Acts Interpretation Act 1901

Act No. 2 of 1901 as amended

This compilation was prepared on 27 December 2011
taking into account amendments up to Act No. 46 of 2011

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

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

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An Act for the Interpretation of Acts of Parliament and for Shortening their Language

Part 1—Preliminary

1 Short title [*see* Note 1]

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

1A Simplified outline

The following is a simplified outline of this Act:

Overview

This Act is like a dictionary and manual to use when reading and interpreting Commonwealth Acts and instruments made under Commonwealth Acts.

The definitions and many of the interpretation rules are aimed at making Commonwealth legislation shorter, less complex and more consistent in operation.

A provision of this Act is subject to a contrary intention in other Commonwealth legislation.

Structure

Part 1 provides that this Act applies to all Acts. This Act also applies to legislative instruments and other instruments made under an Act (see subsection 13(1) of the *Legislative Instruments Act 2003* and subsection 46(1) of this Act).

Part 2 contains definitions that apply across all Commonwealth legislation (for example, ***Australian citizen***, ***business day***, ***document*** and ***month***).

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Part 3 deals with the commencement of Commonwealth Acts. For example, section 4 allows certain powers to be exercised (like the making of appointments) between the enactment and commencement of an Act.

Part 4 deals with the amendment, repeal and expiry of Commonwealth legislation. For example, section 7 provides that the repeal of an Act does not affect any rights accrued under the Act, or any legal proceedings instituted, before the repeal.

Part 5 contains various rules for interpreting Commonwealth legislation, including:

(a) section 15A (about interpreting an Act subject to the Constitution); and

(b) section 15AA (which provides for interpreting an Act in a way that best achieves the purpose or object of the Act); and

(c) section 15AB (about using material that is not part of an Act (like explanatory memorandums and second reading speeches) in interpreting an Act); and

(d) sections 19 to 19C (which deal with references to Ministers, Departments and Secretaries of Departments and with administrative changes in the operation of the Commonwealth Government).

Part 6 deals with the service of documents on persons.

Part 7 contains rules about exercising powers and performing functions and duties under Commonwealth legislation, including:

(a) subsection 33(3) (which provides that a power to make an instrument includes the power to vary or revoke the instrument); and

(b) section 33A (about acting appointments); and

(c) sections 34AA, 34AB and 34A (about delegating powers, functions and duties).

Part 8 deals with the calculation of distance, time and age.

Part 9 deals with the citation of Acts.

Part 10 deals with non-legislative instruments. For example, it provides that this Act applies to those instruments and that expressions in those instruments have the same meaning as in the enabling legislation.

Part 11 contains a regulation-making power.

2 Application of Act

(1) This Act applies to all Acts (including this Act).

Note: This Act also applies to legislative instruments and other instruments made under an Act: see subsection 13(1) of the *Legislative Instruments Act 2003* and subsection 46(1) of this Act.

(2) However, the application of this Act or a provision of this Act to an Act or a provision of an Act is subject to a contrary intention.

2A Binding the Crown

This Act binds the Crown in each of its capacities.

Part 2—Definitions

2B Definitions

In any Act:

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

affidavit includes affirmation, declaration and promise.

appoint: see section 33AA.

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

Australia means the Commonwealth of Australia and, when used in a geographical sense, includes the Territory of Christmas Island and the Territory of Cocos (Keeling) Islands, but does not include any other external Territory.

Note: See also section 15B.

Australian citizen has the same meaning as in the *Australian Citizenship Act 2007*.

Australian Standard: see section 2L.

business day means a day that is not a Saturday, a Sunday or a public holiday in the place concerned.

calendar month means one of the 12 months of the year.

calendar year means a period of 12 months starting on 1 January.

commencement, in relation to an Act or a provision of an Act, means the time at which the Act or provision comes into operation.

Note: See also section 3.

Commonwealth means the Commonwealth of Australia and, when used in a geographical sense, includes the Territory of Christmas Island and the Territory of Cocos (Keeling) Islands, but does not include any other external Territory.

Note: See also section 15B.

Consolidated Revenue Fund means the Consolidated Revenue Fund referred to in section 81 of the Constitution.

Constitution means the Constitution of the Commonwealth.

contiguous zone has the same meaning as in the *Seas and Submerged Lands Act 1973*.

continental shelf has the same meaning as in the *Seas and Submerged Lands Act 1973*.

contravene includes fail to comply with.

court exercising federal jurisdiction means any court when exercising federal jurisdiction, and includes a federal court.

court of summary jurisdiction means any justice of the peace, or magistrate of a State or Territory, sitting as a court of summary jurisdiction.

de facto partner: see section 2D.

document means any record of information, and includes:

(a) anything on which there is writing; and

(b) anything on which there are marks, figures, symbols or perforations having a meaning for persons qualified to interpret them; and

(c) anything from which sounds, images or writings can be reproduced with or without the aid of anything else; and

(d) a map, plan, drawing or photograph.

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

exclusive economic zone has the same meaning as in the *Seas and Submerged Lands Act 1973*.

Executive Council means the Federal Executive Council.

external Territory means a Territory, other than an internal Territory, where an Act makes provision for the government of the Territory as a Territory.

Note: See also section 15B.

federal court means the High Court or any court created by the Parliament.

financial year means a period of 12 months starting on 1 July.

foreign country means any country (whether or not an independent sovereign state) outside Australia and the external Territories.

Gazette means the *Commonwealth of Australia Gazette*.

Government Printer includes any person printing for the Government of the Commonwealth.

Note: See also section 17A.

Governor of a State: see section 16B.

Governor-General: see section 16A.

High Court means the High Court of Australia.

individual means a natural person.

insolvent under administration has the same meaning as in the *Corporations Act 2001*.

internal Territory means the Australian Capital Territory, the Northern Territory or the Jervis Bay Territory.

Jervis Bay Territory means the Territory referred to in the *Jervis Bay Territory Acceptance Act 1915*.

justice of the peace includes a justice of the peace for a State or part of a State or for a Territory.

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

law of the Commonwealth: see section 2H.

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Magistrate: see subsections 16C(2) and (3).

Minister or ***Minister of State*** means one of the Ministers of State for the Commonwealth.

Note: See also section 19.

modifications, in relation to a law, includes additions, omissions and substitutions.

month: see section 2G.

Northern Territory means the Northern Territory of Australia.

oath includes affirmation, declaration and promise.

Parliament means the Parliament of the Commonwealth.

penalty unit, including in relation to a civil penalty provision, has the meaning given by section 4AA of the *Crimes Act 1914*.

person: see section 2C.

prescribed means prescribed by the Act or by regulations under the Act.

Proclamation means Proclamation by the Governor-General that is published in the *Gazette* or entered in the Federal Register of Legislative Instruments established under the *Legislative Instruments Act 2003*.

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

regulations means regulations under the Act.

rules of court: see section 2K.

seat of Government means the seat of Government of the Commonwealth.

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

Sovereign: see section 16.

Standards Australia means Standards Australia Limited (ACN 087 326 690).

State means a State of the Commonwealth.

statutory declaration means a declaration made because of any Act authorising a declaration to be made otherwise than in the course of a judicial proceeding.

Stipendiary Magistrate: see subsection 16C(1).

swear includes affirm, declare and promise.

territorial sea has the same meaning as in the *Seas and Submerged Lands Act 1973*.

Territory, ***Territory of the Commonwealth***, ***Territory under the authority of the Commonwealth*** or ***Territory of Australia*** means a Territory referred to in section 122 of the Constitution.

United Kingdom means the United Kingdom of Great Britain and Northern Ireland.

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

2C References to persons

(1) In any Act, expressions used to denote persons generally (such as "person", "party", "someone", "anyone", "no-one", "one", "another" and "whoever"), include a body politic or corporate as well as an individual.

(2) Express references in an Act to companies, corporations or bodies corporate do not imply that expressions in that Act, of the kind mentioned in subsection (1), do not include companies, corporations or bodies corporate.

2D References to de facto partners

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

(a) the person is in a registered relationship with the other person under section 2E; or

(b) the person is in a de facto relationship with the other person under section 2F.

2E Registered relationships

For the purposes of paragraph 2D(a), a person is in a ***registered relationship*** with another person if the relationship between the persons is registered under a prescribed law of a State or Territory as a prescribed kind of relationship.

2F De facto relationships

(1) For the purposes of paragraph 2D(b), a person is in a ***de facto relationship*** with another person if the persons:

(a) are not legally married to each other; and

(b) are not related by family (see subsection (6)); and

(c) have a relationship as a couple living together on a genuine domestic basis.

(2) In determining for the purposes of paragraph (1)(c) whether 2 persons have a relationship as a couple, all the circumstances of their relationship are to be taken into account, including any or all of the following circumstances:

(a) the duration of the relationship;

(b) the nature and extent of their common residence;

(c) whether a sexual relationship exists;

(d) the degree of financial dependence or interdependence, and any arrangements for financial support, between them;

(e) the ownership, use and acquisition of their property;

(f) the degree of mutual commitment to a shared life;

(g) the care and support of children;

(h) the reputation and public aspects of the relationship.

(3) No particular finding in relation to any circumstance mentioned in subsection (2) is necessary in determining whether 2 persons have a relationship as a couple for the purposes of paragraph (1)(c).

(4) For the purposes of paragraph (1)(c), the persons are taken to be living together on a genuine domestic basis if the persons are not living together on a genuine domestic basis only because of:

(a) a temporary absence from each other; or

(b) illness or infirmity of either or both of them.

(5) For the purposes of subsection (1), a de facto relationship can exist even if one of the persons is legally married to someone else or is in a registered relationship (within the meaning of section 2E) with someone else or is in another de facto relationship.

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

(a) one is the child (including an adopted child) of the other; or

(b) one is another descendant of the other (even if the relationship between them is traced through an adoptive parent); or

(c) they have a parent in common (who may be an adoptive parent of either or both of them).

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

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

2G Months

(1) In any Act, ***month*** means a period:

(a) starting at the start of any day of one of the calendar months; and

(b) ending:

(i) immediately before the start of the corresponding day of the next calendar month; or

(ii) if there is no such day—at the end of the next calendar month.

Example 1: A month starting on 15 December in a year ends immediately before 15 January in the next year.

Example 2: A month starting on 31 August in a year ends at the end of September in that year (because September is the calendar month coming after August and does not have 31 days).

(2) In any Act, a reference to a period of 2 or more months is a reference to a period:

(a) starting at the start of a day of one of the calendar months (the ***starting month***); and

(b) ending:

(i) immediately before the start of the corresponding day of the calendar month that is that number of calendar months after the starting month; or

(ii) if there is no such day—at the end of the calendar month that is that number of calendar months after the starting month.

Example 1: A reference to 6 months starting on 15 December in a year is a reference to a period starting on that day and ending immediately before 15 June in the next year.

Example 2: A reference to 6 months starting on 31 October in a year is a reference to a period starting on that day and ending at the end of April in the next year (because April is the calendar month coming sixth after October and does not have 31 days).

2H References to law of the Commonwealth

In any Act, a reference to the law of the Commonwealth, or to a law of the Commonwealth, does not include, and is taken never to have included, a reference to a law in force in a Territory so far as the law is so in force because of an Act providing for the acceptance, administration or government of that Territory.

2J Documents commencing proceedings

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

(a) a summons;

(b) an information;

(c) a claim;

(d) a complaint;

(e) a declaration;

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

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

2K Rules of court

(1) In any Act, ***rules of court***, in relation to any court, means rules made by the authority having for the time being power to make rules or orders regulating the practice and procedure of such court.

(2) The power of the authority to make rules of court includes a power to make rules of court for the purpose of any Act which directs or authorises anything to be done by rules of court.

2L References to Australian Standards

In any Act, a reference consisting of the words "Australian Standard" followed by the letters "AS" and a number is a reference to the standard so numbered that is published by, or on behalf of, Standards Australia.

Part 3—Commencement of Acts

3 When Acts come into operation

If an Act or a provision of an Act is expressed to come into operation on a particular day (whether the expression "come into operation" or "commence" is used), it shall come into operation immediately on the expiration of the last preceding day.

3A Commencement of Acts

(1) This section does not apply to an Act so far as it provides for its commencement.

(2) An Act (other than an Act to alter the Constitution) commences on the 28th day after the day on which that Act receives the Royal Assent.

(3) An Act to alter the Constitution commences on the day on which that Act receives the Royal Assent.

4 Exercise of powers between enactment and commencement of Act

Application of section

(1) This section applies if an Act is enacted and at a time (the ***start time***) after its enactment the Act will confer power to make an appointment, or to make an instrument of a legislative or administrative character (including rules, regulations or by-laws), because:

(a) the Act will commence at the start time; or

(b) the Act will be amended at the start time by an Act that has been enacted and that commences at that time.

Exercise of power before start time

(2) The power may be exercised before the start time as if the relevant commencement had occurred.

(3) Anything may be done before the start time for the purpose of enabling the exercise of the power, or of bringing the appointment or instrument into effect, as if the relevant commencement had occurred.

(4) The exercise of a power under subsection (2) does not confer a power or right or impose an obligation on a person before the relevant commencement except so far as is necessary or convenient for the purpose of:

(a) bringing the appointment or instrument into effect; or

(b) bringing the Act conferring power into operation; or

(c) making the Act conferring power fully effective at or after the start time.

(5) An appointment, or a provision of an instrument, made under subsection (2) takes effect at the start time or a later time specified in the appointment or instrument.

One instrument may rely on subsection (2) and existing power

(6) To avoid doubt, a single instrument may be made before the start time partly under subsection (2) and partly under a power already conferred by an Act.

Extended application to provisions of an Act

(7) Subsections (1) to (6) also apply in relation to a provision of an Act in the same way as they apply in relation to an Act.

6 Evidence of date of assent

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

Part 4—Amendment, repeal and expiry of Acts

7 Effect of repeal or amendment of Act

No revival of other Act or part

(1) The repeal of an Act, or of a part of an Act, that repealed an Act (the ***old Act***) or part (the ***old part***) of an Act does not revive the old Act or old part, unless express provision is made for the revival.

No effect on previous operation of Act or part

(2) If an Act, or an instrument under an Act, repeals or amends an Act (the ***affected Act***) or a part of an Act, then the repeal or amendment does not:

(a) revive anything not in force or existing at the time at which the repeal or amendment takes effect; or

(b) affect the previous operation of the affected Act or part (including any amendment made by the affected Act or part), or anything duly done or suffered under the affected Act or part; or

(c) affect any right, privilege, obligation or liability acquired, accrued or incurred under the affected Act or part; or

(d) affect any penalty, forfeiture or punishment incurred in respect of any offence committed against the affected Act or part; or

(e) affect any investigation, legal proceeding or remedy in respect of any such right, privilege, obligation, liability, penalty, forfeiture or punishment.

Any such investigation, legal proceeding or remedy may be instituted, continued or enforced, and any such penalty, forfeiture or punishment may be imposed, as if the affected Act or part had not been repealed or amended.

Note: The Act that makes the repeal or amendment, or provides for the instrument to make the repeal or amendment, may be different from, or the same as, the affected Act or the Act containing the part repealed or amended.

Interpretation

(3) A reference in subsection (1) or (2) to the repeal or amendment of an Act or of a part of an Act includes a reference to:

(a) a repeal or amendment effected by implication; and

(b) the expiry, lapsing or cessation of effect of the Act or part; and

(c) the abrogation or limitation of the effect of the Act or part; and

(d) the exclusion of the application of the Act or part to any person, subject-matter or circumstance.

(4) A reference in this section to a part of an Act includes a reference to any provision of, or words, figures, drawings or symbols in, an Act.

10 References to amended or re-enacted Acts

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

(a) the reference shall be construed as a reference to that other Act as originally enacted and as amended from time to time; and

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

(c) if a provision of the other Act is repealed and re-enacted (including where the other Act is repealed and re-enacted), with or without modifications, a reference to the repealed provision extends to any corresponding re-enacted provision.

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

Where an Act contains a reference to a short title or other citation that is or was provided by the law of a State or Territory for the citation of a law of that State or Territory as originally enacted or made, or as amended, then:

(a) the reference shall be construed as a reference to that law as originally enacted or made and as amended from time to time; and

(b) where that law has been repealed and re-enacted or re-made, with or without modifications, the reference shall be construed as including a reference to the re-enacted or re-made law as originally enacted or made and as amended from time to time; and

(c) if a provision of that law is repealed and re-enacted or re-made (including where that law is repealed and re-enacted or re-made), with or without modifications, a reference to the repealed provision extends to any corresponding re-enacted or re-made provision.

11 Acts may be altered etc. in same session

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

11A Inserting definitions into provisions or inserting items into lists or tables

Inserting definitions

(1) If an amending Act inserts a definition in a provision of the Act being amended, but does not specify the position in that provision where it is to be inserted, it is to be inserted in the appropriate alphabetical position, determined on a letter-by-letter basis.

Inserting items into lists or tables

(2) If:

(a) an amending Act inserts an item into a list or table in a provision of the Act being amended, but does not specify the position in the list or table where the item is to be inserted; and

(b) immediately before the insertion, the list or table was arranged alphabetically;

the item is inserted in the appropriate alphabetical position, determined on a letter-by-letter basis.

11B Amending Act to be construed with amended Act

(1) Every Act amending another Act must be construed with the other Act as part of the other Act.

(2) If:

(a) an Act (the ***amending Act***) amends another Act (the ***principal Act***); and

(b) a provision (the ***non-amending provision***) of the amending Act does not amend the principal Act, but relates to an amendment of the principal Act made by another provision of the amending Act; and

(c) a term is used in the non-amending provision that has a particular meaning in the principal Act or in a provision of the principal Act amended or included by the amending Act;

then the term has that meaning in the non-amending provision.

Note: Subsection (2) covers, for example, application, transitional and saving items in a Schedule to an amending Act that relate to amendments of a principal Act made by other items in the Schedule.

(3) Subsection (2) does not limit subsection (1).

Part 5—General interpretation rules

12 Every section a substantive enactment

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

13 Material that is part of an Act

(1) All material from and including the first section of an Act to the end of:

(a) if there are no Schedules to the Act—the last section of the Act; or

(b) if there are one or more Schedules to the Act—the last Schedule to the Act;

is part of the Act.

(2) The following are also part of an Act:

(a) the long title of the Act;

(b) any Preamble to the Act;

(c) the enacting words for the Act;

(d) any heading to a Chapter, Part, Division or Subdivision appearing before the first section of the Act.

15A Construction of Acts to be subject to Constitution

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

15AA Interpretation best achieving Act's purpose or object

In interpreting a provision of an Act, the interpretation that would best achieve the purpose or object of the Act (whether or not that purpose or object is expressly stated in the Act) is to be preferred to each other interpretation.

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

(1) Subject to subsection (3), in the interpretation of a provision of an Act, if any material not forming part of the Act is capable of assisting in the ascertainment of the meaning of the provision, consideration may be given to that material:

(a) to confirm that the meaning of the provision is the ordinary meaning conveyed by the text of the provision taking into account its context in the Act and the purpose or object underlying the Act; or

(b) to determine the meaning of the provision when:

(i) the provision is ambiguous or obscure; or

(ii) the ordinary meaning conveyed by the text of the provision taking into account its context in the Act and the purpose or object underlying the Act leads to a result that is manifestly absurd or is unreasonable.

(2) Without limiting the generality of subsection (1), the material that may be considered in accordance with that subsection in the interpretation of a provision of an Act includes:

(a) all matters not forming part of the Act that are set out in the document containing the text of the Act as printed by the Government Printer;

(b) any relevant report of a Royal Commission, Law Reform Commission, committee of inquiry or other similar body that was laid before either House of the Parliament before the time when the provision was enacted;

(c) any relevant report of a committee of the Parliament or of either House of the Parliament that was made to the Parliament or that House of the Parliament before the time when the provision was enacted;

(d) any treaty or other international agreement that is referred to in the Act;

(e) any explanatory memorandum relating to the Bill containing the provision, or any other relevant document, that was laid before, or furnished to the members of, either House of the Parliament by a Minister before the time when the provision was enacted;

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(f) the speech made to a House of the Parliament by a Minister on the occasion of the moving by that Minister of a motion that the Bill containing the provision be read a second time in that House;

(g) any document (whether or not a document to which a preceding paragraph applies) that is declared by the Act to be a relevant document for the purposes of this section; and

(h) any relevant material in the Journals of the Senate, in the Votes and Proceedings of the House of Representatives or in any official record of debates in the Parliament or either House of the Parliament.

(3) In determining whether consideration should be given to any material in accordance with subsection (1), or in considering the weight to be given to any such material, regard shall be had, in addition to any other relevant matters, to:

(a) the desirability of persons being able to rely on the ordinary meaning conveyed by the text of the provision taking into account its context in the Act and the purpose or object underlying the Act; and

(b) the need to avoid prolonging legal or other proceedings without compensating advantage.

15AC Changes to style not to affect meaning

Where:

(a) an Act has expressed an idea in a particular form of words; and

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

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

15AD Examples

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

(a) the example is not exhaustive; and

(b) the example may extend the operation of the provision.

15AE Legislative instruments etc.

Instruments that are described as legislative instruments

(1) If a provision of a law requires or permits an instrument that is described as a legislative instrument to be made, then an instrument made under that provision:

(a) must be in writing; and

(b) is a legislative instrument for the purposes of the *Legislative Instruments Act 2003*.

(2) However, the fact that a provision of a law requires or permits an instrument that is described as a legislative instrument to be made does not imply that an instrument made under that provision is or must be of legislative character (within the ordinary meaning of that term).

Instruments that are described as not being legislative instruments

(3) If a provision of a law requires or permits an instrument that is described as not being a legislative instrument to be made, then an instrument made under that provision is not a legislative instrument for the purposes of the *Legislative Instruments Act 2003*.

(4) However, the fact that a provision of a law requires or permits an instrument that is described as not being a legislative instrument to be made does not imply that an instrument made under that provision is not, or must not be, of legislative character (within the ordinary meaning of that term).

No inference to be drawn from express statements

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

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

Definition

(6) In this section:

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

15B Application of Acts in coastal sea

Coastal sea of Australia

(1) An Act is taken to have effect in, and in relation to, the coastal sea of Australia as if that coastal sea were part of Australia.

(2) A reference in an Act to Australia, or to the Commonwealth, is taken to include a reference to the coastal sea of Australia.

Coastal sea of external Territory

(3) An Act that is in force in an external Territory is taken to have effect in, and in relation to, the coastal sea of the Territory as if that coastal sea were part of the Territory.

(3A) A reference in an Act to all or any of the external Territories (whether or not one or more particular Territories are referred to) is taken to include a reference to the coastal sea of any Territory to which the reference relates.

Definition

(4) In this section, ***coastal sea***:

(a) in relation to Australia, means:

(i) the territorial sea of Australia; and

(ii) the sea on the landward side of the territorial sea of Australia and not within the limits of a State or internal Territory;

and includes the airspace over, and the sea-bed and subsoil beneath, any such sea; and

(b) in relation to an external Territory, means:

(i) the territorial sea adjacent to the Territory; and

(ii) the sea on the landward side of the territorial sea adjacent to the Territory and not within the limits of the Territory;

and includes the airspace over, and the sea-bed and subsoil beneath, any such sea.

15C Jurisdiction of courts

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

(a) that provision shall be deemed to vest that court with jurisdiction in that matter;

(b) the jurisdiction so vested is not limited by any limits to which any other jurisdiction of the court may be subject; and

(c) in the case of a court of a Territory, that provision shall be construed as providing that the jurisdiction is vested so far only as the Constitution permits.

16 References to the Sovereign

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

16A References to the Governor-General

Where, in an Act, the Governor-General is referred to, the reference shall be deemed to include:

(a) the person for the time being administering the Government of the Commonwealth; or

(b) where the reference occurs in or in relation to a provision conferring on the Governor-General a power or function which the Governor-General or the person administering the Government of the Commonwealth has for the time being assigned to a person as his deputy, that last-mentioned person in his capacity as deputy;

and shall be read as referring to the Governor-General, or a person so deemed to be included in the reference, acting with the advice of the Executive Council.

16B References to the Governor of a State

Where, in an Act, the Governor of a State is referred to, the reference shall be deemed to include the Governor for the time being of the State or any other person who is, for the time being, the chief executive officer or administrator of the government of the State.

16C References to Stipendiary Magistrate and Magistrate

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

(2) Where, in an Act passed after the date of commencement of this section, reference is made to a Magistrate, the reference shall be read as a reference to:

(a) a Chief, Police, Stipendiary, Resident or Special Magistrate; or

(b) any other Magistrate in respect of whose office an annual salary is payable.

(3) A reference in an Act to a ***Magistrate*** does not include a reference to a Federal Magistrate.

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

For the purposes of an Act in which reference is made to a paper or document purporting to be printed by the Government Printer, the words "Government Printer of the Commonwealth", "Government Printer of the Commonwealth of Australia", "Commonwealth Government Printer" or "Government Printer of Australia" appearing on a paper or document shall be deemed to refer to the Government Printer.

18A Parts of speech and grammatical forms

In any 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.

18B Titles of Chairs and Deputy Chairs

Chair titles

(1) For the purposes of this section, each of the following is a ***chair title***:

(a) Chair;

(b) Chairperson;

(c) Chairman;

(d) Chairwoman.

(2) A person occupying an office that is established by an Act and that has a chair title may choose to be referred to by:

(a) that chair title; or

(b) another chair title; or

(c) any other similar title.

(3) If a person occupying an office that is established by an Act and that has a chair title does not choose to be referred to by a title mentioned in subsection (2), the person may be referred to by the chair title that someone addressing the person considers appropriate.

Deputy chair titles

(4) For the purposes of this section, each of the following is a ***deputy chair title***:

(a) Deputy Chair;

(b) Deputy Chairperson;

(c) Deputy Chairman;

(d) Deputy Chairwoman.

(5) A person occupying an office that is established by an Act and that has a deputy chair title may choose to be referred to by:

(a) that deputy chair title; or

(b) another deputy chair title; or

(c) any other similar title.

(6) If a person occupying an office that is established by an Act and that has a deputy chair title does not choose to be referred to by a title mentioned in subsection (5), the person may be referred to by the deputy chair title that someone addressing the person considers appropriate.

19 Mention of Minister

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

19A References to Ministers and Departments

(1) If a provision of an Act:

(aa) refers to a Minister by using the expression "the Minister" without specifying which Minister is referred to; or

(ab) refers to a particular Minister (including where there is no longer any such Minister);

then the reference is a reference to:

(a) if, for the time being, different Ministers administer the provision in respect of different matters:

(i) if 2 or more Ministers administer the provision in respect of the relevant matter—any one of those Ministers; or

(ii) if only one Minister administers the provision in respect of the relevant matter—that Minister;

(b) if paragraph (a) does not apply and, for the time being, 2 or more Ministers administer the provision—any one of those Ministers; or

(c) if paragraphs (a) and (b) do not apply—the Minister for the time being administering the provision.

(2) Where an Act refers to a Minister, specifying the Minister merely by reference to the fact that the Minister administers a specified Act or enactment, subsection (1) applies as if references in paragraphs (1)(a), (b) and (c) to the provision were references to the specified Act or enactment.

(3) If a provision of an Act:

(a) refers to a Department by using the expression "the Department" without specifying which Department is referred to; or

(b) refers to a particular Department (including where there is no longer any such Department);

then the reference is a reference to:

(c) if different Ministers administer the provision in respect of different matters—the Department of State of the Commonwealth that:

(i) deals with the relevant matter; and

(ii) is administered by the Minister or Ministers administering the provision in respect of that matter; or

(d) in any other case—the Department of State of the Commonwealth that:

(i) deals with the matters to which the provision relates; and

(ii) is administered by the Minister or Ministers administering the provision.

(4) For avoidance of doubt, it is declared that where:

(a) a provision of an Act is administered by 2 or more Ministers; and

(b) by virtue of this section, the provision requires or permits anything to be done by or in relation to any one of those Ministers;

the provision shall not be taken to require or permit it to be done in any particular case by or in relation to more than one of those Ministers.

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

(1) Where:

(a) reference is made in a provision of an Act to a particular Minister of State;

(b) there is no longer any such Minister; and

(c) the Governor-General, by order under this section, directs that the provision, or provisions that include the provision, shall have effect:

(i) as if there were substituted for that reference a reference to a Minister or Ministers specified in the order; or

(ii) as if, in so far as the provision applies in a particular respect specified in the order, being one of several respects so specified, there were substituted for that reference a reference to a Minister or Ministers specified in the order;

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

(2) Where:

(a) reference is made in a provision of an Act to a particular Department of State of the Commonwealth;

(b) the Department has been abolished or the name of the Department has been changed; and

(c) the Governor-General, by order under this section, directs that the provision, or provisions that include the provision, shall have effect:

(i) as if there were substituted for that reference a reference to such Department as is specified in the order; or

(ii) as if, in so far as the provision applies in a particular respect specified in the order, being one of several respects so specified, there were substituted for that reference a reference to such Department as is specified in the order;

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

(3) Where:

(a) reference is made in a provision of an Act to a particular office, being an office of Secretary of a Department within the meaning of the *Public Service Act 1999*;

(b) the office has been abolished (whether by reason of the abolition of the Department or otherwise) or the name of the office has been changed; and

(c) the Governor-General, by order under this section, directs that the provision, or provisions that include the provision, shall have effect:

(i) as if there were substituted for that reference a reference to such office as is specified in the order; or

(ii) as if, in so far as the provision applies in a particular respect specified in the order, being one of several respects so specified, there were substituted for that reference a reference to such office as is specified in the order;

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

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

(1) Where:

(a) reference is made in a provision of an Act to a particular Minister of State;

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

(c) the Governor-General, by order under this section, directs that the provision, or provisions that include the provision, shall have effect:

(i) as if there were substituted for that reference a reference to a Minister or Ministers specified in the order; or

(ii) as if, in so far as the provision applies in a particular respect specified in the order, being one of several respects so specified, there were substituted for that reference a reference to a Minister or Ministers specified in the order;

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

(2) Where:

(a) reference is made in a provision of an Act to a particular Department of State of the Commonwealth;

(b) by virtue of administrative arrangements ordered by the Governor-General, there is a change in the matters dealt with by the Department but the name of the Department is not changed; and

(c) the Governor-General, by order under this section, directs that the provision, or provisions that include the provision, shall have effect:

(i) as if there were substituted for that reference a reference to such Department as is specified in the order; or

(ii) as if, in so far as the provision applies in a particular respect specified in the order, being one of several respects so specified, there were substituted for that reference a reference to such Department as is specified in the order;

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

(3) Where:

(a) reference is made in a provision of an Act to a specified office, being an office of Secretary of a Department within the meaning of the *Public Service Act 1999*;

(b) by virtue of administrative arrangements ordered by the Governor-General, there is a change in the matters dealt with by the Department but the name of the office is not changed; and

(c) the Governor-General, by order under this section, directs that the provision, or provisions that include the provision, shall have effect:

(i) as if there were substituted for that reference a reference to such office as is specified in the order; or

(ii) as if, in so far as the provision applies in a particular respect specified in the order, being one of several respects so specified, there were substituted for that reference a reference to such office as is specified in the order;

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

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

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

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

(b) that Department and the other Department shall, for the purposes of section 19BA, be deemed to be the same Department.

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

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

(2) Where an order under section 19B or 19BA in force in relation to a provision of an Act is revoked by an order under subsection (1), in whole or with respect to that provision, the provision has effect on and after the day specified in the order under subsection (1) (which may be a day before that order is made) as if the revoked order had not been made in relation to that provision.

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

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

19BD Validity of acts done by Ministers

If a Minister purports to exercise a power or perform a function or duty that is conferred or imposed on another Minister by an Act, the exercise of that power or the performance of that function or duty is not invalid merely because the power, function or duty is conferred or imposed on the other Minister.

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

(1) Where an agreement is or has been entered into, either before or after the commencement of this section, by or on behalf of the Commonwealth and, after the date of the agreement, the functions of a Department of State of the Commonwealth in relation to the administration of matters to which the agreement relates (in this section referred to as ***the former Department***) are or have been allotted to another Department (in this section referred to as ***the new Department***):

(a) any reference in the agreement to a Minister administering the former Department shall be read as a reference to a Minister administering the new Department or to a member of the Executive Council acting for the time being for him and on his behalf;

(b) any reference in the agreement to the former Department shall be read as a reference to the new Department; and

(c) any reference in the agreement to an officer or body of persons shall be read as a reference to:

(i) any other officer or body for the time being exercising the powers or performing the functions of the first-mentioned officer or body; or

(ii) an officer or body specified, by order, by a Minister administering the new Department.

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(2) In this section:

officer includes an APS employee.

20 Mention of an officer in general terms

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

21 Office etc. means office etc. of the Commonwealth

(1) In any Act:

(a) references to any officer or office shall be construed as references to such officer or office in and for the Commonwealth; and

(b) references to localities jurisdictions and other matters and things shall be construed as references to such localities jurisdictions and other matters and things in and of the Commonwealth.

(2) In this section:

office includes a position occupied by an APS employee.

officer includes an APS employee.

23 Rules as to gender and number

In any Act:

(a) words importing a gender include every other gender; and

(b) words in the singular number include the plural and words in the plural number include the singular.

25A Production of records kept in computers etc.

Where a person who keeps a record of information by means of a mechanical, electronic or other device is required by or under an Act to produce the information or a document containing the information to, or make a document containing the information available for inspection by, a court, tribunal or person, then, unless

the court, tribunal or person otherwise directs, the requirement shall be deemed to oblige the person to produce or make available for inspection, as the case may be, a writing that reproduces the information in a form capable of being understood by the court, tribunal or person, and the production of such a writing to the court, tribunal or person constitutes compliance with the requirement.

25B Alterations of names and constitutions

(1) Where an Act alters the name of a body (whether or not the body is incorporated) or alters the name of an office, then:

(a) the body or office continues in existence under the new name so that its identity is not affected; and

(b) in any Act, in any instrument under an Act, in any award or other industrial determination or order or any industrial agreement, in any other order (whether executive, judicial or otherwise), in any contract, in any pleading in, or process issued in connection with, any legal or other proceedings or in any other instrument, a reference to the body or the office under the former name shall, except in relation to matters that occurred before the alteration took place, be construed as a reference to the body or the office under the new name.

(1A) Where a law of a State or Territory alters the name of a body (whether or not incorporated) or of an office, then a reference in an Act or an instrument made under an Act to the body or office under the former name is to be construed, except in relation to matters that occurred before the alteration, as a reference to the body or office under the new name.

(2) Where an Act alters the constitution of a body (whether or not the body is incorporated), then:

(a) the body continues in existence as newly constituted so that its identity is not affected;

(b) the alteration does not affect any functions, powers, property, rights, liabilities or obligations of the body;

(c) the alteration does not affect any legal or other proceedings instituted or to be instituted by or against the body, and any legal or other proceedings that might have been continued or commenced by or against the body as previously constituted

may be continued or commenced by or against the body as newly constituted; and

(d) the alteration does not affect any investigation or inquiry being or proposed to be undertaken by any tribunal, authority or person into any action taken or practice engaged in by the body before the alteration took place, and any investigation or inquiry that might have been continued or commenced into any such action or practice may be continued or commenced as if the action had been taken or the practice had been engaged in by the body as newly constituted.

(3) In this section:

office includes a position occupied by an APS employee.

25C Compliance with forms

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

25D Content of statements of reasons for decisions

Where an Act requires a tribunal, body or person making a decision to give written reasons for the decision, whether the expression "reasons", "grounds" or any other expression is used, the instrument giving the reasons shall also set out the findings on material questions of fact and refer to the evidence or other material on which those findings were based.

Part 6—Service of documents

28A Service of documents

(1) For the purposes of any Act that requires or permits a document to be served on a person, whether the expression "serve", "give" or "send" or any other expression is used, then the document may be served:

(a) on a natural person:

(i) by delivering it to the person personally; or

(ii) by leaving it at, or by sending it by pre-paid post to, the address of the place of residence or business of the person last known to the person serving the document; or

(b) on a body corporate—by leaving it at, or sending it by pre-paid post to, the head office, a registered office or a principal office of the body corporate.

Note: The *Electronic Transactions Act 1999* deals with giving information in writing by means of an electronic communication.

(2) Nothing in subsection (1):

(a) affects the operation of any other law of the Commonwealth, or any law of a State or Territory, that authorizes the service of a document otherwise than as provided in that subsection; or

(b) affects the power of a court to authorize service of a document otherwise than as provided in that subsection.

29 Meaning of service by post

(1) Where an Act authorizes or requires any document to be served by post, whether the expression "serve" or the expression "give" or "send" or any other expression is used, then the service shall be deemed to be effected by properly addressing, prepaying and posting the document as a letter and, unless the contrary is proved, to have been effected at the time at which the letter would be delivered in the ordinary course of post.

(2) This section does not affect the operation of section 160 of the *Evidence Act 1995*.

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Part 7—Powers, functions and duties

33 Exercise of powers and performance of functions or duties

Powers, functions and duties may be exercised or must be performed as the occasion requires

(1) Where an Act confers a power or function or imposes a duty, then the power may be exercised and the function or duty must be performed from time to time as occasion requires.

*Meaning of **may***

(2A) Where an Act assented to after the commencement of this subsection provides that a person, court or body may do a particular act or thing, and the word ***may*** is used, the act or thing may be done at the discretion of the person, court or body.

Powers, functions and duties of bodies not affected by membership vacancies

(2B) Where an Act confers a power or function, or imposes a duty, on a body, whether incorporated or unincorporated, the exercise of the power or the performance of the function or duty is not affected merely because of a vacancy or vacancies in the membership of the body.

Power to make instrument includes power to vary or revoke etc. instrument

(3) Where an Act confers a power to make, grant or issue any instrument of a legislative or administrative character (including rules, regulations or by-laws) the power shall be construed as including a power exercisable in the like manner and subject to the like conditions (if any) to repeal, rescind, revoke, amend, or vary any such instrument.

(3AA) If a condition (the ***ongoing condition***):

(a) must be satisfied before the making, granting or issuing of an instrument; and

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(b) is capable of ceasing to be satisfied after the making, granting or issuing of the instrument;

subsection (3) has effect, in relation to the repeal, rescission or revocation of the instrument, as if the reference to like conditions (to the extent that the reference relates to the ongoing condition) were a reference to the ongoing condition ceasing to be satisfied.

Example: A Minister may give a person a written permission if, among other things, the Minister is satisfied the person is of good character.

This condition is capable of ceasing to be satisfied after the giving of the permission.

The Minister may repeal, rescind or revoke the permission in the like manner if the Minister ceases to be satisfied that the person is of good character.

Scope of powers in respect of matters

(3A) Where an Act confers a power to make, grant or issue any instrument of a legislative or administrative character (including rules, regulations or by-laws) with respect to particular matters (however the matters are described), the power shall be construed as including a power to make, grant or issue such an instrument with respect to some only of those matters or with respect to a particular class or particular classes of those matters and to make different provision with respect to different matters or different classes of matters.

(3AB) If an Act confers on a person or authority the power to make an instrument (except a legislative instrument or a rule of court):

(a) specifying, declaring or prescribing a matter; or

(b) doing anything in relation to a matter;

then, in exercising the power, the person or authority may identify the matter by reference to a class or classes of matters.

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

(3AC) For the purposes of subsections (3A) and (3AB), ***matter*** includes thing, person and animal.

(3B) Where an Act confers a power to make, grant or issue any instrument of a legislative or administrative character (including rules, regulations or by-laws), the power shall not be taken, by implication, not to include the power to make provision for or in relation to a particular aspect of a matter by reason only that

provision is made by the Act in relation to another aspect of that matter or in relation to another matter.

Power to make appointment to an office or place

(4) Where an Act confers upon any person or authority a power to make appointments to any office or place, the power shall be construed as including a power to appoint a person to act in the office or place until:

(a) a person is appointed to the office or place; or

(b) the expiration of 12 months after the office or place was created or became vacant, as the case requires:

whichever first happens, and as also including a power to remove or suspend any person appointed, and to appoint another person temporarily in the place of any person so suspended or in place of any sick or absent holder of such office or place:

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

Power to make instrument prescribing penalties

(5) Where an Act confers a power to make, grant or issue an instrument (including rules, regulations or by-laws) prescribing penalties not exceeding a specified amount or imprisonment for a specified period, that limitation on the penalties that may be prescribed does not prevent the instrument from requiring the making of a statutory declaration.

33AA Power to appoint includes power to reappoint

If an Act confers on a person or body a power to make an appointment, the power is taken to include a power of reappointment.

33AB Validity of things done under appointments under Acts

Anything done by or in relation to a person purporting to act under an appointment (including an acting appointment) under an Act is not invalid merely because:

(a) for any appointment—the occasion for the appointment had not arisen; or

(b) for any appointment—there was a defect or irregularity in connection with the appointment; or

(c) for any appointment—the appointment had ceased to have effect; or

(d) for an acting appointment—the occasion to act had not arisen or had ceased.

33A Acting in offices or positions

Acting appointments

(1) Where a provision of an Act (other than subsection 33(4) of this Act) confers on a person or body (in this section called the ***appointer***) a power to appoint a person (in this section called the ***appointee***) to act in a particular office, then, except so far as the Act otherwise provides, the following paragraphs apply in relation to an appointment made under the provision:

(a) the appointment may be expressed to have effect only in the circumstances specified in the instrument of appointment;

(b) the appointer may:

(i) determine the terms and conditions of the appointment, including remuneration and allowances; and

(ii) terminate the appointment at any time;

(ba) where the appointment is to act in a vacant office, the appointee must not continue to act in the office for more than 12 months;

(c) where the appointee is acting in an office other than a vacant office and the office becomes vacant while the appointee is acting, then, subject to paragraph (a), the appointee may continue so to act until:

(i) the appointer otherwise directs;

(ii) the vacancy is filled; or

(iii) a period of 12 months from the day of the vacancy ends;

whichever happens first;

(d) the appointment ceases to have effect if the appointee resigns in writing delivered to the appointer;

(e) while the appointee is acting in the office:

(i) the appointee has and may exercise all the powers, and shall perform all the functions and duties, of the holder of the office; and

(ii) that or any other Act applies in relation to the appointee as if the appointee were the holder of the office.

Acting by operation of law

(2) If a provision of an Act provides for a person to act in a particular office (without the need for an appointment), then, except so far as the Act otherwise provides, while the person is acting in the office:

(a) the person has and may exercise all the powers, and must perform all the functions and duties, of the holder of the office; and

(b) the Act or any other Act applies in relation to the person as if the person were the holder of the office.

(3) Anything done by or in relation to a person purporting to act in the office mentioned in subsection (2) is not invalid merely because the occasion to act had not arisen or had ceased.

Definition

(4) In this section:

office includes a position occupied by an APS employee.

33B Participation in meetings by telephone etc.

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

(2) The body may permit its members to participate in a meeting, or all meetings, by:

(a) telephone; or

(b) closed-circuit television; or

(c) any other means of communication.

(3) A member who participates in a meeting under a permission under subsection (2) is taken to be present at the meeting and to form part of any quorum for the meeting.

(4) The members of a body participating in a meeting for which a permission under subsection (2) is in effect may all participate by a means of communication referred to in that subsection.

(5) A meeting for which a permission under subsection (2) is in effect may be held at 2 or more places at the same time.

34 Power to hear and determine a matter includes power to receive evidence and examine witnesses etc.

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

34AAA Exercise of powers etc. by holders etc. of offices or positions

If an Act confers a power or function or imposes a duty on a person holding or occupying an office or position as such, then the power may be exercised or the function or duty must be performed by the person for the time being holding or occupying the office or position.

34AAB Minister may authorise others to perform functions or duties or exercise powers on his or her behalf

(1) A Minister (the ***authorising Minister***) who administers (whether alone or jointly with one or more other Ministers) an Act or a provision of an Act may authorise:

(a) a Minister who does not administer the Act or provision; or

(b) a member of the Executive Council who is not a Minister;

to act on behalf of the authorising Minister in the performance of functions or duties, or the exercise of powers, that the authorising Minister may perform or exercise under the Act or provision.

(2) An authorisation under subsection (1) in relation to an Act or a provision of an Act extends to the performance of functions or duties, or the exercise of powers, that the authorising Minister may perform or exercise under an instrument (including a regulation, rule or Proclamation) having effect under or for the purposes of the Act or provision.

(3) Subject to subsection (4), an authorisation under subsection (1) may be expressed:

(a) to have effect only during a period or periods, or during the existence of a circumstance or circumstances, referred to in the authorisation; or

(b) to take effect immediately, or at a time referred to in the authorisation, and afterwards to continue to have effect until another person is appointed to the office held by the authorising Minister.

(4) An authorisation under subsection (1) may be revoked at any time by the authorising Minister.

(5) An authorisation under subsection (1), and the revocation of such an authorisation, must be in writing.

(6) This section does not affect the giving, under a power existing apart from this section, of an authorisation to a Minister or other member of the Executive Council to act on behalf of another Minister.

34AA Delegation to persons holding, occupying or performing the duties of an office or position

Where an Act confers power to delegate a function, duty or power, then the power of delegation shall not be construed as being limited to delegating the function, duty or power to a specified person but shall be construed as including a power to delegate the function, duty or power to any person from time to time holding, occupying, or performing the duties of, a specified office or position, even if the office or position does not come into existence until after the delegation is given.

34AB Effect of delegation

General

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

(a) the delegation may be made either generally or as otherwise provided by the instrument of delegation;

(b) the powers that may be delegated do not include that power to delegate;

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

(d) a delegation by the authority does not prevent the performance or exercise of a function, duty or power by the authority; and

(e) if the authority is not a person, section 34A applies as if it were.

Addition of functions, duties or powers

(2) If:

(a) a person (the ***delegator***) or body (also the ***delegator***) delegates all the person's or body's functions, duties or powers under an Act, or a provision of an Act, to another person or body; and

(b) the Act is amended to give the delegator one or more additional functions, duties or powers under the Act or provision; and

(c) the delegation is in force immediately before the amendment takes effect;

then, on and after the amendment taking effect, the delegation is taken to include the additional functions, duties or powers.

Alteration of functions, duties or powers

(3) If:

(a) a person or body delegates one or more of the person's or body's functions, duties or powers under an Act, or a provision of an Act, to another person or body; and

(b) the Act is amended to alter the scope of one or more of those functions, duties or powers under the Act or provision; and

(c) the delegation is in force immediately before the amendment takes effect;

then, on and after the amendment taking effect, the delegation is taken to include the functions, duties or powers as altered.

34A Exercise of powers and performance of functions or duties that depend upon the opinion etc. of delegates

If:

(a) under an Act, a person's exercise of a power, or a person's performance of a function or duty, is dependent upon the person's opinion, belief or state of mind in relation to a matter; and

(b) that power, function or duty has been delegated under that or any other Act;

the delegate may exercise that power, or may perform that function or duty, upon the delegate's opinion, belief or state of mind in relation to that matter.

34B Presentation of papers to the Parliament

(1) Where, by an Act or a law of a Territory, provision is made requiring or permitting the presentation (however expressed) of a paper to the Parliament or to both Houses, or to each or either House, of the Parliament, it is sufficient compliance with the provision, in relation to a House, if:

(a) the paper is presented in that House in accordance with the rules or orders of the House or, if, under the rules or orders of the House, papers are deemed to be presented to the House if they are delivered to the Clerk of the House and recorded in the records of the proceedings of the House, the paper is so delivered and recorded;

(b) where the provision provides for a specified person to present the paper or to cause the paper to be presented—that person, or any other person who could by virtue of this Act or of any other Act, or of a law of a Territory, act in the place of that person, makes or causes to be made, as the case may be, the presentation or the delivery of the paper referred to in the last preceding paragraph; and

(c) where the provision specifies a period within which the paper is to be presented—the presentation, or the delivery and recording, of the paper referred to in paragraph (a) takes place within that period.

(1A) For the purposes of an Act or a law of a Territory that refers to papers presented (however the presentation is described) to the Parliament or to both Houses, or to each or either House, of the Parliament:

(a) presentation of a paper in a House of the Parliament in accordance with the rules or orders of the House; or

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

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

(2) In this section, ***paper*** includes:

(a) an ordinance, rule, regulation or by-law;

(b) a report; and

(c) any other document or instrument whatsoever.

34C Periodic reports

(1) In this section:

periodic report means a regular report relating to:

(a) the activities, operations, business or affairs of a person; or

(b) the administration, operation or working of an Act or part of an Act, during a particular period that ends on or after 30 June 1983.

person includes a body corporate, office, commission, authority, committee, tribunal, board, institute, organization or other body however described.

(2) Where an Act requires a person to furnish a periodic report to a Minister but does not specify a period within which the report is to be so furnished, that person shall furnish the report to the Minister as soon as practicable after the end of the particular period to which the report relates and, in any event, within 6 months after the end of that particular period.

(3) Where an Act requires a person to furnish a periodic report to a Minister for presentation to the Parliament but does not specify a period within which the report is to be so presented, that Minister shall cause a copy of the periodic report to be laid before each House of the Parliament within 15 sitting days of that House after the day on which he receives the report.

(4) Where this or any other Act requires a person to furnish a periodic report to a Minister within a specified period and that person is of the opinion that it will not be reasonably possible to comply with the requirement, that person may, within the specified period, apply to the Minister for an extension of the period, and, where he does so apply, he shall furnish to the Minister a statement in writing explaining why, in that person's opinion, it will not be reasonably possible to comply with the requirement.

(5) A Minister may, on application under subsection (4), grant such extension as he considers reasonable in the circumstances.

(6) Notwithstanding subsection (2) and the provisions of any other Act, where a Minister grants an extension pursuant to an application under subsection (4):

(a) the Minister shall cause to be laid before each House of the Parliament, within 3 sitting days of that House after the day on which he grants the extension, a copy of the statement furnished pursuant to subsection (4) in respect of the application together with a statement specifying the extension granted and his reasons for granting the extension;

(b) the person who made the application shall furnish the periodic report to the Minister within the period as so extended; and

(c) the Minister shall cause a copy of the periodic report to be laid before each House of the Parliament within 15 sitting days of that House after the day on which he receives the report.

(7) Where this or any other Act requires a person to furnish a periodic report to a Minister within a specified period or an extension of that period under this section and that person fails to do so:

(a) that person shall, not later than 14 days after the end of that specified period or extension, as the case may be, furnish to the Minister a statement in writing explaining why the report was not furnished as required; and

(b) the Minister shall cause a copy of the statement to be laid before each House of the Parliament within 3 sitting days of that House after the day on which he receives the statement.

(8) This section does not apply in relation to the Australian Security Intelligence Organisation, the Australian Secret Intelligence Service or the Office of National Assessments.

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Part 8—Distance, time and age

35 Measurement of distance

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

36 Calculating time

(1) A period of time referred to in an Act that is of a kind mentioned in column 1 of an item in the following table is to be calculated according to the rule mentioned in column 2 of that item:

Calculating periods of time

Item	Column 1 If the period of time:	Column 2 then the period of time:
1	is expressed to occur between 2 days	includes both days.
2	is expressed to begin at, on or with a specified day	includes that day.
3	is expressed to continue until a specified day	includes that day.
4	is expressed to end at, on or with a specified day	includes that day.
5	is expressed to begin from a specified day	does not include that day.
6	is expressed to begin after a specified day	does not include that day.
7	is expressed to end before a specified day	does not include that day.

Example 1: If a claim may be made between 1 September and 30 November, a claim may be made on both 1 September and 30 November.

Example 2: If a permission begins on the first day of a financial year, the permission is in force on that day.

Example 3: If a licence continues until 31 March, the licence is valid up to and including 31 March.

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Example 4: If a person's right to make submissions ends on the last day of a financial year, the person may make submissions on that day.

Example 5: If a variation of an agreement is expressed to operate from 30 June, the variation starts to operate on 1 July.

Example 6: If a decision is made on 2 August and a person has 28 days after the day the decision is made to seek a review of the decision, the 28-day period begins on 3 August.

Example 7: If a person must give a notice to another person at any time during the period of 7 days before the day a proceeding starts and the proceeding starts on 8 May, the notice may be given at any time during the 7-day period starting on 1 May and ending on 7 May.

(2) If:

(a) an Act requires or allows a thing to be done; and

(b) the last day for doing the thing is a Saturday, a Sunday or a holiday;

then the thing may be done on the next day that is not a Saturday, a Sunday or a holiday.

Example: If a person has until 31 March to make an application and 31 March is a Saturday, the application may be made on Monday 2 April.

(3) In this section:

holiday, in relation to the time for doing a thing, means:

(a) a day that is a public holiday in the place in which the thing is to be or may be done; and

(b) if the thing is to be or may be done at a particular office or other place—a day on which the place or office is closed for the whole day.

37 Expressions of time

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

37A Attainment of particular age

For the purposes of any Act, the time at which a person attains a particular age expressed in years is the commencement of the relevant anniversary of the date of the birth of that person.

Part 9—Citation of Acts

38 Reference to Acts

(1) An Act passed by the Parliament of the Commonwealth may be referred to by the word "Act" alone.

(2) An Act passed by the Parliament of the United Kingdom may be referred to by the term "Imperial Act".

(3) An Act passed by the Parliament of a State may be referred to by the term "State Act".

(4) An Act passed by the legislature of a Territory may be referred to by the term "Territory Act".

39 Numbering of Acts

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

40 Citation of Acts

(1) In any Act, instrument or document:

(a) any Act may be cited by its short title, or by reference to the secular year in which it was passed and its number; and

(b) any Imperial Act may be cited by its short title (if any) or in such other manner as is sufficient in an Imperial Act; and

(c) any State Act may be cited by a reference to the State by the Parliament whereof the Act was passed, together with such mode of reference as is sufficient in Acts passed by such Parliament; and

(d) any Territory Act may be cited by a reference to the Territory by whose legislature the Act was passed, together with such mode of reference as is sufficient in Acts passed by that legislature.

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(2) Any enactment may be cited by reference to the part, section, subsection, or other division of the Act, Imperial Act, State Act or Territory Act, in which the enactment is contained.

40A References to the new corporations and ASIC legislation

(1) A reference in an Act to:

(a) an Act, or regulations or another instrument, that is part of the new corporations legislation or the new ASIC legislation; or

(b) a provision, or group of provisions, of such an Act, regulations or other instrument;

is taken to include a reference to:

(c) the corresponding part, provision or provisions of the old corporations legislation or the old ASIC legislation; and

(d) any relevant earlier law.

(2) Subsection (1) does not apply to:

(a) a reference in an Act that is part of the new corporations legislation or the new ASIC legislation; or

(b) a reference in the *Corporations (Repeals, Consequentials and Transitionals) Act 2001*; or

(c) a reference that identifies an Act that is part of the new corporations legislation or the new ASIC legislation as an Act to be amended; or

(d) a reference in a provision that applies an Act that is part of the new corporations legislation or the new ASIC legislation, or a provision or group of provisions, of such an Act to a particular matter (whether with or without modification).

(3) Subsection (1) has effect:

(a) subject to an express provision to the contrary in the Act concerned; and

(b) subject to regulations made for the purposes of subsection (5).

(4) For the purposes of this section:

(a) the question whether a part, provision or provisions of the old corporations legislation ***corresponds*** to a part, provision or provisions of the new corporations legislation is to be determined in the same way as it is determined for the purposes of Part 10.1 of the *Corporations Act 2001*; and

(b) the question whether a part, provision or provisions of the old ASIC legislation ***corresponds*** to a part, provision or provisions of the new ASIC legislation is to be determined in the same way as it is determined for the purposes of Part 16 of the *Australian Securities and Investments Commission Act 2001*.

(5) The regulations may provide that subsection (1) does not apply in relation to a particular reference, or class of references, in an Act.

(6) In this section:

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

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

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

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

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

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

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

Part 10—Non-legislative instruments and resolutions

46 Construction of instruments

(1) If a provision confers on an authority the power to make an instrument that is neither a legislative instrument for the purposes of the *Legislative Instruments Act 2003* nor a rule of court, then:

(a) this Act applies to any instrument so made as if it were an Act and as if each provision of the instrument were a section of an Act; and

(b) expressions used in any instrument so made have the same meaning as in the enabling legislation as in force from time to time; and

(c) any instrument so made is to be read and construed subject to the enabling legislation as in force from time to time, and so as not to exceed the power of the authority.

(2) If any instrument so made would, but for this subsection, be construed as being in excess of the authority's power, it is to be taken to be a valid instrument to the extent to which it is not in excess of that power.

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

46AA Prescribing matters by reference to other instruments

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

(a) by applying, adopting or incorporating, with or without modification, the provisions of any Act, or of any disallowable legislative instrument for the purposes of the *Legislative Instruments Act 2003*, as in force at a particular time or as in force from time to time; or

(b) subject to subsection (2), by applying, adopting or incorporating, with or without modification, any matter contained in any other instrument or writing as in force or existing at the time when the first-mentioned instrument takes effect.

(2) The instrument may not make provision in relation to that matter by applying, adopting or incorporating any matter contained in an instrument or other writing as in force or existing from time to time.

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

46B Disallowable non-legislative instruments

(1) This section applies to instruments:

(a) that are neither legislative instruments for the purposes of the *Legislative Instruments Act 2003* nor rules of court; and

(b) that are made under a provision of an Act or legislative instrument (the ***enabling provision***); and

(c) that are expressly declared by the enabling provision or by another provision of the Act or instrument to be disallowable instruments for the purposes of this section.

(2) An instrument to which this section applies that is made on or after the commencing day for the purposes of the *Legislative Instruments Act 2003*, or a particular provision of such an instrument, takes effect from:

(a) the day specified in the instrument for the purposes of the commencement of the instrument or provision; or

(b) the day and time specified in the instrument for the purposes of the commencement of the instrument or provision; or

(c) the day, or day and time, of the commencement of an Act, or of a provision of an Act, or of the occurrence of an event, that is specified in the instrument for the purposes of the commencement of the instrument or provision; or

(d) in any other case—the first moment of the day next following the day of notification under subsection (5).

(3) An instrument to which this section applies, or a provision of such an instrument, has no effect if, apart from this subsection, it would take effect before the date of its notification under subsection (5) and as a result:

(a) the rights of a person (other than the Commonwealth or an authority of the Commonwealth) as at the date of notification would be affected so as to disadvantage that person; or

(b) liabilities would be imposed on a person (other than the Commonwealth or an authority of the Commonwealth) in respect of anything done or omitted to be done before the date of notification.

(4) The effect of subsections (2) and (3) on an instrument is subject to any contrary provision for commencement of the instrument in the enabling legislation for the instrument if the enabling legislation is an Act or a provision of an Act.

(5) An instrument to which this section applies must be notified in the *Gazette* and, if the instrument is not so notified by being published in full in the *Gazette*, a notice in the *Gazette* of the instrument's having been made, and of the place or places where copies of it can be purchased, is sufficient compliance with that requirement.

(6) If a notice of the making of an instrument is published in accordance with subsection (5), copies of the instrument must, at the time of publication of the notice or as soon as practicable thereafter, be made available for purchase at the place, or at each of the places, specified in the notice.

(7) If, on the day of publication of a notice referred to in subsection (5), there are no copies of the instrument to which the notice relates available for purchase at the place, or at one or more of the places, specified in the notice, the Minister administering the enabling provision must cause to be laid before each House of the Parliament, within 15 sitting days of that House after that day, a statement that copies of the instrument were not so available and the reason why they were not so available.

(8) Failure to comply with a requirement of subsection (6) or (7) in relation to any instrument does not constitute a failure to comply with subsection (5).

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(9) A copy of an instrument to which this section applies must be laid before each House of the Parliament not later than 6 sitting days of that House after the instrument is made and, for that purpose, must be delivered to the House by the person or body authorised to make the instrument.

(10) If a copy of an instrument is not laid before each House of the Parliament in accordance with subsection (9), it thereupon ceases to have effect.

(11) Unless the law otherwise provides, Part 5 of the *Legislative Instruments Act 2003*, other than sections 38, 39, 40 and 44, applies in relation to an instrument to which this section applies as if:

(aa) the reference in section 37 of the *Legislative Instruments Act 2003* to registered were omitted, and the note to that section were repealed; and

(a) references to legislative instruments or to a legislative instrument were references to an instrument to which this section applies; and

(b) references to enabling legislation were references to the enabling provision; and

(c) references to repeal were references to revocation; and

(ca) references to registered were references to made; and

(cb) references to subsection 38(1) of the *Legislative Instruments Act 2003* were references to subsection (9) of this section; and

(cc) references to subsection 38(3) of the *Legislative Instruments Act 2003* were references to subsection (10) of this section; and

(d) references in subsection 45(2) of the *Legislative Instruments Act 2003* to another legislative instrument included references to a provision of another non-legislative instrument made under the enabling provision.

47 Construction of resolutions

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

Part 11—Regulations

51 Regulations

The Governor-General may make regulations prescribing matters:

(a) required or permitted by this Act to be prescribed; or

(b) necessary or convenient to be prescribed for carrying out or giving effect to this Act.

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Notes to the *Acts Interpretation Act 1901*

Note 1

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

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

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

Table of Acts

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

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Table of Acts

Act	Number and year	Date of Assent	Date of commencement	Application, saving or transitional provisions
Acts Interpretation Act 1973	79, 1973	19 June 1973	S. 4(2): 1 July 1973 (*see Gazette* 1973, No. 79) Remainder: Royal Assent	—
Statute Law Revision Act 1973	216, 1973	19 Dec 1973	31 Dec 1973	Ss. 9(1) and 10
Acts Citation Act 1976	37, 1976	26 May 1976	1 July 1976	—
Acts Interpretation Amendment Act 1976	144, 1976	6 Dec 1976	S. 5(2): 1 July 1977 S. 8(3) and (4): 7 Dec 1976 *(a)* Remainder: Royal Assent	Ss. 3(2), 8(2) and (4) S. 8(3) (rep. by 152, 1997, Sch. 2 [item 138])
as amended by				
Audit (Transitional and Miscellaneous) Amendment Act 1997	152, 1997	24 Oct 1997	Schedule 2 (item 138): 1 Jan 1998 (*see Gazette* 1997, No. GN49) *(b)*	—
Acts Interpretation Amendment Act 1978	35, 1978	12 June 1978	12 June 1978	—
Acts Interpretation Amendment Act 1980	1, 1980	1 Mar 1980	1 Jan 1980	—
Statute Law Revision Act 1981	61, 1981	12 June 1981	S. 115: Royal Assent *(c)*	—
Statute Law (Miscellaneous Amendments) Act (No. 1) 1982	26, 1982	7 May 1982	Part II (ss. 3, 4): 4 June 1982 *(d)*	—
as amended by				
Statute Law (Miscellaneous Amendments) Act (No. 2) 1982	80, 1982	22 Sept 1982	Part LXXI (ss. 262, 263): 4 June 1982 *(e)*	—
Statute Law (Miscellaneous Amendments) Act (No. 2) 1982	80, 1982	22 Sept 1982	Part VI (ss. 15, 16): Royal Assent *(f)*	—
Statute Law (Miscellaneous Provisions) Act (No. 1) 1983	39, 1983	20 June 1983	S. 3: 18 July 1983 *(g)*	—
Acts Interpretation Amendment Act 1984	27, 1984	15 May 1984	12 June 1984	Ss. 2, 12(2) and 13(2)
as amended by				
Statute Law (Miscellaneous Provisions) Act (No. 2) 1984	165, 1984	25 Oct 1984	S. 3: *(h)*	Ss. 2(32) and 6(1)

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Table of Acts

Act	Number and year	Date of Assent	Date of commencement	Application, saving or transitional provisions
Public Service Reform Act 1984	63, 1984	25 June 1984	S. 151(1): 1 July 1984 (*see Gazette* 1984, No. S245) *(i)*	S. 151(9)
as amended by				
Statute Law (Miscellaneous Provisions) Act (No. 2) 1984	165, 1984	25 Oct 1984	S. 3: *(j)*	Ss. 2(32) and 6(1)
Statute Law (Miscellaneous Provisions) Act (No. 1) 1984	72, 1984	25 June 1984	S. 3: 23 July 1984 *(k)*	S. 5(1)
Statute Law (Miscellaneous Provisions) Act (No. 2) 1985	193, 1985	16 Dec 1985	S. 3: Royal Assent *(l)*	Ss. 5 and 16
Administrative Arrangements Act 1987	92, 1987	18 Sept 1987	Part II (ss. 3–8): 24 July 1987 Remainder: Royal Assent	—
Crimes Legislation Amendment Act 1987	120, 1987	16 Dec 1987	S. 74: 1 Mar 1989 (*see Gazette* 1989, No. S54) *(m)*	S. 75(2)
Statute Law (Miscellaneous Provisions) Act 1987	141, 1987	18 Dec 1987	S. 3: Royal Assent *(n)*	S. 5(1)
Statutory Instruments (Tabling and Disallowance) Legislation Amendment Act 1988	99, 1988	2 Dec 1988	2 Dec 1988	—
Law and Justice Legislation Amendment Act 1988	120, 1988	14 Dec 1988	Part II (ss. 3–5): Royal Assent *(o)*	—
Crimes Legislation Amendment Act 1989	108, 1989	30 June 1989	Part 2 (ss. 3, 4): Royal Assent *(p)*	—
Corporations Legislation Amendment Act 1990	110, 1990	18 Dec 1990	S. 16: 1 Jan 1991 (*see Gazette* 1990, No. S335) *(q)*	—
Law and Justice Legislation Amendment Act 1990	115, 1990	21 Dec 1990	S. 49: Royal Assent *(r)*	—
Law and Justice Legislation Amendment Act 1991	136, 1991	12 Sept 1991	Schedule: 10 Oct 1991 *(s)*	—
Territories Law Reform Act 1992	104, 1992	30 June 1992	S. 24: 1 July 1992 *(t)*	—
Law and Justice Legislation Amendment Act 1994	84, 1994	23 June 1992	Ss. 3–5: Royal Assent *(u)*	S. 3
Evidence (Transitional Provisions and Consequential Amendments) Act 1995	3, 1995	23 Feb 1995	S. 14: Royal Assent *(v)* Ss. 15 and 27: 18 Apr 1995 *(v)*	S. 14

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Table of Acts

Act	Number and year	Date of Assent	Date of commencement	Application, saving or transitional provisions
Audit (Transitional and Miscellaneous) Amendment Act 1997	152, 1997	24 Oct 1997	Schedule 2 (items 136, 137): 1 Jan 1998 (*see Gazette* 1997, No. GN49) *(w)*	—
Financial Sector Reform (Amendments and Transitional Provisions) Act 1998	54, 1998	29 June 1998	Schedule 18 (item 40): 1 July 1998 (*see Gazette* 1998, No. S316) *(x)*	—
Acts Interpretation Amendment Act 1998	125, 1998	21 Dec 1998	21 Dec 1998	Sch. 1 (items 2, 5, 7) [*see* Table A]
Public Employment (Consequential and Transitional) Amendment Act 1999	146, 1999	11 Nov 1999	Schedule 1 (items 33–40): 5 Dec 1999 (*see Gazette* 1999, No. S584) *(y)*	S. 13 [*see* Table A]
Corporate Law Economic Reform Program Act 1999	156, 1999	24 Nov 1999	Schedule 12 (items 1, 2, 26, 27): 24 Nov 2000 *(z)*	—
Australian Security Intelligence Organisation Legislation Amendment Act 1999	161, 1999	10 Dec 1999	Schedule 3 (items 1, 2): *(za)*	—
Federal Magistrates (Consequential Amendments) Act 1999	194, 1999	23 Dec 1999	Schedule 2 (items 1, 2): 23 Dec 1999 *(zb)*	—
Corporations (Repeals, Consequentials and Transitionals) Act 2001	55, 2001	28 June 2001	Ss. 4–14 and Schedule 3 (items 9, 10): 15 July 2001 (*see Gazette* 2001, No. S285) *(zc)*	Ss. 4–14 [*see* Note 1]
Intelligence Services (Consequential Provisions) Act 2001	153, 2001	1 Oct 2001	29 Oct 2001 (*see* s. 2)	—
Statute Law Revision Act 2002	63, 2002	3 July 2002	Schedule 1 (item 1): *(zd)*	—
Acts Interpretation Amendment (Court Procedures) Act 2003	46, 2003	26 June 2003	7 July 2003	Sch. 1 (item 2) [*see* Table A]
Legislative Instruments Act 2003	139, 2003	17 Dec 2003	Schedule 1: *(ze)*	—
Legislative Instruments (Transitional Provisions and Consequential Amendments) Act 2003	140, 2003	17 Dec 2003	S. 4 and Schedule 1 (items 3–7): *(zf)*	S. 4 [*see* Table A]

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Table of Acts

Act	Number and year	Date of Assent	Date of commencement	Application, saving or transitional provisions
Financial Framework Legislation Amendment Act 2005	8, 2005	22 Feb 2005	S. 4 and Schedule 1 (items 1, 70, 496): Royal Assent	S. 4 and Sch. 1 (item 496) [*see* Table A]
Acts Interpretation Amendment (Legislative Instruments) Act 2005	133, 2005	15 Nov 2005	Schedule 1 (item 1): *(zg)* Schedule 1 (items 2–5): *(zg)* Remainder: Royal Assent	—
Statute Law Revision Act 2008	73, 2008	3 July 2008	Schedule 1 (item 2): *(zh)*	—
Same-Sex Relationships (Equal Treatment in Commonwealth Laws—Superannuation) Act 2008	134, 2008	4 Dec 2008	Schedule 2 (item 1): Royal Assent	—
Evidence Amendment Act 2008	135, 2008	4 Dec 2008	Schedule 3 (item 6): 4 Dec 2009	—
Acts Interpretation Amendment Act 2011	46, 2011	27 June 2011	Schedule 1 (items 1–110) and Schedule 3 (items 1–9, 11): 27 Dec 2011	Sch. 3 (items 1–9, 11) [*see* Table A]

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Act Notes

(a) Subsection 8(5) of the *Acts Interpretation Amendment Act 1976* provides as follows:

> (5) If a Department of State of the Commonwealth by the name of the Department of Finance is not established on or before the day on which this Act receives the Royal Assent, subsections (3) and (4) shall not come into operation until the day on which such a Department is established.

The Department of Finance was established on 7 December 1976 (*see Gazette* 1976, No. S221).

(b) The *Acts Interpretation Amendment Act 1976* was amended by Schedule 2 (item 138) only of the *Audit (Transitional and Miscellaneous) Amendment Act 1997*, subsection 2(2) of which provides as follows:

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

(c) The *Acts Interpretation Act 1901* was amended by section 115 only of the *Statute Law Revision Act 1981*, subsection 2(1) of which provides as follows:

> (1) Subject to this section, this Act shall come into operation on the day on which it receives the Royal Assent.

(d) The *Acts Interpretation Act 1901* was amended by Part II (sections 3 and 4) only of the *Statute Law (Miscellaneous Amendments) Act (No. 1) 1982*, subsection 2(12) of which provides as follows:

> (12) The remaining provisions of this Act shall come into operation on the twenty-eighth day after the day on which this Act receives the Royal Assent.

(e) The *Statute Law (Miscellaneous Amendments) Act (No. 1) 1982* was amended by Part LXXI (sections 262 and 263) only of the *Statute Law (Miscellaneous Amendments) Act (No. 2) 1982*, subsection 2(11) of which provides as follows:

> (11) Parts XLIX and LXXI shall be deemed to have come into operation on 4 June 1982.

(f) The *Acts Interpretation Act 1901* was amended by Part VI (sections 15 and 16) only of the *Statute Law (Miscellaneous Amendments) Act (No. 2) 1982*, subsection 2(1) of which provides as follows:

> (1) Sections 1, 2, 166 and 195 and Parts III, VI, VII, XVI, XXXVI, XLIV, LI, LIII, LIV, LXI and LXXVII shall come into operation on the day on which this Act receives the Royal Assent.

(g) The *Acts Interpretation Act 1901* was amended by section 3 only of the *Statute Law (Miscellaneous Provisions) Act (No. 1) 1983*, subsection 2(1) of which provides as follows:

> (1) Subject to this section, this Act shall come into operation on the twenty-eighth day after the day on which it receives the Royal Assent.

(h) The *Acts Interpretation Amendment Act 1984* was amended by section 3 only of the *Statute Law (Miscellaneous Provisions) Act (No. 2) 1984*, subsection 2(3) of which provides as follows:

> (3) The amendment of the *Acts Interpretation Amendment Act 1984* made by this Act shall be deemed to have come into operation on 12 June 1984.

(i) The *Acts Interpretation Act 1901* was amended by subsection 151(1) only of the *Public Service Reform Act 1984*, subsection 2(4) of which provides as follows:

> (4) The remaining provisions of this Act shall come into operation on such day as is, or on such respective days as are, fixed by Proclamation.

(j) The *Public Service Reform Act 1984* was amended by section 3 only of the *Statute Law (Miscellaneous Provisions) Act (No. 2) 1984*, subsection 2(21)(b) of which provides as follows:

> (21) The amendments of the *Public Service Reform Act 1984* made by this Act shall:
>
> (b) in the case of the amendments of Items 1 and 3 of Schedule 4 to the first-mentioned Act—be deemed to have come into operation on 1 July 1984.

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Act Notes

(k) The *Acts Interpretation Act 1901* was amended by section 3 only of the *Statute Law (Miscellaneous Provisions) Act (No. 1) 1984*, subsection 2(1) of which provides as follows:

(1) Subject to this section, this Act shall come into operation on the twenty-eighth day after the day on which it receives the Royal Assent.

(l) The *Acts Interpretation Act 1901* was amended by section 3 only of the *Statute Law (Miscellaneous Provisions) Act (No. 2) 1985*, subsection 2(1) of which provides as follows:

(1) Subject to this section, this Act shall come into operation on the day on which it receives the Royal Assent.

(m) The *Acts Interpretation Act 1901* was amended by section 74 only of the *Crimes Legislation Amendment Act 1987*, subsection 2(1) of which provides as follows:

(1) Sections 11, 14, 16, 17, 18, 47, 70, 71, 72, 73, 74 and 75 and paragraph 69(b) shall come into operation on a day or days to be fixed by Proclamation.

(n) The *Acts Interpretation Act 1901* was amended by section 3 only of the *Statute Law (Miscellaneous Provisions) Act 1987*, subsection 2(1) of which provides as follows:

(1) Subject to this section, this Act shall come into operation on the day on which it receives the Royal Assent.

(o) The *Acts Interpretation Act 1901* was amended by Part II (sections 3–5) only of the *Law and Justice Legislation Amendment Act 1988*, subsection 2(1) of which provides as follows:

(1) Subject to this section, this Act shall come into operation on the day on which it receives the Royal Assent.

(p) The *Acts Interpretation Act 1901* was amended by Part 2 (sections 3 and 4) only of the *Crimes Legislation Amendment Act 1989*, subsection 2(1) of which provides as follows:

(1) Parts 1 and 2, Part 3 (other than section 10) and Part 4 commence on the day on which this Act receives the Royal Assent.

(q) The *Acts Interpretation Act 1901* was amended by section 16 only of the *Corporations Legislation Amendment Act 1990*, subsection 2(2) of which provides as follows:

(2) The remaining provisions of this Act commence on a day or days to be fixed by Proclamation.

(r) The *Acts Interpretation Act 1901* was amended by section 49 only of the *Law and Justice Amendment Act 1990*, subsection 2(1) of which provides as follows:

(1) Subject to this section, this Act commences on the day on which it receives the Royal Assent.

(s) The *Acts Interpretation Act 1901* was amended by the Schedule only of the *Law and Justice Legislation Amendment Act 1991*, subsection 2(1) of which provides as follows:

(1) Subject to this section, this Act commences on the 28th day after the day on which it receives the Royal Assent.

(t) The *Acts Interpretation Act 1901* was amended by section 24 only of the *Territories Law Reform Act 1992*, subsection 2(3) of which provides as follows:

(3) The remaining provisions of this Act commence on 1 July 1992.

(u) The *Acts Interpretation Act 1901* was amended by sections 3–5 only of the *Law and Justice Legislation Amendment Act 1994*, subsection 2(1) of which provides as follows:

(1) Subject to this section, this Act commences on the day on which it receives the Royal Assent.

(v) The *Acts Interpretation Act 1901* was amended by sections 14, 15 and 27 only of the *Evidence (Transitional Provisions and Consequential Amendments) Act 1995*, subsections 2(1), (2) and (13) of which provide as follows:

(1) This Part and Parts 2 and 3 commence of the day on which this Act receives the Royal Assent.

(2) Section 15 of this Act commences on the day on which section 160 of the *Evidence Act 1995* commences.

Section 160 commenced on 18 April 1995.

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Act Notes

(13) Section 27 of this Act and the Schedule to this Act commences:

(a) on the day on which sections 153 and 155 of the *Evidence Act 1995* commences; or

(b) if those sections commence on different days—the first day on which both of those sections are in force.

Sections 153 and 155 commenced on 18 April 1995.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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Act Notes

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

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

Commencement information

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

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

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

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

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

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

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

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

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

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

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Act Notes

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

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

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

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Table of Amendments

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

Provision affected	How affected
Part 1	
Heading to Part I	ad. No. 52, 1964 rep. No. 46, 2011
Heading to Part 1	ad. No. 46, 2011
Heading preceding s. 1	rep. No. 52, 1964
S. 1A	ad. No. 46, 2011
S. 2	rs. No. 10, 1937 am. No. 37, 1976 rs. No. 46, 2011
S. 2A	ad. No. 24, 1932 rep. No. 10, 1937 ad. No. 52, 1964 rep. No. 216, 1973 ad. No. 46, 2011
Part 2	
Part 2	ad. No. 46, 2011
S. 2B	ad. No. 46, 2011
S. 2C	ad. No. 46, 2011
S. 2D	ad. No. 46, 2011
S. 2E	ad. No. 46, 2011
S. 2F	ad. No. 46, 2011
S. 2G	ad. No. 46, 2011
S. 2H	ad. No. 46, 2011
S. 2J	ad. No. 46, 2011
S. 2K	ad. No. 46, 2011
S. 2L	ad. No. 46, 2011
Part 3	
Heading to Part II	ad. No. 52, 1964 rep. No. 46, 2011
Heading to Part 3	ad. No. 46, 2011
Heading preceding s. 3	rep. No. 52, 1964
Heading to s. 3	rs. No. 46, 2011
S. 3	am. No. 27, 1984; No. 141, 1987; No. 46, 2011
S. 3A	ad. No. 46, 2011
S. 4	rs. No. 144, 1976 am. No. 115, 1990; No. 63, 2002; No. 140, 2003 rs. No. 46, 2011
S. 5	am. No. 10, 1937; No. 144, 1976 rep. No. 46, 2011

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Table of Amendments

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

Provision affected	How affected
Heading to s. 6	am. No. 46, 2011
S. 6	am. No. 46, 2011
Part 4	
Heading to Part III	ad. No. 52, 1964 rep. No. 46, 2011
Heading to Part 4	ad. No. 46, 2011
Heading preceding s. 7	rep. No. 52, 1964
S. 7	rs. No. 46, 2011
S. 8	rep. No. 46, 2011
Ss. 8A–8C	ad. No. 27, 1984 rep. No. 46, 2011
S. 9	rep. No. 46, 2011
S. 10	rs. No. 37, 1976 am. No. 46, 2011
S. 10A	ad. No. 4, 1916 rep. No. 37, 1976 ad. No. 27, 1984 am. No. 46, 2011
S. 11	rs. No. 46, 2011
S. 11A	ad. No. 46, 2011
S. 11B	ad. No. 46, 2011
Part 5	
Heading to Part IV	ad. No. 52, 1964 rep. No. 46, 2011
Heading to Part 5	ad. No. 46, 2011
Heading preceding s. 12	rep. No. 52, 1964
S. 13	am. No. 1, 1980 rs. No. 46, 2011
S. 14	rep. No. 46, 2011
Ss. 14A, 14B	ad. No. 141, 1987 rep. No. 46, 2011
S. 15	rep. No. 46, 2011
S. 15A	ad. No. 23, 1930 rs. No. 10, 1937
S. 15AA	ad. No. 61, 1981 am. No. 27, 1984 rs. No. 46, 2011
S. 15AB	ad. No. 27, 1984
S. 15AC	ad. No. 141, 1987
S. 15AD	ad. No. 141, 1987 rs. No. 46, 2011
S. 15AE	ad. No. 133, 2005
Subhead. to s. 15B(4)	ad. No. 46, 2011
S. 15B	ad. No. 144, 1976 am. No. 46, 2011

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Table of Amendments

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

Provision affected	How affected
S. 15C	ad. No. 27, 1984 am. No. 46, 2011
Heading to Part V	ad. No. 52, 1964 rep. No. 46, 2011
Heading preceding s. 16	rep. No. 52, 1964
S. 16	am. No. 46, 2011
S. 16A	ad. No. 69, 1957 am. No. 46, 2011
S. 16B	ad. No. 69, 195 am. No. 46, 2011
S. 16C	ad. No. 79, 1973 am. No. 194, 1999; No. 46, 2011
S. 17	am. No. 23, 1930; No. 10, 1937; No. 80, 1950; No. 69, 1957; Nos. 79 and 216, 1973; No. 144, 1976; No. 80, 1982; No. 92, 1987; No. 104, 1992; No. 152, 1997; No. 140, 2003; No. 8, 2005 rep. No. 46, 2011
S. 17AA	ad. No. 146, 1999 rep. No. 46, 2011
S. 17A	ad. No. 79, 1973 am. No. 144, 1976
S. 18	am. No. 216, 1973 rep. No. 46, 2011
S. 18A	ad. No. 144, 1976 am. No. 46, 2011
S. 18B	ad. No. 141, 1987 am. No. 120, 1988 rs. No. 152, 1997; No. 46, 2011
S. 18C	ad. No. 125, 1998 rep. No. 46, 2011
S. 19	am. No. 8, 1918; No. 125, 1998
S. 19A	ad. No. 23, 1930 am. No. 24, 1932 rs. No. 10, 1937 am. No. 7, 1941 rep. No. 144, 1976 ad. No. 92, 1987 am. No. 125, 1998; No. 46, 2011
S. 19B	ad. No. 7, 1941 rs. No. 144, 1976 am. No. 63, 1984 (as am. by No. 165, 1984); No. 92, 1987; No. 146, 1999; No. 46, 2011
S. 19BA	ad. No. 144, 1976 am. No. 35, 1978; No. 63, 1984 (as am. by No. 165, 1984); No. 92, 1987; No. 125, 1998; No. 146, 1999; No. 73, 2008; No. 46, 2011
S. 19BAA	ad. No. 144, 1976
S. 19BB	ad. No. 144, 1976 am. No. 46, 2011

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Table of Amendments

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

Provision affected	How affected
S. 19BC	ad. No. 144, 1976 am. No. 35, 1978
S. 19BD	ad. No. 46, 2011
S. 19C	ad. No. 78, 1947 am. No. 92, 1987; No. 146, 1999
S. 20	am. No. 27, 1984; No. 46, 2011
S. 21	am. No. 146, 1999; No. 46, 2011
S. 22	am. No. 144, 1976; No. 39, 1983; No. 27, 1984; No. 193, 1985; No. 115, 1990 rep. No. 46, 2011
Ss. 22A–22C	ad. No. 134, 2008 rep. No. 46, 2011
S. 23	rs. No. 27, 1984 am. No. 46, 2011
S. 24	am. No. 7, 1941; No. 93, 1966; No. 144, 1976; No. 27, 1984 rep. No. 120, 1987
S. 25	rs. No. 27, 1984 am. No. 108, 1989 rep. No. 46, 2011
S. 25A	ad. No. 27, 1984
S. 25B	ad. No. 27, 1984 am. No. 136, 1991; No. 146, 1999; No. 46, 2011
S. 25C	ad. No. 27, 1984 am. No. 46, 2011
S. 25D	ad. No. 27, 1984
S. 25E	ad. No. 27, 1984 rep. No. 46, 2011
Part 6	
Heading to Part VI	ad. No. 52, 1964 rep. No. 46, 2011
Heading to Part 6	ad. No. 46, 2011
Heading preceding s. 26	rep. No. 52, 1964
S. 26	am. No. 10, 1937; No. 80, 1950; No. 216, 1973; No. 27, 1984; No. 194, 1999 rep. No. 46, 2011
S. 27	am. No. 193, 1985; No. 120, 1987 rep. No. 46, 2011
S. 27A	ad. No. 46, 2003 rep. No. 46, 2011
S. 28	rep. No. 46, 2011
S. 28A	ad. No. 27, 1984 am. No. 46, 2011
Note to s. 28A(1)	ad. No. 46, 2011
S. 29	am. No. 3, 1995; No. 46, 2011
S. 30	am. No. 10, 1937; No. 216, 1973; No. 144, 1976 rep. No. 120, 1987
S. 31	rep. No. 52, 1964

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Table of Amendments

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

Provision affected	How affected
Part 7	
Heading to Part VII	ad. No. 52, 1964 rep. No. 46, 2011
Heading to Part 7	ad. No. 46, 2011
S. 32	am. No. 23, 1930 rep. No. 10, 1937
Heading preceding s. 33	rep. No. 52, 1964
Heading to s. 33	rs. No. 46, 2011
Subhead. to s. 33(1)	ad. No. 46, 2011
Subhead. to s. 33(2A)	ad. No. 46, 2011
Subhead. to s. 33(2B)	ad. No. 46, 2011
Subhead. to s. 33(3)	ad. No. 46, 2011
Subhead. to s. 33(3A)	ad. No. 46, 2011
Subhead. to s. 33(4)	ad. No. 46, 2011
Subhead. to s. 33(5)	ad. No. 46, 2011
S. 33	am. No. 7, 1941; No. 27, 1984; No. 141, 1987; No. 146, 1999; No. 46, 2011
S. 33AA	ad. No. 46, 2011
S. 33AB	ad. No. 46, 2011
Heading to s. 33A	rs. No. 46, 2011
Subhead. to s. 33A(1)	ad. No. 46, 2011
S. 33A	ad. No. 141, 1987 am. No. 120, 1988; No. 115, 1990; No. 146, 1999; No. 46, 2011
S. 33B	ad. No. 136, 1991 am. No. 46, 2011
Heading to s. 34	rs. No. 46, 2011
S. 34	am. No. 46, 2011
S. 34AAA	ad. No. 46, 2011
S. 34AAB	ad. No. 46, 2011
Heading to s. 34AA	rs. No. 46, 2011
S. 34AA	ad. No. 27, 1984 am. No. 84, 1994; No. 46, 2011
Subhead. to s. 34AB(1)	ad. No. 46, 2011
S. 34AB	ad. No. 141, 1987 am. No. 46, 2011
S. 34A	ad. No. 78, 1947 am. No. 72, 1984 rs. No. 46, 2011
S. 34B	ad. No. 19, 1963 am. No. 52, 1964; No. 144, 1976
S. 34C	ad. No. 39, 1983 am. No. 161, 1999; No. 153, 2001

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Table of Amendments

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

Provision affected	How affected
Part 8	
Heading to Part VIII	ad. No. 52, 1964 rep. No. 46, 2011
Heading to Part 8	ad. No. 46, 2011
Heading preceding s. 35	rep. No. 52, 1964
S. 35	am. No. 46, 2011
S. 36	am. No. 79, 1948 rs. No. 46, 2011
S. 37	am. No. 46, 2011
S. 37A	ad. No. 46, 2011
Part 9	
Heading to Part IX	ad. No. 52, 1964 rep. No. 46, 2011
Heading to Part 9	ad. No. 46, 2011
Heading preceding s. 38	rep. No. 52, 1964
S. 38	am. No. 46, 2011
S. 39	am. No. 144, 1976; No. 46, 2011
S. 40	am. No. 19, 1963; No. 135, 2008; No. 46, 2011
Heading to s. 40A	am. No. 156, 1999
S. 40A	ad. No. 110, 1990 am. No. 54, 1998; No. 156, 1999 rs. No. 55, 2001
Heading to Part X	ad. No. 52, 1964 rep. No. 120, 1987
Part X	rep. No. 120, 1987
Heading preceding s. 41	ad. No. 10, 1937 rep. No. 52, 1964
S. 41	ad. No. 10, 1937 rep. No. 120, 1987
Ss. 42, 43	ad. No. 10, 1937 am. No. 144, 1976 rep. No. 120, 1987
Ss. 44, 45	ad. No. 10, 1937 rep. No. 120, 1987
Ss. 45A, 45B	ad. No. 27, 1984 rep. No. 120, 1987
Part 10	
Heading to Part XI	ad. No. 52, 1964 rs. No. 140, 2003 rep. No. 46, 2011
Heading to Part 10	ad. No. 46, 2011
Heading preceding s. 46	ad. No. 10, 1937 rep. No. 52, 1964

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Table of Amendments

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

Provision affected	How affected
S. 46	ad. No. 10, 1937 am. No. 27, 1984 (as am. by No. 165, 1984); No. 115, 1990 rs. No. 140, 2003 am. No. 133, 2005; No. 46, 2011
S. 46A	ad. No. 141, 1987 am. No. 99, 1988; No. 115, 1990; No. 3, 1995 rep. No. 140, 2003
S. 46AA	ad. No. 140, 2003 am. No. 133, 2005; No. 46, 2011
S. 46B	ad. No. 140, 2003 am. No. 139, 2003; No. 133, 2005
S. 47	ad. No. 10, 1937 am. No. 46, 2011
Part 11	
Heading to Part XII	ad. No. 52, 1964 rep. No. 46, 2011
Heading to Part 11	ad. No. 46, 2011
Heading preceding s. 48	ad. No. 10, 1937 rep. No. 52, 1964
S. 48	ad. No. 10, 1937 am. No. 80, 1950; No. 19, 1963; No. 144, 1976; No. 26, 1982 (as am. by No. 80, 1982); No. 141, 1987; No. 99, 1988; No. 115, 1990 rep. No. 140, 2003
Ss. 48A, 48B	ad. No. 99, 1988 rep. No. 140, 2003
S. 49	ad. No. 10, 1937 am. No. 19, 1963; No. 144, 1976; No. 99, 1988 rep. No. 140, 2003
S. 49A	ad. No. 52, 1964 rep. No. 140, 2003
S. 50	ad. No. 10, 1937 rep. No. 140, 2003
S. 51	ad. No. 55, 2001

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Table A

Table A

Application, saving or transitional provisions

Acts Interpretation Amendment Act 1998 (No. 125, 1998)

Schedule 1

2 Validation of past authorisations

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

(a) the authorisation is taken to have been validly given; and

(b) if the authorisation continues in force after that commencement, the authorising Minister may at any time, by writing, revoke the authorisation.

5 Validation of past acts

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

(a) the amendment of subsection 19A(1) of the *Acts Interpretation Act 1901* made by item 4 had been in force when the purported act was done; and

(b) the purported act had been done by the first-mentioned Minister under that subsection as amended by that item.

7 Validation of past orders

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

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

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

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

13 References in statutory instruments to "officer" etc.

(1) In any statutory instrument (other than the *Acts Interpretation Act 1901*), unless the contrary intention appears:

(a) references in general terms to an officer include references to a new Act Secretary or an APS employee; and

(b) references to an officer of the Commonwealth include references to a new Act Secretary or an APS employee; and

(c) references to an officer or employee of a particular Department or Statutory Agency include references to an APS employee in that Department or Statutory Agency; and

(d) references to a person occupying, holding or performing the duties of an office in a particular Department or Statutory Agency include references to an APS employee in that Department or Statutory Agency; and

(e) references to an employee of a particular Department include references to a locally engaged employee in that Department; and

(f) references in general terms to an office include references to a position occupied by an APS employee; and

(g) references to an office in a particular Department or Statutory Agency include references to a position occupied by an APS employee in that Department or Statutory Agency.

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(2) If a reference in a statutory instrument to "the Department" is read as a reference to a particular Department because of subsection 19A(3) of the *Acts Interpretation Act 1901*, then that reference to "the Department" is a reference to a particular Department for the purposes of this section.

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

Schedule 1

2 Application

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

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

4 Transitional provisions

(1) If legislation introduced into the Parliament before the commencing day but commencing on or after that day:

(a) authorises an instrument to be made in the exercise of a power delegated by the Parliament; and

(b) is expressed to require that instrument to be published as a statutory rule under the *Statutory Rules Publication Act 1903*;

any instrument so made is taken to be an instrument referred to in paragraph 6(b) of the *Legislative Instruments Act 2003* despite the repeal by this Act of the *Statutory Rules Publication Act 1903*.

(2) If legislation introduced into the Parliament before the commencing day but commencing on or after that day:

(a) authorises an instrument to be made in the exercise of a power delegated by the Parliament; and

(b) is expressed to declare that instrument to be a disallowable instrument for the purposes of section 46A of the *Acts Interpretation Act 1901*;

any instrument so made is taken to be an instrument referred to in subparagraph 6(d)(i) of the *Legislative Instruments Act 2003*

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despite the repeal by this Act of section 46A of the *Acts Interpretation Act 1901*.

(3) If legislation that is in force immediately before the commencing day or that is introduced into the Parliament before that day but that commences on or after that day:

(a) authorised or authorises an instrument to be made in the exercise of a power delegated by the Parliament that adversely affects the rights of a person, or results in the imposition of liabilities on a person; and

(b) provided or provides that the instrument has effect, to the extent that it adversely affects those rights or results in the imposition of those liabilities, despite subsection 48(2) of the *Acts Interpretation Act 1901*, before the date of its notification in the *Gazette*;

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

(4) If:

(a) legislation (the ***enabling legislation***) in force immediately before the commencing day:

(i) authorises the making of an instrument; and

(ii) does not declare such an instrument to be a disallowable instrument for the purposes of section 46A of the *Acts Interpretation Act 1901* but nonetheless makes provision for its disallowance by the application, with or without modification, of the provisions of Part XII of that Act; and

(b) an instrument is made in the exercise of that authority on or after the commencing day; and

(c) the instrument is not a legislative instrument for the purposes of the *Legislative Instruments Act 2003* or otherwise;

the enabling legislation has effect, on and after the commencing day, as if:

(d) it had declared such instruments to be disallowable instruments for the purposes of section 46B of the *Acts Interpretation Act 1901*; and

Table A

(e) it had provided for such modifications of the operation of that section as are necessary to ensure that the effect of the applied provisions of Part XII of the *Acts Interpretation Act 1901* is preserved.

(5) In this section:

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

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

4 Saving of matters in Part 2 of Schedule 1

(1) If:

(a) a decision or action is taken or another thing is made, given or done; and

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

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

(2) In this section:

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

Schedule 1

496 Saving provision—Finance Minister's determinations

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

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Acts Interpretation Amendment Act 2011 (No. 46, 2011)

Schedule 3

1 Application—general

Subject to this Schedule, the amendments and repeals made by Schedule 1 apply, on and after the commencement of Schedule 1, in relation to Acts enacted before, on or after that commencement.

2 Transitional—*Gazette*

The reference to the *Commonwealth of Australia Gazette* in the definition of ***Gazette*** in section 2B of the *Acts Interpretation Act 1901* includes a reference to the *Australian Government Gazette* published during the period commencing on 1 July 1973 and ending immediately before 1 July 1977.

3 Application and saving—commencement

(1) The amendments made by items 8 and 10 of Schedule 1 apply in relation to Acts receiving the Royal Assent on or after the commencement of those items.

(2) The amendment made by item 9 of Schedule 1 does not affect the validity of the exercise of a power, or the validity of anything done, in accordance with section 4 of the *Acts Interpretation Act 1901* before the commencement of that item.

4 Application—effect of repeal or amendment of Act

The amendment made by item 13 of Schedule 1 applies to repeals, amendments, expiries, lapses, cessations, abrogations, limitations and exclusions occurring on or after the commencement of that item.

5 Application—Acts applying in coastal sea

The amendment made by item 25 of Schedule 1 applies in relation to Acts enacted before, on or after the commencement of that item.

Table A

6 Saving—Ministerial authorisations

Despite the repeal of section 18C of the *Acts Interpretation Act 1901* made by Schedule 1, that section, as in force immediately before the commencement of this item, continues to apply on and after that commencement in relation to an authorisation in effect under that section immediately before that repeal.

7 Saving—registered relationships

Despite the amendment made by item 48 of Schedule 1, regulations in force for the purposes of section 22B of the *Acts Interpretation Act 1901* immediately before the commencement of that item continue in effect, after that commencement, as if they had been made for the purposes of section 2E of that Act, as in force after that commencement.

8 Application—delegations

The amendment made by item 89 of Schedule 1 applies in relation to alterations or additions that are made on or after the commencement of that item (regardless of whether the delegation referred to in paragraph 34AB(2)(a) or (3)(a) of the *Acts Interpretation Act 1901*, as inserted by this Act, is made before, on or after that commencement).

9 Saving—previous interpretation preserved

The amendments made by items 63, 65, 67, 69, 70, 71, 72, 80, 82, 84, 85, 87, 88, 90, 104, 111, 113, 114 and 115 of Schedule 1 do not affect by implication the interpretation of:

(a) subsection 33(1), (2), (3), (3A) or (3B) or 46(1) or (3) or section 34AA, 34AB or 34A of the *Acts Interpretation Act 1901*; or

(b) subsection 13(1) or (3) of the *Legislative Instruments Act 2003*;

at a time before the commencement of those items.

11 Transitional regulations

The Governor-General may make regulations prescribing matters of a transitional nature (including prescribing any saving or application provisions) relating to the amendments and repeals made by Schedules 1 and 2.

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