

This PUBLIC BILL originated in the LEGISLATIVE ASSEMBLY, and, having this day passed, is now ready for presentation to the LEGISLATIVE COUNCIL for its concurrence.

I. P. K. VIDLER,
Clerk of the Legislative Assembly.

*Legislative Assembly Chamber,
Sydney, 6 September, 1972.*

New South Wales



ANNO VICESIMO PRIMO

ELIZABETHÆ II REGINÆ

Act No. , 1972.

An Act relating to the interpretation of Acts and statutory instruments; for this purpose to amend the Interpretation Act, 1897; and for purposes connected therewith.

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows:—

1. This Act may be cited as the "Interpretation (Amendment) Act, 1972". Short title.

Interpretation (Amendment).

2. (1) The Interpretation Act, 1897, is amended— Amendment
of Act No.
4, 1897.

(a) by inserting at the end of section 21 the following Sec. 21.
(Meaning
of words.)
new paragraph :—

5 (k) The words “date of assent”, in relation to
 an Act, shall mean the day on which the
 fact of Her Majesty’s assent to the Act is
 proclaimed under subsection (I) of section
10 3 or the day on which the Act receives the
 Royal assent, as referred to in subsection
 (II) of section 3, as the case may be.

(b) by inserting next after section 25 the following New sec.
25A.
new section :—

25A. (I) Where a provision of an Act refers— Citation of
references.

15 (a) to a Part, section or Schedule by a number
 but does not identify it as being part of any
 particular Act, the reference shall be read
 and construed as a reference to the Part,
 * * * * * section or Schedule, designated by that
 number, of or to the Act in which the
20 reference occurs;

 (b) to a Schedule but does not refer to it by a
 number or identify it as being a Schedule
25 to any particular Act, the reference shall,
 if there is only one Schedule to the Act in
 which the reference occurs, be read and
 construed as a reference to the Schedule to
 the Act in which the reference occurs; or

 (c) to a Division, subsection, paragraph, sub-
30 paragraph, clause, subclause, item or
 column by a number but does not identify

it

Interpretation (Amendment).

it as being part of any particular Act, the reference shall be read and construed as a reference—

- 5 (i) to the Division, designated by that number, of the Part in which the reference occurs;
- (ii) to the subsection, designated by that number, of the section in which the reference occurs;
- 10 (iii) to the paragraph, designated by that number, of the section, subsection, Schedule or definition, or of the clause, subclause, item or column of or in the Schedule, in
- 15 which the reference occurs;
- (iv) to the subparagraph, designated by that number, of the paragraph in which the reference occurs; or
- 20 (v) to the clause, subclause, item or column, designated by that number, of the Schedule in which the reference occurs,

as the case may require.

(II) Subsection (I)—

- 25 (a) applies to a reference, referred to in subsection (I), in an Act whenever passed; and
- (b) so applies, except in so far as a contrary intention appears.

30 (III) In this section, “number” means—

- (a) a number expressed in words or figures;

(b)

Interpretation (Amendment).

(b) a letter; or

(c) a combination of a number so expressed and a letter, with or without parentheses;

5 (c) by inserting next after section 29 the following new section :— New sec. 29A.

10 29A. (I) Where a word is defined in an Act, any cognate word in that Act or in an instrument made under that Act has a meaning corresponding to the meaning of the defined word. Cognate words.

(II) Subsection (I)—

(a) applies to an Act whenever passed and to an instrument whenever made; and

15 (b) so applies, except in so far as a contrary intention appears.

(d) (i) by inserting in section 37 after the words “an Act” the words “provides that the Act or any specified provision thereof”; Sec. 37. (Exercise of statutory powers between passing and commencement of Act.)

20 (ii) by omitting from section 37 the words “thereof, and” and by inserting instead the words “of the Act, and the Act or specified provision”;

25 (iii) by inserting in section 37 after the words “the Act” where firstly, thirdly, fourthly and fifthly occurring the words “or specified provision”;

(e) by inserting next after section 41 the following new section :— New sec. 41A.

30 41A. (I) The provisions of sections 15, 16, 17, 19, 20, 21, 22, 23, 25A, 26, subsection (I) of section 27, and sections 28, 29, 29A, 30, 31, 32 and 35 apply to an instrument made under an Act Application of certain provisions to instruments made under Acts.

Interpretation (Amendment).

in the same way as those provisions apply to an Act and for the purposes of so applying those provisions—

- 5 (a) the reference in subsection (I) of section 15 to the time of the passing of an Act shall be construed as a reference to the time when the instrument is made;
- 10 (b) the reference in subsection (III) of section 15 to the Minister of the Crown for the time being administering the Act or part of the Act shall be construed as a reference to the Minister of the Crown for the time being administering the Act or part of the Act under which the instrument is made;
- 15 and
- (c) the reference in section 25A to any portion of an Act shall be read and construed as a reference to the appropriate portion of the instrument.
- 20 (II) Subsection (I)—
- (a) applies to an instrument whenever made; and
- (b) so applies, except in so far as a contrary intention appears.
- 25 (2) The amendment made by subsection (1) (d) applies in respect of an Act, or a specified provision of an Act, whenever passed.

BY AUTHORITY

V. C. N. BLIGHT, GOVERNMENT PRINTER, NEW SOUTH WALES—1972

[5c]

provisions—

to the fact that the power conferred upon the
be exercised as a discretion to the extent
with the intention of making

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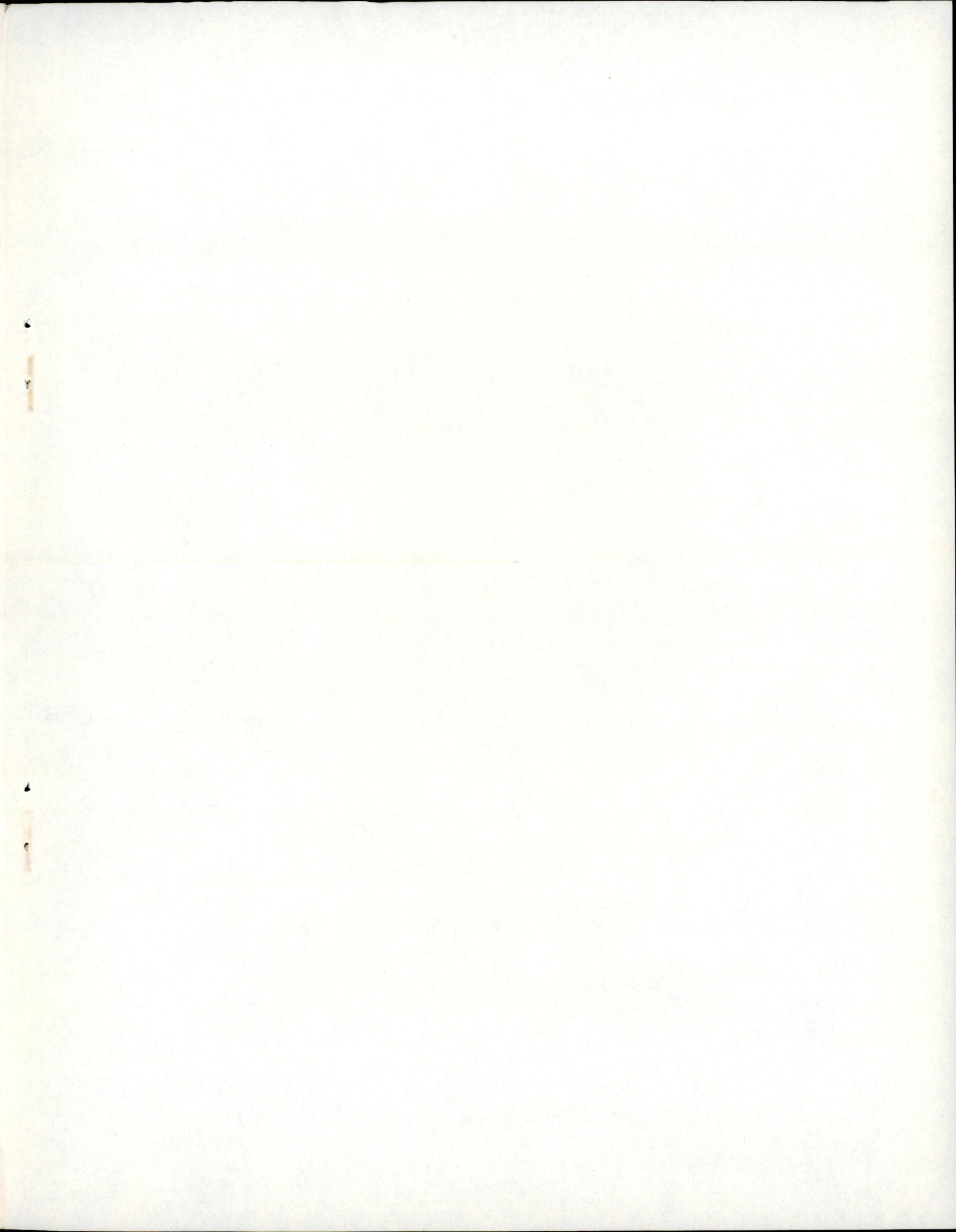
to the fact that the power conferred upon the
be exercised as a discretion to the extent
with the intention of making

(11) In section 11—

(a) in sub-section (1) the words "and the

(b) so applied as to be a condition of

(12) The amendment made by sub-section (1) of



No. , 1972.

A BILL

Relating to the interpretation of Acts and statutory instruments; for this purpose to amend the Interpretation Act, 1897; and for purposes connected therewith.

[MR McCaw—31 August, 1972.]

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows:—

1. This Act may be cited as the "Interpretation (Amend- Short title.
ment) Act, 1972".

Interpretation (Amendment).

2. (1) The Interpretation Act, 1897, is amended—

Amendment
of Act No.
4, 1897.

(a) by inserting at the end of section 21 the following new paragraph :—

Sec. 21.
(Meaning
of words.)

5

(k) The words "date of assent", in relation to an Act, shall mean the day on which the fact of Her Majesty's assent to the Act is proclaimed under subsection (I) of section 3 or the day on which the Act receives the Royal assent, as referred to in subsection (II) of section 3, as the case may be.

10

(b) by inserting next after section 25 the following new section :—

New sec.
25A.

25A. (I) Where a provision of an Act refers—

Citation of
references.

15

(a) to a Part, section or Schedule by a number but does not identify it as being part of any particular Act, the reference shall be read and construed as a reference to the Part, section or Schedule, designated by that number, of or to the Act in which the reference occurs;

20

(b) to a Schedule but does not refer to it by a number or identify it as being a Schedule to any particular Act, the reference shall, if there is only one Schedule to the Act in which the reference occurs, be read and construed as a reference to the Schedule to the Act in which the reference occurs; or

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(c) to a Division, subsection, paragraph, subparagraph, clause, subclause, item or column by a number but does not identify

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Interpretation (Amendment).

it as being part of any particular Act, the reference shall be read and construed as a reference—

- 5 (i) to the Division, designated by that number, of the Part in which the reference occurs;
- (ii) to the subsection, designated by that number, of the section in which the reference occurs;
- 10 (iii) to the paragraph, designated by that number, of the section, subsection, Schedule or definition, or of the clause, subclause, item or column of or in the Schedule, in
- 15 which the reference occurs;
- (iv) to the subparagraph, designated by that number, of the paragraph in which the reference occurs; or
- 20 (v) to the clause, subclause, item or column, designated by that number, of the Schedule in which the reference occurs,

as the case may require.

(II) Subsection (I)—

- 25 (a) applies to a reference, referred to in subsection (I), in an Act whenever passed; and
- (b) so applies, except in so far as a contrary intention appears.

30 (III) In this section, “number” means—

- (a) a number expressed in words or figures;

(b)

Interpretation (Amendment).

(b) a letter; or

(c) a combination of a number so expressed and a letter, with or without parentheses;

5 (d) by inserting next after section 29 the following new section :— New sec. 29A.

10 29A. (I) Where a word is defined in an Act, any cognate word in that Act or in an instrument made under that Act has a meaning corresponding to the meaning of the defined word. Cognate words.

(II) Subsection (I)—

(a) applies to an Act whenever passed and to an instrument whenever made; and

15 (b) so applies, except in so far as a contrary intention appears.

(d) (i) by inserting in section 37 after the words “an Act” the words “provides that the Act or any specified provision thereof”; Sec. 37. (Exercise of statutory powers between passing and commencement of Act.)

20 (ii) by omitting from section 37 the words “thereof, and” and by inserting instead the words “of the Act, and the Act or specified provision”;

25 (iii) by inserting in section 37 after the words “the Act” where firstly, thirdly, fourthly and fifthly occurring the words “or specified provision”;

(e) by inserting next after section 41 the following new section :— New sec. 41A.

30 41A. (I) The provisions of sections 15, 16, 17, 19, 20, 21, 22, 23, 25A, 26, subsection (I) of section 27, and sections 28, 29, 29A, 30, 31, 32 and 35 apply to an instrument made under an Act Application of certain provisions to instruments made under Acts.

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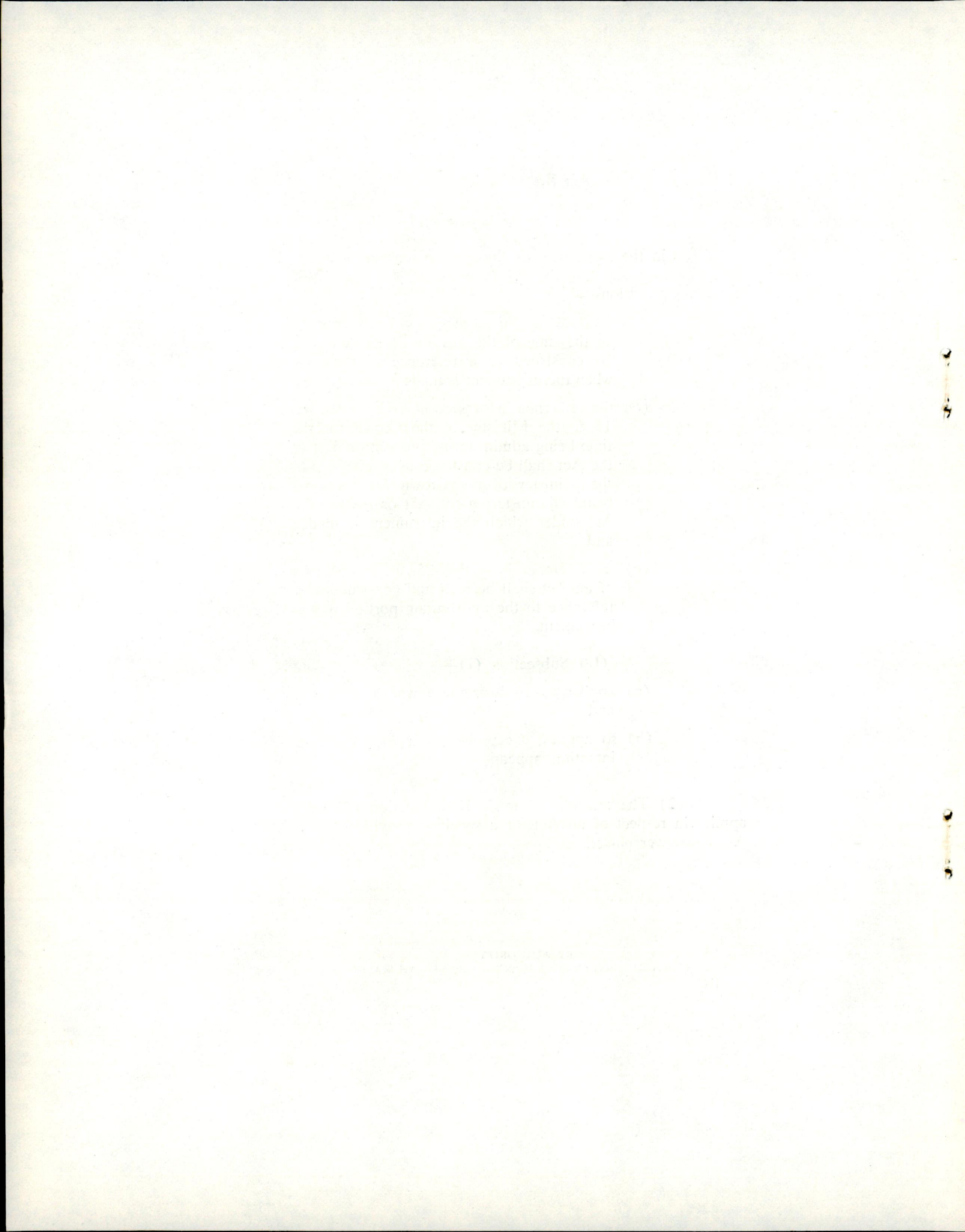
Interpretation (Amendment).

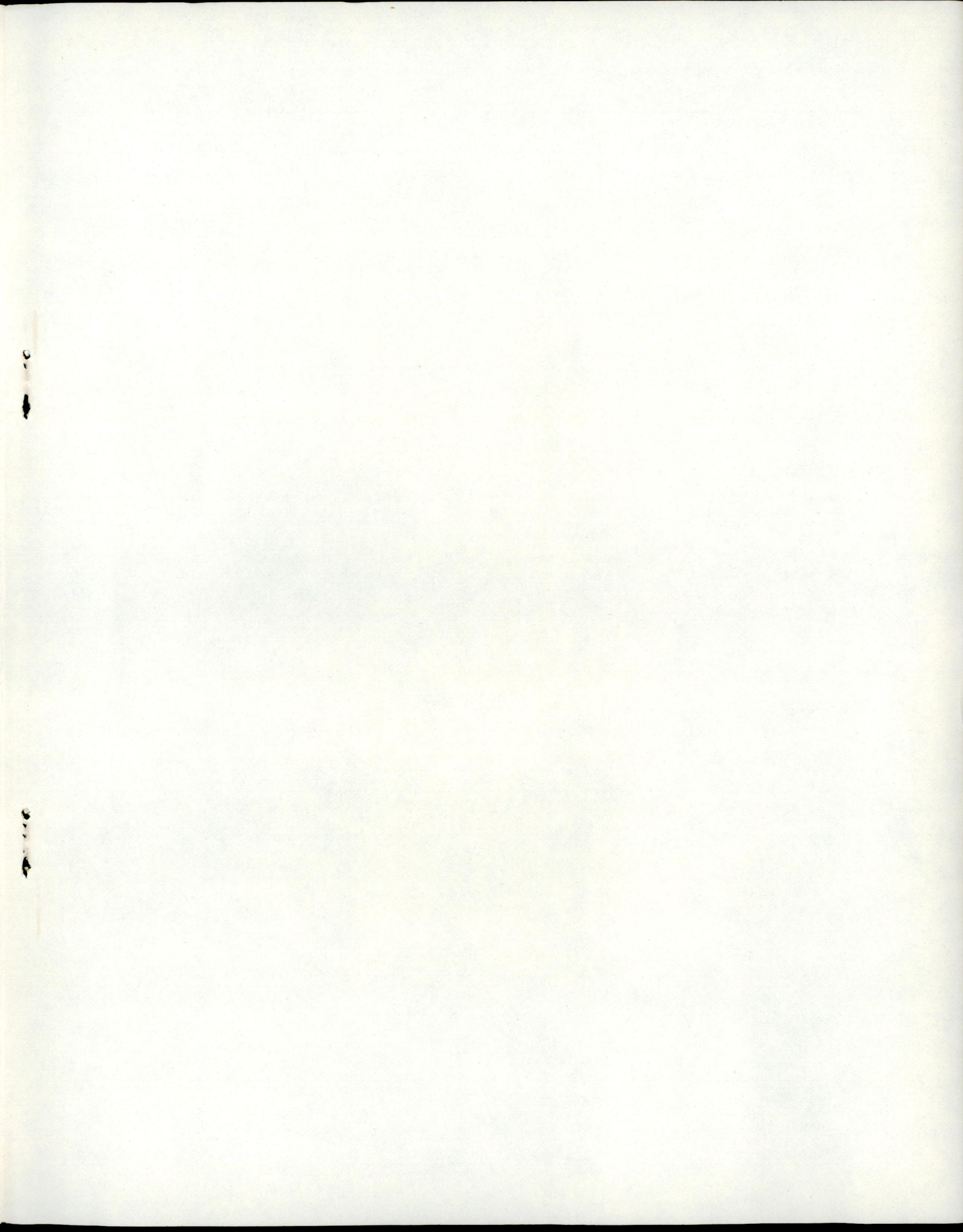
in the same way as those provisions apply to an Act and for the purposes of so applying those provisions—

- 5 (a) the reference in subsection (I) of section 15 to the time of the passing of an Act shall be construed as a reference to the time when the instrument is made;
- 10 (b) the reference in subsection (III) of section 15 to the Minister of the Crown for the time being administering the Act or part of the Act shall be construed as a reference to the Minister of the Crown for the time being administering the Act or part of the Act under which the instrument is made;
- 15 and
- (c) the reference in section 25A to any portion of an Act shall be read and construed as a reference to the appropriate portion of the instrument.
- 20 (II) Subsection (I)—
- (a) applies to an instrument whenever made; and
- (b) so applies, except in so far as a contrary intention appears.
- 25 (2) The amendment made by subsection (1) (d) applies in respect of an Act, or a specified provision of an Act, whenever passed.

BY AUTHORITY

V. C. N. BLIGHT, GOVERNMENT PRINTER, NEW SOUTH WALES—1972
[5c]





PROOF

INTERPRETATION (AMENDMENT) BILL, 1972

EXPLANATORY NOTE

THE object of this Bill is to amend the Interpretation Act, 1897 (hereinafter referred to as the "Principal Act") so as—

- (a) to include in the Principal Act a definition of the expression "date of assent";
- (b) to remove the necessity in the future to use the expressions "of this Act", "to this Act", "of this section", "of this subsection" and "of this paragraph" and similar expressions when referring to a Part, section, Schedule, subsection, paragraph, subparagraph, and certain other provisions, contained in an Act;
- (c) to provide that, in an Act or an instrument made under an Act, cognate words have a meaning corresponding to a defined word;
- (d) to amend section 37 of the Principal Act so that it will extend to cases where a specified provision of an Act is not to come into operation immediately on the passing of the Act;
- (e) to apply certain provisions of the Principal Act to instruments made under an Act;
- (f) to make other provisions of a minor or ancillary nature.

PROOF

No. , 1972.

A BILL

Relating to the interpretation of Acts and statutory instruments; for this purpose to amend the Interpretation Act, 1897; and for purposes connected therewith.

[MR McCaw—31 August, 1972.]

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows:—

1. This Act may be cited as the "Interpretation (Amend- Short title.
ment) Act, 1972".

Interpretation (Amendment).

2. (1) The Interpretation Act, 1897, is amended— Amendment
of Act No.
4, 1897.

(a) by inserting at the end of section 21 the following Sec. 21.
(Meaning
of words.)
new paragraph :—

5 (k) The words “date of assent”, in relation to
an Act, shall mean the day on which the
fact of Her Majesty’s assent to the Act is
proclaimed under subsection (I) of section
3 or the day on which the Act receives the
10 Royal assent, as referred to in subsection
(II) of section 3, as the case may be.

(b) by inserting next after section 25 the following New sec.
25A.
new section :—

25A. (I) Where a provision of an Act refers— Citation of
references.

15 (a) to a Part, section or Schedule by a number
but does not identify it as being part of any
particular Act, the reference shall be read
and construed as a reference to the Part,
section or Schedule, designated by that
number, of or to the Act in which the
20 reference occurs;

(b) to a Schedule but does not refer to it by a
number or identify it as being a Schedule
to any particular Act, the reference shall,
if there is only one Schedule to the Act in
25 which the reference occurs, be read and
construed as a reference to the Schedule to
the Act in which the reference occurs; or

(c) to a Division, subsection, paragraph, sub-
paragraph, clause, subclause, item or
30 column by a number but does not identify

it

Interpretation (Amendment).

it as being part of any particular Act, the reference shall be read and construed as a reference—

- 5 (i) to the Division, designated by that number, of the Part in which the reference occurs;
- (ii) to the subsection, designated by that number, of the section in which the reference occurs;
- 10 (iii) to the paragraph, designated by that number, of the section, subsection, Schedule or definition, or of the clause, subclause, item or column of or in the Schedule, in which the reference occurs;
- 15 (iv) to the subparagraph, designated by that number, of the paragraph in which the reference occurs; or
- 20 (v) to the clause, subclause, item or column, designated by that number, of the Schedule in which the reference occurs,

as the case may require.

(II) Subsection (I)—

- 25 (a) applies to a reference, referred to in subsection (I), in an Act whenever passed; and
- (b) so applies, except in so far as a contrary intention appears.

30 (III) In this section, “number” means—

- (a) a number expressed in words or figures;

(b)

Interpretation (Amendment).

(b) a letter; or

(c) a combination of a number so expressed and a letter, with or without parentheses;

5 (c) by inserting next after section 29 the following new section :— New sec. 29A.

10 29A. (I) Where a word is defined in an Act, any cognate word in that Act or in an instrument made under that Act has a meaning corresponding to the meaning of the defined word. Cognate words.

(II) Subsection (I)—

(a) applies to an Act whenever passed and to an instrument whenever made; and

15 (b) so applies, except in so far as a contrary intention appears.

(d) (i) by inserting in section 37 after the words “an Act” the words “provides that the Act or any specified provision thereof”; Sec. 37. (Exercise of statutory powers between passing and commencement of Act.)

20 (ii) by omitting from section 37 the words “thereof, and” and by inserting instead the words “of the Act, and the Act or specified provision”;

25 (iii) by inserting in section 37 after the words “the Act” where firstly, thirdly, fourthly and fifthly occurring the words “or specified provision”;

(e) by inserting next after section 41 the following new section :— New sec. 41A.

30 41A. (I) The provisions of sections 15, 16, 17, 19, 20, 21, 22, 23, 25A, 26, subsection (I) of section 27, and sections 28, 29, 29A, 30, 31, 32 and 35 apply to an instrument made under an Act Application of certain provisions to instruments made under Acts.

in

Interpretation (Amendment).

in the same way as those provisions apply to an Act and for the purposes of so applying those provisions—

- 5 (a) the reference in subsection (I) of section 15 to the time of the passing of an Act shall be construed as a reference to the time when the instrument is made;
- 10 (b) the reference in subsection (III) of section 15 to the Minister of the Crown for the time being administering the Act or part of the Act shall be construed as a reference to the Minister of the Crown for the time being administering the Act or part of the Act under which the instrument is made;
- 15 and
- (c) the reference in section 25A to any portion of an Act shall be read and construed as a reference to the appropriate portion of the instrument.
- 20 (II) Subsection (I)—
- (a) applies to an instrument whenever made; and
- (b) so applies, except in so far as a contrary intention appears.
- 25 (2) The amendment made by subsection (1) (d) applies in respect of an Act, or a specified provision of an Act, whenever passed.

in the same way as those provisions apply to an instrument which is made on or after the date of the commencement of this Act.

to the time of the making of an instrument, and shall be construed as if it had been made at that time.

15. (1) The Minister of the Crown may, at any time being administered by the Act, cause to be made an instrument in writing, and the Minister of the Crown may, at any time being administered by the Act, cause to be made an instrument in writing, and the Minister of the Crown may, at any time being administered by the Act, cause to be made an instrument in writing.

(2) The Minister of the Crown may, at any time being administered by the Act, cause to be made an instrument in writing, and the Minister of the Crown may, at any time being administered by the Act, cause to be made an instrument in writing.

(3) Section 17

(4) This section shall apply to an instrument made on or after the date of the commencement of this Act.

(5) This section shall apply to an instrument made on or after the date of the commencement of this Act.

(6) The amendments made by subsection (1) shall apply in respect of an instrument made on or after the date of the commencement of this Act.

I certify that this PUBLIC BILL, which originated in the LEGISLATIVE ASSEMBLY, has finally passed the LEGISLATIVE COUNCIL and the LEGISLATIVE ASSEMBLY of NEW SOUTH WALES.

I. P. K. VIDLER,
Clerk of the Legislative Assembly.

*Legislative Assembly Chamber,
Sydney, 27 September, 1972.*

New South Wales



ANNO VICESIMO PRIMO

ELIZABETHÆ II REGINÆ

Act No. 47, 1972.

An Act relating to the interpretation of Acts and statutory instruments; for this purpose to amend the Interpretation Act, 1897; and for purposes connected therewith. [Assented to, 9th October, 1972.]

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows:—

1. This Act may be cited as the "Interpretation (Amendment) Act, 1972". Short title.

2.

I have examined this Bill, and find it to correspond in all respects with the Bill as finally passed by both Houses.

L. A. PUNCH,
Chairman of Committees of the Legislative Assembly.

Interpretation (Amendment).

Amendment
of Act No.
4, 1897.

2. (1) The Interpretation Act, 1897, is amended—

Sec. 21.
(Meaning
of words.)

(a) by inserting at the end of section 21 the following new paragraph :—

(k) The words “date of assent”, in relation to an Act, shall mean the day on which the fact of Her Majesty’s assent to the Act is proclaimed under subsection (I) of section 3 or the day on which the Act receives the Royal assent, as referred to in subsection (II) of section 3, as the case may be.

New sec.
25A.

(b) by inserting next after section 25 the following new section :—

Citation of
references.

25A. (I) Where a provision of an Act refers—

(a) to a Part, section or Schedule by a number but does not identify it as being part of any particular Act, the reference shall be read and construed as a reference to the Part, section or Schedule, designated by that number, of or to the Act in which the reference occurs;

(b) to a Schedule but does not refer to it by a number or identify it as being a Schedule to any particular Act, the reference shall, if there is only one Schedule to the Act in which the reference occurs, be read and construed as a reference to the Schedule to the Act in which the reference occurs; or

(c) to a Division, subsection, paragraph, subparagraph, clause, subclause, item or column by a number but does not identify

it

Interpretation (Amendment).

it as being part of any particular Act, the reference shall be read and construed as a reference—

- (i) to the Division, designated by that number, of the Part in which the reference occurs;
- (ii) to the subsection, designated by that number, of the section in which the reference occurs;
- (iii) to the paragraph, designated by that number, of the section, subsection, Schedule or definition, or of the clause, subclause, item or column of or in the Schedule, in which the reference occurs;
- (iv) to the subparagraph, designated by that number, of the paragraph in which the reference occurs; or
- (v) to the clause, subclause, item or column, designated by that number, of the Schedule in which the reference occurs,

as the case may require.

(II) Subsection (I)—

- (a) applies to a reference, referred to in subsection (I), in an Act whenever passed; and
- (b) so applies, except in so far as a contrary intention appears.

(III) In this section, “number” means—

- (a) a number expressed in words or figures;
- (b)

Interpretation (Amendment).

- (b) a letter; or
- (c) a combination of a number so expressed and a letter, with or without parentheses;
- New sec. 29A. (c) by inserting next after section 29 the following new section :—
- Cognate words. 29A. (I) Where a word is defined in an Act, any cognate word in that Act or in an instrument made under that Act has a meaning corresponding to the meaning of the defined word.
- (II) Subsection (I)—
- (a) applies to an Act whenever passed and to an instrument whenever made; and
- (b) so applies, except in so far as a contrary intention appears.
- Sec. 37. (Exercise of statutory powers between passing and commencement of Act.) (d) (i) by inserting in section 37 after the words “an Act” the words “provides that the Act or any specified provision thereof”;
- (ii) by omitting from section 37 the words “thereof, and” and by inserting instead the words “of the Act, and the Act or specified provision”;
- (iii) by inserting in section 37 after the words “the Act” where firstly, thirdly, fourthly and fifthly occurring the words “or specified provision”;
- New sec. 41A. (e) by inserting next after section 41 the following new section :—
- Application of certain provisions to instruments made under Acts. 41A. (I) The provisions of sections 15, 16, 17, 19, 20, 21, 22, 23, 25A, 26, subsection (I) of section 27, and sections 28, 29, 29A, 30, 31, 32 and 35 apply to an instrument made under an Act

in

Interpretation (Amendment).

in the same way as those provisions apply to an Act and for the purposes of so applying those provisions—

- (a) the reference in subsection (I) of section 15 to the time of the passing of an Act shall be construed as a reference to the time when the instrument is made;
- (b) the reference in subsection (III) of section 15 to the Minister of the Crown for the time being administering the Act or part of the Act shall be construed as a reference to the Minister of the Crown for the time being administering the Act or part of the Act under which the instrument is made; and
- (c) the reference in section 25A to any portion of an Act shall be read and construed as a reference to the appropriate portion of the instrument.

(II) Subsection (I)—

- (a) applies to an instrument whenever made; and
- (b) so applies, except in so far as a contrary intention appears.

(2) The amendment made by subsection (1) (d) applies in respect of an Act, or a specified provision of an Act, whenever passed.

In the name and on behalf of Her Majesty I assent to this Act.

A. R. CUTLER,
Governor.

Government House,
Sydney, 9th October, 1972.

