

I.

PUBLIC ACTS

OF THE

PARLIAMENT OF QUEENSLAND,

2° AND 3° ELIZ. II.

ACTS.

An Act to Consolidate Certain Acts relating to the Shortening and Interpretation of Acts of the Legislature of Queensland, for the further Shortening and Interpretation of the Acts of such Legislature, and for other purposes.

3 ELIZ. II.
No. 3.
THE ACTS
INTERPRETA-
TION ACT
OF 1954.

[ASSENTED TO 27TH APRIL, 1954.]

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. This Act may be cited as "*The Acts Interpretation Act of 1954.*" Short title.

2. (1.) The Acts specified in the Schedule to this Act are repealed to the extent in such Schedule indicated. Repeal.

(2.) In any Act (including any Order in Council, regulation, or other instrument thereunder) any reference to or citation of any enactment repealed by subsection one of this section, or of *"*The Acts Shortening Acts,*" shall be deemed, unless the context otherwise indicates or requires, to be a reference to or citation of this Act. Reference to the repealed Acts.

Application of this Act.

3. (1.) Except where otherwise expressly provided, the several provisions of this Act shall apply to every Act (including this Act) of the Legislature of Queensland, passed on or after the thirty-first day of December, one Application of this Act. [31 Vic. No. 6, s. 24; S.A. s. 3; T. s. 4.]

* 31 V. No. 6 and amending Acts.

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thousand eight hundred and sixty-seven, whether before or after the commencement of this Act, and to every regulation made under any such Act, except in so far as—

- (a) 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 the case of a regulation, with the true intent and object of the Act under which such regulation purports to have been made; or
- (b) The interpretation which any provision of this Act would give to anything contained in such particular Act or regulation is inconsistent with—
 - (i.) The context thereof; or
 - (ii.) Any definition or interpretation contained in such particular Act or regulation or, in the case of a regulation, with any definition or interpretation contained in the Act under which such regulation purports to have been made.

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

(3.) The fact that any provision of this Act refers in terms to an Act and not to regulations also shall not, by itself, be taken to indicate that such provision is intended to apply to Acts only.

[V. s. 13; 52 and 53 Vic. c. 63, s. 30.]

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

(5.) In this section the term “regulation” includes Proclamation, Order in Council, rule, by-law, and ordinance.

Construction subject to Legislative Powers of State.

Acts to be construed subject to legislative powers of State.

[Com. s. 15A; V. s. 2; S.A. s. 22A; T. s. 3.]

4. Every Act shall be read and construed so as not to exceed the legislative power of the State, to the intent that, where any enactment or provision thereof, but for this provision, would be construed as being in excess of that power, it shall nevertheless be a valid enactment or, as the case may be, provision to the extent to which it is not in excess of that power.

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Meaning of Act.

5. (1.) In any Act, unless the contrary intention appears, the word "Act" used in relation to a legislative enactment shall include any Act duly passed by the Parliament of Queensland, or by any authority heretofore empowered to pass laws in Queensland, and to which assent has been duly given by, or on behalf of, Her Majesty.

Act.
[31 Vic. No. 6, s. 24; S.A. s. 4; T. s. 5 (1); N.S.W. s. 1.]

(2.) In any Act every reference to any other Act, where the context admits and unless the contrary intention appears, shall include a reference to all Proclamations, Orders in Council, regulations, rules, by-laws, and ordinances, if any, made under that other Act.

Act to include regulations, &c., made thereunder.
[T. s. 5 (2).]

Reference to and Citation of Acts.

6. (1.) An Act passed by the Parliament of Queensland may be referred to by the word "Act" alone.

Reference to Acts.

(2.) An Act passed by the Parliament of the United Kingdom of Great Britain and Northern Ireland may be referred to by the term "Imperial Act" or by the words "of the United Kingdom".

[31 Vic. No. 6, ss. 24, 28; Com. s. 38; V. s. 33; T. s. 12; N.S.W. s. 1.]

(3.) An Act passed by the Parliament of the Commonwealth of Australia may be referred to by the term "Commonwealth Act" or by the words "of the Commonwealth".

[V. s. 16.]

(4.) An Act passed by the Parliament of any other State of the Commonwealth may be referred to by a word or words indicating the name of that State.

7. (1.) In any Act, instrument, or document—

Citation of Acts.

(a) 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;

[31 Vic. No. 6, s. 5; Com. s. 40; V. ss. 31, 32; S.A. s. 5; T. s. 13; N.S.W. s. 3; 52 and 53; Vic. c. 63, s. 35.]

(b) 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;

(c) 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; and

(d) Any Act of any other State of the Commonwealth may be cited by a reference to the State by the Parliament whereof the Act was passed, together with such mode of reference as is sufficient in Acts passed by the Parliament of that State.

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

(3.) Every such reference shall be made according to the copy of such Act printed by the Government Printer of Queensland, or the Queen's Printer, or the Government Printer of the Commonwealth, or of the other State of the Commonwealth in question, as the case may be, or purporting to be so printed.

[V. s. 34; 52
and 53 Vic.
c. 63, s. 35
(3).]

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

References
to enact-
ments
amending
or in
substitution
of Act
referred to.
[Com. s. 10A;
S.A. s. 13;
T. s. 13 (5).]

8. In any Act any reference to or citation of an Act shall, where the context admits and unless the contrary intention appears, be deemed to include a reference to or citation of all enactments amending the Act so referred to or cited and to all enactments amending such amending enactments or any of them, and to any enactment substituted for the Act so referred to or cited or for any of such amending enactments.

References
to repealed
provisions.
[31 Vic. No.
6, s. 2 (iv.);
Com. s. 10;
V. s. 6 (1);
S.A. s. 13;
T. s. 17.]

9. 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, unless the contrary intention appears, be construed as references to the provisions so re-enacted.

General Provisions as to Legislative Enactments.

Form of
Acts.

[31 Vic. No.
6, s. 4; V. s.
9; N.S.W.
s. 2.]

10. (1.) All Acts made and passed may be divided into sections if there are more enactments than one.

Sections to be
substantive
enactments.

[31 Vic. No.
6, s. 4; Com.
s. 12; V. s.
9; S.A. s. 19;
T. s. 6 (1);
N.S.W. s. 2;
52 and 53
Vic. c. 63,
s. 8.]

(2.) Every section of an Act shall have effect as a substantive enactment without any introductory words.

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11. Every Act passed after the twenty-sixth day of July, one thousand eight hundred and fifty-two, shall be deemed and taken to be a public Act and shall be judicially noticed as such unless the contrary is expressly provided by the Act.

Acts to be public Acts. [31 Vic. No. 6, s. 8; V. s. 8; S.A. s. 18; T. s. 6 (7); N.S.W. s. 5; 52 and 53 Vic. c. 63, s. 9.]

12. Every Act may be altered, amended, or repealed in the same session of Parliament in which it was passed.

Acts may be altered, &c., in the same session.

[31 Vic. No. 6, s. 1; Com. s. 14; V. s. 11; S.A. s. 49; T. s. 6 (5); N.S.W. s. 1; 52 and 53 Vic. c. 63, s. 10.]

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

Future Acts when binding on the Crown.

[T. s. 6 (6).]

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

Headings, schedules, marginal notes, and footnotes.

(2.) Every schedule to an Act shall be deemed to be part thereof.

[Com. s. 13; V. s. 10; T. s. 6 (2) (3) (4).]

(3.) No marginal note or footnote to any Act shall be deemed to be part thereof.

Commencement of Acts.

15. (1.) Every Act shall commence and shall be deemed to have commenced—

Time of commencement of Acts.

- (a) On the day on which the Governor gave or gives his assent thereto for and on behalf of Her Majesty; or
- (b) In the case of an Act reserved for the signification of Her Majesty's pleasure thereon, on the day on which Her Majesty's assent thereto was or is proclaimed by the Governor in the *Gazette*,

[31 Vic. No. 6, ss. 6, 7; Com. s. 5; S.A. ss. 7, 8; T. s. 9 (2); N.S.W. ss. 2, 3.]

unless the contrary is expressly provided in such Act.

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[Com. s. 3 (2);
V. s. 3 (2);
S.A. s. 9; T.
s. 9 (3); 52
and 53 Vic.
c. 63, s. 36
(2).]

(2.) Where any Act or part of an Act, or any instrument (including any Proclamations, Orders in Council, regulations, rules, by-laws, or ordinances made, granted, or issued under a power conferred by any Act) came or comes into operation on a particular day or was or is expressed to come into operation on a particular day, it shall be deemed to have come or shall come into operation immediately on the expiration of the day last preceding such day.

Evidence of
commence-
ment.

[31 Vic. No.
6, s. 6; Com.
s. 6; S.A. s.
10; T. s. 10;
N.S.W. s. 2.]

16. The date appearing on the copy of any Act printed, or purporting to be printed, by the Government Printer, or printed on the copy of any Act in the *Gazette*, and purporting to be the date on which the Governor assented thereto, or made known Her Majesty's assent thereto, shall for all purposes be received as 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
between
passing and
commence-
ment of
Act.

[31 Vic. No.
6, s. 7A;
Com. s. 4; V.
s. 4 (1); S.A.
s. 6; T. s. 11;
52 and 53
Vic. c. 63,
s. 37.]

17. Where any Act or any part thereof is not to come into operation immediately on the passing thereof, and confers power to make any appointment, or to make, grant, or issue any instrument (including any Proclamations, Orders in Council, regulations, rules, by-laws, or ordinances), to give notices, to prescribe forms, or to do any other thing for the purposes of the Act or part, that power may, unless the contrary intention appears, be exercised at any time after the passing of the Act or part, for the purpose of bringing the Act or part into operation at the commencement thereof:

Provided that any appointment, instrument, notice, form, or other thing made, granted, issued, given, prescribed, or done under such power shall not, unless the contrary intention appears in the Act or part, or the contrary is necessary for bringing the Act or part into operation, have any effect until the Act or part comes into operation.

Repeal and Expiration of Acts.

Time of
expiry when
date
specified in
Act.
[T. s. 14 (2).]

18. Where any Act or part of an Act is expressed to expire, or to cease to operate, on a specified day, or to remain or to continue in force until a specified day, the operation thereof shall continue until the last moment of the day so specified.

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19. Where any Act or part thereof repeals any Act or part of an Act by which a previous Act or part thereof was repealed, it shall not have the effect of reviving such Act or part previously repealed, unless it contains express words for that purpose.

Repeal of repealing Act not to revive prior enactments. [31 Vic. No. 6, s. 2. (i); V. Com. s. 7; V. s. 5 (1); S.A. s. 11; T. s. 14 (1); N.S.W. s. 4; 52 and 53 Vic. c. 63, s. 11 (1).]

20. (1.) Where any Act repeals or amends or has repealed or amended wholly or in part any former Act, or any Act or part of an Act expires or has expired, then, unless the contrary intention appears, such repeal or amendment or expiry shall not—

Saving of operation of repealed or expired Act as regards rights and liabilities thereunder, &c.

- (a) Revive anything not in force or existing at the time at which such repeal or amendment or expiry took or takes effect; or
- (b) Affect the operation of any repealed or amended or expired Act or part of an Act, or alter the effect of the doing, suffering, or omission of anything, prior to such repeal or amendment or expiry; or
- (c) Affect any right, interest, title, power, or privilege created, acquired, accrued, established, or exercisable, or any status or capacity existing, prior to such repeal or amendment or expiry; or
- (d) Affect any duty, obligation, liability, penalty, forfeiture, or punishment incurred or imposed or liable to be incurred or imposed, prior to such repeal or amendment or expiry; or
- (e) Affect any investigation, legal proceeding, or remedy in respect of any such right, interest, title, power, privilege, status, capacity, duty, obligation, liability, penalty, forfeiture, or punishment as aforesaid,

[31 Vic. No. 6, ss. 2 (ii.), 3; Com. ss. 8, 11, 50; V. s. 6; S.A. s. 16; T. s. 16; N.S.W. s. 4; 52 and 53 Vic. c. 63, s. 38.]

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

Provided that the provisions of this subsection shall not prejudice or otherwise affect the provisions of section eleven of **The Criminal Code*” in its application to punishments upon changes in the provisions of that Code.

Matters in progress may be concluded under repealed enactment.

(2.) Any Act or enactment, notwithstanding the repeal or expiry thereof, shall continue and be in force for the purpose of continuing and completing under such repealed or expired Act or enactment any act, matter, or thing commenced or in progress thereunder, if there is no substituted Act or enactment adapted to the continuance and completion thereof.

(3.) On and after the coming into operation of this Act, the provisions of subsections one and two of this section shall, unless the contrary intention appears, apply in respect of any instrument (including any Proclamations, Orders in Council, regulations, rules, by-laws, or ordinances) made, granted, or issued under any Act or enactment, which is or is deemed to be repealed, rescinded, or revoked, or amended, or which has or is deemed to have expired, as the case may be.

Continuance of repealed provisions.

[31 Vic. No. 6, s. 2 (iii.); Com. s. 9; V. s. 5 (2); S.A. s. 12; T. s. 15 (1); N.S.W. s. 4; 52 and 53 Vic. c. 63, s. 11 (2).]

Continuance of existing regulations, &c.

[S.A. s. 14; T. s. 15 (2).]

21. (1.) Where any Act repeals in the whole or in part a former Act and substitutes provisions in lieu thereof, the repealed provisions shall, unless the contrary intention appears, remain in force until the substituted provisions come into operation.

(2.) Where any repealing Act contains power to make any Proclamations, Orders in Council, regulations, rules, by-laws, or ordinances, all Proclamations, Orders in Council, regulations, rules, by-laws, or, as the case may be, ordinances made and immediately prior to the repeal in force under the repealed Act, so far as the same are not inconsistent with the provisions of the repealing Act, shall, unless the contrary is expressly provided, to that extent remain in force and shall be deemed to have been made under and for the purposes of the repealing Act, and may be repealed, rescinded, revoked, altered, varied, amended, or otherwise modified under that Act.

[T. s. 15 (3).]

(3.) Where Proclamations, Orders in Council, regulations, rules, by-laws, or ordinances made under any repealed Act have remained in force after the repeal

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of such Act, any general Proclamations, Orders in Council, regulations, rules, by-laws, or, as the case may be, ordinances made under any Act which has been substituted for the repealed Act shall supersede and have the effect of repealing those made under the repealed Act unless the contrary is expressly provided.

Amending Acts.

22. Every Act or enactment amending a previous Act shall, unless the contrary intention appears, be read and construed with such other Act and as part thereof.

Acts amending other Acts to be construed therewith.
[Com. s. 15 ;
S.A. s. 20 ;
T. s. 8 ;
N.S.W. s. 5.]

Powers Conferred and Duties Imposed by Acts.

23. Where any Act confers a power or imposes a duty, then, unless the contrary intention appears, the power may be exercised and the duty shall be performed—

Exercise of powers and performance of duties.

- (a) From time to time as occasion may require ;
and
(b) If conferred or imposed on the holder of any office as such, by the holder for the time being of such office or by the person who for the time being occupies, or performs the duties of, that office.

[31 Vic. No. 6, s. 18 ;
Com. s. 33 (1) (2) ; V. s. 29 (1) (2) ; S.A. s. 37 ; T. s. 20 ; N.S.W. s. 10 ; 52 and 53 Vic. c. 63, s. 32 (1) (2).]

24. Where any Act confers a power to make, grant, or issue any instrument (including any Proclamations, Orders in Council, regulations, rules, by-laws, or ordinances), the power shall, unless the contrary intention appears, be construed as including a power exercisable in the like manner and subject to the like conditions, if any, to repeal, rescind, revoke, alter, vary, amend, or otherwise modify any such instrument or any part of any such instrument.

Power to make regulations, &c., includes power to repeal, &c.
[31 Vic. No. 6, s. 19 ;
Com. s. 33 (3) ; V. s. 29 (3) ; T. s. 22 ;
N.S.W. s. 11 ; 52 and 53 Vic. c. 63 s. 32 (3).]

25. (1.) Where any Act confers a power to make any appointment to an office or place, the power shall, unless the contrary intention appears, be construed as including power—

Power to appoint includes power to remove, &c.

- (a) To appoint, permanently or temporarily, the person first appointed to that office or place ;
(b) To remove or suspend any person appointed to that office or place ;

[31 Vic. No. 6, s. 17 ;
Com. s. 33 (4) ; S.A. s. 36 ; T. s. 21 ;
N.S.W. s. 9.]

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- (c) To appoint, permanently or temporarily, another person in the place of any person so removed or suspended ;
- (d) To reinstate or reappoint any person so removed or suspended ;
- (e) To appoint, permanently or temporarily, some person in the place of any deceased, sick, or absent holder of such appointment, or some person to such office or place when from any cause the office or place has become vacant :

Provided that where the power to make any such appointment is exercisable only by a person or other authority upon the recommendation, or with the approval or consent of some other person or authority, or in a manner specified, the powers conferred by this section shall be exercisable only upon the like recommendation or with the like approval or consent, or in a like manner, as the case may be.

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

When a power is discretionary and when not.
[31 Vic. No. 6, s. 20 ; S.A. s. 34 ; N.S.W. s. 8.]

26. Where in any enactment passed after the twenty-seventh day of November, one thousand eight hundred and fifty-eight, a power is conferred by the word "may" or by the words "it shall be lawful" or by the words "shall or may be lawful" applied to the exercise of that power, such word or words shall be interpreted to imply that the power may be exercised or not, at discretion ; and where in any such enactment the word "shall" is applied to the exercise of any such power, such word shall be interpreted to mean that the power conferred must be exercised.

Power to hear and determine includes power to administer oath.
[31 Vic. No. 6, s. 21 ; Com. s. 34 ; S.A. s. 41 ; T. s. 23 ; N.S.W. s. 12.]

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

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*Acts Interpretation Act.**Instruments and Resolutions.*

28. Where any Act confers upon any authority a power to make, grant, or issue any instrument (including any Proclamations, Orders in Council, regulations, rules, by-laws, or ordinances), then—

Construction of certain instruments. [31 Vic. No. 6, s. 12A; Com. s. 46; V. s. 28; T. s. 19; 52 and 53 Vic. c. 63, s. 31.]

- (a) Unless the contrary intention appears, expressions used in any instrument so made, granted, or issued shall have the same respective meanings as in the Act conferring the power ;
- (b) Where the context admits and unless the contrary intention appears, this Act shall apply to any instrument so made, granted, or issued as if it were an Act, and in the case of Proclamations, Orders in Council, regulations, rules, by-laws, or ordinances as if each such Proclamation, Order in Council, regulation, rule, by-law, or ordinance were a section of an Act ; and
- (c) 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.

29. Where any resolution is or has been passed by the Legislative Assembly in purported pursuance of any Act, then, unless the contrary intention appears, the resolution shall be read and construed so as not to exceed the constitutional powers of that Assembly and subject to the Act under 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.

Construction of resolutions of Legislative Assembly. [Com. s. 47.]

Private Acts.

No private Act to affect property of Crown or persons not named. [31 Vic. No. 6, s. 9; N.S.W. s. 17.]

30. Any Act in the nature of a private Act which affects or benefits the property of any particular person shall not, unless the contrary intention appears, be deemed, by reason of anything herein or therein contained, to affect the rights of Her Majesty, or of any person, excepting those at whose instance or for whose especial benefit such Act may have been passed, and those claiming by, through, or under them, but all such rights, shall, unless the contrary intention appears, be deemed to be saved in such Act in the same manner as if a proviso for that purpose had been expressly inserted therein.

The Crown.

Form of oath of allegiance.

31. (1.) On and after the coming into operation of this Act and without prejudice to the provisions of any Act requiring the taking of a further oath of allegiance upon the demise of Her Majesty, there shall be substituted for the oath of allegiance prescribed by section one of the **Oaths Act of 1867*," for the oath of allegiance prescribed by section four of the †*Constitution Act of 1867*," and for any oath of allegiance prescribed by or under any other Act an oath of allegiance in the following form :—

I, _____, do sincerely promise and swear that I will be faithful and bear true allegiance to Her Majesty, Queen Elizabeth the Second, as lawful Sovereign of the United Kingdom, Australia, and her other Realms and Territories, and to Her Heirs and Successors, according to law.

So HELP ME GOD!

Name of the Sovereign.

(2.) In case of the demise of Her Majesty (whom may God long preserve) the name of Her Majesty's successor according to law for the time being shall be substituted in the form of oath of allegiance prescribed by subsection one of this section instead of the name of Her Majesty.

References to the Crown, &c. [31 Vic. No. 6, s. 16; Com. s. 16; V. ss. 13, 16; S.A. s. 4; T. ss. 24, 43; N.S.W. s. 7; 52 and 53 Vic. c. 63, s. 30.]

(3.) In every Act and in every instrument made, granted, or issued under any Act, where the context admits and unless the contrary intention appears—

(a) Reference to the Sovereign reigning at the time of the passing of such Act (or, in the case of any instrument thereunder, at the time of the making, granting, or issuing of that instrument), or to "Her Majesty", "His

* 31 V. No. 12.

† 31 V. No. 38.

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Majesty", "the Queen", "the King", or "the Crown", shall be construed as references to the Sovereign for the time being, and, where necessary, shall include the heirs and successors of such Queen or King ;

- (b) References to any Style or Titles appertaining to the Crown at the time of the passing of such Act (or, in the case of any instrument thereunder, at the time of the making, granting, or issuing of that instrument), shall be construed as references to the Style and Titles appertaining to the Crown for the time being adopted, with the assent of the Parliament of the Commonwealth of Australia, by the Sovereign for the time being for use in relation to the Commonwealth of Australia and its Territories.

(4.) Where in any form or other document prescribed Forms. by any Act or by any instrument made, granted, or issued under any Act, a reference is made to any Style or Titles appertaining to the Crown at the time of the passing of that Act or, as the case may be, the making of that instrument then, if that reference is to be construed in accordance with paragraph (b) of subsection three of this section, in reprinting that form or other document the reference shall be altered so as to agree with the construction required by that paragraph (b) to be given thereto.

Terms and References in Acts.

32. In every Act, unless the contrary intention appears—

Words and references in Acts.
[31 Vic. No. 6, s. 11 ; Com. ss. 23, 25 ; V. ss. 16, 21 ; S.A. ss. 4, 26 ; T. s. 24 ; N.S.W. s. 6 ; 52 and 53 Vic. c. 63, ss. 1, 20.]

- (a) Expressions referring to writing shall be Writing. construed as including references to printing, painting, engraving, typewriting, lithography, photography, and any other mode whatever of representing or reproducing words in a visible form ;
- (b) Every word of the masculine gender shall be Gender. construed as including the feminine gender ;

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- Number. (c) Every word in the singular number shall be construed as including the plural number, and every word in the plural number shall be construed as including the singular number ;
- Body corporate. (d) Every word in either of the said genders or numbers shall be construed as including a body corporate as well as an individual ; and
- Derivatives. (e) Derivatives of any term to which a meaning is assigned by that Act shall have a corresponding meaning.

References to Minister. [Com. s. 19A ; V. s. 18 ; T. s. 25.]

33. Where in any Act or enactment any Minister is referred to, such reference, unless the contrary intention appears, shall be deemed to include any Minister of the Crown in right of this State or any Member of the Executive Council of this State authorised and empowered for the time being to perform and exercise the duties, powers, and authorities imposed or conferred, by the Act or enactment in which or in respect of which the reference is made, upon such firstmentioned Minister.

References to an officer in general terms.

[31 Vic. No. 6, s. 10 ; Com. s. 20 ; S.A. s. 35 ; T. s. 26.]

34. Where in any Act any person holding or occupying a particular office or position is mentioned or referred to in general terms, such mention or reference, unless the contrary intention appears, shall be deemed to include any person who at any time for the time being occupies, or performs the duties of, such office or position.

References to particular officers, &c.

[31 Vic. No. 6, s. 14 ; Com. s. 21 ; T. s. 27 ; N.S.W. s. 8.]

35. In every Act, unless the contrary intention appears—

- (a) References to any officer or office shall be construed as references to such officer or office in and for this State ; 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 this State.

Meanings of certain terms.

36. In every Act, unless the contrary intention appears, the following terms shall have the meanings respectively assigned to them, that is to say :—

Alien.

“ Alien ”—A person who is an alien under the provisions of the **Nationality and Citizenship Act 1948–1953*, of the Commonwealth, or of any Commonwealth Act amending or in substitution for that Commonwealth Act ;

* No. 83 of 1948 and amending Acts of the Commonwealth.

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- “Attorney-General”—The Attorney-General of this State or the Minister of Justice or other Minister of the Crown in right of this State or Member of the Executive Council of this State authorised and empowered to perform and exercise for the time being the duties, powers, and authorities imposed or conferred upon the Attorney-General by the Act; Attorney-General. [V. s. 18.]
- “Australian citizen”—A person who is an Australian citizen under the provisions of the **Nationality and Citizenship Act 1948–1953*, of the Commonwealth, or of any Commonwealth Act amending or in substitution for that Commonwealth Act; Australian citizen. [S.A. s. 4.]
- “British possession”—Any part of Her 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 the central Legislature shall be deemed, for the purposes of this definition, to be one British possession; British possession. [Com. s. 18; S.A. s. 4; T. s. 43; 52 and 53 Vic. c. 63, s. 18.]
- “British subject”—A person who is a British subject under the provisions of the **Nationality and Citizenship Act 1948–1953*, of the Commonwealth, or of any Commonwealth Act amending or in substitution for that Commonwealth Act; British subject. [S.A. s. 4.]
- “Burial”—Includes any cremation duly performed under the provisions of †“*The Cremation Acts, 1913 to 1935*”; Burial. [31 Vic. No. 6, s. 11.]
- “By-laws”—By-laws made under the Act; By-laws. [S.A. s. 4.]
- “Commencement”—When used in reference to an Act, means the time when that Act came or comes into operation; Commencement. [Com. s. 3 (1); V. s. 3 (1); S.A. s. 4; T. s. 9 (1); 52 and 53 Vic. c. 63, s. 36 (1).]
- “Commonwealth”—The Commonwealth of Australia; Commonwealth. [Com. s. 17 (a); S.A. s. 4; T. s. 43.]
- “Commonwealth Parliament”—The Parliament of the Commonwealth; Commonwealth Parliament. [T. s. 43.]

* No. 83 of 1948 and amending Acts of the Commonwealth.

† 4 G. 5 No. 16 and Amending Act.

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Consolidated Revenue, &c.
[Com. s. 17
(k); T. s. 45.]

“Consolidated Revenue” or “Consolidated Revenue Fund”—The Consolidated Revenue Fund of this State;

Constitution of Queensland.

“Constitution of Queensland”—The Order in Council of Her late Majesty Queen Victoria dated the sixth day of June, one thousand eight hundred and fifty-nine (referred to in the preamble to the **“Constitution Act of 1867”**) and the **“Constitution Act of 1867,”* and each and every Act amending, altering, or repealing, or purporting to amend, alter, or repeal, any of the provisions of the aforementioned Order in Council and Act, or either of them;

Court of Criminal Appeal.

“Court of Criminal Appeal”—The Supreme Court acting and duly sitting as the Court of Criminal Appeal;

Estate.
[31 Vic. No. 6, s. 11;
Com. s. 22;
S.A. s. 4;
T. s. 46;
N.S.W. s. 6.]

“Estate”—Used in reference to land, includes any estate or interest, easement, right, title, claim, demand, charge, lien, or encumbrance, at law or in equity, in, over, to, or in respect of the land;

Executive Council.
[Com. s. 17
(g).]

“Executive Council”—The Executive Council of this State;

Gazette.
[31 Vic. No. 6, s. 16;
Com. s. 17
(m); V. s. 20;
S.A. s. 4;
T. s. 45;
N.S.W. s. 6.]

“*Gazette,*” “*Government Gazette,*” or “*Queensland Government Gazette*”—The *Queensland Government Gazette* published, or purporting to be published, by or under the authority of the Government of this State;

Gazetted.
[T. s. 45.]

“Gazetted”—Published in the *Gazette*;

Government Printer.
[Com. s. 17
(n); T. s. 43.]

“Government Printer”—The Government Printer for this State, and includes any person for the time being acting as Government Printer for this State, and also any person authorised by the Government of this State to print any matter;

Governor.
[31 Vic. No. 6, s. 10; V. s. 16; S.A. s. 4; T. s. 43.]

“Governor”—The Governor of this State, or the person for the time being administering the Government of this State;

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- “Governor in Council”—The Governor acting by and with the advice of the Executive Council; Governor in Council. [31 Vic. No. 6, s. 10; V. s. 16.]
- “Imperial Parliament”—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; Imperial Parliament. [T. s. 43.]
- “Indictment”—Includes “information,” “inquisition,” and “presentment,” and the terms “finding of the indictment” include “the taking of an inquisition,” “the exhibiting of an information,” and “the making of a presentment”; Indictment. [31 Vic. No. 6, s. 12; Com. s. 27.]
- “Industrial Court”—The Court established by and constituted in accordance with **The Industrial Conciliation and Arbitration Acts, 1932 to 1953*”; Industrial Court.
- “Industrial magistrate”—An industrial magistrate within the meaning of **The Industrial Conciliation and Arbitration Acts, 1932 to 1953*”; Industrial magistrate.
- “Judge”—A Judge of the Supreme Court; Judge. [S.A. s. 4; T. s. 46.]
- “Justice”—A justice of the peace for the State; Justice. [Com. s. 26; V. s. 16; S.A. s. 4; T. s. 46.]
- “Land”—Includes messuages, tenements, and hereditaments, corporeal or incorporeal, of any tenure or description, and whatever may be the estate or interest therein, unless where there are words to exclude houses and buildings or to restrict the meaning to tenements of some particular tenure or to some particular estate or interest; Land. [31 Vic. No. 6, s. 11; Com. s. 22; V. s. 16; S.A. s. 4; T. s. 46; N.S.W. s. 6; 52 and 53 Vic. c. 63, s. 3.]
- “Legislative Assembly”—The Legislative Assembly of Queensland; Legislative Assembly.
- “Legislature”—The Legislature of this State for the time being however constituted; Legislature. [31 Vic. No. 6, s. 10.]

* 23 G. 5 No. 36 and amending Acts.

Month.

[31 Vic. No. 6, s. 11; Com. s. 22; V. s. 16; S.A. s. 4; T. s. 46; N.S.W. s. 6; 52 and 53 Vic. c. 63, s. 3.]

Oath;
affidavit;
swear.

[31 Vic. No. 6, s. 11; Com. s. 27; V. s. 16; S.A. s. 4. T. s. 41 (3); N.S.W. s. 6; 52 and 53 Vic. c. 63, s. 3.]

Order in Council.

[T. s. 45.]

Parliament.

[Com. s. 17 (e); S.A. s. 4; T. s. 43.]

Person or party.

[31 Vic. No. 6, s. 11; Com. s. 22; V. s. 16; S.A. s. 4; T. s. 41 (1); N.S.W. s. 6; 52 and 53. Vic. c. 63, ss. 2, 19.]

Petty sessions.

[31 Vic. No. 6, s. 16; N.S.W. s. 6.]

Prescribed.

[Com. s. 17 (g); S.A. s. 4; T. s. 7.]

Proclamation.

[Com. s. 17 (j); S.A. s. 4; T. s. 45.]

Property.

[31 Vic. No. 6, s. 12.]

“Month”—A calendar month;

“Oath” and “affidavit”—In all cases where persons are allowed by law to affirm, declare, or promise, instead of swearing, include affirmation, declaration, and promise, and the word “swear” shall in the like case include affirm, declare, and promise;

“Order in Council”—An Order in Council made under the Act by the Governor in Council;

“Parliament”—The Parliament of this State for the time being however constituted;

“Person” or “party”—Includes a body corporate;

“Petty sessions”—Justices sitting as a court of petty sessions and includes any stipendiary magistrate sitting as a court of petty sessions when authorised to do any act alone;

“Prescribed”—Prescribed by the Act, or by Proclamation, Order in Council, regulation, rule, by-law, or ordinance made thereunder;

“Proclamation”—A Proclamation made under the Act by the Governor in Council;

“Property”—Includes goods, chattels, money, valuable securities, and every other matter or thing, whether real or personal, upon or with respect to which any offence may be committed;

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- “ Public holiday ”—A day appointed by or under
*“*The Holidays Acts, 1912 to 1935,*” or any
other Act as a public holiday ; Public
holiday.
[S.A. s. 4.]
- “ Regulations ”—Regulations made under the
Act ; Regulations.
[Com. s. 17
(r) ; S.A.
s. 4.]
- “ Rules ”—Rules made under the Act ; Rules.
[S.A. s. 4.]
- “ Sitting days ”—Used in relation to Parliament,
mean days on which Parliament actually sits
for the despatch of business ; Sitting days
[S.A. s. 4 ;
T. s. 43.]
- “ State ”—The State of Queensland ; State.
[Com. s. 17
(o) ; S.A. s. 4 ;
T. s. 43.]
- “ Statutory declaration ” or “ solemn declaration ”
—A declaration made under the authority of
any Act ; Statutory
declaration,
&c.
[Com. s. 27 ;
V. s. 22 ; S.A.
s. 4 ; T. s. 46 ;
52 and 53
Vic. c. 63,
s. 21.]
- “ Stipendiary magistrate ” — A stipendiary
magistrate appointed by or under †“*The*
Justices Acts, 1886 to 1949” ; Stipendiary
magistrate.
- “ Supreme Court ”—The Supreme Court of this
State ; Supreme
Court.
[S.A. s. 4 ;
T. s. 46.]
- “ This Act ”—Includes Proclamations, Orders in
Council, regulations, rules, by-laws, and
ordinances made under the Act ; This Act.
[S.A. s. 4 ;
T. s. 7.]
- “ United Kingdom ”—The United Kingdom of
Great Britain and Northern Ireland. United
Kingdom.
[Com. s. 18
S.A. s. 4 ;
T. s. 43.]

Distance and Time.

37. In the measurement of any distance for the
purpose of any Act, such distance shall be measured
along the shortest road ordinarily used for travelling
unless the intention appears that such distance shall be
measured in a straight line on a horizontal plane or in
some other manner. Measurement
of distance.
[31 Vic. No.
6, s. 13 ;
Com. s. 35 ;
V. s. 30 ; S.A.
s. 28 ; T. s.
28 ; 52 and
53 Vic. c. 63,
s. 34.]

* 3 G. 5 No. 17.

† 50 V. No. 17 and amending Acts.

Reckoning of time.

[31 Vic. No. 6, s. 13; Com. s. 36; S.A. s. 27; T. s. 29; N.S.W. s. 11.]

38. (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, unless otherwise expressly provided, be reckoned exclusively of such day, or of the day of such act or event, but inclusively of the day on which the purpose is to be fulfilled.

(2.) Where in any Act any period of time dating from a given day, act, or event is prescribed or allowed for any purpose and 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 period of time prescribed or allowed or reckoned by any Act for the doing of anything falls on a Saturday, Sunday, or a day which is a public 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, unless otherwise expressly provided, be done on the day next following such Saturday, Sunday, or public holiday which is not itself a Saturday, a Sunday, or a public holiday as aforesaid.

(4.) Where the last day of any period of time prescribed or allowed or reckoned by any Act for the filing or registration of any document or instrument falls on a day on which the office in which such filing or registration is to be effected is not open, such document or instrument may be filed or registered on the first ensuing day on which such office is open.

(5.) Where no time is prescribed or allowed within which anything shall be done, such thing shall be done with all convenient speed, and as often as the prescribed occasion arises.

*Service by Post.***Meaning of service by post.**

[31 Vic. No. 6, s. 11; Com. s. 29; V. s. 24; S.A. s. 33; T. s. 30; 52 and 53 Vic. c. 63, s. 26.]

39. (1.) Where any Act authorises or requires any document to be given, sent, served, or delivered by post, then, unless the contrary intention appears, such giving, sending, serving, or delivery shall be deemed—

- (a) To be effected by properly addressing, prepaying, and posting a letter or packet containing such document; and

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(b) Unless the contrary is proved, to have been effected at the time when the letter or packet would be delivered in the ordinary course of post.

(2.) Where any Act authorises or requires any document to be given, sent, served, or delivered by registered post, the letter or packet referred to in subsection one of this section shall be duly registered as provided by the postal regulations for the time being in force.

(3.) Except where otherwise expressly provided, the letter or packet referred to in subsection one of this section may be addressed to the usual or last known place of business or residence of the person to whom it is to be given or sent, or on whom it is to be served or delivered.

Forms.

40. Whenever, by any Act or by any instrument made thereunder, forms are prescribed, it shall be deemed to be provided, unless the contrary intention appears and provided that deviations from the prescribed forms occurring therein are not calculated to mislead, that forms to the like effect shall be sufficient.

Penalties.

41. (1.) Where in any Act or enactment a penalty is prescribed in respect of any contravention thereof or failure to comply therewith, whether by way of fine or a term of imprisonment, the same shall be construed, unless otherwise expressly provided, to mean that such contravention or failure, whether by act or omission, shall be punishable upon conviction by a fine or term of imprisonment, as the case may be, not exceeding that prescribed in such Act or enactment.

(2.) Where in any Act a penalty, whether by way of fine or a term of imprisonment, is set out—

(a) At the foot of any section or subsection thereof, or

(b) At the foot of any paragraph of any section or subsection thereof (but not at the foot of a section or subsection),

the same shall indicate, unless the contrary intention appears, that any contravention of or failure to comply with such section, subsection, or paragraph, as the case may be, whether by act or omission, shall be an offence

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against the Act and shall be punishable upon conviction 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.

[T. s. 37 (3).] (3.) Where a daily penalty is specified in any Act or enactment in respect of any contravention thereof or failure to comply therewith, the same shall indicate, unless the contrary intention appears, that a penalty not exceeding the penalty so specified may be imposed in respect of every day on which the offence has continued, in addition to any general penalty prescribed.

[Com. s. 45 ;
V. s. 26 ;
S.A. s. 31 ;
T. s. 33.] (4.) Any imprisonment imposed by or authorised to be imposed under any Act may, unless the contrary intention appears, be imposed with or without hard labour.

Who may in
general
sue for
penalties.

[31 Vic. No.
6, s. 26 ; S.A.
s. 42.]

42. Any penalty or forfeiture imposed or made by, or authorised to be imposed or made under, any Act may be sued or proceeded for by any person whomsoever unless by the Act imposing or making or authorising the imposing or making of the same such right to sue or proceed shall be expressly given to any officer or person by name or designation.

Appropriation
of
penalties
when Act
silent.

[31 Vic. No.
6, s. 25 ;
S.A. s. 29.]

43. Where any penalty or forfeiture is imposed or made by, or authorised to be imposed or made under, any Act, such Act, unless otherwise expressly provided, shall be deemed to provide that the same, when recovered, shall be paid—one moiety thereof to the Consolidated Revenue Fund, to be applied for the public uses of this State or in such other manner as may from time to time be directed by any Act, and the other moiety thereof to the informer or person prosecuting or suing for the same unless in the exercise of any power conferred by any Act such other moiety or part thereof is ordered to be withheld, when it shall be paid and applied in accordance with the provisions of this section relating to the firstmentioned moiety.

Summary Proceedings.

Summary
proceedings.

[31 Vic. No.
6, s. 27 ;
Com. s. 44 ;
S.A. ss. 43,
45 ; T. s. 38.]

44. (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 a stipendiary magistrate, or that any offence is to be punishable upon summary conviction, such Act shall be deemed to provide, unless the contrary intention

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appears, that such matter or proceeding shall be heard and determined, or that proceedings in respect of such offence shall be taken, in a summary way under **"The Justices Acts, 1886 to 1949,"* and that any penalty or forfeiture imposed in respect thereof may be enforced and recovered as provided by that Act.

(2.) Where by any Act an offence not declared expressly or by implication to be an indictable offence is constituted or made punishable, or any penalty or forfeiture is imposed or authorised to be imposed in respect of any matter, and such Act contains no provisions for proceeding in respect thereof, such Act shall be deemed to provide, unless the contrary intention appears, that all proceedings in respect of that offence or matter shall be heard and determined, and all penalties and forfeitures may be enforced and recovered in a summary way under **"The Justices Acts, 1886 to 1949."*

Offences under Two or more Laws.

45. Except where otherwise expressly provided, 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 may be prosecuted and punished under either or any of such Acts or at common law, as the case may be, but so that he is not twice punished for the same offence.

Alternative procedure in respect of offences.
[Com. s. 30 ; V. s. 27 ; S.A. s. 50 ; T. s. 32 ; 52 and 53 Vic. c. 63, s. 33.]

Corporations.

46. (1.) Every provision of an Act relating to offences punishable on indictment or summary conviction shall, unless the contrary intention appears, be deemed to refer to bodies corporate as well as to persons.

Corporations.
[Com. s. 24 ; T. s. 35.]

(2.) Where under any Act any forfeiture or penalty is payable to a party aggrieved, it shall be payable to a body corporate where the body corporate is the party aggrieved.

(3.) Except where otherwise expressly provided, where the penalty prescribed in any Act in respect of any offence is a term of imprisonment only, the court before which the offence is tried may, if it thinks fit, in the case of a body corporate, impose a fine not exceeding—

(a) Where the term of imprisonment does not exceed six months—five hundred pounds ;

* 50 V. No. 17 and amending Acts.

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- (b) Where the term of imprisonment exceeds six months but does not exceed one year—one thousand pounds ;
- (c) Where the term of imprisonment exceeds one year but does not exceed two years—two thousand five hundred pounds ; and
- (d) Where the term of imprisonment exceeds two years—five thousand pounds.

Printing Amendments.

Printing of amendments in Acts.

[31 Vic. No. 6, s. 29A (1).]

47. (1.) Where by or under the authority of any Act any part, section, subsection, schedule, paragraph, or any word or words is or are directed to be inserted in or omitted from any Act, or to be substituted for or inserted in lieu of any part, section, subsection, schedule, or paragraph, or any word or words of any Act, then in all copies of the Act so amended printed by the Government Printer the part, section, subsection, schedule, paragraph, or word or words shall be inserted or omitted or substituted in accordance with such direction, and all necessary consequential amendments of marginal notes, headings, and divisions shall be made, and references shall be made in suitable places to the Act by or under the authority of which such amendments were made.

No amendment shall merely by force of such direction have any retrospective operation.

Abrogated provisions.

[31 Vic. No. 6, s. 29A (2).]

(2.) Without limiting the provisions of subsection one of this section, where any enactment in any Act relating to the practice or procedure of the Supreme Court has been or is in pursuance of statutory authority in that behalf abrogated by Rules of the Supreme Court, then in all copies of such Act printed by the Government Printer the enactment so abrogated shall be omitted, and reference shall be made in a suitable place to the Rule of Court whereby such abrogation was made.

Jurors.

Mode of pleading affirmation in lieu of oath.

[31 Vic. No. 6, s. 29.]

48. Wherever in any legal proceeding whatsoever any other legal proceedings may be set out it shall not be necessary to specify that any particular persons who acted as jurors had made affirmation or declaration instead of oath, but if it is stated in such firstmentioned proceedings or in any record whatsoever that the jurors

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served and acted as jurors (in the same manner as if no Act had passed for enabling persons to serve as jurors without oath) such proceedings or record shall not be held insufficient in respect thereof.

Proclamations and Orders in Council.

49. Where the Governor in Council or any specified officer is empowered to make or issue any Proclamation, Order in Council, or other instrument, it shall not be necessary to recite or set forth therein any facts or circumstances or the performance of any conditions precedent upon which the power authorising the making or issue of the same depends or may be exercised.

Conditions precedent need not be recited. [T. s. 40.]

Rules of Court.

50. (1.) In any Act, unless the contrary intention appears, the expression "Rules of Court" when 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. [Com. s. 28; T. s. 48; 52 and 53 Vic. c. 63, s. 14.]

(2.) The power of such authority to make Rules of Court shall, unless the contrary intention appears, include power to make Rules of Court for the purpose of any Act which directs or authorises anything to be done by Rules of Court.

51. Where any power or authority is given by any Act to the Judges of the Supreme Court collectively to make or approve of any general rules or orders of the Supreme or any inferior court then, unless the contrary intention appears, the same may be exercised by a majority of Judges of whom the Chief Justice (or in the case of a vacancy in such office then the senior Puisne Judge) shall be one.

Judges of Supreme Court. [31 Vic. No. 6, s. 10.]

52. All Acts in force on the twenty-sixth day of January, one thousand nine hundred and forty-nine, shall continue to have effect in relation to Irish citizens who are not British subjects in like manner as they have effect in relation to British subjects.

Effect of Acts in relation to Irish citizens. [S.A. s. 33B.]

53. Section one of **"The Acts Shortening Act Amendment Act of 1903"* is repealed and the following new section is inserted in lieu thereof, namely:—

Repeal of and new s. 1 of 3 Edw. VII. No. 10.

"[1.] This Act may be cited as "*The Acts Citation Act of 1903.*""

Short title.

* 3 E. 7 No. 10.

Construction of certain references to Commonwealth Bank of Australia upon the establishment of the Commonwealth Trading Bank of Australia.

54. (1.) Consequent on the transfer of Commonwealth Bank business, it is hereby declared that where any Act (or any Order in Council, regulation, rule, by-law, ordinance, or other instrument under any Act) heretofore enacted or, as the case may be, made—

- (i.) Authorises or requires any money or thing whatsoever to be paid into or deposited with, or any matter to be transacted with, the Commonwealth Bank of Australia, and that money or thing or, as the case may be, matter was, prior to the transfer of Commonwealth Bank business, paid into or deposited or transacted with the General Banking Division of that Bank ;
- (ii.) Contains a reference to the rate of interest payable or charged with respect to any business carried on, prior to the transfer of Commonwealth Bank business, by the General Banking Division of that Bank,

then on and after the transfer of Commonwealth Bank business—

- (iii.) That money or thing shall be paid into or deposited with, and that matter shall be transacted with, the Commonwealth Trading Bank of Australia ; and
- (iv.) That reference shall be deemed to be to the rate of interest payable or charged with respect to that business when carried on by the Commonwealth Trading Bank of Australia, but so that nothing herein contained shall be read as altering any rate of interest prescribed by any Act or by any instrument under any Act.

(2.) In this section the term “transfer of Commonwealth Bank business” means the ceasing, pursuant to the Commonwealth Act intituled the **Commonwealth Bank Act 1953*, on the date fixed by Proclamation thereunder, by the Commonwealth Bank of Australia of the carrying on of business in its General Banking Division and the carrying on of that business, pursuant to that Commonwealth Act on and after that proclaimed date, by the bank established thereby called the Commonwealth Trading Bank of Australia.

* No. 12 of 1953 of the Commonwealth.

2 ELIZ. II. No. 9, 1954. *Wheat Marketing (Amendment) Act.*

SCHEDULE.

[Section 2.]

Year and Number of Act.	Short Title.	Extent of Repeal.
31 Vic. No. 6 ..	" <i>Acts Shortening Act of 1867</i> "	The whole
3 Edw. VII. No. 10	" <i>The Acts Shortening Act Amendment Act of 1903</i> "	Sections two to seven (both inclusive)
26 Geo. V. No. 28 ..	" <i>The Cremation Act Amendment Act of 1935</i> "	Section eight
1 Geo. VI. No. 11	" <i>The Acts Shortening Acts Amendment Act of 1937</i> "	The whole

AGRICULTURE.

An Act to Amend "The Wheat Industry Stabilisation Acts, 1948 to 1951," in certain particulars.

2 ELIZ. II.
No. 9.
THE WHEAT
MARKETING
(AMEND-
MENT) ACT
OF 1953.

[ASSENTED TO 27TH OCTOBER, 1953.]

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. This Act may be cited as "*The Wheat Marketing (Amendment) Act of 1953*," and shall be read as one with *"*The Wheat Industry Stabilisation Acts, 1948 to 1951*," herein referred to as the Principal Act.

Short title and construction.

The Principal Act and this Act may be collectively cited as "*The Wheat Marketing Acts, 1948 to 1953*."

Collective title.

†2. (1.) This Act shall come into operation upon a date (not earlier than the date of the coming into operation of the ‡*Wheat Marketing Act 1953* of the Commonwealth) to be fixed by the Governor in Council by Proclamation published in the *Gazette*.

Commencement of this Act.

* 13 G. 6 No. 9 and amending Act.

† Commenced 31 Oct. 1953 (Proc. pubd. Gaz., 21 Nov. 1953, p. 1486).

‡ No. 49 of 1953 of the Commonwealth.