

REPUBLIC OF NAURU
INTERPRETATION (AMENDMENT) BILL 2020
EXPLANATORY MEMORANDUM

The *Interpretation (Amendment) Bill 2020* is a Bill for the *Interpretation (Amendment) Act 2020*.

This memorandum provides an explanation of the Bill and is only intended to indicate the general effect.

EXPLANATION OF CLAUSES

Clause 1 provides that, once enacted, the short title of the Bill will be the *Interpretation (Amendment) Act 2020*.

Clause 2 sets out when the Bill's provisions will commence which is upon certification by the Speaker.

Clause 3 is the enabling provision for the amendment of the *Interpretation Act 2011*.

Clause 4 amends Section 63 of the Act which relates to determining periods of time. This Clause provides rules for the computation of time. This Clause restates and expands upon the current provision to ensure certainty and clarity in the computation of time without articulating the rules in each written law to which they apply.

Subclause (1) provides that the computation or calculation of time to be done under a statute is extremely important for meeting the legal requirements. For that purpose, the way laws are drafted there may result in different methods of calculation of days. This clause clarifies the interpretation on the calculation of time so that there is uniformity in all legislation.

Subclause (2) provides for commencement time with '*at, on or with a stated day*'.

Subclause (3) provides for calculation of time '*from*' and '*after*' of a particular day. The day which is referred to as '*from*' or '*after*' is not counted.

Subclause (4) deals with when a particular event is to end and where there is reference to '*at*', '*by*', '*on*' or '*with*' '*or continuing to or until*'. The last or ending day is counted.

Subclause (5) deals with when particular event is to end and where there is reference to '*before*' a stated day. The last or ending day is not counted.

Subclause (6) provides for the use of the word '*between*'. Where '*between*' is used for the days, the two days are not counted.

Subclause (7) provides for calculation of time when the day on which event or work is to be undertaken is not a working day. That date is extended to the immediate next working day.

Subclause (8) provides for the 7 day rule. The 7 day rule does not include the counting of Saturdays, Sundays and public holidays. It only includes working days.

Subclause (9) provides for counting of any act to be done over a period of time which is in excess of 7 days.

Subclause (10) clarifies that any work which falls on Saturday, Sunday or public holiday. It is presumed that any work may not be carried out on these days. Therefore anything that falls on a Saturday, Sunday or public holiday will be extended to the next working day.

Subclause (11) provides for the actual working days. Saturday, Sunday and PH are not working days as such the calculation of any time for working days will be extended to the next working day.

Subclause (12) provides for anything to be done where there is no time provided. The law presumes all such acts to be done within reasonable time.

Subclause (13) provides for the requirement that if anything is to be done within a specific period of time, the thing still needs to be done irrespective of the lapse of the period of time.

Clause 5 amends Section 65 by inserting five new terms with their definitions. The five terms are: *electronic or digital communication, mass media, media, posts or post and social media*. With the advent of the internet, it is important that the Act reflects contemporary terms often used in the various written laws.

Clause 6 amends Section 75 which relates to references to legal practitioners. This clause is revised to make it consistent with the *Legal Practitioners Act 2019*. This clause now ensures that any reference to legal practitioner will be such barrister and solicitor or pleader duly admitted to practice law under Part 2 or 3 of the *Legal Practitioners Act 2019* and has a current practicing certificate.

Clause 7 inserts a new Section 75A and provides that any use of or reference to ‘Nauru’, ‘Republic’ or ‘Republic of Nauru’ in a written law refers to the Republic. Many laws of the Republic use interchangeably ‘Nauru’, ‘Republic’ or ‘Republic of Nauru’. This amendment will clarify that though different references may be used in different laws, such terms would all be referring to the ‘Republic’.

Clause 8 amends Section 105 of the Act. The Gazette contains information which is official. There is no law which provides for the presumption of the contents of a Gazette is accurate. This amendment is needed for it to be consistent with the purpose of gazetting Government information. The court must take judicial notice of this.