

THE NORTHERN TERRITORY OF AUSTRALIA

No. 78 of 1978

AN ACT

To amend the Interpretation Ordinance

[Assented to 23 August 1978]

BE it enacted by the Legislative Assembly of the Northern Territory of Australia, with the assent as provided by the *Northern Territory (Self-Government) Act 1978* of the Commonwealth, as follows:

1. This Act may be cited as the Interpretation Act (No. 2) 1978.

Short
title

2. The Interpretation Ordinance is in this Act referred to as the Principal Act.

Principal
Act

3. Section 5(2) of the Principal Act is amended by omitting "is expressed to come into operation on a particular day, it shall come" and substituting "comes into operation on a particular day, it shall come or be deemed to have come".

Meaning of
"commence-
ment"

4. Section 6(1) and (2) of the Principal Act is amended by omitting "immediately on the expiration of the day immediately preceding" and substituting "on".

Commencement
of Acts

5. Section 15 of the Principal Act is amended by adding at the end thereof the following sub-section:

References
to repealed
provisions

"(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modification, any provisions of a former Commonwealth Act or regulation, references in an Act to the provisions so repealed shall be construed as references to the provisions so re-enacted."

6. Section 34 of the Principal Act is repealed and the following section substituted:

"34.(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."

References to
Administrator

"(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 of a provision or part of an Act; or
- (b) exercise any other power or perform any function that the Administrator, with the advice of the Executive Council, determines, by notice in the Gazette, to be a power that may be exercised, or a function that may be performed, as the case may be, by the Administrator without reference to the Executive Council.

"(3) The Administrator may, without reference to the Executive Council -

- (a) exercise any power where the exercise of that power relates only to; or
- (b) perform any function where the performance of that function relates only to

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

7. After section 38 of the Principal Act the following section is inserted:

Reference to
Commonwealth
Ministers,
&c.

"38A.(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 sub-section (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."

Power to
appoint in-
cludes power
to terminate

8.(1) Section 44(1) of the Principal Act is amended by inserting before "to remove" the words "to terminate such an appointment or".

(2) Section 44(2)(a) of the Principal Act is amended by inserting before "removed" the words "whose appointment has been terminated or who has been".

(3) Section 44(3) of the Principal Act is amended by inserting before "removal" the words "termination or".

9. Section 46(1) of the Principal Act is amended by omitting all the words from and including "the power may be exercised" and substituting:

Indirect
exercise of
power, &c.

"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 of a person authorized by that minister to give that approval, has the authority of that first-mentioned person".

10. Section 49(1)(c) of the Principal Act is amended by inserting after "short title" the words "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' ".

Citation

11. Section 51 of the Principal Act is repealed.

Repeal of
section 51

12. The Principal Act is further amended as set out in the Schedule.

Formal
amendments

SCHEDULE

Section 12

FORMAL AMENDMENTS

Section amended	Omit	Insert
Section 11	section 51(8)	section 63(10)
Section 17 (definition of "Justice of the Peace")	section 28A	section 32
Section 50(2)	section 39(1)(d)	section 49(1)(d)
Section 63(9)	sub-section (8)	sub-section (10)
Section 64	section 51	section 63