

# ORDINANCE INTERPRETATION ORDINANCE, 1911-1940. <sup>(1)</sup>

## An Ordinance for the Interpretation of Ordinances and for Shortening their Language.

**B**E it enacted by the Lieutenant-Governor of the Territory of Papua with the advice and consent of the Legislative Council thereof as follows:—

1. This Ordinance may be cited as the *Ordinance Interpretation Ordinance, 1911-1940*. It shall come into operation on a day to be fixed by the Lieutenant-Governor by Proclamation published in the *Gazette*.<sup>(1)</sup>

Short title.  
Amended by  
No. 2 of 1930,  
s. 2.

2. The “*Acts Shortening Act of 1867*” (Queensland adopted) and *The Interpretation Ordinance of 1891* are repealed.

Repeal.

3. This Ordinance shall unless the contrary intention is herein expressed apply to all Ordinances including this Ordinance enacted or to be enacted by the Lieutenant-Governor of the Territory of Papua with the advice and consent of the Legislative Council thereof and to all Ordinances heretofore enacted by the Administrator of British New Guinea with the advice and consent of the Legislative Council thereof and to all Ordinances ordained or to be ordained by the Legislative Council for the Territory of Papua.

Application of  
Ordinances.  
Amended by  
No. 2 of 1933,  
s. 2, and by  
No. 12 of 1940,  
s. 2.

(1) The *Ordinance Interpretation Ordinance, 1911-1940*, comprises the *Ordinance Interpretation Ordinance, 1911*, as amended by the other Ordinances referred to in the following Table:—

ORDINANCES OF THE LEGISLATIVE COUNCIL FOR THE TERRITORY OF PAPUA.

Short title, number and year.	Date of assent by Lieut.-Gov.	Date notified in Papua Govt. Gaz. as not disallowed by Gov.-Gen. in Council.	Date on which came into operation.
<i>Ordinance Interpretation Ordinance, 1911</i> (No. 7 of 1911)	16.5.1911	(a)	1.1.1912 (Papua Govt. Gaz. of 6.12.1911)
<i>Ordinance Interpretation Ordinance, 1918</i> (No. 7 of 1918)	13.5.1918	4.9.1918	13.5.1918 ( <i>Ordinances etc. of Papua, 1918, p. 25</i> )
<i>Ordinance Interpretation Ordinance, 1933</i> (No. 2 of 1933)	11.7.1933	3.1.1934	11.7.1933 ( <i>Ordinances etc. of Papua, 1933, p. 3</i> )
<i>Ordinance Interpretation Ordinance, 1939</i> (No. 4 of 1939)	11.8.1939	6.12.1939	11.8.1939 ( <i>Ordinances etc. of Papua, 1939, p. 7</i> )
<i>Ordinance Interpretation Ordinance, 1940</i> (No. 12 of 1940)	18.9.1940	6.11.1940	18.9.1940 ( <i>Ordinances etc. of Papua, 1940, p. 33</i> )

(a) No notice of non-disallowance has been published in Papua Govt. Gaz.

## LAWS (ADOPTION AND INTERPRETATION)—

### COMMENCEMENT OF ORDINANCE.

Meaning of  
"Commence-  
ment."

Cwlt. No. 2 of  
1901, s. 3.

4.—(1.) In every Ordinance the word "Commencement" when used with reference to an Ordinance shall mean the time at which the Ordinance comes into operation.

(2.) Where an Ordinance or any instrument (including any rules regulations or by-laws) made, granted under a power conferred by an Ordinance, is expressed to come into operation on a particular day it shall come into operation immediately on the expiration of the last preceding day.

Exercise of  
statutory powers  
between passing  
and  
commencement  
of Ordinance.

Cwlt. *Ib.* s. 4.  
Inserted by  
No. 7 of 1918,  
s. 2.

4A. When an Ordinance is not to come into operation immediately on the passing thereof and confers power to make any appointment to make grant or issue any instrument (including any rules regulations or by-laws) to give notices to prescribe forms or to do any other thing for the purposes of the Ordinance, that power may unless the contrary intention appears be exercised at any time after the passing of the Ordinance for the purpose of bringing the Ordinance into operation at the commencement thereof:

Provided that any instrument made under the power shall not unless the contrary intention appears in the Ordinance or the contrary is necessary for bringing the Ordinance into operation, come into operation until the Ordinance comes into operation.

Commencement  
of Ordinances  
assented to by  
Lieutenant-  
Governor.

Cwlt. *Ib.* s.  
5 (1).

Q. 31 Vic.  
No. 6, s. 6.

Sub-section (1)  
amended by  
No. 12 of 1940,  
s. 3.

Commencement  
of Ordinances  
reserved.

Cwlt. *Ib.* s.  
5 (2).

Q. *Ib.* s. 7.

Sub-section (2)  
amended by  
No. 12 of 1940,  
s. 3.

Evidence of  
date of assent  
or notification  
of assent.

Cwlt. *Ib.* s. 6.

Q. *Ib.* s. 6.

Amended by  
No. 12 of 1940,  
s. 4.

5.—(1.) Every Ordinance assented to by the Administrator shall come into operation on the day on which such Ordinance is so assented to unless the contrary intention appears in such Ordinance.

(2.) Every Ordinance reserved for the signification of the Governor-General's pleasure thereon shall come into operation on the day on which the Governor-General's assent is notified in the *Gazette* by the Administrator unless the contrary intention appears in such Ordinance.

6.<sup>(2)</sup> The date appearing on the copy of an Ordinance printed by the Government Printer or purporting so to be and purporting to be the date on which the Administrator assented thereto or made known the Governor-General's assent shall be evidence that such date was the date on which the Administrator so assented or

(2) See Sections 4 and 9 of the *Ordinance Interpretation Ordinance*, 1940, printed on p. 2793.

made known the Governor-General's assent and shall be judicially noticed.

REPEAL OF ORDINANCES.

7. The repeal of an Ordinance by which a previous Ordinance or part thereof was repealed shall not have the effect of reviving such last-mentioned Ordinance or part thereof without express words.

Effect of repeal of Ordinance.  
Cwlt. No. 2 of 1901, s. 7.  
Q. 31 Vic. No. 6, s. 3.

8. Where an Ordinance repeals in the whole or in part a former Ordinance then unless the contrary intention appears the repeal shall not—

Effect of repeal of Ordinance.  
Cwlt. *Ib.* s. 8.

- (a) revive anything not in force or existing at the time at which the repeal takes effect; or
- (b) affect the previous operation of any Ordinance so repealed or anything duly done or suffered under any Ordinance so repealed; or
- (c) affect any right privilege obligation or liability acquired accrued or incurred under any Ordinance so repealed; or
- (d) affect any penalty forfeiture or punishment incurred in respect of any offence committed against any Ordinance so repealed; or
- (e) affect any investigation legal proceeding or remedy in respect of any such right privilege obligation liability penalty forfeiture or punishment as aforesaid; and any such investigation legal proceeding or remedy may be instituted continued or enforced and any such penalty forfeiture or punishment may be imposed as if the repealing Ordinance had not been passed.

9. Where an Ordinance repeals in the whole or in part a former Ordinance and substitutes provisions in lieu thereof the repealed provisions shall remain in force until the substituted provisions come into operation.

Repealed Ordinance in force until substituted provisions operate.  
Cwlt. *Ib.* s. 9.  
Q. *Ib.* s. 2.

10. When an Ordinance repeals and re-enacts with or without modification any provision of a former Ordinance references in any other Ordinance to the provisions so repealed shall unless the contrary intention appear be construed as references to the provisions so re-enacted.

References to repealed provisions.  
Cwlt. *Ib.* s. 10.

10A. Where in any Ordinance reference is made to any other Ordinance and that other Ordinance is subsequently amended then unless the contrary intention appears, the reference shall from

References to amended Ordinances.  
Cwlt. *Ib.* s. 10A.  
Inserted by No. 7 of 1918, s. 3.

## LAWS (ADOPTION AND INTERPRETATION)—

the date of the amendment be deemed to be to that Ordinance as so amended.

Expiration of Ordinance.

Cwith. No. 2 of 1901, s. 11.

Q. 31 Vic. No. 6, s. 3.

11. The expiration of an Ordinance shall not affect any civil proceeding previously commenced under such Ordinance but every such proceeding may be continued and everything in relation thereto be done in all respects as if the Ordinance continued in force.

### GENERAL PROVISIONS.

Every section a substantive enactment.

Cwith. *Ib.* s. 12.

Q. *Ib.* s. 4.

12. Every section of an Ordinance shall have effect as a substantive enactment without introductory words.

Headings, schedules marginal notes and footnotes.

Cwith. *Ib.* s. 13.

13.—(1.) The headings of the parts divisions and subdivisions into which any Ordinance is divided shall be deemed to be part of the Ordinance.

(2.) Every schedule to an Ordinance shall be deemed to be part thereof.

(3.) Neither the marginal notes nor the footnotes to an Ordinance shall be deemed to be part thereof.

Ordinances may be altered &c. in same session.

Cwith. *Ib.* s. 14.

Q. *Ib.* s. 1.

Amending to be construed with amended Ordinance.

Cwith. *Ib.* s. 15.

14. An Ordinance may be altered amended or repealed in the same session of the Legislative Council in which it was passed.

15. Every Ordinance amending another Ordinance shall unless the contrary intention appears be construed with such other Ordinance and as part thereof.

### PUBLIC AND PRIVATE ORDINANCES.

Every Ordinance to be deemed a public Ordinance.

Q. *Ib.* s. 6.

16. Every Ordinance after the commencement of this Ordinance shall be deemed and taken to be a public Ordinance and shall be judicially taken notice of as such unless the contrary be expressly provided and declared by such Ordinance.

No private Ordinance to affect the Crown or individuals not named.

Q. *Ib.* s. 9.

17. Whenever any Ordinance shall be passed in the nature of a Private Ordinance and whereby the property of any individual may be affected nothing therein contained shall be deemed to affect the rights of His Majesty His Heirs and Successors or of any bodies politic or corporate or of any person excepting those at whose instance or for whose special benefit such Ordinance may have been passed and those claiming by through or under them but all such rights shall be deemed to be saved in any such Ordinance in the same manner as if a proviso for that purpose had been expressly contained therein and enacted thereby.

WORDS AND REFERENCES IN ORDINANCES.<sup>(3)</sup>

18. In any Ordinance reference to the Sovereign reigning at the time of the passing of such Ordinance or to the Crown shall unless the contrary intention appears be construed as references to the Sovereign for the time being.
- 19.—(1.) In any Ordinance unless the contrary intention appears—
- “Administrator” shall mean the Administrator of the Territory and shall include any person for the time being administering the Government of the Territory;
- “Administrator in Council” shall mean the Administrator acting with the advice of the Executive Council or acting in opposition to the advice and decision of the Executive Council as the case may be;
- “The Territory” shall mean the Territory of Papua;
- “The Legislative Council” shall mean the Legislative Council for the Territory;
- \* \* \* \* \*
- “Australia” includes the whole of the Commonwealth of Australia;
- “The Executive Council” shall mean the Executive Council for the Territory;
- “The *Gazette*” shall mean the *Government Gazette* of the Territory;
- “The Government Printer” shall include any person printing for the Government of the Territory;
- (2.) Where in any Ordinance or law of the Territory there is a reference to—
- (a) the Lieutenant-Governor—that reference shall be read as a reference to the Administrator;
- (b) the Lieutenant-Governor in Council—that reference shall be read as a reference to the Administrator in Council; and

References to the Sovereign.  
Cwith. No. 2 of 1901, s. 16.  
Q. 31 Vic. No. 6, s. 10.

Constitutional and official definitions.  
Cwith. *Ib.* s. 17.  
Q. *Ib.* ss. 10, 16.

“Administrator.”  
Inserted by No. 12 of 1940, s. 5.

“Administrator in Council.”  
Inserted by No. 12 of 1940, s. 5.

“The Territory.”

“The Legislative Council.”

Definitions of “Lieutenant-Governor” and “Lieutenant-Governor in Council” omitted by No. 12 of 1940, s. 5.

“Australia.”

“The Executive Council.”

“The *Gazette*.”

“The Government Printer.”

Sub-section (2) added by No. 12 of 1940, s. 5.

(3) See, also, Section 3 of *The Criminal Code Ordinance of 1902*, printed on p. 1287, and Section 4 of the *Central Court Ordinance, 1925*, printed on p. 577.

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(c) the Central Court—that reference shall be read as a reference to the Supreme Court.

Mention of an officer in general terms.

Cwlt. No. 2 of 1901, s. 20.

Q. 31 Vic. No. 6, s. 10.

20. Where in any Ordinance any person holding or occupying a particular office or position is mentioned or referred to in general terms such mention or reference shall unless the contrary intention appears be deemed to include all persons who at any time occupy for the time being the said office or position.

Office &c. means office &c. of the Territory.

Cwlt. *Ib.* s. 21.

Q. *Ib.* s. 14.

21. In any Ordinance unless the contrary intention appears—

(a) references to any officer or office shall be construed as references to such officer or office in and for the Territory; and

(b) references to localities jurisdictions and other matters and things shall be construed as references to such localities jurisdictions and other matters and things in and of the Territory.

Meaning of certain words.

Cwlt. *Ib.* s. 22.

Q. *Ib.* s. 11.

“Person” and “Party.”

Amended by No. 2 of 1933, s. 3.

22. In any Ordinance unless the contrary intention appears—

“Person” and “Party” shall include a body politic or corporate as well as an individual;

“Month.”

“Month” shall mean calendar month;

“Land.”

“Land” shall include messuages tenements and hereditaments corporeal and incorporeal of any tenure or description and whatever may be the estate or interest therein;

“Estate.”

“Estate” shall include any estate or interest charge right title claim demand lien or encumbrance at law or in equity;

“Native.”

“Native” shall mean and include any aboriginal native of New Guinea or of any island adjacent thereto or of any part of the Territory and also every aboriginal native of Australia or any island adjacent thereto and also every aboriginal native of any island in the Pacific Ocean or of any of the East Indian Islands or of Malaysia that shall whilst he is in the Territory live after the manner in which aboriginal natives of New Guinea or the islands adjacent thereto live; and also every person that is wholly or partly descended from any aboriginal natives or native aforesaid and that shall whilst he is in the Territory live after the manner in which aboriginal natives of New Guinea or the islands adjacent thereto live;

*Ordinance Interpretation Ordinance, 1911-1940.*

“Prescribed” means prescribed by the Ordinance or by regulations under the Ordinance;

“Regulations” means regulations under the Ordinance. “Regulations.”

- 23.** In any Ordinance unless the contrary intention appears—
- (a) words importing the masculine gender shall include females;
  - (b) words in the singular shall include the plural and words in the plural shall include the singular.

Rules as to gender and number.  
Cwith. No. 2 of 1901, s. 23.  
Q. 31 Vic. No. 6, s. 11.

**24.** Every provision of an Ordinance relating to offences punishable on indictment or summary conviction shall unless the contrary intention appears be deemed to refer to bodies corporate as well as to persons.

Corporations liable to and may sue for penalties.  
Cwith. *Ib.* s. 24.

Where under any Ordinance any forfeiture or penalty is payable to a party aggrieved it shall be payable to a body corporate where the body corporate is the party aggrieved.

**25.** In any Ordinance expressions referring to writing shall unless the contrary intention appears be construed as including references to any mode of representing or reproducing words in a visible form.

References in writing.  
Cwith. *Ib.* s. 25.  
Pap. No. 1 of 1891, s. 3.

JUDICIAL EXPRESSIONS.

- 26.** In every Ordinance unless the contrary intention appears—
- (a) “The Supreme Court” shall mean the Supreme Court of the Territory;
  - (b) the words “Oath” and “Affidavit” shall in the case of persons allowed by law to affirm declare or promise instead of swearing include affirmation declaration and promise; and the word “Swear” shall in the like case include affirm declare and promise;
  - (c) the words “Statutory Declaration” shall mean a declaration made by virtue of any Ordinance authorizing a declaration to be made otherwise than in the course of a judicial proceeding;
  - (d) the word “Magistrate” shall mean a resident magistrate an acting resident magistrate or an assistant resident magistrate;

Definitions and meanings of certain words.  
Cwith. *Ib.* ss. 26, 27.  
Q. *Ib.* s. 11.  
“Supreme Court.”  
Paragraph (a) amended by No. 12 of 1940, s. 6.  
“Oath”  
“Affidavit”  
“Swear.”  
“Statutory Declaration.”  
“Magistrate.”

LAWS (ADOPTION AND INTERPRETATION)—

"Petty Sessions."

(e) the words "Petty Sessions" shall mean the justices of the peace assembled at any court of petty sessions.

"Judge."  
Paragraph (f)  
added by  
No. 12 of 1940,  
s. 6.

(f) the word "Judge" shall mean a Judge of the Supreme Court of the Territory.

Meaning of  
service by post.  
Cwlth. No. 2 of  
1901, s. 29.

27. Where an Ordinance authorizes or requires any document to be served by post whether the expression "serve" or the expression "send" or "give" or any other expression is used then unless the contrary intention appears the service shall be deemed to be effected by properly addressing prepaying and posting the document as a letter and unless the contrary is proved to have been effected at the time at which the letter would be delivered in the ordinary course of post.

Proclamations  
judicially  
noticed.  
Cwlth. *Ib.* s. 31.  
*See* S.A. No. 9  
of 1872, s. 31.  
Amended by  
No. 12 of 1940,  
s. 7.

28.<sup>(4)</sup> Every Proclamation or Order by the Administrator or by the Administrator in Council made or purporting to be made in pursuance of any Ordinance and every act matter or thing whereof notification in the *Gazette* shall have been or may be directed by any Ordinance when so published shall be judicially taken notice of without further evidence than the production of a copy of the *Gazette*.

POWERS CONFERRED AND DUTIES IMPOSED BY ORDINANCES.

Expressions in  
an instrument  
under an  
Ordinance.  
Cwlth. *Ib.* s. 32.

29. Where an Ordinance confers power to make grant or issue any instrument (including rules regulations or by-laws) expressions used in any such instrument shall unless the contrary intention appears have the same meaning as in the Ordinance conferring the power.

Exercise of  
powers and  
duties.  
Cwlth. *Ib.* s. 33.  
Q. 31 Vic.  
No. 6, s. 18.

30.—(1.) Where an Ordinance confers a power or imposes a duty then unless the contrary intention appears the power may be exercised and the duty shall be performed from time to time as the occasion requires.

By holder of  
office.  
Cwlth. *Ib.* s. 33  
(2).

(2.) Where an Ordinance confers a power or imposes a duty on the holder of an office as such then unless the contrary intention appears the power may be exercised and the duty shall be performed by the holder for the time being of the office.

Power to make  
includes power  
to rescind.  
Cwlth. *Ib.* s. 33  
(3).  
Q. *Ib.* s. 19.

(3.) Where an Ordinance confers a power to make any rules regulations or by-laws the power shall unless the contrary intention appears be construed as including a power exercisable in the like manner and subject to the like conditions (if any) to rescind revoke amend or vary such rules regulations or by-laws.

(4) *See* Sections 7 and 9 of the *Ordinance Interpretation Ordinance, 1940*, printed on p. 2793.



31. Any court judge justice of the peace officer commissioner arbitrator or other person authorized by law or by consent of parties to hear and determine any matter shall have authority to receive evidence and examine witnesses and to administer an oath to all persons legally called before them respectively.

Power to determine includes authority to administer oath.  
Cwlth No. 2 of 1901, s. 34.  
Q. 31 Vic. No. 6, s. 21.

32. Where in any Ordinance a power is conferred on any officer or person by the word "may" or the words "it shall be lawful" or the words "shall or may be lawful" applied to the exercise of that power such word or words shall be taken to import that the power may be exercised or not at discretion; but where the word "shall" is applied to the exercise of any such power the construction shall be that the power conferred must be exercised.

Powers when discretionary and when not.  
Q. Ib. s. 20.

33.—(1.) Where an Ordinance confers power to make regulations, then unless a contrary intention appears, all regulations made accordingly:—

Regulations.  
See Cwlth. No. 10 of 1937, s. 19.  
Section 33 amended by No. 7 of 1918, s. 4; substituted by No. 4 of 1939, s. 2.

- (a) shall be notified in the *Gazette*;
- (b) shall, subject to this section, take effect from the date of notification, or where another date is specified in the regulations, from the date specified; and
- (c) shall be laid before the Legislative Council within seven days of the making thereof or if the Legislative Council is not then sitting within seven days after the next sitting of the Legislative Council.

(2.) Regulations shall not be expressed to take effect from a date before the date of notification in any case where if the regulations so took effect:—

- (a) the rights of a person (other than the Government of the Territory or an authority thereof) existing at the date of notification, would be affected in a manner prejudicial to that person; and
- (b) liabilities would be imposed on any person (other than the Government of the Territory or an authority thereof) in respect of anything done or omitted to be done before the date of notification

and where, in any regulations, any provision is made in contravention of this subsection, that provision shall be void and of no effect.

(3.) Where the Legislative Council passes a resolution within fifteen sitting days after any regulations have been laid before it disallowing any regulation specified in the resolution such regulation shall thereupon cease to have effect and the disallowance of the regulation shall have the same effect as a repeal.

## LAWS (ADOPTION AND INTERPRETATION)—

Effect of repeal  
of Regulations.  
Cwlt. No. 1 of  
1904, s. 11.  
Inserted by  
No. 7 of 1918,  
s. 5.

33A. Where an Ordinance confers power to make Regulations the repeal of any Regulations which have been made under the Ordinance shall not unless the contrary intention appears in the Ordinance or Regulations effecting the repeal—

- (a) affect any right privilege obligation or liability acquired accrued or incurred under any Regulations so repealed; or
- (b) affect any penalty forfeiture or punishment incurred in respect of any offence committed against any Regulations so repealed; or
- (c) affect any investigation legal proceeding or remedy in respect of any such right privilege obligation liability penalty forfeiture or punishment as aforesaid;

and any such investigation legal proceeding or remedy may be instituted continued or enforced and any such penalty forfeiture or punishment may be imposed as if the repealing Ordinance or Regulations had not been passed or made.

### TIME AND DISTANCE.

Reckoning of  
time.  
Cwlt. No. 2 of  
1901, s. 36.  
Q. 31 Vic.  
No. 6, s. 13.

34.—(1.) Where in an Ordinance any period of time dated from a given day act or event is prescribed or allowed for any purpose the time shall unless the contrary intention appears be reckoned exclusive of such day or of the day of such act or event.

(2.) Where the last day of any period prescribed or allowed by any Ordinance for the doing of anything falls on a Sunday or on any day which is a public holiday throughout the Territory the thing may be done on the first day following which is not a Sunday or such a public holiday.

Measurement  
of distance.  
Q. 1b. s. 13.

35. Distance of space mentioned or indicated in any Ordinance shall be computed according to the nearest road ordinarily used in travelling unless measurement in a direct line be expressed or that construction be rendered necessary by the context.

### CITATION OF ORDINANCES.

References to  
Ordinances.  
Cwlt. 1b. s. 38.

36. An Ordinance made by the Legislative Council of the Territory of Papua or by the Legislative Council of the Possession of British New Guinea may be referred to by the word "Ordinance" alone.

Citation of  
Ordinances and  
Acts.  
Cwlt. 1b. ss.  
38, 40.

37.—(1.) In any Ordinance instrument or document—

- (a) any Ordinance may be cited by its short title (if any) or by reference to the secular year in which it was passed and its number; and

- (b) any Act passed by the Parliament of the United Kingdom of Great Britain and Ireland may be referred to by the term "Imperial Act" and may be cited by reference to the regnal year in which it was passed and its chapter; and
- (c) any Act of the Parliament of the Commonwealth of Australia may be referred to by the term "Commonwealth Act" and may be cited by its short title or by reference to the secular year in which it was passed and its number;
- (d) any Act of any State of the Commonwealth of Australia may be cited by a reference to the State by the Parliament whereof the Act was passed together with such mode of reference as is sufficient in Acts passed by such Parliament.

(2.) Any enactment may be cited by reference to the part section subsection or other division of the Ordinance Imperial Act Commonwealth Act or State Act in which the enactment is contained.

37A. The Government Printer shall in each year consecutively number arithmetically the Ordinances of the Territory according to the date of the Administrator's assent thereto or the date upon which the Governor-General's pleasure is made known as the case may be.

Numbering of Ordinances.  
Inserted by No. 12 of 1940, s. 8.

#### FINES AND PENALTIES.

38. Whenever any fine penalty or forfeiture shall be imposed or authorized to be imposed by any Ordinance such Ordinance shall be taken to provide that the same when recovered shall be paid to the Treasurer for the public uses of the Territory unless such Ordinance shall otherwise direct.

Penalties to be paid into Treasury.  
S.A. No. 9 of 1872, s. 26.  
Q. 31 Vic. No. 6, s. 25, altered.

39. Any fine penalty or forfeiture so imposed may be sued and proceeded for by any person whomsoever unless by the Ordinance imposing the same such right to sue or proceed be expressly given to any officer or person by designation or name.

Who may sue for penalties.  
Q. 1b. s. 26.

40. In any Ordinance passed after the commencement of this Ordinance the penalty pecuniary or other set out—

Penalties at foot of sections or subsections.  
Cwth. No. 1 of 1904, s. 3.

(a) at the foot of any section of any Ordinance; or

(b) at the foot of any subsection of any section of any Ordinance but not at the foot of the section

shall indicate that any contravention of the section or of the subsection respectively whether by act or omission shall be an offence

LAWS (ADOPTION AND INTERPRETATION)—

against the Ordinance punishable upon conviction by a penalty not exceeding the penalty mentioned:

Provided that where the penalty is expressed to apply to a part only of the section or subsection it shall apply to that part only.