

INTERPRETATION ACT 1987 (NSW) - RELEVANT PROVISIONS

PART 2: WORDS AND EXPRESSIONS

S6 'Definitions to be read in context'	A word's other parts of speech and grammatical form have corresponding meanings
S8 'Gender and number'	In an act, a) Words referring to one gender refers to all genders b) References to words in singular form include the plural form c) References to words in plural form includes the singular form d) References to people don't exclude corporations e) References to a person (corporation, entity etc) includes individual people
S9 'Meaning of may and shall'	(1) May means that power may be exercised at discretion (not compulsory) (2) Shall indicates that duty must be performed (compulsory)
S10 'Construction of amending Acts and instruments'	When laws are changed or repealed, any words in the new legislation have the same definitions stated in the original law.
S11 'Words in instruments under an Act has same meanings as in the Act'	If an Act gives the power to create rules or regulations, then any words in those rules mean the same thing as they do in legislation, unless clearly stated otherwise.

PART 5: CONSTRUCTION OF ACTS AND INSTRUMENTS

S31 Acts and instruments must stay within Parliament's powers	(1) Laws and legal instruments should be interpreted to operate to the full extent of Parliament's power, but not beyond it. (2) If part of a law/instrument operates in excess of Parliament's power (a) It is considered valid to the extent that it is not in excess of power (b) The rest the Act shall not be affected (The rest of the Act applies) (3) This rule operates alongside other sections of the law and does not limit or replace other rules in an Act.
S32 Instruments must operate within the power of the Act they come from	(1) Legislation must be interpreted to operate to the full extent of Act it is established under (2) If any section or provision of a legal instrument is interpreted to be operated in excess of its power

	<ul style="list-style-type: none"> (a) It is valid to the extent that it is not in excess of power (b) The rest the Act shall not be affected (The rest of the Act applies) (3) This rule operates alongside other sections of the law and does not limit or replace other rules in an Act.
S33 Consider purpose of Act	Courts should interpret an Act that aligns with the statutory purpose, regardless of whether it is expressly stated or not, to any other interpretation.
S34 Using extrinsic materials	<ul style="list-style-type: none"> (1) Extrinsic material can be used to ascertain the meaning of a provision to: <ul style="list-style-type: none"> (a) Confirm that the meaning of the provision is the ordinary meaning conveyed by the text of the provision (b) To determine a provision's meaning: <ul style="list-style-type: none"> (i) if the provision is ambiguous or obscure (ii) or if the ordinary meaning, when considering the Act's context and underlying purpose, leads to a result that is manifestly absurd or unreasonable
S34A Declaration of validity of certain laws	<p>Any provision or legislative rule enacted before the commencement of the Australia Acts</p> <ul style="list-style-type: none"> (a) Has the same effect (b) Is valid <p>As if the Australia Acts had already been in operation</p>
S35 Headings	<ul style="list-style-type: none"> (1) Headings, such as Chapters, Parts, Divisions or Subdivisions are considered as part of the Act. (2) Marginal notes, footnotes or endnotes are not considered part of an Act
S36 Reckoning of time	<ul style="list-style-type: none"> (1) If an Act prescribes a period of time or date for any purpose, the time shall be exclusive of the starting date. (2) If the last day of a period of time prescribed by an Act falls <ul style="list-style-type: none"> (a) On a Saturday or Sunday, or (b) On a public holiday <p>The period of time shall begin on the first day following a Saturday, Sunday or public</p>

	<p>holiday.</p> <p>(3) If an Act allows the doing of any thing and power is conferred on a person/body to extend the period of time</p> <p>(a) That power may be exercised, and</p> <p>(b) Power can be extended by making an application if required, after that period of time has expired.</p>
S37 Age	In an Act, a person's age is measured in years at the start of someone's birthday.
S38 Measurement of distance	<p>When measuring distance</p> <p>(a) Acts passed before the commencement of the Interpretation Act should be measured by the usual travel route (roads or paths usually taken)</p> <p>(b) Acts passed following the commencement of the Interpretation Act shall be measured in a straight line</p>

ACTS INTERPRETATION ACT 1901 (Cth)	
PART 2 - DEFINITIONS	
S2C References to persons	Words like "person" in laws include individuals, companies, and other legal entities.
S2CA References to spouses	A reference to a <i>spouse</i> or <i>de facto partner</i> includes a person in a <i>same-sex</i> relationship.
S2D References to de facto partners	A "de facto partner" is someone in a registered relationship (see s 2E) or a genuine domestic relationship (see s 2F), regardless of gender.
S2E Registered relationships	A registered relationship exists if it's officially recorded under a state or territory law as a recognized relationship.
S2F De facto relationships	A de facto relationship involves two people (not married or closely related) living together as a couple on a genuine domestic basis.
PART 5 - GENERAL INTERPRETATION RULES	
S12 Every section a substantive enactment	Every section of an Act is legally effective on its own, even without introductory words.

S13 Material that is part of an Act	All content from the first section to the end (including schedules) is part of the Act.
S15A Construction of Acts to be subject to Constitution	Acts must be interpreted in line with the Constitution and within the Commonwealth's legislative powers.
S15AA Interpretation best achieving Act's purpose/object	When interpreting a provision, prefer the meaning that best achieves the Act's purpose, even if the purpose isn't explicitly stated.
S15AB Use of extrinsic material in the interpretation of an Act	Courts can use external materials (like explanatory memoranda or parliamentary debates) to interpret a provision, especially to clarify its meaning.
S15AC Changes to style not to affect meaning	Changes in language or style in legislation don't alter the legal meaning of provisions.