

# NORTHERN TERRITORY OF AUSTRALIA

## INTERPRETATION ACT

As in force at 7 December 2016

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# NORTHERN TERRITORY OF AUSTRALIA

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As in force at 7 December 2016

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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- (1) The Ordinances set out in Parts 1, 2 and 3 of the Schedule are repealed.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 Ordinance and Act of the State of South Australia in its application to the Northern Territory, and to each Ordinance 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 statutory instruments**

This Act applies, so far as it is applicable:

- (a) to and in respect of statutory instruments 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 statutory instruments 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 When Acts commence**

If an Act or provision of an Act commences on a particular day, it commences at the beginning of that day.

**6 Commencement of Acts**

- (1) An Act assented to by the Administrator commences on the day on which that assent is declared.
- (2) An Act reserved for the signification of the pleasure of the Governor-General commences 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 commence:

- (a) on a particular day or date or progressively on a number of different days or dates;
- (b) on a day or date to be fixed by a statutory instrument; 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, commences 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*.

#### **6A Commencement notices**

If an Act is expressed to commence on a day fixed by *Gazette* notice:

- (a) a single day or time may be fixed; or
- (b) different days or times may be fixed for different provisions of the Act.

#### **6B References to commencement**

A reference in an Act to the commencement or the day or time of commencement of the Act or part of the Act, or another Act or part of another Act, (the ***provisions concerned***) is a reference to:

- (a) if the provisions concerned commence on a single day or at a particular time – that day or time; or
- (b) if different parts of the provisions concerned commence on different days or at different times – the last of those days or times.

### **7 Evidence of assent etc.**

- (1) The date appearing on a copy of an Act printed by the Government Printer and purporting to be the day on which assent was given to the Act shall be evidence of that day.
- (2) The date appearing on a copy of an Act printed by the Government Printer and purporting to be the day on which the assent to the Act was notified in the *Gazette* shall be evidence of that day.

- (3) The dates appearing on a copy of subordinate legislation printed by the Government Printer and purporting to be:

- (a) the date on which the subordinate legislation was made; and
- (b) the date on which the subordinate legislation was 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 a statutory instrument then, before the first-mentioned provision or the second-mentioned provision as amended, as the case may be, commences, 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.
- (1A) Subsection (1B) applies if a power to appoint a person to an office or to establish an entity is exercised under subsection (1).
- (1B) For the purposes mentioned in subsection (1):
- (a) the person appointed may act in the office; or
  - (b) the entity may meet and exercise its powers and perform its functions.
- (2) An action taken by virtue of subsection (1), takes effect:
- (a) on the day on which the provision first therein mentioned commences; 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 commenced:

- (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) commences 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 commence except as amended or for the purpose of making the repeal effective as though the repealed provision had never existed.

## **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 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 commence.

**15 References to repealed provisions**

- (1) Where an Act 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**

In an Act:

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

- (a) a Territory Ordinance; and
- (b) an Ordinance or Act 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* (Cth) to act in the office of Administrator.

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

**Administrative Arrangements Order** has the meaning in section 35(1).

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

**adult** means an individual who is at least 18 years old.

**affidavit** means an affidavit made in accordance with the *Oaths, Affidavits and Declarations Act*.

**Agency** has the meaning in section 18A(1).

**Appropriation** has the same meaning as in the *Financial Management Act*.

**ASIC** means the Australian Securities and Investments Commission continued in existence under the ASIC Act.

**ASIC Act** means the *Australian Securities and Investments Commission Act 2001* (Cth).

**Attorney-General** has the same meaning as in section 7 of the *Law Officers Act*.

**Auditor-General** has the same meaning as in the *Audit Act*.

**bank** means an ADI that is permitted under the *Banking Act 1959* (Cth) 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 mentioned 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* (Cth) 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 mentioned in paragraph (a).

**calendar month** means a period commencing at the beginning of any day of a named month and ending:

- (a) at the end of the day before the corresponding day of the next named month; or

- (b) if there is no such corresponding day – at the end of the next named month.

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

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

**Chief Judge**, see section 3 of the *Local Court Act*.

**Chief Justice**, see section 9(1) of the *Supreme Court Act*.

**Civil and Administrative Tribunal** means the Northern Territory Civil and Administrative Tribunal established under the *Northern Territory Civil and Administrative Tribunal Act*.

**Commissioner of Correctional Services** means the person holding or occupying the office of Commissioner of Correctional Services mentioned in section 17 of the *Correctional Services Act*.

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

**commissioner for oaths**, see section 3 of the *Oaths, Affidavits and Declarations Act*.

**committed for trial**, in relation to a person, means:

- (a) committed into the custody of the Commissioner of Correctional Services with a view to being tried before a judge and jury; or
- (b) granted bail under the *Bail Act* to appear and be tried before a judge and jury.

**Commonwealth** means the Commonwealth of Australia.

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

**contravene** includes fail to comply with.

**Corporations Act 2001** means the *Corporations Act 2001* (Cth).

**court of competent jurisdiction** means a court or tribunal having jurisdiction to hear and determine the legal proceeding mentioned in the Act in which the expression occurs.

**credit union** has the same meaning as in section 47 of the *Financial Sector Reform (Northern Territory) Act*.

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

***de facto partner*** has the meaning in section 19A(3).

***de facto relationship*** has the meaning in section 19A(3).

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

***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; and
- (b) a copy, reproduction or duplicate, or part of a copy, reproduction or duplicate, of a thing mentioned in paragraph (a).

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

***Electoral Commissioner*** means the person holding or occupying the office of Electoral Commissioner established by section 314 of the *Electoral Act*.

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

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

***external territory*** means a Territory, other than the Australian Capital Territory, the Jervis Bay Territory or the Northern Territory, for the government of which as a Territory provision is made by a Commonwealth Act.

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

**friendly society** has the same meaning as in section 48 of the *Financial Sector Reform (Northern Territory) Act*.

**function** includes duty.

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

**Gazette notice** means a notice published in the *Gazette*.

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

**Health Practitioner Regulation National Law** means:

- (a) the Health Practitioner Regulation National Law:
  - (i) as in force from time to time, set out in the Schedule to the *Health Practitioner Regulation National Law Act 2009 (Qld)*; and
  - (ii) as it applies as a law of the Territory, a State or another Territory (with or without modification); or
- (b) the law of a State or another Territory that substantially corresponds to the law mentioned in paragraph (a).

*Note for definition **Health Practitioner Regulation National Law***

*The Health Practitioner Regulation National Law is applied as a law of the Territory by the Health Practitioner Regulation (National Uniform Legislation) Act 2009.*

**husband** has the meaning in section 19A(2).

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

**indictable offence** means:

- (a) an offence that is an indictable offence under section 3(2) of the Criminal Code; or
- (b) an act or omission committed outside the Territory that would be an indictable offence under paragraph (a) if it were committed in the Territory.

**indictment** includes information.

**individual** means a natural person.

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

**insert**, in relation to a provision, includes substitute.

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

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

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

**law of the Territory** means:

- (a) an Act; or
- (b) an instrument of a legislative character; or
- (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 mentioned in paragraph (a) or (b); or
- (d) the common law.

**lawyer** means an Australian lawyer as defined in section 5(a) of the *Legal Profession Act*.

**legal practitioner** means an Australian legal practitioner as defined in section 6(a) of the *Legal Profession Act*.

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

**Local Court** means the Local Court of the Northern Territory under the *Local Court Act*.

**Local Court Judge**, means a Judge or acting Judge as defined in section 3 of the *Local Court Act*.

**local government area** means an area as defined in section 3 of the *Local Government Act*.

**local government council** means a council as defined in section 3 of the *Local Government Act*.

**marriage** has the meaning in section 19A(2).

**medical practitioner** means a person registered under the Health Practitioner Regulation National Law to practise in the medical profession (other than as a student).

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

**minister** has the meaning in section 19(1).

**ministerial office** has the same meaning as in the *Northern Territory (Self-Government) Act 1978* (Cth).

**month** means a calendar month.

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

**oath** means an oath made in accordance with the *Oaths, Affidavits and Declarations Act*.

**Ordinance** includes:

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

**Parliament** means the Legislative Assembly.

**party** includes a body politic and a body corporate.

**penalty unit** has the same meaning as in the *Penalty Units Act*.

**person** includes a body politic and a body corporate.

*Note for definition of **person***

*Section 24AA also deals with references to persons generally.*

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

**prescribed** means prescribed by the Act in which the word is used or by a statutory instrument made, granted or issued under that Act.

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

**public holiday** means a day or part of a day specified in, or appointed under, the *Public Holidays Act* to be observed as a public holiday.



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

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

**Registrar-General** means the person holding or occupying the office of Registrar-General mentioned in section 5(1) of the *Registration Act*.

**regulatory offence** means an offence specified in an Act or subordinate legislation to be a regulatory offence.

**see**, when used to define a term, means the term has the same meaning as in the law or provision mentioned in that definition.

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

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

**spouse** has the meaning in section 19A(1).

**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, but does not include a local government council or the Authority or Council within the meaning of the *Jabiru Town Development Act*.

**statutory declaration** means a statutory declaration made in accordance with the *Oaths, Affidavits and Declarations Act*.

**statutory instrument** means an instrument of a legislative or administrative character.

**stepchild** has the meaning in section 19A(4).

**step-relative** has the meaning in section 19A(5).

**subordinate legislation** means:

- (a) regulations, rules or by-laws to which section 63 applies; or
- (b) a statutory instrument that, under an Act, is an instrument to which section 63 applies.

**summary offence**, see section 3(3) of the Criminal Code.

**Supreme Court** means the Supreme Court of the Northern Territory of Australia established under the *Supreme Court Act*.

**Supreme Court Judge** means a Judge as defined in section 9(1) of the *Supreme Court Act*.

**table**, in the Legislative Assembly, means to lay before the Assembly.

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

**the Agency** has the meaning in section 18A(2).

**the Chief Executive Officer** means the person holding or occupying the office of the Chief Executive Officer of the Agency administering the provision of the Act in which the expression occurs.

**the Minister** has the meaning in section 19(2).

**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* (Cth) as the Northern Territory of Australia or the geographical area constituting the Northern Territory of Australia.

**this Act** includes a statutory instrument under the Act in which the expression occurs.

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

**Valuer-General** means the person holding or occupying the office of the Valuer-General mentioned in section 5(1) of the *Valuation of Land Act*.

**widow** has the meaning in section 19A(2).

**widower** has the meaning in section 19A(2).

**wife** has the meaning in section 19A(2).

## **18 Definitions to be read in context**

Definitions in or applicable to an Act apply except so far as the context or subject matter otherwise indicates or requires.

## **18A References relating to an Agency**

- (1) An Agency is a department or unit of a department, or other authority or body, nominated as an Agency in an Administrative Arrangements Order.

- (2) A reference to **the Agency** in a provision of an Act is a reference to the Agency administering the provision in which the expression occurs.
- (3) A reference to the Agency administering a provision of an Act or having responsibility for an area or activity of government is a reference to the Agency to which the administration of the provision or responsibility for the area or activity is allotted by an Administrative Arrangements Order or Act.
- (4) A reference to a specified Agency (including a reference to an Agency that no longer exists) includes a reference to the department, authority or body to which the administration of the provision is allotted by an Administrative Arrangements Order or Act.

## **19 Ministerial references**

- (1) A minister is a person holding a ministerial office.
- (2) A reference in an Act to **the Minister**:
  - (a) is a reference to:
    - (i) the minister administering the Act in or for which the expression is used; or
    - (ii) if different ministers are administering the Act in different respects, each of the ministers to the extent the minister is administering it in the relevant respect; and
  - (b) includes a minister acting for the Minister.
- (3) A reference to the minister administering a provision of an Act or having responsibility for an area or activity of government is a reference to the minister to whom the provision or responsibility for the area or activity is allotted by an Administrative Arrangements Order or Act.
- (4) A reference in a provision of an Act to the Minister or a specified minister (including a reference to a minister that no longer exists) includes a reference to the minister to whom the administration of the provision is allotted by an Administrative Arrangements Order or Act.
- (5) If a reference is made in a provision of an Act to **the Minister** and the administration of the provision has not been allotted to a minister by an Administrative Arrangements Order or Act, the reference is a reference to any minister.

**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 Construction of statutory instruments**

- (1) Words, expressions and provisions in a statutory instrument have the same interpretation, application and effect as they have in the Act under which the instrument is made, granted or issued.
- (2) A reference in a statutory instrument to **the Act** is a reference to the Act under which the instrument is made, granted or issued.

**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 a statutory instrument 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.

**23A Defined words in Acts and references in other legislation**

- (1) This section applies to a word or term defined in a particular way in an Act if the spelling of the word, or a word in the term, is no longer consistent with current legislative drafting practice.
- (2) In subordinate legislation made under that Act or in other Acts or subordinate legislation, the word may be spelt in accordance with current legislative drafting practice and, if it is so spelt, the idea expressed must not be taken to be different merely because of the spelling.

*Note for section 23A*

*If an Act uses or defines the term "authorized officer" or "authorized person", then in subordinate legislation made under the Act "authorized" may be spelt as "authorised" without changing the idea relating to the word's usage.*

**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.

**24AA References to persons generally**

- (1) In an Act, a reference to a person generally includes a reference to a body politic and body corporate as well as an individual.

*Examples of references to persons generally in subsection (1)*

1. **anyone.**
  2. **no-one.**
  3. **party.**
  4. **someone.**
- (2) Subsection (1) is not displaced merely because there is an express reference to either an individual, body politic or body corporate elsewhere in the Act.

**25 Service of documents**

- (1) A person may serve a document on an individual or body (the **recipient**):
- (a) by giving it to:
    - (i) if the recipient is an individual – the recipient; or
    - (ii) if the recipient is a body – an executive officer of the body; or
    - (iii) in any case – a person authorised by the recipient to receive the document; or
  - (b) by sending it by prepaid post addressed to the recipient at the recipient's address; or
  - (c) by sending it to the recipient by fax; or
  - (d) by leaving it, addressed to the recipient, at the recipient's address with someone who appears to be at least 16 years old and appears to live or be employed there.
- (2) A document served under subsection (1)(b) is taken to be served when it would have been delivered in the ordinary course of post.
- (3) Subject to evidence to the contrary, a document served under subsection (1)(c) is taken to be served when it was sent to a current fax number of the recipient.
- (4) A document served under subsection (1)(d) is taken to be served when it was left with the person mentioned in the subsection.

- (5) This section has effect for the service of a document whether or not the word **serve** is used in the law providing for the service of the document.

- (6) In this section:

**address**, of a recipient, includes the latest home and business addresses of the recipient that are recorded for a law in force in the Territory.

**body** includes an incorporated body.

**document** includes a notice and any other thing that may be sent by a method mentioned in subsection (1).

**executive officer**, of a body, means:

- (a) for an Agency – the Chief Executive Officer of the Agency. or
- (b) otherwise – a person (however described) who is concerned with, or participates in, the body's management.

## **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 public holiday in the place in which the thing is to or may be done (other than a public holiday that is part of a day), 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 4 of the *Standard Time Act*.
- (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.

## **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 subordinate legislation or provisions of an Act or subordinate legislation; 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.

#### **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) It is sufficient compliance with the requirement under subsection (1) to publish the order in the *Gazette* if notice of its making, and of the place where copies of it may be purchased, is published in the *Gazette*.

#### **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 an 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 etc.**

- (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 etc.**

- (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 at foot of sections and subsections**

- (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.

- (1AA) Subsection (1) applies regardless of whether the penalty is expressed as a maximum penalty.

- (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.

**38DA Fine in addition to or instead of imprisonment**

- (1) An offence against an Act that is punishable by a term of imprisonment only (other than life) is punishable in addition to or instead of imprisonment by a maximum fine worked out under subsection (2).
- (2) The maximum fine is worked out by multiplying 100 penalty units by the term of imprisonment expressed in years or a fraction of a year if the term is less than 12 months.

**38DB Body corporate fines under penalty provision**

- (1) This section applies to a provision prescribing a fine for an offence only if the provision does not expressly prescribe a fine for a body corporate different from the fine for an individual.
- (2) The fine is taken only to be the fine for an individual.
- (3) If a body corporate is found guilty of the offence, the court may impose a fine of an amount equal to 5 times the fine for an individual.

**38DC Body corporate fines under provision authorising subordinate legislation**

- (1) This section applies to a provision of an Act authorising a maximum fine for an offence that may be imposed under subordinate legislation under the Act only if the provision does not expressly authorise a maximum fine for a body corporate different from the maximum fine for an individual.

- (2) The maximum fine is taken only to be the maximum fine for an individual that may be imposed under the subordinate legislation.
- (3) The maximum fine for a body corporate that may be imposed under the subordinate legislation is taken to be 5 times the maximum fine for an individual.

### **38F Penalties for breach of subordinate legislation**

- (1) Subordinate legislation may prescribe a fine for an offence against the legislation.
- (2) The fine prescribed must not exceed 100 penalty units.

*Note for subsection (2)*

*Because of section 38DC, the maximum fine for a body corporate that may be imposed under the subordinate legislation is 500 penalty units.*

- (3) This section has effect subject to the Act under which the legislation is made.

### **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 etc. 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 etc.**

- (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 a statutory instrument 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 a statutory instrument, 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 or position, the power shall be construed as including a power to terminate such an appointment or to remove or suspend any person appointed.
- (2) If an Act authorises or requires a person or authority (the **appointer**) to appoint a person to an office or position, the appointer may appoint a person, or 2 or more people, to act in the office or position:
  - (a) during a vacancy, or all vacancies, in the office or position whether or not an appointment has previously been made to the office or position; or
  - (b) during any period, or all periods, when the holder of the office or position is unable to perform the duties of the office or position.
- (3) Where a power to make appointments to an office or position 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 a statutory instrument 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 Power to authorise another person to exercise power or perform function**

- (1) Subject to this section, where, by, under or in pursuance of an Act or a statutory instrument, 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.

#### **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 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;
  - (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.

## **51       Reference to Act includes reference to statutory instruments under Act**

- (1) In an Act, a reference (either generally or specifically) to a law or statutory instrument, or a provision of a law or statutory instrument, includes a reference to the statutory instruments in force under the law, instrument or provision.

- (2) In this section:

**law** includes an Act of the Commonwealth or a State or Territory.

## **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 Material that is, and is not, part of an Act**

- (1) A heading to a Chapter, Part, Division or Subdivision of an Act is part of the Act.

- (2) A heading to a section of an Act is part of the Act if:
  - (a) the Act is enacted after 1 July 2006; or
  - (b) the heading is amended or inserted after 1 July 2006.
- (3) Subsection (2) does not prevent the amendment of a heading to a section by an Act.
- (4) An example or note in the text of an Act is part of the provision of the Act to which it relates.
- (5) A Schedule to an Act is part of the Act.
- (6) A marginal note, footnote, endnote or any other note that is not part of the text of the Act is not part 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 subordinate legislation**

- (1) This section applies to subordinate legislation other than:
  - (a) rules of court that relate only to dates of sittings of a court; or
  - (b) by-laws made by the Commissioner for Public Employment under the *Public Sector Employment and Management Act*; or
  - (c) subordinate legislation that expressly provides this section does not apply to it.
- (2) Subordinate legislation made in each calendar year must be numbered in regular arithmetical series, beginning with the number one, as close as possible to the order in which it is made.
- (3) Subordinate legislation may, without prejudice to any other method of citation, be cited by the number given to it and the calendar year in which it is made.

**57A            Amendment of instruments by Act**

- (1) If a statutory instrument under an Act (***the parent Act***) has been amended by an Act, the instrument may be amended, varied, repealed, rescinded or revoked by a statutory instrument 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 etc. 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 statutory instruments**

- (1) If an Act confers upon any authority power to make, grant or issue a statutory instrument, 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.
- (2) It is presumed, unless the contrary is proved, that all conditions and steps required for the making, granting or issuing of a statutory instrument have been satisfied and carried out.

## **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      Statutory instruments**

### **63      Procedure for making subordinate legislation**

- (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 local government council, 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) If subordinate legislation is required by an Act to be published or notified in the *Gazette*, it is sufficient compliance with the requirement if notice of the making of the legislation, and of the place where copies of it may be purchased, is published in the *Gazette*.
- (7) Subordinate legislation or a provision of subordinate legislation must not be expressed to take effect or be in terms that it takes effect from a date before the date of notification in the *Gazette* if:
  - (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 the person; or

- (b) liabilities would be imposed on a person (other than the Territory or a statutory corporation) in relation to anything done or omitted to be done before the date of notification.
- (7A) Subordinate legislation or a provision of subordinate legislation made in contravention of subsection (7) is of no effect.
- (8) If subordinate legislation is not tabled in the Legislative Assembly in accordance with subsection (1)(c) or (3)(c), it is 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 subordinate legislation has been tabled in the Assembly disallowing the legislation or provisions of it, the disallowance has, subject to subsection (10), the same effect as a repeal of the legislation or provisions.
- (10) If a provision of disallowed subordinate legislation (the **disallowed provision**) amended or repealed a provision of other subordinate legislation in force immediately before the commencement of the disallowed provision, the disallowance revives the other provision from the date of the disallowance as if the disallowed provision had not been made.

**64            Subordinate legislation not to be made in terms of disallowed subordinate legislation**

- (1) This section applies if, under section 63, the Legislative Assembly passes a resolution disallowing subordinate legislation or provisions of subordinate legislation (the **disallowed legislation**).
- (2) Subordinate legislation or provisions of subordinate legislation that is the same in substance or has the same effect as the disallowed legislation must not be made within 6 months after the disallowance unless the Legislative Assembly rescinds the resolution for disallowance.
- (3) Subordinate legislation or provisions of subordinate legislation made in contravention of subsection (2) is of no effect.

**65            Power to make subordinate legislation**

- (1) If an Act authorises or requires the making of subordinate legislation under the Act, the power enables subordinate legislation to be made with respect to any matter that:
  - (a) is required or permitted to be prescribed by the Act; or
  - (b) is necessary or convenient to be prescribed for carrying out or giving effect to the Act.

- (2) Subsection (1) applies even though the Act also authorises the making of subordinate legislation for a particular purpose.
- (3) Power conferred by the Act to make subordinate legislation for a particular purpose is in addition to, and does not limit the effect of, power conferred by the Act to make subordinate legislation under the Act unless the Act expressly provides otherwise.

**65A      Subordinate legislation may prohibit**

If an Act authorises or requires a matter to be regulated by subordinate legislation, the power may be exercised by prohibiting by subordinate legislation the matter or any aspect of the matter.

**65B      Subordinate legislation may provide for review or appeal**

- (1) Subordinate legislation may provide for the review of, or a right of appeal against, a decision made under the legislation or the Act under which the legislation is made or in force.
- (2) For subsection (1), the subordinate legislation may confer jurisdiction on any court, tribunal, person or body.

**65C      Subordinate legislation may provide for exemption, waiver or refund of fees**

If a power is conferred under an Act for subordinate legislation to prescribe a fee, the power includes power to provide for the following:

- (a) the exemption from payment of the fee;
- (b) the waiver (wholly or partly) of the fee;
- (c) the refund (wholly or partly) of the fee.

**65D      Subordinate legislation may provide for infringement notice offences**

If an Act authorises the making of subordinate legislation under the Act, the power enables subordinate legislation to be made providing for:

- (a) the payment of a prescribed amount instead of a penalty that may otherwise be imposed for an offence against the Act or the subordinate legislation; and
- (b) the service of a notice relating to payment of the amount on a person alleged to have committed the offence; and

- (c) the particulars to be included in the notice.

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

Where an Act confers upon an authority power to make, grant or issue a statutory instrument, 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 a statutory instrument 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 a statutory instrument must 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.

## **Division 3      General**

### **67      Tabling documents in Legislative Assembly**

- (1) A document is tabled in the Legislative Assembly under an Act if the document is:
  - (a) tabled in the Assembly under the Standing Orders of the Assembly; or
  - (b) delivered to the Clerk of the Assembly and recorded in the Minutes of Proceedings of the Assembly.
- (2) The document must be tabled under subsection (1) within the period specified in the Act.
- (3) If the Act provides for a specified person to table the document, the document may be tabled by anyone acting for the person.
- (4) In this section:

**Act** includes the *Northern Territory (Self-Government) Act 1978* (Cth).

**document** includes a report and a statutory instrument.

**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 authorised to adjudicate**

A court, judge, justice of the peace, officer, commissioner, arbitrator or other person or body authorised by law or consent of parties to hear and determine any matter, has authority to receive evidence and examine on oath any witness appearing before the court, person or body.

**71 Amendment in same session**

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

**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.

**Part VIII Transitional matters for Justice Legislation  
Amendment Act 2006****73 Subordinate legislation**

- (1) This section applies if, immediately before the commencement of this section, a reference in an Act to regulations is construed as a reference to rules or by-laws because of the definition of **regulations** in section 18 as in force immediately before the commencement.
- (2) Despite the repeal of the definition, the reference is taken to include a reference to rules or by-laws if the context permits or requires.

**74        Numbering of subordinate legislation**

Regulations, rules and by-laws numbered under section 57 before the commencement of this section are taken to have been numbered as subordinate legislation under section 57 as in force on the commencement and may be cited accordingly.

*Example for section 74*

*Regulations No. 5 of 2005 may be cited as Subordinate Legislation No. 5 of 2005.*

## **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*



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

### 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

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**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)

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***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

***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)

***Standard Time Act 2005 (Act No. 19, 2005)***

Assent date 5 May 2005  
Commenced 1 September 2005 (s 2)

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

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

***Statute Law Revision Act 2005 (Act No. 44, 2005)***

Assent date 14 December 2005  
Commenced 14 December 2005

***Justice Legislation Amendment Act 2006 (Act No. 13, 2006)***

Assent date 18 May 2006  
Commenced 1 July 2006 (s 2(3))

***Justice Legislation Amendment Act (No. 2) 2006 (Act No. 35, 2006)***

Assent date 3 November 2006  
Commenced 3 November 2006

***Justice Legislation Amendment Act 2007 (Act No. 5, 2007)***

Assent date 24 April 2007  
Commenced s 37 (except amd of Criminal Code and *Legal Profession Act 2006*): 1 May 2007 (s 2(1), s 2 *Victims of Crime Assistance Act 2006* (Act No. 15, 2006) and Gaz G17, 26 April 2007, p 7); rem: 24 April 2007

***Legal Profession (Consequential Amendments) Act 2007 (Act No. 7, 2007)***

Assent date 17 May 2007  
Commenced s 10: 1 July 2007 (Gaz G26, 27 June 2007, p 3); rem: 17 May 2007

***Local Government (Consequential Amendments) Act 2008 (Act No. 28, 2008)***

Assent date 14 November 2008  
Commenced 1 July 2008 (s 2)

***Financial Management Amendment Act 2009 (Act No. 15, 2009)***

Assent date 18 June 2009  
Commenced 18 June 2009

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***Health Practitioner (National Uniform Legislation) Implementation Act 2010 (Act No. 18, 2010)***

Assent date 20 May 2010  
Commenced 1 July 2010 (s 2)

***Statute Law Revision Act 2010 (Act No. 29, 2010)***

Assent date 9 September 2010  
Commenced 13 October 2010 (Gaz G41, 13 October 2010, p 2)

***Oaths, Affidavits and Declarations (Consequential Amendments) Act 2010 (Act No. 40, 2010)***

Assent date 18 November 2010  
Commenced 1 March 2011 (s 2, s 2 *Oaths, Affidavits and Declarations Act 2010* (Act No. 39, 2010) and Gaz G7, 16 February 2011, p 4)

***Statute Law (Miscellaneous Provisions) Act 2011 (Act No. 44, 2011)***

Assent date 21 December 2011  
Commenced 27 January 2012 ((other than amdts to *Darwin Port Corporation Act* and *Marine Act* listed in the Sch to Act) Gaz S3, 27 January 2012))

***Local Government Amendment Act 2013 (Act No. 28, 2013)***

Assent date 8 November 2013  
Commenced 8 November 2013

***Local Government Amendment Act 2014 (Act No. 19, 2014)***

Assent date 2 June 2014  
Commenced s 16: 1 July 2014; s 18: 1 December 2014; rem: 2 June 2014 (s 2)

***Correctional Services (Related and Consequential Amendments) Act 2014 (Act No. 27, 2014)***

Assent date 4 September 2014  
Commenced 9 September 2014 (Gaz S80, 9 September 2014, p 2)

***Northern Territory Civil and Administrative Tribunal (Conferral of Jurisdiction Amendments) Act 2014 (Act No. 34, 2014)***

Assent date 13 November 2014  
Commenced 1 January 2015 (Gaz G51, 24 December 2014, p 7)

***Statute Law Revision Act 2014 (Act No. 38, 2014)***

Assent date 13 November 2014  
Commenced 13 November 2014

***Justice Legislation Amendment (Small Claims and Other Matters) Act 2016 (Act No. 3, 2016)***

Assent date 2 March 2016  
Commenced pt 3: nc; rem: 1 May 2016 (s 2, s 2 *Local Court Act 2015* (Act No. 15, 2015), Gaz G1, 6 January 2016, p 9 and Gaz G15, 13 April 2016, p 4)

***Local Court (Repeals and Related Amendments) Act 2016 (Act No. 9, 2016)***

Assent date 6 April 2016  
Commenced 1 May 2016 (Gaz S34, 29 April 2016)

**Public Holiday Amendment Act 2016 (Act No. 33, 2016)**

Assent date 7 December 2016  
Commenced 7 December 2016

**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; No. 13, 2006, s 44; No. 35, 2006, s 21
s 5	amd No. 78, 1978, s 3 sub No. 13, 2006, s 18
s 6	amd No. 78, 1978, s 4; No. 1, 1988, s 2; No. 13, 2006, ss 19 and 44; No. 35, 2006, s 21; No. 29, 2010, s 7
s 6A	ins No. 13, 2006, s 20
s 6B	ins No. 13, 2006, s 20 sub No. 35, 2006, s 13
s 7	amd No. 13, 2006, s 44; No. 35, 2006, s 21; No. 29, 2010, s 7
s 8	amd No. 13, 2006, ss 21 and 44; No. 35, 2006, s 21
s 9	amd No. 122, 1979, s 3; No. 35, 2006, s 21; No. 29, 2010, s 7
s 10	rep No. 13, 2006, s 22
s 11	amd No. 78, 1978, s 12
s 14	amd No. 13, 2006, s 44; No. 35, 2006, s 21
s 15	amd No. 78, 1978, s 5; No. 13, 2006, s 44
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 sub No. 13, 2006, s 23 amd No. 35, 2006, s 14; No. 5, 2007, s 18; No. 7, 2007, s 6; No. 15, 2009, s 16; No. 18, 2010, s 48; No. 40, 2010, s 48; No. 44, 2011, s 15; No. 28, 2013, s 61; No. 19, 2014, s 26; No. 27, 2014, s 57; No. 38, 2014, s 2; No. 34, 2014, s 15; No. 3, 2016, s 46; No. 9, 2016, s 112; No. 33, 2016, s 11
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 sub No. 13, 2006, s 23
s 18A	ins No. 13, 2006, s 23
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 sub No. 13, 2006, s 23
s 19A	ins No. 1, 2004, s 38
s 20	sub No. 13, 2006, s 24
s 21	sub No. 20, 2005, s 31 amd No. 13, 2006, s 44
s 23A	ins No. 44, 2011, s 16
s 24	amd No. 4, 1982, s 3 sub No. 20, 2005, s 32
s 24A	ins No. 20, 2005, s 32
s 24AA	ins No. 13, 2006, s 25

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s 25	sub No. 13, 2006, s 26
s 28	amd No. 60, 1989, s 6; No. 20, 2005, s 33; No. 19, 2005, s 8; No. 33, 2016, s 12
s 31	amd No. 112, 1979, s 4 rep No. 13, 2006, s 27
s 32	rep No. 73, 1993, s 8
s 33	amd No. 35, 2006, s 21 rep No. 40, 2010, s 49
s 34	sub No. 78, 1978, s 6 amd No. 122, 1979, s 6; No. 13, 2006, s 44
s 34A	ins No. 1, 1979, s 3
s 34B	ins No. 8, 1995, s 3 amd No. 44, 2005, s 22 rep No. 13, 2006, s 28
s 35	amd No. 5, 1995, s 19; No. 13, 2006, s 29
s 36	amd No. 1, 1979, s 4; No. 5, 1995, s 19; No. 92, 1998, s 12 rep No. 13, 2006, s 30
s 37	amd No. 5, 1995, s 19
s 38	amd No. 73, 1993, s 14; No. 35, 2006, s 21
s 38A	ins No. 78, 1978, s 7 amd No. 35, 2006, s 21
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; No. 13, 2006, s 31
s 38D	ins No. 62, 1983, s 5 amd No. 17, 1996, s 6
s 38DA	ins No. 13, 2006, s 32
s 38DB	ins No. 13, 2006, s 32 amd No. 35, 2006, s 21
s 38DC	ins No. 13, 2006, s 32
s 38E	ins No. 62, 1983, s 5 sub No. 73, 1993, s 9 rep No. 9, 2016, s 113
s 38F	ins No. 73, 1993, s 9 amd No. 3, 1999, s 3 sub No. 13, 2006, s 33
s 38G	ins No. 28, 2000, s 3
ss 40 – 41	amd No. 35, 2006, s 21
s 42	sub No. 20, 2005, s 35 amd No. 13, 2006, s 44
s 43	amd No. 13, 2006, s 44
s 44	amd No. 78, 1978, s 8; No. 54, 1982, s 2; No. 13, 2006, s 34
s 45	amd No. 13, 2006, s 44
s 46	amd No. 78, 1978, s 9; No. 1, 1979, s 5; No. 20, 2005, s 36; No. 13, 2006, s 44
s 46A	ins No. 37, 1999, s 2
s 47	rep No. 13, 2006, s 35
s 48A	ins No. 73, 1993, s 10 amd No. 35, 2006, s 21
s 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 ins No. 35, 2006, s 15
s 55	amd No. 21, 1980, s 2 sub No. 20, 2005, s 37; No. 13, 2006, s 36



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s 57	amd No. 73, 1993, s 11 sub No. 13, 2006, s 37 amd No. 35, 2006, s 16
s 57A	ins No. 20, 2005, s 38 amd No. 13, 2006, s 44
s 59	amd No. 27, 1988, s 2; No. 73, 1993, s 14
s 59A	ins No. 28, 1988, s 2 amd No. 35, 2006, s 21
s 60	rep No. 44, 1985, s 2
s 61	amd No. 13, 2006, s 38; No. 35, 2006, s 21
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
pt VII	
div 2 hdg	sub No. 13, 2006, s 39 amd No. 35, 2006, s 17
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; No. 13, 2006, s 40; No. 35, 2006, s 21; No. 28, 2008, s 3; No. 19, 2014, s 26
s 64	amd No. 78, 1978, s 12 sub No. 13, 2006, s 41
s 65	rep No. 73, 1993, s 12 ins No. 13, 2006, s 41
ss 65A – 65B	ins No. 13, 2006, s 41
ss 65C – 65D	ins No. 35, 2006, s 18
s 66	amd No. 13, 2006, s 44
s 67	amd No. 73, 1993, s 14 rep No. 35, 2006, s 19 ins No. 35, 2006, s 20
pt VII	
div 4 hdg	sub No. 60, 1989, s 6
s 70	amd No. 40, 2010, s 50; No. 9, 2016, s 114
s 71	rep No. 73, 1993, s 12 ins No. 13, 2006, s 42
s 72	ins No. 73, 1992, s 13
pt VIII hdg	ins No. 13, 2006, s 43
ss 73 – 74	ins No. 13, 2006, s 43