



INTERPRETATION STATUTE 2020

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LONG TITLE

A Statute to simplify the preparation, interpretation and construction of the written laws of the Diocese.

The Synod of the Diocese of North West Australia resolves as follows.

NAME

1. This is the *Interpretation Statute 2020*.

PART 1 – PRELIMINARY

2. Subject to section 4, the provisions of this Statute apply to this Statute and to every other written law, whether made before or after this Statute, unless in a particular case:
 - (a) express provision is made to the contrary, or
 - (b) the intent and object of the Statute or the context or subject matter is inconsistent with such application.
3. The provisions of this Statute do not apply to any canon, rule or resolution of the General Synod of the Anglican Church of Australia in so far as a written law has assented to or adopted it.

PART II – GENERAL INTERPRETATION PROVISIONS

Terms used in Written Laws

4. In all written laws from time to time in force in the Diocese including this Statute and written laws enacted prior to the date of assent to this Statute, unless the contrary intention appears, words and expressions set out in the Schedule have the meanings given in the Schedule .

Application of definitions in a written law

5. Definitions or rules of interpretation contained in a written law apply to the construction of the provisions of the written law that contain those definitions or rules of interpretation as well as to other provisions of that written law.

Written laws to be construed subject to legislative power

6. Every written law shall be construed subject to the limits of the legislative power of the Synod and so as not to exceed that power to the intent that where any enactment thereof, but for this section, would be construed as being in excess of that power, it shall nevertheless be valid to the extent to which it is not in excess of that power.

Written laws always speaking

7. A written law shall be considered as always speaking and whenever a matter or thing is expressed in the present tense, it shall be applied to the circumstances as they arise, so that effect may be given to every part of the law according to its true spirit, intent, and meaning.

Parts of speech and grammatical forms

8. Where a word or phrase is defined in a written law, other parts of speech and grammatical forms of that word or phrase have corresponding meanings.

References to two or more provisions to be inclusive

9. A reference in a written law by number or letter or by number and letter to two or more portions of a written law shall be construed as including the portion described by the reference first mentioned and the portion described by the reference last mentioned.

Internal references in written laws

- 10.
- (1) Where in a Statute reference is made to a Part, Chapter, section, schedule, appendix, or form without anything in the context to indicate that a reference to a Part, Chapter, section, schedule, appendix, or form of or to some other Statute is intended, the reference shall be construed as a reference to a Part, Chapter, section, schedule, appendix, or form of or to the Statute in which the reference is made.
 - (2) Where in a provision of a Statute reference is made to a subsection, paragraph, subparagraph, or other division without anything in the context to indicate that a reference to a subsection, paragraph, subparagraph, or other division of some other provision is intended, the reference shall be construed as a reference to a subsection, paragraph, subparagraph, or other division of the provision in which the reference is made.
 - (3) Where in a schedule to a Statute reference is made to a clause, subclause, paragraph or other division without anything in the context to indicate that a reference to a clause, subclause, paragraph, or other division of some other provision is intended, the reference shall be construed as a reference to a clause, subclause, paragraph, or other division of the schedule or provision of the schedule in which the reference is made.
 - (4) The provisions of subsections (1), (2), and (3) shall apply, subject to the necessary modifications, to the construction of subsidiary legislation.

Reference to paragraph

- 11.
- (1) In this section —
paragraph includes a subparagraph, item, subitem and any other similar provision.
 - (2) A reference in a written law to a paragraph includes a reference to a conjunction after it connecting it to another paragraph.

Reference to written law is to written law as amended

- 12.
- (1) A reference in a written law to a written law shall be deemed to include a reference to such written law as it may from time to time be amended.

- (2) A reference in a written law to a provision of a written law shall be construed as a reference to such provision as it may from time to time be amended.

Updating Certain References

- 13.
- (1) Where a reference in a written law is (by or under any written law) to be read or construed as, or taken to be, or deemed to be, or otherwise treated as, a reference to
- (a) an act, matter, person or thing; or
- (b) an act, matter, person or thing by a particular description or title;
- the Registrar may in reprinting a Statute in which the first mentioned reference occurs make such amendments to the Statute as –
- (c) will result in the omission from the written law of the first mentioned reference and, unless inappropriate, the substitution therefor of the second mentioned reference; and
- (d) are incidental to or consequential on the omission or substitution or both.

Reference to a Repealed Statute

14. A reference in a written law to a written law which has been repealed may be construed as a reference to which section 14 applies and may be amended in accordance with section 14.

Purposive interpretation

15. In the interpretation of a provision of a written law, a construction that would promote the purpose or object underlying the written law (whether that purpose or object is expressly stated in the written law or not) shall be preferred to a construction that would not promote that purpose or object.

Preamble to a Statute

16. Except where expressly provided by a Statute, it shall not be necessary for any Statute to have a preamble.

Preambles, schedules etc. to form part of written law

- 17.
- (1) The preamble to a written law forms part of the written law and shall be construed as a part thereof intended to assist in explaining its purport and object.
- (2) An appendix or schedule to or a table in a written law, together with any notes thereto, forms part of the written law.

Headings, marginal notes and footnotes

- 18.
- (1) The headings of the Chapters, Parts, divisions and subdivisions into which a written law is divided form part of the written law.
- (2) A marginal note or footnote to a written law and, in a context where there is no marginal note with respect to the relevant provision and notwithstanding subsection (1), a heading to a section, regulation, rule, or clause of a written law, or to a portion of a section, regulation, rule, or clause of a written law, shall be taken not to be part of the written law.

Authenticity of Text of Statutes Printed in Code of Statutes

- 19.
- (1) A copy of a Statute as printed in the Code of Statutes whether published before or after the coming into operation of the Statute shall be taken to contain the true text of a valid Statute and the date of assent so published shall be taken to be the actual date of assent.
- (2) A copy of an item of subsidiary legislation as printed in the Policies and Procedures Manual whether published before or after the coming into operation of the subsidiary legislation shall be taken to contain the true text of a valid written law and the date of assent, if any, so published shall be taken to be the actual date of assent.

Gender and Singular/Plural

20. In all written laws, unless the contrary intention appears, words importing the masculine gender (other than a reference, however expressed, to a minister or clergyman) shall include the other genders and the singular shall include the plural.

References to Priest and Presbyter

21. In all written laws from time to time in force in the Diocese the words “priest” and “presbyter” are synonyms.

Canons of 1603

22. A reference in this or in any other written law to the Canons of 1603 is a reference to the Constitutions and Canons Ecclesiastical agreed upon by the bishops and clergy of the Province of Canterbury in the year of Our Lord 1603 and known as the Canons of 1603 and includes any amendments thereto having force or effect in the Diocese.

Construction of “alteration”, “includes”, “or”, “may” and “shall”

23. In a written law:
- (a) “alteration” includes repeal,
 - (b) “includes” in any form is not a word of limitation;
 - (c) “or”, “other”, and “otherwise” shall be construed disjunctively and not as implying similarity unless the word “similar” or some other word of like meaning is added;
 - (d) where the word “may” is used in conferring a power, such word shall be interpreted to imply that the power so conferred may be exercised or not, at discretion;
 - (e) where the word “shall” is used in conferring a function, such word shall be interpreted to mean that the function so conferred must be performed.

Construction of “Church of England”

24. In whatever form it appears within a written law and however expressed, the name of the Church of England shall be construed as a reference to the Anglican Church of Australia. That construction shall (unless the context otherwise requires) be and be deemed to be for all purposes a direct amendment to the written law by force of this Statute.

PART III – COMMENCEMENT AND CITATION

Commencement Date of a Statute

25. Unless a Statute otherwise provides, it shall commence upon the date of receiving the Bishop's assent.

Citation of Statutes

26. Statutes may be cited by their title and the year that they were enacted, without reference to the year of last amendment.

PART IV— REPEAL OR EXPIRY OF WRITTEN LAW

Repeal of written law includes repeal of amendments

27. Where a written law which has been amended by any other written law is repealed, such repeal shall include the repeal of all those provisions of such other written law by which the first mentioned written law was amended.

Repeal of repealing enactment, effect of

- 28.
- (1) Where a written law repeals a repealing enactment, the repeal does not revive any enactment previously repealed unless words are added reviving it.
 - (2) Where a Statute excludes a canon of the General Synod of the Anglican Church of Australia which repealed a canon previously adopted or assented to by a Statute, the exclusion does not revive the operation of the first canon in the Diocese unless express words are added.

Repeal and substitution of provision, effect of

29. Where a written law repeals an enactment and substitutes provisions for the enactment repealed, the repealed enactment remains in operation until the substituted provisions come into operation.

Repealing and re-enacting a provision, effect of

30. Where a written law repeals and re-enacts, with or without modification, any enactment —
- (a) all ecclesiastical districts; and
 - (b) all councils, corporations, boards, tribunals, commissions, bodies corporate, trusts, or other bodies constituted, and all elections and appointments of members thereof made; and
 - (c) all offices constituted, and appointments of officers made; and
 - (d) all subsidiary legislation, licences, certificates, and documents made; and
 - (e) all other acts, matters, and things whatsoever,

which, at the commencement of the repealing law, are respectively in existence, or in force or operation, under or for the purposes of such provision, shall, in so far as is consistent with the repealing law, subsist and ensure for the purposes of such law and shall continue as if the repealing law had been in operation when they respectively originated or were constituted, made or done and they had originated or been constituted, made or done under that law.

General savings on repeal

- 31.
- (1) Where a written law repeals an enactment, the repeal does not, unless the contrary intention appears—
 - (a) revive anything not in force or existing at the time at which the repeal takes effect;
 - (b) affect the previous operation of the enactment repealed or anything duly done or suffered under that enactment;
 - (c) affect any right, interest, title, power or privilege created, acquired, accrued, established or exercisable or any status or capacity existing prior to the repeal;
 - (d) affect any duty, obligation, liability, or burden of proof imposed, created, or incurred prior to the repeal;
 - (e) affect any investigation, legal proceeding or remedy in respect of any such right, interest, title, power, privilege, status, capacity, duty, obligation, liability, burden of proof, penalty or forfeiture and any such investigation, legal proceeding or remedy may be instituted, continued, or enforced, and any such penalty or forfeiture may be imposed and enforced as if the repealing written law had not been passed or made.
 - (2) The inclusion in the repealing provisions of an enactment of any express saving with respect to the repeals effected thereby shall not be taken to prejudice the operation of this section with respect to the effect of those repeals.

Repeal of Statute, effect of on subsidiary legislation

- 32.
- (1) Where a Statute —
 - (a) repeals a Statute and substitutes other provisions therefor; or
 - (b) repeals and re-enacts a Statute, with or without modification,any subsidiary legislation made under the repealed Statute and in operation immediately before the commencement of the repealing Statute shall, so far as it is consistent with the repealing Statute, continue in operation and have effect for all purposes as if made under the repealing Statute.
 - (2) Subsidiary legislation which continues in operation under subsection (1) may be amended or repealed as if it had been made under the repealing Statute.

Expiry of enactment, effect of

33. Upon the expiry or lapse of any enactment, the provisions of section 33 apply as if that enactment had been repealed.

PART VI – SUBSIDIARY LEGISLATION

Words and expressions in subsidiary legislation, meaning of

- 34.
- (1) Words and expressions used in subsidiary legislation shall have the same respective meanings as in the written law under which the subsidiary legislation is made.
 - (2) A reference in subsidiary legislation to the Statute shall be construed as a reference to the Statute under which the subsidiary legislation is made.

Reference to written law includes reference to subsidiary legislation made under it

- 35.
- (1) A reference in a written law to a written law shall be construed so as to include a reference to any subsidiary legislation made under that written law.
 - (2) An example of the operation of subsection (1) is that a reference in a Statute to “this Statute” includes a reference to any subsidiary legislation made under the Statute.

Acts done under subsidiary legislation deemed done under Statute

36. Any act done under subsidiary legislation shall be deemed to be done under the written law under which the subsidiary legislation was made.

PART VII – POWERS

Time for exercise of power or duty

37. Where a written law confers a power or imposes a duty, the power may be exercised and the duty shall be performed from time to time as occasion requires.

PART VIII - PROVISIONS REGARDING TIME

Computation of time

- 38.
- (1) In computing time for the purposes of a written law —
 - (a) where a period of time is expressed to begin at, on, or with a specified day, that day shall be included in the period;
 - (b) where a period of time is expressed to be reckoned from, or after, a specified day, that day shall not be included in the period;
 - (c) where anything is to be done within a time before a specified day, the time shall not include that day;
 - (d) where a period of time is expressed to end at, on, or with a specified day or to continue to or until a specified day, that day shall be included in the period;
 - (e) where the time limited for the doing of a thing expires or falls upon an excluded day, the thing may be done on the next day that is not an excluded day;
 - (f) where there is a reference to a number of clear days or “at least” or “not less than” a number of days between two events, in calculating that number of days both the days on which the events happen shall be excluded;
 - (g) where there is a reference to a number of days not expressed to be clear days or “at least” or “not less than” a number of days between two events, in calculating the number of days there shall be excluded the day on which the first event happens and there shall be included the day on which the second event happens;
 - (h) where an act or proceeding is directed or allowed to be done or taken on a certain day, or on or before a certain day, then, if that day is an excluded day, the act or proceeding shall be considered as done or taken in due time if it is done or taken on the next day that is not an excluded day.

- (2) For the purposes of this section, excluded day means Saturday, Sunday or public holiday throughout the State of Western Australia or in that part of the State which is relevant to the event, act, thing or proceeding concerned.

Reckoning of Months

39.

- (1) In a written law, month means a calendar month, that is to say, a month reckoned according to the calendar.
- (2) If a period of one month indicated in a written law begins on any date other than the first day of any of the 12 months of the calendar, it shall be reckoned from the date on which it is to begin to the date in the next month numerically corresponding, less one, or, if there is no corresponding date, to the last day of that month.

For example: a month beginning on 15 January ends on 14 February and a month beginning on 30 or 31 January ends on 28 February (or 29 February in a leap year).

- (3) If a period indicated in a written law is of 2, 3 or more months, it shall be reckoned from the date on which it is to begin to the date numerically corresponding, less one, in the second, third, or other successive month thereafter or, if there is no such corresponding date, to the last day of the latter month.

For example: a period of 6 months beginning on 15 August ends on 14 February and a period of 6 months beginning on 30 or 31 August ends on 28 February (or 29 February in a leap year).

Time for doing acts if no time fixed

40. Where no time is fixed or allowed within which an act or thing shall be done, such thing shall be done with all convenient speed and as often as occasion arises.

PART IX - REGISTRAR'S POWERS REGARDING AMENDMENTS

Consequential and editorial amendments

41. The Registrar is authorised to make editorial amendments to any written law. An editorial amendment is an amendment that does not involve any substantive change, but which:
- (a) corrects a typographical error;
 - (b) corrects or updates a reference to a Statute, position, entity, place or thing;
 - (c) goes only to a matter of spelling, punctuation, grammar or syntax or the use of conjunctives and disjunctives;
 - (d) changes the name of the written law or a provision of the written law;
 - (e) numbers or renumbers a provision of the written law;
 - (f) changes the order of definitions or other provisions of the written law;
 - (g) replaces a reference to "a provision" with a different form of reference to the provision;
 - (h) changes the way of referring to or expressing a number, year, date, time, amount of money, penalty, quantity, measurement, or other matter, idea or concept;
 - (i) replaces a word indicating gender or that could be taken to indicate gender in accordance with current legislative drafting practice;
 - (j) omits the enacting words or the statute-making words (including any signatures) or a provision that consists only of a description of how the written law is arranged into groups of provisions;
 - (k) omits a provision that has expired, the operation of which is exhausted or spent or that is otherwise obsolete or redundant;
 - (l) omits, inserts or changes a referential term;
 - (m) inserts, omits or changes a note;
 - (n) updates a reference to the heading to a provision;
 - (o) is consequential on any amendment made to the written law by another written law; or

- (p) is consequential on any other editorial amendment, whether made to that written law or to another written law.

Reprinting Statutes which have been amended

42. The Registrar is authorised to reprint any written law which has been amended by a subsequent written law, in such a format as will best indicate the text of the written law as currently in force.

REGULATIONS

The Synod or Council of the Diocese may from time to time make, amend or repeal regulations (e.g. policies and procedures) not inconsistent with the provisions of this Statute providing for records arising out of or incidental to the operation of this Statute and for all or any of the purposes, whether general or to meet particular cases, which may be convenient for the administration of this Statute or which may be necessary or expedient to carry out the overriding purposes of this Statute.

RESPONSIBILITIES

Review

The Synod or Council of the Diocese will review the operation of this Statute on or before six years after its commencement.

Records management

The Registry maintains all records relevant to administering this Statute using its recordkeeping system.

CERTIFICATIONS AND ASSENT

I Certify that the Statute as printed is in accordance with the Statute as reported.

P GRICE
Chair of Committees

I Certify that this Statute was passed by the Synod of the Diocese of North West Australia on 04/10/2020.

K HARRIS
Registrar

I Assent to this Statute.

G NELSON
Bishop
04/10/2020

SCHEDULE

“amend” means replace, substitute, in whole or in part, add to or vary, and the doing of any two or more of such things simultaneously or by the same written law;

“Australia” means the Commonwealth of Australia;

“Code of Statutes”, means the bound collection of printed copies of the statutes of the Diocese, including the Constitutions of this Diocese, the Province of Western Australia and the Anglican Church of Australia;

“commencement”, in relation to an enactment, means the time when the enactment came or comes into operation;

“Commonwealth” means the Commonwealth of Australia;

“contravene”, in relation to any requirement or condition prescribed in a written law or in any licence, or other authority under a written law, includes a failure to comply with that requirement or condition;

“death,” of a person, occurs upon—

- (a) irreversible cessation of all function of the person’s brain; or
- (b) irreversible cessation of circulation of blood in the person’s body;

“dies” has a meaning corresponding to “death”;

“definition”, means the interpretation given by any written law to a word or expression;

“document” includes any publication and any matter written, expressed, or described upon any substance by means of letters, figures, or marks, or by more than one of those means, which is intended to be used or may be used for the purpose of recording that matter;

“enactment” means a written law or any portion of a written law;

“financial year” means the period of 12 months ending on 31 December;

“function” includes powers, duties, responsibilities, authorities, and jurisdictions;

“indictable offence” has the meaning given by the Interpretation Act 1984 (WA);

“individual” means a natural person;

“judge” means a judge, acting judge or auxiliary judge of the Supreme Court;

“land” includes buildings and other structures, land covered with water, and any estate, interest, easement, servitude or right in or over land;

“month”, means:

- (1) a calendar month, that is to say, a month reckoned according to the calendar.
- (2) if a period of one month indicated in a written law begins on any date other than the first day of any of the 12 months of the calendar, it shall be reckoned from the date on which it is to begin to the date in the next month numerically corresponding, less one, or, if there is no corresponding date, to the last day of that month.

For example: a month beginning on 15 January ends on 14 February and a month beginning on 30 or 31 January ends on 28 February (or 29 February in a leap year).

- (3) If a period indicated in a written law is of 2, 3 or more months, it shall be reckoned from the date on which it is to begin to the date numerically corresponding, less one, in the second, third, or other successive month thereafter or, if there is no such corresponding date, to the last day of the latter month.

For example: a period of 6 months beginning on 15 August ends on 14 February and a period of 6 months beginning on 30 or 31 August ends on 28 February (or 29 February in a leap year).

“oath” means an oath or affirmation taken or made in accordance with the Oaths, Affidavits and Statutory Declarations Act 2005 (WA) or taken or made before the commencement of that Act in accordance with law;

“perform”, in relation to functions, includes the exercise of a power, responsibility, authority or jurisdiction;

“person” or any word or expression descriptive of a person includes a public body, company, or association or body of persons, corporate or unincorporate;

“Policies and Procedures Manual” means the bound collection of printed copies of the regulations or rules of the Diocese, including codes of conduct such as Faithfulness in Service: a national code for church workers and Being Together: expectations of behaviour in our church community;

“power” includes any privilege, authority, or discretion;

“prescribed” means —

- (a) prescribed by or under the written law in which the word occurs; and
- (b) in a case where reference is made to anything prescribed by a written law other than the law in which the word occurs, includes anything prescribed by a regulation, policy or procedure made under that other written law;

“publication” means —

- (a) all written and printed matter; and
- (b) any record, tape, wire, perforated roll, cinematograph film or images or other contrivance by means of which any words or ideas may be mechanically, electronically, or electrically produced, reproduced, represented, or conveyed; and
- (c) anything whether of a similar nature to that described in paragraph (b) or not, containing any visible representation, or by its form, shape, or in any manner capable of producing, reproducing, representing, or conveying words or ideas; and
- (d) every copy and reproduction of a publication as defined in paragraphs (a), (b) and (c);

“regulation” means a regulation made under the Statute in which the term is used;

“repeal” includes rescind, revoke, cancel, or delete;

“rule” means a rule made under the Statute in which the term is used;

“sell” includes barter, exchange, offer to sell and expose for sale;

“sign” includes the affixing or making of a seal, mark or thumbprint;

“spouse”, in relation to a person, means a person who is lawfully married to that person;

“Statute” means any Statute passed by the Synod or by the Diocesan Council;

“statutory declaration” means a statutory declaration made in accordance with the Oaths, Affidavits and Statutory Declarations Act 2005 (WA) or made before the commencement of that Act in accordance with law;

“subsidiary legislation” means any proclamation, regulation, rule, order, notice, resolution, or other instrument, made under any written law and having legislative effect;

“swear” includes to affirm;

“under”, in relation to a written law or a provision of a written law, includes “by”, “in accordance with”, “pursuant to” and “by virtue of”;

“will”, includes a codicil and every writing making a voluntary posthumous disposition of property;

“words”, includes figures and symbols;

“writing”, and expressions referring to writing, include printing, photography, photocopying, lithography, typewriting and any other modes of representing or reproducing words in visible form;

“written law”, means Statutes for the time being in force and all subsidiary legislation for the time being in force;

“year” means a period of 12 months.