

NORTHERN TERRITORY OF AUSTRALIA
INTERPRETATION AMENDMENT BILL 1993

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NORTHERN TERRITORY OF AUSTRALIA

A BILL for AN ACT

to amend the *Interpretation Act*

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. SHORT TITLE

This Act may be cited as the *Interpretation Amendment Act 1993*.

2. COMMENCEMENT

This Act shall come into operation on a date to be fixed by the Administrator by notice in the *Gazette*.

3. PRINCIPAL ACT

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

4. APPLICATION

Section 3 of the Principal Act is amended by omitting subsection (2) and substituting the following:

"(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."

5. DEFINITIONS OF JUDICIAL EXPRESSIONS

Section 17 of the Principal Act is amended -

- (a) by omitting the definition of "Justice of the Peace" and substituting the following:

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"'Justice of the Peace' means a justice of the peace within the meaning of the *Justices of the Peace Act*";

- (b) by omitting from the definition of "statutory declaration" all words after and including "*Oaths Ordinance*" and substitute "*Oaths Act*".

6. DEFINITIONS OF GOVERNMENT EXPRESSIONS

Section 18 of the Principal Act is amended by inserting, after the definition of "Administrator", the following:

"'Agency' means an Agency within the meaning of the *Public Sector Employment and Management Act*";

7. DEFINITIONS GENERALLY

Section 19 of the Principal Act is amended -

- (a) by inserting, after the definition of "*Corporations Law*", the following:

"'de facto partner' means -

- (a) in relation to a man, a woman who is living with, or has lived with, the man as his wife on a bona fide domestic basis although not married to him; and
- (b) in relation to a woman, a man who is living with, or has lived with, the woman as her husband on a bona fide domestic basis although not married to her;

'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;

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- (v) an article on which information has been stored or recorded, either mechanically or electronically;
 - (vi) any other record or information;
 - (b) a copy, reproduction or duplicate of such a thing; and
 - (c) a part of such a copy, reproduction or duplicate;"; and
- (b) by adding at the end the following:

"'real property' includes a lease of land."

8. REPEAL

Section 32 of the Principal Act is repealed.

9. REPEAL AND SUBSTITUTION

Section 38E of the Principal Act is repealed and the following substituted:

"38E. CERTAIN OFFENCES CRIMES

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

"38F. PENALTIES FOR BREACH OF REGULATIONS

"Unless the Act under which they are made provides for, or that the Regulations may prescribe, a different amount as the maximum fine for an offence against the Regulations, Regulations may prescribe, for an offence against the Regulations, a fine not exceeding \$10,000 in the case of an individual, and not exceeding \$50,000 in the case of a body corporate."

10. NEW SECTION

The Principal Act is amended by inserting in Part V, after section 48, the following:

"48A. PARTICIPATION IN MEETINGS BY TELEPHONE, &c.

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

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"(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."

11. NUMBERING OF REGULATIONS

Section 57(1) of the Principal Act is amended by omitting paragraph (b) and substituting the following:

"(b) by-laws made by the Commissioner for Public Employment under the *Public Sector Employment and Management Act*; or"

12. REPEAL

Sections 65 and 71 of the Principal Act are repealed.

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13. NEW SECTION

The Principal Act is amended by adding at the end the following:

"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."

14. FURTHER AMENDMENTS

The Principal Act is further amended as provided in the Schedule.

SCHEDULE

Section 14

Provision	Amendment	
	omit	substitute
Section 18 - definitions of "Act", "Acting Administrator", "ministerial office" and "the Territory"	"Northern Territory (Self-Government) Act 1978"	"Northern Territory (Self-Government Act 1978 of the Common- wealth"
Sections 59, 62 and 67(1)	"Northern Territory (Self-Government) Act 1978"	"Northern Territory (Self-Government Act 1978 of the Common- wealth"
Section 2(3) and (4), 3(1) and (3), 4(a), 63(11) and 67(1) and (2)	"this Ordinance" (wherever occurring)	"this Act"
Section 1 and 4	"This Ordinance"	"This Act"

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Section 18 - definition of "Auditor-General", "Consolidated Fund" and "Northern Territory Government Account"	"Financial Adminis- tration and Audit Ordinance"	"Financial Adminis- tration and Audit Act"
- definition of "legal practitioner"	"Legal Practitioners Ordinance"	"Legal Practitioners Act"
- definition of "medical practitioner"	"Medical Practitioners Ordinance"	"Medical Practitioners Act"
- definition of "Valuer-General"	"Valuation of Land Ordinance"	"Valuation of Land Act"
Section 38(2)(b)	"Department"	"Department or other Agency"
Section 38(2)(c)	"department"	"department or other Agency"
Long title	"Ordinance" (twice occurring)	"Act"
