



TASMANIA

ACTS INTERPRETATION AMENDMENT ACT 1992

No. 20 of 1992

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ACTS INTERPRETATION AMENDMENT ACT 1992

No. 20 of 1992

AN ACT to amend the *Acts Interpretation Act 1931*

[Royal Assent 7 August 1992]

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

1—This Act may be cited as the *Acts Interpretation Amendment Act 1992*.

Commencement

2—This Act commences on the day on which it receives the Royal Assent.

Principal Act

3—In this Act, the *Acts Interpretation Act 1931** is referred to as the Principal Act.

Sections 8A and 8B inserted

4—After section 8 of the Principal Act the following sections are inserted:—

Regard to be had to purpose or object of Act

8A—(1) In the interpretation of a provision of an Act, an interpretation that promotes the purpose or object of the Act is to be preferred to an interpretation that does not promote the purpose or object.

(2) Subsection (1) applies whether or not the purpose or object is expressly stated in the Act.

Use of extrinsic material in interpretation

8B—(1) Subject to subsection (2), in the interpretation of a provision of an Act, consideration may be given to extrinsic material capable of assisting in the interpretation—

- (a) if the provision is ambiguous or obscure, to provide an interpretation of it; or
- (b) if the ordinary meaning of the provision leads to a result that is manifestly absurd or is unreasonable, to provide an interpretation that avoids such a result; or
- (c) in any other case, to confirm the interpretation conveyed by the ordinary meaning of the provision.

(2) In determining whether consideration should be given to extrinsic material, and in determining the weight to be given to extrinsic material, regard is to be given to—

- (a) the desirability of a provision being interpreted as having its ordinary meaning; and

* 22 Geo. V No. 59. For this Act, as amended to 1 July 1986, see the continuing Reprint of Statutes. Subsequently amended by Nos. 88 and 92 of 1986, No. 13 of 1987, Nos. 4 and 41 of 1990 and No. 43 of 1991.

- (b) the undesirability of prolonging legal or other proceedings without compensating advantage; and
- (c) other relevant matters.

(3) In this section—

“**extrinsic material**” in relation to a provision of an Act, means material not forming part of the Act, including—

- (a) material that is set out in the document containing the text of the Act as printed by the Government Printer; and
- (b) a relevant report of a Royal Commission, Law Reform Commission or Commissioner, board or committee of inquiry, or a similar body, that was laid before either House of Parliament before the provision concerned was enacted; and
- (c) a relevant report of a committee of Parliament or of either House of Parliament that was made to Parliament or that House of Parliament before the provision was enacted; and
- (d) a treaty or other international agreement that is mentioned in the Act; and
- (e) any explanatory note or memorandum relating to the Bill that contained the provision, or any other relevant document, that was laid before, or given to the members of, either House of Parliament by the member bringing in the Bill before the provision was enacted; and
- (f) the speech made to a House of Parliament by a member of the House in moving a motion that the Bill be read a second time; and
- (g) relevant material in the Votes and Proceedings of either House of Parliament or in any official record of debates in Parliament or either House of Parliament; and
- (h) a document that is declared by an Act to be a relevant document for the purposes of this section;

“ordinary meaning” means the ordinary meaning conveyed by a provision having regard to its context in the Act and to the purpose or object of the Act.

Section 13 amended (Citation of Acts)

5—Section 13 of the Principal Act is amended as follows:—

- (a) by omitting from paragraph (a) of subsection (1) “number;” and substituting “number; and”;
- (b) by omitting from paragraph (b) of subsection (1) “chapter; and” and substituting “chapter, together with a reference to the United Kingdom; and”;
- (c) by omitting from paragraph (c) of subsection (1) “number.” and substituting “number, together with a reference to the Commonwealth; and”;
- (d) by inserting after paragraph (c) of subsection (1) the following paragraph:—
 - (d) any Act or Ordinance of another State or Territory may be cited—
 - (i) by its short title, if any; or
 - (ii) in such other manner as is sufficient in an Act or Ordinance of that State or Territory—
together with a reference to that State or Territory.
- (e) by omitting from subsection (2) “or Commonwealth Act” and inserting “Commonwealth Act or Act or Ordinance of the State or Territory”;
- (f) by omitting subsection (3) and substituting the following subsection:—
 - (3) Any reference referred to in subsections (1) and (2) is to be made according to a copy of the Act or Ordinance printed, or purporting to be printed, by the Government Printer of Tasmania or the official printer (however styled) for the Government of the United Kingdom, the Commonwealth or the State or Territory.

- (g) by omitting from subsection (6) “or a Commonwealth Act” and substituting “, a Commonwealth Act or an Act or Ordinance of another State or Territory”;
- (h) by omitting from subsection (6) “or Commonwealth Act” and substituting “Act, Commonwealth Act or Act or Ordinance of the State or Territory”.

Section 23AA inserted

6—After section 23 of the Principal Act, the following section is inserted:—

Delegation

23AA—(1) If an Act confers a power on a person to delegate a function or power, the person may, in accordance with the Act, delegate the function or power to—

- (a) a person by name; or
- (b) the holder of a particular office or position by reference to the title of the office or position concerned.

(2) A delegation—

- (a) may be general or limited; and
- (b) must be in, or evidenced by, writing signed by the delegator or, if the delegator is a body, by a person authorized by the body for that purpose; and
- (c) may be revoked, wholly or partly, by the delegator.

(3) A delegated function or power may be exercised only in accordance with any conditions to which the delegation is subject.

(4) A delegated function or power that is duly exercised by a delegate is to be taken to have been exercised by the delegator.

(5) If a function or power is delegated to a particular officer or the holder of a particular office or position—

(a) the delegation does not cease to have effect merely because the person who was the particular officer or the holder of the particular office or position when the function or power was delegated ceases to be that officer or the holder of that office or position; and

(b) the function or power may be performed or exercised by the person for the time being occupying or acting in the office or position concerned.

(6) A function or power that has been delegated may, notwithstanding the delegation, be exercised by the delegator.

(7) This section applies to a sub-delegation of a function or power in the same way as it applies to a delegation of a function or power, but only so far as the Act that authorizes the delegation of the function or power also authorizes the sub-delegation of the function or power.

(8) In all courts and before all persons acting judicially, an instrument purporting to be executed by a delegate in the capacity as a delegate is to be received in evidence as if it were an instrument executed by the delegator and is to be taken to be an instrument executed by the delegator.

Section 29AB inserted

7—After section 29A of the Principal Act, the following section is inserted:—

Service of notices and other documents

29AB—(1) If an Act authorizes, requires or permits a notice or other document to be served on a person, whether the expression “serve”, “deliver”, “give” or “send” or any other expression is used, without directing it to be served in a particular manner, the notice or document may be served—

(a) on a natural person—

(i) by giving it to the person; or

- (ii) by leaving it at, or sending it by post to, the person's residential or postal address or place or address of business or employment whichever is last known to the server of the notice or other document; or
 - (b) on any other person by leaving it at, or sending it by post to, the person's principal or registered office or principal place of business.
- (2) Nothing in subsection (1)—
- (a) affects the operation of any other law that authorizes or requires the service of a notice or document otherwise than as provided by that subsection; or
 - (b) affects the power of a court or person acting judicially to authorize service of a notice or document otherwise than as provided in that subsection.

Section 30 amended (Effecting service by post)

8—Section 30 (1) of the Principal Act is amended by inserting “, including this Act,” after “Act”.

Section 43 amended (Meaning of certain titles, &c.)

9—Section 43 (1) of the Principal Act is amended as follows:—

- (a) by inserting before the definition of “British possession” the following definition:—
 - “**Australia**” means the Commonwealth of Australia and, when used in a geographical sense, does not include an external Territory;
- (b) by inserting after the definition of “coastal waters” the following definitions:—
 - “**external Territory**” means a Territory, other than an internal Territory, for the government of which as a Territory, provision is made by a Commonwealth Act;
 - “**foreign country**” means any country, whether or not an independent sovereign State, outside Australia and the external Territories;

“internal Territory” means the Australian Capital Territory, the Jervis Bay Territory or the Northern Territory;

“Jervis Bay Territory” means the Territory referred to in the *Jervis Bay Territory Acceptance Act 1915* of the Commonwealth;

- (c) by inserting after the definition of “Northern Division” the following definition:—

“Northern Territory” means the Northern Territory of Australia;

- (d) by inserting after the definition of “Southern Division” the following definitions:—

“State” means a State of the Commonwealth;

“Territory” means a Territory of the Commonwealth;

Section 46 amended (Definitions of certain common phrases)

10—Section 46 of the Principal Act is amended as follows:—

- (a) by inserting after the definition of “estate” the following definitions:—

“Federal Court” means the Federal Court of Australia;

“High Court” means the High Court of Australia;

- (b) by omitting the definition of “judge” and substituting the following definition:—

“judge” means—

(a) in relation to a specified court, a judge of that court; or

(b) in any other case, a judge of the Supreme Court;

- (c) by inserting after the definition of “local authority” the following definition:—

“Magistrates Court” means the Magistrates Court of Tasmania;



TASMANIA

**JUSTICE LEGISLATION AMENDMENT (DOMESTIC VIOLENCE)
ACT 1992**

No. 21 of 1992

TABLE OF PROVISIONS**PART 1****PRELIMINARY**

1. Short title
2. Commencement

PART 2**AMENDMENTS OF CRIMINAL CODE**

3. Appendix A to *Criminal Code* amended (Crimes for which offender may be arrested without warrant)

PART 3**AMENDMENTS OF JUSTICES ACT 1959**

4. Section 34 amended (Release by police officer)
5. Section 34A amended (Procedure on arrest)
6. Section 106A amended (Interpretation)
7. Section 106B amended (Restraint orders)
8. Section 106D amended (Interim restraint orders)
9. Sections 106GA, 106GB, 106GC and 106GD inserted
 - 106GA—Application for registration of interstate restraint order
 - 106GB—Registration of interstate restraint order
 - 106GC—Effect of registration of interstate restraint order
 - 106GD—Variation, &c., of registered interstate restraint order
10. Section 106L amended (Powers of police officer in certain circumstances)

PART 4**AMENDMENTS OF POLICE OFFENCES ACT 1935**

11. Section 55 amended (Arrest)

