



STATUTORY INSTRUMENTS AND APPOINTMENTS
(VALIDATION) ACT 1984

No. 101 of 1984

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SCHEDULE 1

AN ACT to validate certain statutory instruments in relation to which certain provisions of the Acts Interpretation Act 1931 have not been complied with, to validate certain appointments purported to have been made under that Act, and to provide for related matters.

[Royal Assent 12 December 1984]

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:—

1—This Act may be cited as the *Statutory Instruments and Appointments (Validation) Act 1984*. ^{Short title.}

Commence-
ment.

2—This Act shall commence on the day on which it receives the royal assent.

Validation of
regulations and
by-laws
specified in
Schedule 1.

3—(1) Each of the regulations, and each by-law, specified in Schedule 1, being regulations and by-laws that were not laid before each House of Parliament within the period specified in section 47 (3) (c) of the *Acts Interpretation Act 1931*—

(a) shall be deemed to have been laid before each House of Parliament within that period; and

(b) shall—

(i) be valid and effectual to the extent that it can be valid and effectual; and

(ii) be deemed to have been valid and effectual during the prescribed period to the extent that it could have been valid and effectual,

if it had been so laid before each House of Parliament.

(2) In subsection (1) (b) (ii), “prescribed period”, in relation to each of the regulations, and each by-law, specified in Schedule 1, means the period commencing on the date on which each of those regulations or each by-law was purported to have taken effect, as specified in that Schedule, and ending immediately before the commencement of this Act.

(3) Any payment purportedly made or demanded, any other act or thing purportedly done or purportedly required to be done, or any matter otherwise purportedly provided for before the commencement of this Act, under or in pursuance of—

(a) any regulations specified in Schedule 1 or any regulations purportedly amended by any regulations so specified and amended by other regulations (if any); or

(b) any by-law so specified or any by-law purportedly amended by any by-law so specified and amended by another by-law (if any),

shall, to the extent that that payment, that other act or thing, or that matter could have been validly and effectually made, demanded, done, required to be done, or provided for under or in pursuance of those regulations or that by-law so specified or those regulations or that by-law as so amended, as the case may be, be deemed to have been validly and effectually made, demanded, done, required to be done, or provided for under or in pursuance of those regulations or that by-law.

(4) Nothing in this section affects or prejudices the operation of section 47 (4) of the *Acts Interpretation Act 1931* in relation to any regulations or by-laws specified in Schedule 1.

4—(1) The prescribed by-law made by the Port of Devonport Authority, being a by-law that was not laid before each House of Parliament within the period specified in section 47 (3) (c) of the *Acts Interpretation Act 1931*—

Validation of certain by-law made by the Port of Devonport Authority.

- (a) shall be deemed to have been laid before each House of Parliament within that period; and
- (b) shall be deemed to have been valid and effectual during the prescribed period to the extent that it could have been valid and effectual if it had been so laid before each House of Parliament.

(2) Any election of a warden or the master warden of the Port of Devonport Authority purportedly conducted during the prescribed period in accordance with the Principal By-laws, as purportedly amended by the prescribed by-law and as amended by another by-law (if any), shall, to the extent that that election could have been validly and effectually conducted in accordance with the Principal By-laws, as so amended, be deemed to have been validly and effectually conducted in accordance with those by-laws.

(3) In this section—

“prescribed by-law” means the by-law amending the Principal By-laws published in the *Gazette* on 24th November 1982;

“prescribed period” means the period commencing on 25th November 1982 (being the date on which the prescribed by-law was purported to have taken effect) and ending on 25th May 1983;

“Principal By-laws” means the by-laws made under the *Marine Act 1921* by the Port of Devonport Authority (then known as the Marine Board of Devonport) and published in the *Gazette* on 14th June 1972.

5—(1) Where, at any time during the prescribed period, any regulations, rules, or by-laws—

Validation of certain regulations, rules, and by-laws.

(a) made under the authority of an Act that did not, as mentioned in section 47 (3) of the *Acts Interpretation Act* 1931, expressly make other provision for the matters referred to in section 47 (3) (d) of that Act; and

(b) that—

(i) prejudiced the rights or privileges of a person as mentioned in section 47 (3) (d) (iii) of that Act; or

(ii) imposed liabilities or obligations on a person as mentioned in section 47 (3) (d) (iv) of that Act,

purported to take effect on the date of the publication of the regulations, rules, or by-laws in the *Gazette*, or, as the case may be, on the date of the notification in the *Gazette* of the making of the regulations, rules, or by-laws, those regulations, rules, or by-laws shall, to the extent that they could have been validly and effectually made if they had taken effect on a later date than the date of that publication or the date of that notification, as the case may be, be deemed to have been validly and effectually made.

(2) Any payment purportedly made or demanded, any other act or thing purportedly done or purportedly required to be done, or any matter otherwise purportedly provided for at any time during the prescribed period under or in pursuance of any regulations, rules, or by-laws referred to in subsection (1) or under or in pursuance of any regulations, rules, or by-laws purportedly amended by any regulations, rules, or by-laws so referred to and amended by other regulations, rules, or by-laws (if any) shall, to the extent that that payment, that other act or thing, or that matter could have been validly and effectually made, demanded, done, required to be done, or provided for under or in pursuance of those regulations, rules, or by-laws so referred to or under or in pursuance of those regulations, rules, or by-laws as so amended, as the case may be, be deemed to have been validly and effectually made, demanded, done, required to be done, or provided for at that time under or in pursuance of those regulations, rules, or by-laws.

(3) In this section, “prescribed period” means the period commencing on 1st January 1982 and ending immediately before the commencement of this Act.

6—(1) Where, at any time during the prescribed period, any proclamation or order-in-council made under an Act purported to fix as the day or date of the commencement of that Act or a provision of that Act the same day or date as the date of the publication of the proclamation or order-in-council in the *Gazette*, or, as the case may be, the same day or date as the date of the notification in the *Gazette* of the making of the proclamation or order-in-council—

Validation of certain proclamations and orders-in-council.

- (a) that proclamation or order-in-council shall, to the extent that it could have been validly and effectually made if it had fixed a later day or date than the date of that publication or the date of that notification, as the case may be, be deemed to have been validly and effectually made; and
- (b) that Act or the provision of that Act, as the case may be, shall be deemed to have commenced on the day or date purported to be fixed by that proclamation or order-in-council.

(2) Any payment purportedly made or demanded, any other act or thing purportedly done or purportedly required to be done, or any matter otherwise purportedly provided for at any time during the prescribed period under or in pursuance of an Act or a provision of an Act the day or the date of the commencement of which was purportedly fixed by any proclamation or order-in-council referred to in subsection (1) shall, to the extent that that payment, that other act or thing, or that matter could have been validly and effectually made, demanded, done, required to be done, or provided for under or in pursuance of that Act or the provision of that Act on or after its commencement, be deemed to have been validly and effectually made, demanded, done, required to be done, or provided for at that time under or in pursuance of that Act or the provision of that Act.

(3) Where, at any time during the prescribed period, any proclamation or order-in-council made under an Act (other than any proclamation or order-in-council referred to in subsection (1)), or any proclamation or order-in-council made under an Imperial Act or made in the exercise of a prerogative right of the Crown, purported to take effect on the date of the publication of the proclamation or order-in-council in the *Gazette*, or, as the case may be, on the date of the notification in the *Gazette* of the making of the proclamation or order-in-council, that proclamation or order-in-council shall, to

the extent that it could have been validly and effectually made if it had taken effect on a later date than the date of that publication or the date of that notification, as the case may be, be deemed to have been validly and effectually made.

(4) Any act, matter, or thing purportedly done or provided for or purportedly required to be done or provided for at any time during the prescribed period under or in pursuance of any proclamation or order-in-council referred to in subsection (3) or under or in pursuance of any proclamation or order-in-council purportedly amended by any proclamation or order-in-council so referred to and amended by another proclamation or order-in-council (if any) shall, to the extent that that act, matter, or thing could have been validly and effectually done or provided for or required to be done or provided for under or in pursuance of that proclamation or order-in-council so referred to or under or in pursuance of that proclamation or order-in-council as so amended, as the case may be, be deemed to have been validly and effectually done or provided for, or required to be done or provided for, at that time under or in pursuance of that proclamation or order-in-council.

(5) In this section, “prescribed period” means the period commencing on 1st January 1982 and ending immediately before the commencement of this Act.

Validation of
certain
appointments.

7—(1) Where, at any time during the prescribed period, an appointment was purported to be made under section 21 (1) (b) (i) or (ii) of the *Acts Interpretation Act* 1931 of a person in place of another person appointed to any office or position otherwise than for a fixed term, that appointment shall be, and be deemed always to have been, valid and effectual.

(2) Any act, matter, or thing done or omitted to be done at any time during the prescribed period by a person while purporting to act under the authority of an appointment referred to in subsection (1) shall, to the extent that that act, matter, or thing could have been validly and effectually done or omitted to be done by that person pursuant to such an appointment, be deemed to have been validly and effectually done or omitted to be done by him.

(3) In this section, “prescribed period” means the period commencing on 30th September 1981 and ending immediately before the commencement of this Act.

SCHEDULE 1

Section 3

PART I

REGULATIONS

Number	Title	Purported effective date
S.R. 1982, No. 105	<i>Sea Fisheries Amendment Regulations 1982</i>	3rd July 1982
S.R. 1982, No. 155	<i>Retirement Benefits Regulations 1982</i>	26th August 1982
S.R. 1982, No. 199	<i>Marine (Limits of Ports and Coast Trade) Amendment Regulations 1982</i>	1st December 1982
S.R. 1983, No. 95	<i>Mental Health Services (Officers) Amendment Regulations 1983</i>	25th May 1983

PART II

BY-LAWS

By-law No. (if any) and date of publication in the <i>Gazette</i>	Title or other description	Purported effective date
30th June 1982	Burnie and District Ambulance Board charges for Conveyance Amendment By-Law No. 1 1982	1st July 1982
30th June 1982	Devonport and District Ambulance Board charges for Conveyance Amendment By-Law No. 1 1982	1st July 1982
30th June 1982	Devonport and District Ambulance Board charges for Contract Ambulance Attendance By-Law 1982	1st July 1982
30th June 1982	Burnie and District Ambulance Board for Contract Ambulance Attendance By-Law 1982	1st July 1982
By-law No. 52 25th August 1982	Rates and Charges—Exempt Land By-Law 1982 (Municipality of Kingborough)	25th August 1982
By-law No. 45 15th September 1982	BY-LAW NO. 45—BUILDING FEES (Municipality of George Town)	15th September 1982

By-law No. (if any) and date of publication in the <i>Gazette</i>	Title or other description	Purported effective date
22nd September 1982	By-law amendment made by the Port of Launceston Authority	23rd September 1982
By-law No. 5 29th September 1982	By-law made by the Marine Board of Hobart	30th September 1982
By-law No. 91 6th October 1982	BY-LAW NO. 91—PARKING AREAS (City of Devonport)	6th October 1982
By-law No. 14 27th October 1982	'Licence Fees (Food Premises) By-Law' (Municipality of Hamilton)	27th October 1982
By-law No. 6 10th November 1982	By-law made by the Marine Board of Hobart	11th November 1982
By-law No. 7 10th November 1982	By-law made by the Marine Board of Hobart	11th November 1982
By-law No. 5 11th May 1983	By-law made by the Port of Devonport Authority	1st June 1983
By-law No. 93 25th May 1983	WATER BY-LAW (City of Devonport)	25th May 1983
By-law No. 107 25th May 1983	'The Rates, Charges, Licences, Fees and Toll By-law 1983' (Municipality of Ulverstone)	25th May 1983
By-law No. 35 25th May 1983	BY-LAW NO. 35—HAWKERS (Municipality of Sorell)	25th May 1983
8th June 1983	Amendment of By-law No. 24 (Marine Board of Circular Head)	1st June 1983
By-law No. 507 15th June 1983	BY-LAW NO. 507—DISINFEC- TION OF BEDDING AND CLOTHING (City of Launceston)	15th June 1983
By-law No. 28 15th June 1983	Water By-law No. 28 (Municipality of Spring Bay)	15th June 1983
By-law No. 132 15th June 1983	BY-LAW NO. 132—COUNCIL PROCEEDINGS AT MEETINGS (Municipality of Clarence)	15th June 1983