

LEGAL LANDMARKS, 1953-1954

The Acts Interpretation Act of 1954.

The increasing role of the Statute in the legal order, and the corresponding frequency of statutory interpretation by the Courts, necessitate a modern and carefully constructed Interpretation Act. The Act under review seems to fulfil these requirements fairly satisfactorily. It is considerably longer than the Acts Shortening Act of 1867, which it repeals. Whilst practically all the provisions of the old Act are retained, in many cases more elaborate provisions are inserted, for example, in the reckoning of time, s. 38. There are also several sections inserted which are declaratory of settled rules of statutory interpretation, such as ss. 14, 22, and 45. However one important and controversial exception occurs in s. 13, which provides that "No Act hereafter passed shall be binding on the Crown or derogate from any prerogative right of the Crown unless express words are included therein for that purpose." This abrogates the rule that the Crown is bound by a statute in which it is named by necessary implication, though not expressly. (*Bombay Province v. Bombay Municipal Corporation* [1947] A.C. 58). The exception by s. 3 of any provision of the Acts Interpretation Act which is inconsistent with or repugnant to the true intent and object of the particular Act or regulation to be interpreted may possibly still leave some operation for the old rule.

Several new and amended definitions are to be found in s. 36. Most of these are consequential upon legislation passed by the Commonwealth and Queensland Governments subsequent to the Acts Shortening Act. An important change will be found in the definition of "person." It may be queried whether it now covers a body of persons unincorporate (cf. (Imperial) Interpretation Act 1889, s. 19).

S. 21 (2) seems designed to avoid the kind of difficulty which occurred in *Martin v. Trigg* [1931] V.L.R. 62. The immunity of delegated legislation from attack in the Courts is further buttressed by the severability clause in s. 28 (c).

It is obviously highly desirable that the various Interpretation Acts in force in Australia should be uniform so far as possible. It is therefore pleasing to notice the use made of the legislation of the Commonwealth and the other States in drafting this Act.

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