

Your Ref: **Exposure draft of amendments to the Acts Interpretation Act 1901**

Quote in reply: **Advocacy**

25 February 2011

Public consultation: Acts Interpretation Act
Justice Policy Branch
Attorney-General's Department
3-5 National Circuit
BARTON ACT 2600

By email: JIB@ag.gov.au

Dear Director

EXPOSURE DRAFT OF AMENDMENTS TO THE ACTS INTERPRETATION ACT 1901

Thank you for providing us with the opportunity to make comments on the Exposure Draft of amendments to the *Acts Interpretation Act 1901* (AIA).

This response has been compiled with the assistance of the Queensland Law Society's Family Law and Criminal Law Sections.

1. Definition of 'De Facto'

The draft amendments to the AIA consider a revision of the definition 'de facto.'

The Society has had the benefit of perusing the Law Council's submission on the definition of "de facto" in the draft AIA. The Society wishes to endorse the Law Council's position that the definition of "de facto" in the AIA should be amended to **refer** to sections 4AA and 60EA of the *Family Law Act 1975*, the relevant sections which define 'de facto.' This approach will not only ensure consistency in interpretation, but will also ensure that any amendments to the definition in the *Family Law Act* are also automatically reflected in the AIA.

2. Definition of 'Calendar Month'

The Society has reservations in changing the definition of a calendar month to "one of the 12 months of the year" as it may cause problems if ever Commonwealth legislation provides that something is to be done *within* a period of a calendar month.

3. Repeal and Commencement of Acts

Sections 9 and 14B of the current AIA deal with certain mechanics of repeal and commencement of Acts. It is proposed to repeal these provisions on the basis that present drafting practice makes them unnecessary. The Society has some reservations about repealing these sections on the basis that there is no guarantee that future legislation will be drafted in accordance with best practice, especially in relation to subordinate legislation. The Society therefore submits that sections 9 and 14B be retained.

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Thank you for the opportunity to make comments on the draft AIA.

If you wish to discuss these concepts further, please do not hesitate to contact our Policy Solicitor Ms Louise Pennisi on (07) 3842 5872 or l.pennisi@qls.com.au

Yours faithfully

Bruce Doyle
President