	Ss. 1–3: Royal Assent Remainder: 1 Jan 1948	S. 4(5)
<i>Acts Interpretation Act 1948</i>	79, 1948	17 Dec 1948	14 Jan 1949	—
<i>Statute Law Revision Act 1950</i>	80, 1950	16 Dec 1950	31 Dec 1950	Ss. 16 and 17
<i>Acts Interpretation Act 1957</i>	69, 1957	5 Dec 1957	5 Dec 1957	—
<i>Acts Interpretation Act 1963</i>	19, 1963	28 May 1963	25 June 1963	S. 6
<i>Acts Interpretation Act 1964</i>	52, 1964	30 May 1964	27 June 1964	—
<i>Statute Law Revision (Decimal Currency) Act 1966</i>	93, 1966	29 Oct 1966	1 Dec 1966	—

**Table of Acts**

Act	Number and year	Date of Assent	Date of commencement	Application, saving or transitional provisions
<i>Acts Interpretation Act 1973</i>	79, 1973	19 June 1973	S. 4(2): 1 July 1973 (see <i>Gazette</i> 1973, No. 79) Remainder: Royal Assent	—
<i>Statute Law Revision Act 1973</i>	216, 1973	19 Dec 1973	31 Dec 1973	Ss. 9(1) and 10
<i>Acts Citation Act 1976</i>	37, 1976	26 May 1976	1 July 1976	—
<i>Acts Interpretation Amendment Act 1976</i>	144, 1976	6 Dec 1976	S. 5(2): 1 July 1977 S. 8(3) and (4): 7 Dec 1976 (a) Remainder: Royal Assent	Ss. 3(2), 8(2) and (4) S. 8(3) (rep. by 152, 1997, Sch. 2 [item 138])
<b>as amended by</b>				
<i>Audit (Transitional and Miscellaneous) Amendment Act 1997</i>	152, 1997	24 Oct 1997	Schedule 2 (item 138): 1 Jan 1998 (see <i>Gazette</i> 1997, No. GN49) (b)	—
<i>Acts Interpretation Amendment Act 1978</i>	35, 1978	12 June 1978	12 June 1978	—
<i>Acts Interpretation Amendment Act 1980</i>	1, 1980	1 Mar 1980	1 Jan 1980	—
<i>Statute Law Revision Act 1981</i>	61, 1981	12 June 1981	S. 115: Royal Assent (c)	—
<i>Statute Law (Miscellaneous Amendments) Act (No. 1) 1982</i>	26, 1982	7 May 1982	Part II (ss. 3, 4): 4 June 1982 (d)	—
<b>as amended by</b>				
<i>Statute Law (Miscellaneous Amendments) Act (No. 2) 1982</i>	80, 1982	22 Sept 1982	Part LXXI (ss. 262, 263): 4 June 1982 (e)	—
<i>Statute Law (Miscellaneous Amendments) Act (No. 2) 1982</i>	80, 1982	22 Sept 1982	Part VI (ss. 15, 16): Royal Assent (f)	—
<i>Statute Law (Miscellaneous Provisions) Act (No. 1) 1983</i>	39, 1983	20 June 1983	S. 3: 18 July 1983 (g)	—
<i>Acts Interpretation Amendment Act 1984</i>	27, 1984	15 May 1984	12 June 1984	Ss. 2, 12(2) and 13(2)



**Table of Acts**

Act	Number and year	Date of Assent	Date of commencement	Application, saving or transitional provisions
<b>as amended by</b>				
<i>Statute Law (Miscellaneous Provisions) Act (No. 2) 1984</i>	165, 1984	25 Oct 1984	S. 3: (h)	Ss. 2(32) and 6(1)
<i>Public Service Reform Act 1984</i>	63, 1984	25 June 1984	S. 151(1): 1 July 1984 (see <i>Gazette</i> 1984, No. S245) (i)	S. 151(9)
<b>as amended by</b>				
<i>Statute Law (Miscellaneous Provisions) Act (No. 2) 1984</i>	165, 1984	25 Oct 1984	S. 3: (j)	Ss. 2(32) and 6(1)
<i>Statute Law (Miscellaneous Provisions) Act (No. 1) 1984</i>	72, 1984	25 June 1984	S. 3: 23 July 1984 (k)	S. 5(1)
<i>Statute Law (Miscellaneous Provisions) Act (No. 2) 1985</i>	193, 1985	16 Dec 1985	S. 3: Royal Assent (l)	Ss. 5 and 16
<i>Administrative Arrangements Act 1987</i>	92, 1987	18 Sept 1987	Part II (ss. 3–8): 24 July 1987 Remainder: Royal Assent	—
<i>Crimes Legislation Amendment Act 1987</i>	120, 1987	16 Dec 1987	S. 74: 1 Mar 1989 (see <i>Gazette</i> 1989, No. S54) (m)	S. 75(2)
<i>Statute Law (Miscellaneous Provisions) Act 1987</i>	141, 1987	18 Dec 1987	S. 3: Royal Assent (n)	S. 5(1)
<i>Statutory Instruments (Tabling and Disallowance) Legislation Amendment Act 1988</i>	99, 1988	2 Dec 1988	2 Dec 1988	—
<i>Law and Justice Legislation Amendment Act 1988</i>	120, 1988	14 Dec 1988	Part II (ss. 3–5): Royal Assent (o)	—
<i>Crimes Legislation Amendment Act 1989</i>	108, 1989	30 June 1989	Part 2 (ss. 3, 4): Royal Assent (p)	—
<i>Corporations Legislation Amendment Act 1990</i>	110, 1990	18 Dec 1990	S. 16: 1 Jan 1991 (see <i>Gazette</i> 1990, No. S335) (q)	—
<i>Law and Justice Legislation Amendment Act 1990</i>	115, 1990	21 Dec 1990	S. 49: Royal Assent (r)	—
<i>Law and Justice Legislation Amendment Act 1991</i>	136, 1991	12 Sept 1991	Schedule: 10 Oct 1991 (s)	—
<i>Territories Law Reform Act 1992</i>	104, 1992	30 June 1992	S. 24: 1 July 1992 (t)	—
<i>Law and Justice Legislation Amendment Act 1994</i>	84, 1994	23 June 1992	Ss. 3–5: Royal Assent (u)	S. 3

**Table of Acts**

Act	Number and year	Date of Assent	Date of commencement	Application, saving or transitional provisions
<i>Evidence (Transitional Provisions and Consequential Amendments) Act 1995</i>	3, 1995	23 Feb 1995	S. 14: Royal Assent ( <i>v</i> ) Ss. 15 and 27: 18 Apr 1995 ( <i>v</i> )	S. 14
<i>Audit (Transitional and Miscellaneous) Amendment Act 1997</i>	152, 1997	24 Oct 1997	Schedule 2 (items 136, 137): 1 Jan 1998 (see <i>Gazette</i> 1997, No. GN49) ( <i>w</i> )	—
<i>Financial Sector Reform (Amendments and Transitional Provisions) Act 1998</i>	54, 1998	29 June 1998	Schedule 18 (item 40): 1 July 1998 (see <i>Gazette</i> 1998, No. S316) ( <i>x</i> )	—
<i>Acts Interpretation Amendment Act 1998</i>	125, 1998	21 Dec 1998	21 Dec 1998	Sch. 1 (items 2, 5, 7) [see Table A]
<i>Public Employment (Consequential and Transitional) Amendment Act 1999</i>	146, 1999	11 Nov 1999	Schedule 1 (items 33–40): 5 Dec 1999 (see <i>Gazette</i> 1999, No. S584) ( <i>y</i> )	S. 13 [see Table A]
<i>Corporate Law Economic Reform Program Act 1999</i>	156, 1999	24 Nov 1999	Schedule 12 (items 1, 2, 26, 27): 24 Nov 2000 ( <i>z</i> )	—
<i>Australian Security Intelligence Organisation Legislation Amendment Act 1999</i>	161, 1999	10 Dec 1999	Schedule 3 (items 1, 2): ( <i>za</i> )	—
<i>Federal Magistrates (Consequential Amendments) Act 1999</i>	194, 1999	23 Dec 1999	Schedule 2 (items 1, 2): 23 Dec 1999 ( <i>zb</i> )	—
<i>Corporations (Repeals, Consequentials and Transitionals) Act 2001</i>	55, 2001	28 June 2001	Ss. 4–14 and Schedule 3 (items 9, 10): 15 July 2001 (see <i>Gazette</i> 2001, No. S285) ( <i>zc</i> )	Ss. 4–14 [see Note 1]
<i>Intelligence Services (Consequential Provisions) Act 2001</i>	153, 2001	1 Oct 2001	29 Oct 2001 (see s. 2)	—
<i>Statute Law Revision Act 2002</i>	63, 2002	3 July 2002	Schedule 1 (item 1): ( <i>zd</i> )	—
<i>Acts Interpretation Amendment (Court Procedures) Act 2003</i>	46, 2003	26 June 2003	7 July 2003	Sch. 1 (item 2) [see Table A]
<i>Legislative Instruments Act 2003</i>	139, 2003	17 Dec 2003	Schedule 1: ( <i>ze</i> )	—

**Table of Acts**

Act	Number and year	Date of Assent	Date of commencement	Application, saving or transitional provisions
<i>Legislative Instruments (Transitional Provisions and Consequential Amendments) Act 2003</i>	140, 2003	17 Dec 2003	S. 4 and Schedule 1 (items 3–7): (zf)	S. 4 [see Table A]
<i>Financial Framework Legislation Amendment Act 2005</i>	8, 2005	22 Feb 2005	S. 4 and Schedule 1 (items 1, 70, 496): Royal Assent	S. 4 and Sch. 1 (item 496) [see Table A]
<i>Acts Interpretation Amendment (Legislative Instruments) Act 2005</i>	133, 2005	15 Nov 2005	Schedule 1 (item 1): (zg) Schedule 1 (items 2–5): (zg) Remainder: Royal Assent	—
<i>Statute Law Revision Act 2008</i>	73, 2008	3 July 2008	Schedule 1 (item 2): (zh)	—
<i>Same-Sex Relationships (Equal Treatment in Commonwealth Laws—Superannuation) Act 2008</i>	134, 2008	4 Dec 2008	S. 4 and Schedule 2 (item 1): Royal Assent	S. 4 [see Table A]
<i>Evidence Amendment Act 2008</i>	135, 2008	4 Dec 2008	Schedule 3 (item 6): 4 Dec 2009	—

## Act Notes

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- (a) Subsection 8(5) of the *Acts Interpretation Amendment Act 1976* provides as follows:
- (5) If a Department of State of the Commonwealth by the name of the Department of Finance is not established on or before the day on which this Act receives the Royal Assent, subsections (3) and (4) shall not come into operation until the day on which such a Department is established.
- The Department of Finance was established on 7 December 1976 (see *Gazette* 1976, No. S221).
- (b) The *Acts Interpretation Amendment Act 1976* was amended by Schedule 2 (item 138) only of the *Audit (Transitional and Miscellaneous) Amendment Act 1997*, subsection 2(2) of which provides as follows:
- (2) Schedules 1, 2 and 4 commence on the same day as the *Financial Management and Accountability Act 1997*.
- (c) The *Acts Interpretation Act 1901* was amended by section 115 only of the *Statute Law Revision Act 1981*, subsection 2(1) of which provides as follows:
- (1) Subject to this section, this Act shall come into operation on the day on which it receives the Royal Assent.
- (d) The *Acts Interpretation Act 1901* was amended by Part II (sections 3 and 4) only of the *Statute Law (Miscellaneous Amendments) Act (No. 1) 1982*, subsection 2(12) of which provides as follows:
- (12) The remaining provisions of this Act shall come into operation on the twenty-eighth day after the day on which this Act receives the Royal Assent.
- (e) The *Statute Law (Miscellaneous Amendments) Act (No. 1) 1982* was amended by Part LXXI (sections 262 and 263) only of the *Statute Law (Miscellaneous Amendments) Act (No. 2) 1982*, subsection 2(11) of which provides as follows:
- (11) Parts XLIX and LXXI shall be deemed to have come into operation on 4 June 1982.
- (f) The *Acts Interpretation Act 1901* was amended by Part VI (sections 15 and 16) only of the *Statute Law (Miscellaneous Amendments) Act (No. 2) 1982*, subsection 2(1) of which provides as follows:
- (1) Sections 1, 2, 166 and 195 and Parts III, VI, VII, XVI, XXXVI, XLIV, LI, LIII, LIV, LXI and LXXVII shall come into operation on the day on which this Act receives the Royal Assent.
- (g) The *Acts Interpretation Act 1901* was amended by section 3 only of the *Statute Law (Miscellaneous Provisions) Act (No. 1) 1983*, subsection 2(1) of which provides as follows:
- (1) Subject to this section, this Act shall come into operation on the twenty-eighth day after the day on which it receives the Royal Assent.
- (h) The *Acts Interpretation Amendment Act 1984* was amended by section 3 only of the *Statute Law (Miscellaneous Provisions) Act (No. 2) 1984*, subsection 2(3) of which provides as follows:
- (3) The amendment of the *Acts Interpretation Amendment Act 1984* made by this Act shall be deemed to have come into operation on 12 June 1984.
- (i) The *Acts Interpretation Act 1901* was amended by subsection 151(1) only of the *Public Service Reform Act 1984*, subsection 2(4) of which provides as follows:
- (4) The remaining provisions of this Act shall come into operation on such day as is, or on such respective days as are, fixed by Proclamation.
- (j) The *Public Service Reform Act 1984* was amended by section 3 only of the *Statute Law (Miscellaneous Provisions) Act (No. 2) 1984*, subsection 2(21)(b) of which provides as follows:
- (21) The amendments of the *Public Service Reform Act 1984* made by this Act shall:
- (b) in the case of the amendments of Items 1 and 3 of Schedule 4 to the first-mentioned Act—be deemed to have come into operation on 1 July 1984.

**Act Notes**

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- (k) The *Acts Interpretation Act 1901* was amended by section 3 only of the *Statute Law (Miscellaneous Provisions) Act (No. 1) 1984*, subsection 2(1) of which provides as follows:
- (1) Subject to this section, this Act shall come into operation on the twenty-eighth day after the day on which it receives the Royal Assent.
- (l) The *Acts Interpretation Act 1901* was amended by section 3 only of the *Statute Law (Miscellaneous Provisions) Act (No. 2) 1985*, subsection 2(1) of which provides as follows:
- (1) Subject to this section, this Act shall come into operation on the day on which it receives the Royal Assent.
- (m) The *Acts Interpretation Act 1901* was amended by section 74 only of the *Crimes Legislation Amendment Act 1987*, subsection 2(1) of which provides as follows:
- (1) Sections 11, 14, 16, 17, 18, 47, 70, 71, 72, 73, 74 and 75 and paragraph 69(b) shall come into operation on a day or days to be fixed by Proclamation.
- (n) The *Acts Interpretation Act 1901* was amended by section 3 only of the *Statute Law (Miscellaneous Provisions) Act 1987*, subsection 2(1) of which provides as follows:
- (1) Subject to this section, this Act shall come into operation on the day on which it receives the Royal Assent.
- (o) The *Acts Interpretation Act 1901* was amended by Part II (sections 3–5) only of the *Law and Justice Legislation Amendment Act 1988*, subsection 2(1) of which provides as follows:
- (1) Subject to this section, this Act shall come into operation on the day on which it receives the Royal Assent.
- (p) The *Acts Interpretation Act 1901* was amended by Part 2 (sections 3 and 4) only of the *Crimes Legislation Amendment Act 1989*, subsection 2(1) of which provides as follows:
- (1) Parts 1 and 2, Part 3 (other than section 10) and Part 4 commence on the day on which this Act receives the Royal Assent.
- (q) The *Acts Interpretation Act 1901* was amended by section 16 only of the *Corporations Legislation Amendment Act 1990*, subsection 2(2) of which provides as follows:
- (2) The remaining provisions of this Act commence on a day or days to be fixed by Proclamation.
- (r) The *Acts Interpretation Act 1901* was amended by section 49 only of the *Law and Justice Amendment Act 1990*, subsection 2(1) of which provides as follows:
- (1) Subject to this section, this Act commences on the day on which it receives the Royal Assent.
- (s) The *Acts Interpretation Act 1901* was amended by the Schedule only of the *Law and Justice Legislation Amendment Act 1991*, subsection 2(1) of which provides as follows:
- (1) Subject to this section, this Act commences on the 28th day after the day on which it receives the Royal Assent.
- (t) The *Acts Interpretation Act 1901* was amended by section 24 only of the *Territories Law Reform Act 1992*, subsection 2(3) of which provides as follows:
- (3) The remaining provisions of this Act commence on 1 July 1992.
- (u) The *Acts Interpretation Act 1901* was amended by sections 3–5 only of the *Law and Justice Legislation Amendment Act 1994*, subsection 2(1) of which provides as follows:
- (1) Subject to this section, this Act commences on the day on which it receives the Royal Assent.
- (v) The *Acts Interpretation Act 1901* was amended by sections 14, 15 and 27 only of the *Evidence (Transitional Provisions and Consequential Amendments) Act 1995*, subsections 2(1), (2) and (13) of which provide as follows:
- (1) This Part and Parts 2 and 3 commence of the day on which this Act receives the Royal Assent.
  - (2) Section 15 of this Act commences on the day on which section 160 of the *Evidence Act 1995* commences.

Section 160 commenced on 18 April 1995.

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## Act Notes

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- (13) Section 27 of this Act and the Schedule to this Act commences:
- (a) on the day on which sections 153 and 155 of the *Evidence Act 1995* commences; or
  - (b) if those sections commence on different days—the first day on which both of those sections are in force.

Sections 153 and 155 commenced on 18 April 1995.

- (w) The *Acts Interpretation Act 1901* was amended by Schedule 2 (items 136 and 137) only of the *Audit (Transitional and Miscellaneous) Amendment Act 1997*, subsection 2(2) of which provides as follows:

- (2) Schedules 1, 2 and 4 commence on the same day as the *Financial Management and Accountability Act 1997*.

- (x) The *Acts Interpretation Act 1901* was amended by Schedule 18 (item 40) only of the *Financial Sector Reform (Amendments and Transitional Provisions) Act 1998*, subsection 2(2)(p) of which provides as follows:

- (2) The following provisions of this Act commence on the commencement of the *Australian Prudential Regulation Authority Act 1998*:

- (p) Schedule 18, other than the items amending the *Australian Prudential Regulation Authority Act 1998*.

- (y) The *Acts Interpretation Act 1901* was amended by Schedule 1 (items 33–40) only of the *Public Employment (Consequential and Transitional) Amendment Act 1999*, subsections 2(1) and (2) of which provide as follows:

- (1) In this Act, **commencing time** means the time when the *Public Service Act 1999* commences.

- (2) Subject to this section, this Act commences at the commencing time.

- (z) The *Acts Interpretation Act 1901* was amended by Schedule 12 (items 1, 2, 26 and 27) only of the *Corporate Law Economic Reform Program Act 1999*, subsection 2(4) of which provides as follows:

- (4) If an item in Schedule 11 or 12 does not commence under subsection (2) within the period of 12 months beginning on the day on which this Act receives the Royal Assent, it commences on the first day after the end of that period.

- (za) The *Acts Interpretation Act 1901* was amended by Schedule 3 (items 1 and 2) only of the *Australian Security Intelligence Organisation Legislation Amendment Act 1999*, subsection 2(2) of which provides as follows:

- (2) Subject to subsections (3) to (6), Schedule 3 commences immediately after the commencement of the other Schedules to this Act.

The other Schedules to this Act commenced on 10 December 1999.

- (zb) The *Acts Interpretation Act 1901* was amended by Schedule 2 (items 1 and 2) only of the *Federal Magistrates (Consequential Amendments) Act 1999*, subsection 2(1) of which provides as follows:

- (1) Subject to this section, this Act commences on the commencement of the *Federal Magistrates Act 1999*.

- (zc) The *Acts Interpretation Act 1901* was amended by Schedule 3 (items 9 and 10) only of the *Corporations (Repeals, Consequentials and Transitionals) Act 2001*, subsection 2(3) of which provides as follows:

- (3) Subject to subsections (4) to (10), Schedule 3 commences, or is taken to have commenced, at the same time as the *Corporations Act 2001*.

- (zd) Subsection 2(1) (item 2) of the *Statute Law Revision Act 2002* provides as follows:

- (1) Each provision of this Act specified in column 1 of the table commences, or is taken to have commenced, on the day or at the time specified in column 2 of the table.

**Act Notes****Commencement information**

<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>
<b>Provision(s)</b>	<b>Commencement</b>	<b>Date/Details</b>
2. Schedule 1, item 1	Immediately after section 49 of the <i>Law and Justice Legislation Amendment Act 1990</i> commenced	21 December 1990

(ze) Subsection 2(1) (item 3) of the *Legislative Instruments Act 2003* provides as follows:

- (1) Each provision of this Act specified in column 1 of the table commences, or is taken to have commenced, on the day or at the time specified in column 2 of the table.

<b>Provision(s)</b>	<b>Commencement</b>	<b>Date/Details</b>
2. Schedule 1	Immediately after the commencement of Schedule 1 to the <i>Legislative Instruments (Transitional Provisions and Consequential Amendments) Act 2003</i>	1 January 2005

(zf) Subsection 2(1) (items 2 and 3) of the *Legislative Instruments (Transitional Provisions and Consequential Amendments) Act 2003* provides as follows:

- (1) Each provision of this Act specified in column 1 of the table commences, or is taken to have commenced, on the day or at the time specified in column 2 of the table.

<b>Provision(s)</b>	<b>Commencement</b>	<b>Date/Details</b>
2. Sections 4 and 5	Immediately after the commencement of sections 3 to 62 of the <i>Legislative Instruments Act 2003</i>	1 January 2005
3. Schedule 1	Immediately after the commencement of sections 3 to 62 of the <i>Legislative Instruments Act 2003</i>	1 January 2005

(zg) Subsection 2(1) (items 2 and 3) of the *Acts Interpretation Amendment (Legislative Instruments) Act 2005* provides as follows:

- (1) Each provision of this Act specified in column 1 of the table commences, or is taken to have commenced, in accordance with column 2 of the table. Any other statement in column 2 has effect according to its terms.

<b>Provision(s)</b>	<b>Commencement</b>	<b>Date/Details</b>
2. Schedule 1, item 1	Immediately after the commencement of section 3 of the <i>Legislative Instruments Act 2003</i> .	1 January 2005
3. Schedule 1, items 2 to 5	Immediately after the commencement of Schedule 1 to the <i>Legislative Instruments (Transitional Provisions and Consequential Amendments) Act 2003</i> .	1 January 2005

## Act Notes

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(zh) Subsection 2(1) (items 3) of the *Statute Law Revision Act 2008* provides as follows:

- (1) Each provision of this Act specified in column 1 of the table commences, or is taken to have commenced, in accordance with column 2 of the table. Any other statement in column 2 has effect according to its terms.

<b>Provision(s)</b>	<b>Commencement</b>	<b>Date/Details</b>
3. Schedule 1, item 2	Immediately after the commencement of item 7 of Schedule 1 to the <i>Legislative Instruments (Transitional Provisions and Consequential Amendments) Act 2003</i> .	1 January 2005

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**Table of Amendments****Table of Amendments**

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

Provision affected	How affected
<b>Part I</b>	
Heading to Part I .....	ad. No. 52, 1964
Heading preceding s. 1.....	rep. No. 52, 1964
S. 2 .....	rs. No. 10, 1937 am. No. 37, 1976
S. 2A .....	ad. No. 24, 1932 rep. No. 10, 1937 ad. No. 52, 1964 rep. No. 216, 1973
<b>Part II</b>	
Heading to Part II .....	ad. No. 52, 1964
Heading preceding s. 3.....	rep. No. 52, 1964
S. 3 .....	am. No. 27, 1984; No. 141, 1987
S. 4 .....	rs. No. 144, 1976 am. No. 115, 1990; No. 63, 2002; No. 140, 2003
S. 5 .....	am. No. 10, 1937; No. 144, 1976
<b>Part III</b>	
Heading to Part III .....	ad. No. 52, 1964
Heading preceding s. 7.....	rep. No. 52, 1964
S. 8A .....	ad. No. 27, 1984
S. 8B .....	ad. No. 27, 1984
S. 8C.....	ad. No. 27, 1984
S. 10 .....	rs. No. 37, 1976
S. 10A .....	ad. No. 4, 1916 rep. No. 37, 1976 ad. No. 27, 1984
<b>Part IV</b>	
Heading to Part IV .....	ad. No. 52, 1964
Heading preceding s. 12.....	rep. No. 52, 1964
S. 13 .....	am. No. 1, 1980
S. 14A .....	ad. No. 141, 1987
S. 14B .....	ad. No. 141, 1987
S. 15A .....	ad. No. 23, 1930 rs. No. 10, 1937
S. 15AA.....	ad. No. 61, 1981 am. No. 27, 1984
S. 15AB.....	ad. No. 27, 1984
S. 15AC.....	ad. No. 141, 1987
S. 15AD.....	ad. No. 141, 1987
S. 15AE.....	ad. No. 133, 2005
S. 15B .....	ad. No. 144, 1976

**Table of Amendments**

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

Provision affected	How affected
S. 15C.....	ad. No. 27, 1984
<b>Part V</b>	
Heading to Part V.....	ad. No. 52, 1964
Heading preceding s. 16.....	rep. No. 52, 1964
S. 16A.....	ad. No. 69, 1957
S. 16B.....	ad. No. 69, 195
S. 16C.....	ad. No. 79, 1973 am. No. 194, 1999
S. 17.....	am. No. 23, 1930; No. 10, 1937; No. 80, 1950; No. 69, 1957; Nos. 79 and 216, 1973; No. 144, 1976; No. 80, 1982; No. 92, 1987; No. 104, 1992; No. 152, 1997; No. 140, 2003; No. 8, 2005
S. 17AA.....	ad. No. 146, 1999
S. 17A.....	ad. No. 79, 1973 am. No. 144, 1976
S. 18.....	am. No. 216, 1973
S. 18A.....	ad. No. 144, 1976
S. 18B.....	ad. No. 141, 1987 am. No. 120, 1988 rs. No. 152, 1997
S. 18C.....	ad. No. 125, 1998
S. 19.....	am. No. 8, 1918; No. 125, 1998
S. 19A.....	ad. No. 23, 1930 am. No. 24, 1932 rs. No. 10, 1937 am. No. 7, 1941 rep. No. 144, 1976 ad. No. 92, 1987 am. No. 125, 1998
S. 19B.....	ad. No. 7, 1941 rs. No. 144, 1976 am. No. 63, 1984 (as am. by No. 165, 1984); No. 92, 1987; No. 146, 1999
S. 19BA.....	ad. No. 144, 1976 am. No. 35, 1978; No. 63, 1984 (as am. by No. 165, 1984); No. 92, 1987; No. 125, 1998; No. 146, 1999; No. 73, 2008
S. 19BAA.....	ad. No. 144, 1976
S. 19BB.....	ad. No. 144, 1976
S. 19BC.....	ad. No. 144, 1976 am. No. 35, 1978
S. 19C.....	ad. No. 78, 1947 am. No. 92, 1987; No. 146, 1999
S. 20.....	am. No. 27, 1984
S. 21.....	am. No. 146, 1999
S. 22.....	am. No. 144, 1976; No. 39, 1983; No. 27, 1984; No. 193, 1985; No. 115, 1990
S. 22A.....	ad. No. 134, 2008

**Table of Amendments**


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ad. = added or inserted    am. = amended    rep. = repealed    rs. = repealed and substituted	
Provision affected	How affected
S. 22B .....	ad. No. 134, 2008
S. 22C .....	ad. No. 134, 2008
S. 23 .....	rs. No. 27, 1984
S. 24 .....	am. No. 7, 1941; No. 93, 1966; No. 144, 1976; No. 27, 1984 rep. No. 120, 1987
S. 25 .....	rs. No. 27, 1984 am. No. 108, 1989
S. 25A .....	ad. No. 27, 1984
S. 25B .....	ad. No. 27, 1984 am. No. 136, 1991; No. 146, 1999
S. 25C .....	ad. No. 27, 1984
S. 25D .....	ad. No. 27, 1984
S. 25E .....	ad. No. 27, 1984
<b>Part VI</b>	
Heading to Part VI .....	ad. No. 52, 1964
Heading preceding s. 26 .....	rep. No. 52, 1964
S. 26 .....	am. No. 10, 1937; No. 80, 1950; No. 216, 1973; No. 27, 1984; No. 194, 1999
S. 27 .....	am. No. 193, 1985; No. 120, 1987
S. 27A .....	ad. No. 46, 2003
S. 28A .....	ad. No. 27, 1984
S. 29 .....	am. No. 3, 1995
S. 30 .....	am. No. 10, 1937; No. 216, 1973; No. 144, 1976 rep. No. 120, 1987
S. 31 .....	rep. No. 52, 1964
S. 32 .....	am. No. 23, 1930 rep. No. 10, 1937
<b>Part VII</b>	
Heading to Part VII .....	ad. No. 52, 1964
Heading preceding s. 33 .....	rep. No. 52, 1964
S. 33 .....	am. No. 7, 1941; No. 27, 1984; No. 141, 1987; No. 146, 1999
S. 33A .....	ad. No. 141, 1987 am. No. 120, 1988; No. 115, 1990; No. 146, 1999
S. 33B .....	ad. No. 136, 1991
S. 34AA .....	ad. No. 27, 1984 am. No. 84, 1994
S. 34AB .....	ad. No. 141, 1987
S. 34A .....	ad. No. 78, 1947 am. No. 72, 1984
S. 34B .....	ad. No. 19, 1963 am. No. 52, 1964; No. 144, 1976
S. 34C .....	ad. No. 39, 1983 am. No. 161, 1999; No. 153, 2001

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**Table of Amendments**

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

Provision affected	How affected
<b>Part VIII</b>	
Heading to Part VIII .....	ad. No. 52, 1964
Heading preceding s. 35.....	rep. No. 52, 1964
S. 36 .....	am. No. 79, 1948
<b>Part IX</b>	
Heading to Part IX .....	ad. No. 52, 1964
Heading preceding s. 38.....	rep. No. 52, 1964
S. 39 .....	am. No. 144, 1976
S. 40 .....	am. No. 19, 1963; No. 135, 2008
Heading to s. 40A .....	am. No. 156, 1999
S. 40A .....	ad. No. 110, 1990 am. No. 54, 1998; No. 156, 1999 rs. No. 55, 2001
Heading to Part X.....	ad. No. 52, 1964 rep. No. 120, 1987
Part X .....	rep. No. 120, 1987
Heading preceding s. 41.....	ad. No. 10, 1937 rep. No. 52, 1964
S. 41 .....	ad. No. 10, 1937 rep. No. 120, 1987
Ss. 42, 43.....	ad. No. 10, 1937 am. No. 144, 1976 rep. No. 120, 1987
Ss. 44, 45.....	ad. No. 10, 1937 rep. No. 120, 1987
Ss. 45A, 45B .....	ad. No. 27, 1984 rep. No. 120, 1987
<b>Part XI</b>	
Heading to Part XI .....	ad. No. 52, 1964 rs. No. 140, 2003
Heading preceding s. 46.....	ad. No. 10, 1937 rep. No. 52, 1964
S. 46 .....	ad. No. 10, 1937 am. No. 27, 1984 (as am. by No. 165, 1984); No. 115, 1990 rs. No. 140, 2003 am. No. 133, 2005
S. 46A .....	ad. No. 141, 1987 am. No. 99, 1988; No. 115, 1990; No. 3, 1995 rep. No. 140, 2003
S. 46AA.....	ad. No. 140, 2003 am. No. 133, 2005
S. 46B .....	ad. No. 140, 2003 am. No. 139, 2003; No. 133, 2005
S. 47 .....	ad. No. 10, 1937

**Table of Amendments**


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ad. = added or inserted   am. = amended   rep. = repealed   rs. = repealed and substituted	
Provision affected	How affected
<b>Part XII</b>	
Heading to Part XII .....	ad. No. 52, 1964
Heading preceding s. 48.....	ad. No. 10, 1937 rep. No. 52, 1964
S. 48 .....	ad. No. 10, 1937 am. No. 80, 1950; No. 19, 1963; No. 144, 1976; No. 26, 1982 (as am. by No. 80, 1982); No. 141, 1987; No. 99, 1988; No. 115, 1990 rep. No. 140, 2003
S. 48A .....	ad. No. 99, 1988 rep. No. 140, 2003
S. 48B .....	ad. No. 99, 1988 rep. No. 140, 2003
S. 49 .....	ad. No. 10, 1937 am. No. 19, 1963; No. 144, 1976; No. 99, 1988 rep. No. 140, 2003
S. 49A .....	ad. No. 52, 1964 rep. No. 140, 2003
S. 50 .....	ad. No. 10, 1937 rep. No. 140, 2003
S. 51 .....	ad. No. 55, 2001

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## Note 2

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### Note 2

Section 17—Subsection 70(1) of the *Archives Act 1983* provides as follows:

- (1) A reference in any law of the Commonwealth or of a Territory, or in any agreement or arrangement, made before the commencement of Part II, to the Commonwealth Archives Office, to the Archival Authority or to the authority concerned with the preservation of the archives shall, in respect of any time after the commencement of Part II, be read as a reference to the Archives.

Section 5 of the *Australian Federal Police Act 1979* provides as follows:

- (1) In a law of the Commonwealth or of the Australian Capital Territory:
  - (a) a reference to a Commonwealth Police Officer shall be read as a reference to a member of the Australian Federal Police;
  - (b) a reference to the Commonwealth Police Force shall be read as a reference to the Australian Federal Police;
  - (c) a reference to the Police Force of that Territory shall be read as a reference to the Australian Federal Police;
  - (d) a reference to an officer of police of that Territory shall be read as a reference to a member of the Australian Federal Police; and
  - (e) a reference to the Commissioner of Police of that Territory, however described, shall be read as a reference to the Commissioner.
- (1A) Where a reference in a law of the Commonwealth that does not specify the Australian Capital Territory is, in effect, a reference to, or a reference that includes, that Territory, that reference shall, for the purposes of subsection (1), be taken to be a reference to that Territory.
- (2) If:
  - (a) a provision of a law is, by virtue of subsection (1), to be read as referring to a member of the Australian Federal Police holding a particular rank; and
  - (b) a declaration is in force under subsection (3) that a member is of that rank for the purposes of this paragraph;the provision of the law is to be read as referring to the member to whom the declaration applies.

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**Note 2**

- (3) The Commissioner may, by writing, declare that a member is of a particular rank for the purposes of paragraph (2)(b).

Subsections 18(11) and (12) of the *Bankruptcy Act 1966* provide as follows:

- (11) A reference in a law of the Commonwealth to the Official Receiver of the estate of a bankrupt shall, in relation to the vesting, holding or disposal of property, be read as including a reference to the Official Trustee.
- (12) A reference in a law of the Commonwealth to the Official Receiver in Bankruptcy shall be read as including a reference to the Official Trustee.

Subsection 150(2) of the *Commonwealth Electoral Legislation Amendment Act 1983* provides as follows:

- (2) For the purposes of the application of any law of the Commonwealth or of a Territory, or any order or instrument under any such law, in relation to anything done or to be done after the commencement of this section:
- (a) a reference to the Australian Electoral Office shall be read as a reference to the Australian Electoral Commission established under the Principal Act as amended by this Act;
- (b) a reference to the Chief Australian Electoral Officer or to the Chief Electoral Officer for the Commonwealth shall be read as a reference to the Electoral Commissioner appointed under the Principal Act as amended by this Act; and
- (c) a reference to a Commonwealth Electoral Officer for a State or to an Australian Electoral Officer for a State shall be read as a reference to the Australian Electoral Officer for the State appointed under the Principal Act as amended by this Act.

Section 18 of the *Law Officers Act 1964* provides as follows:

A reference in a law of the Commonwealth other than this Act, or in a law of a Territory, as in force at the commencement of this Act, to the Solicitor-General of the Commonwealth or to the Solicitor-General shall be read as a reference to the Secretary to the Attorney-General's Department.

### **Note 3**

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Section 67 of the *Northern Territory (Self-Government) Act 1978* provides as follows:

In any law of the Commonwealth or of the Territory or any instrument having effect under such a law (including a law or instrument that came into operation before the commencing date), except so far as the context otherwise requires:

- (a) a reference, however expressed, to the Legislative Assembly for the Territory shall be read as a reference to the Legislative Assembly of the Northern Territory of Australia;
- (b) a reference, however expressed, to an Ordinance shall be read as including a reference to an enactment;
- (c) a reference, however expressed, to the Executive Council established by the previous Act shall be read as including a reference to the Executive Council of the Northern Territory of Australia; and
- (d) a reference, however expressed, to a person holding office under a provision of the previous Act shall be read as including a reference to a person holding office under the corresponding provision of this Act.

### **Note 3**

Section 27—Section 7 of the *Statutory Declarations Act 1959* provides as follows:

Where, in a law of the Commonwealth or of a Territory (whether passed or made before or after the commencement of this Act), a reference is made to a statutory declaration, the reference includes a reference to a statutory declaration made under this Act, unless the contrary intention appears in that law.



**Table A****Application, saving or transitional provisions***Acts Interpretation Amendment Act 1998* (No. 125, 1998)**Schedule 1****2 Validation of past authorisations**

If a Minister (the *authorising Minister*) purported, before the commencement of this item, to give to another Minister or member of the Executive Council an authorisation to act on behalf of the authorising Minister in the performance of functions or duties, or the exercise of powers, that the authorising Minister was empowered to perform or exercise under an Act or a provision of an Act or under an instrument (including a regulation, rule or Proclamation) having effect under or for the purposes of such an Act or provision:

- (a) the authorisation is taken to have been validly given; and
- (b) if the authorisation continues in force after that commencement, the authorising Minister may at any time, by writing, revoke the authorisation.

**5 Validation of past acts**

Any act that a Minister purported to do before the commencement of this Act on behalf of another Minister in the purported performance of a function or duty or the purported exercise of a power conferred on the other Minister by an Act or by an instrument (including a regulation, rule or Proclamation) having effect under or for the purposes of an Act is taken to have been as valid as it would have been if:

- (a) the amendment of subsection 19A(1) of the *Acts Interpretation Act 1901* made by item 4 had been in force when the purported act was done; and
- (b) the purported act had been done by the first-mentioned Minister under that subsection as amended by that item.

**7 Validation of past orders**

- (1) Any order that the Governor-General purported to make before the commencement of item 6 under paragraph 19BA(1)(c) of the *Acts Interpretation Act 1901* is taken to have been, at all times before that

**Table A**

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commencement when the order purported to be in force, as valid as it would have been if the amendment made by that item had been in force when the purported order was made.

- (2) If an order that the Governor-General purported to make before the commencement of item 6 under paragraph 19BA(1)(c) of the *Acts Interpretation Act 1901* purported to be in force immediately before that commencement, the purported order has the effect after that commencement that it would have if the amendment made by that item had been in force when the purported order was made.

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*Public Employment (Consequential and Transitional) Amendment Act 1999*  
(No. 146, 1999)

**13 References in statutory instruments to “officer” etc.**

- (1) In any statutory instrument (other than the *Acts Interpretation Act 1901*), unless the contrary intention appears:
- (a) references in general terms to an officer include references to a new Act Secretary or an APS employee; and
  - (b) references to an officer of the Commonwealth include references to a new Act Secretary or an APS employee; and
  - (c) references to an officer or employee of a particular Department or Statutory Agency include references to an APS employee in that Department or Statutory Agency; and
  - (d) references to a person occupying, holding or performing the duties of an office in a particular Department or Statutory Agency include references to an APS employee in that Department or Statutory Agency; and
  - (e) references to an employee of a particular Department include references to a locally engaged employee in that Department; and
  - (f) references in general terms to an office include references to a position occupied by an APS employee; and
  - (g) references to an office in a particular Department or Statutory Agency include references to a position occupied by an APS employee in that Department or Statutory Agency.
- (2) If a reference in a statutory instrument to “the Department” is read as a reference to a particular Department because of subsection

**Table A**

19A(3) of the *Acts Interpretation Act 1901*, then that reference to “the Department” is a reference to a particular Department for the purposes of this section.

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*Acts Interpretation Amendment (Court Procedures) Act 2003* (No. 46, 2003)

**Schedule 1****2 Application**

The amendment made by this Schedule applies in relation to proceedings instituted on or after 7 July 2003.

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*Legislative Instruments (Transitional Provisions and Consequential Amendments) Act 2003* (No. 140, 2003)

**4 Transitional provisions**

- (1) If legislation introduced into the Parliament before the commencing day but commencing on or after that day:
  - (a) authorises an instrument to be made in the exercise of a power delegated by the Parliament; and
  - (b) is expressed to require that instrument to be published as a statutory rule under the *Statutory Rules Publication Act 1903*; any instrument so made is taken to be an instrument referred to in paragraph 6(b) of the *Legislative Instruments Act 2003* despite the repeal by this Act of the *Statutory Rules Publication Act 1903*.
- (2) If legislation introduced into the Parliament before the commencing day but commencing on or after that day:
  - (a) authorises an instrument to be made in the exercise of a power delegated by the Parliament; and
  - (b) is expressed to declare that instrument to be a disallowable instrument for the purposes of section 46A of the *Acts Interpretation Act 1901*; any instrument so made is taken to be an instrument referred to in subparagraph 6(d)(i) of the *Legislative Instruments Act 2003* despite the repeal by this Act of section 46A of the *Acts Interpretation Act 1901*.

**Table A**

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- (3) If legislation that is in force immediately before the commencing day or that is introduced into the Parliament before that day but that commences on or after that day:
- (a) authorised or authorises an instrument to be made in the exercise of a power delegated by the Parliament that adversely affects the rights of a person, or results in the imposition of liabilities on a person; and
  - (b) provided or provides that the instrument has effect, to the extent that it adversely affects those rights or results in the imposition of those liabilities, despite subsection 48(2) of the *Acts Interpretation Act 1901*, before the date of its notification in the *Gazette*;

that legislation is to be construed, on and after the commencing day or the day of its commencement, whichever last occurs, as if it had provided instead that the instrument, to the extent that it adversely affects those rights or results in the imposition of those liabilities, has effect, despite subsection 12(2) of the *Legislative Instruments Act 2003*, before its registration under that Act.

- (4) If:
- (a) legislation (the *enabling legislation*) in force immediately before the commencing day:
    - (i) authorises the making of an instrument; and
    - (ii) does not declare such an instrument to be a disallowable instrument for the purposes of section 46A of the *Acts Interpretation Act 1901* but nonetheless makes provision for its disallowance by the application, with or without modification, of the provisions of Part XII of that Act; and
  - (b) an instrument is made in the exercise of that authority on or after the commencing day; and
  - (c) the instrument is not a legislative instrument for the purposes of the *Legislative Instruments Act 2003* or otherwise;
- the enabling legislation has effect, on and after the commencing day, as if:
- (d) it had declared such instruments to be disallowable instruments for the purposes of section 46B of the *Acts Interpretation Act 1901*; and
  - (e) it had provided for such modifications of the operation of that section as are necessary to ensure that the effect of the

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**Table A**

applied provisions of Part XII of the *Acts Interpretation Act 1901* is preserved.

(5) In this section:

**commencing day** means the commencing day within the meaning of the *Legislative Instruments Act 2003*.

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*Financial Framework Legislation Amendment Act 2005* (No. 8, 2005)

#### **4 Saving of matters in Part 2 of Schedule 1**

(1) If:

- (a) a decision or action is taken or another thing is made, given or done; and
- (b) the thing is taken, made, given or done under a provision of a Part 2 Act that had effect immediately before the commencement of this Act;

then the thing has the corresponding effect, for the purposes of the Part 2 Act as amended by this Act, as if it had been taken, made, given or done under the Part 2 Act as so amended.

(2) In this section:

**Part 2 Act** means an Act that is amended by an item in Part 2 of Schedule 1.

#### **Schedule 1**

##### **496 Saving provision—Finance Minister's determinations**

If a determination under subsection 20(1) of the *Financial Management and Accountability Act 1997* is in force immediately before the commencement of this item, the determination continues in force as if it were made under subsection 20(1) of that Act as amended by this Act.

**Table A**

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*Same-Sex Relationships (Equal Treatment in Commonwealth Laws—  
Superannuation) Act 2008* (No. 134, 2008)

**4 Entitlements from 1 July 2008**

(1) If:

- (a) a person would have been entitled to one or more payments (the *lost payments*) under an Act that is amended by Schedule 1, 2, 3 or 5 to this Act if the relevant Schedule had commenced on 1 July 2008; and
- (b) because the Schedule did not commence until after 1 July 2008, the person is not entitled to the payment or payments; and
- (c) the person makes an application to the Finance Minister for one or more payments (the *replacement payments*) to compensate the person for the lost payments;

the Finance Minister must make a determination, in accordance with subsection (4), to fully compensate the person.

(2) If:

- (a) a person would have been entitled to one or more payments (the *lost payments*) under the *Military Superannuation and Benefits Act 1991* if the first amendment of the Trust Deed under that Act that is made after the commencement of this section had commenced on 1 July 2008; and
- (b) because that amendment did not commence until after 1 July 2008, the person is not entitled to the payment or payments; and
- (c) the person makes an application to the Finance Minister for one or more payments (the *replacement payments*) to compensate the person for the lost payments;

the Finance Minister must make a determination, in accordance with subsection (4), to fully compensate the person.

(3) If:

- (a) a person would have been entitled to one or more payments (the *lost payments*) under the *Superannuation Act 1990* if the first amendment of the Trust Deed under that Act that is made after the commencement of this section had commenced on 1 July 2008; and

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**Table A**

- (b) because that amendment did not commence until after 1 July 2008, the person is not entitled to the payment or payments; and
  - (c) the person makes an application to the Finance Minister for one or more payments (the *replacement payments*) to compensate the person for the lost payments;  
the Finance Minister must make a determination, in accordance with subsection (4), to fully compensate the person.
- (4) A determination by the Finance Minister under this subsection must:
- (a) be in writing; and
  - (b) set out:
    - (i) the amount and timing of the replacement payments; or
    - (ii) the method of determining the amount and timing of the replacement payments.
- (5) An application must be in writing in the form approved by the Finance Minister.
- (6) To avoid doubt, a determination of the Finance Minister that a person is entitled to one or more replacement payments does not affect the entitlements of any other person under an Act amended by Schedule 1, 2, 3 or 5 to this Act, the *Military Superannuation and Benefits Act 1991* or the *Superannuation Act 1990*.
- (7) Replacement payments are to be made out of the Consolidated Revenue Fund, which is appropriated accordingly.
- (8) A determination made under this section is not a legislative instrument.
- (9) In this section:
- Finance Minister*** means the Minister who administers the *Financial Management and Accountability Act 1997*.