

SOUTH AUSTRALIA

ACTS REPUBLICATION ACT, 1967

This Act is reprinted pursuant to the Acts Republication Act, 1967, and incorporates all amendments in force as at 1 July 1991.

It should be noted that the Act was not revised (for obsolete references, etc.) by the Commissioner of Statute Revision prior to the publication of this reprint.

SUMMARY OF PROVISIONS

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ACTS REPUBLICATION ACT, 1967

being

Acts Republication Act, 1967, No. 61 of 1967
[Assented to 16 November 1967]

as amended by

Acts Republication Act Amendment Act, 1972, No. 23 of 1972 [Assented to 6 April 1972]
Acts Republication Act Amendment Act, 1983, No. 48 of 1983 [Assented to 16 June 1983]

Note: Asterisks indicate repeal or deletion of text. For further explanation see Appendix.

An Act to authorize the Reprinting and Republication of Acts of the Parliament of South Australia; to repeal the Amendments Incorporation Act, 1937, and the Acts Republication Act, 1965-1966, and for matters incidental thereto.

BE IT ENACTED by the Governor of the State of South Australia, with the advice and consent of the Parliament thereof, as follows:

Short title

1. This Act may be cited as the *Acts Republication Act, 1967*.

Repeal

2. (1) The *Amendments Incorporation Act, 1937*, and the *Acts Republication Act, 1965-1966*, are hereby repealed.

(2) Notwithstanding the repeal by subsection (1) of this section of the *Amendments Incorporation Act, 1937*, every Act reprinted prior to the commencement of this Act, pursuant to and in accordance with that Act shall in all courts, and by all tribunals, bodies and persons be judicially noticed as such and shall be deemed for all purposes to be an Act of the Parliament of South Australia.

Interpretation

3. In this Act, unless the contrary intention appears—

"regulation" includes rule and by-law:

"the Commissioner" means the person appointed by the Governor as, and for the time being holding or acting in the office of, Commissioner of Statute Revision and, where there is no person holding or acting in that office, means the person (being a legal practitioner as defined in the *Legal Practitioners Act, 1936*, as amended) for the time being authorized in writing by the Attorney-General to supervise the preparation of Acts for reprint under this Act:

"the Reprint of 1937" means the edition of the public general Acts of the Parliament of South Australia reprinted pursuant to the *Acts Republication Act, 1934*:

"words" includes part, division, subdivision, heading, sub-heading, section, subsection, paragraph, sub-paragraph, schedule, portion, figures, symbols and passage.

General reprinting and republication of Acts

4. (1) As soon as practicable after the commencement of this Act, the Attorney-General shall cause to be reprinted and published with the amendments, if any, incorporated therein in accordance with section 5 of this Act, all the Acts of the Parliament of South Australia except—

- (a) private Acts;
- (b) Acts that, owing to their restricted or local application or nature, are not, in his opinion, of sufficient importance to justify reprinting;
- (c) Acts the operation of which has expired or which have been or the operation of which has been superseded;

and

3.

(d) Acts that, by virtue of subsection (2) of this section, need not be reprinted.

(2) Where the whole of an Act, except the provisions relating to short titles, incorporation with other Acts, and other preliminary and formal matter consists of amendments that are incorporated in other Acts reprinted pursuant to this section, the Act first referred to in this subsection need not be reprinted under this section.

(3) The Acts required to be reprinted pursuant to this section shall be reprinted and published in sets of bound volumes arranged in alphabetical order of the short titles of the Acts contained therein and may also be reprinted and published separately or in such other manner as the Attorney-General may approve.

(4) Notwithstanding anything in subsection (1) or subsection (3) of this section, the Attorney-General may, if he thinks fit—

(a) cause to be reprinted and published, separately or in such supplementary or additional volumes as may be necessary, and with the amendments, if any, incorporated therein in accordance with section 5 of this Act, reprints of all or any Acts referred to in paragraphs (a) and (b) of subsection (1) of this section;

(b) cause to be reprinted and published separately or included in such of the volumes of reprinted Acts or in such supplementary or additional volumes published pursuant to this section as he may think appropriate such Imperial Acts or enactments and instruments and such forms and other like documents as he may consider desirable, being Acts or enactments, instruments and forms that relate to the constitution of this State, or the powers of the Parliament or the Governor of this State or are otherwise, in the opinion of the Attorney-General, of sufficient interest or importance to justify being so reprinted and published or so included therein;

(c) cause to be included in such supplementary or additional volume or volumes as may be necessary such annotations as he may approve or direct;

and

(d) cause to be included in any volume of reprinted Acts or in any supplementary or additional volume or volumes published pursuant to this section such explanatory matter as he may approve or direct.

(5) Where any portion of an Act consists of or wholly relates to an amendment that is, or the substance of which is, wholly incorporated in any other Act reprinted under this section, that portion may be omitted from any reprint made under this section of the Act of which it is a portion if there is included in the reprint an appropriate reference to the other Act or to the provision of the other Act in which the amendment is so incorporated.

Inclusion of amendments in reprinted Acts

5. (1) Where any Act has been amended by—

(a) the repeal, striking out or omission of any words, expressly or otherwise;

(b) the substitution of any words in lieu of any words repealed, struck out or omitted, expressly or otherwise;

or

(c) the insertion or addition of any words,

the Act shall, if so required by the Attorney-General, or may, with the approval of the Attorney-General, be reprinted so that the reprint incorporates every such amendment.

(2) In the margin of every Act so reprinted reference shall be made to the enactments, regulations, proclamations or other instruments by which the amendments were made, and before the commencement of the text of every Act so reprinted there shall be printed a short reference to every Act by which it has been amended.

Acts to be reprinted under supervision of the Commissioner

6. No Act shall be reprinted under this Act unless it has been prepared for reprint by or under the supervision of the Commissioner.

Special provisions relating to the reprinting of Acts pursuant to this Act

7. (1) In the reprinting of Acts pursuant to this Act, all or any of the following things may be done:—

- (a) If any Act has before being reprinted been amended by any other Act or Acts, the short title to the amended Act may be altered so as to indicate the year in which it was passed and the year in which the latest amending Act was passed:
- (b) A reference in an Act to another Act or portion of an Act for which some other Act or portion of an Act has been substituted may be altered to a reference to the substituted Act or portion of an Act:
- (c) A reference in an Act to the name, style, title or citation of a place, person, authority, or enactment (being a name, style, title or citation that has been changed pursuant to any Act or law) may be altered to the name, style, title or citation as so changed:
- (d) A reference in an Act or enactment to a year of Our Lord, expressed in words, may be altered to a reference to that year expressed in Arabic numerals:
- (e) Marginal notes to sections or parts of sections contained in an Act may be altered so as to accord with the true effect of those sections:
- (f) Errors of a grammatical or clerical nature in an Act may be corrected:
- (g) Any alteration to the form of any Act may be made so as to give effect to any direction of the Attorney-General issued pursuant to subsection (2) of this section:
- (h) Any errors in the numbering or designation of any Part, Division, Subdivision, section, subsection, paragraph, sub-paragraph or schedule or part of a schedule of an Act may be corrected by re-numbering or re-designating any Part, Division, Subdivision, section, subsection, paragraph, sub-paragraph, schedule or part of a schedule of such Act:
- (i) Any words at the foot of a reprinted Act indicating the giving of the Royal assent thereto may be omitted; but the date of the Royal assent to every Act that is reprinted under this Act shall appear thereon.

5.

(2) Subject to subsection (3) of this section, the Attorney-General may prepare and issue to the Commissioner such directions as he considers desirable for the purpose of—

- (a) achieving uniformity of style in respect of the numbering and designation of, and the use of capital letters and italics in, any of the provisions or the formal parts of Acts and in respect of the setting out of the provisions of Acts generally;

and

- (b) generally improving, and bringing into conformity with modern standards of draftsmanship, the form or manner in which the law contained in Acts is expressed.

(3) No directions shall be issued by the Attorney-General under subsection (2) of this section and no alterations to the text of any Act shall be made under paragraph (g) of subsection (1) of this section that would have the effect of altering or modifying the substance, effect or operation of any Act or enactment.

(4) A certificate purporting to be under the hand of the Commissioner certifying that any directions contained therein are directions that had been issued by the Attorney-General pursuant to subsection (2) of this section shall in all courts be *prima facie* evidence that such directions were prepared and issued by the Attorney-General pursuant to that subsection.

(5) Where an Act is reprinted in conformity with the provisions of this section, that Act as so reprinted shall, for all purposes, have effect as if the alterations, if any, in the text necessary to give effect to this section or to any directions of the Attorney-General under subsection (2) of this section had been expressly made therein by an amending Act enacted by the Parliament of this State before the date of reprinting.

(6) Where the short title to an amended Act that has been reprinted pursuant to this Act or pursuant to the *Acts Republication Act, 1934*, or the *Amendments Incorporation Act, 1937*, has been altered as provided by the Act pursuant to which it has been reprinted, the amended Act may, on being so reprinted, be cited by the short title as so altered.

Alterations to give effect to the Decimal Currency Act, 1965-1966

8. (1) If, in any provision of any Act reprinted pursuant to this Act, any reference is made to an amount of money in the old currency, and if, pursuant to the provisions of the *Decimal Currency Act, 1965-1966*, that provision is to be read and construed as a reference to a corresponding amount of money in terms of the new currency, the provision of the Act so reprinted shall be altered by the substitution of the amount of the new currency for the amount of the old currency.

(2) If, in any provision of any Act reprinted pursuant to this Act, any reference is made to a percentage or other proportion expressed in terms of money in the old currency, and if, pursuant to the provisions of the *Decimal Currency Act, 1965-1966*, that reference is to be construed as an equivalent percentage or proportion expressed in terms of money in the new currency, the provision of the Act so reprinted shall be altered by the substitution of the equivalent percentage or proportion expressed in terms of money in the new currency for the percentage or proportion expressed in terms of money in the old currency.

(3) In this section—

"new currency" means the currency provided for by the *Currency Act 1965* of the Commonwealth:

"old currency" means the currency provided for by the *Coinage Act 1909-1947* of the Commonwealth.

(4) Where an Act is reprinted in conformity with the provisions of this section, that Act as so reprinted shall, for all purposes, have effect as if the alterations, if any, in the text necessary to give effect to this section had been expressly made therein by an amending Act enacted by the Parliament of this State before the date of reprinting.

A reprinted Act is deemed to be correct and shall be judicially noticed

9. (1) Where an Act has been reprinted and published—

(a) as part of the Reprint of 1937;

or

(b) under this Act, whether separately or in a set of volumes,

the following provisions apply:

(c) all courts, tribunals and persons acting judicially shall take judicial notice of the reprint;

and

(d) the text of the Act, as at the relevant date, shall, in the absence of evidence to the contrary, be deemed to be set out correctly in the reprint.

(2) In this section, "the relevant date" means the date appearing on the reprint, or in the volume of which the reprint forms part, as the date up to which amendments have been incorporated.

Endorsements to be incorporated in volumes and copies of reprinted Acts

10. (1) At or near the commencement of the first volume of each set of volumes of Acts reprinted pursuant to section 4 of this Act there shall be printed an endorsement to the effect that each set of such volumes contains the text of the Acts of the Parliament of South Australia appearing therein as reprinted pursuant to this Act with all amendments (if any) thereto made prior to a date which shall be specified in the endorsement duly incorporated.

(2) On the first page of every Act separately reprinted under any provision of this Act there shall be printed an endorsement to the effect that that Act has been reprinted pursuant to this Act and, if it is reprinted with amendments incorporated, the endorsement shall also state that the reprint incorporates all amendments made prior to a date which shall be specified in the endorsement.

References to pages and lines

11. Where in any Act enacted after the publication of the Acts reprinted pursuant to section 4 of this Act, reference is made to the number of any line or page of any Act or part of any Act so reprinted, that reference shall, unless the context otherwise requires, be construed as a reference to the line or page of the Act or part of the Act as so reprinted.

7.

Financial provision

13. The moneys required for the purposes of this Act shall be paid out of moneys to be provided by Parliament for those purposes.

APPENDIX

Legislative History

Legislative history prior to 3 February 1976 appears in marginal notes and footnotes included in the consolidation of this Act contained in Volume 1 of The Public General Acts of South Australia 1837-1975 at page 72.

Section 7(1):	amended by 48, 1983, s. 2
Section 9:	substituted by 48, 1983, s. 3
Section 12:	repealed by 48, 1983, s. 4