

Act No. 15 of 1987

INTERPRETATION BILL 1986*

NEW SOUTH WALES



EXPLANATORY NOTE

(This Explanatory Note relates to this Bill as introduced into Parliament)

The objects of this Bill are—

- (a) to provide a new code for the interpretation of Acts of Parliament, regulations, by-laws, ordinances and other types of statutory rules to replace the Interpretation Act 1897;
- (b) to enact provisions to shorten Acts and statutory rules; and
- (c) to repeal the Interpretation Act 1897.

In particular, the Bill introduces the following new principles relating to the legislation of the State:

- (a) In interpreting a provision of an Act or statutory rule, a construction which would promote the purpose or object of the Act or statutory rule is to be preferred.
- (b) In interpreting a provision of an Act or statutory rule, consideration may be given, in certain circumstances, to material not forming part of the Act or statutory rule.
- (c) An Act will commence on the 28th day after the day on which Royal Assent is given, unless the Act otherwise expressly provides or unless the Act is commenced earlier by a proclamation made under the proposed Act for that purpose.
- (d) Pecuniary penalties for offences created by an Act or statutory rule may be specified by reference to “penalty units” rather than by reference to amounts of money.

* Amended in committee—see table at end of volume.

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- (e) Procedures for Parliamentary review of statutory rules will merely require a notice identifying the statutory rule to be laid before each House of Parliament rather than, as is presently the case, requiring that the rule itself be laid before each House of Parliament. A statutory rule will be disallowable from when it is published in the Gazette rather than, as is presently the case, only from when it is laid before Parliament.

The Bill also deals with the application of State laws within the coastal waters of the State.

A Table of the provisions of the Interpretation Act 1897 and the corresponding provisions of this Bill is set out in the Appendix to this Explanatory Note.

PART 1—PRELIMINARY

Clause 1 specifies the short title of the proposed Act.

Clause 2 provides that the proposed Act will, with minor exceptions, commence on a day to be appointed by the Governor-in-Council.

Clause 3 defines “instrument” and “statutory rule”. “Instrument” means any instrument (including a statutory rule) made under an Act. “Statutory rule” means a regulation, by-law, rule or ordinance that is made by the Governor, or that is required by law to be approved or confirmed by the Governor, or a rule of court.

Clause 4 provides that the proposed Act will bind the Crown. A similar clause is contained in the corresponding legislation of the Commonwealth, Victoria and Western Australia.

Clause 5 applies the proposed Act to all Acts and instruments (including the proposed Act) whether enacted or made before or after the commencement of the proposed Act, except in so far as a contrary intention appears. The clause also preserves rules of construction, such as common law rules, not inconsistent with the operation of the proposed Act. The clause differs from the corresponding provision of the Interpretation Act 1897 which preserves the application of previous interpretation legislation with respect to certain matters.

PART 2—WORDS AND EXPRESSIONS

Clause 6 provides that definitions in an Act or instrument apply to the construction of the Act or instrument except in so far as the context or subject-matter otherwise indicates or requires. The clause will render unnecessary the existing practice of including such a statement in the provisions of an Act or instrument that define words and expressions.

Clause 7 extends the meaning of a defined word or expression to other parts of speech and grammatical forms of the word or expression. The clause reflects the wording of provisions contained in the corresponding legislation of the Commonwealth and other States.

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Clause 8 ensures that words that indicate a particular gender, and words that indicate singular or plural number, are not to be construed as being restricted to that gender or number.

Clause 9 re-enacts a provision of the Interpretation Act 1897 which defines the meaning of the words "may" and "shall". "May", if used to confer a power, indicates that the exercise of the power is discretionary. "Shall", if used to impose a duty, indicates that the duty must be performed.

Clause 10 provides that words and expressions used in an Act or instrument that repeals or amends another Act or instrument have the same meanings as they have in the other Act or instrument.

Clause 11 provides that words and expressions that occur in an instrument have the same meanings as they have in the Act or provision of the Act under which the instrument is made.

Clause 12 requires references in an Act or instrument to an officer, office, statutory body, locality, jurisdiction or other matter or thing to be construed as references to such an officer, office, statutory body in and for New South Wales or to such a locality, jurisdiction, or other matter or thing, in and of New South Wales. The clause is similar to the corresponding provisions of the Interpretation Act 1897, the Companies and Securities legislation and the Victorian legislation.

Clause 13 requires a reference in any Act or instrument to the Sovereign to be construed as a reference to the Sovereign for the time being and a reference to the Crown to be construed as a reference to the Crown in right of New South Wales. The clause adopts the definition of "Crown" contained in the Companies and Securities legislation.

Clause 14 requires a reference in any Act or instrument to the Governor to be construed as a reference to the Governor with the advice of the Executive Council, including a reference to the person for the time being lawfully administering the Government (for example, the Lieutenant Governor).

Clause 15 requires references in any Act or instrument to a Minister to be construed as references to the Minister administering the Act or instrument. The clause adopts provisions contained in the Companies and Securities legislation which identify the particular Minister being referred to in an Act or instrument where the Act, or the Act under which the instrument is made, is administered by more than one Minister.

Clause 16 requires references in any Act or instrument to British subjects to be read as including references to Australian citizens, and ensures that a rule of law that applies to a British subject will apply to an Australian citizen.

Clause 17 requires references in any Act or instrument to the Great Seal of the State or the Seal of the State to be construed as references to the Public Seal of the State.

Clause 18 requires a reference in any Act or instrument to a sitting day, in relation to a House of Parliament, to be construed as a reference to a day on which the House actually sits and requires a reference to a number of sitting days to be construed as including days within the same or within different sessions of Parliament. The effect of this clause is particularly important in the context of Parliamentary review of statutory rules (see clauses 40 and 41).

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Clause 19 requires a reference in any Act or instrument to a particular officer or to the holder of a particular office to be construed as a reference to the person occupying or acting in the office for the time being.

Clause 20 defines the expressions “by-law”, “ordinance”, “prescribed”, “regulation” and “rule” in relation to their use in any Act.

Clause 21 defines common words and expressions in relation to their use in any Act or instrument. Expressions defined include “affidavit”, “Australia”, “calendar month”, “calendar year”, “committal proceedings”, “contravene”, “definition”, “document”, “felony”, “indictable offence”, “individual”, “Local Court”, “Magistrate”, “party”, “person”, “summary offence” and “writing”.

PART 3—COMMENCEMENT OF ACTS AND INSTRUMENTS

Clause 22 requires a reference to the enactment of an Act or the passing of an Act to be read as a reference to the fact of the Act’s having received the Royal Assent. The clause also makes the date of assent printed on an Act printed by the Government Printer admissible as evidence of the date of assent to the Act.

Clause 23 provides that an Act shall commence, unless it otherwise provides, 28 days after Royal Assent is given. The time for commencement may be abridged by fixing a particular day for commencement under the proposed Act. The clause sets out the extent of the power to appoint by proclamation a day on which an Act shall commence. The clause also provides that an Act may be referred to by its short title even though the provision containing the short title has not commenced. The clause further provides that a proclamation commencing an Act may be made, and shall have effect, even though the provision that provides for the making of the proclamation has not commenced when the proclamation is made.

Clause 24 provides that an Act or statutory rule which provides that the Act or rule shall commence on a particular day shall commence at the beginning of that day. The clause is similar to provisions contained in the corresponding legislation of Victoria and Western Australia.

Clause 25 enables the expression “commencement” of an Act to be used even though the Act concerned may provide that some provisions are to commence at different times. A provision to this effect was inserted into the Interpretation Act 1897 in 1984.

Clause 26 enables instruments of a legislative or administrative character to be made under an uncommenced Act that would, if it had commenced, confer a power to make such an instrument. The purpose of the clause is to enable certain acts to be done, such as the making of an appointment or a statutory rule, where the provision enabling the act to be done has been enacted but has not yet commenced.

PART 4—AMENDMENTS AND REPEALS

Clause 27 enables an Act to be repealed or amended in the same session of Parliament as that in which it was passed.

Clause 28 ensures that an Act or statutory rule that is repealed by some other Act or statutory rule is not revived merely because the repealing Act or statutory rule is subsequently repealed or amended or subsequently ceases to have effect.

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Clause 29 continues repealed provisions of Acts or statutory rules in force if the provisions have been repealed by a law that has enacted new provisions in substitution for the repealed provisions and the new provisions are not yet in force.

Clause 30 sets out the effect of the repeal or amendment of an Act or statutory rule. The clause saves the previous operation of the Act or statutory rule and any rights, privileges and liabilities acquired, accrued or incurred under the repealed Act or rule. It requires a reference to a repeal or amendment to be construed as including a reference to an implied repeal or amendment of an Act or statutory rule, an abrogation or limitation of the effect of an Act or statutory rule and the exclusion of the application of an Act or statutory rule.

PART 5—CONSTRUCTION OF ACTS AND INSTRUMENTS

Clause 31 requires an Act or instrument to be construed as operating to the full extent of, but so as not to exceed, the Parliament's legislative power and, where it would otherwise be invalid, to be read down accordingly. A similar provision is contained in the Interpretation Act 1897.

Clause 32 requires an instrument to be construed as operating to the full extent of, but so as not to exceed, the power conferred by the Act under which it is made and, where it would otherwise be invalid, to be read down accordingly.

Clause 33 provides that, in interpreting a provision of an Act or statutory rule, a construction promoting the purpose or object of the Act or statutory rule shall be preferred to a construction that would not promote that purpose or object. A similar clause is contained in the corresponding legislation of the Commonwealth and Western Australia and in the Companies and Securities legislation.

Clause 34 enables extrinsic material to be considered in interpreting a provision of an Act or statutory rule. In particular—

- (a) it provides that material not forming part of an Act or statutory rule may be considered for the purpose of confirming the ordinary meaning of its text or resolving any ambiguity or absurdity that would otherwise arise;
- (b) it describes the kind of extrinsic material that may be considered in the interpretation of an Act or statutory rule; and
- (c) it sets out the matters to be considered when determining whether consideration should be given to extrinsic material (including the desirability of being able to rely on the ordinary meaning of the text of an Act or statutory rule and the need to avoid prolonging legal or other proceedings without compensating advantage) and the weight to be given to such material.

Clause 35 makes provision with respect to headings to provisions of Acts and instruments. Headings to Parts, Divisions, Subdivisions and Schedules are to be taken to be part of an Act or instrument while other headings, parenthetical matter referring to headings to provisions of Acts and instruments, marginal notes, footnotes and endnotes are not to be taken to be part of an Act or instrument.

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Clause 36 sets out a method for the reckoning of a period of time allowed by an Act or instrument for the doing of any thing, and provides for the case where the last day of such a period falls on a Saturday, Sunday, public holiday or bank holiday. A provision, based on the corresponding legislation of Western Australia, is also included so as to enable a power to extend the period of time for the doing of any thing to be exercised even though the period of time has expired. In addition, the clause enables an application for an extension of such a period of time to be made even though the period of time has expired.

Clause 37 establishes that, for the purposes of any Act or instrument, the beginning of a person's birthday is the time at which a person attains a particular age.

Clause 38 requires a distance measured for the purposes of any Act or instrument passed or made after the commencement of the proposed Act to be measured in a straight line on a horizontal plane. For the purposes of any Act or instrument passed or made before the commencement of the proposed Act, distance is to be measured according to the shortest practicable route used in travelling, as is currently the situation under the Interpretation Act 1897.

PART 6—STATUTORY RULES AND CERTAIN OTHER INSTRUMENTS

Clause 39 requires a statutory rule to be published in the Gazette and specifies that it shall commence on Gazettal or on such later day as may be specified in the rule.

Clause 40 sets out the procedure for Parliamentary review of statutory rules. The clause—

- (a) requires tabling in Parliament of a written notice of the making of a statutory rule within 14 sitting days of the House after the rule has been published in the Gazette or, if it has not been so published, within 14 sitting days of its being made;
- (b) requires the written notice to identify a statutory rule which has been published in the Gazette and to specify the number, date and pages of the Gazette in which the rule was published; and
- (c) ensures that a statutory rule is not rendered invalid merely because a written notice concerning the rule is not laid before each House of Parliament in accordance with the clause.

Clause 41 enables either House of Parliament to pass a resolution disallowing the whole or any part of a statutory rule from the time the rule is published in the Gazette so long as notice of motion of the proposed disallowance is given within 15 sitting days of that House after written notice of the rule has been laid before it. At present, a statutory rule may not be disallowed until it has been laid before Parliament. On the passing of a resolution disallowing a statutory rule the rule shall cease to have effect. Any statutory rules repealed or amended by a disallowed rule will be revived or restored on and from the day the rule is disallowed.

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Clause 42 enables a statutory rule to make provision for or with respect to a matter by applying, adopting or incorporating the provisions of an existing Act or statutory rule or any matter contained in any other publication. This clause adopts provisions contained in the corresponding Commonwealth legislation. The clause also enables a statutory rule to apply generally or specifically, to apply differently according to different factors and to authorise matters or things to be determined, applied or regulated by any specified person or body.

Clause 43 requires a power conferred by an Act to make a statutory rule to be construed as including power to repeal or amend a statutory rule made in the exercise of that power.

Clause 44 provides for judicial notice to be taken of instruments made by the Governor that have been published in the Gazette and of statutory rules (whether made or approved by the Governor) that have been so published.

Clause 45 is an evidentiary provision that requires a presumption to be made (in the absence of evidence to the contrary) that all conditions and preliminary steps precedent to the making of an instrument have been complied with.

PART 7—EXERCISE OF STATUTORY FUNCTIONS

Clause 46 provides that the powers conferred by an Act or instrument in relation to the appointment of a person will include the power to make an appointment by name or by reference to a particular officer or the title of a particular office. An appointment made by reference to a particular officer or the title of a particular office will be taken to be the appointment of the person occupying or acting in the office for the time being. The clause is similar to a provision contained in the corresponding Western Australian legislation.

Clause 47 enables a power conferred by an Act or instrument to appoint a person to an office to be exercised from time to time and provides that such a power includes a power (exercisable at any time) to remove or suspend the person appointed and a power to appoint a person to act in the place of a person so removed or suspended. A power to appoint a person will be capable of being exercised as occasion requires or in anticipation of a particular event or state of affairs.

Clause 48 enables a function conferred or imposed by an Act or instrument to be exercised from time to time, and to be exercised by a person occupying or acting in an office for the time being.

Clause 49 provides that a power conferred by an Act or instrument to delegate a function includes a power to delegate the function to a person by name or by reference to a particular officer or the title of a particular office. The clause sets out provisions of the kind that are currently included in Acts and instruments in relation to the delegation of functions.

PART 8—STATUTORY BODIES

Clause 50 sets out the powers of a statutory corporation. It gives a statutory corporation perpetual succession, power to take proceedings in its corporate name, power to deal with property and power to do all other things that bodies corporate may, by law, do.

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Clause 51 requires judicial notice to be taken of the seal of a statutory corporation.

Clause 52 prevents an act or proceeding of a statutory body from being called into question on the ground of vacancies in its membership, defects in the appointment of its members, disqualification of its members or minor irregularities in the conduct of its meetings or the presence at or participation in its meetings of persons not entitled to be present at its meetings.

Clause 53 sets out the effect of the alteration of the name of a body or office or of the constitution of a body. If a name is changed, the body or office continues in existence and any reference in an Act or instrument or other instrument or document to the body or office is to be construed as a reference to the body or office under its new name. If the constitution is changed, the functions of the body are not altered, previously instituted legal or other proceedings are not affected and investigations and inquiries will be capable of being continued into any prior action by the body or any practices of the body. The provisions of this clause are adapted from similar provisions contained in the corresponding Commonwealth legislation.

PART 9—PENALTIES

Clause 54 sets out the effect of specifying a penalty at the foot of the section or subsection of an Act creating an offence. The effect is that a contravention of the section or subsection is an offence, punishable on conviction by a penalty not exceeding the penalty so specified. The clause is to apply to statutory rules in the same way as it applies to Acts, subject to any necessary modifications.

Clause 55 provides that an increase in a penalty is to apply only to offences committed after the commencement of the provision that makes the alteration. A reduction in a penalty is to apply to offences committed before the commencement of the amending provision but is not to affect any penalty imposed before that date. A similar clause was inserted into the Interpretation Act 1897 in 1984.

Clause 56 provides that a reference in an Act or statutory rule to a number of penalty units shall be read as a reference to an amount of money equal to the amount obtained by multiplying \$100 by that number of penalty units. The existence of this clause facilitates the use of penalty units to prescribe the pecuniary penalty for an offence. The amendment of the proposed section will be a means of amending the general level of penalties and maintaining relativity between offences. The system of penalty units presently operates in Victoria and is adopted in this State's credit legislation.

Clause 57 prohibits a person from being prosecuted and convicted for an act or omission under a law of this State and a law of the Commonwealth or of another State.

PART 10—APPLICATION OF STATE LAWS TO COASTAL WATERS

Clause 58 defines "adjacent area in respect of the State", "coastal waters of the State", "laws of the State" and "territorial sea of Australia" for the purposes of the proposed Part.

Clause 59 applies the laws of the State to the coastal waters of the State and the seabed and subsoil beneath, and the airspace above, the coastal waters of the State.

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Clause 60 prevents the proposed Part from affecting a law which applies only, or does not apply, to a particular place or specified locality.

Clause 61 extends the jurisdiction of courts to the coastal waters of the State.

Clause 62 indicates that the power of Parliament to enact the proposed Part is supported by the legislative power of Parliament as extended by section 5 of the Coastal Waters (State Powers) Act 1980 of the Commonwealth.

Clause 63 preserves the application of those laws of the State that currently apply beyond the limits of the State.

PART 11—MISCELLANEOUS

Clause 64 states that every section of an Act has effect as a substantive enactment without introductory words (such as "Be it further enacted....").

Clause 65 provides for the manner in which Acts of Parliament may be referred to.

Clause 66 provides for the citation of State Acts, Commonwealth Acts, Acts of other States and British Acts.

Clause 67 provides for the citation of instruments by their citations or by reference to the Acts under which they are made and to their date of publication (if any) in the Gazette. Provision is also made for the citation of instruments made under the Acts of the Commonwealth, of other States and Territories and of Great Britain.

Clause 68 requires a reference in an Act or instrument to another Act or instrument to be read as a reference to that Act or instrument, as in force for the time being. A reference in an Act or instrument to an Act or instrument that has been repealed and re-enacted or re-made is to be read as a reference to the re-enacted Act or re-made instrument.

Clause 69 requires a reference in an Act or instrument to a publication to be read as a reference to the publication as it was when the provision containing the reference was enacted or made, unless the contrary intention appears.

Clause 70 enables a reference to a short title or citation of an Act or instrument that has been changed to be read as a reference to the short title or citation as changed.

Clause 71 provides that an Act or instrument that expires on a particular day shall expire at the end of that day. This clause adopts a similar provision contained in the corresponding Victorian legislation.

Clause 72 provides that an Act to continue a temporary Act takes effect from the date of the expiration of the temporary Act, even though the temporary Act may have expired while the continuing Act was still in the form of a Bill before Parliament. Where a continuing Act takes effect retrospectively under this clause, a person is not subject to any penalty for a contravention of the temporary Act during the period between the expiry of the temporary Act and the giving of Royal Assent to the continuing Act.

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Clause 73 prevents a Private Act passed after the commencement of the proposed Act from affecting the rights of the Crown or of any person (other than a person at whose instance or for whose benefit the Private Act was enacted) or from imposing liabilities on the Crown or the person. The operation of previous provisions relating to Private Acts is saved.

Clause 74 states that a Private Act does not become a Public Act merely because it has been amended by or under a Public Act.

Clause 75 provides that it is sufficient compliance with an obligation under an Act or statutory rule to publish a notice or advertisement in the Gazette and in one or more newspapers if a summary of the notice or advertisement that was published in the Gazette is published in the newspaper. This clause re-enacts the operative provisions of the Publication of Statutory Advertisements and Notices Act 1920.

Clause 76 provides that where service by post is authorised or required under an Act or instrument it may be effected by prepaid letter sent by ordinary post, and further provides that service shall be taken to have been effected at the time when the letter would have been delivered in the ordinary course of post.

Clause 77 enables documents to be sent by ordinary post even though the Act or statutory rule under which the document is sent specifies that it be sent by registered mail or registered post or certified mail or certified post. The Governor may, by order, exclude any Act or statutory rule from the operation of the proposed provision. The clause preserves the operation of section 27 (II) of the Interpretation Act 1897 in relation to Acts and statutory rules enacted or made prior to 1969.

Clause 78 gives a body for the time being having power to make rules of court power to make rules for the purpose of any Act or statutory rule that permits or requires any thing to be done by or in accordance with rules of court, as well as power to make rules with respect to practice and procedure when a new jurisdiction is conferred or an existing jurisdiction is extended or varied.

Clause 79 provides that a person authorised by law, or by consent of parties, to conduct a hearing for the purpose of determining any matter or thing may receive evidence, examine witnesses and administer oaths to all witnesses lawfully called before the person. This clause extends to the situation where a hearing is to be conducted by a person other than the person who is to determine the matter the subject of the hearing.

Clause 80 provides that substantial compliance with a prescribed form is sufficient, but that a form must be completed in the manner prescribed by it for its completion. The clause is similar to a provision contained in the corresponding legislation of the Commonwealth.

Clause 81 gives effect to a Schedule of amendments to proposed section 16.

Clause 82 gives effect to a Schedule of repeals.

Clause 83 gives effect to a Schedule of savings and transitional provisions.

Schedule 1 amends proposed section 16. These amendments are contingent on the enactment of certain Commonwealth legislation. Similar amendments were included in the Statute Law (Miscellaneous Provisions) Act 1985.

Schedule 2 repeals certain enactments.

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Schedule 3 contains savings and transitional provisions.

APPENDIX**TABLE OF CORRESPONDING PROVISIONS**

Section, Interpretation Act 1897	Clause, Interpretation Bill 1986
Sec. 5. Continuing Act to operate upon passing from expiration of continued Act	Cl. 72. Retrospective commencement of continuing Acts
Sec. 6. Effect of repeal of enactment	Cl. 28. Repealed Acts and statutory rules not revived
Sec. 7. Repealed enactment in force until substituted provisions operate	Cl. 29. Repealed Acts and statutory rules continue in force
Sec. 8. Effect of repeal	Cl. 30. Effect of amendments etc. of Acts and statutory rules
Sec. 9. Expiration of enactment	Cl. 30. Effect of amendments etc. of Acts and statutory rules
Sec. 10. Acts may be altered, &c., in same session	Cl. 27. Acts may be amended etc. in the same session of Parliament
Sec. 11. Every section a substantive enactment	Cl. 64. Every section of an Act a substantive enactment
Sec. 11A. Headings, marginal notes, footnotes, etc.	Cl. 35. Headings etc.
Sec. 12. Amending to be construed with amended Act	Cl. 10. Construction of amending Acts and instruments
Sec. 14. No private Act to affect the Crown or individuals not named	Cl. 73. Private Acts not to affect rights of the Crown etc.
Sec. 14A. Plenary construction of Acts	Cl. 31. Acts and instruments to be construed so as not to exceed the legislative power of Parliament
Sec. 15. References to the Sovereign, the Governor and "the Minister"	Cl. 13. Sovereign and Crown Cl. 14. Governor Cl. 15. Minister
Sec. 16. Mention of an officer in general terms	Cl. 19. Holders of offices
Sec. 17. Words "in and for New South Wales" to be implied	Cl. 12. References to New South Wales to be implied
Sec. 18. Expressions in instrument under an Act to have the same meaning as in the Act	Cl. 11. Words etc. in instruments under an Act have same meanings as in the Act

*Interpretation 1986*TABLE OF CORRESPONDING PROVISIONS—*continued*

Section, Interpretation Act 1897	Clause, Interpretation Bill 1986
Sec. 19. References to "writing"	Cl. 21. Meaning of commonly used words and expressions
Sec. 20. "Statutory declaration"	Cl. 21. Meaning of commonly used words and expressions
Sec. 21. Meaning of words	Cl. 21. Meaning of commonly used words and expressions
Sec. 21A. References in New South Wales laws to British subjects	Cl. 16. British subjects and aliens
Sec. 21B. Age	Cl. 27. Age
Sec. 23. Meaning of "may" and "shall"	Cl. 9. Meaning of may and shall
Sec. 24. References to Acts, etc.	Cl. 65. References to Acts generally
Sec. 25. References to amended or substituted Acts or statutory instruments	Cl. 68. References to amended Acts and instruments
Sec. 26. Rules of Court	Cl. 78. Rules of court
Sec. 27. Meaning of service by post	Cl. 76. Service by post Cl. 77. Registered post etc. not necessary in the case of Acts and statutory rules passed etc. before 24.4.1969
Sec. 29. "Felony"	Cl. 21. Meaning of commonly used words and expressions
Sec. 29A. Cognate words	Cl. 7. Cognate words
Sec. 30. Grant of power to make appointments	Cl. 47. Powers of appointment imply certain incidental powers
Sec. 31. Exercise of powers and duties	Cl. 48. Exercise of statutory functions
Sec. 32. Powers conferred by Acts	Cl. 48. Exercise of statutory functions Cl. 43. Implied power to amend or repeal statutory rules and orders
Sec. 33. Powers to determine to include authority to administer oath	Cl. 79. Authority to administer oaths
Sec. 35. Computation of distance and reckoning of time	Cl. 36. Reckoning of time Cl. 38. Measurement of distance
Sec. 36. Citation of Acts	Cl. 66. Citation of particular Acts
Sec. 36A. References to "commencement"	Cl. 25. References to commencement of Acts and instruments
Sec. 37. Exercise of certain powers between passing and commencement of Act	Cl. 26. Exercise of certain powers between enactment and commencement of Acts
Sec. 38. Statutory corporations	Cl. 50. Statutory corporations
Sec. 39. Acts and proceedings of statutory bodies	Cl. 52. Proceedings of statutory bodies

*Interpretation Act*TABLE OF CORRESPONDING PROVISIONS—*continued*

Section, Interpretation Act 1897	Clause, Interpretation Bill 1986
Sec. 40. Exercise or performance of delegated powers, authorities, duties or functions	Cl. 49. Delegation of functions
Sec. 41. Machinery for making regulations	Cl. 39. The making of statutory rules
Sec. 42. Regulations, etc.—conditions precedent	Cl. 45. Presumption of validity of certain instruments
Sec. 43. Effect of repeal of regulations	Cl. 30. Effect of amendments etc. of Acts and statutory rules
Sec. 44. Method of imposing penalties	Cl. 54. Method of imposing penalties
Sec. 45. Effect of alterations in penalties	Cl. 55. Alteration of penalties