

- (f) to the person for the time being holding the office of Deputy Government Leader in the Legislative Council, a salary calculated at the rate of three hundred and twenty-five pounds a year;
- (g) to the member of the House of Assembly who is for the time being the Leader of the Opposition—
 - (i) a salary calculated at the rate of one thousand one hundred pounds a year; and
 - (ii) a travelling allowance calculated at the rate of two hundred pounds a year;
- (h) to the member of the House of Assembly who is for the time being the Deputy Leader of the Opposition, a salary calculated at the rate of three hundred and fifty pounds a year;
- (i) to the Government Whip, a salary calculated at the rate of one hundred and seventy-five pounds a year; and
- (j) to the Opposition Whip, a salary calculated at the rate of one hundred and seventy-five pounds a year.

(2) No salary is payable under this paragraph to the person who is for the time being the holder of the office of Government Leader in the Legislative Council at any time while that person is in receipt of a salary under the provisions of the third schedule.

2. The salary payable to a person by virtue of paragraph 1 of this schedule shall be paid by equal monthly instalments on the last day of each month.

3. Where the House of Assembly is dissolved or expires by effluxion of time, a person who is the holder of the office of—

- (a) Leader of the Opposition in that House;
- (b) Deputy Leader of the Opposition in that House;
- (c) Government Whip; or
- (d) Opposition Whip,

is entitled, notwithstanding the dissolution or expiry of that House, to receive the salary and allowance (if any) payable to him by virtue of paragraph 1 of this schedule until the date fixed for the taking of the poll next following the dissolution or expiry of that House.

ACTS INTERPRETATION.

No. 11 of 1962.

AN ACT to amend the *Acts Interpretation Act 1931*.
[10 May 1962.]

BE it enacted by His Excellency the Governor of Tasmania, by and with the advice and consent of the Legislative Council and House of Assembly, in Parliament assembled, as follows:—

Short title
and citation.

1—(1) This Act may be cited as the *Acts Interpretation Act 1962*.

(2) The *Acts Interpretation Act 1931*, as subsequently amended, is in this Act referred to as the Principal Act.

2 After section two of the Principal Act the following section is inserted:—

“2A In this Act, unless the contrary intention appears, ‘regulation’ includes rule and by-law.”

Meaning of “regulation”.

3 Section five of the Principal Act is amended—

- (a) by omitting from subsection (2) thereof the word “Every” and substituting therefor the words “In any Act (including this Act) a”; and
- (b) by omitting from that subsection the words “rules, and by-laws”.

Meaning of “Act”.

4 Section twelve of the Principal Act is amended by inserting in subsection (2) thereof, after the word “Kingdom”, the words “or the Parliament of England, as the case may be,”.

Reference to Acts.

5 Section thirteen of the Principal Act is amended by adding at the end of subsection (5) thereof the words “, whether those subsequent enactments are, or any of them is, passed before or after the passing of the Act in which the reference or citation occurs”.

Citation of Acts.

6 After section eighteen of the Principal Act the following section is inserted:—

“18A When a Bill for continuing a temporary enactment has been introduced into Parliament, and, at the date of the expiration of the temporary enactment, has not been passed, that Bill, upon receiving the Governor’s assent for and on behalf of His Majesty (or, if reserved for the signification of His Majesty’s pleasure, upon His Majesty’s assent thereto being proclaimed by the Governor) shall, unless the contrary intention appears therein, be deemed to have taken effect in continuing the temporary enactment on and from the date of the expiration thereof; but no person is liable, or shall be subjected, to any punishment, penalty, or forfeiture for or in respect of anything done or omitted to be done by him, contrary to any provision of the temporary enactment, between the date of its expiration and the date of that assent.”.

Continuing Act to operate from expiration of continued Act.
48 Geo. 3, c. 106 (Imp.).
3 Edw. VII, No. 12, s. 34 (Tas.).
No. 1215 of 1915, s. 17 (S.A.).

7 Section twenty-one of the Principal Act is amended by omitting subsection (3) thereof and substituting therefor the following subsection:—

Power to appoint includes power to remove or reappoint.

“(3) Where, under a power conferred by an Act, a person is appointed to an office or place for a fixed term, then, unless the contrary is expressly provided in that Act—

- (a) he may be reappointed to that office or place at the expiration of that term if he is still qualified as prescribed by that Act; or
- (b) if he is not so reappointed and no other person is appointed in his stead, the first-mentioned person may, until—

- (i) the date on which some other person is appointed in his stead; or
- (ii) a date not later than six months after the expiration of that term,

whichever is the earlier date, continue to exercise and perform all the powers, authorities, functions, and duties conferred or imposed upon, or appertaining to, the holder of that office or place as validly and effectually for all purposes as if he had been duly reappointed thereto.”

8 After section twenty-three of the Principal Act the following sections are inserted:—

Exercise of certain powers and functions by a delegate.
Cf. No. 2 of 1901 (Cth), s. 34A.

“23A—(1) Where, under an Act, the exercise of a power or function by a person is dependent upon the opinion, belief, or state of mind of that person in relation to a matter and that power or function has been delegated in pursuance of that Act, that power or function may be exercised by the delegate upon the opinion, belief, or state of mind of the delegate in relation to that matter.

“(2) Where the operation of a provision of an Act is dependent upon the opinion, belief, or state of mind in relation to a matter of a person specified in that Act and any of the powers or functions of that person have been delegated, in pursuance of that Act, to some other person, that provision may operate upon the opinion, belief, or state of mind of the delegate in relation to that matter.

Temporary appointments to vacancies on boards, &c.

“23B—(1) Where—

- (a) by or under an Act, there is established, constituted, or appointed any board, commission, committee, or other body of persons (whether incorporated or unincorporated) consisting of or including any members to whose appointment nomination by any person or election by any persons is a condition precedent; and
- (b) it becomes necessary for any reason to replace a member of the board, commission, committee, or body and it appears to the Governor that it is not practicable for a nomination or an election to be made or held within a reasonable time,

the Governor may, by proclamation setting out the circumstances requiring action, appoint some person to hold office as a member of the board, commission, committee, or body until the vacancy can be regularly filled; but, where the nomination or election is required to be made by a body of persons having a general committee, committee of management, executive committee, or other like institution that can conveniently be consulted, the Governor shall, if it is reasonably practicable so to do, obtain the assent of that committee or institution to the appointment.

“(2) No proclamation under this section shall be questioned in any court except by information in the nature of *quo warranto*; and if on the hearing of the information judgment of ouster is given, all the acts of the person ousted purporting to be done by virtue of his appointment before the date of judgment shall, notwithstanding the judgment of ouster, be deemed to be as valid for all purposes as if he had been lawfully appointed to the board, commission, committee, or body of persons.

“23C Where by or under an Act—

(a) there is established, constituted, or appointed any board, commission, committee, or other body of persons (whether incorporated or unincorporated) comprising two or more members; and

Power of statutory body to act during vacancy in its membership.

(b) a vacancy occurs in the office of a member thereof, that Act shall, unless the contrary intention appears therein, be deemed to empower the board, commission, committee, or body to function, and the remaining member or members thereof to act, notwithstanding the vacancy, so long as the number of members prescribed by or under that Act as a quorum of the board, commission, committee, or body remains.

“23D Where a person is appointed to any office or place under or for the purposes of an Act before the commencement of that Act that person may, during the period between the date of his appointment to that office or place and the date of the commencement of that Act, be paid such remuneration and such sums by way of reimbursement of expenses as he could have been paid if the Act had commenced on the date of his appointment.”

Payment of persons appointed before commencement of Act.

9 Section twenty-nine of the Principal Act is repealed and the following sections are substituted therefor:—

“29—(1) Where by or under any Act any time or period of time, dated or reckoned from a given day, act, or event, is prescribed or allowed for any purpose that time or period of time shall be reckoned exclusively of that day, or of the day of that act or event, as the case may be.

Reckoning of time.

“(2) Where by or under an Act a period is expressed to be a specified number of clear days or a specified number of days at least, that period shall be reckoned exclusively both of the given day or of the day of the specified act or event and also of the day on which the purpose is to be fulfilled.

“(3) Where any time, or the first or last day (according as it is reckoned backwards or forwards) of any period of time, prescribed or allowed for the doing of any act or thing falls on a Sunday or on any day which is a bank holiday or a public holiday throughout the State or in that part of the State where the act or thing is to be, or may be, done (which days are in this section referred to as excluded days) the act or thing—

- (a) if the time or period of time is reckoned forwards, shall be considered as done in due time if it is done on the next day afterwards, not being an excluded day; and
- (b) if the time or period of time is reckoned backwards, shall not be considered as done in due time unless it is done on the next day before, not being an excluded day.

“(4) Where the last day of the period prescribed or allowed for the filing or registration of a document or instrument falls on a day on which the office in which the filing or registration is to be effected is not open, the document or instrument may be filed or registered on the next ensuing day on which the office is open.

“(5) Where any act or proceeding is directed or allowed to be done on a particular day so fixed or prescribed that subsection (3) of this section is not applicable, then if that day happens to be an excluded day, the act or proceeding shall be considered as done or taken in due time if it is done or taken on the next day afterwards, not being an excluded day.

“(6) When an act or proceeding is directed or allowed to be done or taken within any time not exceeding six days, excluded days shall not be reckoned in the computation of time.

“29A—(1) On and after the date from which, by virtue of the operation of the Commonwealth Act, the Commonwealth legal units of measurement of a physical quantity are the sole legal units of measurement of that physical quantity, a reference in any Act to a unit of measurement of that physical quantity shall, if there is a Commonwealth legal unit of measurement of that physical quantity of the same name and unless the contrary intention appears, be read as a reference to that Commonwealth legal unit of measurement.

“(2) In this section—

‘Commonwealth Act’ means the *Weights and Measures (National Standards) Act 1960* of the Commonwealth, and includes that Act as amended from time to time and any Commonwealth Act passed in substitution for that Act;

‘Commonwealth legal unit of measurement’ means a unit of measurement prescribed under the Commonwealth Act.”.

10 Section thirty of the Principal Act is amended by omitting subsection (2) thereof and substituting therefor the following subsection:—

“(2) Where an Act authorizes or requires any notice or other document to be given, sent, served, or delivered by registered post, the giving, sending, serving, or delivery thereof shall be deemed to be effected by properly addressing, prepaying, and posting the notice or document as a letter—

Application of national standards of weights and measures.
Cf. No. 64 of 1960 (C'th), s. 14.

Service by post.

- (a) duly registered; or
- (b) unless the contrary intention appears in that Act, sent by means of the certified mail service,

as provided by the postal regulations as in force for the time being, and, unless the contrary is proved, shall be deemed to have been effected at the time when the letter would be delivered in the ordinary course of post.”.

11 After section thirty-eight of the Principal Act the following section is inserted:—

“38A—(1) Except as provided by subsection (2) of this section, every proclamation by the Governor made or purporting to be made in pursuance of any Act or Imperial Act or in the exercise of a prerogative right of the Crown shall be published in the *Gazette*. Publication, &c., of proclamations.

“(2) Subsection (1) of this section does not apply to or in relation to any proclamation that is a statutory rule the making of which is notified in the *Gazette* in accordance with the provisions of the *Rules Publication Act 1953*.”.

12 Section forty of the Principal Act is amended—

- (a) by inserting therein, after the word “Governor”, the words “, a Minister,”; and
 - (b) by inserting therein, after the word “order-in-council”, the word “, order,”.
- Conditions precedent need not be recited.

13 Section forty-five of the Principal Act is amended—

- (a) by inserting therein, after the definition of “Consolidated Revenue”, the following definition:—
 - “‘Financial Agreement’ shall mean the agreement made between the Commonwealth and the States and ratified by the *Financial Agreement Act 1927*, and includes that agreement as varied from time to time and any agreement made in substitution therefor;”;
 - (b) by inserting therein, after the definition of “gazetted”, the following definition:—
 - “‘Loan Fund’ shall mean the Loan Fund established under the *Public Account Act 1957*;”;
 - (c) by inserting in the definition of “proclamation”, after the word “published”, the words “or notified”; and
 - (d) by adding at the end thereof the following definition:—
 - “‘Trust Fund’ shall mean the Trust Fund established under the *Public Account Act 1957*.”.
- Administrative terms.

Regulations.

14 Section forty-seven of the Principal Act is amended—

(a) by omitting subsection (3) thereof and substituting therefor the following subsection:—

“(3) Except where otherwise expressly provided, every regulation made under an Act—

- (a) shall be published in the *Gazette*, except in the case of a regulation that is a statutory rule within the meaning of the *Rules Publication Act 1953*, in which case the making thereof shall be notified in the *Gazette* in accordance with that Act;
- (b) shall be laid before each House of Parliament within the first ten sitting days of the House after the regulation is so published or, as the case may be, the making thereof is so notified; and
- (c) takes effect, if made as provided by the authorizing Act, from the date of the publication, or of the notification of the making, of the regulation in the *Gazette* or from such other date as may be specified in that behalf in the regulation.”;
- (b) by inserting in subsection (3A) thereof, after the word “thereof”, the words “, or of the notification of the making,”;
- (c) by omitting from subsection (9) thereof the words “for the Governor’s approval” and substituting therefor the words “to the Governor to be made, approved, confirmed, consented to, or sanctioned by him”; and
- (d) by omitting subsection (11) thereof.

Consequential amendments.

15 The sections of the Principal Act that are specified in the first column of the schedule to this Act are amended as respectively specified in the second column of that schedule.

THE SCHEDULE.

(Section 15.)

CONSEQUENTIAL AMENDMENTS.

FIRST COLUMN.	SECOND COLUMN.
Section amended.	How amended.
4	By omitting subsection (4).
7	By omitting from paragraph (b) the words “, rules, and by-laws”.
	By omitting from paragraph (c) the words “, rule, or by-law” (twice occurring).
15	By omitting the words “, rules, or by-laws” (wherever occurring).