



# **Acts Interpretation Act 1901**

**No. 2, 1901**

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## About this compilation

This is a compilation of the *Acts Interpretation Act 1901* that shows the text of the law as amended and in force on 25 August 2018 (the **compilation date**).

The notes at the end of this compilation (the **endnotes**) include information about amending laws and the amendment history of provisions of the compiled law.

### Uncommenced amendments

The effect of uncommenced amendments is not shown in the text of the compiled law. Any uncommenced amendments affecting the law are accessible on the Register ([www.legislation.gov.au](http://www.legislation.gov.au)). The details of amendments made up to, but not commenced at, the compilation date are underlined in the endnotes. For more information on any uncommenced amendments, see the Register for the compiled law.

### Application, saving and transitional provisions for provisions and amendments

If the operation of a provision or amendment of the compiled law is affected by an application, saving or transitional provision that is not included in this compilation, details are included in the endnotes.

### Editorial changes

For more information about any editorial changes made in this compilation, see the endnotes.

### Presentational changes

The *Legislation Act 2003* provides for First Parliamentary Counsel to make presentational changes to a compilation. Presentational changes are applied to give a more consistent look and feel to legislation published on the Register, and enable the user to more easily navigate those documents.

### Modifications

If the compiled law is modified by another law, the compiled law operates as modified but the modification does not amend the text of the law. Accordingly, this compilation does not show the text of the compiled law as modified. For more information on any modifications, see the Register for the compiled law.

### Self-repealing provisions

If a provision of the compiled law has been repealed in accordance with a provision of the law, details are included in the endnotes.

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

## Part 1—Preliminary

### 1 Short title

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, notifiable instruments and other instruments made under an Act (see subsection 13(1) of the *Legislation 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 20 (which deal generally with references to Ministers and Departments in Acts, and with the effect of machinery of government changes on references to Ministers and Departments and other authorities in Acts and Commonwealth agreements).

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 instruments other than legislative instruments or notifiable 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, notifiable instruments and other instruments: see subsection 13(1) of the *Legislation 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*.

*Administrative Arrangements Order*:

- (a) means an instrument (a *primary AAO*) made by the Governor-General that is described as an Administrative Arrangements Order; and
- (b) includes an instrument made by the Governor-General that:
  - (i) amends a primary AAO; or
  - (ii) revokes a primary AAO and substitutes a new primary AAO.

Note: The Administrative Arrangements Order sets out, from time to time, the matters dealt with by Departments of State of the Commonwealth together with the legislation administered by the Ministers for those Departments.

*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 Norfolk Island, 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*.

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***Australian Privacy Principle*** has the same meaning as in the *Privacy Act 1988*.

***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.

***charitable*** has the meaning given by Part 2 of the *Charities Act 2013*.

***charitable purpose*** has the meaning given by Part 3 of the *Charities Act 2013*.

***charity*** has the meaning given by Part 2 of the *Charities Act 2013*.

***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 Norfolk Island, 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*.

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***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*.

**judge** has a meaning affected by section 16BA.

**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.

**legislative instrument** has the same meaning as in the *Legislation Act 2003*.

**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.

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

**month**: see section 2G.

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

**notifiable instrument** has the same meaning as in the *Legislation Act 2003*.

**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 a Proclamation by the Governor-General that is registered in the Federal Register of Legislation established under the *Legislation Act 2003* as a legislative instrument or notifiable instrument.

Note: Some Proclamations provide solely for the commencement of Acts, legislative instruments or notifiable instruments, or provisions of Acts or such instruments. Under section 11 of the *Legislation Act 2003*, these are notifiable instruments.

**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*.

**sitting day**: see section 2M.

**Sovereign**: see section 16.

**spouse**: see section 2CA.

**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 subsections 16C(1) and (3).

**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.

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- (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.

### 2CA References to spouses

- (1) For the purposes of any Act, a person is the *spouse* of another person (whether of the same sex or a different sex) if the person is legally married to the other person.
- (2) Subsection (1) has effect in addition to any provision of an Act that affects the meaning of *spouse* in a provision of that Act.

Example: *Spouse* is defined for the purposes of an Act to include a de facto partner and a former spouse. Because of this section, a reference in the Act to a person's spouse covers any person who is legally married to the person, in addition to any person covered by the definition in the Act.

### 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.

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(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.

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**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.

**2M Sitting day**

- (1) In any Act, a *sitting day*, in relation to a House of the Parliament, is a day on which the House actually sits.
- (2) However, if the House sat without adjourning on a previous day (the *earlier sitting day*), any period during which the House continues to sit, with or without a suspension, on a later day, until it adjourns, is taken to be part of the earlier sitting day.  

Example 1: The Senate begins sitting at 9 am on Thursday and extends (with or without a suspension of the sitting) until it is adjourned at 3 pm on Friday. Thursday is a sitting day for the Senate but Friday is not. This example applies equally to the House of Representatives.

Example 2: The House of Representatives begins sitting at 9 am on Wednesday and extends (with or without a suspension of the sitting) until it is adjourned at 1 am on Thursday. The House of Representatives then starts sitting again at 10 am on Thursday and adjourns at 3 pm on Thursday. Both Wednesday and Thursday are sitting days for the House of Representatives. This example applies equally to the Senate.
- (3) For the purposes of this section, a House is taken to have adjourned if:
  - (a) the Parliament is prorogued; or

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- (b) that House is dissolved; or
- (c) if that House is the House of Representatives—that House expires.

## 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 comes into operation at the start of the 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

**Part 3** Commencement of Acts

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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,

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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 (whether or not the re-enacted provision has the same number as the repealed 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 (whether or not the re-enacted or re-made provision has the same number as the repealed 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.

## Section 11B

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### *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.
- (3) However, text is not part of an Act, or a compilation of an Act within the meaning of the *Legislation Act 2003*, if the text:
  - (a) only indicates the effect of an element of the Act; and
  - (b) is accessible in an electronic version of the Act or compilation; and
  - (c) does not appear in the printed text of the Act (or any amendment of the Act) as enacted by the Parliament, or any other printed version of the Act or compilation.

Note: This text is known as alternative text or “alt text”. Alternative text may be accessible in an electronic version of an Act or compilation that is published on an approved website under the *Legislation Act*

## Section 15A

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*2003.* This text may, for example, aurally indicate the effect of a graphic image in an Act to assist users of the website who have visual disabilities.

### **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.

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- (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;
  - (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:

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- (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.

### **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, authorises 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;

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- (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 or her deputy, that last-mentioned person in his or her 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.

**16BA References to judge**

In any Act, a reference (whether general or otherwise) to a judge does not include a reference to a Judge, or an acting Judge, of the Local Court of the Northern Territory.

**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) In any Act, a reference to a Stipendiary Magistrate or Magistrate includes a reference to a Judge, or an acting Judge, of the Local Court of the Northern Territory.

**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.

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**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 References to Ministers in Acts

- (1) If a provision of an Act refers to a Minister, the following table provides which Minister the provision refers to in relation to a particular matter (the *relevant matter*) on a particular day (the *relevant day*).

<b>References to Ministers in Acts</b>	
<b>If the provision ...</b>	<b>then the Minister referred to is ...</b>
1 refers to a Minister by using the expression “the Minister”, without identifying the Minister	the Minister, or any of the Ministers, administering the provision on the relevant day, in relation to the relevant matter.
2 refers to a Minister by reference to the fact that the Minister administers any of the following laws: (a) the Act, that provision or another provision of the Act; (b) another Act, or a provision of another Act	the Minister, or any of the Ministers, administering that law on the relevant day, in relation to the relevant matter.
3 refers to a Minister by title (for example, “the Attorney-General” or “the Minister for Industry”), even if that title no longer exists	(a) if, at the time the provision commenced, or the reference to the Minister was inserted, the Minister referred to by title administered the provision—the

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**References to Ministers in Acts**

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<b>If the provision ...</b>	<b>then the Minister referred to is ...</b>
	Minister, or any of the Ministers, identified by item 1; or (b) if paragraph (a) does not apply—the Minister currently identified by the title, or by a substituted reference order under section 19B; or (c) in any case—any other Minister administering the Department of State of the Commonwealth that deals with the matters for which the Minister mentioned in paragraph (a) or (b) (as the case may be) is responsible on the relevant day.
4 refers to a Minister by describing a matter for which the Minister is responsible (for example, “the Minister responsible for the environment”)	the Minister, or any of the Ministers, administering the Department of State of the Commonwealth that deals with the relevant matter on the relevant day.

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(2) Instruments including the following, as in force on the relevant day, or any earlier day, may be used to work out which Minister (or Ministers) is referred to under subsection (1):

- (a) an Administrative Arrangements Order;
- (b) a substituted reference order under section 19B.

Note: Substituted reference orders under section 19B may have effect in relation to days before the orders are made.

(3) To avoid doubt, if, because of this section, a provision of an Act is taken to require anything to be done by or in relation to any one of 2 or more Ministers, the provision is not taken to require it to be done in any particular case by or in relation to more than one of those Ministers.

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*Acting Ministers*

- (4) If a provision of an Act refers to a Minister, the reference is taken to include a reference to a Minister or member of the Executive Council for the time being acting for or on behalf of the Minister.

**19A References to Departments in Acts**

- (1) If a provision of an Act refers to a Department, the following table provides which Department the provision refers to in relation to a particular matter (the *relevant matter*) on a particular day (the *relevant day*).

<b>References to Departments in Acts</b>		
<b>Item</b>	<b>If the provision ...</b>	<b>then the Department is ...</b>
1	refers to a Department by using the expression “the Department”, without identifying the Department	the Department of State of the Commonwealth that is administered by the Minister or Ministers administering that provision in relation to the relevant matter, and that deals with that matter.
2	refers to a Department by title (for example, “the Attorney-General’s Department” or “the Department of Industry”), even if that title no longer exists	<p>(a) if, at the time the provision commenced, or the reference to the Department was inserted, the Department referred to by title was administered by the Minister or Ministers administering that provision in relation to the relevant matter—the Department identified by item 1; or</p> <p>(b) if paragraph (a) does not apply—the Department of State of the Commonwealth identified by the title, or by a substituted reference order under section 19B; or</p> <p>(c) in any case—any other Department of State of the Commonwealth that deals with</p>

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**References to Departments in Acts**

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<b>Item</b>	<b>If the provision ...</b>	<b>then the Department is ...</b>
		the matters for which the Department mentioned in paragraph (a) or (b) (as the case may be) is responsible on the relevant day.
3	refers to a Department by describing a matter for which the Department is responsible (for example, “the Department responsible for the environment”)	the Department of State of the Commonwealth that deals with the relevant matter on the relevant day.

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Example: A provision of an Act refers to “the Secretary of the Department” but does not identify which Department is referred to. Under item 1, the reference is to the Secretary of the Department administered by the Minister who administers that provision in relation to the relevant matter, and that deals with that matter, as worked out under subsection (2).

- (2) Instruments including the following, as in force on the relevant day, or any earlier day, may be used to work out which Department is identified by the table in subsection (1):
- (a) an Administrative Arrangements Order;
  - (b) a substituted reference order under section 19B.

Note: Substituted reference orders under section 19B may have effect in relation to days before the orders are made.

**19B Machinery of government—substituted reference orders**

*Scope*

- (1) This section applies if:
- (a) a provision of an Act refers to an authority (see subsection (7)); and
  - (b) any of the following happens:
    - (i) the authority is abolished;
    - (ii) the name or title of the authority is changed;

- (iii) there is a change in the matters dealt with by the authority because of the effect of an Administrative Arrangements Order;
- (iv) the reference to the authority becomes no longer appropriate for any other reason.

*Substituted reference orders—Ministers, Departments, Agencies and offices*

- (2) The Governor-General may make a substituted reference order directing that the provision is to have effect for all purposes, on and after a day specified in the order:
  - (a) as if there were substituted, for the reference to the authority mentioned in subsection (1), a reference to another specified authority (or authorities); or
  - (b) as if, in so far as the provision applies in a particular respect specified in the order, there were substituted, for the reference to the authority mentioned in subsection (1), a reference to another specified authority (or authorities).

Note: A substituted reference order may be amended or revoked in the same way as it is made (see subsection 33(3)).

- (3) The day specified in the order (as the day on and after which the order is to have effect) may be a day before the order is made.
- (4) A substituted reference order has effect according to its terms.

Note: The order has effect for the purpose of the making of any subsequent order under this section.
- (5) A substituted reference order is a legislative instrument.

*Authority abolished and another established with the same name*

- (6) A substituted reference order must not be made only because an authority is abolished, and, immediately after its abolition, another authority of the same type, with the same name, is established.

Note: However, a substituted reference order may be made if either of the following happens in relation to the authority:

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- (a) there is a change in the matters dealt with by the authority because of the effect of an Administrative Arrangements Order (see subparagraph (1)(b)(iii));
- (b) a reference to the authority becomes no longer appropriate for any other reason (see subparagraph (1)(b)(iv)).

### *Definition of authority*

(7) In this section:

**authority** means any of the following:

- (a) a Minister;
- (b) a Department of State of the Commonwealth;
- (c) any other Agency within the meaning of the *Public Service Act 1999*;
- (d) an office (including an APS employee's office and any other appointment or position), or the holder of an office.

Note: Offices are offices in and for the Commonwealth (see section 21). An example is the office of Secretary of a Department of State.

## **19C Machinery of government—references to authorities in Commonwealth agreements**

### *Scope*

(1) This section applies if:

- (a) a provision of an agreement entered into by or on behalf of the Commonwealth refers to an authority (see subsection (6)) in relation to a particular matter (the **relevant matter**); and
- (b) any of the following happens after the agreement was entered into:
  - (i) the authority is abolished;
  - (ii) the name or title of the authority is changed;
  - (iii) there is a change in the matters dealt with by the authority because of the effect of an Administrative Arrangements Order;
  - (iv) the reference to the authority becomes no longer appropriate for any other reason.

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*References to authorities in Commonwealth agreements*

- (2) The following table provides which authority the provision of the agreement is taken to refer to in relation to the relevant matter on a particular day (the *relevant day*) after the most recent event mentioned in paragraph (1)(b).

<b>References to authorities in Commonwealth agreements</b>		
<b>Item</b>	<b>If the provision refers to ...</b>	<b>then the provision is taken to refer to ...</b>
1	a Minister	the Minister, or any of the Ministers, administering the Department of State of the Commonwealth that deals with the relevant matter on the relevant day.
2	a Department	the Department of State of the Commonwealth that deals with the relevant matter on the relevant day.
3	any other authority (the <i>relevant authority</i> )	an authority (including the relevant authority): (a) exercising the powers, or performing the functions, of the relevant authority on the relevant day; or (b) determined under subsection (4).

- (3) The following instruments, as in force on the relevant day, or any earlier day, may be used to work out which authority is taken to be referred to under subsection (2):
- (a) an Administrative Arrangements Order;
  - (b) a substituted reference order under section 19B.

Note: Substituted reference orders under section 19B may have effect in relation to days before the orders are made.

- (4) The Minister administering the Department of State of the Commonwealth that deals with the relevant matter may, by

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notifiable instrument, make a determination for the purposes of item 3 of the table in subsection (2).

Note 1: A determination may be amended or revoked in the same way as it is made (see subsection 33(3)).

Note 2: Notifiable instruments must be registered under the *Legislation Act 2003*, but they are not subject to parliamentary scrutiny or sunseting under that Act.

- (5) To avoid doubt, if, because of this section, a provision of an agreement entered into by or on behalf of the Commonwealth is taken to require anything to be done by or in relation to any one of 2 or more Ministers, the provision is not taken to require it to be done in any particular case by or in relation to more than one of those Ministers.

### *Definition of authority*

- (6) In this section:

**authority** means any of the following:

- (a) a Minister;
- (b) a Department of State of the Commonwealth;
- (c) any other Agency within the meaning of the *Public Service Act 1999*;
- (d) an office (including an APS employee's office and any other appointment or position), or the holder of an office.

Note: Offices are offices in and for the Commonwealth (see section 21). An example is the office of Secretary of a Department of State.

## **19D Machinery of government changes—saving the validity of acts done by authorities**

### *Saving the validity of acts done by authorities*

- (1) The purported exercise or performance of a power, function or duty by or on behalf of an authority (see subsection (5)) is not invalid merely because, following a machinery of government change, the power, function or duty:

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- (a) is conferred or imposed on another authority; or
  - (b) is conferred or imposed on the same authority under another name or title; or
  - (c) is no longer conferred or imposed on any authority.
- (2) Subsection (1) only applies if the authority acted on the basis of a reasonable, but mistaken, belief about the occurrence, timing or nature of the machinery of government change.

*Machinery of government change*

- (3) For the purposes of this section, a ***machinery of government change*** occurs if any of the following applies in relation to an authority:
- (a) the authority is abolished;
  - (b) the name or title of the authority is changed;
  - (c) there is a change in the matters dealt with by the authority because of the effect of an Administrative Arrangements Order;
  - (d) the authority no longer exercises or performs the power, function or duty for any other reason.

*Powers, functions and duties*

- (4) This section applies in relation to a power, function or duty purportedly exercised or performed by or on behalf of an authority, whether before or after the machinery of government change, under any of the following:
- (a) an Act or legislative instrument;
  - (b) an agreement entered into by or on behalf of the Commonwealth;
  - (c) any other authorisation under a law of the Commonwealth.

*Definition of authority*

- (5) In this section:

***authority*** means any of the following persons or bodies:

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- (a) a Minister;
- (b) a Department of State of the Commonwealth;
- (c) any other Agency within the meaning of the *Public Service Act 1999*;
- (d) an office (including an APS employee's office and any other appointment or position), or the holder of an office.

Note: Offices are offices in and for the Commonwealth (see section 21). An example is the office of Secretary of a Department of State.

### **20 References to holders of appointments, offices and positions in Acts and Commonwealth agreements**

In a provision of an Act, or of an agreement entered into by or on behalf of the Commonwealth, a reference in general terms to the holder or occupier of an office, appointment or position includes all persons who for the time being:

- (a) hold or occupy the office, appointment or position; or
- (b) perform the duties of the office, appointment 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.

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- (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 authorises the service of a document otherwise than as provided in that subsection; or
  - (b) affects the power of a court to authorise service of a document otherwise than as provided in that subsection.

### 29 Meaning of service by post

- (1) Where an Act authorises 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,

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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*.

## 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
  - (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, a notifiable 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.

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Note: This provision has a parallel, in relation to legislative instruments, and notifiable instruments, in section 13 of the *Legislation 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.

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*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

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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.

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**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 authorised 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.

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- (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:

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- (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

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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.

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**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 or she 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 or she does so apply, he or she 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 or she 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 or she grants the extension, a copy of the statement furnished pursuant to subsection (4) in respect of the application together with a statement specifying the

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- extension granted and his or her 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 or she 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 or she receives the statement.
- (8) This section does not apply in relation to the Australian Security Intelligence Organisation, the Australian Secret Intelligence Service, the Australian Signals Directorate or the Office of National Assessments.

## 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:

<b>Calculating periods of time</b>		
<b>Item</b>	<b>Column 1 If the period of time:</b>	<b>Column 2 then the period of time:</b>
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.

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

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 and instruments

### 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 and instruments

*Citation of Acts, legislative instruments and notifiable instruments*

- (1A) In any Act, instrument or document:
  - (a) an Act may be cited by:
    - (i) the short title of the Act; or
    - (ii) the secular year in which it was passed, and its number;  
or
    - (iii) a unique identifier given to the Act in accordance with rules prescribed under the *Legislation Act 2003*; and
  - (b) a legislative instrument or notifiable instrument may be cited by:

- (i) any name the instrument gives itself; or
- (ii) a unique identifier given to the instrument in accordance with rules prescribed under the *Legislation Act 2003*; or
- (iii) if the instrument was numbered under a Commonwealth law—the year it was made and its number, together with a reference (if necessary) to the kind of instrument; or
- (iv) if the instrument was notified or published in the Gazette—the date and (if necessary) number and page of the Gazette in which it was notified or published; or
- (v) the date it was made, together with a reference to the Act or instrument, and (if necessary) provision, under which it was made.

*Citation of Imperial Acts, State Acts and Territory Acts*

- (1) In any Act, instrument, or document:
  - (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.
- (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

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- (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, Consequential and Transitional) 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

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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—Instruments not covered by the Legislation Act 2003, and parliamentary resolutions**

### **46 Construction of instruments**

- (1) If a provision confers on a person (the *authority*) the power to make an instrument other than a legislative instrument, notifiable instrument or 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 Act or instrument, as in force from time to time, that authorises the making of the instrument in which the expressions are used; 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.
- (3) The amendment of an instrument, other than a legislative instrument or a notifiable instrument, or a rule of court, by an Act does not prevent the instrument, as so amended, from being amended or repealed by the authority.

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

## Section 46AA

**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, other than a legislative instrument, a notifiable instrument or a rule of court, that instrument may make provision in relation to that matter:
- (a) by applying, adopting or incorporating, with or without modification, any of the following, as in force at a particular time or as in force from time to time:
    - (i) the provisions of an Act;
    - (ii) the provisions of a legislative instrument covered by subsection (3);
    - (iii) the provisions of rules of court; 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:
    - (i) the time the first-mentioned instrument commences; or
    - (ii) a time before the first-mentioned instrument commences (whether or not the other instrument is still in force, or the other writing still exists, at the time the first-mentioned instrument commences).
- (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.
- (3) The following legislative instruments are covered by this subsection:
- (a) disallowable legislative instruments within the meaning of the *Legislation Act 2003*;
  - (b) legislative instruments that were disallowable under this or any other Act at any time before 1 January 2005.

Note 1: Section 4 of the *Legislation Act 2003* defines a **disallowable legislative instrument** as a legislative instrument to which section 42 of that Act applies.

## Section 47

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Note 2: The substantive provisions of the *Legislation Act 2003* commenced on 1 January 2005.

### *Forms*

- (4) If an instrument provides for a form to be used, this section does not apply in relation to the form.

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

## **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.

## Endnotes

Endnote 1—About the endnotes

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## Endnotes

### Endnote 1—About the endnotes

The endnotes provide information about this compilation and the compiled law.

The following endnotes are included in every compilation:

Endnote 1—About the endnotes

Endnote 2—Abbreviation key

Endnote 3—Legislation history

Endnote 4—Amendment history

### Abbreviation key—Endnote 2

The abbreviation key sets out abbreviations that may be used in the endnotes.

### Legislation history and amendment history—Endnotes 3 and 4

Amending laws are annotated in the legislation history and amendment history.

The legislation history in endnote 3 provides information about each law that has amended (or will amend) the compiled law. The information includes commencement details for amending laws and details of any application, saving or transitional provisions that are not included in this compilation.

The amendment history in endnote 4 provides information about amendments at the provision (generally section or equivalent) level. It also includes information about any provision of the compiled law that has been repealed in accordance with a provision of the law.

### Editorial changes

The *Legislation Act 2003* authorises First Parliamentary Counsel to make editorial and presentational changes to a compiled law in preparing a compilation of the law for registration. The changes must not change the effect of the law. Editorial changes take effect from the compilation registration date.

If the compilation includes editorial changes, the endnotes include a brief outline of the changes in general terms. Full details of any changes can be obtained from the Office of Parliamentary Counsel.

### Misdescribed amendments

A misdescribed amendment is an amendment that does not accurately describe how an amendment is to be made. If, despite the misdescription, the amendment

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Endnote 1—About the endnotes

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can be given effect as intended, then the misdescribed amendment can be incorporated through an editorial change made under section 15V of the *Legislation Act 2003*.

If a misdescribed amendment cannot be given effect as intended, the amendment is not incorporated and “(md not incorp)” is added to the amendment history.

## Endnotes

### Endnote 2—Abbreviation key

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#### Endnote 2—Abbreviation key

ad = added or inserted	o = order(s)
am = amended	Ord = Ordinance
amdt = amendment	orig = original
c = clause(s)	par = paragraph(s)/subparagraph(s) /sub-subparagraph(s)
C[x] = Compilation No. x	pres = present
Ch = Chapter(s)	prev = previous (prev...) = previously
def = definition(s)	Pt = Part(s)
Dict = Dictionary	r = regulation(s)/rule(s)
disallowed = disallowed by Parliament	reloc = relocated
Div = Division(s)	renum = renumbered
ed = editorial change	rep = repealed
exp = expires/expired or ceases/ceased to have effect	rs = repealed and substituted
F = Federal Register of Legislation	s = section(s)/subsection(s)
gaz = gazette	Sch = Schedule(s)
LA = <i>Legislation Act 2003</i>	Sdiv = Subdivision(s)
LIA = <i>Legislative Instruments Act 2003</i>	SLI = Select Legislative Instrument
(md) = misdescribed amendment can be given effect	SR = Statutory Rules
(md not incorp) = misdescribed amendment cannot be given effect	Sub-Ch = Sub-Chapter(s)
mod = modified/modification	SubPt = Subpart(s)
No. = Number(s)	<u>underlining</u> = whole or part not commenced or to be commenced

## Endnote 3—Legislation history

**Endnote 3—Legislation history**

<b>Act</b>	<b>Number and year</b>	<b>Assent</b>	<b>Commencement</b>	<b>Application, saving and transitional provisions</b>
Acts Interpretation Act 1901	2, 1901	12 July 1901	12 July 1901	
Acts Interpretation Act 1916	4, 1916	30 May 1916	s 2: 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 (s 3(2) and gaz 1930, p 2093) s 4-6: 14 Aug 1930	—
Acts Interpretation Act 1932	24, 1932	30 May 1932	s 2, 5: 30 May 1932	—
Acts Interpretation Act 1937	10, 1937	27 Aug 1937	s 4-14: 11 Oct 1937 (s 2 and gaz 1937, p 1695)	s 14
Acts Interpretation Act 1941	7, 1941	4 Apr 1941	s 5: 3 Sept 1939 (s 5(2)) Remainder: 4 Apr 1941 (s 2)	—
Defence (Transitional Provisions) Act 1947	78, 1947	11 Dec 1947	s 7: 1 Jan 1948 (s 2(2))	—
Acts Interpretation Act 1948	79, 1948	17 Dec 1948	14 Jan 1949	—
Statute Law Revision Act 1950	80, 1950	16 Dec 1950	s 16, First Sch: 31 Dec 1950 (s 2)	s 16
Acts Interpretation Act 1957	69, 1957	5 Dec 1957	5 Dec 1957 (s 2)	—
Acts Interpretation Act 1963	19, 1963	28 May 1963	25 June 1963	s 6

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Compilation date: 25/08/2018

## Endnotes

### Endnote 3—Legislation history

<b>Act</b>	<b>Number and year</b>	<b>Assent</b>	<b>Commencement</b>	<b>Application, saving and transitional provisions</b>
Acts Interpretation Act 1964	52, 1964	30 May 1964	27 June 1964	—
Statute Law Revision (Decimal Currency) Act 1966	93, 1966	29 Oct 1966	First Sch: 1 Dec 1966 (s 2(1))	—
Acts Interpretation Act 1973	79, 1973	19 June 1973	s 4(2): 1 July 1973 (gaz 1973, No 79) Remainder: 19 June 1973	—
Statute Law Revision Act 1973	216, 1973	19 Dec 1973	s 9(1) and sch 1: 31 Dec 1973 (s 2)	s 9(1)
Acts Citation Act 1976	37, 1976	26 May 1976	s 3 and 4: 1 July 1976 (s 2)	—
Acts Interpretation Amendment Act 1976	144, 1976	6 Dec 1976	s 3, 4, 5(1), 6, 7, 8(1), (2), 9 and sch: 6 Dec 1976 (s 2(1)) s 5(2): 1 July 1977 (s 2(2) and gaz 1977, No S122)	s 3(2), 8(2)
Acts Interpretation Amendment Act 1978	35, 1978	12 June 1978	12 June 1978 (s 2)	—
Acts Interpretation Amendment Act 1980	1, 1980	1 Mar 1980	1 Jan 1980 (s 2)	—
Statute Law Revision Act 1981	61, 1981	12 June 1981	Sch 1: 12 June 1981 (s 2(1))	—
Statute Law (Miscellaneous Amendments) Act (No. 1) 1982	26, 1982	7 May 1982	s 4: 4 June 1982 (s 2(12))	—

## Endnote 3—Legislation history

<b>Act</b>	<b>Number and year</b>	<b>Assent</b>	<b>Commencement</b>	<b>Application, saving and transitional provisions</b>
<b>as amended by</b>				
Statute Law (Miscellaneous Amendments) Act (No. 2) 1982	80, 1982	22 Sept 1982	s 263: 4 June 1982 (s 2(11))	—
Statute Law (Miscellaneous Amendments) Act (No. 2) 1982	80, 1982	22 Sept 1982	s 16: 22 Sept 1982 (s 2(1))	—
Statute Law (Miscellaneous Provisions) Act (No. 1) 1983	39, 1983	20 June 1983	Sch 1: 18 July 1983 (s 2(1))	—
Acts Interpretation Amendment Act 1984	27, 1984	15 May 1984	12 June 1984	s 2, 12(2) and 13(2)
<b>as amended by</b>				
Statute Law (Miscellaneous Provisions) Act (No. 2) 1984	165, 1984	25 Oct 1984	s 2(32): 25 Oct 1984 (s 2(2)) s 6(1): 22 Nov 1984 (s 2(1)) Sch 1: 12 June 1984 (s 2(3))	s 2(32) and 6(1)
Public Service Reform Act 1984	63, 1984	25 June 1984	s 151(9) and Sch 4: 1 July 1984 (s 2(4) and gaz 1984, No S245)	s 151(9)
<b>as amended by</b>				
Statute Law (Miscellaneous Provisions) Act (No. 2) 1984	165, 1984	25 Oct 1984	s 2(32): 25 Oct 1984 (s 2(2)) s 6(1): 22 Nov 1984 (s 2(1)) Sch 1: 1 July 1984 (s 2(21)(b))	s 2(32) and 6(1)

## Endnotes

### Endnote 3—Legislation history

<b>Act</b>	<b>Number and year</b>	<b>Assent</b>	<b>Commencement</b>	<b>Application, saving and transitional provisions</b>
Statute Law (Miscellaneous Provisions) Act (No. 1) 1984	72, 1984	25 June 1984	s 5(1) and Sch: 23 July 1984 (s 2(1))	s 5(1)
Statute Law (Miscellaneous Provisions) Act (No. 2) 1985	193, 1985	16 Dec 1985	s 5, 16 and Sch 1: 16 Dec 1985 (s 2(1))	s 5 and 16
Administrative Arrangements Act 1987	92, 1987	18 Sept 1987	s 4-8: 24 July 1987 (s 2(2))	—
Crimes Legislation Amendment Act 1987	120, 1987	16 Dec 1987	s 75(2) and Sch 5: 1 Mar 1989 (s 2(1) and gaz 1989, No S54)	s 75(2)
Statute Law (Miscellaneous Provisions) Act 1987	141, 1987	18 Dec 1987	s 5(1) and Sch 1: 18 Dec 1987 (s 2(1))	s 5(1)
Statutory Instruments (Tabling and Disallowance) Legislation Amendment Act 1988	99, 1988	2 Dec 1988	s 4-7: 2 Dec 1988 (s 2)	—
Law and Justice Legislation Amendment Act 1988	120, 1988	14 Dec 1988	s 4 and 5: 14 Dec 1988 (s 2(1))	—
Crimes Legislation Amendment Act 1989	108, 1989	30 June 1989	s 4: 30 June 1989 (s 2(1))	—
Corporations Legislation Amendment Act 1990	110, 1990	18 Dec 1990	s 16: 1 Jan 1991 (s 2(2) and gaz 1990, No S335)	—
Law and Justice Legislation Amendment Act 1990	115, 1990	21 Dec 1990	Sch: 21 Dec 1990 (s 2(1))	—

## Endnote 3—Legislation history

<b>Act</b>	<b>Number and year</b>	<b>Assent</b>	<b>Commencement</b>	<b>Application, saving and transitional provisions</b>
Law and Justice Legislation Amendment Act 1991	136, 1991	12 Sept 1991	Sch: 10 Oct 1991 (s 2(1))	—
Territories Law Reform Act 1992	104, 1992	30 June 1992	Sch 4: 1 July 1992 (s 2(3))	—
Law and Justice Legislation Amendment Act 1994	84, 1994	23 June 1994	s 3 and 5: 23 June 1992 (s 2(1))	s 3
Evidence (Transitional Provisions and Consequential Amendments) Act 1995	3, 1995	23 Feb 1995	s 14: 23 Feb 1995 (s 2(1)) s 15 and sch: 18 Apr 1995 (s 2(2), (13))	s 14
Audit (Transitional and Miscellaneous) Amendment Act 1997	152, 1997	24 Oct 1997	Sch 2 (items 136, 137): 1 Jan 1998 (s 2(2))	—
Financial Sector Reform (Amendments and Transitional Provisions) Act 1998	54, 1998	29 June 1998	Sch 18 (item 40): 1 July 1998 (s 2(2)(p))	—
Acts Interpretation Amendment Act 1998	125, 1998	21 Dec 1998	21 Dec 1998 (s 2)	Sch 1 (items 2, 5, 7)
Public Employment (Consequential and Transitional) Amendment Act 1999	146, 1999	11 Nov 1999	Sch 1 (items 33-40): 5 Dec 1999 (s 2(1), (2))	—
Corporate Law Economic Reform Program Act 1999	156, 1999	24 Nov 1999	Sch 12 (items 1, 2, 26, 27): 24 Nov 2000 (s 2(4))	—
Australian Security Intelligence Organisation Legislation Amendment Act 1999	161, 1999	10 Dec 1999	Sch 3 (items 1, 2): 10 Dec 1999 (s 2(2))	—

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## Endnotes

### Endnote 3—Legislation history

<b>Act</b>	<b>Number and year</b>	<b>Assent</b>	<b>Commencement</b>	<b>Application, saving and transitional provisions</b>
Federal Magistrates (Consequential Amendments) Act 1999	194, 1999	23 Dec 1999	Sch 2: 23 Dec 1999 (s 2(1))	—
Corporations (Repeals, Consequentials and Transitionals) Act 2001	55, 2001	28 June 2001	Sch 3 (items 9, 10): 15 July 2001 (s 2(1), (3))	—
Intelligence Services (Consequential Provisions) Act 2001	153, 2001	1 Oct 2001	Sch 3 (item 1): 29 Oct 2001 (s 2)	—
Statute Law Revision Act 2002	63, 2002	3 July 2002	Sch 1 (item 1): 21 Dec 1990 (s 2(1) item 2)	—
Acts Interpretation Amendment (Court Procedures) Act 2003	46, 2003	26 June 2003	7 July 2003 (s 2)	Sch 1 (item 2)
Legislative Instruments Act 2003	139, 2003	17 Dec 2003	Sch 1: 1 Jan 2005 (s 2(1) item 3)	—
Legislative Instruments (Transitional Provisions and Consequential Amendments) Act 2003	140, 2003	17 Dec 2003	s 4 and Sch 1 (items 3-7): 1 Jan 2005 (s 2(1) items 2, 3)	s 4
Financial Framework Legislation Amendment Act 2005	8, 2005	22 Feb 2005	s 4 and Sch 1 (items 1, 70): 22 Feb 2005 (s 2(1) items 1, 2)	s 4
Acts Interpretation Amendment (Legislative Instruments) Act 2005	133, 2005	15 Nov 2005	Sch 1 (items 1-5): 1 Jan 2005 (s 2(1) items 2, 3) Remainder: 15 Nov 2005 (s 2(1) item 1)	—
Statute Law Revision Act 2008	73, 2008	3 July 2008	Sch 1 (item 2): 1 Jan 2005 (s 2(1) item 3)	—

## Endnote 3—Legislation history

<b>Act</b>	<b>Number and year</b>	<b>Assent</b>	<b>Commencement</b>	<b>Application, saving and transitional provisions</b>
Same-Sex Relationships (Equal Treatment in Commonwealth Laws—Superannuation) Act 2008	134, 2008	4 Dec 2008	Sch 2 (item 1): 4 Dec 2008 (s 2(1) item 3)	—
Evidence Amendment Act 2008	135, 2008	4 Dec 2008	Sch 3 (item 6): 4 Dec 2009 (s 2(1) item 3)	—
Acts Interpretation Amendment Act 2011	46, 2011	27 June 2011	Sch 1 (items 1-110) and Sch 3 (item 1-9, 11): 27 Dec 2011 (s 2(1) items 2, 12)	Sch 3 (items 1-9, 11)
Privacy Amendment (Enhancing Privacy Protection) Act 2012	197, 2012	12 Dec 2012	Sch 5 (item 1) and Sch 6 (items 15-19): 12 Mar 2014 (s 2(1) items 3, 19) Sch 6 (item 1): 12 Dec 2012 (s 2(1) item 16)	Sch 6 (items 1, 15-19)
Federal Circuit Court of Australia (Consequential Amendments) Act 2013	13, 2013	14 Mar 2013	Sch 1 (items 1, 2): 12 Apr 2013 (s 2(1) item 2)	—
Charities (Consequential Amendments and Transitional Provisions) Act 2013	96, 2013	28 June 2013	Sch 1 (items 1-3): 1 Jan 2014 (s 2(1) item 2)	—
Statute Law Revision Act (No. 1) 2015	5, 2015	25 Feb 2015	Sch 3 (items 212-216): 25 Mar 2015 (s 2(1) item 10)	—

## Endnotes

### Endnote 3—Legislation history

<b>Act</b>	<b>Number and year</b>	<b>Assent</b>	<b>Commencement</b>	<b>Application, saving and transitional provisions</b>
Acts and Instruments (Framework Reform) Act 2015	10, 2015	5 Mar 2015	Sch 1 (items 93-117, 166-179) and Sch 2: 5 Mar 2016 (s 2(1) item 2)	Sch 1 (items 166-179) and Sch 2 (items 4-7)
<b>as amended by</b>				
Acts and Instruments (Framework Reform) (Consequential Provisions) Act 2015	126, 2015	10 Sept 2015	Sch 3 (items 1, 6): 5 Mar 2016 (s 2(1) item 8)	Sch 3 (item 6)
Acts and Instruments (Framework Reform) (Consequential Provisions) Act 2015	126, 2015	10 Sept 2015	Sch 3 (items 2, 6): 5 Mar 2016 (s 2(1) item 8)	Sch 3 (item 6)
Law and Justice Legislation Amendment (Northern Territory Local Court) Act 2016	26, 2016	23 Mar 2016	Sch 1 (items 3-7, 34): 1 May 2016 (s 2(1) item 2)	Sch 1 (item 34)
Territories Legislation Amendment Act 2016	33, 2016	23 Mar 2016	Sch 5 (items 1, 2, 4-8): 1 July 2016 (s 2(1) item 7)	Sch 5 (items 4-8)
Marriage Amendment (Definition and Religious Freedoms) Act 2017	129, 2017	8 Dec 2017	Sch 3 (items 1-3) and Sch 4: 9 Dec 2017 (s 2(1) item 7)	Sch 3 (item 3) and Sch 4
Intelligence Services Amendment (Establishment of the Australian Signals Directorate) Act 2018	25, 2018	11 Apr 2018	Sch 1 (items 35, 100-108): 1 July 2018 (s 2(1) item 2)	Sch 1 (items 100-108)

## Endnote 3—Legislation history

<b>Act</b>	<b>Number and year</b>	<b>Assent</b>	<b>Commencement</b>	<b>Application, saving and transitional provisions</b>
Legislation Amendment (Sunsetting Review and Other Measures) Act 2018	78, 2018	24 Aug 2018	Sch 1 (items 1-5) and Sch 2 (items 1-4): 25 Aug 2018 (s 2(1) items 2, 3)	Sch 1 (item 5) and Sch 2 (item 4)

## Endnotes

### Endnote 4—Amendment history

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#### Endnote 4—Amendment history

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<b>Provision affected</b>	<b>How affected</b>
<b>Part 1</b>	
Part 1 heading.....	ad No 52, 1964 rep No 46, 2011
Part 1 heading .....	ad No 46, 2011
Heading preceding s 1 .....	rep No 52, 1964
s 1A.....	ad No 46, 2011 am No 10, 2015
s 2.....	rs No 10, 1937 am No 37, 1976 rs No 46, 2011 am No 10, 2015
s 2A.....	ad No 24, 1932 rep No 10, 1937 ad No 52, 1964 rep No 216, 1973 ad No 46, 2011
<b>Part 2</b>	
Part 2.....	ad No 46, 2011
s 2B.....	ad No 46, 2011 am No 197, 2012; No 13, 2013; No 96, 2013; No 10, 2015; No 26, 2016; No 33, 2016; No 129, 2017; No 78, 2018
s 2C.....	ad No 46, 2011
s 2CA.....	ad No 129, 2017
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

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## Endnote 4—Amendment history

<b>Provision affected</b>	<b>How affected</b>
s 2J .....	ad No 46, 2011
s 2K.....	ad No 46, 2011
s 2L .....	ad No 46, 2011
s 2M.....	ad No 78, 2018
<b>Part 3</b>	
Part II heading .....	ad No 52, 1964 rep No 46, 2011
Part 3 heading .....	ad No 46, 2011
Heading preceding s 3 .....	rep No 52, 1964
s 3.....	am No 27, 1984; No 141, 1987; No 46, 2011; No 10, 2015
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
s 6.....	am No 46, 2011
<b>Part 4</b>	
Part III heading .....	ad No 52, 1964 rep No 46, 2011
Part 4 heading .....	ad No 46, 2011
Heading preceding s 7 .....	rep No 52, 1964
s 7.....	rs No 46, 2011
s 8.....	rep No 46, 2011
s 8A.....	ad No 27, 1984 rep No 46, 2011
s 8B.....	ad No 27, 1984 rep No 46, 2011
s 8C.....	ad No 27, 1984 rep No 46, 2011
s 9.....	rep No 46, 2011

## Endnotes

### Endnote 4—Amendment history

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<b>Provision affected</b>	<b>How affected</b>
s 10.....	rs No 37, 1976 am No 46, 2011; No 78, 2018
s 10A.....	ad No 4, 1916 rep No 37, 1976 ad No 27, 1984 am No 46, 2011; No 78, 2018
s 11.....	rs No 46, 2011
s 11A.....	ad No 46, 2011
s 11B.....	ad No 46, 2011
<b>Part 5</b>	
Part IV heading.....	ad No 52, 1964 rep No 46, 2011
Part 5 heading.....	ad No 46, 2011
Heading preceding s 12.....	rep No 52, 1964
s 13.....	am No 1, 1980 rs No 46, 2011 am No 10, 2015
s 14.....	rep No 46, 2011
s 14A.....	ad No 141, 1987 rep No 46, 2011
s 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

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## Endnote 4—Amendment history

Provision affected	How affected
	rs No 46, 2011
s 15AE .....	ad No 133, 2005
	rep No 10, 2015
s 15B .....	ad No 144, 1976
	am No 46, 2011
s 15C .....	ad No 27, 1984
	am No 46, 2011
	ed C32
Part V heading .....	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; No 5, 2015
s 16B .....	ad No 69, 1957
	am No 46, 2011
s 16BA .....	ad No 26, 2016
s 16C .....	ad No 79, 1973
	am No 194, 1999; No 46, 2011; No 13, 2013; No 26, 2016
s 17 .....	am No 23, 1930; No 10, 1937; No 80, 1950; No 69, 1957; No 79, 1973; No 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

## Endnotes

### Endnote 4—Amendment history

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<b>Provision affected</b>	<b>How affected</b>
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 rs No 10, 2015
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 rs No 10, 2015
s 19B .....	ad No 7, 1941 rs No 144, 1976 am No 63, 1984; No 92, 1987; No 146, 1999; No 46, 2011 rs No 10, 2015 ed C30
s 19BA .....	ad No 144, 1976 am No 35, 1978; No 63, 1984; No 92, 1987; No 125, 1998; No 146, 1999; No 73, 2008; No 46, 2011 rep No 10, 2015
s 19BAA .....	ad No 144, 1976 rep No 10, 2015
s 19BB .....	ad No 144, 1976 am No 46, 2011 rep No 10, 2015
s 19BC .....	ad No 144, 1976 am No 35, 1978

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## Endnote 4—Amendment history

<b>Provision affected</b>	<b>How affected</b>
	rep No 10, 2015
s 19BD .....	ad No 46, 2011
	rep No 10, 2015
s 19C .....	ad No 78, 1947
	am No 92, 1987; No 146, 1999
	rs No 10, 2015
s 19D .....	ad No 10, 2015
s 20 .....	am No 27, 1984; No 46, 2011
	rs No 10, 2015
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
s 22A .....	ad No 134, 2008
	rep No 46, 2011
s 22B .....	ad No 134, 2008
	rep No 46, 2011
s 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

## Endnotes

### Endnote 4—Amendment history

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<b>Provision affected</b>	<b>How affected</b>
s 25D.....	ad No 27, 1984
s 25E.....	ad No 27, 1984 rep No 46, 2011
<b>Part 6</b>	
Part VI heading.....	ad No 52, 1964 rep No 46, 2011
Part 6 heading.....	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 ed C32
s 29.....	am No 3, 1995; No 46, 2011 ed C32
s 30.....	am No 10, 1937; No 216, 1973; No 144, 1976 rep No 120, 1987
s 31.....	rep No 52, 1964
<b>Part 7</b>	
Part VII heading.....	ad No 52, 1964 rep No 46, 2011
Part 7 heading.....	ad No 46, 2011
s 32.....	am No 23, 1930 rep No 10, 1937
Heading preceding s 33.....	rep No 52, 1964

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## Endnote 4—Amendment history

<b>Provision affected</b>	<b>How affected</b>
s 33.....	am No 7, 1941; No 27, 1984; No 141, 1987; No 146, 1999; No 46, 2011; No 10, 2015
s 33AA.....	ad No 46, 2011
s 33AB.....	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
s 34.....	am No 46, 2011 ed C32
s 34AAA.....	ad No 46, 2011
s 34AAB.....	ad No 46, 2011
s 34AA.....	ad No 27, 1984 am No 84, 1994; 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; No 5, 2015; No 25, 2018
<b>Part 8</b>	
Part VIII heading.....	ad No 52, 1964 rep No 46, 2011
Part 8 heading.....	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

## Endnotes

### Endnote 4—Amendment history

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<b>Provision affected</b>	<b>How affected</b>
s 37.....	am No 46, 2011
s 37A.....	ad No 46, 2011
<b>Part 9</b>	
Part IX heading.....	ad No 52, 1964 rep No 46, 2011
Part 9 heading.....	ad No 46, 2011 rs No 10, 2015
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; No 10, 2015
s 40A.....	ad No 110, 1990 am No 54, 1998; No 156, 1999 rs No 55, 2001
Part X heading.....	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
s 42.....	ad No 10, 1937 am No 144, 1976 rep No 120, 1987
s 43.....	ad No 10, 1937 am No 144, 1976 rep No 120, 1987
s 44.....	ad No 10, 1937 rep No 120, 1987
s 45.....	ad No 10, 1937 rep No 120, 1987

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## Endnote 4—Amendment history

<b>Provision affected</b>	<b>How affected</b>
s 45A.....	ad No 27, 1984 rep No 120, 1987
s 45B.....	ad No 27, 1984 rep No 120, 1987
<b>Part 10</b>	
Part XI heading.....	ad No 52, 1964 rs No 140, 2003 rep No 46, 2011
Part 10 heading.....	ad No 46, 2011 rs No 10, 2015
Heading preceding s 46.....	ad No 10, 1937 rep No 52, 1964
s 46.....	ad No 10, 1937 am No 27, 1984; No 115, 1990 rs No 140, 2003 am No 133, 2005; No 46, 2011; No 10, 2015
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; No 10, 2015; No 126, 2015; No 78, 2018
s 46B.....	ad No 140, 2003 am No 139, 2003; No 133, 2005 rep No 10, 2015
s 47.....	ad No 10, 1937 am No 46, 2011
<b>Part 11</b>	
Part XII heading.....	ad No 52, 1964 rep No 46, 2011
Part 11 heading.....	ad No 46, 2011

## Endnotes

### Endnote 4—Amendment history

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<b>Provision affected</b>	<b>How affected</b>
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; No 141, 1987; No 99, 1988; No 115, 1990 rep No 140, 2003
s 48A.....	ad No 99, 1988 rep No 140, 2003
s 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