

## INTERPRETATION ORDINANCE 1978

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# INTERPRETATION ORDINANCE 1978

No. 59 of 1978

An Ordinance for the interpretation of Ordinances and for the shortening of their language and for other purposes

[Assented to 1 July 1978]

**B**E it ordained by the Legislative Assembly for the Northern Territory of Australia as follows:

## PART I—PRELIMINARY

Short title

1. This Ordinance may be cited as the *Interpretation Ordinance* 1978.

Repeal and savings

2.(1) The Ordinances set out in Parts 1, 2 and 3 of the Schedule are repealed.

(2) The laws of the State of South Australia set out in Part 4 of the Schedule cease to have effect in the Northern Territory as laws of the Northern Territory.

(3) Where there is, in an Ordinance, or a law of the State of South Australia in its application to the Northern Territory, made before the commencement of this Ordinance, a word, expression or provision as to which there is no provision in this Ordinance which is appropriate to its interpretation, application or effect but as to which a provision of a law in force before the commencement of this Ordinance would, but for the repeal effected by this section, have continued to be appropriate to its interpretation, application or effect, the provision in that last-mentioned law continues to apply to the word, expression or provision in that first-mentioned law, notwithstanding the repeal effected by this section.

(4) Notwithstanding the repeal effected by this section, in the interpretation, application or effect of a word, expression or provision in an Ordinance, or law of the State of South Australia in its application to the Northern Territory, to or in relation to anything done or suffered before the commencement of this Ordinance, reference shall be made to the law as in force or deemed before the commencement of this Ordinance to be in force at the time when that thing was done or suffered and not to this Ordinance, and that law continues to have effect for that purpose.

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\*The date fixed was 1 July, 1978.

3.(1) Subject to section 2, this Ordinance applies to each Act, and to each Ordinance and Act of the State of South Australia in its application to the Northern Territory, and to each Ordinance of the Northern Territory, whether made before or after the making of this Ordinance, including this Ordinance, as though that law were an Act.

Application of this Ordinance

(2) This Ordinance binds the Crown.

(3) In the application of a provision of this Ordinance to a provision, whether in this Ordinance or in another law, the first-mentioned provision yields to the appearance of an intention to the contrary in that other provision.

4. This Ordinance applies, so far as it is applicable—

Application to regulations, &c.

(a) to and in respect of instruments of a legislative or administrative character made under laws to which this Ordinance applies, and to and in respect of the interpretation, application and effect of such instruments, as if those instruments were Acts; and

(b) without limiting its general application—

(i) to and in respect of references to such instruments of a legislative or administrative character as if they were references to Acts; and

(ii) to and in respect of references to Acts as if they were references to such instruments.

## PART II—COMMENCEMENT OF ACTS

5.(1) In every Act, the word “commencement”, when used with reference to an Act or to an instrument of a legislative or administrative character, being an instrument made, granted or issued under a power conferred by an Act, shall mean the time at which the Act or instrument comes into operation.

Meaning of “commencement”

(2) Where an Act is expressed to come into operation on a particular day, it shall come into operation immediately on the expiration of the day immediately preceding that day.

6.(1) An Act assented to by the Administrator comes into operation immediately on the expiration of the day immediately preceding the day on which that assent is given.

Commencement of Acts

(2) An Act reserved for the signification of the pleasure of the Governor-General comes into operation immediately on the expiration of the day immediately preceding the day upon which notification that the Governor-General has assented to the Act is published in the *Gazette*.\*

(3) Where an Act or a provision of an Act is to come into operation on a date to be fixed by an instrument of a legislative or administrative character, the instrument may be made and published at any time after the making of the Act.

Evidence of  
assent, &c.

7.(1) The date appearing on a copy of an Act printed by the Government Printer and purporting to be the date upon which assent was given to the Act shall be evidence of that date.

(2) The date appearing on a copy of an Act printed by the Government Printer and purporting to be the date upon which the assent to the Act was notified in the *Gazette* shall be evidence of that date.

(3) The dates appearing on a copy of regulations printed by the Government Printer and purporting to be—

(a) the date on which the regulations were made; and

(b) the date on which the regulations were notified in the *Gazette*,

shall be evidence of those dates.

Exercise of  
powers before  
commencement

8.(1) Where a provision of an Act is expressed to confer power, or to amend a provision of another Act in such a manner that the other Act, as amended, will confer power, to take any action, including power to make an appointment or to make an instrument of a legislative or administrative character then, before the first-mentioned provision or the second-mentioned provision as amended, as the case may be, comes into operation, that power may be exercised and anything may be done for the purpose of enabling the exercise of that power or of bringing the appointment or instrument into effect.

(2) An action taken by virtue of sub-section (1), takes effect—

(a) on the day on which the provision first therein mentioned comes into operation; or

(b) on the day on which the action would have taken effect if that provision had been in operation when the action was taken,

whichever is the later day.

Amendment  
before  
commencement

9. At any time after a proposed law has been presented to the Administrator for assent and before it has come into operation—

(a) it may be cited by its proposed short title; and

(b) it may be the subject of a further proposed law to amend or repeal it,

and if a provision of an Act to amend or repeal another Act (including a provision relating to the commencement of the act proposed to be amended) comes into operation before or on the same day as the Act or provision amended or repealed, the Act or provision amended or repealed, as the case may be, shall not come into operation except as amended or for the purpose of making the repeal effective as though the repealed provision had never existed.

Amendment in  
same session

10. An Act may be amended or repealed in the session of the Legislative Assembly in which it was passed.

PART III—REPEAL AND EXPIRATION OF ACTS

**11.** Subject to section 51(8), the repeal of an Act or part of an Act by which a previous Act part of an Act was repealed, does not without express words have the effect of reviving that last-mentioned Act or part.

Repeal does not revive previous Act

**12.** The repeal of an Act or part of an Act does not—

Effect of repeal

- (a) revive anything not in force or existing at the time at which the repeal takes effect;
- (b) affect the previous operation of the Act or the part of the Act so repealed, or anything duly done or suffered under the Act or the part of the Act so repealed;
- (c) affect a right, privilege, obligation or liability acquired, accrued or incurred under an Act or the part of the Act so repealed, or an investigation, legal proceeding or remedy in respect of that right, privilege, obligation or liability; or
- (d) affect a penalty, forfeiture or punishment incurred in respect of an offence against the Act or part of the Act so repealed, or an investigation, legal proceeding or remedy in respect of that penalty, forfeiture or punishment,

and the investigation, legal proceeding or remedy may be instituted, continued or enforced, and a penalty, forfeiture or punishment may be imposed, as if the repealing Act had not been made.

**13.** Where an Act repeals in whole or in part a law of the State of South Australia in its application to the Territory or provides that such a law or any part of such a law shall cease to apply to the Territory sections 11, 12, 14 and 15 apply as if the law of the State were an Act or a part of an Act which had been repealed.

Effect of State laws ceasing to apply

**14.** Where an Act, or a regulation, repeals in whole or in part a former Act and substitutes provisions in lieu thereof, the repealed provisions continue in force until the substituted provisions come into operation.

Continuance of repealed provisions

**15.** Where an Act, or a regulation, repeals and re-enacts, with or without modification, any provisions of a former Act references in any other Act to the provisions so repealed shall be construed as references to the provisions so re-enacted.

References to repealed provisions

**16.** Where an Act or part of an Act expires, sections 11, 12, 14 and 15 apply in respect of that expiration as though the Act or part had been repealed.

Expiration of Acts

## PART IV—WORDS AND REFERENCES IN ACTS

Definitions  
of judicial  
expressions

## 17. In an Act—

- “committed for trial”, in relation to a person, means committed to prison with a view to being tried before a judge and jury, or admitted to bail upon a recognizance to appear and be tried before a judge and jury;
- “court of competent jurisdiction” means a court having jurisdiction to entertain the legal proceedings referred to in the Act in which the expression occurs and, where the legal proceeding relates to the recovery of money, whether on a liquidated or unliquidated claim, not having as an upper limit to its jurisdiction an amount which is less than the claim;
- “court of summary jurisdiction” means 2 Justices of the Peace or a magistrate sitting as a court for the making of summary orders or the summary punishment of offenders;
- “indictment” includes information;
- “Justice of the Peace” means, subject to section 28A, a Justice of the Peace for the Northern Territory;
- “Local Court” means a court established by or under the *Local Courts Ordinance*;
- “statutory declaration” means a statutory declaration made by virtue of the *Oaths Ordinance or the Statutory Declarations Act 1959* of the Commonwealth.

Definitions of  
government  
expressions

## 18. In any Act—

- “Act” means an Act passed by the Legislative Assembly and assented to under the *Northern Territory (Self Government) Act 1978*, and includes—
- (a) a Northern Territory Ordinance;
  - (b) an Ordinance or Act of the State of South Australia in its application to the Territory; and
  - (c) A part of an Act;
- “Acting Administrator” means a person appointed under the *Northern Territory (Self-Government) Act 1978* to act in the office of Administrator;
- “Administrator” means the Administrator of the Territory, and includes an Acting Administrator;
- “Attorney-General” means the Attorney-General of the Northern Territory;
- “Auditor-General” means the Auditor-General for the Territory appointed under the *Financial Administration and Audit Ordinance*;
- “commencement” in relation to an Act, means the time from which the Act takes effect;
- “Commonwealth” means the Commonwealth of Australia;

- “Consolidated Fund” means the Consolidated Fund established under the *Financial Administration and Audit Ordinance*;
- “department” means a department of the Public Service of the Northern Territory;
- “Executive Council” means the Executive Council of the Northern Territory of Australia;
- “financial year” means the period of 12 months ending on 30 June;
- “Gazette”, “Government Gazette”, “Northern Territory Government Gazette” or “Gazette of the Northern Territory” means the *Government Gazette of the Territory*;
- “Government Printer” includes any person printing with the authority of the Territory;
- “Imperial Act” means an Act passed by the Parliament of the United Kingdom;
- “instrument of a legislative or administrative character” includes written regulations, rules, by-laws, orders, determinations, proclamations, awards, documents and authorities made, granted or issued under a power conferred by an Act;
- “legal practitioner” means a legal practitioner within the meaning of the *Legal Practitioners Ordinance*;
- “Legislative Assembly” means the Legislative Assembly of the Northern Territory of Australia;
- “medical practitioner” means a registered medical practitioner with the meaning of the *Medical Practitioners Registration Ordinance*;
- “minister” means a person holding a ministerial office and “Minister” means—
- (a) the minister for the time being administering the Act in which, or in respect of which, the expression is used; or
  - (b) if, for the time being, different ministers are administering that Act in different respects, each of those ministers to the extent that he is administering it in the relevant respect, and includes a minister for the time being acting for and on behalf of that minister;
- “ministerial office” means ministerial office within the meaning of the *Northern Territory (Self-Government) Act 1978*;
- “Northern Territory Government Account” means the Northern Territory Government Account opened under the *Financial Administration and Audit Ordinance*;
- “Ordinance” includes an Act and an Ordinance or Act of the State of South Australia in its application to the Northern Territory;



- “prescribed” means prescribed by the Act in which the word is used or by an instrument of a legislative or administrative character made under that Act;
- “proclamation” means proclamation by the Administrator published in the *Gazette*;
- “regulations” means regulations, rules or by-laws made under an Act;
- “Speaker” means the Speaker of the Legislative Assembly;
- “statutory corporation” means a corporation, commission or authority incorporated by name for a public purpose by a law of the Territory, and does not include a municipal authority;
- “the Territory” means, according to the context, the body politic established by the *Northern Territory (Self-Government) Act 1978* as the Northern Territory of Australia or the geographical area constituting the Northern Territory of Australia;
- “Treasurer” means the Treasurer of the Northern Territory;
- “Valuer-General” means the Valuer-General within the meaning of the *Valuation of Land Ordinance*.

Definitions  
generally

**19.** In any Act—

- “calendar year” means the period of 12 months commencing on 1 January;
- “estate” includes any estate or interest, charge, right, title, claim, demand, lien or encumbrance at law or in equity;
- “infant” means a person who has not attained the age of 18 years;
- “land” includes all messuages, tenements and hereditaments, corporeal and incorporeal, of any tenure or description and whatever may be the estate or interest therein;
- “month” means a calendar month;
- “person” and “party” include a body politic and a body corporate.

Constructions of  
regulations, &c.

**20.**(1) Words, expressions and provisions contained in an instrument of a legislative or administrative character made, granted or issued under or in pursuance of an Act shall have the same interpretation, application and effect as in that Act.

(2) In any instrument of a legislative or administrative character made, granted or issued under or in pursuance of an Act, a reference to “the Act” shall be read as a reference to that Act.

Construction  
of Acts

**21.** In any Act, an expression “by”, “under” or “in pursuance of” that Act means by, under or in pursuance of, as the case may be, that Act or an instrument of a legislative or administrative character made, granted or issued under or in pursuance of that Act.

**22.** Words, expressions and provisions contained in an Act amending another Act shall have the same interpretation, application and effect as in that Act being amended.

Construction of amending Acts

**23.** In an 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.

Parts of speech and grammatical forms

**24.** In an Act—

Sex and number

(a) words importing the male sex shall also import the female sex; and

(b) words in the singular shall include the plural and words in the plural shall include the singular.

**25.** Where an Act authorizes or requires a document, parcel or other thing to be served by post, whether the expression “serve” or “give” or “send” or any other expression is used, service shall be deemed to be effected by properly addressing and posting it by prepaid post, and service is deemed to have been effected at the time at which the package would be delivered in the ordinary course of post.

Service by post

**26.** In an Act, words, expressions and provisions referring to writing shall be construed as including references to any mode of representing or reproducing words, figures or symbols in a visible form whether or not an optical, electronic, mechanical or other means or process must be used before they can be perceived.

References to writing

**27.** In the measurement of a distance for the purposes of an Act the measurement shall be made in a straight line in a horizontal plane.

Measurement of distance

**28.**(1) Where in an act a period of time dating from a given day, act or event is prescribed, allowed or limited for any purpose, the time shall be reckoned exclusive of such day or of the day of such act or event.

Reckoning of time

(2) Where the last day of any period prescribed, allowed or limited by an Act for the doing of any thing falls on a Saturday, on a Sunday or on a day which is a public holiday or a bank holiday in the place in which the thing is to be or may be done, the thing may be done on the first day following which is not a Saturday, a Sunday or a public holiday or bank holiday in that place.

(3) Where in an Act there is a reference to time the reference shall be read as being to the standard legal time in the Territory.

**29.**(1) A reference in an Act to a time of day expressed as 4 digits in hours is a reference to the time after midnight that is the number of hours (if any) equal to the number constituted by the first and second of those digits and the number of minutes (if any) less than an hour equal to the number constituted by the third and fourth digits.

24 hour clock

(2) For the purposes of sub-section (1) where the first of 2 digits constituting a number of hours or a number of minutes is 0, that number of hours or number of minutes, as the case may be, shall be taken to be the number constituted by the second of those 2 digits.

Reckoning of  
age

**30.**(1) In the reckoning of age of a person for the purposes of any Act, the person shall be taken to have attained a particular age on the relevant anniversary of his birth.

(2) Subject to sub-section (3), where in an Act any reference is made to the anniversary of the birth of a person, that reference shall be read as a reference to the day on which the anniversary occurs.

(3) Where a person was born on 29 February in any year, then, in any subsequent year that is not a leap year, the anniversary of the birth of that person shall be deemed to be 28 February in that subsequent year.

References to  
Supreme Court

**31.** In any Act—

- (a) a reference to the Supreme Court shall be read as a reference to the Supreme Court of the Northern Territory of Australia established under the *Northern Territory Supreme Court Act 1961*;
- (b) a reference to a Judge or a Judge of the Supreme Court shall be read as a reference to a Judge within the meaning of that Act; and
- (c) a reference to the senior Judge or the Chief Judge shall be read as a reference to the Judge who is the senior Judge of the Supreme Court.

References to  
Justices of  
the Peace, &c.

**32.** Where by, under or for the purposes of an Act a power is conferred on or a function or duty may be performed by a Justice of the Peace, that power may be exercised, or the function or duty may be performed, outside the Territory by a person who is a Justice of the Peace, a judge or a magistrate for the place in which it is exercised or performed.

(2) Where by, under or for the purposes of an Act a power is conferred on or a function or duty may be performed, by a Commissioner for Oaths or a Commissioner for Declarations, that power may be exercised, or that function or duty may be performed, outside the Territory by a person who is authorized to take and attest instruments of the nature of a statutory declaration in the place in which it is exercised or performed.

References to  
oaths, &c.

**33.** In an Act, the words “oath” and “affidavit” shall, in the case of a person allowed by law to affirm, declare or promise instead of swearing, be read as including affirmation, declaration and promise, and the word “swear”, in the case of such a person shall be read as including affirmation, declaration and promise.

34. Where in an Act the Administrator is referred to, the reference shall be read as a reference to the Administrator, or the person for the time being administering the government of the Territory, acting by and in accordance with the advice of the Executive Council.

References to  
Administrator

35.(1) A reference in an Act to an Administrative Arrangements Order shall be read as a reference to an order made by the Administrator and published in the *Gazette*, being an order by which the administration of a provision of an Act, or the responsibility for an area of government, is allotted to a specified minister or to a specified department.

Administrative  
Arrangements  
Orders

(2) A reference in an Act to the minister or department administering a provision of an Act or having responsibility for an area of government shall be read as a reference to the minister or department, as the case may be, to whom or to which the administration of that provision or the responsibility for that area is allotted by an Administrative Arrangements Order.

36. Where, in a provision of an Act reference is made to the Minister or to a specified minister or department (including a reference to a minister or department where there is no longer any such minister or department)—

References to  
Minister, &c.

- (a) the reference to the Minister or to that specified minister shall be read as or as including a reference to the minister to whom the administration of the provision is allotted by an Administrative Arrangements Order, and is deemed to include a minister for the time being acting for and on behalf of that Minister; and
- (b) the reference to that specified Department shall be read as including a reference to the department to which the administration of the provision is allotted by an Administrative Arrangements Order.

37. Where an agreement is entered into by or on behalf of the Territory and, after the date of the agreement, the functions of a department in relation to the administration of matters to which the agreement relates are or have been allotted to another department by an Administrative Arrangements Order—

References in  
agreements

- (a) a reference in the agreement to the Minister administering the first-mentioned Department shall be read as a reference to the Minister administering the second-mentioned Department or to a minister acting for the time being for him and on his behalf; and
- (b) a reference in the agreement to the first-mentioned Department shall be read as a reference to the second-mentioned Department.

References to  
offices, &c.

**38.(1) In an Act—**

- (a) a reference to an officer or office shall be construed as a reference to such an officer or office for the Territory; 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 Territory.

(2) Where, in relation to a power or function, there is, in a provision of an Act or in an agreement entered into by or on behalf of the Territory, reference to a person, an officer, an office, a body corporate or a body of persons and there is no longer such a person, officer, office or body, or that power or function is no longer a power or function of that person, officer, office or body, the reference shall be read as including—

- (a) a reference to a person, officer, office or body for the time being having that power or function; or
- (b) if there is no person, officer, office or body for the time being having that power or function, a reference to such person, officer, office or body as is specified by order of the Minister administering that provision or administering the Department the functions of which include the administration of matters to which the provision relates; or
- (c) if there is no person, officer, office or body for the time being having that power or function, no minister administering that provision and no department with functions that include the administration of matters to which the provision relates, the Administrator.

(3) Where in an Act or in an order made under sub-section (2), a person holding or occupying a particular designation, office or position is mentioned or referred to in general terms, the mention or reference shall be read as including a reference to all persons who at any time for the time being hold or occupy or perform the duties of that designation, office or position.

**PART V—POWERS, FUNCTIONS AND AUTHORITIES**

Confirmation  
of appoint-  
ments not  
required

**39.** An appointment or other exercise of a power does not cease to have effect or need to be confirmed by reason only that the person making the appointment or exercising the power has ceased to hold office or otherwise to be capable of exercising the power.

Death, &c.,  
of office  
holder

**40. Where—**

- (a) a minister is acting for and on behalf of another minister; or
- (b) any other person is acting in or performing the duties of an office, position or designation during the absence or inability of the person for the time being holding or occupying the office, position or designation,

and, for any reason, that second-mentioned minister or that person second-mentioned in paragraph (b) ceases to hold or occupy his office, position or designation, that first-mentioned minister or the person first-mentioned in paragraph (b) may continue to act or to perform those duties until his power or authority to do so is lawfully revoked or until the expiration of one year after the person ceased to hold or occupy his office, position or designation, whichever first occurs.

**41.(1)** Where an Act confers a power or imposes a duty, the power may be exercised and the duty shall be performed from time to time as occasion requires.

Occasions for exercise of powers, &c.

(2) Where an Act confers a power or imposes a duty on the holder of an office or the occupier of a position or designation as such, the power may be exercised and the duty shall be performed by the person for the time being holding or occupying or performing the duties of the office, position or designation.

**42.** Where an Act confers a power to make, grant or issue an instrument of a legislative or administrative character, the power may be exercised in whole or in part and subject to such conditions, qualifications and limitations, if any, as are specified in the instrument.

Partial exercise of power

**43.** Where an Act confers a power to take an action or to make, grant or issue any instrument of a legislative or administrative character, the power shall be construed as including a power exercisable in the like manner and subject to the like conditions to repeal, rescind, revoke, amend or vary any such action or instrument.

Power to make includes power to rescind

**44.(1)** Subject to sub-section (2), where an Act confers on any person or authority a power to make appointments to any office, position, designation or place, the power shall be construed as including a power to remove or suspend any person appointed.

Power to appoint includes power to remove

(2) Where an Act confers on any person or authority a power to make appointments to any office, position, designation or place, the power shall be construed as including a power to appoint another person temporarily in the place of—

- (a) any person removed or suspended from that office, position, designation or place; or
- (b) any person who is or is expected to be absent from duty or from the Territory or unable to perform his duties.

(3) Where a power to make appointments to an office or place is exercisable only upon the recommendation or subject to the approval or consent of some other person or authority, the power of removal referred to in sub-section (1) is exercisable only upon the recommendation or subject to the approval or consent of that other person or authority.

Simultaneous  
actions

45.(1) Where an instrument of a legislative or administrative character revokes an action and simultaneously substitutes another action, that second-mentioned action shall be deemed to have effect after the revocation to the intent that the second-mentioned action shall not be held to be ineffective by reason that the revocation had not commenced its effect before the second-mentioned action commenced its effect.

(2) Where a series of actions has effect simultaneously, it shall be deemed to have effect in such sequence as is indicated or as the nature of the case requires.

Indirect  
exercise of  
power, &c.

46.(1) Subject to this section, where, by, under or in pursuance of an Act or an instrument of a legislative or administrative character made, granted or issued under or in pursuance of an Act, a power or function is conferred on a minister or other person (whether by reference to an office or otherwise), the power may be exercised or the function performed by a person who, with the approval of the minister administering the provision conferring the power, or of a person authorized by that minister to give that approval, has the authority of that person.

(2) Sub-section (1) does not empower the exercise of a power or the performance of a function by the authority of a person where that authority is not evidenced in a written instrument.

(3) Authority may be conferred in pursuance of sub-section (1) on a named person or on the person for the time being holding, acting in or performing the duties of a named office, designation or position.

(4) A written instrument conferring authority on a person in pursuance of this section may be revoked, rescinded, altered or amended at any time by the person conferring the authority.

(5) The conferring of authority by a written instrument under this section does not prevent the exercise of the power or the performance of the function by the person conferring the authority or by another person upon whom authority relating to the same power or function is conferred.

(6) Sub-section (1) does not empower the exercise of a power or the performance of a function by the authority of a person otherwise than subject to such conditions and limitations, if any, as are set out in the written instrument evidencing the authority.

(7) Sub-section (1) does not empower the exercise of a power or the performance of a function by the authority of a person if the power or function—

- (a) is of a legislative or judicial nature;
- (b) relates to the investigation or detection of offences or unlawful acts; or
- (c) relates to the grant or the defeasance or forfeiture of a right or title to land.

47. Where an Act provides that a document or thing may be served on a person, it may be served on a person authorized by that person to accept service. Service of documents

48. Where, under an Act, the exercise of a power or the performance of a function by a person is dependent upon the opinion, belief or state of mind of that person in relation to a matter, that power may be exercised or that function may be performed by a delegate or by authority of that person upon the opinion, belief or state of mind of the delegate or authorized person in relation to that matter. Discretions

## PART VI—MECHANICS OF LEGISLATION

49.(1) An Act may be cited— Citation

- (a) by its short title;
- (b) by reference to its number and the calendar year in which it received assent;
- (c) by the words contained in its short title; or
- (d) if a citation of that Act as amended by another Act is given by that other Act—
  - (i) by the citation so given; or
  - (ii) by the words contained in the citation so given.

(2) A provision of an Act may be cited by reference to the part, section, sub-section or other division of the Act in which the provision is contained.

(3) Such a reference shall be made according to the copy of the Act printed or purporting to be printed by the Government Printer.

50.(1) A reference in an Act to another Act by its short title or by reference to its number and the calendar year in which it received assent shall— References to other Acts

- (a) if that Act has, at the time the Act in which the reference appears is made, itself been amended, whether or not that amendment is then in force—be read as a reference to that Act only and not to that other Act as amended; or
- (b) if that Act has not, at that time, been so amended—be read as a reference to that other Act as amended from time to time.

(2) A reference in an Act to another Act by the words contained in its short title or by a method of citation provided by section 39(1)(d) shall be read as a reference to the principal Act that may be so cited as amended from time to time.

(3) Where a provision of an Act amends another Act, a reference in that provision to that other Act shall be read as a reference to that other Act as in force as at the date immediately before the date of commencement of that provision.



References  
to South  
Australian  
laws

**51.(1)** Where, in an Act, reference is made to a law of the State of South Australia in its application to the Territory and that law of the State is subsequently amended in its application to the Territory, the reference shall, from the date of the amendment, be deemed to be to that law as so amended.

(2) A law of the State of South Australia in its application to the Territory, or such a law as amended by another such law or by an Ordinance or Territory Act may be cited—

- (a) by the method of citation, or by the words contained in the method of citation, provided by that first-mentioned law; or
- (b) if a citation of that first-mentioned law as amended by another law or by an Ordinance or Territory Act is given by that other law, Ordinance or Territory Act—
  - (i) by the citation so given; or
  - (ii) by the words contained in the method of citation so given.

References  
to Imperial,  
Commonwealth  
and State Acts

**52.** An Imperial Act, a Commonwealth Act or an Act of a State or another Territory of Australia may be cited by a reference to the place by the Parliament of which the Act was passed together with such mode of reference as is sufficient in Acts passed by that Parliament and, where it is so cited and that Act is subsequently amended, the reference shall, from the date of the amendment, be deemed to be to that Act as so amended.

References  
in an Act to  
provisions of  
that Act

**53.(1)** A reference in an Act to a Part, section or Schedule shall be read as a reference to a Part or section of, or a Schedule to, that Act.

(2) A reference in a Part of an Act to a Division shall be read as a reference to a Division of that Part.

(3) A reference in a section of an Act to a sub-section or paragraph shall be read as a reference to a sub-section or paragraph of that section.

(4) A reference in a sub-section of a section of an Act to a paragraph shall be read as a reference to a paragraph of that sub-section.

(5) A reference in a paragraph of a section, or of a sub-section of a section, of an Act to a sub-paragraph shall be read as a reference to a sub-paragraph of that paragraph.

(6) A reference in a Schedule or part of a Schedule, to an Act to a form, paragraph, item or clause, shall be read as a reference to a form, paragraph, item or clause of that Schedule or part.

(7) A reference to a form in an Act the Schedule to which or only one of the Schedules to which contains a form or forms shall be read as a reference to a form in that Schedule.

**54.** Every section of an Act shall have effect as a substantive enactment without introducing words.

Every section a substantive enactment

**55.(1)** The headings of the Parts, Divisions and Subdivisions into which an Act is divided are parts of the Act.

Headings, Schedules, marginal notes, &c.

(2) Every Schedule to an Act is a part of the Act.

(3) The marginal notes and any footnotes or endnotes to an Act are not parts of the Act.

**56.(1)** The Acts which receive assent in each calendar year shall be numbered in regular arithmetical series, beginning with the number one, in the order in which they receive assent.

Numbering of Acts

(2) For the purposes of sub-section (1), an Act which receives the Governor-General's assent is deemed to receive assent on the day upon which notification that the Governor-General has assented to the Act is published in the *Gazette*.

**57.(1)** In this section, "regulations" does not include—

Numbering of regulations

(a) rules of court which relate only to dates of sittings of a court;

(b) by-laws made by the Public Service Commissioner under the *Public Service Ordinance*; or

(c) any other rules, regulations or by-laws that expressly provide that this section does not apply.

(2) Regulations made in each calendar year shall be numbered in regular arithmetical series, beginning with the number one, as nearly as may be in the order in which they are made.

(3) Any regulations may, without prejudice to any other mode of citation, be cited by the number so given and the calendar year in which they were made.

## PART VII—GENERAL

### *Division 1—Construction*

**58.** An Act amending another Act or a law of the State of South Australia in its application to the Territory shall be construed with that other Act or law of the State and as part thereof.

Amending Act to be construed with amended Act

**59.** Every Act shall be read and construed subject to the *Northern Territory (Self-Government) Act 1978* and so as not to exceed the legislative power of the Legislative Assembly, to the intent that where any Act would, but for this section, have been construed as being in excess of that power it shall nevertheless be a valid Act to the extent to which it is not in excess of that power.

Act to be construed subject to power

**60.(1)** The provisions of every Act shall be taken to have effect in and in relation to the internal waters of the Territory and in and in relation to the coastal sea as if the coastal sea was part of the Territory.

Coastal sea

(2) Any reference in any Act to the Territory shall be read as including a reference to the internal waters of the Territory and to the coastal sea.

(3) Nothing in sub-section (1) or (2) shall be taken as limiting the operation of any Act.

(4) In this section, "coastal sea" means—

- (a) the territorial sea of Australia adjacent to the Territory; and
- (b) the sea on the landward side of the territorial sea of Australia adjacent to the Territory,

and includes the airspace over, and the sea-bed and sub-soil beneath, any such sea.

(5) The provisions of this section shall be read and construed subject to, and in accordance with, the *Seas and Submerged Lands Act 1973* of the Commonwealth.

Construction  
of  
regulations, &c.

61. Where an Act confers upon any authority power to make, grant or issue any instrument of a legislative or administrative character, any instrument so made, granted or issued shall be read and construed subject to the Act under which it was made and so as not to exceed the power of that authority, to the intent that, where any such instrument would, but for this section, have been construed as being in excess of the power conferred upon that authority it shall nevertheless be a valid instrument to the extent to which it is not in excess of that power.

Construction  
of resolutions  
of Legislative  
Assembly

62. Where a resolution is passed by the Legislative Assembly purportedly in pursuance of an Act, the resolution shall be read and construed subject to the *Northern Territory (Self-Government) Act 1978* and to the Act in pursuance of 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.

*Division 2—Regulations, Rules, By-laws and Papers*

Procedure for  
making  
regulations, &c.

63.(1) Where an Act contains a power to make regulations, all regulations made by virtue of that power shall—

- (a) be notified in the *Gazette*;
- (b) subject to this section, take effect from the date of the notification, or, where another date is provided for in the regulations, from the date so provided for; and
- (c) be laid before the Legislative Assembly within 3 sitting days of that Assembly after the making of the regulations.

(2) Where an Act contains a power to make rules or by-laws, all rules or by-laws made by virtue of that power shall be—

- (a) signed by the person making them, or, if that person is a statutory corporation, by a person authorized by it to sign them; and

(b) forwarded to the Minister administering the provision containing the power.

(3) Subject to this section, where rules or by-laws are forwarded to a minister in pursuance of sub-section (2)—

(a) that minister shall cause them to be notified in the *Gazette*;

(b) they take effect from the date of the notification, or, where another date is provided for in the rules or by-laws, from the date so provided for; and

(c) that minister shall lay them before the Legislative Assembly within 3 sitting days of that Assembly after they are notified in the *Gazette*.

(4) Where rules or by-laws are forwarded to a minister in pursuance of sub-section (2), that minister may, before he causes them to be notified in the *Gazette*, return them to the person signing them with amendments that he recommends.

(5) Where a minister returns rules or by-laws in pursuance of sub-section (4), the person making the rules or by-laws shall consider those amendments and the rules or by-laws, with or without amendments, shall be again forwarded to the minister, and sub-section (3) applies accordingly.

(6) Where regulations, rules or by-laws are required by an Act to be published or notified in the *Gazette*, it is sufficient compliance with that requirement if notice of the making of the regulations, rules or by-laws, and of the place where copies of them may be purchased is published in the *Gazette*.

(7) Regulations, rules and by-laws shall not be expressed to take effect or be in terms such that they do take effect from a date before the date of notification in the *Gazette* in any case where, if they so took effect—

(a) the rights of a person (other than the Territory or a statutory corporation) existing at the date of notification would be affected in a manner prejudicial to that person; or

(b) liabilities would be imposed on a person (other than the Territory or a statutory corporation) in respect of anything done or omitted to be done before the date of notification, and any provision in regulations, rules or by-laws made in contravention of this sub-section is void and of no effect.

(8) If any regulations, rules or by-laws are not laid before the Legislative Assembly in accordance with the provisions of this section, they are void and of no effect.

(9) If the Legislative Assembly passes a resolution of which notice has been given at any time within 12 sitting days after the regulations, rules or by-laws have been laid before the Legislative Assembly disallowing any regulation, rule or by-law, the disallowance has, subject to sub-section (8), the same effect as a repeal of the regulation, rule or by-law or part of the regulation, rule or by-law.

(10) If a provision of a disallowed regulation, rule or by-law, or a provision of a disallowed part of a regulation, rule or by-law, amended or repealed another regulation, rule or by-law in force immediately before the commencement of that provision, the disallowance revives the other regulation, rule or by-law from the date of the disallowance as if the disallowed provision had not been made.

(11) This section applies notwithstanding any provision contained in any other law, whether made before or after the commencement of this Ordinance, and any such other provision that is inconsistent with this section is, to the extent of the inconsistency, ineffective.

No regulation, &c., to be made in terms of disallowed regulation, &c.

**64.**(1) Where, in pursuance of section 51, the Legislative Assembly disallows a regulation, rule or by-law, no regulation, rule or by-law, being the same in substance or having the same effect as the regulation, rule or by-law so disallowed, shall be made within 6 months after the date of disallowance unless the resolution for disallowance has been rescinded by the Legislative Assembly.

(2) A regulation, rule or by-law made in contravention of this section is void and of no effect.

Evidence of regulations

**65.** Evidence of a regulation, rule or by-law made under an Act, or of such an instrument as amended, may be given in all courts by the production of a document purporting to be a copy thereof and purporting to be printed by the Government Printer or by the authority of the Territory.

Prescribing matters by reference to other instruments

**66.** Where an Act confers upon an authority power to make, grant or issue any instrument of a legislative or administrative character, then any instrument so made, granted or issued may apply, adopt or incorporate, with or without modification—

- (a) the provisions of any Territory or Commonwealth Act, or of any instrument of a legislative or administrative character made under such an Act, as in force at a particular time or as in force from time to time; or
- (b) any matter contained in any other instrument or writing as in force or existing at the time when the first-mentioned instrument takes effect,

but instruments of a legislative or administrative character shall not, except as provided by this section, make provision for or in relation to a matter by applying, adopting or incorporating any matter contained in an instrument or other writing as in force or existing from time to time.

Presentation of papers to Legislative Assembly

**67.**(1) Where, by the *Northern Territory (Self-Government) Act 1978* or by an Act within the meaning of this Ordinance, provision is made permitting or requiring the presentation (however expressed) of a paper to the Legislative Assembly, it is sufficient compliance with the provision if—

- (a) the paper is presented in the Legislative Assembly in accordance with the Standing Orders of the Legislative Assembly; or
- (b) in accordance with those Standing Orders, the paper is delivered to the Clerk of the Legislative Assembly and recorded in the Minutes of Proceedings of the Legislative Assembly.

(2) Where such a provision as is mentioned in sub-section (1) provides for a specified person to present or cause the paper to be presented, it is sufficient compliance with that provision if that person or any other person who could, by virtue of this Ordinance or of any other Act, act in the place of that person, makes or causes to be made the presentation or delivery of the paper.

(3) Where such a provision as is mentioned in sub-section (1) specifies a period within which the paper is to be presented, it is sufficient compliance with that provision if the paper is presented, in accordance with sub-section (1), within that period.

(4) In this section “paper” includes—

- (a) a regulation, rule or by-law, order, determination, proclamation or award;
- (b) a report; and
- (c) any other document or instrument required or permitted to be presented.

*Division 4—General*

**68.** Strict compliance with the forms prescribed by or under an Act is not necessary and substantial compliance, or such compliance as the circumstances of a particular case allow, is sufficient. Compliance with forms

**69.** Where moneys are due in pursuance of an Act, the moneys are recoverable in a court having, in the Territory, civil jurisdiction to the extent of the amount due. Civil proceedings

**70.** A court, Judge, Justice of the Peace, officer, commissioner, arbitrator or other person authorized by law or consent of parties to hear and determine any matter, has authority to receive evidence and examine witnesses and to administer an oath to all witnesses called before him. Powers of persons authorized to adjudicate

**71.** For the purposes of the application of a law in which reference is made to a paper or document as having been printed by the Government Printer, the words “Government Printer of the Northern Territory” shall, in the absence of proof to the contrary, be evidence that the paper or document was printed by the Government Printer. Government Printer



## SCHEDULE

Section 2(1)

## ORDINANCES REPEALED

## Part 1—Repeal of Interpretation Ordinances

*Interpretation Ordinance* 1931  
*Interpretation Ordinance* 1932  
*Interpretation Ordinance* 1933  
*Interpretation Ordinance* 1934  
*Interpretation Ordinance* 1938  
*Interpretation Ordinance* 1940  
*Interpretation Ordinance* 1948  
*Interpretation Ordinance* 1949  
*Interpretation Ordinance* 1952  
*Interpretation Ordinance (No. 2)* 1952  
*Interpretation Ordinance* 1954  
*Interpretation Ordinance* 1956  
*Interpretation Ordinance* 1957  
*Interpretation Ordinance* 1959  
*Interpretation Ordinance* 1962  
*Interpretation Ordinance* 1968  
*Interpretation Ordinance (No. 2)* 1968  
*Interpretation Ordinance* 1969  
*Interpretation Ordinance* 1972  
*Interpretation Ordinance* 1973  
*Interpretation Ordinance (No. 2)* 1973  
*Interpretation Ordinance* 1976  
*Interpretation Ordinance (No. 3)* 1976  
*Interpretation Ordinance* 1977  
*Interpretation Ordinance (No. 2)* 1977  
*Interpretation (Amendment) Ordinance* 1978

## Part 2—Repeal of Regulations Publication Ordinance

*Regulations Publication Ordinance* 1940  
*Regulations Publication Ordinance* 1952

## Part 3—Repeal of Administrator's Council Ordinance

*Administrator's Council Ordinance* 1959  
*Administrator's Council Ordinance* 1963  
*Administrator's Council Ordinance* 1976

## Part 4—Repeal of State Acts

The Act entitled "An Act for shortening and explaining the Language used in Acts of Parliament, and for other Purposes", being Act No. 9 of 1872.

*The Language of Acts Amendment Act*, 1900.

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