

NORFOLK



ISLAND

INTERPRETATION (AMENDMENT) ACT 1984

Act No. 2 of 1985

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Interpretation (Amendment) Act 1984

Act No. 2 of 1985

An Act to amend the *Interpretation Act 1979*

[Assented to 24 January 1985]

BE IT ENACTED by the Legislative Assembly of Norfolk Island as follows —

Short title

1. This Act may be cited as the *Interpretation (Amendment) Act 1984*.

Commencement

2. Sections 4 and 5 of this Act shall be deemed to have come into operation on 11 December 1981.

Interpretation

3. The *Interpretation Act 1979* is in this Act referred to as the Principal Act.

General definitions

4. Section 12 of the Principal Act is amended by omitting subsections (5) and (6) as added by the *Interpretation (Penalty and Fee Units) Act 1981*.

New section 12A

5. After section 12 of the Principal Act the following section is inserted —

“Penalties and fees

“ **12A. (1)** In an enactment a reference to a number, whether whole or fractional, of ‘penalty units’ is a reference to the number of dollars obtained by multiplying \$100 by the first-mentioned number.

“ **(2)** In an enactment a reference to a number, whether whole or fractional, of ‘fee units’ is a reference to the number of dollars obtained by multiplying \$10 by the first-mentioned number.”.

New sections 41 and 42

6. After section 40 of the Principal Act the following sections are added —

“Laying before the Legislative Assembly Regulations made by the Administrator

“ **41. (1)** This section applies to Regulations made by the Administrator under an enactment.

“(2) Regulations shall be laid before the Legislative Assembly —

- (a) at the first meeting of the Assembly after they are made; or
- (b) if a meeting of the Assembly begins within 7 days after the Regulations are made - at the second meeting of the Assembly after they are made,

and, if they are not so laid before the Assembly, they thereupon cease to have effect.

“(3) If the Legislative Assembly, in pursuance of a motion of which notice has been duly given, before the expiration of 65 days after the Regulation has been so laid, passes a resolution disallowing the Regulation or a part of the Regulation the Regulation or part so disallowed thereupon ceases to have effect.

“(4) If at the expiration of 65 days after a Regulation has been laid before the Assembly, a notice of motion to disallow a Regulation or part of a Regulation —

- (a) has not been withdrawn and the motion has not been called on; or
- (b) has been called on and moved and has not been withdrawn or otherwise disposed of,

the Regulation or part, as the case may be, referred to in the motion shall thereupon be deemed to have been disallowed.

“(5) Where, under this section, a Regulation or part of a Regulation ceases to have effect, is disallowed or is deemed to have been disallowed, the cessation of effect or the disallowance has, subject to subsection (6), the same effect as a repeal of the Regulation or part of the Regulation, as the case may be.

“(6) If a provision of a Regulation that has ceased to have effect, of a disallowed Regulation or of a disallowed part of a Regulation amended or repealed a law in force immediately before the date of commencement of the provision, the cessation or disallowance revives the previous law from the date of the cessation or disallowance as if the provision had not been made.

“(7) If a Regulation or part of a Regulation is disallowed, or is deemed to have been disallowed, under this section, and a Regulation containing a provision being the same in substance as a provision so disallowed or deemed to have been disallowed is made within 6 months after the date of the disallowance, the provision is void and of no effect unless —

- (a) in the case of a Regulation or part of a Regulation, disallowed by resolution - the resolution has been rescinded by the Legislative Assembly; or

- (b) in the case of a Regulation, or part of a Regulation, deemed to have been disallowed - the Legislative Assembly approves, by resolution, the making of a provision the same in substance as the provision deemed to have been disallowed.

“(8) In this section, ‘Regulations’ includes rules and bylaws.

Forfeited goods

“ 42. (1) A member of the Police Force may, without warrant, seize any goods that are forfeited to the Administration, or that he has reasonable grounds to believe to be so forfeited, under an enactment and taken them before the Court of Petty Sessions.

“(2) The Court shall inquire into the matter and —

- (a) if the Court is satisfied that the goods are forfeited - shall order that they be condemned; or
- (b) if the Court is not so satisfied - shall order that the goods be delivered to such person as the Court considers to be entitled to them.

“(3) The Court may, before inquiring into a matter under subsection (1), require notice of the inquiry to be given to such persons as the Court thinks fit.

“(4) Where a prosecution is pending, an order with respect to the goods shall not be made until the prosecution has been determined.

“(5) Goods condemned as forfeited shall be dealt with as the executive member directs and, pending his direction, may be detained in such custody as the Court directs.

“(6) A person shall not knowingly and with intent to hinder or defeat the seizure of goods that are forfeited to the Administration under an enactment receive, remove, retain, conceal or dispose of the goods.

Penalty: 5 penalty units or imprisonment for 6 months.”.

Notified Gazette No. 6, 7 February 1985.

Sections 4 and 5 deemed to have commenced 11 December 1981 (section 2). Remaining provisions commenced on notification (7 February 1985).

This enactment amends Act No. 10 of 1979 as previously amended by Act No. 6 of 1980, Act No. 20 of 1980, Act No. 25 of 1980, Act No. 19 of 1981 and Act No. 8 of 1982.

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