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Was the Act in force?

Commencement of Statutes

- An Act will come into force according to the interpretation legislation
 - o E.g. first day on which assent has been given/notified, or moment immediately preceding specified day
- Distinction between enactment and commencement
 - o Act will commence operation at/some time after enactment
- **Commonwealth statutes come into force 28 days after date of G-G's assent unless commencement date is specified – s3A Acts Interpretation Act**
 - o Exceptions are Acts amending the *Commonwealth Constitution*
- Different commencement dates may be specific for different parts of an Act
- Special kind of commencement date for revived statutes (when a repealed statute is brought into force again for specific period) – commencement + expiry is specified in Act
- Revival may be needed for sunset clauses
- Retrospective commencement – must be clearly specified (presumption against retrospective action)
 - o Not always detrimental – needed to validate action which is technically unlawful – see *Phillips v Eyre* p261
 - o An Act which corrects an earlier act is expressed to commence from date of commencement of earlier Act
- If not contentious, deal with Operation in a few sentences.
s3A(2) AIA: an Act will come into force 28 days after receiving Royal Assent.
S3A AIA: when an Act provides for its commencement, 'it shall come into operation immediately on the expiration of the last preceding day.
Here, it is explicitly stated that ...
- Then, state the times at which the Act was in force. (Markers love you for it)

Retrospectivity

- Presumption?
- *Rodway v R* - substantive provisions affecting the rights of the individual do not apply retrospectively, unless rebutted by express words or necessary implication
- Look at any tricky dates. This question mentioned “recent weeks” – points were given for a quick analysis of why this might be an issue.