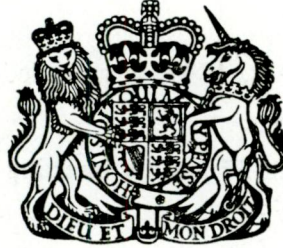


*This PUBLIC BILL originated in the LEGISLATIVE ASSEMBLY, and, having this day passed, is now ready for presentation to the LEGISLATIVE COUNCIL for its concurrence.*

R. E. WARD,  
*Clerk of the Legislative Assembly.*

*Legislative Assembly Chamber,  
Sydney, 28 September, 1976.*

## New South Wales



ANNO VICESIMO QUINTO

**ELIZABETHÆ II REGINÆ**

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Act No.       , 1976.

An Act to amend the Interpretation Act, 1897, so as to make provision with respect to the making of certain instruments under an Act or a statutory instrument before the Act or statutory instrument has commenced; and to validate certain matters.

BE

*Interpretation (Amendment).*

**B**E 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, 1976". Short title.

2. The Interpretation Act, 1897, is amended—

Amendment of Act No. 4, 1897.

(a) by omitting section 37 and by inserting instead the following section :— Sec. 37.

37. (I) Where an Act (in this section referred to as "the Act concerned"), being—

Exercise of certain powers between passing and commencement of Act.

(a) an Act enacted on or after the date of commencement of this section that is not to commence immediately upon its enactment; or

(b) an Act enacted before the date of commencement of this section that did not commence on or before that date,

would, if it had commenced, confer a power or amend another Act in such a manner that the other Act, as amended, would confer a power, that in either case must or may be exercised by the making of an instrument of a legislative or administrative character, then, unless the contrary intention appears, such an instrument may be made, and anything may be done for the purpose of enabling such an instrument to be made or of bringing such an instrument into effect, before the Act concerned commences as if it had commenced.

(II)

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*Interpretation (Amendment).*

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(II) Each provision of an instrument made by virtue of subsection (I) shall take effect—

(a) on the day on which the Act concerned commences; or

5 (b) on the day on which the provision would have taken effect if, when the instrument was made, the Act concerned had commenced,

whichever is the later.

10 (III) Where this section applies to an Act by reason of the fact that that Act would, if it had commenced, amend another Act in the manner referred to in subsection (I) and that other Act has not commenced, this section has effect as if  
15 the references in subsections (I) and (II) to the commencement of the Act concerned were references to the commencement of the other Act as amended by the Act concerned.

20 (IV) In subsections (I), (II) and (III), a reference to an Act shall be read as including a reference to any provision or provisions of an Act.

25 (V) Section 41 (I) (b) does not apply to an instrument made by virtue of subsection (I) if that instrument is a regulation as defined in section 41 (V).

(b) (i) by omitting from section 41A (I) the matter "and 35" and by inserting instead the matter  
" , 35 and 37";  
(ii) by omitting from section 41A (I) (b) the word "and";

Sec. 41A.  
(Application of certain provisions to instruments made under Acts.)

(iii)

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*Interpretation (Amendment).*

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(iii) by omitting from section 41A (I) (c) the word "instrument." and by inserting instead the following words and paragraph :—

instrument; and

5 (d) the reference in section 37 to the enact-  
ment of an Act or of a provision or  
provisions of an Act shall be construed as  
a reference to the making of the instru-  
10 ment or a provision or provisions thereof,  
as the case may require.

15 **3.** An instrument referred to in section 37 of the Inter-Validation.  
pretation Act, 1897, as in force at any time before the  
commencement of this Act, being an instrument that was  
made before that commencement and that would, but for  
this section, have been invalid, is, and shall be deemed  
always to have been, as valid as it would have been if section  
37 of that Act, as substituted by this Act, had been in force  
when the instrument was made.

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BY AUTHORITY

D. WEST, GOVERNMENT PRINTER, NEW SOUTH WALES—1976

[8c]

No. , 1976.

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## A BILL

To amend the Interpretation Act, 1897, so as to make provision with respect to the making of certain instruments under an Act or a statutory instrument before the Act or statutory instrument has commenced; and to validate certain matters.

[MR F. J. WALKER—8 *September*, 1976.]

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BE

*Interpretation (Amendment).*

**B**E 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 Short title. (Amendment) Act, 1976".

2. The Interpretation Act, 1897, is amended—

Amendment  
of Act No.  
4, 1897.

(a) by omitting section 37 and by inserting instead the following section :—

37. (I) Where an Act (in this section referred to as "the Act concerned"), being—

Exercise  
of certain  
powers  
between  
passing and  
commence-  
ment of Act.

(a) an Act enacted on or after the date of commencement of this section that is not to commence immediately upon its enactment; or

(b) an Act enacted before the date of commencement of this section that did not commence on or before that date,

would, if it had commenced, confer a power or amend another Act in such a manner that the other Act, as amended, would confer a power, that in either case must or may be exercised by the making of an instrument of a legislative or administrative character, then, unless the contrary intention appears, such an instrument may be made, and anything may be done for the purpose of enabling such an instrument to be made or of bringing such an instrument into effect, before the Act concerned commences as if it had commenced.

(II)

*Interpretation (Amendment).*

(II) Each provision of an instrument made by virtue of subsection (I) shall take effect—

(a) on the day on which the Act concerned commences; or

5 (b) on the day on which the provision would have taken effect if, when the instrument was made, the Act concerned had commenced,

whichever is the later.

10 (III) Where this section applies to an Act by reason of the fact that that Act would, if it had commenced, amend another Act in the manner referred to in subsection (I) and that other Act has not commenced, this section has effect as if  
15 the references in subsections (I) and (II) to the commencement of the Act concerned were references to the commencement of the other Act as amended by the Act concerned.

20 (IV) In subsections (I), (II) and (III), a reference to an Act shall be read as including a reference to any provision or provisions of an Act.

25 (V) Section 41 (I) (b) does not apply to an instrument made by virtue of subsection (I) if that instrument is a regulation as defined in section 41 (V).

(b) (i) by omitting from section 41A (I) the matter "and 35" and by inserting instead the matter  
" , 35 and 37";  
(ii) by omitting from section 41A (I) (b) the word "and";

Sec. 41A.  
(Application of certain provisions to instruments made under Acts.)

30

(iii)

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*Interpretation (Amendment).*

---

(iii) by omitting from section 41A (I) (c) the word "instrument." and by inserting instead the following words and paragraph :—

instrument; and

5 (d) the reference in section 37 to the enact-  
ment of an Act or of a provision or  
provisions of an Act shall be construed as  
a reference to the making of the instru-  
10 ment or a provision or provisions thereof,  
as the case may require.

3. An instrument referred to in section 37 of the Inter- Validation.  
pretation Act, 1897, as in force at any time before the  
commencement of this Act, being an instrument that was  
made before that commencement and that would, but for  
15 this section, have been invalid, is, and shall be deemed  
always to have been, as valid as it would have been if section  
37 of that Act, as substituted by this Act, had been in force  
when the instrument was made.

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BY AUTHORITY

D. WEST, GOVERNMENT PRINTER, NEW SOUTH WALES—1976

[8c]



## INTERPRETATION (AMENDMENT) BILL, 1976

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### EXPLANATORY NOTE

THE objects of this Bill are—

- (a) as a consequence of a decision of the Victorian Supreme Court on section 5 (1) of the (Victorian) Acts Interpretation Act, 1958, which corresponds substantially to section 37 of the (N.S.W.) Interpretation Act, 1897, to substitute section 37 of the New South Wales Act so as to ensure that certain instruments under an Act may be made in anticipation of the commencement of that Act or of an Act amending that Act, those instruments not commencing before the commencement of that Act or that amending Act;
  - (b) to extend the operation of the substituted section 37 to instruments made under a statutory instrument; and
  - (c) to validate certain statutory instruments purporting to have been made in the past in reliance on the former section 37.
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1911

# UNITED STATES DEPARTMENT OF AGRICULTURE

## ANNUAL REPORT

The Department of Agriculture has the honor to acknowledge the receipt of your report on the subject of the investigation of the causes of the loss of the crops of the State of California during the year 1911. The report is a valuable contribution to the knowledge of the Department and will be placed on file for reference.

Very respectfully,  
Director

*PROOF*

No. , 1976.

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## A BILL

To amend the Interpretation Act, 1897, so as to make provision with respect to the making of certain instruments under an Act or a statutory instrument before the Act or statutory instrument has commenced; and to validate certain matters.

[Mr F. J. WALKER—8 *September*, 1976.]

---

---

BE

*Interpretation (Amendment).*

**B**E 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 Short title. (Amendment) Act, 1976".

2. The Interpretation Act, 1897, is amended—

Amendment  
of Act No.  
4, 1897.

(a) by omitting section 37 and by inserting instead the following section :—

37. (I) Where an Act (in this section referred to as "the Act concerned"), being—

Exercise  
of certain  
powers  
between  
passing and  
commence-  
ment of Act.

(a) an Act enacted on or after the date of commencement of this section that is not to commence immediately upon its enactment; or

(b) an Act enacted before the date of commencement of this section that did not commence on or before that date,

would, if it had commenced, confer a power or amend another Act in such a manner that the other Act, as amended, would confer a power, that in either case must or may be exercised by the making of an instrument of a legislative or administrative character, then, unless the contrary intention appears, such an instrument may be made, and anything may be done for the purpose of enabling such an instrument to be made or of bringing such an instrument into effect, before the Act concerned commences as if it had commenced.

(II)

*Interpretation (Amendment).*

(II) Each provision of an instrument made by virtue of subsection (I) shall take effect—

(a) on the day on which the Act concerned commences; or

5 (b) on the day on which the provision would have taken effect if, when the instrument was made, the Act concerned had commenced,

whichever is the later.

10 (III) Where this section applies to an Act by reason of the fact that that Act would, if it had commenced, amend another Act in the manner referred to in subsection (I) and that other Act has not commenced, this section has effect as if  
15 the references in subsections (I) and (II) to the commencement of the Act concerned were references to the commencement of the other Act as amended by the Act concerned.

20 (IV) In subsections (I), (II) and (III), a reference to an Act shall be read as including a reference to any provision or provisions of an Act.

25 (V) Section 41 (I) (b) does not apply to an instrument made by virtue of subsection (I) if that instrument is a regulation as defined in section 41 (V).

- (b) (i) by omitting from section 41A (I) the matter "and 35" and by inserting instead the matter ", 35 and 37";
- (ii) by omitting from section 41A (I) (b) the word "and";

Sec. 41A.  
(Application of certain provisions to instruments made under Acts.)

(iii)

---

*Interpretation (Amendment).*

---

- (iii) by omitting from section 41A (I) (c) the word "instrument." and by inserting instead the following words and paragraph :—
- instrument; and
- 5 (d) the reference in section 37 to the enactment of an Act or of a provision or provisions of an Act shall be construed as a reference to the making of the instrument or a provision or provisions thereof,
- 10 as the case may require.

3. An instrument referred to in section 37 of the Interpretation Act, 1897, as in force at any time before the commencement of this Act, being an instrument that was made before that commencement and that would, but for 15 this section, have been invalid, is, and shall be deemed always to have been, as valid as it would have been if section 37 of that Act, as substituted by this Act, had been in force when the instrument was made.

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BY AUTHORITY

D. WEST, GOVERNMENT PRINTER, NEW SOUTH WALES—1976

# New South Wales



ANNO VICESIMO QUINTO

# ELIZABETHÆ II REGINÆ

\*\*\*\*\*

## Act No. 51, 1976.

An Act to amend the Interpretation Act, 1897, so as to make provision with respect to the making of certain instruments under an Act or a statutory instrument before the Act or statutory instrument has commenced; and to validate certain matters. [Assented to, 27th October, 1976.]

BE

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*Interpretation (Amendment).*


---

**B**E 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:—

Short title.      1. This Act may be cited as the "Interpretation (Amendment) Act, 1976".

Amendment  
of Act No.  
4, 1897.

2. The Interpretation Act, 1897, is amended—

Sec. 37.

(a) by omitting section 37 and by inserting instead the following section:—

Exercise  
of certain  
powers  
between  
passing and  
commence-  
ment of Act.

37. (I) Where an Act (in this section referred to as "the Act concerned"), being—

(a) an Act enacted on or after the date of commencement of this section that is not to commence immediately upon its enactment; or

(b) an Act enacted before the date of commencement of this section that did not commence on or before that date,

would, if it had commenced, confer a power or amend another Act in such a manner that the other Act, as amended, would confer a power, that in either case must or may be exercised by the making of an instrument of a legislative or administrative character, then, unless the contrary intention appears, such an instrument may be made, and anything may be done for the purpose of enabling such an instrument to be made or of bringing such an instrument into effect, before the Act concerned commences as if it had commenced.

(II)



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*Interpretation (Amendment).*

---

(II) Each provision of an instrument made by virtue of subsection (I) shall take effect—

- (a) on the day on which the Act concerned commences; or
- (b) on the day on which the provision would have taken effect if, when the instrument was made, the Act concerned had commenced,

whichever is the later.

(III) Where this section applies to an Act by reason of the fact that that Act would, if it had commenced, amend another Act in the manner referred to in subsection (I) and that other Act has not commenced, this section has effect as if the references in subsections (I) and (II) to the commencement of the Act concerned were references to the commencement of the other Act as amended by the Act concerned.

(IV) In subsections (I), (II) and (III), a reference to an Act shall be read as including a reference to any provision or provisions of an Act.

(V) Section 41 (I) (b) does not apply to an instrument made by virtue of subsection (I) if that instrument is a regulation as defined in section 41 (V).

- (b) (i) by omitting from section 41A (I) the matter "and 35" and by inserting instead the matter ", 35 and 37";
- (ii) by omitting from section 41A (I) (b) the word "and";

Sec. 41A.  
(Application of certain provisions to instruments made under Acts.)

(iii)

---

*Interpretation (Amendment).*

---

(iii) by omitting from section 41A (I) (c) the word "instrument." and by inserting instead the following words and paragraph:—

instrument; and

(d) the reference in section 37 to the enactment of an Act or of a provision or provisions of an Act shall be construed as a reference to the making of the instrument or a provision or provisions thereof, as the case may require.

**Validation.**     **3.** An instrument referred to in section 37 of the Interpretation Act, 1897, as in force at any time before the commencement of this Act, being an instrument that was made before that commencement and that would, but for this section, have been invalid, is, and shall be deemed always to have been, as valid as it would have been if section 37 of that Act, as substituted by this Act, had been in force when the instrument was made.

BY AUTHORITY

D. WEST, GOVERNMENT PRINTER, NEW SOUTH WALES—1976

*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.*

**R. E. WARD,**  
*Clerk of the Legislative Assembly.*

*Legislative Assembly Chamber,  
Sydney, 7 October, 1976.*

## New South Wales



ANNO VICESIMO QUINTO

**ELIZABETHÆ II REGINÆ**

\*\*\*\*\*

**Act No. 51, 1976.**

An Act to amend the Interpretation Act, 1897, so as to make provision with respect to the making of certain instruments under an Act or a statutory instrument before the Act or statutory instrument has commenced; and to validate certain matters. [Assented to, 27th October, 1976.]

BE

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

**T. J. CAHILL,**  
*Chairman of Committees of the Legislative Assembly.*

*Interpretation (Amendment).*

**B**E 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:—

Short title. **1.** This Act may be cited as the "Interpretation (Amendment) Act, 1976".

Amendment of Act No. 4, 1897. **2.** The Interpretation Act, 1897, is amended—

Sec. 37. (a) by omitting section 37 and by inserting instead the following section:—

37. (I) Where an Act (in this section referred to as "the Act concerned"), being—

(a) an Act enacted on or after the date of commencement of this section that is not to commence immediately upon its enactment; or

(b) an Act enacted before the date of commencement of this section that did not commence on or before that date,

would, if it had commenced, confer a power or amend another Act in such a manner that the other Act, as amended, would confer a power, that in either case must or may be exercised by the making of an instrument of a legislative or administrative character, then, unless the contrary intention appears, such an instrument may be made, and anything may be done for the purpose of enabling such an instrument to be made or of bringing such an instrument into effect, before the Act concerned commences as if it had commenced.

(II)

Exercise of certain powers between passing and commencement of Act.

---

*Interpretation (Amendment).*

---

(II) Each provision of an instrument made by virtue of subsection (I) shall take effect—

(a) on the day on which the Act concerned commences; or

(b) on the day on which the provision would have taken effect if, when the instrument was made, the Act concerned had commenced,

whichever is the later.

(III) Where this section applies to an Act by reason of the fact that that Act would, if it had commenced, amend another Act in the manner referred to in subsection (I) and that other Act has not commenced, this section has effect as if the references in subsections (I) and (II) to the commencement of the Act concerned were references to the commencement of the other Act as amended by the Act concerned.

(IV) In subsections (I), (II) and (III), a reference to an Act shall be read as including a reference to any provision or provisions of an Act.

(V) Section 41 (I) (b) does not apply to an instrument made by virtue of subsection (I) if that instrument is a regulation as defined in section 41 (V).

- (b) (i) by omitting from section 41A (I) the matter "and 35" and by inserting instead the matter ", 35 and 37";
- (ii) by omitting from section 41A (I) (b) the word "and";

Sec. 41A.  
(Application of certain provisions to instruments made under Acts.)

(iii)

---

*Interpretation (Amendment).*

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(iii) by omitting from section 41A (I) (c) the word "instrument." and by inserting instead the following words and paragraph :—

instrument; and

(d) the reference in section 37 to the enactment of an Act or of a provision or provisions of an Act shall be construed as a reference to the making of the instrument or a provision or provisions thereof, as the case may require.

Validation. **3.** An instrument referred to in section 37 of the Interpretation Act, 1897, as in force at any time before the commencement of this Act, being an instrument that was made before that commencement and that would, but for this section, have been invalid, is, and shall be deemed always to have been, as valid as it would have been if section 37 of that Act, as substituted by this Act, had been in force when the instrument was made.

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

A. R. CUTLER,  
*Governor.*

*Government House,  
Sydney, 27th October, 1976.*