

TASMANIA.

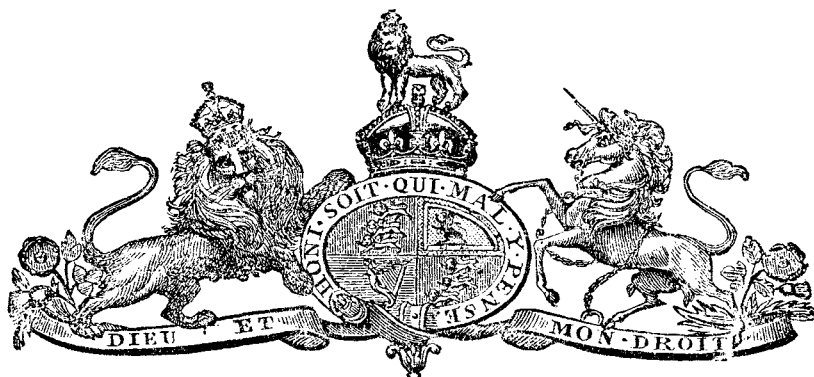
 THE ACTS INTERPRETATION ACT,
 1931.

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TASMANIA.



1931.

ANNO VICESIMO SECUNDO

GEORGI V. REGIS.

No. 59.

AN ACT to provide certain Rules for the Interpretation of Acts of Parliament; to define certain Terms commonly used therein; and to facilitate the shortening of their Phraseology. [18 *January*, 1932.]

A.D.
1931.

BE it enacted by His Excellency the Governor of Tasmania, by and with the advice and consent of the Legislative Council and House of Assembly, in Parliament assembled, as follows:—

1 This Act may be cited as “The Acts Interpretation Act, 1931.” Short title.

2 The Interpretation Act, 1906, the Interpretation Act, 1916, and the Northern and Southern Divisions Act, 1903, are hereby repealed.

Repeal of 6 Ed. VII. No. 12, 7 Geo. V. No. 15, and 3 Ed. VII. No. 6.

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Acts to be construed subject to legislative powers of State.

Com. 1930, No. 23, s. 3.

Application of this Act.

N.Z. 1908, No. 1, s. 2.

3 Every Act shall be read and construed subject to the limits of the legislative powers of the State and so as not to exceed such powers, to the intent that, where any enactment thereof, but for this provision, would be construed as being in excess of such powers, it shall nevertheless be a valid enactment to the extent to which it is not in excess of such powers.

4—(1) Except where otherwise expressly provided, the provisions of this Act shall be applied in the interpretation and construction of every Act whenever passed (including this Act) and of all regulations made under any Act, except in so far as—

I. Any provision of this Act is inconsistent with or repugnant to the true intent and object of the particular Act or regulation to be interpreted; or, in case of a regulation, with the true intent and object of the Act under which such regulation purports to have been made:

II. The interpretation which any provision of this Act would give to anything contained in such particular Act or regulation is inconsistent with the context thereof or with any definition or interpretation contained in such particular Act or regulation or in the Act under which such regulation is made.

(2) Where in this Act reference is made to an Act passed after any specified date, such reference shall include every such Act, whether passed before or after the commencement of this Act.

(3) This Act shall be binding on the Crown.

(4) In this section "regulation" includes rule and by-law.

Meaning of "Act."

Meaning of "Act."

5—(1) The word "Act." used in relation to a legislative enactment, shall include all Acts and ordinances which have been duly made and passed by the Parliament of Tasmania or by any council or authority empowered to make and pass laws in Tasmania, and to which assent has been duly given by or on behalf of the Sovereign.

(2) Every reference to an Act, where the context admits and unless the contrary intention appears, shall include a reference to any regulations, rules, and by-laws made thereunder.

Framing and Passing of Acts.

General provisions as to legislative enactments.

52 and 53

Vict., c. 63, s.

8; Com., No. 2,

1901, ss. 12-14.

6—(1) Every section of an Act shall have effect as a substantive enactment without introductory words.

(2) The headings of the parts, divisions, and subdivisions into which any Act is divided shall be deemed to be part of the Act.

(3) Every schedule and appendix to an Act shall be deemed to be part thereof.

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(4) No marginal note or footnote to any Act shall be deemed to be part thereof. A.D. 1931.

(5) An Act may be altered, amended, or repealed in the same session of Parliament as that in which it was passed.

(6) No Act shall be binding on the Crown or derogate from any prerogative right of the Crown unless express words are included therein for that purpose.

(7) Every Act passed after the fifth day of August, one thousand eight hundred and fifty-three, shall be a public Act and shall be judicially noticed as such, unless the contrary is expressly provided by the Act. 52 and 53 Vict., c. 63, s. 9.

*Terms and Expressions Relating to Acts.***7** In any Act—

- I. The terms "Part," "Section," "Schedule," and "Appendix" respectively, when used in relation to any legislative enactment, shall mean respectively such one of the parts or sections into which the Act in or in respect of which the term is used is divided, or such one of the schedules or appendices thereto respectively as is indicated by the context, and where any such part is set out in divisions the term "division" shall mean such one of the divisions of the part referred to as is indicated by the context.
- II. The expression "this Act" shall include all regulations, rules, and by-laws made under the Act in which the expression is used: and "This Act."
- III. The term "prescribed" shall mean prescribed by the Act in which the term is used or by any regulation, rule, or by-law made thereunder; or, where reference is made to anything prescribed by an Act other than the Act in which the term is used, it shall include anything prescribed by any regulation, rule, or by-law made under such other Act. "Prescribed."

Parts and divisions of Acts.
"Part," "Section," "Schedule," "Appendix," "Division."

Amending Acts.

8—(1) Every Act passed for the purpose and with the object of amending a previous Act shall be read and construed with, and subject to the provisions of, the amended Act, as modified by the amending Act, and shall be deemed to be incorporated therewith, and with every Act amending the same, unless the contrary is expressly provided therein. Acts amending other Acts to be incorporated therewith. Com., No. 2, 1901, s. 15.

(2) Where any Act is amended as aforesaid, the expression "the Principal Act" in any such amending Act, unless the contrary is expressly provided, shall mean the Act so amended, and shall be deemed to apply to the earliest of the series of

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Acts upon the same subject, even though the amendment consists only of some alteration in, or modification of, a previous amending Act.

Commencement of Acts.

“Commencement.”

52 and 53

Vict., c. 63, s.

36; Com., No.

2, 1901, s. 3.

Com., No. 2,

1901, s. 5.

9—(1) The expression “commencement” used in relation to any Act shall mean the time at which the Act comes into operation.

(2) Every Act shall come into operation—

I. On the day on which the Governor gives his assent thereto for and on behalf of His Majesty: or

II. If such Act is reserved for the signification of His Majesty’s pleasure, on the day on which His Majesty’s assent thereto is proclaimed by the Governor—

except in so far as the contrary is expressly provided in such Act.

52 and 53

Vict., c. 63, s.

36; Com., No.

2, 1901, s. 3.

(3) Where an Act, or regulation, or any other instrument, made, granted, or issued under a power conferred by an Act, is expressed to come into operation on a particular day, it shall come into operation immediately upon the expiration of the last preceding day.

Evidence of commencement.

Com., No. 2,

1901, s. 6.

10 The date appearing on the copy of an Act printed by the Government Printer and purporting to be the date on which the Governor assented thereto, or made known His Majesty’s assent thereto, shall be evidence that such date was the date on which the Governor so assented or made known such assent, and shall be judicially noticed.

Exercise of statutory powers before commencement of Act.

52 and 53

Vict., c. 63, s.

37; Com., No.

2, 1901, s. 4.

11—(1) Where an Act which does not come into operation on the passing thereof confers power to make any appointment or to make, grant, or issue any regulation or other instrument, or to do any other thing for the purposes of such Act, such power may be exercised at any time after the passing of the Act.

(2) Except as may be expressly provided in such Act, or except in so far as the same may be necessary for bringing the Act into operation, no such instrument as aforesaid shall take effect until the commencement of such Act.

Citation of Acts.

Reference to Acts.

Com., No. 2,

1901, s. 38.

12—(1) An Act passed by the Parliament of Tasmania may be referred to by the word “Act” alone.

(2) An Act passed by the Parliament of the United Kingdom may be referred to by the term “Imperial Act.”

(3) An Act passed by the Parliament of the Commonwealth may be referred to by the term “Commonwealth Act.”

*Acts Interpretation.***13**—(1) In any Act, instrument, or document—

- I. Any Act may be cited by its short title, if any, or by reference to the regnal year in which it was passed and its number:
- II. Any Imperial Act may be cited by its short title, if any, or by reference to the regnal year in which it was passed and its chapter: and
- III. Any Commonwealth Act may be cited by its short title, if any, or by reference to the secular year in which it was passed and its number.

(2) Any enactment may be cited by reference to the Part, section, subsection, or other division of the Act, Imperial Act, or Commonwealth Act in which it is contained.

(3) Every such reference shall be made according to the copy of such Act printed by the Government Printer of Tasmania, or the Commonwealth, or by the King's Printer, as the case may be, or purporting to be so printed.

(4) A description or citation in any Act of a portion of another Act shall be construed as including the words, sections, or other parts mentioned or referred to as forming the beginning and the end respectively of the portion comprised in the description or citation.

(5) In any Act any reference to or citation of an Act shall be deemed to include a reference to or citation of all subsequent enactments passed in amendment or substitution of the Act so referred to or cited.

Repeal and Expiration of Acts.

14—(1) Where an Act, passed after the fifth day of August, one thousand eight hundred and fifty-three, repeals an enactment by which any former enactment was repealed, it shall not have the effect of reviving such former enactment unless express words for that purpose are included in such repealing Act.

(2) Where an enactment is expressed to expire, or to cease to operate, on a specified day, or to remain in force until a specified day, the operation thereof shall continue until the last moment of the day so specified.

15—(1) Where an Act repeals, wholly or in part, a former Act and substitutes provisions in lieu thereof, the repealed provisions shall remain in force until the substituted provisions come into operation.

(2) Where the repealing Act contains power to make any regulations, rules, or by-laws, all regulations, rules, or by-laws made under the repealed Act, so far as the same are not inconsistent with the repealing Act, shall remain in force until rescinded under the repealing Act, and shall be deemed to have

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Citation of Acts.

52 and 53
Vict., c. 63, s.
35; Com., No.
2, 1901, s. 40.Repeal of
repealing Act
not to revive
prior enact-
ments.52 and 53
Vict., c. 63, s.
11; Com., No.
2, 1901, s. 7.Continuance
of provisions
pending opera-
tion of those
substituted.52 and 53
Vict., c. 63, s.
11; Com., No.
2, 1901, s. 9.Continuance
of existing
regulations.

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been made for the purposes of the repealing Act and may be altered, amended, or rescinded under that Act.

(3) Where regulations, rules, or by-laws made under a repealed Act have remained in force after the repeal of such Act, any general regulations, rules, or by-laws made under any Act which has been substituted for the repealed Act shall supersede and have the effect of rescinding those made under the repealed Act, unless the contrary is expressly provided.

Effect of
repeal.52 and 53
Vict., c. 63, s.
38; Com., No.
2, 1901, s. 8.

16—(1) Where an Act repeals any other enactment then, unless the contrary is expressly provided, such repeal shall not—

- I. Revive anything not in force or existing at the time such repeal took, or shall take, effect:
- II. Affect the previous operation of any enactment so repealed or anything duly done or suffered under any enactment so repealed:
- III. Affect any right, privilege, obligation, or liability acquired, accrued, or incurred under any enactment so repealed:
- IV. Affect any penalty, forfeiture, or punishment incurred in respect of any offence committed against any enactment so repealed: or
- V. Affect any investigation, legal proceeding, or remedy in respect of any such right, privilege, obligation, liability, penalty, forfeiture, or punishment as aforesaid—

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

Cf., Com. No.
4, 1916, s. 4.

(2) The provisions of Subsection (1) of this section shall apply in respect of any regulations which are rescinded or of which the operation ceases owing to the repeal of the enactment in pursuance of which they were made.

References to
repealed pro-
visions.52 and 53
Vict., c. 63, s.
38; Com., No.
2, 1901, s. 10.

17 Where an Act 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.

Effect of
repeal by con-
solidating
Acts.N.Z., 1908, No.
1, s. 20.

18 Where an Act repeals and consolidates, with or without amendment, enactments relating to any subject and enacts provisions substantially corresponding to those so repealed, for—

- I. The constitution or setting up of—
 - (a) Any districts, areas, or local divisions;

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(b) Councils, corporations, boards, trusts, or other executive bodies; or A.D. 1931.

(c) Any office:

II. The appointment of officers or the appointment or election of members of any body constituted as aforesaid: or

III. The making or issuing of proclamations, orders, warrants, certificates, or other documents of authority—

everything done under such repealed provisions, and existing or in force at the time of such repeal, shall continue in force, so far as is not inconsistent with the repealing Act, and all such districts, areas, divisions, bodies, offices, officers, and documents in existence, in office, or in force shall be deemed to have been constituted, elected, appointed, made, or issued respectively under and for the purposes of the repealing Act.

Powers Conferred and Duties Imposed by Acts.

19 Where an Act confers power to make, grant, or issue any regulation or other instrument, all expressions used in any such instrument shall have the same respective meanings as in the Act conferring the power.

Construction of statutory instruments.

52 and 53
Vict., c. 63, s
31; Com., No.
2, 1901, s. 32.

20 Where an Act confers a power or imposes a duty, the power may be exercised and the duty shall be performed—

I. From time to time as occasion may require: and

II. If conferred or imposed on the holder of any office as such, by the holder for the time being of such office.

Exercise of powers and performance of duties.

52 and 53
Vict., c. 63, s.
32; Com., No.
2, 1901, s. 33.

21—(1) Where an Act confers a power to make any appointment to an office or place the power shall be construed, as including a power—

I. To remove or suspend any person so appointed:

II. To appoint another person temporarily in the place of any person so removed or suspended or in the place of any sick or absent holder of such office or place: or

III. To appoint permanently, or for any specified time, some person to perform the duties of such office or place during any temporary vacancy therein or during any sickness or absence of the holder thereof—

Power to appoint includes power to remove.

Com., No. 2,
1901, s. 33.

but where the power to make any such appointment is exercisable only upon the recommendation, or with the approval or consent, of some other person or authority, the powers conferred by this section shall be exercisable only upon the like recommendation or with the like approval or consent.

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Right to resign.

(2) Any person appointed under any such power as aforesaid, by writing under his hand, addressed to the person who appointed him, may resign the office or place to which he was so appointed, and on acceptance of such resignation by the appointing person such office or place shall be vacated.

Reappointment.

(3) Where any person is appointed under any such power as aforesaid, for a fixed period, such person, unless the contrary is expressly provided, may be reappointed at the expiration of such period if still qualified as prescribed by the Act conferring such power.

Power to make regulations, &c., includes power to rescind.

52 and 53
Vict., c. 63, s. 32; Com., No. 2, 1901, s. 33.

Power to determine includes power to administer an oath.

Com., No. 2, 1901, s. 34.

Connotation of certain terms.

The Crown.
52 and 53
Vict., c. 63, s. 30; Com., No. 2, 1901, s. 16.Writing.
52 and 53
Vict., c. 63, s. 20; Com., No. 2, 1901, s. 25.

Masculine includes feminine

Singular includes plural.
52 and 53
Vict., c. 63, s. 1; Com., No. 2, 1901, s. 23.Minister.
Com., No. 2, 1901, s. 19.References to an officer in general terms.
Com., No. 2, 1901, s. 20.

22 Where an Act confers a power to make any rules, orders, regulations, or other instruments of a like nature, the power shall be construed as including a power exercisable in the like manner and subject to the like consent and conditions, if any, to rescind, revoke, amend, or vary any such instrument.

23 Any court, judge, justice, officer, commissioner, arbitrator, or other person authorised by law or by consent of parties to hear and determine any matter, shall have authority to receive evidence, and examine witnesses, and to administer an oath or take an affirmation from all witnesses lawfully called before them respectively.

*Words and References in Acts.***24** In any Act—

- I. References to the Sovereign reigning at the time of the passing of such Act shall be construed as references to the Sovereign for the time being:
- II. Expressions referring to writing shall be construed as including references to any mode of representing or reproducing words in a visible form:
- III. Words importing the masculine gender shall include females: and
- IV. Words in the singular shall include the plural and words in the plural shall include the singular.

25 Where in any Act any Minister is referred to, such reference, unless the contrary intention appears, shall be deemed to include any Minister for the time being acting for and on behalf of such Minister.

26 Where in any Act reference is made in general terms to any person holding a particular office or position, such reference shall be deemed to include all persons who at any time occupy for the time being such office or position.

*Acts Interpretation.***27** In any Act—

- I. References to any officer or office shall be construed as references to such officer or office in and for this State: and
- II. 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 this State.

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References to particular officers, &c.

Com., No. 2, 1901, s. 21.

Distance and Time.

28 In the measurement of any distance for the purposes of any Act, that distance, unless the contrary is expressly provided, shall be measured in a straight line on a horizontal plane.

Measurement of distance.

52 and 53
Vict., c. 63, s. 34; Com., No. 2, 1901, s. 35.

29 —(1) Where in any Act any period of time dating from a given day, act, or event is prescribed or allowed for any purpose such period shall be reckoned exclusively of such day, or of the day of such act or event, as the case may be.

Reckoning of time.

Com., No. 2, 1901, s. 36.

(2) Where such period is expressed to be a specified number of clear days or to be a specified number of days at least, the same shall be reckoned exclusively both of the given day or day of the specified act or event and also of the day on which the purpose is to be fulfilled.

(3) Where the last day of any such period prescribed or allowed for the doing of any thing falls on a Sunday or on any day which is a public or a bank holiday throughout the State or in that part of the State in which such thing is to be or may be done, such thing may be done on the first ensuing day which is not a Sunday or such holiday as aforesaid.

Service by Post.

30—(1) Where any Act authorises or requires any notice or other document to be given, sent, served, or delivered by post, such giving, sending, serving, or delivery shall be deemed to be effected by properly addressing, prepaying, and posting the document as a letter, and, unless the contrary is proved, shall be deemed to have been effected at the time when the letter would be delivered in the ordinary course of post.

Meaning of service by post.

52 and 53
Vict., c. 63, s. 34; Com., No. 2, 1901, s. 29.

(2) Where such Act requires such document to be sent by registered post, such letter as aforesaid shall be duly registered as provided by the postal regulations then in force.

Public Notification and Advertising.

31—(1) Where by any Act it is provided that public notification or notice shall be given of any matter not required by law to be published in full, such provision shall be construed

Public notices.
Cf., N.Z., 1908, No. 1, s. 5.

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 Advertising. to mean that a notice comprising the essential features of such matter shall be published in the Gazette or in a newspaper, or in both, as may be indicated by the context.
 (2) Where by any Act it is provided that any matter shall be advertised, then, unless the contrary intention appears, such matter shall be published in such publications, if any, as may be specified by such provision, and, if no particular publication is specified therein, the same shall be published in a newspaper.
- Number of publications. (3) Where no number of publications is prescribed in any such provision as aforesaid, it shall be sufficient to publish the prescribed matter once in each of the ways prescribed by such provision, or, if no other way is prescribed, in a newspaper.
- Newspaper. (4) For the purposes of this section and of any such provisions as aforesaid, the term "newspaper" shall mean a daily newspaper generally circulating in the district or place to which the matter required to be published relates or in which it arises.

Provisions as to Penal Enactments.

- Alternative procedure in respect of offences.
 52 and 53
 Vict., c. 63,
 s. 33; Com.,
 No. 2, 1901, s.
 30.
 14 Geo. V. No.
 69, s. 6, and
 Code, s. 11.
 Imprisonment.
 Com., No. 1,
 1904, s. 7.
 Attempt to
 commit any
 offence to be
 an offence.
 Com., No. 1,
 1904, s. 8.
 Corporations.
 52 and 53
 Vict., c. 63, s.
 2; Com., No.,
 2, 1901, s. 24.
 Crimes and
 offences where
 similar to be
 similarly dealt
 with.
- 32** Except as otherwise provided by the Criminal Code Act, 1924, where an act or omission constitutes an offence under each of two or more Acts or both under an Act and at common law, the offender shall be liable to be prosecuted and punished under either or any of such Acts or at common law, but shall not be liable to be punished twice for the same offence.
- 33** Where under any Act imprisonment may be imposed for any offence, it may be imposed either with or without hard labour.
- 34** Where by any Act an offence is constituted, any attempt to commit such offence shall be an offence and be punishable in the same manner as the offence constituted by such Act.
- 35**—(1) Every provision of an Act relating to offences punishable upon indictment or upon summary conviction shall be construed to apply to bodies corporate as well as to individual persons.
 (2) Where under any Act any forfeiture or penalty is payable to a party aggrieved, it shall be payable to a body corporate where such body is the party aggrieved.
- 36**—(1) Where an act or omission constitutes a crime under the provisions of any Act and the like act or omission constitutes an offence punishable summarily under the provisions of some other Act, the principles of criminal responsibility applicable in relation to such crime shall be applied in

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relation to such offence, and all terms and expressions used in relation to such offence shall have the same meaning and construction as when similarly used in relation to such crime. A.D. 1931.

(2) In any such case as aforesaid, the provisions of the Criminal Code, so far as the same are applicable and to the extent hereinbefore provided, shall be applied in relation to any such offence.

37—(1) Where in any enactment a penalty is prescribed in respect of any contravention thereof, whether by way of fine or otherwise, the same shall be construed, unless the contrary is expressly provided, to mean that such contravention shall be punishable by a fine or term of imprisonment, as the case may be, not exceeding that specified in such enactment. Penalties. Com., No. 1, 1904, s. 3.

(2) Where in any Act a penalty is set out at the foot of any section or subsection or other division thereof, the same shall indicate, unless the contrary intention appears, that any contravention of such section, subsection, or division, as the case may be, shall be punishable by a penalty not exceeding the penalty so set out, or, if both a minimum and a maximum penalty are prescribed, by a penalty not less than such minimum and not exceeding such maximum.

(3) Where a daily penalty is specified in respect of any offence, it shall be intended that a penalty not exceeding the penalty so specified may be imposed in respect of every day on which such offence has continued, in addition to any general penalty prescribed.

Summary Proceedings.

38—(1) Where any Act or enactment expressly or by implication provides that any matter or proceeding is to be heard and determined summarily, or by or before justices, or that any offence is to be punishable upon summary conviction, it shall be intended that such matter or proceeding shall be heard and determined, or that proceedings in respect of such offence shall be taken, in accordance with the provisions of the Justices Procedure Act, 1919, and any penalty imposed in respect thereof may be enforced and recovered as provided by that Act. Summary conviction. 10 Geo. V. No 55.

(2) Where by any Act a crime is constituted, or any offence is made punishable upon indictment or by imprisonment exceeding two years, it shall be intended that all proceedings in respect of such crime or offence shall be by indictment in accordance with the provisions of the Criminal Code.

(3) Where by any Act an offence not declared expressly or by implication to be a crime is constituted or made punishable or any forfeiture or penalty is imposed in respect of any matter, and such Act contains no provisions for procedure in 14 Geo. V. No. 69.

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10 Geo. V.
No. 55.

respect thereof, it shall be intended that all proceedings in respect of such offence or matter shall be heard and determined, and all forfeitures and penalties may be enforced and recovered, under and in accordance with the provisions of the Justices Procedure Act, 1919.

Proclamations and Orders-in-Council.

Proclamations,
&c., to be judi-
cially noticed.
Com., No. 2,
1901, s. 31.

Conditions pre-
cedent need
not be recited.
N.Z., 1908, No.
1, s. 23.

39 Judicial notice shall be taken of every proclamation and order-in-council by the Governor made or purporting to be made in pursuance of any Act or Imperial Act and published in the Gazette.

40 Where by any Act the Governor or any specified officer is empowered to make or issue any proclamation, order-in-council, warrant, or other instrument, it shall be sufficient to cite therein the Act authorising the making or issuing of the same, and it shall not be necessary to recite or set forth therein any facts or circumstances or the performance of any conditions precedent upon which such power depends or may be exercised.

Connotation of Certain Phrases.

Person or
party to in-
clude corpora-
tion.
Committed for
trial.

Oaths to in-
clude affirma-
tions.

Cf., 52 and 53
Vict., c. 63, ss.
3, 19, 27; Com.,
No. 2, 1901, ss.
22, 27.

Municipal
terms.

41—(1) In any Act the expressions “person” and “party” respectively shall include any body of persons, corporate or unincorporate.

(2) The expression “committed for trial,” used in any Act in relation to a person, shall mean committed to prison with the view of being tried as for a crime or admitted to bail upon recognisance to appear and be so tried.

(3) The words “oath” and “affidavit,” used in any Act in relation to a person allowed by law to affirm in lieu of swearing, shall include affirmation and declaration, and the word “swear” in the like case shall include affirm and declare.

Terms and Expressions Relating to Local Authorities.

42 In any Act relating to any local authority, unless the contrary intention appears—

- I. “Council” shall mean the municipal council: and
- II. “The corporation” shall mean the body corporate comprising—

(a) In the case of a city, the mayor, aldermen, and citizens; or

(b) In the case of a municipality, the warden, councillors, and electors—

of the city or municipality, as the case may be, to which the context relates.

*Acts Interpretation.**Territorial and Official Titles.*

A.D. 1931.

43 In any Act—

“British possession” shall mean any part of His Majesty’s dominions, exclusive of the United Kingdom, and, where parts of such dominions are under both a central and a local legislature, all parts under such central legislature shall be deemed, for the purposes of this definition, to be one possession:

“His Majesty” or “the King” or “the Crown” respectively shall mean His Majesty the King of Great Britain, Ireland, and the British Dominions beyond the Seas, and shall include His heirs and successors, Sovereigns thereof for the time being:

“Northern Division,” or words of similar import, used in relation to this State, shall be deemed to refer to all that part of the State situate or lying to the north of the forty-second parallel of latitude:

“Southern Division,” or words of similar import, used in relation to this State, shall be deemed to refer to all that part of the State situate or lying to the south of the forty-second parallel of latitude:

“The Commonwealth” shall mean the Commonwealth of Australia:

“The Governor” shall mean the Governor of this State, or the person for the time being administering the government of this State, acting with the advice of the Executive Council:

“The Government Printer” shall include any person authorised by the Government of this State to print any matter:

“The State” or “this State” respectively shall mean the State of Tasmania, and shall include all dependencies thereof: and

“The United Kingdom” shall mean the United Kingdom of Great Britain and Northern Ireland.

Meaning of certain titles.

Cf., 52 and 53 Vict., c. 63, s. 18; Com., No. 2, 1901, ss. 17, 18.

17 and 18 Geo. V., c. 4.

*Parliamentary Designations.***44** In any Act—

“Commonwealth Parliament” shall mean the Parliament of the Commonwealth of Australia:

“Imperial Parliament” shall mean the Parliament of the United Kingdom of Great Britain and Ireland or the Parliament of the United Kingdom of Great Britain and Northern Ireland, according as it relates to a matter before or since the twelfth day of April, one thousand nine hundred and twenty-seven:

“Parliament” shall mean the Parliament of this State:

Legislative references.

17 and 18 Geo. V., c. 4.

Acts Interpretation.

A.D. 1931.

“Sitting-days,” used in relation to either House of Parliament, shall mean days on which the House to which the term relates actually sits, whether or not all such days, to which, in any case, reference is made, occur in the same session of Parliament.

Terms Relating to Public Administration.

Administrative terms.

Cf., 52 and 53
Vict., c. 63, s.
22; Com., No.
2, 1901, ss. 17,
22.

45 In any Act—

“Consolidated Revenue” means the Consolidated Revenue Fund of this State:

“Financial year,” in respect of any matter relating to the Consolidated Revenue, or to moneys provided by Parliament, or to the Treasury, or to taxes or finance, or to accounting or reporting to the Treasurer as to public moneys, shall mean the period of twelve months terminating on the last day of June:

“Gazette,” “Hobart Town Gazette,” “Hobart Gazette,” “Government Gazette,” or “Tasmanian Government Gazette” respectively shall mean the Tasmanian Government Gazette published, or purporting to be published, by or under the authority of the Government of this State:

“Gazetted” shall mean published in the Gazette:

“Order-in-council” shall mean an order made by the Governor in Council:

“Proclamation” shall mean a proclamation made by the Governor and published in the Gazette:

“The Minister” shall mean the Minister of the Crown for the time being administering the Act or enactment in which, or in respect of which, the expression is used.

Miscellaneous Terms and Expressions.

Definitions of certain common phrases.

Cf., 52 and 53
Vict., c. 63, ss.
3, 21; Com.,
No. 2, 1901, s.
22.

46 In any Act—

“Crime” shall mean an offence punishable upon indictment as provided by the Criminal Code, and, where in any Act any offence is declared to be a felony or is made punishable upon information, the same shall be deemed to be a crime:

“Estate” used in reference to land shall include any estate or interest, easement, right, title, claim, demand, charge, lien, or encumbrance in, over, to, or in respect of such land:

“Instigate,” used in relation to any offence, shall mean counsel, procure, or command:

“Judge” shall mean a judge of the Supreme Court:

“Justice” shall mean a justice of the peace:

Acts Interpretation.

- “Land” shall include messuages, tenements, and hereditaments, houses, and buildings of any tenure: A.D. 1931.
- “Local authority” shall mean the municipal council exercising municipal jurisdiction in the city, district, or locality, to which the context relates:
- “Month” shall mean calendar month:
- “Municipality” shall mean a municipality constituted as provided by the Local Government Act, 1906: 6 Ed. VII. No. 31.
- “Offence” shall mean any breach of the law for which a person may be punished summarily or otherwise:
- “Public place” shall mean any place to which, at the relevant time, the public have access, whether on payment of money for admission thereto or otherwise:
- “Statutory declaration” or “solemn declaration” shall mean a declaration made and taken—
- I. In this State, in accordance with the provisions of Section One hundred and thirty-two of the Evidence Act, 1910: 1 Geo. V. No. 20.
 - II. In the United Kingdom or any British possession beyond this State, before a justice, notary public, or other person authorised by law to take a declaration therein:
 - III. In any other place, before a British consul or vice-consul or other person having authority under any Act or Imperial Act to take a declaration:
- “Supreme Court” shall mean the Supreme Court of Tasmania:
- “Town” shall mean any place proclaimed or declared to be a town under any law authorising such proclamation or declaration.

47—(1) Where in any Act it is provided that the Governor or any specified authority may make regulations for the purposes thereof, such regulations may prescribe— Regulations.

- I. Any matter or thing not inconsistent with the provisions of such Act and not repugnant to any express enactment in force, which—
 - (a) Such Act empowers or directs to be prescribed: or
 - (b) Is necessary or convenient for giving effect to the provisions or objects of such Act:
- II. Any forms to be used for the purposes of such Act:
- III. The duties of any officers appointed by or under such Act and directions for the administration of the provisions thereof:

Acts Interpretation.

A.D. 1931.

IV. A penalty for the breach of any regulation made under such Act, of such amount as may be specified in such Act, or, where no such amount is specified therein, not exceeding Ten Pounds.

Forms.

(2) Where forms are prescribed by or under any Act, it shall be intended that any document in the prescribed form or to the like effect shall be a sufficient compliance with such Act, provided that any deviation therein from the prescribed form shall not be calculated to mislead or prejudice any person concerned.

Procedure.

Cf., Com., No. 1, 1904, s. 10.

(3) Except where otherwise expressly provided, every regulation made under any Act shall—

I. Be published in the Gazette:

II. Be laid before each House of Parliament within the first thirty sitting days of such House after such publication:

III. Take effect, if duly made as provided by the authorising Act, from the date of such publication or from such later date as may be specified in that behalf in the regulation.

Disallowance.

(4) If either House of Parliament passes a resolution, of which notice has been given within the first fifteen sitting days of such House after any regulation is laid before it, that such regulation be disallowed, such regulation thereupon shall be void and thenceforth shall cease to have effect except as regards anything done thereunder prior to the passing of such resolution.

(5) Notice of the passing of every such resolution shall be gazetted forthwith by the Clerk of the House by which the same was passed.

(6) Where in any such resolution any section, division, or part of a regulation is expressed to be disallowed, the resolution shall have the effect of annulling only such section, division, or part, and in every other case such disallowance shall extend to the whole of such regulation.

(7) Where a regulation, or any part thereof, has been disallowed as aforesaid by either House of Parliament, no regulation to the same, or substantially the same, effect made within twelve months after such disallowance shall take effect until the same has been laid upon the table of such House and thirty sitting days of such House have elapsed after the same was so laid, unless such House shall have sooner passed a resolution allowing the same.

(8) Where by any Act it is provided that regulations may be made thereunder, and the authority by whom the same are to be made is not specified, the same shall be made by the Governor.

Acts Interpretation.

(9) No regulation shall be submitted for the Governor's approval unless the Attorney-General, or some officer on his behalf, has certified that the same is in accordance with the law. A.D. 1931.

(10) Every regulation made after the passing of this Act shall be filed and recorded in the office of the Attorney-General, but no regulation shall be challenged, or the validity thereof impugned, on the ground of the non-observance of this provision, nor shall it be necessary to prove compliance therewith in any proceedings under or in relation to such regulation.

(11) In this section "regulation" includes rule and by-law.

48—(1) In any Act the expression "rules of court," used in relation to any Court, shall mean rules made by the authority having, for the time being, power to make rules or orders regulating the practice and procedure of such court. Rules of court. 52 and 53 Vict., c. 63, s. 14; Com., No. 2, 1901, s. 28.

(2) The power of such authority to make rules of court shall include power to make rules of court for the purposes of any Act which directs or authorises anything to be done by rules of court.

