

THE TERRITORY OF ASHMORE AND CARTIER
ISLANDS

Interpretation Ordinance 1989

No. 1 of 1989

3/ TRIPPLICATE COPY

I, THE GOVERNOR-GENERAL of the Commonwealth of Australia, acting with the advice of the Federal Executive Council, hereby make the following Ordinance under the *Ashmore and Cartier Islands Acceptance Act 1933*.

Dated 28 September 1989.

BILL HAYDEN

Governor-General

By His Excellency's Command,

Clyde Holding

Minister of State for the Arts, Tourism
and Territories

An Ordinance for the interpretation of the laws of the Territory and for related purposes

Short title

1. This Ordinance may be cited as the *Interpretation Ordinance 1989*.¹

Commencement

2. This Ordinance commences on the date of commencement of the *Ashmore and Cartier Islands Acceptance Amendment Act 1985*.

Application of this Ordinance

3. (1) Unless the contrary intention appears, this Ordinance as in force from time to time applies in relation to all laws of the Territory, whether made before or after this Ordinance commences.

(2) This Ordinance binds the Crown.

(Statutory Rules and Territory Ordinances)
Administering Department: please include this copy in documents sent to Federal Executive Council Secretariat in connection with making of this legislation.
Mr. G. Secretariat: please complete this copy by inserting signatures and date of making, and send to the Publishing Division, Attorney-General's

Interpretation

4. (1) In this Ordinance, unless the contrary intention appears:

“**law of the Territory**” includes an applied Northern Territory law;
 “**the Acceptance Act**” means the *Ashmore and Cartier Islands Acceptance Act 1933*;

“**the A.C.T. Interpretation Act**” means the *Interpretation Act 1967* of the Australian Capital Territory as in force from time to time;

“**the A.C.T. Evidence (Laws and Instruments) Act**” means the *Evidence (Laws and Instruments) Act 1989* of the Australian Capital Territory as in force from time to time;

“**the A.C.T. Subordinate Laws Act**” means the *Subordinate Laws Act 1989* of the Australian Capital Territory as in force from time to time;

“**the Commonwealth Crimes Act**” means the *Crimes Act 1914* of the Commonwealth as in force from time to time;

“**the Commonwealth Interpretation Act**” means the *Acts Interpretation Act 1901* of the Commonwealth as in force from time to time;

“**the N.T. Interpretation Act**” means the Interpretation Act of the Northern Territory in its application to the Territory under section 6 of the Acceptance Act.

(2) In a law of the Territory, unless the contrary intention appears:

“**applied Northern Territory law**” means a law of the Northern Territory, including a law of South Australia in its application to the Northern Territory, that is in force in the Territory under:

- (a) section 6 of the Act; or
- (b) an Ordinance; or
- (c) a law made under an Ordinance;

“**Commissioner of Police**” means:

- (a) the person holding the office of Commissioner of Police for the Territory; or

(b) where:

- (i) no one holds, or performs the duties of, the office of Commissioner of Police for the Territory; and
- (ii) there are no police officers:

the Minister; or

(c) where:

- (i) no one holds, or performs the duties of, the office of Commissioner of Police for the Territory; and

(ii) there are police officers:

the police officer who holds the highest rank in the Police Force of the Territory or, where more than one officer holds that highest rank, the most senior of those officers calculated

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by reference to the days on which they were first appointed as members of any Police Force in Australia;

“Consolidated Fund” means the Consolidated Revenue Fund;

“Consolidated Revenue Fund” means the Consolidated Revenue Fund of the Commonwealth;

“Gazette” or **“Government Gazette of the Territory”** means the *Commonwealth of Australia Gazette*;

“Government Printer” means:

- (a) in the case of documents printed on or before 30 June 1911—the Government Printer of the State of South Australia including any person printing for the Government of that State; or
- (b) in the case of documents printed after 30 June 1911 but before the commencement of this Ordinance—the Government Printer of the Northern Territory including any person printing for the Government of that Territory; or
- (c) in any other case—the Government Printer of the Commonwealth including any person printing for the Government of the Commonwealth;

“legal practitioner”, “barrister”, “solicitor” or “barrister and solicitor” means a person entitled under section 55A, 55B or 55D of the *Judiciary Act 1903* of the Commonwealth to practise as a barrister or solicitor, or both, in a federal court or a court of a Territory;

“medical practitioner” means a person registered or licensed as a medical practitioner under a law of a State or Territory that provides for the registration or licensing of medical practitioners and whose registration or licence is not suspended under a law of a State or Territory;

“Northern Territory Government Account” means the Consolidated Revenue Fund;

“Ordinance” means an Ordinance made under the Acceptance Act;

“police officer” means a person holding, or performing the duties of, the office of member of the Police Force of the Territory;

“subordinate law” means an instrument of a legislative nature including regulations, rules or by-laws;

“the Territory” means the Territory of Ashmore and Cartier Islands.

Application of the A.C.T. Interpretation Act

5. Sections 8A, 8B, 11C, 11D, 12A, 25A, 28A, 29A, 29B and 30 of the A.C.T. Interpretation Act apply in relation to laws of the Territory other than an applied Northern Territory law as if references to an Act in force in the Australian Capital Territory were references to an Ordinance.

Application of the A.C.T. Evidence (Laws and Instruments) Act

6. Paragraphs 4 (b) and (c) and sections 6 and 7 of the A.C.T. Evidence (Laws and Instruments) Act apply in relation to laws of the Territory other than an applied Northern Territory law as if:

- (a) references to an Act in force in the Australian Capital Territory were references to an Ordinance; and
- (b) references to a law in force in the Australian Capital Territory were references to a law of the Territory other than an applied Northern Territory law.

Application of the A.C.T. Subordinate Laws Act

7. (1) Section 4, paragraphs 6 (1) (a) and (b), subsections 6 (2), (3), (5) and (12) and sections 7 and 8 of the A.C.T. Subordinate Laws Act apply in relation to the laws of the Territory other than an applied Northern Territory Law as if:

- (a) references to an Act in force in the Australian Capital Territory were references to an Ordinance; and
- (b) references to a law in force in the Australian Capital Territory were references to a law of the Territory other than an applied Northern Territory law.

(2) In the application of the A.C.T. Subordinate Laws Act by virtue of subsection (1), subsection 8 (2) is to be taken to have been omitted and the following subsection substituted:

“(2) In subsection (1), ‘disallowable instrument’ means an instrument that is, under the law of the Territory or Commonwealth Act under which it is made, a disallowable instrument for the purposes of section 12 of the *Interpretation Ordinance 1989* or section 46A of the *Acts Interpretation Act 1901* (as the case requires).”

Application of the Commonwealth Crimes Act

8. (1) Sections 4A, 4B, 4C, 4D, 4E, 4F, 4G, 4H, 4J, 4K, 13, 14, 15, 17, 19A, 20B, 21, 21B and 21C of the Commonwealth Crimes Act apply in relation to laws of the Territory other than an applied Northern Territory law as if:

- (a) references to an Act were references to an Ordinance; and
- (b) references to a law of the Commonwealth were references to a law of the Territory other than an applied Northern Territory law.

(2) In the application of the Commonwealth Crimes Act in the Territory by virtue of subsection (1):

- (a) the words “but not including a law of a Territory” are to be taken to have been omitted from subsection 4D (2); and
- (b) paragraph (1) (b) does not apply in relation to the words “the law of the Commonwealth” second occurring in subsection 17 (1).

Application of the Commonwealth Interpretation Act

9. Sections 15AA and 15AB of the Commonwealth Interpretation Act apply in relation to laws of the Territory other than an applied Northern Territory law as if references to an Act were references to an Ordinance.

Application of the N.T. Interpretation Act

10. Subject to section 5, the N.T. Interpretation Act, other than sections 63 and 67, applies in relation to the laws of the Territory as if:

- (a) references to an Act of the Northern Territory were references to an Ordinance; and
- (b) references to an instrument made under an Act of the Northern Territory were references to an instrument, including regulations, rules and by-laws, made under an Ordinance; and
- (c) references to a law in force in the Northern Territory were references to a law of the Territory.

Tabling of regulations made under an applied Northern Territory law

11. (1) All regulations made under an applied Northern Territory law (other than regulations of the Northern Territory that are in force in the Territory by virtue of section 6 of the Act) must be laid before each House of the Parliament within 15 sitting days of that House after the day on which the regulations are made and, if they are not so laid before each House of the Parliament, have no effect.

(2) Subsections 10 (2) to (5B), inclusive, and sections 10A, 10B and 10C of the Acceptance Act apply in relation to regulations laid before a House of the Parliament under subsection (1) as if in those provisions:

- (a) the references to an Ordinance were references of the regulations; and
 - (b) the references in subsections 10 (5) and (5A) of the Act to subsection 10 (1) of the Act were references to subsection (1).
- (3) In this section, "regulations" includes rules and by-laws.

Disallowable instruments

12. Where a provision of a law of the Territory:

- (a) confers power to make an instrument (however described); and
- (b) expressly provides that the instrument is a disallowable instrument for the purposes of this section;

then, except so far as that law otherwise provides:

- (c) subsections 9 (2), 10 (1) to (5B), inclusive, and sections 10A, 10B and 10C of the Acceptance Act apply in relation to the instrument as if:
 - (i) references to an Ordinance were references to the instrument; and
 - (ii) references to a part of an Ordinance were references to a provision of the instrument; and

- (iii) references to repeal were references to revocation; and
- (d) section 38 of the A.C.T. Interpretation Act applies in relation to the instrument as if:
 - (i) references to an Act were references to the instrument; and
 - (ii) references to a part of an Act were references to a provision of the instrument; and
 - (iii) references to repeal were references to revocation; and
- (e) section 7 of the A.C.T. Subordinate Laws Act applies in relation to the instrument as if the instrument were a subordinate law; and
- (f) if the instrument is not an order made by or under the authority of a Minister, section 5 of the *Evidence Act 1905* applies in relation to the instrument as if it were such an order.

Proof of Gazette

13. The production of a paper purporting to be the *South Australian Government Gazette* published before 1 January 1911 is evidence that the paper is the *South Australian Government Gazette* published before 1 January 1911 and was published on the date it bears.

NOTE

1. Notified in the *Commonwealth of Australia Gazette* on L 1989.

29 September/