

Queensland



ANNO VICESIMO SEXTO

ELIZABETHAE SECUNDAE REGINAE

No. 37 of 1977

**An Act to amend the Acts Interpretation Act 1954–1971
in certain particulars**

[ASSENTED TO 23RD SEPTEMBER, 1977]

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

1. Short title and citation. (1) This Act may be cited as the *Acts Interpretation Act Amendment Act 1977*.

(2) The *Acts Interpretation Act 1954–1971* is in this Act referred to as the Principal Act.

(3) The Principal Act as amended by this Act may be cited as the *Acts Interpretation Act 1954–1977*.

2. Commencement. This Act shall come into operation on a date to be appointed by Proclamation.

3. Repeal of and new s. 17. The Principal Act is amended by repealing section 17 and substituting the following section:—

“ 17. Exercise of statutory powers between passing and commencement of Act. (1) Where an Act or an enactment that is not to come into operation immediately on its passing confers power or amends another Act so that that other Act, as amended, confers power—

- (a) to make any appointment;
- (b) to make, grant or issue any instrument (including any Proclamations, Orders in Council, regulations, rules, by-laws or ordinances);
- (c) to give notices;
- (d) to prescribe forms; or
- (e) to do any other thing,

for the purposes of the first-mentioned Act or that other Act or of the enactment the power that will be conferred may, unless the first-mentioned Act or other Act or the enactment otherwise provides, be exercised at any time after the passing of the first-mentioned Act or the enactment but the exercise of the power does not confer a right or impose an obligation upon a person before the coming into operation of the first-mentioned Act or the enactment except in so far as is necessary or expedient for the purpose of making the first-mentioned Act or the enactment fully effective upon its coming into operation or the other Act fully effective when so amended.

(2) An exercise of a power referred to in subsection (1) before the commencement of the *Acts Interpretation Act Amendment Act 1977* purporting to be for the purpose of an Act or an enactment passed before such commencement shall be deemed to have been exercised as validly and effectually as if subsection (1) had been in force at the time of the exercise of the power.”.

4. Amendment of s. 28A. Section 28A of the Principal Act is amended by—

(a) omitting from subsection (2) the words “ pursuant to ” and substituting the words “ in accordance with ”;

(b) in subsection (3) inserting before the word “ laid ” the word “ duly ”;

(c) omitting from subsection (4) the words “; or is deemed to have been disallowed under this section.”;

(d) adding at the end of the section the following subsection:—

“ (6) A failure to lay regulations before the Legislative Assembly in accordance with paragraph (d) of subsection (1) or a disallowance of regulations shall not alter the effect of the doing, suffering or omission of anything done, suffered or omitted under, in accordance with or for the purposes of such regulations, prior to such failure or disallowance.”.

5. Repeal of and new s. 35A. The Principal Act is amended by omitting section 35A and substituting the following section:—

“ 35A. (1) Reference to a part, etc. A reference in any Act to a part, section, schedule or form shall, unless the contrary intention appears, be deemed to be a reference to a part, section, schedule or form of the Act in which the reference is made.

(2) **Reference to a division.** A reference in any part of an Act to a division shall, unless the contrary intention appears, be deemed to be a reference to a division of the part in which the reference is made.

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

6. Amendment of s. 41. Section 41 of the Principal Act is amended by in subsection (3) omitting the words “, in addition to any general penalty prescribed ” and substituting the words “ and, if any other penalty is prescribed, in addition to that other penalty ”.