



By-law Interpretation By-law 2026

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A by-law for the interpretation of by-laws

Part 1—Preliminary

1 Short title

This By-law may be cited as the *By-law Interpretation By-law 2026*.

2 Commencement

This By-law commences on 1 March 2026.

3 Application of By-Law

This By-law applies to all By-laws

4 Precedent

This By-law takes precedent over any orders made under clause 9(2) of the Constitution.

5 Composition of Western Sydney

- (1) The **Western Sydney** region means the region comprising of the following local government areas:
 - (a) Blacktown,
 - (b) Blue Mountains,
 - (c) Cumberland,
 - (d) Hawkesbury,
 - (e) Liverpool.
- (2) The Chairman-General may, by order:
 - (a) extend or reduce the Western Sydney region, or
 - (b) rename a local government area.

6 Definitions

In this by-law:

Australia has the same meaning as in the *Acts Interpretation Act 1901* (Cth).

Board means the Unlisted Board.

Board member means a Board member in the Constitution.

Constitution means the Unlisted Thoughts Constitution.

Typographical errors means a spelling or transposition mistake made in the typing of printed or electronic material.

Part 2—Commencement of By-laws

7 When By-laws come into operation

If a By-law or a provision of a By-law is expressed to come into operation on a particular day (whether the expression “come into operation” or “commence” is used), it comes into operation at the start of the day.

8 Commencements of By-laws

- (1) This section does not apply to a By-law so far as it provides for its commencement.
- (2) A By-law commences on the 14th day after the day on which that By-law is passed by the association-in-meeting-general.

Part 3—Correction of typographical errors

9 Order to correct typographical errors

- (1) The Board may, by order, amend a By-law for the sole purpose of correcting typographical errors.
- (2) The Board may, by order under subsection (1), amend a By-law to correct formatting errors.

Part 4—Amendment, repeal and expiry of By-laws

10 Effect of repeal or amendment of By-law

- (1) The repeal of a By-law, or of a part of a By-law, that repealed a By-law (the old By-law) or part (the old part) of a By-law does not revive the old By-law or old part, unless express provision is made for the revival.
- (2) If a By-law, or an order under a By-law, repeals or amends a By-law (the affected By-law) or a part of a By-law, then the repeal or amendment does not:

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- (a) revive anything not in force or existing at the time at which the repeal or amendment takes effect; or
 - (b) affect the previous operation of the affected By-law or part (including any amendment made by the affected By-law or part), or anything duly done or suffered under the affected By-law or part; or
 - (c) affect any right, privilege, obligation or liability acquired, accrued or incurred under the affected By-law or part; or
 - (d) affect any penalty, forfeiture or punishment incurred in respect of any offence committed against the affected By-law or part; or
 - (e) affect any investigation, legal proceeding or remedy in respect of any such right, privilege, obligation, liability, penalty, forfeiture or punishment.
- (3) A reference in subsection (1) or (2) to the repeal or amendment of a By-law or of a part of a By-law includes a reference to:
- (a) a repeal or amendment effected by implication; and
 - (b) the expiry, lapsing or cessation of effect of the By-law or part; and
 - (c) the abrogation or limitation of the effect of the By-law or part; and
 - (d) the exclusion of the application of the By-law or part to any person, subject-matter or circumstance.
- (4) A reference in this section to a part of a By-law includes a reference to any provision of, or words, figures, drawings or symbols in, a By-law.

11 References to amended or re-enacted By-laws

Where a By-law contains a reference to a short title that is or was provided by law for the citation of another By-law as originally enacted, or of another By-law as amended, then:

- (a) the reference shall be construed as a reference to that other By-law as originally enacted and as amended from time to time; and
- (b) where that other By-law has been repealed and re-enacted, with or without modifications, the reference shall be construed as including a reference to the re-enacted By-law as originally enacted and as amended from time to time; and
- (c) if a provision of the other By-law is repealed and re-enacted (including where the other By-law is repealed and re-enacted), with or without modifications, a reference to the repealed provision extends to any corresponding re-enacted provision (whether or not the re-enacted provision has the same number as the repealed provision).

12 Inserting definitions into provisions or inserting items into lists or tables

- (1) If an amending By-law inserts a definition in a provision of the By-law being amended, but does not specify the position in that provision where it is to be inserted, it is to be inserted in the appropriate alphabetical position, determined on a letter-by-letter basis.
- (2) An item is inserted in the appropriate alphabetical position, determined on a letter-by-letter basis if:
 - (a) an amending By-law inserts an item into a list or table in a provision of the By-law being amended, but does not specify the position in the list or table where the item is to be inserted; and
 - (b) immediately before the insertion, the list or table was arranged alphabetically.

13 Amending By-law to be construed with amended By-law

- (1) Every By-law amending another By-law must be construed with the other By-law as part of the other By-law.
- (2) The term has that meaning in the non-amending provision if:
 - (a) A By-law (the amending By-law) amends another By-law (the principal By-law); and
 - (b) a provision (the non-amending provision) of the amending By-law does not amend the principal By-law, but relates to an amendment of the principal By-law made by another provision of the amending Act; and
 - (c) a term is used in the non-amending provision that has a particular meaning in the principal By-law or in a provision of the principal By-law amended or included by the amending By-law.

Part 5—General interpretation rules

14 Every section a substantive enactment

Every section of a By-law has effect as a substantive enactment without introductory words.

15 Schedules

A schedule to a By-law or order has effect according to its tenor when it comes into force, whether or not the By-law or order declares that the schedule has effect.

16 References to By-laws generally

A By-law passed by the association-in-meeting-general may be referred to by the word "By-law" alone.

17 Citation of particular By-laws

A By-law may be cited:

- (a) by its short title (or name), or
- (b) by reference to:
 - (i) the year in which it was passed, and
 - (ii) its number.

18 Citation of orders

An order may be referred to:

- (a) by its citation (or name), or
- (b) by reference, together with a reference to the By-law under which it was made, to the year in which it was made.

19 References to amended or repealed By-laws and orders

In any By-law or order, a reference to some other By-law or order extends to the other By-law or order, as in force for the time being.

20 References to publications other than By-laws or instruments

In any By-law or order, a reference to a publication other than a By-law or order is a reference to the publication:

- (a) if a particular day is specified for that purpose in the By-law or order, as in force or current on that particular day, or
- (b) in any other case, as in force or current on the day on which the provision containing the reference took effect.

21 References to changed short titles, names and citations

If the short title, name or citation of a By-law or order is changed, a reference to the short title, name or citation in any other By-law or order or in a document of any kind shall be read as a reference to the short title, name or citation as changed.

22 Time of expiry of temporary By-laws and orders

If an Act or instrument is expressed to expire, lapse or otherwise cease to have effect on a particular day, or to remain in force until a particular day, the Act or instrument shall continue in operation until the end of that day.

23 Definitions to be read in context

Definitions that occur in a By-law or order apply to the construction of the By-law or order except in so far as the context or subject-matter otherwise indicates or requires.

24 Meaning of may

In any By-law or order, the word “may”, if used to confer a power, indicates that the power may be exercised or not, at discretion.

25 Meaning of shall

In any By-law or order, the word “shall”, if used to impose a duty, indicates that the duty must be performed.

26 Cognate words

If a By-law or order defines a word or expression, other parts of speech and grammatical forms of the word or expression have corresponding meanings.

27 Age

For the purposes of any By-law or order, a person attains an age in years at the beginning of the person’s birthday for that age.

28 Gender and number

In any By-law or order:

- (c) a word or expression that indicates one or more particular genders shall be taken to indicate every other gender;
- (d) a reference to a word or expression in the singular form includes a reference to the word or expression in the plural form,
- (e) a reference to a word or expression in the plural form includes a reference to the word or expression in the singular form,
- (f) a reference to a person does not exclude a reference to a corporation merely because elsewhere in the By-law or order there is particular reference to a corporation (in whatever terms expressed), and
- (g) a reference to a person does not exclude a reference to an individual merely because elsewhere in the By-law or order there is particular reference to an individual (in whatever terms expressed).

29 Material that is part of a By-law

- (1) All material is part of the By-law if it is from and including the first section of a By-law to the end of:

-
- (a) if there are no Schedules to the By-law—the last section of the By-law;
or
 - (b) if there are one or more Schedules to the By-law —the last Schedule to the By-law.
- (2) The following are also part of an By-law:
- (a) the long title of the By-law;
 - (b) any Preamble to the By-law;
 - (c) the enacting words for the By-law;
 - (d) any heading to a Part or Division appearing before the first section of the By-law.
- (3) Alternative text accessible in an electronic version of a By-law is not part of the By-law.

30 Construction of By-law to be subject to Constitution

Every By-law shall be read and construed subject to the Constitution to the intent that where any enactment thereof would, but for this section, have been construed as being in excess of that power, it shall nevertheless be a valid enactment to the extent to which it is not in excess of that power.

31 Interpretation best achieving By-law or order's purpose or object

In interpreting a provision of a By-law or order, the interpretation that would best achieve the purpose or object of the By-law or order (whether or not that purpose or object is expressly stated in the By-law or order) is to be preferred to each other interpretation.

32 Changes to style not to affect meaning

Ideals shall not be taken to be different merely because different forms of words were used where:

- (a) a By-law or order has expressed an idea in a particular form of words;
and
- (b) a later By-law or order appears to have expressed the same idea in a different form of words for the purpose of using a clearer style.

33 Examples

If a By-law or order includes an example of the operation of a provision:

- (a) the example is not exhaustive; and
- (b) the example may extend the operation of the provision.

34 References to the Sovereign

In any By-law or order references to the Sovereign reigning at the time of the passing of such By-law or order, or to the Crown, shall be construed as references to the Sovereign for the time being.

35 References to the Governor of NSW

Where, in a By-law or order, the Governor of NSW is referred to, the reference shall be deemed to include the Governor for the time being of NSW or any other person who is, for the time being, the chief executive officer or administrator of the government of NSW.

36 Parts of speech and grammatical forms

In any By-law or order where a word or phrase is given a particular meaning, other parts of speech and grammatical forms of that word or phrase have corresponding meanings.

37 Acting Board members

If a provision of a By-law or order refers to a Board member, the reference is taken to include a reference to a Board member for or on behalf of the Board member.

38 Compliance with forms

Where a By-law or order prescribes a form, then strict compliance with the form is not required and substantial compliance is sufficient.

39 Power to appoint includes power to re-appoint

If a By-law or order confers on a person or body a power to make an appointment, the power is taken to include a power of reappointment.

Part 6—Orders

40 Making of orders

- (1) An order:
 - (a) shall be published on the Unlisted Thoughts website, and
 - (b) commences on the day on which it is so published or, if a later day is specified in the order for that purpose, on the later day so specified.
- (2) Subsection (1) does not prevent a statutory rule from specifying different days for the commencement of different portions of the rule.
- (3) Neither the whole nor any part of a statutory rule is invalid merely because (without statutory authority) the statutory rule is published on the Unlisted

Thoughts website after the day on which one or more of its provisions is or are expressed to commence. In that case, that or those provisions commence on the day the statutory rule is published on the Unlisted Thoughts website, instead of on the earlier day.

41 Disallowance of orders

- (1) On the passing of a resolution, by the association-in-meeting-general, disallowing an order, the order shall cease to have effect.
- (2) The disallowance of an order has the effect of restoring or reviving the other order, as it was immediately before it was amended or repealed, as if the order had not been made if:
 - (a) an order ceases to have effect by virtue of its disallowance; and
 - (b) the order amended or repealed some other order that was in force before the order took effect.
- (3) The restoration or revival of an order rule pursuant to subsection (2) takes effect on the day on which the order by which it was amended or repealed ceases to have effect.
- (4) This section applies to a portion of an order in the same way as it applies to the whole of an order.

42 Presumption of validity

It shall be presumed, in the absence of evidence to the contrary, that all conditions and preliminary steps precedent to the making of an order has been complied with and performed.