

## **EXPLANATORY STATEMENT**

Issued by the Authority of the Attorney-General

*Acts Interpretation Act 1901*

*Acts Interpretation (Substituted References – Section 19B) Amendment Order 2006 (No. 1)*

The *Acts Interpretation Act 1901* (the Act) provides rules for the interpretation of all Commonwealth Acts and addresses matters such as the interpretation of words and phrases within legislation where the meaning is obscure, out-dated or ambiguous.

The Administrative Arrangements Order sets out the legislation to be administered by each Minister and his or her Department. A general reference to a Minister, Department or Secretary in legislation means the Minister, Department or Secretary of the Department administering the legislation under the current Administrative Arrangements Order. Where Acts and instruments made under Acts refer to specific Ministers, Departments or Secretaries of Departments, these specific references may need to be altered to reflect the changes which commonly result from the making of a new Administrative Arrangements Order.

On 27 January 2006, the Governor-General approved an amendment to the Administrative Arrangements Order, which reflected changes in the names of two Departments. The title of the Department of Immigration and Multicultural and Indigenous Affairs changed to the Department of Immigration and Multicultural Affairs, and the title of the Department of Family and Community Services changed to the Department of Families, Community Services and Indigenous Affairs. The titles of the respective Ministers and Secretaries of the Departments were also changed.

The new Order under subsections 19B(1), (2) and (3) of the Act ensures that Ministers, Departments and Secretaries of Departments can exercise all powers granted to them following the amendment of the Administrative Arrangements Order.

The Act specifies no conditions that need to be met before the power to make the proposed Order may be exercised.

Details of the Order are set out in the [Attachment](#).

The Order is a legislative instrument for the purposes of the *Legislative Instruments Act 2003*.

The Order commences on the day that it is registered on the Federal Register of Legislative Instruments.

Consultation was unnecessary for this legislative instrument, as this instrument is of a machinery nature only. It has no direct, or substantial indirect, effect on business.

**ATTACHMENT****Details of the Acts Interpretation (Substituted References - Section 19B) Amendment Order 2006 (No. 1)**

**Section 1** provides that the Order is the *Acts Interpretation (Substituted References – Section 19B) Order 2006 (No. 1)*.

**Section 2** provides that the Order commences on the day it is registered on the Federal Register of Legislative Instruments.

**Section 3** provides that Schedule 1 amends the *Acts Interpretation (Substituted References – Section 19B) Order 1997* (the original Order).

**Schedule 1 Amendments****Amendments to Schedule 1 to the original Order**

**Item [1]** This item substitutes a new heading for Part 8 of Schedule 1 to the original Order. The current heading makes reference to the commencement of the *Acts Interpretation (Substituted References – Section 19B) Amendment Order 2004 (No. 1)*. The heading can now be updated to the specific date because that instrument has commenced.

**Item [2]** This item inserts a new Part 9 into Schedule 1 to the original Order. Clause 3 of the original Order provides for each item in a Part of Schedule 1 to substitute references to the Minister (or Ministers) mentioned in column 2 for references to the Minister (or Ministers) mentioned in column 3, wherever such references occur in a provision mentioned in column 4. New Part 9 of Schedule 1 sets out two new items and the relevant existing reference, substitute reference and affected provisions, for the machinery changes referred to in clause 3 of the original Order.

Taking item 1 of new Part 9 as an example, where there is a reference to the Minister for Family and Community Services in any Act or instrument, the reference should be read as the Minister for Families, Community Services and Indigenous Affairs from the date the Order is registered.

**Amendments to Schedule 2 to the original Order**

**Item [3]** This item inserts a new Part 5 into Schedule 2 to the original Order. Clause 4 of the original Order provides for each item in a Part of Schedule 2 to substitute references to the Department mentioned in column 2 for references to the Department in column 3, wherever such references occur in a provision mentioned in column 4. New Part 5 of Schedule 2 sets out two new items and the relevant existing reference, substitute reference and affected provisions, for the machinery changes referred to in clause 4 of the original Order.

**Amendments to Schedule 3 to the original Order**

**Item [4]** This item inserts a new Part 5 into Schedule 3 to the original Order. Clause 5 of the original Order provides for each item in a Part of Schedule 3 to substitute references to the Secretary mentioned in column 2 for references to the Secretary in column 3, wherever such

references occur in a provision mentioned in column 4. New Part 5 of Schedule 3 sets out two new items and the relevant existing reference, substitute reference and affected provisions, for the machinery changes referred to in clause 5 of the original Order.