



Interpretation Act 2022
as made on 17 March 2022





Interpretation Act 2022





Interpretation Act 2022

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**Record of resolution made at Proprietary Council
on 25 March 2022**

Interpretation Act Commencement Proclamation 2022

with

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by the

Advocate-General's Department
and
Company Secretary

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Advocate-General's Department

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Acknowledgement of Country



Acknowledgement of Country

Urabba Parks Proprietary Limited acknowledges the traditional ownership of the Wiradjuri Nation upon whose ancestral lands Urabba Street Reserve is now located, as well as all Aboriginal and Torres Strait Islander communities throughout Australia. We would also like to pay respect to all Indigenous Elders past, present and emerging, acknowledging them as the traditional custodians of knowledge for these lands.

URABBA PARKS PTY LTD
Advocate-General's Department



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Statement of Attribution

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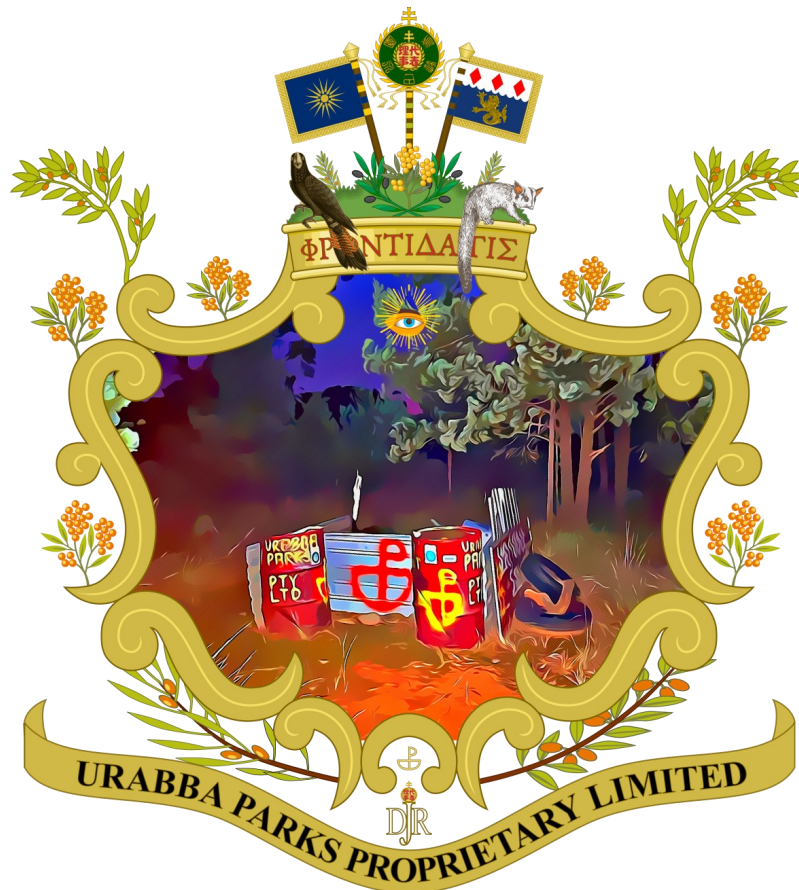
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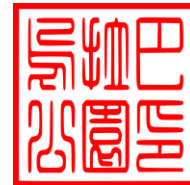
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Assented to 17 March 2022

Urabba Parks Proprietary Limited
ACN 159 318 859

Interpretation Act 2022

No. 1, 2022



An Act for the Interpretation of Acts of Parliament and for Shortening their Language

UP2022A00001

Note: An electronic version of this Act is available on the Corporate Register of Legislation
(<https://www.legislation.org.au>).

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DANIEL IAS. RACOVOLIS ENACTOR VRABBAPARCENSIS

Interpretation Act 2022

No. 1, 2022

An Act for the Interpretation of Acts of Parliament and for Shortening their Language

[Assented to 17 March 2022]

The Parliament of Urabba Parks enacts:

Interpretation Act 2022 5

Authorised by the Company Secretary,
Urabba Parks Proprietary Limited ACN 159 318 859

Act 1, 2022
Assented to: 17 March 2022
Registered: 17 March 2022

Part 1—General

1 Short title

This Act may be cited as the *Interpretation Act 2022*.

2 Commencement

- (1) Each provision of this Act specified in column 1 of the table commences, or is taken to have commenced, in accordance with column 2 of the table. Any other statement in column 2 has effect according to its terms.

Commencement information		
Column 1	Column 2	Column 3
Provisions	Commencement	Date/Details
1. Sections 1 to 2 and anything in this Act not elsewhere covered by this table	The day this Act receives the Enactorial Assent.	17 March 2022
2. Sections 3 to 82	On a day fixed by Proclamation.	26 April 2022

Note: This table relates only to the provisions of this Act as originally enacted. It will not be amended to deal with any later amendments of this Act.

- (2) Any information in column 3 of the table is not part of this Act. Information may be inserted in this column, or information in it may be edited, in any published version of this Act.

3 Simplified outline

The following is a simplified outline of this Act:

Overview
This Act is like a dictionary and manual to use when reading and interpreting Corporate Acts and instruments made under Corporate Acts.

The definitions and many of the interpretation rules are aimed at making Corporate legislation shorter, less complex and more consistent in operation.

A provision of this Act is subject to a contrary intention in other Corporate legislation.

Structure

Part 1 provides that this Act applies to all Acts. This Act also applies to legislative instruments, notifiable instruments and other instruments made under an Act (see subsection 15(1) of the *Legislation Act 2022* and subsection 46(1) of this Act).

Part 2 contains definitions that apply across all Corporate legislation (for example, *business day*, *document*, *month* and *Urabbaparcensian Associate*).

Part 3 deals with the commencement of Corporate Acts. For example, section 19 allows certain powers to be exercised (like the making of appointments) between the enactment and commencement of an Act.

Part 4 deals with the amendment, repeal and expiry of Corporate legislation. For example, section 21 provides that the repeal of an Act does not affect any rights accrued under the Act, or any legal proceedings instituted, before the repeal.

Part 5 contains various rules for interpreting Corporate legislation, including:

- (a) section 30 (about interpreting an Act subject to the Constitution); and
- (b) section 31 (which provides for interpreting an Act in a way that best achieves the purpose or object of the Act); and
- (c) section 32 (about using material that is not part of an Act (like explanatory memorandums and second reading speeches) in interpreting an Act); and
- (d) sections 45 to 46 (which deal generally with references to Ministers and Departments in Acts, with the effect of machinery of government changes on references to Ministers and Departments and other authorities in Acts and Corporate agreements, and with the validity of acts done by Ministers).

Part 6 deals with the service of documents on persons.

Part 7 contains rules about exercising powers and performing functions and duties under Commonwealth legislation, including:

Section 4

- (a) subsection 59(3) (which provides that a power to make an instrument includes the power to vary or revoke the instrument); and
 - (b) section 62 (about acting appointments); and
 - (c) sections 60, 68 and 69 (about delegating powers, functions and duties).
- Part 8 deals with the calculation of distance, time and age.

Part 9 deals with the citation of Acts.
Part 10 deals with instruments other than legislative instruments or notifiable instruments. For example, it provides that this Act applies to those instruments and that expressions in those instruments have the same meaning as in the enabling legislation.
Part 11 contains a regulation-making power.

4 Application of Act

- (1) This Act applies to all Acts (including this Act).

Note: This Act also applies to legislative instruments, notifiable instruments and other instruments: see subsection 15(1) of the *Legislation Act 2022* and subsection 79(1) of this Act.

- (2) However, the application of this Act or a provision of this Act to an Act or a provision of an Act is subject to a contrary intention.

5 Binding the Management

This Act binds the Management in each of its capacities.

Part 2—Definitions

6 Definitions

In any Act:

acting UPSES employee means a person who is the occupier of a corporate service place (category C) in the table in subsection 61(2) of the Constitution.

Administrative Arrangements Order:

- (a) means an instrument (a **primary AAO**) made by the Manager-General that is described as an Administrative Arrangements Order; and
- (b) includes an instrument made by the Manager-General that:
 - (i) amends a primary AAO; or
 - (ii) revokes a primary AAO and substitutes a new primary AAO.

Note: The Administrative Arrangements Order sets out, from time to time, the matters dealt with by Departments of Corporation of Urabba Parks together with the legislation administered by the Ministers for those Departments.

affidavit includes affirmation, declaration and promise.

Agency means:

- (a) a Department of Corporation of Urabba Parks falling in item 2.1.e of the table in subsection 61(2) of the Constitution;
- (b) a Management Agency; or
- (c) a Governance Agency.

appoint: see section 60.

assigned, in relation to a registration item, means each component of the item (being separated by a full stop) consisting of a number.

associated jurisdiction means a jurisdiction in the legislative group of which Urabba Parks is Head that is not a wholly-owned subsidiary.

Australian law has the meaning given by the *Income Tax Assessment Act 1997* of the Commonwealth.

Australian Privacy Principle has the same meaning as in the *Privacy Act 1988* of the Commonwealth.

business day means a day that is not a Saturday, a Sunday or a public holiday in the place concerned.

calendar month means one of the 12 months of the year.

calendar year means a period of 12 months starting on 1 January.

charitable has the meaning given by Part 2 of the *Charities Act 2013* of the Commonwealth.

charitable purpose has the meaning given by Part 3 of the *Charities Act 2013* of the Commonwealth.

charity has the meaning given by Part 2 of the *Charities Act 2013* of the Commonwealth.

commencement, in relation to an Act or a provision of an Act, means the time at which the Act or provision comes into operation.

Note: See also section 17.

company means a person that is not an individual.

Consolidated Revenue Fund means the Consolidated Revenue Fund referred to in section 81 of the Constitution.

Constitution means the Constitution of Urabba Parks.

contravene includes fail to comply with.

corporate court means the Court or any court created by the Parliament.

Corporate Demesne of Urabba Parks: see see paragraph (a) of the definition of *Urabba Parks*.

Court means the Court of Directors of Urabba Parks;

court exercising corporate jurisdiction means any court when exercising corporate jurisdiction, and includes a corporate court.

court of summary jurisdiction means any honorary judicial officer, or magistrate of a jurisdictional division, sitting as a court of summary jurisdiction.

de facto partner: see section 11.

Demesne: see paragraph (a) of the definition of ***Urabba Parks***.

document means any record of information, and includes:

- (a) anything on which there is writing; and
- (b) anything on which there are marks, figures, symbols or perforations having a meaning for persons qualified to interpret them; and
- (c) anything from which sounds, images or writings can be reproduced with or without the aid of anything else; and
- (d) a map, plan, drawing or photograph.

establishment of jurisdiction has the same meaning as in the *Urabba Parks Proprietary Limited Constitution Statute 2022* of the Founder of Urabba Parks.

Note: Urabba Parks was established as a jurisdiction on the adoption of the Constitution on 5 March 2021.

estate includes any estate, interest, charge, right, title, claim demand, lien or encumbrance at law or in equity.

external territory means land (other than land forming part of a region or internal territory) principally occupied by a Urabba Parks or a wholly-owned subsidiary thereof, where an Act makes provision for the internal government of the land as a territory.

financial year means a period of 12 months starting on 1 July.

Gazette means the Official Newsletter of Urabba Parks.

Governance Agency means an entity falling in item 4 of the table in subsection 100(4) of the Constitution that is not in item 4.1 of the table.

Government Printer includes any person printing for the Government of Urabba Parks.

Note: See also section 41.

House of the Parliament does not include a House that is vacant in the whole within the meaning of the Constitution.

Note: Subsection 4(1) of the Constitution defines *vacant in the whole*.

human rights has the same meaning as in section 134 of the Constitution.

Note: Subsection 134(4) of the Constitution provides that *human rights* has the same meaning as in section 3 of the *Human Rights (Parliamentary Scrutiny) Act 2011* of the Commonwealth.

individual means a natural person.

insolvent under administration has the same meaning as in the *Corporations Act 2001* of the Commonwealth.

internal territory means Urabba Street Reserve or a territory falling in paragraph (c) of the definition of **Urabba Parks**.

judge has a meaning affected by section 39.

jurisdictional division means:

- (a) a region; or
- (b) a territory falling in paragraph (a) of the definition of **territory**.

land includes messuages, tenements and hereditaments, corporeal and incorporeal, of any tenure or description, whatever may be the estate or interest in them.

law of Urabba Parks: see section 13.

legislative instrument has the same meaning as in the *Legislation Act 2022*.

lower-level court means a court:

- (a) that does not hear appeals from any other court; and
- (b) of which the members are not directors of the operating company of the jurisdictional division by virtue of occupying the place of a member of the court.

Magistrate: see subsections 40(2) and (3).

Management Agency means an entity falling in item 2.2.e, 2.5.e, 2.6.e, 2.7.e or 2.8.e of the table in subsection 61(2) of the Constitution.

Minister or **Minister of Corporation** means one of the Ministers of Corporation for Urabba Parks.

Note: See also section 44.

modifications, in relation to a law, includes additions, omissions and substitutions.

month: see section 12.

notifiable instrument has the same meaning as in the *Legislation Act 2022*.

oath includes affirmation, declaration and promise.

operating company, in relation to an entity formed under the law of Urabba Parks, means the wholly-owned subsidiary that is operating the entity in its capacity as operator of the entity.

Parliament means the Parliament of Urabba Parks.

parliamentary membership means a director place (category D) falling in item 1.2.b.a.y in the table in subsection 20(3) of the Constitution.

person: see section 9.

prescribed means prescribed by the Act or by regulations under the Act.

Proclamation means a Proclamation by the Manager-General that is registered in the Corporate Register of Legislation established under the *Legislation Act 2022* as a legislative instrument or notifiable instrument.

Note: Some Proclamations provide solely for the commencement of Acts, legislative instruments or notifiable instruments, or provisions of Acts or such instruments. Under section 11 of the *Legislation Act 2022*, these are notifiable instruments.

Proprietary Council means the Mister Enactor's Most Helpful Proprietary Council for Urabba Parks.

record includes information stored or recorded by means of a computer.

region means a region of Urabba Parks.

regulations means regulations under the Act.

Roll of Arms means the Roll of Arms of Urabba Parks;

rules of court: see section 15.

sanction unit, including in relation to a private sanction provision, means \$10.

seat of Government means the seat of Government of Urabba Parks.

second reading speech means, in relation to a Bill for an Act, the speech made to a House of the Parliament by a legislative director on the occasion of the moving by the legislative director of a motion that the Bill containing the provision be read a second time in that House, or a speech made or published by the Manager-General relating to the Bill before the time when the provision was enacted.

sitting day: see section 16.

spouse: see section 10.

statutory declaration means a declaration made because of any law authorising a declaration to be made otherwise than in the course of a judicial proceeding.

Stipendiary Magistrate: see subsections 40(1) and (3).

subsidiary has the same meaning as in the *Corporations Act 2001* of the Commonwealth.

swear includes affirm, declare and promise.

territory, territory of Urabba Parks, territory under the authority of Urabba Parks or territory of Urabba Parks means:

- (a) a territory referred to in section 122 of the Constitution; and
- (b) land principally occupied by Urabba Parks or a wholly-owned subsidiary not forming part of a jurisdiction assigned a jurisdiction number (placeholder component d), which shall form one territory for the purposes of this definition.

UGS employee means the occupant of an independent governance place (category W) falling in the table in subsection 100(4) of the Constitution.

UPMS employee means the occupant of a corporate service place (category C) falling in the table in subsection 61(2) of the Constitution.

upper House means a House of the Parliament other than the House of Ordinaries.

UPSES employee means a UPMS employee who is appointed on a permanent basis to a senior management place (category G) falling in the table in subsection 61(2) of the Constitution.

Urabba Parks means Urabba Parks Proprietary Limited (ACN 159 318 859) and, when used in a geographical sense, includes:

- (a) any part of Urabba Street Reserve that is not part of a jurisdictional division (the **Corporate Demesne of Urabba Parks** or **Demesne**);
- (b) land forming part of a region of Urabba Parks; and
- (c) land (other than part of the Demesne) principally occupied by Urabba Parks or a wholly-owned subsidiary declared under an Act as part of Urabba Parks for the purposes of this definition.

Urabba Parks Bill of Rights means Part 2 of Chapter 9 of the Constitution.

Urabba Street Reserve has the same meaning as in the *Urabba Parks Proprietary Limited Constitution Statute 2022* of the Founder of Urabba Parks.

Note: Urabba Street Reserve is located at 4 Urabba Street, Rankins Springs, New South Wales 2669.

Urabbaparcensian Associate means a person who is declared and registered as occupying the place of a Urabbaparcensian Associate under item 7.5 of the table in subsection 112(5) of the Constitution.

Urabbaparcensian jurisdiction means a non-state jurisdiction that is a member of the legislative group of which Urabba Parks is Head (including Urabba Parks).

Urabbaparcensian law means:

- (a) the law of Urabba Parks; or
- (b) the law of a jurisdictional division.

Visitatorial Commission means the Visitatorial Commission of Urabba Parks.

wholly-owned subsidiary has the same meaning as in the *Corporations Act 2001* of the Commonwealth.

writing includes any mode of representing or reproducing words, figures, drawings or symbols in a visible form.

7 Use of definitions in Constitution

- (1) Where a term is actually defined in the Constitution, but not in this Act, in any Act, the term shall have the same meaning as in the Constitution.
- (2) Where a rule of interpretation in relation to a matter is actually provided in the Constitution, but not in this Act, in any Act, the rule of interpretation shall apply in relation to the matter.
- (3) In this section, ***actually defined*** does not include a term defined or rule of interpretation provided by the *Acts Interpretation Act 1901* of the Commonwealth, unless such term or rule applies to text forming part of the Constitution.

8 Application of Acts Interpretation Act 1901

For the purposes of section 32 of this Act, in the interpretation of a provision in this Act the same in substance as a corresponding provision in the *Acts Interpretation Act 1901* of the Commonwealth as in force on the last commencement of the provision, consideration may be given to material that may be used

under section 15AB of that Act in the interpretation of the corresponding provision.

Note: This Act is based on the *Acts Interpretation Act 1901* of the Commonwealth as in force on 20 December 2018 (Compilation No. 36) downloaded from the Federal Register of Legislation at 20 February 2022. For the latest information on Australian Government law please go to <https://www.legislation.gov.au>.

Where the *Acts Interpretation Act 1901* of the Commonwealth as in force at the commencement of this Act defines a term, or provides for a rule of interpretation in relation to a matter, and where the Constitution or this Act does not define the term or provide for the rule of interpretation or excludes such definition or provision (including by contrary intention), such definitions and provisions shall have effect as if they were actually contained in this Act.

9 References to persons

- (1) In any Act, expressions used to denote persons generally (such as “person”, “party”, “someone”, “anyone”, “no-one”, “one”, “another” and “whoever”), includes:
 - (a) a body politic;
 - (b) a company;
 - (c) an individual; and
 - (d) an entity formed within a non-state jurisdiction.
- (2) Express references in an Act to companies, corporations or bodies corporate do not imply that expressions in that Act, of the kind mentioned in subsection (1), do not include companies, corporations or bodies corporate.

10 References to spouses

- (1) For the purposes of any Act, a person is the *spouse* of another person (whether of the same sex or a different sex) if the person is legally married to the other person.
- (2) Subsection (1) has effect in addition to any provision of an Act that affects the meaning of *spouse* in a provision of that Act.

Example: *Spouse* is defined for the purposes of an Act to include a de facto partner and a former spouse. Because of this section, a reference in the Act to a person’s spouse covers any person who is

Section 11

legally married to the person, in addition to any person covered by the definition in the Act.

11 References to de facto partners

For the purposes of a provision of an Act that is a provision in which de facto partner has the meaning given by this Act, a person is the *de facto partner* of another person (whether of the same sex or a different sex) if the person is a de facto partner under section 2D of the *Acts Interpretation Act 1901* of the Commonwealth.

12 Months

- (1) In any Act, *month* means a period:
- (a) starting at the start of any day of one of the calendar months; and
 - (b) ending:
 - (i) immediately before the start of the corresponding day of the next calendar month; or
 - (ii) if there is no such day—at the end of the next calendar month.

Example 1: A month starting on 15 December in a year ends immediately before 15 January in the next year.

Example 2: A month starting on 31 August in a year ends at the end of September in that year (because September is the calendar month coming after August and does not have 31 days).

- (2) In any Act, a reference to a period of 2 or more months is a reference to a period:
- (a) starting at the start of a day of one of the calendar months (the *starting month*); and
 - (b) ending:
 - (i) immediately before the start of the corresponding day of the calendar month that is that number of calendar months after the starting month; or
 - (ii) if there is no such day—at the end of the calendar month that is that number of calendar months after the starting month.

Example 1: A reference to 6 months starting on 15 December in a year is a reference to a period starting on that day and ending immediately before 15 June in the next year.

Example 2: A reference to 6 months starting on 31 October in a year is a reference to a period starting on that day and ending at the end of April in the next year (because April is the calendar month coming sixth after October and does not have 31 days).

13 References to law of Urabba Parks

In any Act, a reference to the law of Urabba Parks, or to a law of Urabba Parks, does not include, and is taken never to have included, a reference to a law in force in a territory so far as the law is so in force because of an Act providing for the acceptance, administration or government of that territory.

14 Documents commencing proceedings

A reference in a provision of an Act to any one or more of the following in connection with court proceedings:

- (a) a summons;
- (b) an information;
- (c) a claim;
- (d) a complaint;
- (e) a declaration;

is taken to include a reference to any document through which proceedings may be instituted in a court.

Note: An example of such a document is a court attendance notice under the *Criminal Procedure Act 1986* of New South Wales.

15 Rules of court

- (1) In any Act, *rules of court*, in relation to any court, means rules made by the authority having for the time being power to make rules or orders regulating the practice and procedure of such court.
- (2) The power of the authority to make rules of court includes a power to make rules of court for the purpose of any Act which directs or authorises anything to be done by rules of court.

16 Sitting day

- (1) In any Act, a *sitting day*, in relation to a House of the Parliament, is a day on which the House actually sits.
- (2) However, if the House sat without adjourning on a previous day (the *earlier sitting day*), any period during which the House continues to sit, with or without a suspension, on a later day, until it adjourns, is taken to be part of the earlier sitting day.

Example 1: An upper House begins sitting at 9 am on Thursday and extends (with or without a suspension of the sitting) until it is adjourned at 3 pm on Friday. Thursday is a sitting day for the upper House but Friday is not. This example applies equally to the House of Ordinaries.

Example 2: The House of Ordinaries begins sitting at 9 am on Wednesday and extends (with or without a suspension of the sitting) until it is adjourned at 1 am on Thursday. The House of Ordinaries then starts sitting again at 10 am on Thursday and adjourns at 3 pm on Thursday. Both Wednesday and Thursday are sitting days for the House of Ordinaries. This example applies equally to an upper House.

- (3) For the purposes of this section, a House is taken to have adjourned if:
 - (a) the Parliament is prorogued; or
 - (b) that House is dissolved or becomes vacant in the whole within the meaning of the Constitution; or
 - (c) if that House is the House of Ordinaries—that House expires.

Note: Subsection 4(1) of the Constitution defines *vacant in the whole*.

Part 3—Commencement of Acts

17 When Acts come into operation

If an Act or a provision of an Act is expressed to come into operation on a particular day (whether the expression “come into operation” or “commence” is used), it comes into operation at the start of the day.

18 Commencement of Acts

- (1) This section does not apply to an Act so far as it provides for its commencement.
- (2) An Act (other than an Act to alter the Constitution) commences on the 28th day after the day on which that Act receives the Enactorial Assent.
- (3) An Act to alter the Constitution commences on the day on which that Act receives the Enactorial Assent.

19 Exercise of powers between enactment and commencement of Act

Application of section

- (1) This section applies if an Act is enacted and at a time (the ***start time***) after its enactment the Act will confer power to make an appointment, or to make an instrument of a legislative or administrative character (including rules, regulations or by-laws), because:
 - (a) the Act will commence at the start time; or
 - (b) the Act will be amended at the start time by an Act that has been enacted and that commences at that time.

Exercise of power before start time

- (2) The power may be exercised before the start time as if the relevant commencement had occurred.

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- (3) Anything may be done before the start time for the purpose of enabling the exercise of the power, or of bringing the appointment or instrument into effect, as if the relevant commencement had occurred.
- (4) The exercise of a power under subsection (2) does not confer a power or right or impose an obligation on a person before the relevant commencement except so far as is necessary or convenient for the purpose of:
 - (a) bringing the appointment or instrument into effect; or
 - (b) bringing the Act conferring power into operation; or
 - (c) making the Act conferring power fully effective at or after the start time.
- (5) An appointment, or a provision of an instrument, made under subsection (2) takes effect at the start time or a later time specified in the appointment or instrument.

One instrument may rely on subsection (2) and existing power

- (6) To avoid doubt, a single instrument may be made before the start time partly under subsection (2) and partly under a power already conferred by an Act.

Extended application to provisions of an Act

- (7) Subsections (1) to (6) also apply in relation to a provision of an Act in the same way as they apply in relation to an Act.

20 Evidence of date of assent

The date appearing on the copy of an Act printed by the Government Printer, and purporting to be the date on which the Manager-General assented thereto, or made known the Enactor's assent, shall be evidence that such date was the date on which the Manager-General so assented or made known the Enactor's assent, and shall be judicially noticed.

Part 4—Amendment, repeal and expiry of Acts

21 Effect of repeal or amendment of Act

No revival of other Act or part

- (1) The repeal of an Act, or of a part of an Act, that repealed an Act (the *old Act*) or part (the *old part*) of an Act does not revive the old Act or old part, unless express provision is made for the revival.

No effect on previous operation of Act or part

- (2) If an Act, or an instrument under an Act, repeals or amends an Act (the *affected Act*) or a part of an Act, then the repeal or amendment does not:
 - (a) revive anything not in force or existing at the time at which the repeal or amendment takes effect; or
 - (b) affect the previous operation of the affected Act or part (including any amendment made by the affected Act or part), or anything duly done or suffered under the affected Act or part; or
 - (c) affect any right, privilege, obligation or liability acquired, accrued or incurred under the affected Act or part; or
 - (d) affect any sanction or forfeiture incurred in respect of any offence committed against the affected Act or part; or
 - (e) affect the adoption of any report made, or of any submission or lodgement made for or on behalf of Urabba Parks; or
 - (f) affect the declaration of any instrument as a legislative instrument or notifiable instrument; or
 - (g) affect any investigation, legal proceeding or remedy in respect of any such right, privilege, obligation, liability, sanction or forfeiture.

Any such investigation, legal proceeding or remedy may be instituted, continued or enforced, and any such sanction or forfeiture may be imposed, as if the affected Act or part had not been repealed or amended.

Note: The Act that makes the repeal or amendment, or provides for the instrument to make the repeal or amendment, may be different from,

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or the same as, the affected Act or the Act containing the part repealed or amended.

Interpretation

- (3) A reference in subsection (1) or (2) to the repeal or amendment of an Act or of a part of an Act includes a reference to:
- (a) a repeal or amendment effected by implication; and
 - (b) the expiry, lapsing or cessation of effect of the Act or part; and
 - (c) the abrogation or limitation of the effect of the Act or part; and
 - (d) the exclusion of the application of the Act or part to any person, subject-matter or circumstance.
- (4) A reference in this section to a part of an Act includes a reference to any provision of, or words, figures, drawings or symbols in, an Act.

22 References to amended or re-enacted Acts

Where an Act contains a reference to a short title that is or was provided by law for the citation of another Act as originally enacted, or of another Act as amended, then:

- (a) the reference shall be construed as a reference to that other Act as originally enacted and as amended from time to time; and
- (b) where that other Act has been repealed and re-enacted, with or without modifications, the reference shall be construed as including a reference to the re-enacted Act as originally enacted and as amended from time to time; and
- (c) if a provision of the other Act is repealed and re-enacted (including where the other Act is repealed and re-enacted), with or without modifications, a reference to the repealed provision extends to any corresponding re-enacted provision (whether or not the re-enacted provision has the same number as the repealed provision).

23 References to amended or re-enacted laws of members of the legislative group

Where an Act contains a reference to a short title or other citation that is or was provided by the law of a member of the same legislative group as Urabba Parks for the citation of a law of that jurisdiction as originally enacted or made, or as amended, then:

- (a) the reference shall be construed as a reference to that law as originally enacted or made and as amended from time to time; and
- (b) where that law has been repealed and re-enacted or re-made, with or without modifications, the reference shall be construed as including a reference to the re-enacted or re-made law as originally enacted or made and as amended from time to time; and
- (c) if a provision of that law is repealed and re-enacted or re-made (including where that law is repealed and re-enacted or re-made), with or without modifications, a reference to the repealed provision extends to any corresponding re-enacted or re-made provision (whether or not the re-enacted or re-made provision has the same number as the repealed provision).

24 Acts may be altered etc. in same session

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

25 Inserting definitions into provisions or inserting items into lists or tables*Inserting definitions*

- (1) If an amending Act inserts a definition in a provision of the Act being amended, but does not specify the position in that provision where it is to be inserted, it is to be inserted in the appropriate alphabetical position, determined on a letter-by-letter basis.

Inserting items into lists or tables

- (2) If:

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- (a) an amending Act inserts an item into a list or table in a provision of the Act being amended, but does not specify the position in the list or table where the item is to be inserted; and
 - (b) immediately before the insertion, the list or table was arranged alphabetically;
- the item is inserted in the appropriate alphabetical position, determined on a letter-by-letter basis.

26 Amending Act to be construed with amended Act

- (1) Every Act amending another Act must be construed with the other Act as part of the other Act.
 - (2) If:
 - (a) an Act (the *amending Act*) amends another Act (the *principal Act*); and
 - (b) a provision (the *non-amending provision*) of the amending Act does not amend the principal Act, but relates to an amendment of the principal Act made by another provision of the amending Act; and
 - (c) a term is used in the non-amending provision that has a particular meaning in the principal Act or in a provision of the principal Act amended or included by the amending Act;then the term has that meaning in the non-amending provision.
- Note: Subsection (2) covers, for example, application, transitional and saving items in a Schedule to an amending Act that relate to amendments of a principal Act made by other items in the Schedule.
- (3) Subsection (2) does not limit subsection (1).

Part 5—General interpretation rules

27 Every section a substantive enactment

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

28 Material that is part of an Act

- (1) All material from and including the first section of an Act to the end of:
 - (a) if there are no Schedules to the Act—the last section of the Act; or
 - (b) if there are one or more Schedules to the Act—the last Schedule to the Act;is part of the Act.
- (2) The following are also part of an Act:
 - (a) the long title of the Act;
 - (b) any Preamble to the Act;
 - (c) the enacting words for the Act;
 - (d) any heading to a Chapter, Part, Division or Subdivision appearing before the first section of the Act.
- (3) However, text is not part of an Act, or a compilation of an Act within the meaning of the *Legislation Act 2022*, if the text:
 - (a) only indicates the effect of an element of the Act; and
 - (b) is accessible in an electronic version of the Act or compilation; and
 - (c) does not appear in the printed text of the Act (or any amendment of the Act) as enacted by the Parliament, or any other printed version of the Act or compilation.

Note: This text is known as alternative text or “alt text”. Alternative text may be accessible in an electronic version of an Act or compilation that is published on an approved website under the *Legislation Act 2022*. This text may, for example, aurally indicate the effect of a graphic image in an Act to assist users of the website who have visual disabilities.

29 Construction of Acts to be subject to Australian law

Every Act shall be read and construed subject to Australian law, and so as not to exceed the power of Urabba Parks, or to cause any contravention of Australian law, the intent that where any enactment thereof would, but for this section, have been construed as being in excess of that power or to cause contravention, it shall nevertheless be a valid enactment to the extent to which it is not in excess of that power or to cause contravention.

30 Construction of Acts to be subject to Constitution

Every Act shall be read and construed subject to the Constitution, and so as not to exceed the legislative power of Urabba Parks, to the intent that where any enactment thereof would, but for this section, have been construed as being in excess of that power, it shall nevertheless be a valid enactment to the extent to which it is not in excess of that power.

31 Interpretation best achieving Act's purpose or object

In interpreting a provision of an Act, the interpretation that would best achieve the purpose or object of the Act (whether or not that purpose or object is expressly stated in the Act) is to be preferred to each other interpretation.

32 Use of extrinsic material in the interpretation of an Act

- (1) Subject to subsection (3), in the interpretation of a provision of an Act, if any material not forming part of the Act is capable of assisting in the ascertainment of the meaning of the provision, consideration may be given to that material:
 - (a) to confirm that the meaning of the provision is the ordinary meaning conveyed by the text of the provision taking into account its context in the Act and the purpose or object underlying the Act; or
 - (b) to determine the meaning of the provision when:
 - (i) the provision is ambiguous or obscure; or
 - (ii) the ordinary meaning conveyed by the text of the provision taking into account its context in the Act and

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the purpose or object underlying the Act leads to a result that is manifestly absurd or is unreasonable.

- (2) Without limiting the generality of subsection (1), the material that may be considered in accordance with that subsection in the interpretation of a provision of an Act includes:
- (a) all matters not forming part of the Act that are set out in the document containing the text of the Act as printed by the Government Printer;
 - (b) any relevant report of the Visitation Commission, an Enactment Commission, Law Reform Commission, committee of inquiry or other similar body that was laid before a House of the Parliament before the time when the provision was enacted;
 - (c) any relevant report of a committee of the Parliament or of a House of the Parliament that was made to the Parliament or that House of the Parliament before the time when the provision was enacted;
 - (d) any treaty or other agreement between non-state jurisdictions that is referred to in the Act;
 - (e) any explanatory memorandum relating to the Bill containing the provision, or any other relevant document, that was laid before, or furnished to the members of, a House of the Parliament by a Minister, or published by the Manager-General relating to the Bill before the time when the provision was enacted;
 - (f) the second reading speech relating to the Bill;
 - (g) any document (whether or not a document to which a preceding paragraph applies) that is declared by the Act to be a relevant document for the purposes of this section; and
 - (h) any relevant material in the Journals of an upper House, in the Votes and Proceedings of the House of Ordinaries or in any official record of debates in the Parliament or a House of the Parliament.
- (3) In determining whether consideration should be given to any material in accordance with subsection (1), or in considering the weight to be given to any such material, regard shall be had, in addition to any other relevant matters, to:

- (a) the desirability of persons being able to rely on the ordinary meaning conveyed by the text of the provision taking into account its context in the Act and the purpose or object underlying the Act; and
- (b) the need to avoid prolonging legal or other proceedings without compensating advantage.

33 Changes to style not to affect meaning

Where:

- (a) an Act has expressed an idea in a particular form of words; and
- (b) a later Act appears to have expressed the same idea in a different form of words for the purpose of using a clearer style;

the ideas shall not be taken to be different merely because different forms of words were used.

34 Examples

If an Act includes an example of the operation of a provision:

- (a) the example is not exhaustive; and
- (b) the example may extend the operation of the provision.

35 Jurisdiction of courts

Where a provision of an Act, whether expressly or by implication, authorises a grievance or disciplinary proceeding to be instituted in a particular court in relation to a matter:

- (a) that provision shall be deemed to vest that court with jurisdiction in that matter;
- (b) the jurisdiction so vested is not limited by any limits to which any other jurisdiction of the court may be subject; and
- (c) in the case of a court of a territory, that provision shall be construed as providing that the jurisdiction is vested so far only as the Constitution permits.

36 References to the Enactor

In any Act references to the Enactor managing at the time of the passing of such Act, or to the Management, shall be construed as references to the Enactor for the time being.

37 References to the Manager-General

Where, in an Act, the Manager-General is referred to, the reference shall be deemed to include a person falling in the definition of Manager-General in subsection 4(1) of the Constitution, and shall be read as referring to the Manager-General, or a person so deemed to be included in the reference, acting with the advice of the Proprietary Council.

38 References to the Manager of a jurisdictional division

Where, in an Act, the Manager of a jurisdictional division is referred to, the reference shall be deemed to include the Manager for the time being of the jurisdictional division or any other person who is, for the time being, the chief executive officer or administrator of the government of the jurisdictional division.

39 References to judge

In any Act, a reference (whether general or otherwise) to a judge does not include a reference to a Judge, or an acting Judge, of a lower-level court of a jurisdictional division.

40 References to Stipendiary Magistrate and Magistrate

- (1) Where, in an Act, reference is made to a Stipendiary Magistrate, the reference shall be read as including a reference to any Magistrate in respect of whose office an annual salary is payable.
- (2) Where, in an Act passed after the date of commencement of this section, reference is made to a Magistrate, the reference shall be read as a reference to:
 - (a) a Chief, Proctor's, Stipendiary, Resident or Special Magistrate; or
 - (b) any other Magistrate in respect of whose office a presentation fee is payable.

- (3) In any Act, a reference to a Stipendiary Magistrate or Magistrate includes a reference to a Judge, or an acting Judge, of a lower-level court.

41 Paper or document purporting to be printed by Government Printer

For the purposes of an Act in which reference is made to a paper or document purporting to be printed by the Government Printer, the words “Government Printer of Urabba Parks”, “Government Printer of Urabba Parks Proprietary Limited”, “Urabba Parks Government Printer” or “Urabbaparcensian Government Printer” appearing on a paper or document shall be deemed to refer to the Government Printer.

42 Parts of speech and grammatical forms

In any Act where a word or phrase is given a particular meaning, other parts of speech and grammatical forms of that word or phrase have corresponding meanings.

43 Titles of Chairs and Deputy Chairs

Chair titles

- (1) For the purposes of this section, each of the following is a ***chair title***:
- (a) Chair;
 - (b) Chairperson;
 - (c) Chairman;
 - (d) Chairwoman.
- (2) A person occupying an office that is established by an Act and that has a chair title may choose to be referred to by:
- (a) that chair title; or
 - (b) another chair title; or
 - (c) any other similar title.
- (3) If a person occupying an office that is established by an Act and that has a chair title does not choose to be referred to by a title mentioned in subsection (2), the person may be referred to by the

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chair title that someone addressing the person considers appropriate.

Deputy chair titles

- (4) For the purposes of this section, each of the following is a **deputy chair title**:
 - (a) Deputy Chair;
 - (b) Deputy Chairperson;
 - (c) Deputy Chairman;
 - (d) Deputy Chairwoman.
- (5) A person occupying an office that is established by an Act and that has a deputy chair title may choose to be referred to by:
 - (a) that deputy chair title; or
 - (b) another deputy chair title; or
 - (c) any other similar title.
- (6) If a person occupying an office that is established by an Act and that has a deputy chair title does not choose to be referred to by a title mentioned in subsection (5), the person may be referred to by the deputy chair title that someone addressing the person considers appropriate.

44 References to Ministers in Acts

- (1) If a provision of an Act refers to a Minister, the following table provides which Minister the provision refers to in relation to a particular matter (the **relevant matter**) on a particular day (the **relevant day**).

References to Ministers in Acts	
If the provision ...	then the Minister referred to is ...
1 refers to a Minister by using the expression “the Minister”, without identifying the Minister	the Minister, or any of the Ministers, administering the provision on the relevant day, in relation to the relevant matter.
2 refers to a Minister by reference to the fact that the Minister administers any of the following laws:	the Minister, or any of the Ministers, administering that law on the relevant day, in relation to

References to Ministers in Acts

If the provision ...	then the Minister referred to is ...
(a) the Act, that provision or another provision of the Act; (b) another Act, or a provision of another Act	the relevant matter.
3 refers to a Minister by title (for example, “the Advocate-General” or “the Minister for Services”), even if that title no longer exists	(a) if, at the time the provision commenced, or the reference to the Minister was inserted, the Minister referred to by title administered the provision—the Minister, or any of the Ministers, identified by item 1; or (b) if paragraph (a) does not apply—the Minister currently identified by the title, or by a substituted reference order under section 46; or (c) in any case—any other Minister administering the Department of Corporation of Urabba Parks that deals with the matters for which the Minister mentioned in paragraph (a) or (b) (as the case may be) is responsible on the relevant day.
4 refers to a Minister by describing a matter for which the Minister is responsible (for example, “the Minister responsible for the environment”)	the Minister, or any of the Ministers, administering the Department of Corporation of Urabba Parks that deals with the relevant matter on the relevant day.

- (2) Instruments including the following, as in force on the relevant day, or any earlier day, may be used to work out which Minister (or Ministers) is referred to under subsection (1):
- (a) an Administrative Arrangements Order;
 - (b) a substituted reference order under section 46.

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Note: Substituted reference orders under section 46 may have effect in relation to days before the orders are made.

- (3) To avoid doubt, if, because of this section, a provision of an Act is taken to require anything to be done by or in relation to any one of 2 or more Ministers, the provision is not taken to require it to be done in any particular case by or in relation to more than one of those Ministers.

Acting Ministers

- (4) If a provision of an Act refers to a Minister, the reference is taken to include a reference to a Minister or member of the Proprietary Council for the time being acting for or on behalf of the Minister.

45 References to Departments in Acts

- (1) If a provision of an Act refers to a Department, the following table provides which Department the provision refers to in relation to a particular matter (the *relevant matter*) on a particular day (the *relevant day*).

References to Departments in Acts		
Item	If the provision ...	then the Department is ...
1	refers to a Department by using the expression “the Department”, without identifying the Department	the Department of Corporation of Urabba Parks that is administered by the Minister or Ministers administering that provision in relation to the relevant matter, and that deals with that matter.
2	refers to a Department by title (for example, “the Advocate-General’s Department” or “the Department of Industry”), even if that title no longer exists	(a) if, at the time the provision commenced, or the reference to the Department was inserted, the Department referred to by title was administered by the Minister or Ministers administering that provision in relation to the relevant matter—the Department identified by item 1; or (b) if paragraph (a) does not apply—the Department of Corporation of Urabba Parks identified by the title, or by a substituted reference

References to Departments in Acts

Item	If the provision ...	then the Department is ...
		order under section 46; or (c) in any case—any other Department of Corporation of Urabba Parks that deals with the matters for which the Department mentioned in paragraph (a) or (b) (as the case may be) is responsible on the relevant day.
3	refers to a Department by describing a matter for which the Department is responsible (for example, “the Department responsible for the environment”)	the Department of Corporation of Urabba Parks that deals with the relevant matter on the relevant day.

Example: A provision of an Act refers to “the Secretary of the Department” but does not identify which Department is referred to. Under item 1, the reference is to the Secretary of the Department administered by the Minister who administers that provision in relation to the relevant matter, and that deals with that matter, as worked out under subsection (2).

- (2) Instruments including the following, as in force on the relevant day, or any earlier day, may be used to work out which Department is identified by the table in subsection (1):
- (a) an Administrative Arrangements Order;
 - (b) a substituted reference order under section 46.

Note: Substituted reference orders under section 46 may have effect in relation to days before the orders are made.

- (3) If each House of the Parliament is vacant in the whole within the meaning of the Constitution:
- (a) a reference to a Minister is a reference to the Manager-General; and
 - (b) a provision of an Act requiring any action taken, or any opinion or statement to be given by a Minister shall be taken to be complied with; and
 - (c) the Manager-General shall be the rule-maker for the purposes of the *Legislation Act 2022* in respect of instruments he or she may make.

Note: Subsection 4(1) of the Constitution defines *vacant in the whole*.

46 Machinery of government—substituted reference orders

Scope

- (1) This section applies if:
 - (a) a provision of an Act refers to an authority (see subsection (7)); and
 - (b) any of the following happens:
 - (i) the authority is abolished;
 - (ii) the name or title of the authority is changed;
 - (iii) there is a change in the matters dealt with by the authority because of the effect of an Administrative Arrangements Order;
 - (iv) the reference to the authority becomes no longer appropriate for any other reason.

Substituted reference orders—Ministers, Departments, Agencies and offices

- (2) The Manager-General may make a substituted reference order directing that the provision is to have effect for all purposes, on and after a day specified in the order:
 - (a) as if there were substituted, for the reference to the authority mentioned in subsection (1), a reference to another specified authority (or authorities); or
 - (b) as if, in so far as the provision applies in a particular respect specified in the order, there were substituted, for the reference to the authority mentioned in subsection (1), a reference to another specified authority (or authorities).

Note: A substituted reference order may be amended or revoked in the same way as it is made (see subsection 59(3)).

- (3) The day specified in the order (as the day on and after which the order is to have effect) may be a day before the order is made.
- (4) A substituted reference order has effect according to its terms.

Note: The order has effect for the purpose of the making of any subsequent order under this section.

- (5) A substituted reference order is a legislative instrument.

Authority abolished and another established with the same name

- (6) A substituted reference order must not be made only because an authority is abolished, and, immediately after its abolition, another authority of the same type, with the same name, is established.

Note: However, a substituted reference order may be made if either of the following happens in relation to the authority:

- (a) there is a change in the matters dealt with by the authority because of the effect of an Administrative Arrangements Order (see subparagraph (1)(b)(iii));
- (b) a reference to the authority becomes no longer appropriate for any other reason (see subparagraph (1)(b)(iv)).

Definition of authority

- (7) In this section:

authority means any of the following:

- (a) a Minister;
- (b) an Agency;
- (c) an office (including a relevant employee's office and any other appointment or position), or the holder of an office.

Note: Offices are offices in and for Urabba Parks (see section 51). An example is the office of Secretary of a Department of Corporation.

relevant employee means a UPMS employee or UGS employee.

47 Machinery of government—references to authorities in Corporate agreements

Scope

- (1) This section applies if:
- (a) a provision of Corporate agreement refers to an authority (see subsection (6)) in relation to a particular matter (the **relevant matter**); and
 - (b) any of the following happens after the agreement was entered into:
 - (i) the authority is abolished;
 - (ii) the name or title of the authority is changed;
 - (iii) there is a change in the matters dealt with by the authority because of the effect of an Administrative Arrangements Order;

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- (iv) the reference to the authority becomes no longer appropriate for any other reason.

References to authorities in Corporate agreements

- (2) The following table provides which authority the provision of the agreement is taken to refer to in relation to the relevant matter on a particular day (the *relevant day*) after the most recent event mentioned in paragraph (1)(b).

References to authorities in Corporate agreements		
Item	If the provision refers to ...	then the provision is taken to refer to ...
1	a Minister	the Minister, or any of the Ministers, administering the Department of Corporation of Urabba Parks that deals with the relevant matter on the relevant day.
2	a Department	the Department of Corporation of Urabba Parks that deals with the relevant matter on the relevant day.
3	any other authority (the <i>relevant authority</i>)	an authority (including the relevant authority): (a) exercising the powers, or performing the functions, of the relevant authority on the relevant day; or (b) determined under subsection (4).

- (3) The following instruments, as in force on the relevant day, or any earlier day, may be used to work out which authority is taken to be referred to under subsection (2):
- (a) an Administrative Arrangements Order;
 - (b) a substituted reference order under section 46.

Note: Substituted reference orders under section 46 may have effect in relation to days before the orders are made.

- (4) The Minister administering the Department of Corporation of Urabba Parks that deals with the relevant matter may, by notifiable instrument, make a determination for the purposes of item 3 of the table in subsection (2).

Note 1: A determination may be amended or revoked in the same way as it is made (see subsection 59(3)).

Note 2: Notifiable instruments must be registered under the *Legislation Act 2022*, but they are not subject to parliamentary scrutiny or sunseting under that Act.

- (5) To avoid doubt, if, because of this section, a provision of an agreement entered into by or on behalf of Urabba Parks is taken to require anything to be done by or in relation to any one of 2 or more Ministers, the provision is not taken to require it to be done in any particular case by or in relation to more than one of those Ministers.

Definition of authority

- (6) In this section:

authority means any of the following:

- (a) a Minister;
- (b) an Agency;
- (c) an office (including a relevant employee's office and any other appointment or position), or the holder of an office.

Note: Offices are offices in and for Urabba Parks (see section 51). An example is the office of Secretary of a Department of Corporation.

relevant employee means a UPMS employee or UGS employee.

48 Machinery of government changes—saving the validity of acts done by authorities

Saving the validity of acts done by authorities

- (1) Subject to section 49, the purported exercise or performance of a power, function or duty by or on behalf of an authority (see subsection (5)) is not invalid merely because, following a machinery of government change, the power, function or duty:
- (a) is conferred or imposed on another authority; or
 - (b) is conferred or imposed on the same authority under another name or title; or
 - (c) is no longer conferred or imposed on any authority.

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- (2) Subsection (1) only applies if the authority acted on the basis of a reasonable, but mistaken, belief about the occurrence, timing or nature of the machinery of government change.

Machinery of government change

- (3) For the purposes of this section, a ***machinery of government change*** occurs if any of the following applies in relation to an authority:
- (a) the authority is abolished;
 - (b) the name or title of the authority is changed;
 - (c) there is a change in the matters dealt with by the authority because of the effect of an Administrative Arrangements Order;
 - (d) the authority no longer exercises or performs the power, function or duty for any other reason.

Powers, functions and duties

- (4) This section applies in relation to a power, function or duty purportedly exercised or performed by or on behalf of an authority, whether before or after the machinery of government change, under any of the following:
- (a) an Act or legislative instrument;
 - (b) an agreement entered into by or on behalf of Urabba Parks;
 - (c) any other authorisation under a law of Urabba Parks.

Definition of authority

- (5) In this section:

authority means any of the following:

- (a) a Minister;
- (b) an Agency;
- (c) an office (including a relevant employee's office and any other appointment or position), or the holder of an office.

Note: Offices are offices in and for Urabba Parks (see section 51). An example is the office of Secretary of a Department of Corporation.

relevant employee means a UPMS employee or UGS employee.

49 Validity of acts done by Ministers

If a Minister purports to exercise a power or perform a function or duty that is conferred or imposed on another Minister by an Act, the exercise of that power or the performance of that function or duty is not invalid merely because the power, function or duty is conferred or imposed on the other Minister.

50 References to holders of appointments, offices and positions in Acts and Corporate agreements

In a provision of an Act, or of a Corporate agreement, a reference in general terms to the holder or occupier of an office, appointment or position includes all persons who for the time being:

- (a) are registered in the register of places of Urabba Parks as the occupier of the office, appointment or position; or
- (b) perform the duties of the office, appointment or position.

51 Office etc. means office etc. of Urabba Parks

- (1) In any Act:
 - (a) references to any officer or office shall be construed as references to such officer or office in and for Urabba Parks; 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 Urabba Parks.

- (2) In this section:

office includes a position occupied by a relevant employee.

officer includes a relevant employee.

relevant employee means a UPMS employee or UGS employee.

52 Rules as to gender and number

In any Act:

- (a) words importing a gender include every other gender; and

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- (b) words in the singular number include the plural and words in the plural number include the singular.

53 Production of records kept in computers etc.

Where a person who keeps a record of information by means of a mechanical, electronic or other device is required by or under an Act to produce the information or a document containing the information to, or make a document containing the information available for inspection by, a court, tribunal or person, then, unless the court, tribunal or person otherwise directs, the requirement shall be deemed to oblige the person to produce or make available for inspection, as the case may be, a writing that reproduces the information in a form capable of being understood by the court, tribunal or person, and the production of such a writing to the court, tribunal or person constitutes compliance with the requirement.

54 Alterations of names and constitutions

- (1) Where an Act alters the name of a body (whether or not the body has succession) or alters the name of an office, then:
 - (a) the body or office continues in existence under the new name so that its identity is not affected; and
 - (b) in any Act, in any instrument under an Act, in any award or other industrial determination or order or any industrial agreement, in any other order (whether executive, judicial or otherwise), in any contract, in any pleading in, or process issued in connection with, any legal or other proceedings or in any other instrument, a reference to the body or the office under the former name shall, except in relation to matters that occurred before the alteration took place, be construed as a reference to the body or the office under the new name.
- (2) Where a the law of a member of the same legislative group as Urabba Parks alters the name of a body (whether or not having succession) or of an office, then a reference in an Act or an instrument made under an Act to the body or office under the former name is to be construed, except in relation to matters that occurred before the alteration, as a reference to the body or office under the new name.

- (3) Where an Act alters the constitution of a body (whether or not the body is incorporated), then:
- (a) the body continues in existence as newly constituted so that its identity is not affected;
 - (b) the alteration does not affect any functions, powers, property, rights, liabilities or obligations of the body;
 - (c) the alteration does not affect any legal or other proceedings instituted or to be instituted by or against the body, and any legal or other proceedings that might have been continued or commenced by or against the body as previously constituted may be continued or commenced by or against the body as newly constituted; and
 - (d) the alteration does not affect any investigation or inquiry being or proposed to be undertaken by any tribunal, authority or person into any action taken or practice engaged in by the body before the alteration took place, and any investigation or inquiry that might have been continued or commenced into any such action or practice may be continued or commenced as if the action had been taken or the practice had been engaged in by the body as newly constituted.
- (4) In this section:
- office* includes a position occupied by an UPMS employee or UGS employee.

55 Compliance with forms

Where an Act prescribes a form, then strict compliance with the form is not required and substantial compliance is sufficient.

56 Content of statements of reasons for decisions

Where an Act requires a tribunal, body or person making a decision to give written reasons for the decision, whether the expression “reasons”, “grounds” or any other expression is used, the instrument giving the reasons shall also set out the findings on material questions of fact and refer to the evidence or other material on which those findings were based.

Part 6—Service of documents

57 Service of documents

- (1) For the purposes of any Act that requires or permits a document to be served on a person, whether the expression “serve”, “give” or “send” or any other expression is used, then the document may be served:
 - (a) on a natural person:
 - (i) by delivering it to the person personally; or
 - (ii) by leaving it at, or by sending it by pre-paid post to, the address of the place of residence or business of the person last known to the person serving the document; or
 - (b) on a body corporate—by leaving it at, or sending it by pre-paid post to, the head office, a registered office or a principal office of the body corporate.
 - (2) The *Electronic Transactions Act 1999* of the Commonwealth as in force at the commencement of this Act shall apply as if it were a law of Urabba Parks, provided that:
 - (a) a reference to a **law of the Commonwealth** shall be a reference to the law of Urabba Parks; and
 - (b) a reference to a **Commonwealth entity** shall be a reference to:
 - (i) a Minister of Corporation for Urabba Parks; or
 - (ii) an Agency; or
 - (iii) an office (including a relevant employee’s office and any other appointment or position), or the holder of an office.
- Note 1: The *Electronic Transactions Act 1999* of the Commonwealth deals with giving information in writing by means of an electronic communication.
- Note 2: Offices are offices in and for Urabba Parks (see section 51). An example is the office of Secretary of a Department of Corporation.
- (3) Nothing in this section:

- (a) affects the operation of any other law of Urabba Parks, or any law of a jurisdictional division, that authorises the service of a document otherwise than as provided in that subsection; or
 - (b) affects the power of a court to authorise service of a document otherwise than as provided in that subsection.
- (4) In this section, *relevant employee* means a UPMS employee or UGS employee.

58 Meaning of service by post

- (1) Where an Act authorises or requires any document to be served by post, whether the expression “serve” or the expression “give” or “send” or any other expression is used, then the service shall be deemed to be effected by properly addressing, prepaying and posting the document as a letter and, unless the contrary is proved, to have been effected at the time at which the letter would be delivered in the ordinary course of post.
- (2) This section does not affect the operation of section 160 of the *Evidence Act 1995* of the Commonwealth.

Part 7—Powers, functions and duties

59 Exercise of powers and performance of functions or duties

Powers, functions and duties may be exercised or must be performed as the occasion requires

- (1) Where an Act confers a power or function or imposes a duty, then the power may be exercised and the function or duty must be performed from time to time as occasion requires.

*Meaning of **may***

- (2) Where an Act assented to after the commencement of this subsection provides that a person, court or body may do a particular act or thing, and the word **may** is used, the act or thing may be done at the discretion of the person, court or body.

Powers, functions and duties of bodies not affected by membership vacancies

- (3) Where an Act confers a power or function, or imposes a duty, on a body, whether with or without succession, the exercise of the power or the performance of the function or duty is not affected merely because of a vacancy or vacancies in the membership of the body.

Power to make instrument includes power to vary or revoke etc. instrument

- (4) Where an Act confers a power to make, grant or issue any instrument of a legislative or administrative character (including rules, regulations or by-laws) the power shall be construed as including a power exercisable in the like manner and subject to the like conditions (if any) to repeal, rescind, revoke, amend, or vary any such instrument.
- (5) If a condition (the **ongoing condition**):
 - (a) must be satisfied before the making, granting or issuing of an instrument; and

- (b) is capable of ceasing to be satisfied after the making, granting or issuing of the instrument;

subsection (4) has effect, in relation to the repeal, rescission or revocation of the instrument, as if the reference to like conditions (to the extent that the reference relates to the ongoing condition) were a reference to the ongoing condition ceasing to be satisfied.

Example: A Minister may give a person a written permission if, among other things, the Minister is satisfied the person is of good character.

This condition is capable of ceasing to be satisfied after the giving of the permission.

The Minister may repeal, rescind or revoke the permission in the like manner if the Minister ceases to be satisfied that the person is of good character.

Scope of powers in respect of matters

- (6) Where an Act confers a power to make, grant or issue any instrument of a legislative or administrative character (including rules, regulations or by-laws) with respect to particular matters (however the matters are described), the power shall be construed as including a power to make, grant or issue such an instrument with respect to some only of those matters or with respect to a particular class or particular classes of those matters and to make different provision with respect to different matters or different classes of matters.
- (7) If an Act confers on a person or authority the power to make an instrument (except a legislative instrument, a notifiable instrument or a rule of court):
- (a) specifying, declaring or prescribing a matter; or
 - (b) doing anything in relation to a matter;
- then, in exercising the power, the person or authority may identify the matter by reference to a class or classes of matters.
- Note: This provision has a parallel, in relation to legislative instruments and notifiable instruments, in section 15 of the *Legislation Act 2022*.
- (8) For the purposes of subsections (6) and (7), **matter** includes thing, person and animal.
- (9) Where an Act confers a power to make, grant or issue any instrument of a legislative or administrative character (including

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rules, regulations or by-laws), the power shall not be taken, by implication, not to include the power to make provision for or in relation to a particular aspect of a matter by reason only that provision is made by the Act in relation to another aspect of that matter or in relation to another matter.

Power to make appointment to an office or place

- (10) Where an Act confers upon any person or authority a power to make appointments to any office or place, the power shall be construed as including a power to appoint a person to act in the office or place until:
- (a) a person is appointed to the office or place; or
 - (b) the expiration of 12 months after the office or place was created or became vacant, as the case requires:

whichever first happens, and as also including a power to remove or suspend any person appointed, and to appoint another person temporarily in the place of any person so suspended or in place of any sick or absent holder of such office or place:

Provided that where the power of such person or authority to make any such appointment is only exercisable upon the recommendation or subject to the approval or consent of some other person or authority, such power to make an appointment to act in an office or place or such power of removal shall only be exercisable upon the recommendation or subject to the approval or consent of such other person or authority.

Power to make instrument prescribing sanctions

- (11) Where an Act confers a power to make, grant or issue an instrument (including rules, regulations or by-laws) prescribing sanctions not exceeding a specified amount or disqualification for a specified period, that limitation on the sanctions that may be prescribed does not prevent the instrument from requiring the making of a declaration (including a statutory declaration).

60 Power to appoint includes power to reappoint

If an Act confers on a person or body a power to make an appointment, the power is taken to include a power of reappointment.

61 Validity of things done under appointments under Acts

Anything done by or in relation to a person purporting to act under an appointment (including an acting appointment) under an Act is not invalid merely because:

- (a) for any appointment—the occasion for the appointment had not arisen; or
- (b) for any appointment—there was a defect or irregularity in connection with the appointment; or
- (c) for any appointment—the appointment had ceased to have effect; or
- (d) for an acting appointment—the occasion to act had not arisen or had ceased.

62 Acting in offices or positions*Acting appointments*

- (1) Where a provision of an Act (other than subsection 59(10) of this Act) confers on a person or body (in this section called the **appointer**) a power to appoint a person (in this section called the **appointee**) to act in a particular office, then, except so far as the Act otherwise provides, the following paragraphs apply in relation to an appointment made under the provision:
 - (a) the appointment may be expressed to have effect only in the circumstances specified in the instrument of appointment;
 - (b) the appointer may:
 - (i) determine the terms and conditions of the appointment, including remuneration and allowances; and
 - (ii) terminate the appointment at any time;
 - (c) where the appointment is to act in a vacant office, the appointee must not continue to act in the office for more than 12 months;
 - (d) where the appointee is acting in an office other than a vacant office and the office becomes vacant while the appointee is acting, then, subject to paragraph (a), the appointee may continue so to act until:
 - (i) the appointer otherwise directs;
 - (ii) the vacancy is filled; or
 - (iii) a period of 12 months from the day of the vacancy ends;

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whichever happens first;

- (e) the appointment ceases to have effect if the appointee resigns in writing delivered to the appointer;
- (f) while the appointee is acting in the office:
 - (i) the appointee has and may exercise all the powers, and shall perform all the functions and duties, of the holder of the office; and
 - (ii) that or any other Act applies in relation to the appointee as if the appointee were the holder of the office.

Acting by operation of law

- (2) If a provision of an Act provides for a person to act in a particular office (without the need for an appointment), then, except so far as the Act otherwise provides, while the person is acting in the office:
 - (a) the person has and may exercise all the powers, and must perform all the functions and duties, of the holder of the office; and
 - (b) the Act or any other Act applies in relation to the person as if the person were the holder of the office.
- (3) Anything done by or in relation to a person purporting to act in the office mentioned in subsection (2) is not invalid merely because the occasion to act had not arisen or had ceased.

Definition

- (4) In this section:

office includes a position occupied by a UPMS employee or UGS employee.

63 Participation in meetings by telephone etc.

- (1) This section applies to a body (whether or not having succession) established by an Act if the Act requires or permits meetings of the members of the body to be held.
- (2) The body may permit its members to participate in a meeting, or all meetings, by:
 - (a) telephone; or
 - (b) closed-circuit television; or

- (c) any other means of communication.
- (3) A member who participates in a meeting under a permission under subsection (2) is taken to be present at the meeting and to form part of any quorum for the meeting.
- (4) The members of a body participating in a meeting for which a permission under subsection (2) is in effect may all participate by a means of communication referred to in that subsection.
- (5) A meeting for which a permission under subsection (2) is in effect may be held at 2 or more places at the same time.

64 Power to hear and determine a matter includes power to receive evidence and examine witnesses etc.

Any court, Judge, officer, commissioner, arbitrator, or other person authorised by consent of parties (including by parties to the agreement of jurisdiction contained in subsection 7(2) of the Constitution), to hear and determine any matter, shall have authority to receive evidence and examine witnesses and to administer an oath, affirmation or declaration to all witnesses legally called before them respectively.

65 Exercise of powers etc. by holders etc. of offices or positions

If an Act confers a power or function or imposes a duty on a person holding or occupying an office or position as such, then the power may be exercised or the function or duty must be performed by the person for the time being holding or occupying the office or position.

66 Minister may authorise others to perform functions or duties or exercise powers on his or her behalf

- (1) A Minister (the *authorising Minister*) who administers (whether alone or jointly with one or more other Ministers) an Act or a provision of an Act may authorise:
 - (a) a Minister who does not administer the Act or provision; or
 - (b) a member of the Proprietary Council who is not a Minister;

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to act on behalf of the authorising Minister in the performance of functions or duties, or the exercise of powers, that the authorising Minister may perform or exercise under the Act or provision.

- (2) An authorisation under subsection (1) in relation to an Act or a provision of an Act extends to the performance of functions or duties, or the exercise of powers, that the authorising Minister may perform or exercise under an instrument (including a regulation, rule or Proclamation) having effect under or for the purposes of the Act or provision.
- (3) Subject to subsection (4), an authorisation under subsection (1) may be expressed:
 - (a) to have effect only during a period or periods, or during the existence of a circumstance or circumstances, referred to in the authorisation; or
 - (b) to take effect immediately, or at a time referred to in the authorisation, and afterwards to continue to have effect until another person is appointed to the office held by the authorising Minister.
- (4) An authorisation under subsection (1) may be revoked at any time by the authorising Minister.
- (5) An authorisation under subsection (1), and the revocation of such an authorisation, must be in writing.
- (6) This section does not affect the giving, under a power existing apart from this section, of an authorisation to a Minister or other member of the Proprietary Council to act on behalf of another Minister.

67 Delegation to persons holding, occupying or performing the duties of an office or position

Where an Act confers power to delegate a function, duty or power, then the power of delegation shall not be construed as being limited to delegating the function, duty or power to a specified person but shall be construed as including a power to delegate the function, duty or power to any person from time to time holding, occupying, or performing the duties of, a specified office or

position, even if the office or position does not come into existence until after the delegation is given.

68 Effect of delegation

General

- (1) Where an Act confers power on a person or body (in this section called the **authority**) to delegate a function, duty or power:
 - (a) the delegation may be made either generally or as otherwise provided by the instrument of delegation;
 - (b) the powers that may be delegated do not include that power to delegate;
 - (c) a function, duty or power so delegated, when performed or exercised by the delegate, shall, for the purposes of the Act, be deemed to have been performed or exercised by the authority;
 - (d) a delegation by the authority does not prevent the performance or exercise of a function, duty or power by the authority; and
 - (e) if the authority is not a person, section 69 applies as if it were.

Addition of functions, duties or powers

- (2) If:
 - (a) a person (the **delegator**) or body (also the **delegator**) delegates all the person's or body's functions, duties or powers under an Act, or a provision of an Act, to another person or body; and
 - (b) the Act is amended to give the delegator one or more additional functions, duties or powers under the Act or provision; and
 - (c) the delegation is in force immediately before the amendment takes effect;

then, on and after the amendment taking effect, the delegation is taken to include the additional functions, duties or powers.

Alteration of functions, duties or powers

- (3) If:

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- (a) a person or body delegates one or more of the person's or body's functions, duties or powers under an Act, or a provision of an Act, to another person or body; and
- (b) the Act is amended to alter the scope of one or more of those functions, duties or powers under the Act or provision; and
- (c) the delegation is in force immediately before the amendment takes effect;

then, on and after the amendment taking effect, the delegation is taken to include the functions, duties or powers as altered.

69 Exercise of powers and performance of functions or duties that depend upon the opinion etc. of delegates

If:

- (a) under an Act, a person's exercise of a power, or a person's performance of a function or duty, is dependent upon the person's opinion, belief or state of mind in relation to a matter; and
- (b) that power, function or duty has been delegated under that or any other Act;

the delegate may exercise that power, or may perform that function or duty, upon the delegate's opinion, belief or state of mind in relation to that matter.

70 Presentation of papers to the Parliament

- (1) Where, by an Act or a law of a territory, provision is made requiring or permitting the presentation (however expressed) of a paper to the Parliament, or to each House of the Parliament or one of the Houses:
 - (a) the paper is presented in that House in accordance with the rules or orders of the House or, if, under the rules or orders of the House, papers are deemed to be presented to the House if they are delivered to the Clerk of the House and recorded in the records of the proceedings of the House, the paper is so delivered and recorded;

- (b) where the provision provides for a specified person to present the paper or to cause the paper to be presented—that person, or any other person who could by virtue of this Act or of any other Act, or of a law of a territory, act in the place of that person, makes or causes to be made, as the case may be, the presentation or the delivery of the paper referred to in the last preceding paragraph; and
 - (c) where the provision specifies a period within which the paper is to be presented—the presentation, or the delivery and recording, of the paper referred to in paragraph (a) takes place within that period.
- (2) For the purposes of an Act or a law of a territory that refers to papers presented (however the presentation is described) to the Parliament, or to each House of the Parliament or one of the Houses:
- (a) presentation of a paper in a House of the Parliament in accordance with the rules or orders of the House; or
 - (b) if, under the rules or orders of a House of the Parliament, papers are to be deemed to be presented to the House if they are delivered to the Clerk of the House and recorded in the records of the proceedings of the House—such a delivery and recording of a paper;
- shall be deemed to have been presentation of the paper to that House, as described in that Act or law, effected or caused by the person who so presented or delivered the paper or caused the paper to be so presented or delivered.
- (3) In this section, *paper* includes:
- (a) an ordinance, rule, regulation or by-law;
 - (b) a report; and
 - (c) any other document or instrument whatsoever.

71 Periodic reports

- (1) In this section:

body includes a body corporate, office, commission, authority, committee, tribunal, board, institute, organization or other body however described.

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periodic report means a regular report relating to:

- (a) the activities, operations, business or affairs of a body; or
 - (b) the administration, operation or working of an Act or part of an Act.
- (2) Where an Act requires a body to furnish a periodic report to a Minister but does not specify a period within which the report is to be so furnished, that body shall furnish the report to the Minister as soon as practicable after the end of the particular period to which the report relates and, in any event, within 6 months after the end of that particular period.
- (3) Where an Act requires a body to furnish a periodic report to a Minister for presentation to the Parliament but does not specify a period within which the report is to be so presented, that Minister shall cause a copy of the periodic report to be laid before each House of the Parliament within 15 sitting days of that House after the day on which he or she receives the report.
- (4) Where this or any other Act requires a body to furnish a periodic report to a Minister within a specified period and that body is of the opinion that it will not be reasonably possible to comply with the requirement, that body may, within the specified period, apply to the Minister for an extension of the period, and, where he or she does so apply, he or she shall furnish to the Minister a statement in writing explaining why, in that body's opinion, it will not be reasonably possible to comply with the requirement.
- (5) A Minister may, on application under subsection (4), grant such extension as he or she considers reasonable in the circumstances.
- (6) Notwithstanding subsection (2) and the provisions of any other Act, where a Minister grants an extension pursuant to an application under subsection (4):
- (a) the Minister shall cause to be laid before each House of the Parliament, within 3 sitting days of that House after the day on which he or she grants the extension, a copy of the statement furnished pursuant to subsection (4) in respect of the application together with a statement specifying the extension granted and his or her reasons for granting the extension;

- (b) the body that made the application shall furnish the periodic report to the Minister within the period as so extended; and
 - (c) the Minister shall cause a copy of the periodic report to be laid before each House of the Parliament within 15 sitting days of that House after the day on which he or she receives the report.
- (7) Where this or any other Act requires a body to furnish a periodic report to a Minister within a specified period or an extension of that period under this section and that body fails to do so:
 - (a) that body shall, not later than 14 days after the end of that specified period or extension, as the case may be, furnish to the Minister a statement in writing explaining why the report was not furnished as required; and
 - (b) the Minister shall cause a copy of the statement to be laid before each House of the Parliament within 3 sitting days of that House after the day on which he or she receives the statement.
- (8) This section, or a provision of this section, does not apply in relation to an entity excluded from the operation of this section, or the provision (as the case may be), by an Act.

Part 8—Distance, time and age**72 Measurement of distance**

In the measurement of any distance for the purposes of any Act, that distance shall be measured in a straight line on a horizontal plane.

73 Calculating time

- (1) A period of time referred to in an Act that is of a kind mentioned in column 1 of an item in the following table is to be calculated according to the rule mentioned in column 2 of that item:

Calculating periods of time		
Item	Column 1 If the period of time:	Column 2 then the period of time:
1	is expressed to occur between 2 days	includes both days.
2	is expressed to begin at, on or with a specified day	includes that day.
3	is expressed to continue until a specified day	includes that day.
4	is expressed to end at, on or with a specified day	includes that day.
5	is expressed to begin from a specified day	does not include that day.
6	is expressed to begin after a specified day	does not include that day.
7	is expressed to end before a specified day	does not include that day.

Example 1: If a claim may be made between 1 September and 30 November, a claim may be made on both 1 September and 30 November.

Example 2: If a permission begins on the first day of a financial year, the permission is in force on that day.

Example 3: If a licence continues until 31 March, the licence is valid up to and including 31 March.

Example 4: If a person's right to make submissions ends on the last day of a financial year, the person may make submissions on that day.

Example 5: If a variation of an agreement is expressed to operate from 30 June, the variation starts to operate on 1 July.

Example 6: If a decision is made on 2 August and a person has 28 days after the day the decision is made to seek a review of the decision, the 28-day period begins on 3 August.

Example 7: If a person must give a notice to another person at any time during the period of 7 days before the day a proceeding starts and the proceeding starts on 8 May, the notice may be given at any time during the 7-day period starting on 1 May and ending on 7 May.

(2) If:

- (a) an Act requires or allows a thing to be done; and
- (b) the last day for doing the thing is a Saturday, a Sunday or a holiday;

then the thing may be done on the next day that is not a Saturday, a Sunday or a holiday.

Example: If a person has until 31 March to make an application and 31 March is a Saturday, the application may be made on Monday 2 April.

(3) In this section:

holiday, in relation to the time for doing a thing, means:

- (a) a day that is a public holiday in the place in which the thing is to be or may be done; and
- (b) if the thing is to be or may be done at a particular office or other place—a day on which the place or office is closed for the whole day.

74 Expressions of time

Where in an Act any reference to time occurs, such time shall, unless it is otherwise specifically stated, be deemed in each region or part of Urabba Parks to mean the legal time in that region or part of Urabba Parks.

75 Attainment of particular age

For the purposes of any Act, the time at which a person attains a particular age expressed in years is the commencement of the relevant anniversary of the date of the birth of that person.

Part 9—Citation of Acts and instruments

76 Reference to Acts

- (1) An Act passed by the Parliament of Urabba Parks may be referred to by the word “Act” alone.
- (2) An Act passed by the legislature of a region may be referred to by the term “regional Act”.
- (3) An Act passed by the legislature of a jurisdictional division may be referred to by the term “divisional Act”.
- (4) An Act passed by the legislature of a territory of Urabba Parks may be referred to by the term “territory Act”.
- (5) An Act passed by the legislature of an associated jurisdiction may be referred to by the term “associated jurisdiction Act”.
- (6) An Act passed by the Parliament of the Commonwealth may be referred to by the term “Commonwealth Act”.
- (7) An Act passed by the Parliament of England, the Parliament of Great Britain, or the Parliament of the United Kingdom may be referred to by the term “United Kingdom Act”.
- (8) An Act passed by the Parliament of a State of the Commonwealth may be referred to by the term “State Act”.
- (9) An Act passed by the legislature of a Territory referred to in section 122 of the Constitution of the Commonwealth may be referred to by the term “Territory Act”.

77 Numbering of Acts

The Acts passed in each secular year shall be numbered in regular arithmetical series, beginning with the number 1, in the order in which the Manager-General assents thereto or makes known the Enactor’s assent thereto.

78 Citation of Acts and instruments

Citation of Acts, legislative instruments and notifiable instruments

- (1) In any Act, instrument or document:
 - (a) an Act may be cited by:
 - (i) the short title of the Act; or
 - (ii) the secular year in which it was passed, and its number; or
 - (iii) a unique identifier given to the Act in accordance with rules prescribed under the *Legislation Act 2022*; and
 - (b) a legislative instrument or notifiable instrument may be cited by:
 - (i) any name the instrument gives itself; or
 - (ii) a unique identifier given to the instrument in accordance with rules prescribed under the *Legislation Act 2022*; or
 - (iii) if the instrument was numbered under a law of Urabba Parks—the year it was made and its number, together with a reference (if necessary) to the kind of instrument; or
 - (iv) if the instrument was notified or published in the Gazette—the date and (if necessary) number and page of the Gazette in which it was notified or published; or
 - (v) the date it was made, together with a reference to the Act or instrument, and (if necessary) provision, under which it was made.

Citation of laws of other jurisdictions

- (2) In any Act, instrument or document, any law of a jurisdiction may be cited by a reference to the jurisdiction, together with such mode of reference as is sufficient in laws passed by the jurisdiction.

Citation of enactments

- (3) Any enactment may be cited by reference to the part, section, subsection, or other division of the law in which the enactment is contained.

Part 10—Instruments not covered by the prescribed under the Legislation Act 2022, and parliamentary resolutions

79 Construction of other instruments

- (1) If a provision confers on a person (the *authority*) the power to make an instrument other than a legislative instrument, notifiable instrument or a rule of court, then:
 - (a) this Act applies to any instrument so made as if it were an Act and as if each provision of the instrument were a section of an Act; and
 - (b) expressions used in any instrument so made have the same meaning as in the Act or instrument, as in force from time to time, that authorises the making of the instrument in which the expressions are used; and
 - (c) any instrument so made is to be read and construed subject to the enabling legislation as in force from time to time, and so as not to exceed the power of the authority.
- (2) If any instrument so made would, but for this subsection, be construed as being in excess of the authority's power, it is to be taken to be a valid instrument to the extent to which it is not in excess of that power.
- (3) The amendment of an instrument, other than a legislative instrument or a notifiable instrument, or a rule of court, by an Act does not prevent the instrument, as so amended, from being amended or repealed by the authority.

Note: This provision has a parallel, in relation to legislative instruments and notifiable instruments, in section 15 of the *Legislation Act 2022*.

80 Prescribing matters by reference to instruments

- (1) If legislation authorises or requires provision to be made in relation to any matter in an instrument, other than a legislative instrument, a notifiable instrument or a rule of court, that instrument may make provision in relation to that matter:

- (a) by applying, adopting or incorporating, with or without modification, any of the following, as in force at a particular time or as in force from time to time:
 - (i) the provisions of an Act;
 - (ii) the provisions of a disallowable legislative instrument within the meaning of the *Legislation Act 2022*;
 - (iii) the provisions of rules of court; or
- (b) subject to subsection (2), by applying, adopting or incorporating, with or without modification, any matter contained in any other instrument or writing as in force or existing at:
 - (i) the time the first-mentioned instrument commences; or
 - (ii) a time before the first-mentioned instrument commences (whether or not the other instrument is still in force, or the other writing still exists, at the time the first-mentioned instrument commences).

Note: Section 5 of the *Legislation Act 2022* defines a **disallowable legislative instrument** as a legislative instrument to which section 63 of that Act applies.

- (2) The instrument may not make provision in relation to that matter by applying, adopting or incorporating any matter contained in an instrument or other writing as in force or existing from time to time.

Forms

- (3) If an instrument provides for a form to be used, this section does not apply in relation to the form.

Note: This provision has a parallel, in relation to legislative instruments and notifiable instruments, in section 16 of the *Legislation Act 2022*.

and parliamentary resolutions

Section 81

81 Construction of resolutions

Where any resolution is or has been passed by one of the Houses of the Parliament in purported pursuance of any Act, then the resolution shall be read and construed subject to the Constitution and 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.

Part 11—Regulations

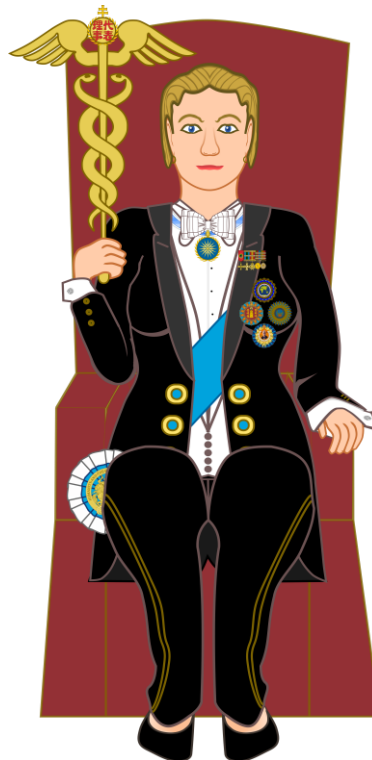
82 Regulations

The Manager-General may make regulations prescribing matters:

- (a) required or permitted by this Act to be prescribed; or
- (b) necessary or convenient to be prescribed for carrying out or giving effect to this Act.

*[Enactor's introductory speech made in—
Urabba Parks Proprietary Limited on 17 March 2022]*

(UP2022A00001)



(1/22)



ADVOCATE-GENERAL

Departmental No.
2022/1

Proprietary Council
Meeting No 2022/2

Approved in Council

Daniel James Racovolis
Enactor

25 March 2022

Recorded in the minute
book



Per the Secretary to the
Proprietary Council
UP2022N00002M

Minute Paper for the Proprietary Council

Interpretation Act 2022

*Interpretation Act Commencement
Proclamation 2022*

Recommended for the approval of the
Manager-General in Council that, by
Proclamation in the attached form and under
subsection 2(1) of the *Interpretation Act*
2022, he fix 26 April 2022 as the day on
which sections 3 to 82 to that Act commence.

Advocate-General
Urabba Parks Proprietary Limited
ACN 159 318 859



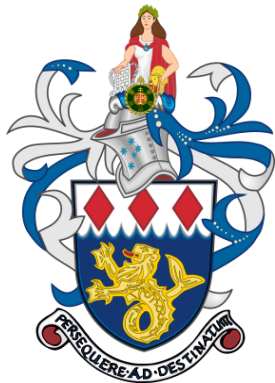
Attachments

- 1 *The Interpretation Act Commencement Proclamation 2022*
- 2 *Explanatory Memorandum to the Interpretation Act Commencement Proclamation 2022*

Notes

- 1 Each resolution of the Manager-General acting on the advice of the Proprietary Council is a resolution of the members of Urabba Parks: see subsection 13(4) of the Constitution.
- 2 Each resolution of the Ministers advising the Manager-General in the Proprietary Council is a resolution of the directors of Urabba Parks: see subsection 15(3) of the Constitution.
- 3 The Enactor is acting in place of the Manager-General by virtue of being an Honorary Manager present at the proceedings of Urabba Parks: see the definition of Manager-General in subsection 4(1) of the Constitution.
- 4 Advice is taken to be given by the responsible Minister to make this Act if the Houses of the Parliament are vacant in the whole: see paragraph 19(2)(e) of the Constitution.





D. J. Racovolis E.

Interpretation Act Commencement Proclamation 2022

Daniel James Racovolis, Enactor of the Urabba Parks Proprietary Limited, acting with the advice of the Proprietary Council and under item 2 of the table in subsection 2(1) of the *Interpretation Act 2022*, fixes 26 April 2022 as the day on which sections 3 to 82 of that Act commence.



Signed and Sealed with the
Great Seal of Urabba Parks on

25 March 2022

Daniel James Racovolis
Enactor

UP2022N00002

INTERPRETATION BILL 2022

INTRODUCTORY SPEECH

We are in tumultuous times, whether it be ecologically, epidemiologically and increasingly so, geopolitically. Whilst floods have ravaged the northern part of New South Wales, the deadly COVID-19 pandemic has not showed signs of disappearing, even if many of the restrictions are on their way to disappearing. And the devastating invasion of Ukraine has polarised the world in a way not seen in recent generations. This is what makes charitable democracy even more important, because working cooperatively towards a higher purpose while having due regard for the needs of the everyday person is what we need to combat climate change and enhance the quality of our lives.

At Urabba Parks, we provide, through our model Corporate Parliament, Executive, Judiciary, campus governments and committees of management of associations, a ‘work experience’ opportunity for the leaders of the future and a way for established leaders to give back to their communities. And while I have sometimes thought of myself as ‘reinventing the wheel’ when it comes to introducing the concept of charitable democracy, being the control of care by the cared, I have sought to base much of my legislation on existing legislation; the Constitution is a derivative work of the Australian Constitution.

I intend to base the legislative framework on that used by the Commonwealth. This is not just because derivatives of Commonwealth legislation can be made under the Creative Commons Attribution 4.0 International (the CC BY 4.0 licence), but because the Federal legislation publisher, the Office of Parliamentary Counsel (OPC) has provided directly to the public drafting standards approved by the First Parliamentary Counsel. Using established methods of legislative drafting means we will be able to spend less time reinventing wheels and more time planting trees.

Once enacted, this Bill will provide standard definitions and rules of interpretation for laws made by the Corporate Parliament, and is based on the *Acts Interpretation Act 1901* of the Commonwealth, which is also

Introductory Speech

used to interpret our Constitution. The Acts resulting from the enactment of this Bill and the Legislation Bill 2022, which I intend to assent immediately after this Bill, are intended to set the foundations of a legislative framework for Urabba Parks.

Let us stop the carnage and start reading from the same page.

And let us leave a harmonious and sustainable world for our descendants.

Daniel James Racovolis
The Enactor of Urabba Parks Proprietary Limited

UP2022A00001SR



2022



Daniel James Racovolis

INTERPRETATION BILL 2022

EXPLANATORY MEMORANDUM

(Circulated by authority of Mr Racovolis)

UP2022A00001EM

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INTERPRETATION BILL 2022

Explanatory Memorandum

Outline

This Bill, once enacted as an Act, will like a dictionary and manual to use when reading and interpreting Corporate Acts and instruments made under Corporate Acts. This Bill complements the Legislation Bill 2022 is also set to be passed along with this Bill and will commence as an Act immediately after this Bill. The Acts resulting from the enactment of this Bill the Legislation Bill 2022 are intended to set the foundations of a legislative framework for Urabba Parks.

When drafting the Constitution, the Founder based it on the Australian Constitution, and provided it is construed in accordance with the *Acts Interpretation Act 1901* of the Commonwealth (the *AIA1901*) as in force at the establishment of jurisdiction. The version of the AIA1901 as to be used in the interpretation of the Constitution is the same as that used as a basis for this Bill.

The definitions and many of the interpretation rules are aimed at making Corporate legislation shorter, less complex and more consistent in operation. A provision of this Act is subject to a contrary intention in other Corporate legislation.

Part 1 provides that the Act resulting from the enactment of this Bill applies to all Acts. This Act also applies to legislative instruments, notifiable instruments and other instruments made under an Act (see subclause 15(1) of the Legislation Bill 2022 and subclause 46(1) of this Bill).

Part 2 contains definitions that apply across all Corporate legislation (for example, *business day*, *document*, *month* and *Urabbaparcensian Associate*).

Explanatory Memorandum

Part 3 deals with the commencement of Corporate Acts. For example, clause 19 allows certain powers to be exercised (like the making of appointments) between the enactment and commencement of an Act.

Part 4 deals with the amendment, repeal and expiry of Corporate legislation. For example, clause 21 provides that the repeal of an Act does not affect any rights accrued under the Act resulting from the enactment of this Bill, or any legal proceedings instituted, before the repeal.

Basis on Acts Interpretation Act 1901 of the Commonwealth (AIA1901)

This Bill is based on the *Acts Interpretation Act 1901* of the Commonwealth (the *AIA1901*) as in force on 20 December 2018 (Compilation No. 36) downloaded from the Federal Register of Legislation at 20 February 2022. For the latest information on Australian Government law please go to <https://www.legislation.gov.au>.

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Statement of Reasonableness

STATEMENT OF REASONABLENESS

Interpretation Bill 2022

This Bill, as read on 17 March 2022, is reasonable having regard to the human rights treaties to which the Commonwealth is a party and the obligations of Urabba Parks Proprietary Limited (*Urabba Parks*) as an entity registered under the *Australian Charities and Not-for-profits Commission Act 2012* of the Parliament of the Commonwealth.

Overview of the Bill

1. This Bill provides for the interpretation of Corporate laws, and is based mainly on the *Acts Interpretation Act 1901* of the Commonwealth.

Power to enact Bill

2. Paragraph 51(xxxix) of the Constitution (based on the corresponding provision of the Constitution of the Commonwealth), provides Parliament with the power to enact laws “matters incidental to the execution of any power vested by this Constitution in the Parliament or in either House thereof, or in the Government of Urabba Parks, or in the Corporate Judicature, or in any corporate department or officer of Urabba Parks.” The interpretation of legislation is considered incidental to the powers of Parliament in the making of Acts, and officers of the Government (who make legislative instruments and notifiable instruments which to the Act resulting from enactment from this Bill will apply by virtue of clause 15 of the Legislation Bill 2022, which is to commence immediately after the substantive parts of the law proposed in this Bill), as well as members of the Corporate Judicature in interpreting legislation.

Promotion of rights under the Urabba Parks Bill of Rights

3. Urabba Parks respect in its governance, management and operations human rights within the meaning of section 134 of the Constitution. That constitutional provision defines human rights as being those recognised under section 3 of the *Human Rights (Parliamentary Scrutiny) Act 2011* of the Commonwealth (the ‘nationally-recognised human rights’).

Statement of Reasonableness Explanatory Memorandum

4. The law proposed by this Bill provides for standard rules of interpretation for Acts of the Corporate Parliament and instruments made under those Acts (legislation). There is also provision for the inclusion of ‘alt text’ in legislation (in addition to the legal text of the legislation) to improve its usability and ensure that it is accessible to the people who rely on older or assistive technology.

5. As such, the Bill intends to advance and protect nationally-recognised human rights such as:

(A) fair trial and fair hearing rights under Article 14 of the International Covenant on Civil And Political Rights (the ICCPR); and

(B) rights of access to information under Article 9 and access to justice under Article 13 of the Convention on the Rights of Persons with Disabilities (the CRPD).

Compliance with Australian law

As this Bill implements Commonwealth legal interpretation rules into Urabbaparcensian law, it is not expected to affect the compliance by Urabba Parks or its subsidiaries with Australian law.

Conclusion

6. The Bill is reasonable, having regard to the legal and ethical obligations of Urabba Parks.

I hereby issue this statement of reasonableness in relation to the Bill as read on 17 March 2022.



L.S.

Daniel James Racovolis

The Enactor of Urabba Parks Proprietary Limited

17 March 2022

**Clause
Explanatory Memorandum**

Notes on clauses**Part 1—General****Clause 1: Short title**

7. This clause is a formal provision and specifies that the short title of the Act resulting from the enactment of this Bill is the Interpretation Act 2022.

Clause 2: Commencement

8. This clause provides for the commencement of the Act on two separate days, being:

(A) the day this Act receives the Enactorial Assent, sections 1 to 2 and anything in this Act not elsewhere covered by this table (such as the long title and other headings)—this Act provides rules for when Acts may commence so it is important that for this Act the commencement provision is at the day of assent to ensure the validity of the making of a Proclamation to bring the substantive parts of the Act into operation; and

(B) on a day fixed by Proclamation, for the substantive parts of the Act, being sections 3 to 82.

Clause 3: Simplified outline

9. This clause, based on section 1A of the AIA1901, outlines in simple English the Bill's intention to make Corporate legislation shorter, less complex and more consistent in operation, and the functions of the several parts of the Bill.

Clause 4: Application of Act

10. This clause, based on section 2 of the AIA1901, provides the Bill (once enacted) will apply to all Acts (including the Act resulting from the enactment of the Bill). There is also provision for displacement by providing such application is subject to a contrary intention (such as the term being defined in legislation independently of the Act resulting from the enactment of the Bill).

Clause 5 Explanatory Memorandum

Clause 5: Binding the Management

11. This clause, based on section 2A of the AIA1901, binds the Management in each of its capacities, meaning the rules of the Act resulting from the enactment of the Bill will apply to the Executive Government.

Part 2—Definitions

Clause 6: Definitions

12. This clause provides for definitions used in any Act, such as:

(A) acting UPSES employee—a person who is the occupier of a corporate service place (category C) in the table in subsection 61(2) of the Constitution;

(B) Administrative Arrangements Order—an instrument made by the Manager-General that is described as an Administrative Arrangements Order (a primary AAO), or an instrument that amends or revokes a primary AAO;

(C) affidavit—includes affirmation, declaration and promise;

(D) Agency—means a Department of Corporation of Urabba Parks falling in item 2.1.e of the table in subsection 61(2) of the Constitution, a Management Agency or a Governance Agency (the latter two terms being defined in this clause; see below);

(E) ‘assigned’ means, in relation to a registration item, each component of the item (being separated by a full stop) consisting of a number;

(F) *associated jurisdiction* means a jurisdiction in the legislative group of which Urabba Parks is Head that is not a wholly-owned subsidiary

(G) ‘Australian law’ has the meaning given by the *Income Tax Assessment Act 1997* of the Commonwealth;

Clause 6
Explanatory Memorandum

- (H) ‘Australian Privacy Principle’ has the same meaning as in the *Privacy Act 1988* of the Commonwealth
- (I) business day—a day that is not a Saturday, a Sunday or a public holiday in the place concerned;
- (J) calendar month—means one month of the year;
- (K) calendar year—the 12 months starting on 1 January;
- (L) ‘charitable’, ‘charitable purpose’ and ‘charity’ all have the same meaning as in the *Charities Act 2013* of the Commonwealth;
- (M) commencement—the time at which the Act or provision comes into operation;
- (N) company—a person that is not an individual;
- (O) Consolidated Revenue Fund—the Consolidated Revenue Fund referred to in section 81 of the Constitution;
- (P) Constitution—the Constitution of Urabba Parks;
- (Q) contravene—includes fail to comply with;
- (R) corporate court—the Court or any court created by the Parliament;
- (S) Corporate Demesne of Urabba Parks—as per the definition of that term of the definition of *Urabba Parks* (see paragraph (PPP));
- (T) Court—the Court of Directors of Urabba Parks (as established by section 71 of the Constitution);
- (U) court exercising corporate jurisdiction—any court when exercising corporate jurisdiction, and includes a corporate court;
- (V) court of summary jurisdiction—any honorary judicial officer, or magistrate of a jurisdictional division, sitting as a court of summary jurisdiction;

Clause 6
Explanatory Memorandum

(W) de facto partner—see clause 11 (note 17);

(X) Demesne— as per the definition of that term of the definition of *Urabba Parks* (see paragraph (PPP));

(Y) document—any record of information, including anything on which there is writing, anything on which there are marks, figures, symbols or perforations having a meaning for persons qualified to interpret them, anything from which sounds, images or writings can be reproduced with or without the aid of anything else or a map, plan, drawing or photograph;

(Z) ‘establishment of jurisdiction’ has the same meaning as in the *Urabba Parks Proprietary Limited Constitution Statute 2022* of the Founder of Urabba Parks (which is the commencement of the Constitution on 5 March 2021);

(AA) estate—any estate, interest, charge, right, title, claim demand, lien or encumbrance at law or in equity;

(BB) external territory—land (other than land forming part of a region or internal territory) principally occupied by a Urabba Parks or a wholly-owned subsidiary thereof, where an Act makes provision for the government of the land as a territory;

(CC) financial year—the 12 months starting on 1 July;

(DD) Gazette—the Official Newsletter of Urabba Parks;

(EE) Governance Agency—an entity falling in item 4 of the table in subsection 100(4) of the Constitution that is not in item 4.1 of the table;

(FF) Government Printer—any person printing for the Government of Urabba Parks (see clause 41);

(GG) House of the Parliament—does not include a House that is vacant in the whole within the meaning of subsection 4(1) of the Constitution;

Clause 6
Explanatory Memorandum

(HH) human rights—has the same meaning as in section 134 of the Constitution (which in turn provides ‘human rights’ has the same meaning as in section 3 of the *Human Rights (Parliamentary Scrutiny) Act 2011* of the Commonwealth);

(II) individual—a natural person;

(JJ) insolvent under administration—the same meaning as in the *Corporations Act 2001* of the Commonwealth;

(KK) internal territory—Urabba Street Reserve, a region, or a territory falling in the definition of ‘Urabba Parks’;

(LL) jurisdictional division—a region or a territory referred to in section 122 of the Constitution (the first part of the definition of ‘territory’ below);

(MM) land—includes messuages, tenements and hereditaments, corporeal and incorporeal, of any tenure or description, whatever may be the estate or interest in them;

(NN) legislative instrument—as per the Legislation Bill 2022 (which is to commence as an Act immediately after the substantive provisions the Act resulting from enactment of this Bill);

(OO) lower-level court—a court that does not hear appeals from any other court and of which the members are not directors of the operating company of the jurisdictional division by virtue of occupying the place of a member of the court;

(PP) Management Agency—an entity falling in in item 2.2.e, 2.5.e, 2.6.e, 2.7.e or 2.8.e of the table in subsection 61(2) of the Constitution;

(QQ) Minister (or Minister of Corporation)—one of the Ministers of Corporation for Urabba Parks (see clause 44);

(RR) modifications—in relation to a law, includes additions, omissions and substitutions;

Clause 6
Explanatory Memorandum

(SS) notifiable instrument—as per the Legislation Bill 2022 (which is to commence as an Act immediately after the substantive provisions the Act resulting from enactment of this Bill);

(TT) oath— includes affirmation, declaration and promise;

(UU) operating company—the wholly-owned subsidiary that is operating an entity formed within Urabba Parks in its capacity as operator of the entity;

(VV) Parliament—the Parliament of Urabba Parks;

(WW) parliamentary membership—a director place (category D) falling in item 1.2.b.a.y in the table in subsection 20(3) of the Constitution;

(XX) prescribed—prescribed by the Act or by regulations under the Act;

(YY) Proclamation—a Proclamation by the Manager-General that is registered in the Corporate Register of Legislation established under the Legislation Bill 2022 (which is to commence as an Act immediately after the substantive provisions the Act resulting from enactment of this Bill) as a legislative instrument or notifiable instrument. Some Proclamations provide solely for the commencement of Acts, legislative instruments or notifiable instruments, or provisions of Acts or such instruments. Under clause 11 of the Legislation Bill 2022 (which is to commence as an Act immediately after the substantive provisions the Act resulting from enactment of this Bill), these are notifiable instruments;

(ZZ) Proprietary Council—Mister Enactor’s Most Helpful Proprietary Council for Urabba Parks (as established by section 62 of the Constitution);

(AAA) record—includes information stored or recorded by means of a computer;

(BBB) region—a region of Urabba Parks;

Clause 6
Explanatory Memorandum

- (CCC) regulations—regulations under the Act under which they are made;
- (DDD) *Roll of Arms* means the Roll of Arms of Urabba Parks;
- (EEE) sanction unit—\$10;
- (FFF) seat of Government—the seat of Government of Urabba Parks;
- (GGG) second reading speech—the speech made to a House of the Parliament by a legislative director on the occasion of the moving by the legislative director of a motion that the Bill containing the provision be read a second time in that House, or a speech made or published by the Manager-General relating to the Bill before the time when the provision was enacted;
- (HHH) statutory declaration—a declaration made because of any Act authorising a declaration to be made otherwise than in the course of a judicial proceeding;
- (III) subsidiary—as per the *Corporations Act 2001* of the Commonwealth;
- (JJJ) swear—includes affirm, declare and promise;
- (KKK) UGS employee—the occupant of an independent governance place (category W) falling in the table in subsection 100(4) of the Constitution;
- (LLL) territory—means both:
- (i) a territory referred to in section 122 of the Constitution; and
 - (ii) land principally occupied by Urabba Parks or a wholly-owned subsidiary not forming part of a jurisdiction assigned a jurisdiction number (placeholder component d), which shall form one territory for the purposes of this definition;

Clause 6
Explanatory Memorandum

(MMM) UPMS employee—the occupant of a corporate service place (category C) falling in the table in subsection 61(2) of the Constitution;

(NNN) upper House—means a House of the Parliament other than the House of Ordinaries;

(OOO) UPSES employee—a UPMS employee who is appointed on a permanent basis to a senior management place (category G) falling in the table in subsection 61(2) of the Constitution;

(PPP) Urabba Parks—Urabba Parks Proprietary Limited (ACN 159 318 859) and, when used in a geographical sense, includes any part of Urabba Street Reserve that is not part of a jurisdictional division (the *Corporate Demesne of Urabba Parks* or *Demesne*), land forming part of a region of Urabba Parks and land (other than part of the Demesne) principally occupied by Urabba Parks or a wholly owned subsidiary declared under an Act as part of Urabba Parks for the purposes of this definition;

(QQQ) Urabba Parks Bill of Rights—Part 2 of Chapter 9 of the Constitution;

(RRR) Urabba Street Reserve has the same meaning as in the *Urabba Parks Proprietary Limited Constitution Statute 2022* of the Founder of Urabba Parks (the covering clauses to the Constitution)—Urabba Street Reserve is located at 4 Urabba Street, Rankins Springs, New South Wales 2669;

(SSS) Urabbaparcensian Associate—a person who is declared and registered as occupying the place of a Urabbaparcensian Associate under item 7.5 of the table in subsection 112(5) of the Constitution;

(TTT) Urabbaparcensian jurisdiction—a non-state jurisdiction that is a member of the legislative group of which Urabba Parks is Head (including Urabba Parks);

Clause 7
Explanatory Memorandum

(UUU) Urabbaparcensian law means the law of Urabba Parks the law of a jurisdictional division;

(VVV) Visitatorial Commission—the Visitatorial Commission of Urabba Parks;

(WWW) *wholly-owned subsidiary* has the same meaning as in the *Corporations Act 2001* of the Commonwealth;

(XXX) writing—any mode of representing or reproducing words, figures, drawings or symbols in a visible form.

Clause 7: Use of definitions in Constitution

13. This clause provides that when a term is actually defined in the Constitution, or where a rule of interpretation in relation to a matter is actually provided in the Constitution, but not in the Act resulting from enactment of this Bill, the term or rule has the same effect as actually being in the Act resulting from the enactment of the Bill. For the purposes of this section, ‘actually defined’ does not include a term defined or rule of interpretation provided by AIA1901, unless such term or rule applies to text forming part of the Constitution. This is because the AIA1901 referenced in the Constitution is the AIA1901 as in force at the establishment of jurisdiction; the displacement of the AIA1901 in that form allows for the adoption of the AIA1901 as currently in force in the next clause.

Clause 8: Application of *Acts Interpretation Act 1901*

14. This clause provides, for the purposes of clause 32 of this Bill, for the application of extrinsic material under section 15AB of the AIA1901 relating to a provision in AIA1901 which is same in substance as a provision in this Bill. Section 15AB of the AIA1901 (on which clause 32 is based) governs the use of extrinsic material for Federal legislation.

Clause 9: References to persons

15. This clause, based on section 2C of the AIA1901, defines a person (and words used to describe persons) as including a body politic, company and individual. It also includes an entity formed within a non-state jurisdiction, which would have the effect of including an entity formed within Urabba Parks. A ‘person’ includes a company even if

Clause 10 **Explanatory Memorandum**

legislation makes specific references to companies as well as references to persons.

Clause 10: References to spouses

16. This clause, based on section 2CA of the AIA1901, defines a spouse as somebody to whom a person is legally married, and applies in addition to the definition of ‘spouse’ in other legislation.

Clause 11: References to de facto partners

17. This clause provides that somebody is a de facto partner if they are a de facto partner under section 2D of the AIA1901.

Clause 12: Months

18. This clause, based on section 2G of the AIA1901, provides that a period of a month ends at the end of the next calendar month if the corresponding day does not exist. For example, a month starting on 31 August in a year ends at the end of September in that year (because September is the calendar month coming after August and does not have 31 days).

Clause 13: References to law of Urabba Parks

19. This clause, based on section 2H of the AIA1901, excludes territory constitutions and laws from the definition of ‘law of Urabba Parks’

Clause 14: Documents commencing proceedings

20. This clause, based on section 2J of the AIA1901, provides for the interchangeability of references to documents commencing court proceedings such as ‘summons’, ‘information’, ‘claim’, ‘complaint’ and ‘declaration’. An example of such a document is a court attendance notice under the *Criminal Procedure Act 1986* of New South Wales.

Clause 15: Rules of court

21. This clause, based on section 2K of the AIA1901, defines ‘rules of court’ as rules made by the competent authority regulating the practice and procedure of such court.

Clause 16
Explanatory Memorandum

Clause 16: Sitting day

22. This clause, based on section 2M of the AIA1901, provides that if a House of the Parliament sits beyond midnight on a particular day without adjourning, any period on which the House sits the next day, with or without a suspension, until its adjourned is taken to be part is taken to be part of the earlier sitting day.

23. For example, an upper House begins sitting at 9 am on Thursday and extends (with or without a suspension of the sitting) until it is adjourned at 3 pm on Friday. Thursday is a sitting day for the upper House but Friday is not. This example applies equally to the House of Ordinaries. Another example is if House of Ordinaries (the lower House) begins sitting at 9 am on Wednesday and extends (with or without a suspension of the sitting) until it is adjourned at 1 am on Thursday. The House of Ordinaries then starts sitting again at 10 am on Thursday and adjourns at 3 pm on Thursday. Both Wednesday and Thursday are sitting days for the House of Ordinaries. This example applies equally to an upper House.

24. For the purposes of this clause, a House is taken to have adjourned if the Parliament is prorogued, that House is dissolved or becomes vacant in the whole within the meaning of subsection 4(1) of the Constitution, or if that House is the House of Ordinaries—that House expires.

Part 3—Commencement of Acts

Clause 17: When Acts come into operation

25. This clause, based on section 3 of the AIA1901, provides that Acts commencing on a particular day comes into operation at the start of the day.

Clause 18: Commencement of Acts

26. This clause, based on section 3A of the AIA1901, provides that unless otherwise provided in an Act, the Act commences on the 28th day after the day on which that Act receives the Enactorial Assent. However, Acts to alter the Constitution commence on the day the Act receives the Enactorial Assent.

Clause 19
Explanatory Memorandum

Clause 19: Exercise of powers between enactment and commencement of Act

27. This clause, based on section 4 of the AIA1901, provides that appointments and instruments of a legislative or administrative character (including rules, regulations or by-laws) may be made under Acts (or provisions of Acts) that are yet to commence. These appointments and instruments take effect on the commencement of the legislation or at a later time as specified in the instrument.

Clause 20: Evidence of date of assent

28. This clause, based on section 6 of the AIA1901, provides the date of the Enactor's assent appearing in the copy of an Act printed by the Government Printer is evidence of the date of Enactorial Assent.

Part 4—Amendment, repeal and expiry of Acts

Clause 21: Effect of repeal or amendment of Act

29. This clause, based on section 7 of the AIA1901, provides that the repeal of an Act that repeals an old Act does not revive the old Act. Nor does the repeal of an Act affect the adoption of any report made, or of any submission or lodgement made for or on behalf of Urabba Parks. The clause also provides that amendments and repeals of Acts do not affect the status of any rights, privileges, obligations, liabilities, sanctions, forfeitures, adoption of reports, the declaration of any instrument as a legislative instrument or notifiable instrument, or affect any investigation, legal proceeding or remedy in respect of any such right, privilege, obligation, liability, sanction or forfeiture..

Clause 22: References to amended or re-enacted Acts

30. This clause, based on section 10 of the AIA1901, provides that references to Acts and provisions in Acts refer to the corresponding re-enacted Acts and provisions. This is to allow for the continued effect of Acts that have been repealed and re-enacted.

Clause 23: References to amended or re-enacted laws of members of the legislative group

Clause 24
Explanatory Memorandum

31. This clause, based on section 10A of the AIA1901, provides for the continued effect of laws of members of the same legislative group as Urabba Parks that have been repealed and re-enacted in a similar manner to clause 22.

Clause 24: Acts may be altered etc. in same session

32. This clause, based on section 11 of the AIA1901, provides that an Act may be altered, amended or repealed in the same session of Parliament in which it was passed. This was originally enacted in the AIA1901 to overcome the rule (inherited from English parliamentary tradition) that an Act may not be repealed or altered in the same session of the Parliament of the Commonwealth.

Clause 25: Inserting definitions into provisions or inserting items into lists or tables

33. This clause, based on section 11A of the AIA1901, provides for the appropriate positioning of definitions and table items inserted by amendments to Acts.

Clause 26: Amending Act to be construed with amended Act

34. This clause, based on section 11B of the AIA1901, provides that amending Acts shall be read as part of the principal Act.

Part 5—General interpretation rules

Clause 27: Every section a substantive enactment

35. This clause, based on section 12 of the AIA1901, section of an Act shall have effect as a substantive enactment without introductory words. Until the late 19th century, under English parliamentary custom, the first section would begin with ‘Be it enacted’ each subsequent section would begin with the words ‘Be it further enacted.’

Clause 28: Material that is part of an Act

36. This clause, based on section 13 of the AIA1901, clarify that Schedules, provision headings, as well as the long title, Preamble and enacting words form part of an Act.

Clause 29
Explanatory Memorandum

37. However, alt text which only indicates the effect of an element of the Act, is accessible in an electronic version of the Act, and does not appear in the printed text of the Act (or any amendment of the Act) as enacted by the Parliament, or any other printed version of the Act. This provision also applies compilation of an Act within the meaning of the Legislation Bill 2022, which is to commence as an Act immediately after the commencement the substantive provisions the Act resulting from enactment of this Bill.

Clause 29: Construction of Acts to be subject to Australian law

38. This clause, which is partially based on section 15A of the AIA1901, provides for the reading of Acts subject to Australian law so that Urabba Parks does not exceed its powers or contravene any laws.

Clause 30: Construction of Acts to be subject to Constitution

39. This clause, based on section 15A of the AIA1901, provides for the reading of Acts subject to the Constitution so that Urabba Parks does not exceed its legislative powers.

Clause 31: Interpretation best achieving Act's purpose or object

40. This clause, based on section 15AA of the AIA1901, provides that in interpreting provisions of Acts, the interpretation is to be in a way that best achieves the purpose or object of the Act. The 'purpose or object' of an Act may be expressly stated or inferred from extrinsic material such as the Explanatory Memorandum for the Bill for the Act.

Clause 32: Use of extrinsic material in the interpretation of an Act

41. This clause, based on section 15AB of the AIA1901, allows for the use of extrinsic material such as material printed by the Government Printer, explanatory memoranda, second reading speeches, records of debates, treaties as well as reports by the Visitation Commission, parliamentary committees, an Enactorial Commission or the Law Reform Commission in interpreting Acts.

42. In determining whether consideration should be given to any material in accordance with such material, regard shall be had to the desirability of persons being able to rely on the ordinary meaning conveyed by the text of the provision taking into account its context in

Clause 33
Explanatory Memorandum

the Act and the purpose or object underlying the Act and the need to avoid prolonging legal or other proceedings without compensating advantage.

Clause 33: Changes to style not to affect meaning

43. This clause, based on section 15AC of the AIA1901, provides that ideas expressed in Acts do not change merely because the style of the writing changes (i.e. new writing inserted by way of an amendment expresses the idea more clearly than the writing already in the same Act).

Clause 34: Examples

44. This clause, based on section 15AD of the AIA1901, provides for the use of examples.

Clause 35: Jurisdiction of courts

45. This clause, based on section 15C of the AIA1901, provides that courts shall have jurisdiction where an Act authorises a grievance or disciplinary proceeding to be instituted in the court. And in the case of a court of a territory, that provision shall be construed as providing that the jurisdiction is vested so far only as the Constitution permits.

Clause 36: References to the Enactor

46. This clause, based on section 16 of the AIA1901, provides that references to the Enactor, or to the Management, shall be construed as references to the Enactor for the time being.

Clause 37: References to the Manager-General

47. This clause, based on section 16A of the AIA1901, provides that references to the Manager-General, shall be construed as references to the Manager-General for the time being, an Administrator or deputy of the Manager-General acting with the advice of the Proprietary Council..

Clause 38: References to the Manager of a jurisdictional division

48. This clause, based on section 16B of the AIA1901, provides that references to the Manager of a jurisdictional division refer to the person administering the jurisdictional division.

Clause 39
Explanatory Memorandum

Clause 39: References to judge

49. This clause, partially based on section 16BA of the AIA1901, provides that a reference to a judge does not include a judge of a lower-level court.

Clause 40: References to Stipendiary Magistrate and Magistrate

50. This clause, based on section 16C of the AIA1901, provides for the definition of a Stipendiary Magistrate as including a Chief, Proctor's, Stipendiary, Resident or Special Magistrate or any other Magistrate in respect of whose office a presentation fee is payable. The definition of Magistrate applies to a judge of a lower-level court.

Clause 41: Paper or document purporting to be printed by Government Printer

51. This clause, based on section 17A of the AIA1901, provides that the words "Government Printer of Urabba Parks" or similar, shall be deemed to refer to the Government Printer.

Clause 42: Parts of speech and grammatical forms

52. This clause, based on section 18A of the AIA1901, clarifies that words or phrases shall have the same meaning throughout an Act regardless of other parts of speech and grammatical forms of that word or phrase.

Clause 43: Titles of Chairs and Deputy Chairs

53. This clause, based on section 18B of the AIA1901, allows holders of 'chair titles' (such as Chairman) and deputies to use a title of their choice such as 'Chairperson' or 'Chairwoman'.

Clause 44: References to Ministers in Acts

54. This clause, based on section 19 of the AIA1901, provides that references to a Minister of Corporation (without a title) in a provision generally means the Minister administering the provision under an Administrative Arrangements Order. However, if a Minister is referred to by title, references to the Minister may include references to another Minister by way of a substituted reference order made under section 46.

Clause 45
Explanatory Memorandum

Clause 45: References to Departments in Acts

55. This clause, based on section 19A of the AIA1901, provides that references to a Department of Corporation (without a title) in a provision generally means the Department of the Minister administering the provision under an Administrative Arrangements Order. However, if a Department is referred to by title, references to the Department may include references to another Department by way of a substituted reference order made under section 46.

Clause 46: Machinery of government—substituted reference orders

56. This clause, based on section 19B of the AIA1901, provides that when an authority such as a Ministry, Agency or office holder (an UPMS employee or UGS employee) is abolished or changes name, the Manager-General may make a substituted reference order under this section which is a legislative instrument and has the effect of making all references to the abolished body references to the new body.

Clause 47: Machinery of government—references to authorities in Corporate agreements

57. This clause, based on section 19C of the AIA1901 provides that references to Ministers and Departments in agreements made by Urabba Parks with its jurisdictional divisions. Usually this will be determined by an Administrative Arrangements Order or a substituted reference order. In the case of a reference to Agencies and offices that have been abolished or its functions transferred the Minister may make a notifiable instrument substituting references to the authority to another one. If because of this clause, two or more Ministers are required to do something in relation to a matter because of an agreement, only one of those Ministers is required to act in relation to the mater.

Clause 48: Machinery of government changes—saving the validity of acts done by authorities

58. This clause, based on section 19D of the AIA1901, validates acts done by Ministers, Agencies or office holder (an UPMS employee or UGS employee) that would be invalid because of a machinery of government change (such as abolition of Agencies and transfers of functions). The authority must have a reasonable, but mistaken, belief

Clause 49
Explanatory Memorandum

about the occurrence, timing or nature of the machinery of government change.

Clause 49: Validity of acts done by Ministers

59. This clause, based on section 19E of the AIA1901, validates acts done by Ministers where the act is delegated by law to another Minister.

Clause 50: References to holders of appointments, offices and positions in Acts and Corporate agreements

60. This clause, mostly based on section 20 of the AIA1901, clarifies that references to officers in Acts and Corporate agreements includes those who are registered in the register of places of Urabba Parks as the occupier of the office, appointment or position, or performing the duties of the office, appointment or position.

Clause 51: Office etc. means office etc. of Urabba Parks

61. This clause, based on section 21 of the AIA1901, clarifies that references to officers in Acts mean officers ‘in and for’ Urabba Parks. In this case, ‘in Urabba Parks’ would refer to within Urabba Parks as a whole, while ‘for Urabba Parks’ would refer to Urabba Parks in its governance capacity (as opposed to its capacity as a holding or operating company of an association or campus government).

62. The clause also mentions that ‘localities jurisdictions and other matters and things’ are to those in ‘and of’ Urabba Parks. For example, a reference to ‘Rankins Springs’ in legislation, unless the legislation intends otherwise, would only mean the part of Rankins Springs that is part of Urabba Parks (i.e. Urabba Street Reserve).

Clause 52: Rules as to gender and number

63. This clause, based on section 23 of the AIA1901, provides that references to one gender include the other. For example, a reference to ‘he’ or ‘him’ in legislation would also, unless the legislation specifically states that such law only applies to men, be taken to include other pronouns such as she/her or they/them.

Clause 53
Explanatory Memorandum

64. The clause also provides for the interchange of singular and plural references in legislation. For example, a reference to ‘person’ would also include a reference to the word ‘persons.’

Clause 53: Production of records kept in computers etc.

65. This clause, based on section 25A of the AIA1901, provides that information is taken to be produced to a court, tribunal or other person authorised to receive the information, if the information is stored electronically in ‘a writing that reproduces the information in a form capable of being understood by the court, tribunal or person’.

Clause 54: Alterations of names and constitutions

66. This clause, based on section 25B of the AIA1901, provides that an alteration to the name or constitution of the body under an Act does not affect the body’s rights or obligations. Legal proceedings against the body may continue in the internal legal system as if the body had not changed its name or constitution.

Clause 55: Compliance with forms

67. This clause, based on section 25C of the AIA1901, provides that substantial compliance with forms prescribed by legislation (as opposed to strict compliance) is sufficient.

Clause 56: Content of statements of reasons for decisions

68. This clause, based on section 25D of the AIA1901, provides that a person who is required to give reasons for a decision to set out their findings on material questions of fact and refer to evidence or other relevant material forming the basis of those findings.

Part 6—Service of documents

Clause 57: Service of documents

69. This clause, based on section 28A of the AIA1901, provides that a document is served on a person if served personally or by post.

70. The clause also provides that *Electronic Transactions Act 1999* of the Commonwealth (as in force at the commencement of this Act), which

Clause 58
Explanatory Memorandum

allows for execution and service of documents electronically, applies to Urabba Parks. However, the clause does not affect any rule of evidence that applies in the internal legal system.

Clause 58: Meaning of service by post

71. This clause, based on section 29 of the AIA1901, provides an letter sent by post is taken to be delivered at the time at which the letter would be delivered in the ordinary course of post, provided the letter is properly addressed and sent by prepaid envelope. Like clause 57, this clause does not affect any rule of evidence that applies in the internal legal system. Neither does it affect the operation of section 160 of the *Evidence Act 1995* of the Commonwealth.

Part 7—Powers, functions and duties

Clause 59: Exercise of powers and performance of functions or duties

72. This clause, based on section 33 of the AIA1901, clarifies matters relating to the exercise of powers and the responsibilities of persons.

73. The word ‘may’, in relation to the function of doing something, means the person has the discretion to do it.

74. A body is not precluded from performing its functions merely because of a vacancy in its membership.

75. The power to make an instrument also includes the power to vary and revoke an instrument in like conditions to the original instrument.

76. If an instrument is made that is dependent on an ongoing condition, and that ongoing condition (such as a holder of a permit being of good character), then if the condition ceases to be satisfied the instrument can be revoked and such revocation is taken to be on like conditions for the purposes of this clause.

77. The power to make instruments dealing in particular a matter (defined as a thing, person or animal) includes the power to make instruments dealing with matters falling in that matter. For example, if a person has a power to make an instrument regulating products, the person also has the power to make different provisions for classes of products.

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Explanatory Memorandum

78. The clause goes further to provide that power to appoint an officeholder includes the power to appoint an acting officeholder, or to remove or suspend an officeholder. However, the exercise of such a power is subject to the approval and consent of others provided in the enabling legislation.

79. A limitation on the power to prescribe sanctions for offences against the internal law (such as the limitation of the period of any potential disqualification) does not prevent the instrument from requiring a statutory declaration be made.

Clause 60: Power to appoint includes power to reappoint

80. This clause, based on section 33AA of the AIA1901, provides that appointers shall have the power to re-appoint incumbent officeholders.

Clause 61: Validity of things done under appointments under Acts

81. This clause, based on section 33AB of the AIA1901, validates the acts of persons purporting to act under an appointment (including an acting appointment) under an Act.

Clause 62: Acting in offices or positions

82. This clause, based on section 33A of the AIA1901, provides that persons appointed as acting officeholders in the event of a vacancy may act for a period of up to 12 months from the day the office became vacant.

Clause 63: Participation in meetings by telephone etc.

83. This clause, based on section 33B of the AIA1901, provides that meetings of bodies may be held by telephone, closed-circuit television or any other means of communication (such as internet teleconferencing).

Clause 64: Power to hear and determine a matter includes power to receive evidence and examine witnesses etc.

84. This clause, based on section 34 of the AIA1901, provides that persons who have authority to hear and determine a matter (such as the judiciary, as well as Enactorial Commissioners and committees of the

Clause 65
Explanatory Memorandum

Parliament) have the power to receive evidence and call witnesses. A party to the agreement of jurisdiction in subsection 7(2) of the Constitution is legally obliged to appear before persons acting judicially in the internal legal system as a condition of them being able to exercise any rights of a member of Urabba Parks.

Clause 65: Exercise of powers etc. by holders etc. of offices or positions

85. This clause, based on section 34AAA of the AIA1901, provides that powers conferred by officers may be exercised with the officer's discretion, but the functions and duties *must* be performed (see note 73).

Clause 66: Minister may authorise others to perform functions or duties or exercise powers on his or her behalf

86. This clause, based on section 34AAB of the AIA1901, allows for a Minister to appoint a fellow member of the Proprietary Council an acting Minister.

Clause 67: Delegation to persons holding, occupying or performing the duties of an office or position

87. This clause, based on section 34AA of the AIA1901, allows for the delegation of functions, duties and powers to an officeholder (including the holder of an office that does not exist before the delegation).

Clause 68: Effect of delegation

88. This clause, based on section 34AB of the AIA1901, sets out general rules on the delegation of functions, duties and powers by an authority (being a person or other body with functions, duties and powers under legislation).

89. A general delegation of all functions, duties and powers may be made, or the instrument of delegation may limit the matters delegated.

90. The delegate does not themselves have the power of delegation.

91. An act of a delegate is taken to be an act of the authority.

Clause 69
Explanatory Memorandum

92. The performance or exercise of functions, duties and powers by a delegate does not prevent the authority's power to perform or exercise those functions, duties and powers.

93. Additions and alterations to the power of a delegator also have effect on the power of the delegate. For example, when the delegator is provided with extra powers under legislation, those powers are added onto the delegate's powers as well.

Clause 69: Exercise of powers and performance of functions or duties that depend upon the opinion etc. of delegates

94. This clause, based on section 34A of the AIA1901, provides delegates may express an opinion, as if they were in the position of the delegator, where an exercise of a power or performance of a function depends on an opinion.

Clause 70: Presentation of papers to the Parliament

95. This clause, based on section 34B of the AIA1901, provides that papers are taken to be presented to the Parliament, or to each House of the Parliament or one of the Houses if the paper is delivered to the Clerk of the House, is presented to the House within any applicable timeframe and its presentation recorded in the record of proceeding (minutes) of the House.

Clause 71: Periodic reports

96. This clause, based on section 34C of the AIA1901, sets out the standard rules governing the requirement to present periodic reports to Parliament. Unless otherwise specified in legislation:

(A) periodic reports are to be furnished (given) to the responsible Minister as soon as possible and within 6 months after the period to which they relate;

(B) the Minister shall cause the report to be laid before each House of the Parliament within 15 sitting days of that House after the day on which he or she receives the report;

(C) a Minister may grant extensions for the report to be furnished provided he or she lays before each House of the

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Parliament the application from the person liable to report for an extension and the reasons to grant an extension within 3 sitting days of that House; and

(D) the Minister must lay before each House of the Parliament within 3 sitting days of that House after the day on which he or she receives a statement from a person liable to furnish a report on why the report had not been furnished.

Part 8—Distance, time and age

Clause 72: Measurement of distance

97. This clause, based on section 35 of the AIA1901, provides that distance shall be measured in a straight line on a horizontal plane.

Clause 73: Calculating time

98. This clause, based on section 36 of the AIA1901, clarifies whether days are included in calculations of time. If something is taken to happen over 2 days it is taken to include both days. If something is expressed to begin, continue until or end on a specified day, the thing includes that day. However for things expressed to ‘begin from’, ‘begin after’ or ‘end before’ a specified day, it is not taken to include that day.

99. The clause goes on further to clarify that if something is required to be done under legislation on a Saturday, a Sunday or a holiday the thing may be done on the next day that is not a Saturday, a Sunday or a holiday. A ‘holiday’ is defined as a public holiday in the place in which the thing is to be or may be done, or if that thing is to be done at a particular office – a day for which the office is closed the entire day.

Clause 74: Expressions of time

100. This clause, based on section 37 of the AIA1901, provides that a reference to a particular time is a reference to the legal time in that region or part of Urabba Parks.

Clause 75: Attainment of particular age

Explanatory Memorandum

101. This clause, based on section 37A of the AIA1901, provides a person reaches a particular age at the commencement (start) of the anniversary of their birth.

Part 9—Citation of Acts and instruments

Clause 76: Reference to Acts

102. This clause, based on section 38 of the AIA1901, sets out how Acts of the Parliaments of various jurisdictions are referred to.

103. An Act passed by the Parliament of Urabba Parks may be referred to by the word “Act” alone.

104. An Act passed by the legislature of a region may be referred to by the term “regional Act”.

105. An Act passed by the legislature of a jurisdictional division may be referred to by the term “divisional Act”.

106. An Act passed by the legislature of a territory of Urabba Parks may be referred to by the term “territory Act”.

107. An Act passed by the legislature of an associated jurisdiction may be referred to by the term “associated jurisdiction Act”.

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

109. An Act passed by the Parliament of England, the Parliament of Great Britain, or the Parliament of the United Kingdom may be referred to by the term “United Kingdom Act”.

110. An Act passed by the Parliament of a State of the Commonwealth may be referred to by the term “State Act”.

111. An Act passed by the legislature of a Territory referred to in section 122 of the Constitution of the Commonwealth may be referred to by the term “Territory Act”.

Clause 77: Numbering of Acts

Notes on clauses

Part 10—Instruments not covered by the prescribed under the Legislation Act 2022, and parliamentary resolutions

Clause 78 **Explanatory Memorandum**

112. This clause, based on section 39 of the AIA1901, provides Acts shall be numbered consecutively in the order of assent, with such number restarting every year.

Clause 78: Citation of Acts and instruments

113. This clause, based on section 40 of the AIA1901, provides that legislation may be identified by the title or name, the year made and its number, or by a unique identifier given to the Act in accordance with rules prescribed under the Legislation Bill 2022 (which is to commence as an Act immediately after the substantive provisions the Act resulting from enactment of this Bill). Instruments may also be referenced by the date and page number of publication in the *Gazette*, or the date and provision under which they are made.

114. The clause also clarifies that laws of jurisdictions may be referenced by the name of jurisdiction, together with such mode of reference as is sufficient in laws passed by the jurisdiction.

115. The clause also clarifies that enactments are cited by the part of the law of which the enactment relates.

Part 10—Instruments not covered by the prescribed under the Legislation Act 2022, and parliamentary resolutions

Clause 79: Construction of other instruments

116. This clause, based on section 46 of the AIA1901, provides that instruments (other than legislative and notifiable instruments) are to be interpreted in accordance with the Act resulting from the enactment of the Bill as if they were Acts. The clause also clarifies that instruments made by an authority are valid even if they contain matter in excess of the authority's power, and that authorities have the power to alter instruments they have the power to make even if the instrument is altered by an Act. This clause will have a parallel, in relation to legislative instruments and notifiable instruments, in clause 15 of the Legislation Bill 2022, which is set to become an Act.

Clause 80: Prescribing matters by reference to instruments

Clause 81
Explanatory Memorandum

117. This clause, based on section 46AA of the AIA1901, provides that instruments (other than legislative or notifiable instruments, or rules of court) may apply, adopt or incorporate the provisions of an Act, disallowable legislative instrument within the meaning of the clause 5 of the Legislation Bill 2022 (which is to commence as an Act immediately after the substantive provisions the Act resulting from enactment of this Bill), or rules of court. However, an instrument (other than a legislative or notifiable instrument, or rules of court) may only reference an instrument or other kind of writing (not being an Act, disallowable legislative instrument, or rules of court) as in force or existing at or before the instrument commences. Section 5 of the *Legislation Act 2022* defines a **disallowable legislative instrument** as a legislative instrument to which section 63 of that Act applies.

118. If an instrument provides for a form to be used, this section does not apply in relation to the form. This provision will have a parallel, in relation to legislative instruments and notifiable instruments, in clause 16 of the Legislation Bill 2022 (which is to commence as an Act immediately after the substantive provisions the Act resulting from enactment of this Bill).

Clause 81: Construction of resolutions

119. This clause, based on section 47 of the AIA1901, provides that resolution of a House of the Parliament shall be interpreted subject to the Constitution and to the Act under which it purports to have been passed, so that the resolution does not exceed the authority given to Parliament. Resolutions are valid to the extent they are not in excess of authority.

Part 11—Regulations

Clause 82: Regulations

120. This clause, based on section 51 of the AIA1901, provides the Manager-General may make regulations prescribing matters required or permitted by this Act to be prescribed by regulation, or necessary or convenient to be prescribed for carrying out or giving effect to this Act. Although no such matters are required or permitted by this Act to be so prescribed, this clause will allow for transitional and savings provisions

Clause 82
Explanatory Memorandum

enacted in the future to allow for specific matters to be dealt with by the regulations.

(UP2022A00001EM)



APPENDIX – EXPLANATORY MEMORANDUM TO THE
COMMENCEMENT INSTRUMENT

Minute No. 2 of 2022

Subject *Interpretation Act 2022*

Interpretation Act Commencement Proclamation 2022

Subsection 2(1) of the *Interpretation Act 2022* (the *Act*) provides that sections 3 to 82 of the Act commences on a single day to be fixed by Proclamation. However, if the provisions do not commence on 30 June following the day the Act receives the Enactorial Assent, they commence on the day after the end of that period. The Act received the Enactor’s assent on 17 March 2022.

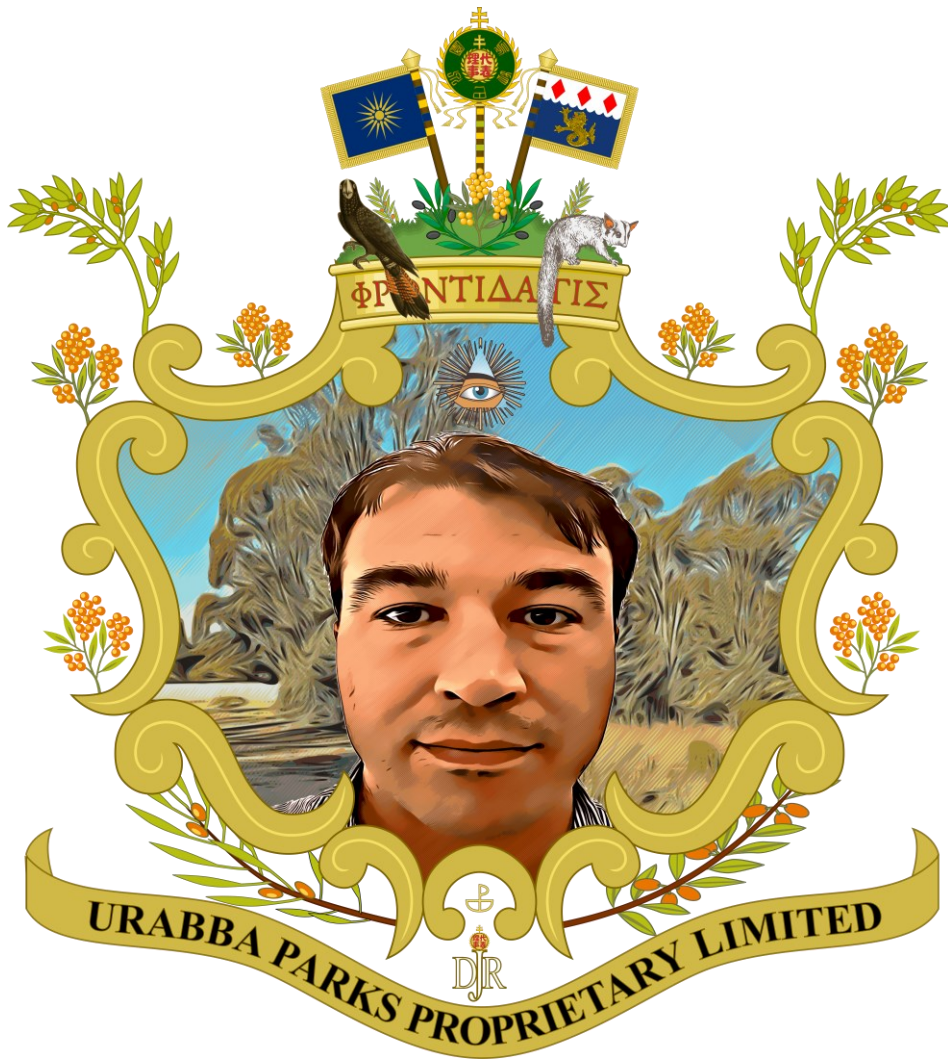
The purpose of the proposed Proclamation is to fix 26 April 2022 as the day on which the sections 3 to 82 of the Act commences.

In addition to the commencement of sections 3 to 82 of the Act, this Proclamation provides for the commencement of the *Legislation Act 2022*. This is because section 2(1) of that Act provides it shall commence immediately after sections 3 to 82 of the *Interpretation Act 2022*. The *Legislation Act 2022* provides a regime for the registration of Acts, legislative instruments and notifiable instruments, and compilations of those laws, as well as parliamentary oversight and sunseting of legislative instruments in a similar manner to the *Legislation Act 2003* of the Commonwealth. Acts, legislative instruments and notifiable instruments, and compilations will be registered by the Company Secretary on the Corporate Register of Legislation. In addition, this Act provides for compilations of extrinsic material by the Company Secretary on the Corporate Register of Legislation.

The proposed Proclamation would be treated as a notifiable instrument under the *Legislation Act 2022*. The Proclamation repeals upon commencement under section 71 of the *Legislation Act 2022*

The Minute recommends that the Proclamation be made in the form proposed.

(UP2022N00002EM)



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This index does not form part of the Act or related materials, and is included for convenience of reference only.

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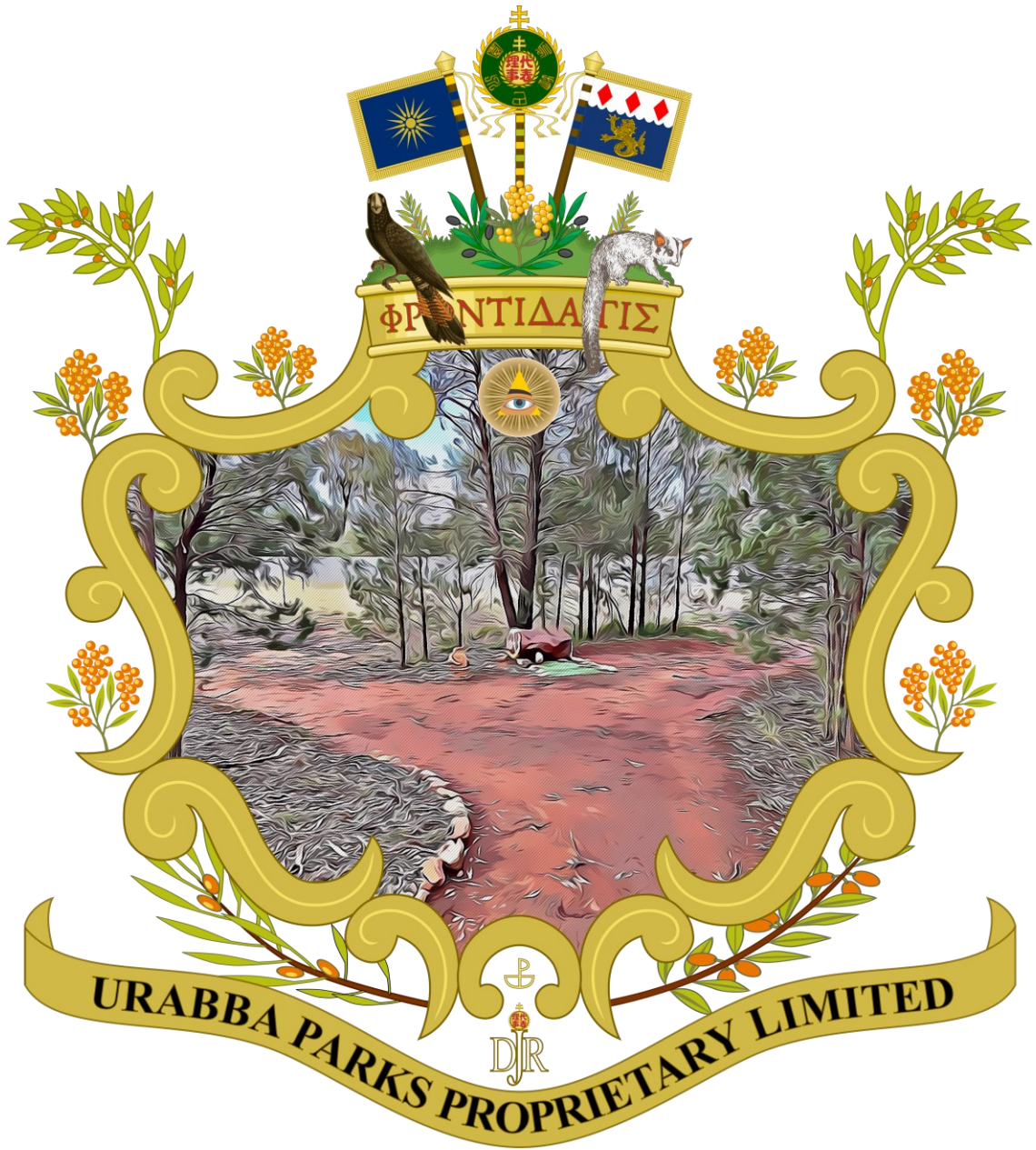
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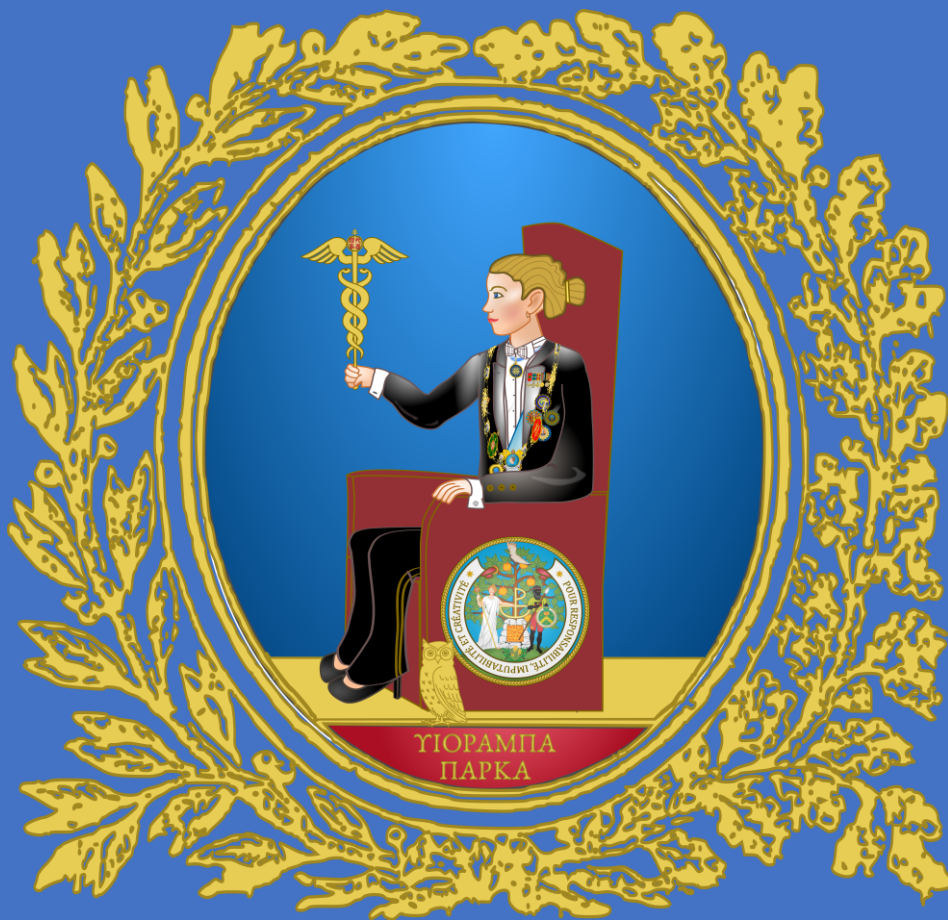
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Interpretation Act 2022 as made on 17 March 2022
together with record of resolution made at Proprietary Council on 25 March 2022,
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