

Queensland



ANNO VICESIMO

ELIZABETHAE SECUNDAE REGINAE

No. 43 of 1971

**An Act to Amend the Acts Interpretation Acts 1954 to 1962
in certain particulars**

[ASSENTED TO 1ST NOVEMBER, 1971]

BE IT ENACTED by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Assembly of Queensland in Parliament assembled, and by the authority of the same, as follows:—

1. Short title and citation. (1) This Act may be cited as the *Acts Interpretation Act Amendment Act 1971*.

(2) *The Acts Interpretation Act of 1954* as subsequently amended is in this Act referred to as the Principal Act.

(3) The Principal Act as amended by this Act may be cited as the *Acts Interpretation Act 1954–1971*.

2. Amendment of section 25. Section 25 of the Principal Act is amended by adding the following subsection:—

“(3) For the purposes of this section the term “absent holder” includes the holder of any appointment who owing to inability from any cause cannot exercise the powers or perform the functions or duties attached to that appointment, whether or not he is in fact absent.”.

3. New section 27A. The Principal Act is amended by inserting after section 27 the following section:—

“**27A. Exercise of powers and functions by a delegate.** Where under any Act the exercise of a power or function by a person is dependent upon the opinion, belief or state of mind of that person in relation to a matter and that power or function has been delegated in pursuance of that Act, that power or function may be exercised by the delegate upon the opinion, belief or state of mind of the delegate in relation to that matter.”.

4. New section 28A. The Principal Act is amended by inserting after section 28 the following section:—

“**28A. Regulations.** (1) Where any Act confers power to make regulations then, unless the contrary intention appears, all regulations made under the Act shall—

- (a) be published in the Gazette;
- (b) upon publication in the Gazette, be judicially noticed;
- (c) take effect from the date of publication in the Gazette, or from such later date as is specified in the regulations;
- (d) be laid before the Legislative Assembly within fourteen sitting days after publication in the Gazette if the Legislative Assembly is in session, but if not then within fourteen sitting days after the commencement of its next session.

(2) If any regulations are not laid before the Legislative Assembly pursuant to paragraph (d) of subsection (1) of this section they shall be void and of no effect.

(3) If the Legislative Assembly passes a resolution in pursuance of a motion of which notice has been given at any time within fourteen sitting days after any regulations have been laid before it disallowing any of those regulations, any regulation so disallowed shall thereupon cease to have effect.

(4) Where a regulation is disallowed, or is deemed to have been disallowed under this section, the disallowance of the regulation shall have the same effect as a repeal of the regulation.

(5) For the purposes of this section, the power of the Legislative Assembly to pass a resolution disallowing a regulation shall not be affected by the prorogation of the Parliament or the dissolution of the Legislative Assembly, and the calculation of days upon which the Legislative Assembly has sat shall be made as if there had been no such prorogation or dissolution.”.

5. Amendment of section 33. Section 33 of the Principal Act is amended by adding the following subsection:—

“(6) Where in any Act reference is made to a specified Minister or a specified Ministerial Department of the Government and there is no longer any such Minister or Department—

(a) the reference to the Minister shall be read as a reference to such Minister as is specified by notification by the Governor in Council, and shall be deemed to include any Minister or Member of the Executive Council for the time being acting for or on behalf of the Minister so specified in the notification; and

(b) the reference to the Department shall be read as a reference to such Department as is specified by notification by the Governor in Council.”.

6. New section 35A. The Principal Act is amended by inserting after section 35 the following section:—

“35A. (1) Reference to a part, etc. Where in any Act reference is made to a part, division, section, schedule or form without anything in the context to indicate that a part, division, section, schedule or form of some other Act is intended to be referred to, the reference shall be deemed to be a reference to a part, division, section, schedule or form of the Act in which the reference is made.

(2) Reference to a subsection, etc. Unless the contrary intention appears, where in any Act reference is made to a subsection, paragraph, subparagraph, clause or subclause, the reference shall be deemed to be a reference to a subsection, paragraph, subparagraph, clause or subclause of the section, subsection, paragraph, subparagraph or clause, as the case may be, in which the reference is made.”.

7. Amendment of section 36. Section 36 of the Principal Act is amended by—

(a) inserting after the definition “ Court of Criminal Appeal ” the following definitions:—

“ “ District Court ”—A District Court appointed under the authority of the *District Courts Act 1967-1969*;

“ District Court Judge ”—A Judge of District Courts of this State;”;

(b) inserting after the definition “ Indictment ” the following definition:—

“ “ Industrial Commission ”—The Industrial Conciliation and Arbitration Commission constituted under *The Industrial Conciliation and Arbitration Acts 1961 to 1964*;”;

(c) inserting after the definition “ Legislature ” the following definition:—

“ “ Minister ”—The Minister for the time being administering the Act in which or in respect of which the expression is used;”;

(d) omitting the definition "Order in Council" and inserting in its stead the following definition:—

“ “Order in Council”—An Order in Council made by the Governor in Council, published in the Gazette;”;

(e) omitting the definition "Petty Sessions";

(f) omitting the definition "Proclamation" and inserting in its stead the following definition:—

“ “Proclamation”—A Proclamation made by the Governor, published in the Gazette;”.