

TERRITORY OF COCOS (KEELING) ISLANDS

Interpretation (Amendment) Ordinance 1992

No. 3 of 1992

I, THE GOVERNOR-GENERAL of the Commonwealth of Australia,
acting with the advice of the Federal Executive Council, make the
following Ordinance under the *Cocos (Keeling) Islands Act 1955*.

Dated 30 June 1992.

BILL HAYDEN
Governor-General

By His Excellency's Command,

WENDY FATIN
Minister of State for the Arts and Territories

An Ordinance to amend the *Interpretation Ordinance 1955*

1. Short title

1.1 This Ordinance may be cited as the *Interpretation (Amendment) Ordinance 1992*.¹

2. Commencement

2.1 This Ordinance commences on 1 July 1992.

3. Amendment

3.1 The *Interpretation Ordinance 1955*² is amended as set out in this Ordinance.

4. Section 2

4.1 Repeal the section.

5. Section 4 (Application of Ordinance)

5.1 Subsection 4 (1)

Omit the subsection, substitute:

“4. (1) Except where the contrary intention appears, this Ordinance applies to all Ordinances including this Ordinance.”.

6. New section 4A

6.1 After section 4, insert:

Western Australian Acts

“4A. (1) A reference in an Ordinance to the short title of a Western Australian Act, followed by “(W.A.)” is a reference to the Act as in force in Western Australia.

“(2) A reference in an Ordinance to the short title of a Western Australian Act, followed by “(W.A.)(C.K.I.)” is a reference to the Act as in force in the Territory in accordance with section 8A of the Act.”.

7. Section 5 (Interpretation)

7.1 Subsection 5 (1):

Omit the following definitions:

“‘District Court’, ‘District Judge’ ‘oath of office’ or ‘official oath’, ‘Ordinance’ and ‘Ordinance of the Colony of Singapore’ ”.

7.2 Subsection 5 (1):

Insert the following definitions:

“‘‘applied law’ means a law of Western Australia as in force in the Territory in accordance with section 8A of the Act;

‘Commonwealth Ordinance’ means an Ordinance made under section 12 of the Act’;

‘Ordinance’ includes:

- (a) a Commonwealth Ordinance; or
- (b) a Singapore Ordinance;

‘Singapore Ordinance’ means an Ordinance of the Colony of Singapore in its application to the Territory, as in force in the Territory in accordance with section 8 of the Act;

‘the Act’ means the *Cocos (Keeling) Islands Act 1955*;

‘Western Australian Act’ means an Act passed by the Parliament of Western Australia;”.

8. Section 9 (Judicial notice to be taken of Ordinances, &c)

8.1 Section 9:

Omit the section, substitute:

“9. (1) All courts and persons acting judicially must take judicial notice of—

- (a) a Commonwealth Ordinance; and
- (b) an applied law; and
- (c) a Singapore Ordinance; and
- (d) an Ordinance of the Colony of Singapore as defined in subsection (2); and
- (e) regulations, rules, rules of court, by-laws, proclamations or orders or any other instruments made under a law referred to in paragraph (a), (b), (c) or (d).

“(2) In paragraph 1(d), “Ordinance of the Colony of Singapore” means:

- (a) an Ordinance of the Colony of Singapore in its application to the Territory under section 8 of the Act as in force before 1 July 1992; or
- (b) the provisions of an Ordinance of the Colony of Singapore applying by virtue of an Ordinance made under section 12 of the Act as a law of the Territory before 1 July 1992; or
- (c) an Imperial Act or Order in Council in its application to the Territory under section 8 of the Act as in force before 1 July 1992; or
- (d) an Ordinance of the Colony of the Straits Settlements in force in the Colony of Singapore immediately before the commencement of the Act or the date of its application as a law of the Territory; or
- (e) a law referred to in paragraph (a), (b), (c) or (d) as amended or affected by a Commonwealth Ordinance.”.

9. New Section 18A

9.1 After section 18, insert:

“18A. (1) If, under a Singapore Ordinance, a power or function is vested in:

- (a) the Governor of the Colony of Singapore; or
- (b) the Governor of that Colony in Council; or
- (c) any other person or authority;

then, unless the contrary intention appears, that power or function may be exercised or performed by:

- (d) the Minister; or
- (e) the Governor-General.

“(2) The Minister may, by instrument, delegate a power or function vested in the Minister under subsection (1) to a person or authority to whom sub-section 8G (7) of the Act applies.

“(3) An instrument of direction or delegation in force immediately before 1 July 1992 under section 8 of the Act as in force immediately before that date continues in force as if that section had not been repealed.”.

NOTES

1. Notified in the *Commonwealth of Australia Gazette* on 30 June 1992.
2. No.1, 1955 as amended by No 1, 1958; No. 1, 1962; No. 3, 1964; Nos. 1 and 6, 1966; No.1, 1973; No. 2, 1975; No. 3, 1976; No. 2, 1977; No. 6, 1979; No. 4, 1980; Nos. 3 and 6, 1987.