

**NORTHERN TERRITORY OF AUSTRALIA**

**INTERPRETATION ACT**

As in force at 6 May 2005

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# NORTHERN TERRITORY OF AUSTRALIA

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As in force at 6 May 2005

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## INTERPRETATION ACT

### An Act for the interpretation of Acts and for the shortening of their language and for other purposes

#### **Part I Preliminary**

##### **1 Short title**

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

##### **2 Repeal and savings**

- (1) The Ordinances set out in Parts 1, 2 and 3 of the Schedule are repealed.
- (2) The laws of the State of South Australia set out in Part 4 of the Schedule cease to have effect in the Northern Territory as laws of the Northern Territory.
- (3) Where there is, in an Act, or a law of the State of South Australia in its application to the Northern Territory, made before the commencement of this Act, a word, expression or provision as to which there is no provision in this Act which is appropriate to its interpretation, application or effect but as to which a provision of a law in force before the commencement of this Act would, but for the repeal effected by this section, have continued to be appropriate to its interpretation, application or effect, the provision in that last-mentioned law continues to apply to the word, expression or provision in that first-mentioned law, notwithstanding the repeal effected by this section.
- (4) Notwithstanding the repeal effected by this section, in the interpretation, application or effect of a word, expression or provision in an Act, or law of the State of South Australia in its application to the Northern Territory, to or in relation to anything done or suffered before the commencement of this Act, reference shall be made to the law as in force or deemed before the commencement of this Act to be in force at the time when that thing was done or suffered and not to this Act, and that law continues to have effect for that purpose.

### 3 **Application of this Act**

- (1) Subject to section 2, this Act applies to each Act, and to each Act and Act of the State of South Australia in its application to the Northern Territory, and to each Act of the Northern Territory, whether made before or after the making of this Act, including this Act, as though that law were an Act.
- (2) This Act binds the Crown not only in right of the Territory but, so far as the legislative power of the Legislative Assembly permits, the Crown in all its other capacities.
- (3) In the application of a provision of this Act to a provision, whether in this Act or in another law, the first-mentioned provision yields to the appearance of an intention to the contrary in that other provision.

### 4 **Application to regulations, &c.**

This Act applies, so far as it is applicable:

- (a) to and in respect of instruments of a legislative or administrative character made under laws to which this Act applies, and to and in respect of the interpretation, application and effect of such instruments, as if those instruments were Acts; and
- (b) without limiting its general application:
  - (i) to and in respect of references to such instruments of a legislative or administrative character as if they were references to Acts; and
  - (ii) to and in respect of references to Acts as if they were references to such instruments.

## **Part II Commencement of Acts**

### 5 **Meaning of *commencement***

- (1) In every Act, the word ***commencement***, when used with reference to an Act or to an instrument of a legislative or administrative character, being an instrument made, granted or issued under a power conferred by an Act, shall mean the time at which the Act or instrument comes into operation.
- (2) Where an Act comes into operation on a particular day, it shall come or be deemed to have come into operation immediately on the expiration of the day immediately preceding that day.

**6 Commencement of Acts**

- (1) An Act assented to by the Administrator comes into operation on the day on which that assent is declared.
- (2) An Act reserved for the signification of the pleasure of the Governor-General comes into operation on the day upon which notification that the Governor-General has assented to the Act is published in the *Gazette*.
- (3) Notwithstanding that an Act is expressed to come into operation:
  - (a) on a particular day or date or progressively on a number of different days or dates;
  - (b) on a date to be fixed by an instrument of a legislative or administrative character; or
  - (c) on the happening of a particular event,its long title and short title, and the provision so providing for the commencement of the Act, comes into operation on the day on which the Administrator's assent to the Act is declared or, where the Act is reserved for the signification of the pleasure of the Governor-General, on the day on which the notification that the Governor-General has assented to the Act is published in the *Gazette*.
- (4) A reference in general terms in an Act or an instrument of a legislative or administrative character to the commencement or the day or date of commencement of an Act is a reference to the commencement of the last provision of the Act remaining to be commenced, or the day or date on which that provision was commenced, as the case may be.

**7 Evidence of assent, &c.**

- (1) The date appearing on a copy of an Act printed by the Government Printer and purporting to be the date upon which assent was given to the Act shall be evidence of that date.
- (2) The date appearing on a copy of an Act printed by the Government Printer and purporting to be the date upon which the assent to the Act was notified in the *Gazette* shall be evidence of that date.
- (3) The dates appearing on a copy of regulations printed by the Government Printer and purporting to be:
  - (a) the date on which the regulations were made; and
  - (b) the date on which the regulations were notified in the *Gazette*,

shall be evidence of those dates.

## **8 Exercise of powers before commencement**

- (1) Where a provision of an Act is expressed to confer power, or to amend a provision of another Act in such a manner that the other Act, as amended, will confer power, to take any action, including power to make an appointment or to make an instrument of a legislative or administrative character then, before the first-mentioned provision or the second-mentioned provision as amended, as the case may be, comes into operation, that power may be exercised and anything may be done for the purpose of enabling the exercise of that power or of bringing the appointment or instrument into effect.
- (2) An action taken by virtue of subsection (1), takes effect:
  - (a) on the day on which the provision first therein mentioned comes into operation; or
  - (b) on the day on which the action would have taken effect if that provision had been in operation when the action was taken,

whichever is the later day.

## **9 Amendment before commencement**

At any time after a proposed law has been passed by the Legislative Assembly and before it has come into operation:

- (a) it may be cited by its proposed short title; and
- (b) it may be the subject of a further proposed law to amend or repeal it,

and if a provision of an Act to amend or repeal another Act (including a provision relating to the commencement of the Act proposed to be amended) comes into operation before or on the same day as the Act or provision amended or repealed, the Act or provision amended or repealed, as the case may be, shall not come into operation except as amended or for the purpose of making the repeal effective as though the repealed provision had never existed.

## **10 Amendment in same session**

An Act may be amended or repealed in the session of the Legislative Assembly in which it was passed.



## **Part III                    Repeal and expiration of Acts**

### **11                    Repeal does not revive previous Act**

Subject to section 63(10), the repeal of an Act or part of an Act by which a previous Act or part of an Act was repealed, does not without express words have the effect of reviving that last-mentioned Act or part.

### **12                    Effect of repeal**

The repeal of an Act or part of an Act does not:

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

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

### **13                    Effect of State laws ceasing to apply**

Where an Act repeals in whole or in part a law of the State of South Australia in its application to the Territory or provides that such a law or any part of such a law shall cease to apply to the Territory sections 11, 12, 14 and 15 apply as if the law of the State were an Act or a part of an Act which had been repealed.

### **14                    Continuance of repealed provisions**

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

**15 References to repealed provisions**

- (1) Where an Act, or a regulation, repeals and re-enacts, with or without modification, any provisions of a former Act, references in any other Act to the provisions so repealed shall be construed as references to the provisions so re-enacted.
- (2) Where a Commonwealth Act or regulation repeals and re-enacts, with or without modification, any provisions of a former Commonwealth Act or regulation, references in an Act to the provisions so repealed shall be construed as references to the provisions so re-enacted.

**16 Expiration of Acts**

Where an Act or part of an Act expires, sections 11, 12, 14 and 15 apply in respect of that expiration as though the Act or part had been repealed.

**Part IV Words and references in Acts****17 Definitions of judicial expressions**

In an Act:

***committed for trial***, in relation to a person, means committed to prison with a view to being tried before a judge and jury, or admitted to bail upon a recognizance to appear and be tried before a judge and jury.

***court of competent jurisdiction*** means a court having jurisdiction to entertain the legal proceedings referred to in the Act in which the expression occurs and, where the legal proceeding relates to the recovery of money, whether on a liquidated or unliquidated claim, not having as an upper limit to its jurisdiction an amount which is less than the claim.

***court of summary jurisdiction*** means 2 Justices of the Peace or a magistrate sitting as a court for the making of summary orders or the summary punishment of offenders.

***indictment*** includes information.

***Justice*** means a justice of the peace within the meaning of the *Justices of the Peace Act*.

***justice of the peace*** means a justice of the peace within the meaning of the *Justices of the Peace Act*.

**Local Court** means the court established by the *Local Court Act*.

**magistrate** means a Magistrate within the meaning of the *Magistrates Act*.

**statutory declaration** means a statutory declaration made by virtue of the *Oaths Act*.

## 18 Definitions of Government expressions

In any Act:

**Act** means an Act passed by the Legislative Assembly and assented to under the *Northern Territory (Self-Government) Act 1978* of the Commonwealth, and includes:

- (a) a Northern Territory Ordinance;
- (b) an Ordinance or Act of the State of South Australia in its application to the Territory; and
- (c) a part of an Act.

**Acting Administrator** means a person appointed under the *Northern Territory (Self-Government) Act 1978* of the Commonwealth to act in the office of Administrator.

**Administrator** means the Administrator of the Territory, and includes an Acting Administrator.

**Agency** means a department or unit of a department, or other authority or body, nominated as an Agency in an Administrative Arrangements Order.

**Allocation** means an Allocation within the meaning of the *Financial Management Act*.

**Attorney-General** means the Attorney-General of the Northern Territory.

**Auditor-General** means the Auditor-General within the meaning of the *Audit Act*.

**Central Holding Authority** means the Central Holding Authority established under the *Financial Management Act*.

**Commissioner of Police** means the Commissioner of Police appointed or holding office under the *Police Administration Act*.

**Commonwealth** means the Commonwealth of Australia.

**Consolidated Revenue Account** means the Central Holding Authority.

**Criminal Code** means Schedule 1 to the *Criminal Code Act*.

**department** means a department of the Public Service of the Northern Territory.

**Electoral Commission** means the Northern Territory Electoral Commission established by the *Electoral Act*.

**Electoral Commissioner** means the person holding office as the Electoral Commissioner under the *Electoral Act*.

**Executive Council** means the Executive Council of the Northern Territory of Australia.

**financial year** means the period of 12 months ending on 30 June.

**Gazette, Government Gazette, Northern Territory Government Gazette** or **Gazette of the Northern Territory** means the *Government Gazette* of the Territory.

**Government Printer** includes any person printing with the authority of the Territory.

**Imperial Act** means an Act passed by the Parliament of the United Kingdom.

**instrument of a legislative or administrative character** includes written regulations, rules, by-laws, orders, determinations, proclamations, awards, documents and authorities made, granted or issued under a power conferred by an Act.

**law of the Territory** means:

- (a) an Act;
- (b) an instrument of a legislative or administrative character;
- (c) an existing law of the Territory within the meaning of section 57 of the *Northern Territory (Self-Government) Act 1978* (Cth) that is not a law referred to in paragraph (a) or (b); or
- (d) the common law.

**legal practitioner** means a legal practitioner within the meaning of the *Legal Practitioners Act*.

**Legislative Assembly** means the Legislative Assembly of the Northern Territory of Australia.

**member of the Police Force** means a member of the Police Force appointed or holding office under the *Police Administration Act*.

**minister** means a person holding a ministerial office and **Minister** means:

- (a) the minister for the time being administering the Act in which, or in respect of which, the expression is used; or
- (b) if, for the time being, different ministers are administering that Act in different respects, each of those ministers to the extent that he is administering it in the relevant respect,

and includes a minister for the time being acting for and on behalf of that minister.

**ministerial office** means ministerial office within the meaning of the *Northern Territory (Self-Government) Act 1978* of the Commonwealth.

**Northern Territory Government Account** means the official ADI account opened under the *Financial Management Act*.

**Ordinance** includes an Act and an Ordinance or Act of the State of South Australia in its application to the Northern Territory.

**Parliament** means the Legislative Assembly.

**police officer** means a member of the Police Force.

**prescribed** means prescribed by the Act in which the word is used or by an instrument of a legislative or administrative character made under that Act.

**proclamation** means proclamation by the Administrator published in the *Gazette*.

**public sector employee** means an employee within the meaning of the *Public Sector Employment and Management Act*.

**Registrar-General** or **Deputy Registrar-General** means the Registrar-General or Deputy Registrar-General, as the case may be, appointed under the *Registration Act*.

**regulations** means regulations, rules or by-laws made under an Act.

**regulatory offence** means an offence specified in an Act or in regulations made under an Act to be a regulatory offence.

**sitting day**, of the Legislative Assembly, means a day on which the Assembly meets.

**Speaker** means the Speaker of the Legislative Assembly.

**State** means a State of the Commonwealth.

**statutory corporation** means a corporation, commission or authority incorporated by name for a public purpose by a law of the Territory, and does not include a council within the meaning of the *Local Government Act* or the Authority or Council within the meaning of the *Jabiru Town Development Act*.

**Territory** means a Territory of the Commonwealth.

**the Agency** means the Agency administering the provision of the Act in which the expression occurs.

**the Chief Executive Officer** means the Chief Executive Officer of the Agency administering the provision of the Act in which the expression occurs.

**the Regulations** means the Regulations made under the Act in which the expression occurs.

**the Territory** means, according to the context, the body politic established by the *Northern Territory (Self-Government) Act 1978* of the Commonwealth as the Northern Territory of Australia or the geographical area constituting the Northern Territory of Australia.

**this Act** includes an instrument of a legislative or administrative character under the Act in which the expression occurs.

**Treasurer** means the Treasurer of the Northern Territory.

**Valuer-General** means the Valuer-General within the meaning of the *Valuation of Land Act*.

## 19 Definitions generally

In any Act:

**ADI** means an authorised deposit-taking institution within the meaning of the *Banking Act 1959* of the Commonwealth.

**ASIC** means the Australian Securities and Investments Commission established by section 7 of the *Australian Securities and Investments Act 1989* of the Commonwealth and continued in existence by section 261 of the ASIC Act.

**ASIC Act** means the *Australian Securities and Investments Commission Act 2001* of the Commonwealth.

**bank** means an ADI that is permitted under the *Banking Act 1959* of the Commonwealth to assume or use:

- (a) the word **bank**, **banker** or **banking**; or
- (b) any other word (whether or not in English) that is of like import to a word referred to in paragraph (a).

**bank cheque** or **banker's cheque** means a cheque that an ADI draws on itself.

**building society** means an ADI that is permitted under the *Banking Act 1959* of the Commonwealth to assume or use:

- (a) the expression **building society**; or
- (b) any other expression (whether or not in English) that is of like import to the expression referred to in paragraph (a).

**calendar year** means the period of 12 months commencing on 1 January.

**contravene** includes fail to comply with.

**Corporations Act 2001** means the *Corporations Act 2001* of the Commonwealth.

**credit society** means an ADI that is permitted under the *Banking Act 1959* of the Commonwealth to assume or use:

- (a) the expression **credit society**; or
- (b) any other expression (whether or not in English) that is of like import to the expression referred to in paragraph (a).

**credit union** means an ADI that is permitted under the *Banking Act 1959* of the Commonwealth to assume or use:

- (a) the expression **credit union**; or
- (b) any other expression (whether or not in English) that is of like import to the expression referred to in paragraph (a).

**document** includes:

- (a) any of, or part of any of, the following things:
  - (i) paper or other material on which there is writing;
  - (ii) a map, plan, drawing or photograph;
  - (iii) paper or other material on which there are marks, figures, symbols or perforations having a meaning for persons qualified to interpret them;
  - (iv) an article or any material from which sounds, images or writings are capable of being reproduced with or without the aid of another article or device;
  - (v) an article on which information has been stored or recorded, either mechanically or electronically;
  - (vi) any other record or information;
- (b) a copy, reproduction or duplicate of such a thing; and
- (c) a part of such a copy, reproduction or duplicate.

**estate** includes any estate or interest, charge, right, title, claim, demand, lien or encumbrance at law or in equity.

**friendly society** means a body that is a friendly society for the purposes of the *Life Insurance Act 1995* of the Commonwealth.

**infant** means a person who has not attained the age of 18 years.

**land** includes all messuages, tenements and hereditaments, corporeal and incorporeal, of any tenure or description and whatever may be the estate or interest therein.

**month** means a calendar month.

**penalty unit** means a penalty unit within the meaning of the *Penalty Units Act*.

**person** and **party** include a body politic and a body corporate.

**public holiday** means a day declared to be a public holiday under the *Public Holidays Act*.

**real property** includes a lease of land.



**19A Definitions of certain domestic relationships**

(1) In any Act:

**spouse**, of a person, means:

- (a) a person to whom the person is validly married under the *Marriage Act 1961* of the Commonwealth; or
- (b) if the person is an Aboriginal or Torres Strait Islander – an Aboriginal or Torres Strait Islander to whom the person is married according to the customs and traditions of the particular community of Aboriginals or Torres Strait Islanders with which either person identifies.

(2) In any Act, **marriage**, **husband**, **wife**, **widow** and **widower** have the meanings that correspond with the meaning of **spouse**.

(3) In any Act, **de facto partner** and **de facto relationship** have the meanings in section 3(1) of the *De Facto Relationships Act*.

(4) In any Act:

**stepchild**, of a person, means a child who is:

- (a) if the person is married – a child of the person's spouse but not a child of the person; or
- (b) if the person is in a de facto relationship – a child of the person's de facto partner but not a child of the person.

(5) In any Act, a reference to a step-relative of a person is read as having the meaning that corresponds with the meaning of **stepchild**.

**20 Constructions of regulations, &c.**

(1) Words, expressions and provisions contained in an instrument of a legislative or administrative character made, granted or issued under or in pursuance of an Act shall have the same interpretation, application and effect as in that Act.

(2) In any instrument of a legislative or administrative character made, granted or issued under or in pursuance of an Act, a reference to **the Act** shall be read as a reference to that Act.

**21 By, under or pursuant to Act**

In an Act, **by, under, pursuant to** or **in pursuance of** that Act or another Act means by, under, pursuant to or in pursuance of that Act or other Act or an instrument of a legislative or administrative character under that Act or other Act.

**22 Construction of amending Acts**

Words, expressions and provisions contained in an Act amending another Act shall have the same interpretation, application and effect as in that Act being amended.

**23 Parts of speech and grammatical forms**

In an Act, 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.

**24 Gender and number**

- (1) In an Act, words indicating a gender include each other gender.
- (2) In an Act:
  - (a) words in the singular include the plural; and
  - (b) words in the plural include the singular.

**24A Range of numbers, words or other things**

If an Act refers to a range of numbers, words or other things, the numbers, words or things indicating the beginning and end of the range are included in the range.

*Examples for section 24A:*

1. A reference to sections 56 to 60 includes sections 56 and 60.
2. A reference to all the words from "eagle" to "kite" includes "eagle" and "kite".
3. A reference to Monday to Friday includes Monday and Friday.

**25 Service by post**

Where an Act authorizes or requires a document, parcel or other thing to be served by post, whether the expression **serve** or **give** or **send** or any other expression is used, service shall be deemed to be effected by properly addressing and posting it by prepaid post, and service is deemed to have been effected at the time at which the package would be delivered in the ordinary course of post.

**26 References to writing**

In an Act, words, expressions and provisions referring to writing shall be construed as including references to any mode of representing or reproducing words, figures or symbols in a visible form whether or not an optical, electronic, mechanical or other means or process must be used before they can be perceived.

**27 Measurement of distance**

In the measurement of a distance for the purposes of an Act the measurement shall be made in a straight line in a horizontal plane.

**28 Reckoning of time**

- (1) Where in an Act a period of time dating from a given day, act or event is prescribed, allowed or limited for any purpose, the time shall be reckoned exclusive of such day or of the day of such act or event.
- (2) Where the last day of any period prescribed, allowed or limited by an Act for the doing of any thing falls on a Saturday, on a Sunday or on a day which is a public holiday in the place in which the thing is to be or may be done, the thing may be done on the first day following which is not a Saturday, a Sunday or a public holiday in that place.
- (3) In an Act, a reference to time must be read as a reference to standard time declared by section 3 of *The Standard Time Act, 1898* (SA) as it applies in the Territory.
- (4) A reference in an Act to a thing existing or having effect from time to time is a reference to the thing existing or having effect at any time.
- (5) A reference in an Act to a thing existing or having effect for the time being is a reference to the thing existing or having effect at that time.

**29 24 hour clock**

- (1) A reference in an Act to a time of day expressed as 4 digits in hours is a reference to the time after midnight that is the number of hours (if any) equal to the number constituted by the first and second of those digits and the number of minutes (if any) less than an hour equal to the number constituted by the third and fourth of those digits.

- (2) For the purposes of subsection (1), where the first of 2 digits constituting a number of hours or a number of minutes is 0, that number of hours or number of minutes, as the case may be, shall be taken to be the number constituted by the second of those 2 digits.

### **30 Reckoning of age**

- (1) In the reckoning of age of a person for the purposes of any Act, the person shall be taken to have attained a particular age on the relevant anniversary of his birth.
- (2) Subject to subsection (3), where in an Act any reference is made to the anniversary of the birth of a person, that reference shall be read as a reference to the day on which the anniversary occurs.
- (3) Where a person was born on 29 February in any year, then, in any subsequent year that is not a leap year, the anniversary of the birth of that person shall be deemed to be 28 February in that subsequent year.

### **31 References to Supreme Court**

In any Act:

- (a) a reference to the Supreme Court shall be read as a reference to the Supreme Court of the Northern Territory of Australia established under the *Supreme Court Act 1979*;
- (b) a reference to a Judge or a Judge of the Supreme Court shall be read as a reference to a Judge within the meaning of that Act; and
- (c) a reference to the senior Judge, the Chief Judge or the Chief Justice shall be read as a reference to the Judge who is the senior Judge of the Supreme Court.

### **33 References to oaths, &c.**

In an Act, the words ***oath*** and ***affidavit*** shall, in the case of a person allowed by law to affirm, declare or promise instead of swearing, be read as including affirmation, declaration and promise, and the word ***swear***, in the case of such a person, shall be read as including affirmation, declaration and promise.

**34 References to Administrator**

- (1) Subject to this section, a provision of an Act that confers upon the Administrator a power or function shall not be read as requiring, permitting or enabling the Administrator to exercise that power or perform that function except with the advice of the Executive Council.
- (2) The Administrator may, without reference to the Executive Council:
  - (a) exercise a power to fix a date for the bringing into operation of an Act or regulations made under an Act or of a provision or part of an Act or regulations made under an Act; or
  - (b) exercise any other power or perform any function that the Administrator, with the advice of the Executive Council, determines, by notice in the *Gazette*, to be a power that may be exercised, or a function that may be performed, as the case may be, by the Administrator without reference to the Executive Council.
- (3) The Administrator may, without reference to the Executive Council:
  - (a) exercise any power where the exercise of that power relates only to; or
  - (b) perform any function where the performance of that function relates only to,

matters in respect of which the Ministers of the Territory do not have executive authority under section 35 of the *Northern Territory (Self-Government) Act 1978* of the Commonwealth.

**34A References to Administrator in Council**

A reference in an Act to the Administrator in Council shall be read as a reference to the Administrator, and section 34 applies accordingly.

**34B References to medical practitioner**

A reference in an Act to a medical practitioner, however described, shall be read as a reference to a medical practitioner who is entitled to practise medicine by, under or for the purposes of the Medical Act.

**35 Administrative Arrangements Orders**

- (1) A reference in an Act to an Administrative Arrangements Order shall be read as a reference to an order made by the Administrator

and published in the *Gazette*, being an order by which a department or other Authority or body is nominated as an Agency and the administration of a provision of an Act, or the responsibility for an area or activity of government, is allotted to a specified minister or to a specified Agency.

- (2) A reference in an Act to the minister or Agency administering a provision of an Act or having responsibility for an area or activity of government shall be read as a reference to the minister or Agency, as the case may be, to whom or to which the administration of that provision or the responsibility for that area or activity is allotted by an Administrative Arrangements Order or an Act.

### **36 References to Minister, &c.**

- (1) Where, in a provision of an Act reference is made to the Minister or to a specified minister or Agency (including a reference to a minister or Agency where there is no longer any such minister or Agency):
- (a) the reference to the Minister or to that specified minister shall be read as or as including a reference to the minister to whom the administration of the provision is allotted by an Administrative Arrangements Order, and is deemed to include a minister for the time being acting for and on behalf of that Minister; and
- (b) the reference to that specified Agency shall be read as including a reference to the Agency to which the administration of the provision is allotted by an Administrative Arrangements Order.
- (2) Where, in a provision of an Act, reference is made to the Minister, and the administration of that provision has not been allotted to a minister by an Administrative Arrangements Order, the reference to the Minister shall be read as a reference to any minister.

### **37 References in agreements**

Where an agreement is entered into by or on behalf of the Territory and, after the date of the agreement, the functions of a Agency in relation to the administration of matters to which the agreement relates are or have been allotted to another Agency by an Administrative Arrangements Order or an Act:

- (a) a reference in the agreement to the Minister administering the first-mentioned Agency shall be read as a reference to the Minister administering the second-mentioned Agency or to a minister acting for the time being for him and on his behalf; and

- (b) a reference in the agreement to the first-mentioned Agency shall be read as a reference to the second-mentioned Agency.

### **38 References to offices, &c.**

- (1) In an Act:
  - (a) a reference to an officer or office shall be construed as a reference to such an officer or office for the Territory; 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 Territory.
- (2) Where, in relation to a power or function, there is, in a provision of an Act or in an agreement entered into by or on behalf of the Territory, reference to a person, an officer, an office, a body corporate or a body of persons and there is no longer such a person, officer, office or body, or that power or function is no longer a power or function of that person, officer, office or body, the reference shall be read as including:
  - (a) a reference to a person, officer, office or body for the time being having that power or function; or
  - (b) if there is no person, officer, office or body for the time being having that power or function, a reference to such person, officer, office or body as is specified by order of the Minister administering that provision or administering the Department or other Agency the functions of which include the administration of matters to which the provision relates; or
  - (c) if there is no person, officer, office or body for the time being having that power or function, no minister administering that provision and no department or other Agency with functions that include the administration of matters to which the provision relates, the Administrator.
- (3) Where in an Act or in an order made under subsection (2), a person holding or occupying a particular designation, office or position is mentioned or referred to in general terms, the mention or reference shall be read as including a reference to all persons who at any time for the time being hold or occupy or perform the duties of that designation, office or position.

### **38A Reference to Commonwealth Ministers, &c.**

- (1) Notwithstanding section 38, where in a provision of an Act reference is made to a Commonwealth minister or department or to

an office, officer, body corporate or body of persons established by or under an Act of the Commonwealth, that reference shall be read as or as including a reference to such minister, department, office, officer or body, whether Commonwealth or Territory, as is determined by the Administrator by notice published in the *Gazette*.

- (2) Where in a provision of an Act reference is made to a Commonwealth minister or department and there is no longer any such minister or department and no determination has been made under subsection (1), that reference shall be read as a reference to the minister for the time being administering the *Northern Territory (Self-Government) Act 1978* of the Commonwealth, or to the department of that minister, as the case may be.

## Part IVA Penalties

### 38B Penal provisions include bodies corporate

A provision of an Act relating to offences shall be read as referring to bodies corporate as well as to individuals.

### 38C Penalties

- (1) The penalty, pecuniary or otherwise, set out:

- (a) at the foot of a section; or
- (b) at the foot of a subsection,

of an Act indicates that a contravention of the section or of the subsection respectively, is an offence against the Act punishable on a finding of guilt by a penalty not exceeding the penalty so set out.

- (1A) For subsection (1), a penalty is taken to be at the foot of a section or subsection even if an example or note appears after the penalty.
- (2) A penalty set out as provided in subsection (1) which is expressed to apply only to a part of the section or subsection applies according to the tenor of the provision.
- (3) In this section **section** includes a rule, regulation or by-law and **subsection** has a corresponding meaning.

### 38D Alternative penalties

A provision in an Act which confers a discretion to impose a monetary fine or a period of imprisonment as the penalty for the contravention or failure to comply with a provision of an Act shall be read as meaning that a person who contravened or failed to comply



with the provision may, on being found guilty, be fined, imprisoned or fined and imprisoned, in accordance with the penalty specified for the contravention or failure to comply with the provision.

**38E Certain offences crimes**

Where an Act provides for a penalty of imprisonment for a period of more than 2 years for an offence by an individual against a provision of or under the Act, the offence is a crime (whether committed by or imputed to a body corporate or committed by an individual) unless expressed to be otherwise.

**38F Penalties for breach of regulations**

Unless the Act under which they are made provides for, or that the Regulations may prescribe, a different amount as the maximum fine for an offence against the Regulations, Regulations may prescribe, for an offence against the Regulations, a fine not exceeding 100 penalty units in the case of an individual, and not exceeding 500 penalty units in the case of a body corporate.

**38G Civil penalties**

In an Act, a reference to a civil penalty (however described) being imposed or required to be paid for a contravention of a provision of the Act indicates that the contravention may lead to a penalty being imposed not exceeding the penalty specified in, or prescribed for the purposes of, the provision.

**Part V Powers, functions and authorities**

**39 Confirmation of appointments not required**

An appointment or other exercise of a power does not cease to have effect or need to be confirmed by reason only that the person making the appointment or exercising the power has ceased to hold office or otherwise to be capable of exercising the power.

**40 Death, &c., of office holder**

Where:

- (a) a minister is acting for and on behalf of another minister; or
- (b) any other person is acting in or performing the duties of an office, position or designation during the absence or inability of the person for the time being holding or occupying the office, position or designation,

and, for any reason, that second-mentioned minister or that person second-mentioned in paragraph (b) ceases to hold or occupy his office, position or designation, that first-mentioned minister or the person first-mentioned in paragraph (b) may continue to act or to perform those duties until his power or authority to do so is lawfully revoked or until the expiration of one year after the person ceased to hold or occupy his office, position or designation, whichever first occurs.

#### **41 Occasions for exercise of powers, &c.**

- (1) Where an Act confers a power or imposes a duty, 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 or the occupier of a position or designation as such, the power may be exercised and the duty shall be performed by the person for the time being holding or occupying or performing the duties of the office, position or designation.

#### **42 How power may be exercised**

- (1) A power under an Act to make, grant or issue an instrument of a legislative or administrative character may be exercised:
  - (a) in whole or in part;
  - (b) subject to any conditions, limitations or qualifications specified in the instrument;
  - (c) to make different provision in relation to different matters or classes of matters; or
  - (d) to apply differently by reference to exceptions or factors specified in the instrument.
- (2) The power is not limited to making provision in relation to a particular matter or a particular aspect of a matter merely because the Act makes provision in relation to another matter or another aspect of the matter.
- (3) If the power may be exercised to prescribe penalties not exceeding a specified amount or period of imprisonment, the power does not prevent the instrument from requiring the making of a statutory declaration.
- (4) This section applies in relation to a power whether exercised before or after the commencement of this section.

**43 Power to make includes power to rescind**

Where an Act confers a power to take an action or to make, grant or issue any instrument of a legislative or administrative character, the power shall be construed as including a power exercisable in the like manner and subject to the like conditions to repeal, rescind, revoke, amend or vary any such action or instrument.

**44 Power to appoint includes power to remove**

- (1) Subject to subsection (3), where an Act confers on any person or authority a power to make appointments to any office, position, designation or place, the power shall be construed as including a power to terminate such an appointment or to remove or suspend any person appointed.
- (2) Where an Act confers on any person or authority a power to make appointments to any office, position, designation or place, the power shall be construed as including a power to appoint another person temporarily in the place of:
  - (a) any person whose appointment has been terminated or who has been removed or suspended from that office, position, designation or place; or
  - (b) any person who is or is expected to be absent from duty or from the Territory or unable to perform his duties.
- (3) Where a power to make appointments to an office or place is exercisable only upon the recommendation or subject to the approval or consent of some other person or authority, the power of termination or removal referred to in subsection (1) is exercisable only upon the recommendation or subject to the approval or consent of that other person or authority.

**45 Simultaneous actions**

- (1) Where an instrument of a legislative or administrative character revokes an action and simultaneously substitutes another action, that second-mentioned action shall be deemed to have effect after the revocation to the intent that the second-mentioned action shall not be held to be ineffective by reason that the revocation had not commenced its effect before the second-mentioned action commenced its effect.
- (2) Where a series of actions has effect simultaneously, it shall be deemed to have effect in such sequence as is indicated or as the nature of the case requires.

**46 Indirect exercise of power, &c.**

- (1) Subject to this section, where, by, under or in pursuance of an Act or an instrument of a legislative or administrative character made, granted or issued under or in pursuance of an Act, a power or function is conferred on a minister or other person (whether by reference to an office or otherwise), the power may be exercised or the function performed:
  - (a) in the case of a power or function conferred on a minister, by a person who has the authority of that minister; or
  - (b) in any other case, by a person who, with the approval of the minister administering the provision conferring the power or function, or of a person authorized by that minister to give that approval, has the authority of that first-mentioned person.
- (2) Subsection (1) does not empower the exercise of a power or the performance of a function by the authority of a person where that authority is not evidenced in a written instrument.
- (3) Authority may be conferred pursuant to subsection (1) on:
  - (a) a person by name;
  - (b) a person by reference to the office, position or designation held or occupied by the person; or
  - (c) a person from time to time holding, acting in or performing the duties of a named office, designation or position.
- (4) A written instrument conferring authority on a person in pursuance of this section may be revoked, rescinded, altered or amended at any time by the person conferring the authority.
- (5) The conferring of authority by a written instrument under this section does not prevent the exercise of the power or the performance of the function by the person conferring the authority or by another person upon whom authority relating to the same power or function is conferred.
- (6) Subsection (1) does not empower the exercise of a power or the performance of a function by the authority of a person otherwise than subject to such conditions and limitations, if any, as are set out in the written instrument evidencing the authority.

- (7) Subsection (1) does not empower the exercise of a power or the performance of a function by the authority of a person if the power or function:
- (a) is of a legislative or judicial nature;
  - (b) relates to the investigation or detection of offences or unlawful acts; or
  - (c) relates to the grant or the defeasance or forfeiture of a right or title to land.

#### **46A Power of delegation**

- (1) A provision of an Act that confers a power to delegate a power or function on a person (whether by reference to an office, designation, position or otherwise) is to be construed as conferring on the person a power to delegate the power or function to:
- (a) a person by name;
  - (b) a person by reference to the office, position or designation held or occupied by the person; or
  - (c) a person from time to time holding, acting in or performing the duties of a named office, designation or position.
- (2) A provision of an Act that confers a power to delegate a power or function is not to be construed as including the power to delegate that power of delegation.
- (3) If a power or function is delegated under an Act, the power or function is, when exercised or performed by the delegate, to be taken to be exercised or performed by the person who delegated it.
- (4) The delegation of the power or function under an Act does not prevent the exercise of the power or the performance of the function by the person who delegated it.

#### **47 Service of documents**

Where an Act provides that a document or thing may be served on a person, it may be served on a person authorized by that person to accept service.

#### **48 Discretions**

Where, under an Act, the exercise of a power or the performance of a function by a person is dependent upon the opinion, belief or state of mind of that person in relation to a matter, that power may

be exercised or that function may be performed by a delegate or by authority of that person upon the opinion, belief or state of mind of the delegate or authorized person in relation to that matter.

**48A Participation in meetings by telephone, &c.**

- (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;
  - (b) closed-circuit television;
  - (c) facsimile exchange; or
  - (d) any other means of communication.
- (3) A member who participates in a meeting under a permission under subsection (2) shall be taken to be present at the meeting.

**48B Power to correct minor errors**

- (1) Where a decision made in proceedings before a person or body authorised by or under an Act to hear and determine a matter contains:
  - (a) a clerical mistake;
  - (b) an error arising from an accidental slip or omission;
  - (c) a material miscalculation of figures or a material mistake in the description of a person, thing or matter referred to in the decision; or
  - (d) a defect of form,the decision maker, of his or her own motion or on application by a party to the proceeding, may correct the decision.
- (2) In this section **decision** includes a judgment, order and determination, and the reasons for a decision.

## Part VI                    Mechanics of legislation

### 49                    Citation

- (1) An Act may be cited:
  - (a) by its short title;
  - (b) by reference to its number and the calendar year in which it received assent;
  - (c) by the words contained in its short title or, in the case of an Ordinance, either by the words contained in its short title or by the words that would be contained in its short title if the word **Ordinance** (last occurring in those words) was **Act**; or
  - (d) if a citation of that Act as amended by another Act is given by that other Act:
    - (i) by the citation so given; or
    - (ii) by the words contained in the citation so given.
- (2) A provision of an Act may be cited by reference to the part, section, subsection or other division of the Act in which the provision is contained.
- (3) Such a reference shall be made according to the copy of the Act printed or purporting to be printed by the Government Printer.

### 50                    References to other Acts

- (1) A reference in an Act to another Act by its short title or by reference to its number and the calendar year in which it received assent shall:
  - (a) if that Act has, at the time the Act in which the reference appears is made, itself been amended, whether or not that amendment is then in force – be read as a reference to that Act only and not to that other Act as amended; or
  - (b) if that Act has not, at that time, been so amended – be read as a reference to that other Act as amended from time to time.
- (2) A reference in an Act to another Act by the words contained in its short title or by a method of citation provided by section 49(1)(d) shall be read as a reference to the Principal Act that may be so cited as amended from time to time.

- (3) Where a provision of an Act amends another Act, a reference in that provision to that other Act shall be read as a reference to that other Act as in force as at the date immediately before the date of commencement of that provision.

## **52 References to Imperial, Commonwealth and State Acts**

An Imperial Act, a Commonwealth Act or an Act of a State or another Territory of Australia may be cited by a reference to the place by the Parliament of which the Act was passed together with such mode of reference as is sufficient in Acts passed by that Parliament and, where it is so cited and that Act is subsequently amended, the reference shall, from the date of the amendment, be deemed to be to that Act as so amended.

## **53 References in an Act to provisions of that Act**

- (1) A reference in an Act to a Part, section or Schedule shall be read as a reference to a Part or section of, or a Schedule to, that Act.
- (2) A reference in a Part of an Act to a Division shall be read as a reference to a Division of that Part.
- (3) A reference in a section of an Act to a subsection or paragraph shall be read as a reference to a subsection or paragraph of that section.
- (4) A reference in a subsection of a section of an Act to a paragraph shall be read as a reference to a paragraph of that subsection.
- (5) A reference in a paragraph of a section, or of a subsection of a section, of an Act to a subparagraph shall be read as a reference to a subparagraph of that paragraph.
- (6) A reference in a Schedule, or part of a Schedule, to an Act to a form, paragraph, item or clause, shall be read as a reference to a form, paragraph, item or clause of that Schedule or part.
- (7) A reference to a form in an Act the Schedule to which or only one of the Schedules to which contains a form or forms shall be read as a reference to a form in that Schedule.

## **54 Every section a substantive enactment**

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



**55 Headings, schedules, examples and notes**

- (1) The following are parts of an Act:
  - (a) headings to Chapters, Parts, Divisions and Subdivisions of the Act;
  - (b) schedules to the Act;
  - (c) examples in the text of the Act;
  - (d) notes in the text of the Act.
- (2) An example or note in the text of an Act is part of the provision of the Act to which it relates.
- (3) The following are not parts of an Act:
  - (a) headings to sections of the Act;
  - (b) marginal notes, footnotes, endnotes and any other notes that are not in the text of the Act.

**56 Numbering of Acts**

- (1) The Acts which receive assent in each calendar year shall be numbered in regular arithmetical series, beginning with the number one, in the order in which they receive assent.
- (2) For the purposes of subsection (1), an Act which receives the Governor-General's assent is deemed to receive assent on the day upon which notification that the Governor-General has assented to the Act is published in the *Gazette*.

**57 Numbering of regulations**

- (1) In this section, **regulations** does not include:
  - (a) rules of court which relate only to dates of sittings of a court;
  - (b) by-laws made by the Commissioner for Public Employment under the *Public Sector Employment and Management Act*; or
  - (c) any other rules, regulations or by-laws that expressly provide that this section does not apply.
- (2) Regulations made in each calendar year shall be numbered in regular arithmetical series, beginning with the number one, as nearly as may be in the order in which they are made.

- (3) Any regulations may, without prejudice to any other mode of citation, be cited by the number so given and the calendar year in which they were made.

**57A      Amendment of instruments by Act**

- (1) If an instrument of a legislative or administrative character under an Act (***the parent Act***) has been amended by an Act, the instrument may be amended, varied, repealed, rescinded or revoked by an instrument of a legislative or administrative character under the parent Act.
- (2) Subsection (1) applies in relation to amendments effected before or after the commencement of this section.

**Part VII      General**

**Division 1      Construction**

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

An Act amending another Act or a law of the State of South Australia in its application to the Territory shall be construed with that other Act or law of the State and as part thereof.

**59      Act to be construed subject to power**

Every Act shall be read and construed subject to the *Northern Territory (Self-Government) Act 1978* of the Commonwealth and any other Act of the Commonwealth relating to the power of the Legislative Assembly to make laws in respect of particular matters, and so as not to exceed the legislative power of the Legislative Assembly, to the intent that where any Act would, but for this section, have been construed as being in excess of that power it shall nevertheless be a valid Act to the extent to which it is not in excess of that power.

**59A      Public places, &c., on Aboriginal land**

- (1) Where by or under a law of the Territory a right, privilege, obligation or liability is expressed or implied to be acquired, accrued or incurred by reference to a public place, public street, public road, place of public resort or other place, however described, open to or used by the public or to which the public has access, whether as of right or on the payment of a fee or other charge, that reference includes, and shall be deemed always to have included, any place which but for the fact that it was on Aboriginal land within the meaning of the *Aboriginal Land Rights (Northern Territory) Act 1976*

of the Commonwealth, would have been included in such a reference, and even though that Act of the Commonwealth or the Aboriginal Land Act limits the persons or classes of persons who may enter and remain on that Aboriginal land.

- (2) For the purposes of a law of the Territory referred to in subsection (1), the persons who are not precluded by the *Aboriginal Land Rights (Northern Territory) Act 1976* of the Commonwealth or the Aboriginal Land Act from entering or remaining on Aboriginal land, or who are on Aboriginal land whether or not they are entitled by those Acts, or either of them, to enter or remain on Aboriginal land, are capable of constituting, and shall be deemed always to have been capable of constituting, a section of the public in relation to that land.

#### **61      Construction of regulations, &c.**

Where an Act confers upon any authority power to make, grant or issue any instrument of a legislative or administrative character, any instrument so made, granted or issued shall be read and construed subject to the Act under which it was made and so as not to exceed the power of that authority, to the intent that, where any such instrument would, but for this section, have been construed as being in excess of the power conferred upon that authority, it shall nevertheless be a valid instrument to the extent to which it is not in excess of that power.

#### **62      Construction of resolutions of Legislative Assembly**

Where a resolution is passed by the Legislative Assembly purportedly in pursuance of an Act, the resolution shall be read and construed subject to the *Northern Territory (Self-Government) Act 1978* of the Commonwealth and to the Act in pursuance of 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.

#### **62A     Regard to be had to purpose or object of Act**

In interpreting a provision of an Act, a construction that promotes the purpose or object underlying the Act (whether the purpose or object is expressly stated in the Act or not) is to be preferred to a construction that does not promote the purpose or object.

**62B      Use of extrinsic material in interpreting Act**

- (1) In interpreting a provision of an Act, if material not forming part of the Act is capable of assisting in ascertaining the meaning of the provision, the material may be considered:
  - (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 subsection (1), the material that may be considered in interpreting 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 the Legislative Assembly before the time when the provision was enacted;
  - (c) any relevant report of a committee of the Legislative Assembly that was made to the Legislative Assembly 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 the Legislative Assembly by a Minister before the time when the provision was enacted;
  - (f) the speech made to the Legislative Assembly 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 the Legislative Assembly; and

- (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.

**62C      Changes in drafting practice do not affect meaning**

- (1) Subsection (2) applies if:
  - (a) a provision of an Act expresses an idea in particular words; and
  - (b) a provision of the Act enacted later appears to express the same idea in different words for the purpose of implementing a different legislative drafting practice.
- (2) The ideas must not be taken to be different merely because different words are used.

**62D      Examples**

If a provision of an Act includes an example:

- (a) the example is not exhaustive;
- (b) the example does not limit or extend the meaning of the provision; and
- (c) if the example is inconsistent with the provision, the provision prevails to the extent of the inconsistency.

**Division 2      Regulations, rules, by-laws and papers**

**63      Procedure for making regulations, &c.**

- (1) Where an Act contains a power to make regulations, all regulations made by virtue of that power shall:
  - (a) be notified in the *Gazette*;
  - (b) subject to this section, take effect from the date of the notification, or, where another date is provided for in the regulations, from the date so provided for; and
  - (c) be laid before the Legislative Assembly within 3 sitting days of that Assembly after the making of the regulations.

- (2) Where an Act contains a power to make rules or by-laws, all rules or by-laws made by virtue of that power shall be:
  - (a) signed by the person making them, or, if that person is a statutory corporation or a council as defined in the *Local Government Act*, by a person authorized by it to sign them; and
  - (b) forwarded to the Minister administering the provision containing the power.
- (3) Subject to this section, where rules or by-laws are forwarded to a minister in pursuance of subsection (2):
  - (a) that minister shall cause them to be notified in the *Gazette*;
  - (b) they take effect from the date of the notification, or, where another date is provided for in the rules or by-laws, from the date so provided for; and
  - (c) that minister shall lay them before the Legislative Assembly within 3 sitting days of that Assembly after they are notified in the *Gazette*.
- (4) Where rules or by-laws are forwarded to a minister in pursuance of subsection (2), that minister may, before he causes them to be notified in the *Gazette*, return them to the person signing them with amendments that he recommends.
- (5) Where a minister returns rules or by-laws in pursuance of subsection (4), the person making the rules or by-laws shall consider those amendments and the rules or by-laws, with or without amendments, shall be again forwarded to the minister, and subsection (3) applies accordingly.
- (6) Where regulations, rules or by-laws are required by an Act to be published or notified in the *Gazette*, it is sufficient compliance with that requirement if notice of the making of the regulations, rules or by-laws, and of the place where copies of them may be purchased is published in the *Gazette*.
- (7) Regulations, rules and by-laws shall not be expressed to take effect or be in terms such that they do take effect from a date before the date of notification in the *Gazette* in any case where, if they so took effect:
  - (a) the rights of a person (other than the Territory or a statutory corporation) existing at the date of notification would be affected in a manner prejudicial to that person; or

(b) liabilities would be imposed on a person (other than the Territory or a statutory corporation) in respect of anything done or omitted to be done before the date of notification,

and any provision in regulations, rules or by-laws made in contravention of this subsection is void and of no effect.

- (8) If any regulations, rules or by-laws are not laid before the Legislative Assembly in accordance with the provisions of this section, they are void and of no effect.
- (9) If the Legislative Assembly passes a resolution of which notice has been given at any time within 12 sitting days after the regulations, rules or by-laws have been laid before the Legislative Assembly disallowing any regulation, rule or by-law, the disallowance has, subject to subsection (10), the same effect as a repeal of the regulation, rule or by-law or part of the regulation, rule or by-law.
- (10) If a provision of a disallowed regulation, rule or by-law, or a provision of a disallowed part of a regulation, rule or by-law, amended or repealed another regulation, rule or by-law in force immediately before the commencement of that provision, the disallowance revives the other regulation, rule or by-law from the date of the disallowance as if the disallowed provision had not been made.
- (11) This section applies notwithstanding any provision contained in any other law, whether made before or after the commencement of this Act, and any such other provision that is inconsistent with this section is, to the extent of the inconsistency, ineffective.

**64            No regulation, &c., to be made in terms of disallowed regulation, &c.**

- (1) Where, in pursuance of section 63, the Legislative Assembly disallows a regulation, rule or by-law, no regulation, rule or by-law, being the same in substance or having the same effect as the regulation, rule or by-law so disallowed, shall be made within 6 months after the date of disallowance unless the resolution for disallowance has been rescinded by the Legislative Assembly.
- (2) A regulation, rule or by-law made in contravention of this section is void and of no effect.

**66            Prescribing matters by reference to other instruments**

Where an Act confers upon an authority power to make, grant or issue any instrument of a legislative or administrative character, then any instrument so made, granted or issued may apply, adopt or incorporate, with or without modification:

- (a) the provisions of any Territory or Commonwealth Act, or of any instrument of a legislative or administrative character made under such an Act, as in force at a particular time or as in force from time to time; or
- (b) any matter contained in any other instrument or writing as in force or existing at the time when the first-mentioned instrument takes effect,

but instruments of a legislative or administrative character shall not, except as provided by this section, make provision for or in relation to a matter by applying, adopting or incorporating any matter contained in an instrument or other writing as in force or existing from time to time.

**67            Presentation of papers to Legislative Assembly**

- (1) Where, by the *Northern Territory (Self-Government) Act 1978* of the Commonwealth or by an Act within the meaning of this Act, provision is made permitting or requiring the presentation (however expressed) of a paper to the Legislative Assembly, it is sufficient compliance with the provision if:
  - (a) the paper is presented in the Legislative Assembly in accordance with the Standing Orders of the Legislative Assembly; or
  - (b) in accordance with those Standing Orders, the paper is delivered to the Clerk of the Legislative Assembly and recorded in the Minutes of Proceedings of the Legislative Assembly.
- (2) Where such a provision as is mentioned in subsection (1) provides for a specified person to present or cause the paper to be presented, it is sufficient compliance with that provision if that person or any other person who could, by virtue of this Act or of any other Act, act in the place of that person, makes or causes to be made the presentation or delivery of the paper.
- (3) Where such a provision as is mentioned in subsection (1) specifies a period within which the paper is to be presented, it is sufficient compliance with that provision if the paper is presented, in accordance with subsection (1), within that period.



- (4) In this section *paper* includes:
- (a) a regulation, rule or by-law, order, determination, proclamation or award;
  - (b) a report; and
  - (c) any other document or instrument required or permitted to be presented.

### **Division 3      General**

#### **68      Compliance with forms**

Strict compliance with the forms prescribed by or under an Act is not necessary and substantial compliance, or such compliance as the circumstances of a particular case allow, is sufficient.

#### **69      Civil proceedings**

Where moneys are due in pursuance of an Act, the moneys are recoverable in a court having, in the Territory, civil jurisdiction to the extent of the amount due.

#### **70      Powers of persons authorized to adjudicate**

A court, Judge, Justice of the Peace, officer, commissioner, arbitrator or other person authorized by law or consent of parties to hear and determine any matter, has authority to receive evidence and examine witnesses and to administer an oath to all witnesses called before him.

#### **72      Sunday observance**

- (1) It is hereby declared that all laws and statutes of England, to the extent that they relate to the observance of or actions that are permitted to be carried out or prohibited on a Sunday (however described), have no force or effect in the Territory.
- (2) Except as provided by or under a law of the Territory or of the Commonwealth, it is lawful to do any act on a Sunday if the act would be otherwise lawful.

**Schedule Ordinances repealed**

section 2(1)

**Part 1 – Repeal of Interpretation Ordinances**

*Interpretation Ordinance 1931*  
*Interpretation Ordinance 1932*  
*Interpretation Ordinance 1933*  
*Interpretation Ordinance 1934*  
*Interpretation Ordinance 1938*  
*Interpretation Ordinance 1940*  
*Interpretation Ordinance 1948*  
*Interpretation Ordinance 1949*  
*Interpretation Ordinance 1952*  
*Interpretation Ordinance (No. 2) 1952*  
*Interpretation Ordinance 1954*  
*Interpretation Ordinance 1956*  
*Interpretation Ordinance 1957*  
*Interpretation Ordinance 1959*  
*Interpretation Ordinance 1962*  
*Interpretation Ordinance 1968*  
*Interpretation Ordinance (No. 2) 1968*  
*Interpretation Ordinance 1969*  
*Interpretation Ordinance 1972*  
*Interpretation Ordinance 1973*  
*Interpretation Ordinance (No. 2) 1973*  
*Interpretation Ordinance 1976*  
*Interpretation Ordinance (No. 3) 1976*  
*Interpretation Ordinance 1977*  
*Interpretation Ordinance (No. 2) 1977*  
*Interpretation (Amendment) Ordinance 1978*

**Part 2 – Repeal of Regulations Publication Ordinance**

Regulations Publication Ordinance 1940  
Regulations Publication Ordinance 1952

**Part 3 – Repeal of Administrator's Council Ordinance**

*Administrator's Council Ordinance 1959*  
*Administrator's Council Ordinance 1963*  
*Administrator's Council Ordinance 1976*

**Part 4 – Repeal of State Acts**

The Act entitled "*An Act for shortening and explaining the Language used in Acts of Parliament, and for other Purposes*", being Act No. 9 of 1872.

*The Language of Acts Amendment Act, 1900.*

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**ENDNOTES**
**1****KEY**

Key to abbreviations

<b>amd = amended</b>	<b>od = order</b>
<b>app = appendix</b>	<b>om = omitted</b>
<b>bl = by-law</b>	<b>pt = Part</b>
<b>ch = Chapter</b>	<b>r = regulation/rule</b>
<b>cl = clause</b>	<b>rem = remainder</b>
<b>div = Division</b>	<b>renum = renumbered</b>
<b>exp = expires/expired</b>	<b>rep = repealed</b>
<b>f = forms</b>	<b>s = section</b>
<b>Gaz = Gazette</b>	<b>sch = Schedule</b>
<b>hdg = heading</b>	<b>sdiv = Subdivision</b>
<b>ins = inserted</b>	<b>SL = Subordinate Legislation</b>
<b>lt = long title</b>	<b>sub = substituted</b>
<b>nc = not commenced</b>	

**2****LIST OF LEGISLATION*****Interpretation Ordinance 1978 (Act No. 59, 1978)***

Assent date	1 July 1978
Commenced	1 July 1978

***Interpretation Act (No. 2) 1978 (Act No. 78, 1978)***

Assent date	23 August 1978
Commenced	23 August 1978

***Interpretation Act (No. 3) 1978 (Act No. 1, 1979)***

Assent date	3 January 1979
Commenced	3 January 1979

***Interpretation Act 1979 (Act No. 112, 1979)***

Assent date	24 September 1979
Commenced	1 October 1979 (s 3, s 2 <i>Supreme Court Act 1979</i> (Act No. 109, 1979) and <i>Gaz S18</i> , 28 September 1979, p 1)

***Interpretation Act (No. 2) 1979 (Act No. 122, 1979)***

Assent date	15 October 1979
Commenced	15 October 1979

***Interpretation Act 1980 (Act No. 21, 1980)***

Assent date	14 March 1980
Commenced	14 March 1980

***Statute Law Revision Act (No. 4) 1981 (Act No. 4, 1982)***

Assent date	12 February 1982
Commenced	12 February 1982

***Statute Law Revision Act 1982 (Act No. 21, 1982)***

Assent date	27 April 1982
Commenced	27 April 1982

**Statute Law Revision Act (No. 2) 1982 (Act No. 54, 1982)**

Assent date 8 October 1982  
 Commenced 8 October 1982

**Interpretation (Criminal Code) Amendment Act 1983 (Act No. 62, 1983)**

Assent date 28 November 1983  
 Commenced 1 January 1984 (s 2, s 2 *Criminal Code Act 1983* (Act No. 47, 1983), Gaz G46, 18 November 1983, p 11 and Gaz G8, 26 February 1986, p 5)

**Interpretation Amendment Act 1985 (Act No. 44, 1985)**

Assent date 18 September 1985  
 Commenced 18 September 1985

**Statute Law Revision Act 1985 (Act No. 49, 1985)**

Assent date 1 October 1985  
 Commenced 1 October 1985

**Statute Law Revision Act 1986 (Act No. 64, 1986)**

Assent date 19 December 1986  
 Commenced 19 December 1986

**Interpretation Amendment Act 1988 (Act No. 1, 1988)**

Assent date 21 March 1988  
 Commenced 21 March 1988

**Interpretation Amendment Act (No. 2) 1988 (Act No. 27, 1988)**

Assent date 1 September 1988  
 Commenced 1 September 1988

**Interpretation Amendment Act (No. 3) 1988 (Act No. 28, 1988)**

Assent date 1 September 1988  
 Commenced 1 September 1988

**Local Court (Consequential Amendments) Act 1989 (Act No. 14, 1989)**

Assent date 5 June 1989  
 Commenced 1 January 1991 (s 2, s 2 *Local Court Act 1989* (Act No. 31, 1990) and Gaz G49, 12 December 1990, p 2)

**Statute Law Revision Act 1989 (Act No. 60, 1989)**

Assent date 2 October 1989  
 Commenced 2 October 1989

**Statute Law Revision Act 1990 (Act No. 33, 1990)**

Assent date 11 June 1990  
 Commenced 11 June 1990

**Corporations (Consequential Amendments) Act 1990 (Act No. 59, 1990)**

Assent date 14 December 1990  
 Commenced 1 January 1991 (s 2, s 2 *Corporations (NT) Act 1990* (Act No. 56, 1990) and Gaz S76, 21 December 1990)

**Interpretation Amendment Act 1992 (Act No. 25, 1992)**

Assent date 2 June 1992  
 Commenced 1 July 1992 (s 2, s 2 *Financial Institutions (NT) Act 1992* (Act No. 22, 1992) and Gaz S35, 30 June 1992)

***Interpretation Amendment Act 1993 (Act No. 73, 1993)***

Assent date 18 November 1993  
 Commenced 1 January 1994 (*Gaz* G50, 15 December 1993, p 3)

***Local Government (Consequential Amendments) Act 1993 (Act No. 84, 1993)***

Assent date 31 December 1993  
 Commenced 1 June 1994 (s 2, s 2 *Local Government Act 1993* (Act No. 83, 1993) and *Gaz* S35, 20 May 1994)

***Financial Management (Consequential Amendments) Act 1995 (Act No. 5, 1995)***

Assent date 21 March 1995  
 Commenced 1 April 1995 (s 2, s 2 *Financial Management 1995* (Act No. 4, 1995) and *Gaz* S13, 31 March 1995)

***Medical (Consequential Amendments) Act 1995 (Act No. 8, 1995)***

Assent date 10 April 1995  
 Commenced 1 June 1995 (s 2, s 2 *Medical Act 1995* (Act No. 7, 1995) and *Gaz* S21, 1 June 1995)

***Sentencing (Consequential Amendments) Act 1996 (Act No. 17, 1996)***

Assent date 19 April 1996  
 Commenced 1 July 1996 (s 2, s 2 *Sentencing Act 1995* (Act No. 39, 1995) and *Gaz* S15, 13 June 1996)

***Financial Institutions (Miscellaneous Amendments) Act 1997 (Act No. 23, 1997)***

Assent date 2 June 1997  
 Commenced 2 June 1997

***Interpretation Amendment Act 1998 (Act No. 27, 1998)***

Assent date 30 March 1998  
 Commenced 30 March 1998

***Statute Law Revision Act (No. 2) 1998 (Act No. 92, 1998)***

Assent date 11 December 1998  
 Commenced 11 December 1998

***Interpretation Amendment Act 1999 (Act No. 3, 1999)***

Assent date 26 February 1999  
 Commenced 1 April 1999 (s 2, s 2 *Penalties Act 1999* (Act No. 2, 1999) and *Gaz* G11, 24 March 1999, p 3)

***Interpretation Amendment Act (No. 2) 1999 (Act No. 37, 1999)***

Assent date 31 August 1999  
 Commenced 31 August 1999

***Miscellaneous (Interpretation Act and Penalties Act) Amendment Act 2000 (Act No. 28, 2000)***

Assent date 27 June 2000  
 Commenced s 4: 1 April 1999; rem: 27 June 2000 (s 2)

***Corporations Reform (Consequential Amendments NT) Act 2001 (Act No. 17, 2001)***

Assent date 29 June 2001  
 Commenced 15 July 2001 (s 2 and s 2 *Corporations Act 2001* (Cth Act No. 50, 2001) and *Cth Gaz* S285, 13 July 2001)

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**Interpretation Amendment Act 2002 (Act No. 14, 2002)**

Assent date 7 June 2002  
 Commenced 5 August 2002 (s 2, s 2(2) *Penalties Amendment Act 2002* (Act No. 15, 2002) and *Gaz G25*, 26 June 2002, p 2)

**Statute Law Revision (Financial Provisions) Act 2002 (Act No. 38, 2002)**

Assent date 13 September 2002  
 Commenced 30 October 2002 (*Gaz G43*, 30 October 2002, p 3)

**Law Reform (Gender, Sexuality and De Facto Relationships Act 2003 (Act No. 1, 2004)**

Assent date 7 January 2004  
 Commenced 17 March 2004 (*Gaz G11*, 17 March 2004, p 8)

**Electoral (Consequential Amendments) Act 2004 (Act No. 12, 2004)**

Assent date 1 March 2004  
 Commenced 15 March 2004 (s 2, s 2 *Electoral Act 2004* (Act No. 11, 2004) and *Gaz S6*, 15 March 2004)

**Justice Portfolio (Miscellaneous Amendments) Act 2005 (Act No. 20, 2005)**

Assent date 6 May 2005  
 Commenced 6 May 2005 (s 2(2))

**3 SAVINGS AND TRANSITIONAL PROVISIONS**

s 2(2) and (3) *Interpretation Amendment Act (No. 3) 1988* (Act No. 28, 1988)  
 s 39 *Law Reform (Gender, Sexuality and De Facto Relationships Act 2003* (Act No. 1, 2004)

**4 LIST OF AMENDMENTS**

It amd No. 73, 1993, s 14  
 ss 1 – 2 amd No. 73, 1993, s 14  
 s 3 amd No. 73, 1993, ss 4 and 14  
 s 4 amd No. 73, 1993, s 14  
 s 5 amd No. 78, 1978, s 3  
 s 6 amd No. 78, 1978, s 4; No. 1, 1988, s 2  
 s 9 amd No. 122, 1979, s 3  
 s 11 amd No. 78, 1978, s 12  
 s 15 amd No. 78, 1978, s 5  
 s 17 amd No. 78, 1978, s 12; No. 122, 1979, s 4; No. 14, 1989, s 7; No. 73, 1993, s 5; No. 50, 1994, s 9  
 s 18 amd No. 122, 1979, s 5; No. 62, 1983, s 4; No. 60, 1989, s 2; No. 33, 1990, s 4; No. 73, 1993, ss 6 and 14; No. 84, 1993, s 6; No. 5, 1995, s 19; No. 8, 1995, s 3; No. 38, 2002, s 5; No. 12, 2004, s 3; No. 20, 2005, s 29  
 s 19 amd No. 64, 1986, s 2; No. 59, 1990, s 3; No. 25, 1992, s 3; No. 73, 1993, s 7; No. 23, 1997, s 2; No. 17, 2001, s 9; No. 14, 2002, s 3; No. 38, 2002, s 5; No. 1, 2004, s 37; No. 20, 2005, s 30  
 s 19A ins No. 1, 2004, s 38  
 s 21 sub No. 20, 2005, s 31  
 s 24 amd No. 4, 1982, s 3  
 sub No. 20, 2005, s 32  
 s 24A ins No. 20, 2005, s 32  
 s 28 amd No. 60, 1989, s 6; No. 20, 2005, s 33  
 s 31 amd No. 112, 1979, s 4  
 s 32 rep No. 73, 1993, s 8

## ENDNOTES

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s 34	sub No. 78, 1978, s 6 amd No. 122, 1979, s 6
s 34A	ins No. 1, 1979, s 3
s 34B	ins No. 8, 1995, s 3
s 35	amd No. 5, 1995, s 19
s 36	amd No. 1, 1979, s 4; No. 5, 1995, s 19; No. 92, 1998, s 12
s 37	amd No. 5, 1995, s 19
s 38	amd No. 73, 1993, s 14
s 38A	ins No. 78, 1978, s 7
pt VIA hdg	ins No. 62, 1983, s 5
s 38B	ins No. 62, 1983, s 5
s 38C	ins No. 62, 1983, s 5 amd No. 17, 1996, s 6; No. 20, 2005, s 34
s 38D	ins No. 62, 1983, s 5 amd No. 17, 1996, s 6
s 38E	ins No. 62, 1983, s 5 sub No. 73, 1993, s 9
s 38F	ins No. 73, 1993, s 9 amd No. 3, 1999, s 3
s 38G	ins No. 28, 2000, s 3
s 42	sub No. 20, 2005, s 35
s 44	amd No. 78, 1978, s 8; No. 54, 1982, s 2
s 46	amd No. 78, 1978, s 9; No. 1, 1979, s 5; No. 20, 2005, s 36
s 46A	ins No. 37, 1999, s 2
ss 48A – 48B	ins No. 73, 1993, s 10
s 49	amd No. 78, 1978, s 10
s 50	amd No. 78, 1978, s 12
s 51	rep No. 78, 1978, s 11
s 55	amd No. 21, 1980, s 2 sub No. 20, 2005, s 37
s 57	amd No. 73, 1993, s 11
s 57A	ins No. 20, 2005, s 38
s 59	amd No. 27, 1988, s 2; No. 73, 1993, s 14
s 59A	ins No. 28, 1988, s 2
s 60	rep No. 44, 1985, s 2
s 62	amd No. 73, 1993, s 14
ss 62A – 62B	ins No. 27, 1998, s 2
ss 62C – 62D	ins No. 20, 2005, s 39
s 63	amd No. 78, 1978, s 12; No. 21, 1982, s 2; No. 49, 1985, s 4; No. 73, 1993, s 14; No. 92, 1998, s 12
s 64	amd No. 78, 1978, s 12
s 65	rep No. 73, 1993, s 12
s 67	amd No. 73, 1993, s 14
pt VII	
div 4 hdg	sub No. 60, 1989, s 6
s 71	rep No. 73, 1993, s 12
s 72	ins No. 73, 1993, s 13