

South Australia

South Australian Motor Sport Act 1984

An Act to facilitate the promotion of motor sport events in the State; and for other purposes.

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Legislative history

The Parliament of South Australia enacts as follows:

Part 1—Preliminary

1—Short title

This Act may be cited as the *South Australian Motor Sport Act 1984*.

3—Interpretation

- (1) In this Act, unless the contrary intention appears—

Adelaide means the City of Adelaide and includes any adjoining local government area;

Commission means the South Australian Tourism Commission established under the *South Australian Tourism Commission Act 1993*;

council means a council within the meaning of the *Local Government Act 1999*;

declared area means an area declared by the Minister by notice under Part 3 to be a declared area under this Act;

declared period means a period declared by the Minister by notice under Part 3 to be a declared period under this Act;

the graphic standards manual means a document adopted by the Commission as the graphic standards manual and lodged at the General Registry Office;

logo means a design (the copyright of which is vested in the Crown in right of the State) that is declared in the graphic standards manual to be a logo;

official insignia means a logo, an official symbol or an official title;

official symbol means a combination of a logo and an official title;

official title means a name, title or expression that is declared to be an official title by or under section 28AA;

promote, in relation to an event or activity, includes organise or conduct;

public road means any road, street or thoroughfare (including any carriageway, footpath, dividing strip and traffic island) commonly used by the public or to which the public are permitted access;

relevant council, in relation to a declared area, means a council the area of which includes the declared area or part of the declared area.

- (2) For the purposes of this Act, goods will be taken to be marked with official insignia if such insignia are affixed or annexed to, marked on, or incorporated in or with—
- (a) the goods; or

- (b) any covering or container in which the goods are wholly or partly enclosed; or
 - (c) anything placed in or attached to any such covering or container; or
 - (d) anything that is attached to the goods or around which the goods are wrapped or wound.
- (3) For the purposes of this Act, a motor sport event means a motor racing or other motor sport event and includes an event or activity associated with a motor sport event.

Part 2—Functions and powers of Commission relating to motor sport events

10—Functions and powers of Commission

- (1) The functions of the Commission are—
- (a) to negotiate and enter into agreements on behalf of the State under which motor sport events, whether promoted by the Commission or by some other person approved by the Minister, are held in the State; and
 - (b) to undertake on behalf of the State the promotion of motor sport events; and
 - (c) to do all things necessary for or in connection with the conduct and financial and commercial management of each event promoted by the Commission; and
 - (d) to provide advisory, consultancy, management or other services to promoters or other persons associated with the conduct of sporting, entertainment or other special events or projects, whether within or outside the State; and
 - (e) such other functions as the Minister may from time to time approve.
- (2) For the purpose, or in the course, of performing its functions, the Commission may—
- (aa) establish a motor racing circuit on a temporary basis; or
 - (a) as provided by this Act, assume the care, control, management and use of public roads and parklands on a temporary basis; or
 - (b) carry out works for the construction, alteration or removal of public or other roads, track, grandstands, fencing, barriers and other buildings and structures; or
 - (c) carry on any advertising and promotional activities; or
 - (d) regulate and control admission to any event and charge and collect fees for admission to any such event; or
 - (e) grant for fee or other consideration advertising or sponsorship rights or any other rights, licences or concessions in connection with events; or
 - (f) publish or produce books, programmes, brochures, films, souvenirs and other things relating to events; or
 - (g) sell or supply food and drink (including alcoholic beverages), books, programmes, brochures, films, souvenirs and other things in connection with events; or

- (h) restrict, control and make charges for the use of official insignia; or
 - (i) take out policies of insurance in its own right or on behalf of the State; or
 - (j) acquire and hold any licence under any other Act; or
 - (k) acquire, hold, deal with and dispose of any personal property; or
 - (l) form, or acquire, hold, deal with and dispose of shares or other interests in, or securities issued by, bodies corporate, whether within or outside the State; or
 - (m) enter into any partnership or joint venture arrangement, appoint any agent, or enter into any other contract or arrangement with another person, whether within or outside the State; or
 - (n) accept money or other things, whether from the State, a State instrumentality or any other person, provided or given to the Commission for the performance of its functions; or
 - (o) act as trustee on behalf of any other person in connection with the performance of its functions under this Act; or
 - (r) enter into any agreement or arrangement of a kind not previously mentioned in this subsection or acquire or incur any other rights or liabilities; or
 - (s) exercise any other powers that are necessary or expedient for, or incidental to, the performance of its functions under this Act.
- (3) No contract or agreement entered into by any person acting or purporting to act as agent of the Commission is binding on the Commission unless ratified by the Commission.

10AA—Non-application of *Government Business Enterprises (Competition) Act 1996*

The *Government Business Enterprises (Competition) Act 1996* does not apply to the Commission, or to any activity of the Commission, in relation to a function of the Commission under this Act.

11—Commission may control and charge fee for filming etc from outside circuit

- (1) Except with the consent of the Commission, no person is entitled to make, for the purpose of profit or gain, at or from a place outside a circuit at which a motor sport event promoted by the Commission takes place, any sound recording or television or other recording of moving pictures of the event or any part of the event.
- (2) The Commission may, if it thinks fit, charge a fee for giving its consent under subsection (1), being a fee of the prescribed amount or such other amount as the Commission may fix in a particular case.
- (3) If a person makes a recording as referred to in subsection (1) without the consent of the Commission, the Commission may recover, as a debt due to the Commission, by proceedings in any court of competent jurisdiction, the fee of a prescribed amount referred to in subsection (2).

Part 3—Special provisions relating to major motor sport events

20—Minister may make certain declarations

- (1) The Minister may, after consultation with the Commission, in respect of a motor sport event, by notice in the Gazette, declare—
 - (a) a specified area (consisting of public road or parkland, or both) in Adelaide to be a declared area under this Act for the purposes of the event; and
 - (b) a specified period (not exceeding five days) to be a declared period under this Act for the purposes of the event; and
 - (c) a specified period or periods (*prescribed works periods*) under this Act during which the Commission may have access to land within a declared area for the purposes of carrying out works in the manner contemplated by section 22(1a) (and different periods may be specified in respect of different categories of work).
- (2) The Minister may, after consultation with the Commission, by notice in the Gazette, vary or revoke a notice under subsection (1).
- (3) The Minister may only make a declaration under subsection (1) in respect of two motor sport events per financial year.
- (4) The Minister must not make a declaration under this section unless or until the Minister has consulted with—
 - (a) the Minister for the time being administering the *Adelaide Park Lands Act 2005*; and
 - (b) any relevant council; and
 - (c) the Adelaide Park Lands Authority.

21—Commission to have care, control etc of declared area for relevant declared period

- (1) The care, control, management and use of the land comprising a declared area for a motor sport event vests in the Commission for the declared period for that event and the rights or interests of any other person in or in relation to the land are suspended for the declared period.
- (2) Land within the declared area that is public road ceases to be public road for the declared period but will, on the expiration of the declared period, revert to public road.
- (2a) However, if during the declared period the Commission opens a road within the declared area to ordinary pedestrian and vehicular traffic the road is, while so open, a public road.
- (3) The provisions of this section have effect despite the provisions of any other Act or law.

22—Commission to have power to enter and carry out works etc on declared area

- (1) Subject to this section, the Commission may for the purposes of this Act have access to the land comprising a declared area for a motor sport event and may carry out any works and do any other things on the land that are reasonably necessary for or incidental to the performance of its functions.
- (1a) Subject to subsection (2), the access that the Commission may have under subsection (1) during a prescribed works period is, with respect to any relevant category of work, free and unrestricted.
- (2) The Commission must, in exercising its powers under this section during a prescribed works period with respect to any relevant category of work, comply with—
 - (a) any terms and conditions from time to time agreed by the Commission with any relevant council or any person having a right of occupation of the land or any part of the land; or
 - (b) failing such agreement in relation to any particular matter, any terms and conditions determined by the Minister.
- (2a) The Commission must, in exercising its powers under this section with respect to any matter that is outside the ambit of subsection (1a), comply with—
 - (a) subject to paragraph (b), any conditions determined by a relevant council or any person having a right of occupation of the land or any part of the land; or
 - (b) if the Minister considers, on application by the Commission, that a condition under paragraph (a) is unreasonable—any conditions determined by the Minister.
- (3) The terms and conditions that may be the subject of agreement or determination under subsections (2) and (2a) include (without limiting the generality of those subsections) terms and conditions—
 - (a) that limit or prevent any unnecessary or reasonably avoidable interference with or damage to the land or anything growing on or built on the land;
 - (b) that limit or prevent any unnecessary or reasonably avoidable interference with any activity that may be lawfully carried on on the land;
 - (c) that provide for reimbursement of costs or expenses that may be incurred by any relevant council;
 - (d) that provide for fair and reasonable compensation for any damage or loss that may be suffered by any person having a right of occupation of any part of the land;
 - (e) without limiting a preceding paragraph, that provide for the management, protection or rehabilitation of land (including land outside the declared area that may be affected by the Commission's activities).
- (4) The Minister must, before making a determination under this section, consult with—
 - (a) any relevant council; and
 - (b) the Commission.

- (5) The Environment, Resources and Development Court may, on application by—
- (a) any relevant council; or
 - (b) any person having a right of occupation of the land or any part of the land; or
 - (c) the Adelaide Park Lands Authority,
- restrain a breach of this section.
- (6) The Commission must also comply with any direction (including a specific direction) of the Minister—
- (a) to ensure compliance with this section; or
 - (b) to rectify any matter that, in the opinion of the Minister, constitutes a breach of this section.

23—Commission to consult and take into account representations of persons affected by operations

- (1) The Commission must, in performing its functions—
- (a) take all reasonable steps to consult with—
 - (i) any relevant council or any person having a right of occupation of land within a declared area; or
 - (ii) any person occupying land immediately adjacent to a declared area; or
 - (iii) any other person whose business or financial interests might, in the opinion of the Commission, be adversely affected by the operations of the Commission; and
 - (b) take into account and, to such extent as is reasonably consistent with the performance of its functions, give effect to any representations made by any such person.
- (2) The duties imposed by subsection (1) do not give rise to any cause or right of action against or any liability in the Commission.

24—Certain land taken to be lawfully occupied by Commission

- (1) The whole or any part of the land comprising a declared area for a motor sport event may be fenced or cordoned off by the Commission for the whole or any part of the declared period for that event.
- (2) The Commission may, if it is reasonably necessary for or incidental to the performance of its functions, fence or cordon off a part of a declared area for a period not falling within the relevant declared period.
- (3) Land comprising or included within a declared area that is fenced or cordoned off by the Commission will, while it is so fenced or cordoned off, be taken to be in the lawful occupation of the Commission.
- (4) The Commission must, with respect to the operation of subsection (2), comply with any requirement that applies under section 22.

25—Non-application of certain laws

- (1) The following Acts or laws do not apply to or in relation to a declared area for a motor sport event during the declared period for that event:
 - (a) the *Environment Protection Act 1993*;
 - (b) any regulations or by-laws made under the *Local Government Act 1934* or the *Local Government Act 1999*.
- (1a) The provisions of the *Road Traffic Act 1961*, the *Motor Vehicles Act 1959* and Part 3 Division 6 of the *Criminal Law Consolidation Act 1935* do not apply to or in relation to a vehicle or its driver while the vehicle is being driven in a motor sport event within the declared area and during the declared period for the event.
- (2) The provisions of the *Development Act 1993* do not apply to or in relation to any works carried out or activity engaged in by or with the approval of the Commission within a declared area.
- (3) No activity carried on by or with the permission of the Commission within a declared area for a motor sport event during the declared period for that event will constitute a nuisance.

26—Plans of proposed works to be available for public inspection

The Commission must cause copies of the plans of all works proposed to be carried out by the Commission to be available for public inspection at a place designated by the Minister by notice published in the Gazette.

27—Power to remove vehicles left unattended within declared area

- (1) If a vehicle is left unattended within a declared area for a motor sport event during the declared period for that event, a police officer may, or must, at the request of a person acting on behalf of the Commission, remove the vehicle to any convenient place and for that purpose may enter the vehicle and drive it, or arrange for it to be driven or towed away.
- (2) If a vehicle is removed under subsection (1), section 86 of the *Road Traffic Act 1961* applies as if the vehicle had been removed under subsection (1) of that section.

Part 3A—Removal of certain restrictions relating to the sale and consumption of liquor

27A—Interpretation

In this Part—

- (a) ***prescribed period*** means a period commencing 24 hours before the commencement of a declared period and ending 24 hours after the end of that period;
senior police officer means a police officer of or above the rank of inspector;
and
- (b) terms defined by the *Liquor Licensing Act 1997* have the meanings assigned by that Act; and

- (c) a reference to a licence of a particular class is a reference to a licence of that class under the *Liquor Licensing Act 1997*.

27AB—Application of sections 27B and 27C

- (1) The Minister may, by notice in the Gazette, declare that sections 27B and 27C—
 - (a) do not apply in relation to a motor sport event specified in the notice; or
 - (b) apply in relation to a motor sport event specified in the notice but only—
 - (i) with respect to licensed premises within the area, or areas, specified in the notice; or
 - (ii) during the part, or parts, of the prescribed period specified in the notice,and any such notice will have effect according to its terms.
- (2) The Minister may, by notice in the Gazette, vary or revoke a notice under this section.
- (3) The Minister must, before making or varying a notice under this section, consult with—
 - (a) the Commission; and
 - (b) the Commissioner of Police; and
 - (c) the Liquor and Gambling Commissioner.

27B—Removal of certain restrictions relating to sale and consumption of liquor

- (1) Subject to this Part, the following provisions apply during a prescribed period despite the provisions of the *Liquor Licensing Act 1997* and the terms and conditions of a licence under that Act:
 - (a) the days on which and the hours during which liquor may be sold and consumed pursuant to a general and hotel licence, on premises licence, restaurant and catering licence, club licence, packaged liquor sales licence or residential licence are unrestricted.
- (2) A condition imposed on a licence by a licensing authority restricting the days on which, or the hours during which, liquor may be sold and consumed pursuant to the licence continues to have effect.

27C—Control of noise etc during prescribed period

- (1) Subject to this Part, if, during a prescribed period—
 - (a) any activity on, or the noise emanating from, premises in respect of which a general and hotel licence, on premises licence, club licence or packaged liquor sales licence is in force; or
 - (b) the behaviour of persons making their way to or from such premises,is, in the opinion of a senior police officer, unduly offensive, annoying, disturbing or inconvenient to any person who resides, works or worships in the vicinity of the licensed premises, the officer may issue directions prohibiting the activity, behaviour or noise or directing that the level of noise be reduced.

- (2) A direction—
- (a) may be oral or in writing and may be issued to the licensee, the manager of the licensed premises or patrons of the business conducted at those premises; and
 - (b) operates only during the prescribed period in which it was issued; and
 - (c) may be revoked or varied at any time.
- (3) A person who contravenes or fails to comply with a direction under this section is guilty of an offence.
- Maximum penalty: \$5 000.

Part 4—Miscellaneous

28AA—Declaration of official titles

- (1) The following are declared to be official titles for the purposes of this Act (whether appearing or used in full or abbreviated form or alone or in combination with other words or symbols):
- (a) the expressions "Adelaide 500", "Sensational Adelaide 500", "Classic Adelaide" and "Race to the Eagle" where the expressions can reasonably be taken to refer to a motor sport event;
 - (b) the expression "Adelaide Alive" where the expression can reasonably be taken to refer to an event or activity promoted by the Commission;
 - (c) any other name, title or expression declared by the Commission by notice in the Gazette in respect of a particular event or activity promoted by the Commission.
- (2) The Commission must not make a declaration under subsection (1)(c) without the consent of the Minister.

28A—Special proprietary interests

- (1) The Commission has a proprietary interest in—
- (a) its name; and
 - (b) any other name adopted by the Commission pursuant to a determination under section 25 of the *South Australian Tourism Commission Act 1993*; and
 - (c) all official insignia.
- (2) A person who, without the consent of the Commission, in the course of a trade or business—
- (aa) uses a name in which the Commission has a proprietary interest under this section for the purpose of promoting the sale of goods or services or the provision of any benefits; or
 - (a) sells goods marked with official insignia; or
 - (b) uses official insignia for the purpose of promoting the sale of goods or services,

commits the tort of conversion and is guilty of an offence.

Maximum penalty: \$15 000.

- (3) A person who, without the consent of the Commission, assumes a name or description that consist of, or includes, official insignia commits the tort of conversion and is guilty of an offence.
Maximum penalty: \$15 000.
- (4) A consent under this section—
- (a) may be given with or without conditions (including conditions requiring payment to the Commission);
 - (b) may be given generally by notice in the Gazette or by notice in writing addressed to an applicant for the consent;
 - (c) may be revoked by the Commission for breach of a condition by notice in writing given personally or by post to a person who has the benefit of the consent.
- (5) The Supreme Court may, on the application of the Commission, grant an injunction to restrain a breach of this section.
- (6) The court by which a person is convicted of an offence against this section may, on the application of the Commission, order the convicted person to pay compensation of an amount fixed by the court to the Commission.
- (7) Subsections (5) and (6) do not derogate from any civil remedy that may be available to the Commission apart from those subsections.

28B—Seizure and forfeiture of goods

- (1) If—
- (a) goods apparently intended for a commercial purpose are marked with official insignia; and
 - (b) a police officer suspects on reasonable grounds that the use of the insignia has not been authorised by the Commission,
- the member may seize those goods.
- (2) If any goods have been seized under this section and—
- (a) proceedings are not instituted for an offence against section 28A in relation to the goods within 3 months of their seizure; or
 - (b) after proceedings have been instituted and completed, the defendant is not convicted,
- the person from whom they were seized is entitled to recover—
- (c) the goods or, if they have been destroyed, compensation equal to the market value of the goods at the time of their seizure; and
 - (d) compensation for any loss suffered by reason of the seizure of the goods.
- (3) An action for the payment of compensation under subsection (2) may be brought against the Commission in any court of competent jurisdiction.

- (4) The court by which a person is convicted of an offence against this Act may order that goods to which the offence relates be forfeited to the Crown.
- (5) Any goods forfeited to the Crown must be disposed of in such manner as the Minister may direct, and, if sold, the proceeds of the sale must be paid into the Consolidated Account.

30—Regulations

- (1) The Governor may make such regulations as are contemplated by, or necessary or expedient for the purposes of, this Act.
- (2) Without limiting the generality of subsection (1), the regulations may—
 - (b) prescribe conditions for and make any provision relating to the access that persons may have to a declared area, or part of a declared area, for a motor sport event;
 - (c) prohibit trespass upon a declared area, or part of a declared area, for a motor sport event;
 - (d) regulate the fees that may be charged or collected by the Commission for admission to a declared area, or part of a declared area, for a motor sport event;
 - (e) regulate, restrict or prohibit the bringing of alcoholic beverages into, or the consumption of alcoholic beverages within, a declared area, or part of a declared area, for a motor sport event;
 - (f) regulate the behaviour of persons within a declared area for a motor sport event and provide for the exclusion or expulsion of persons misbehaving within a declared area;
 - (g) regulate, restrict or prohibit the driving or parking of motor vehicles within a declared area, or part of a declared area, for a motor sport event;
 - (h) prescribe penalties not exceeding \$2 500 for contravention of, or non-compliance with, a regulation;
 - (i) fix expiation fees for alleged offences against the regulations.
- (3) In proceedings in respect of an offence against a regulation—
 - (a) an allegation in the complaint that a person named in the complaint was the owner of a specified vehicle on a specified day will be taken to be proved in the absence of proof to the contrary; and
 - (b) if it is proved that a vehicle was parked on any land in contravention of a regulation, it will be presumed, in the absence of proof to the contrary, that the vehicle was so parked by the owner of the vehicle.

Schedule 1—Transitional provisions

1—Interpretation

In this Schedule—

asset includes—

- (a) a present, contingent or future legal or equitable estate or interest in real or personal property; or
- (b) a present, contingent or future right, power, privilege or immunity,

(and includes a present or future cause of action in favour of the Board);

Board means the South Australian Motor Sport Board (as in existence immediately before the relevant day);

liability includes a present, contingent or future liability or obligation (including a non-pecuniary obligation and a present or future cause of action against the Board);

Minister means the Minister responsible for the administration of the *South Australian Tourism Commission Act 1993*;

relevant day means the day on which this Schedule comes into operation.

2—Dissolution of Board

On the relevant day, the South Australian Motor Sport Board is dissolved and all members of the Board holding office immediately before the relevant day cease to hold office.

3—Staff

- (1) The Minister may, by notice in the Gazette, transfer the employment of a person who was, immediately before the relevant day, an officer or employee of the Board (including the Chief Executive) to the employing authority under the *South Australian Tourism Commission Act 1993*.
- (2) The transfer of a person under subclause (1) does not affect—
 - (a) the person's continuity of employment or existing conditions of employment or existing or accruing rights to leave; or
 - (b) a process commenced for variation of those conditions or rights.

4—Vesting of property etc in Commission

- (1) Subject to subclause (2), all assets and liabilities of the Board are vested in the Commission.
- (2) Subclause (1) does not apply to any asset or liability vested by the Governor, by proclamation, in—
 - (a) the Minister; or
 - (b) another agency or instrumentality of the Crown.
- (3) The vesting of assets or liabilities under this clause operates by force of this clause and despite the provisions of any other law or instrument.

- (4) The Registrar-General or another authority required or authorised under a law of the State to register or record transactions affecting assets or liabilities, or documents relating to such transactions, must, on application under this clause, register or record in an appropriate manner a vesting under this clause.
- (5) No fee is payable in respect of an application under subclause (4).
- (6) Subject to subclause (7), a reference in any instrument or contract, agreement or other document to the Board will have effect as if it were a reference to the Commission.
- (7) Subclause (6) does not apply to any reference excluded by the Governor by proclamation.
- (8) Subclause (6) has effect despite the provisions of any other law or instrument.
- (9) Nothing done under this clause—
 - (a) constitutes a breach of, or default under, an Act or other law; or
 - (b) constitutes a breach of, or default under, a contract, agreement, understanding or undertaking; or
 - (c) constitutes a breach of a duty of confidence (whether arising by contract, in equity or by custom or in any other way); or
 - (d) constitutes a civil or criminal wrong; or
 - (e) terminates an agreement or obligation or fulfils any condition that allows a person to terminate an agreement or obligation, or gives rise to any other right or remedy; or
 - (f) releases a surety or other obligee wholly or in part from an obligation.

5—Regulations

- (1) The Governor may, by regulation, make additional provisions of a saving or transitional nature consequent on the enactment of the *Statutes Amendment (Boards and Committees—Abolition and Reform) Act 2015*.
- (2) A provision of a regulation made under subclause (1) may, if the regulations so provide, take effect from the commencement of this subclause.
- (3) To the extent to which a provision takes effect under subclause (2) from a day earlier than the day of the publication of the regulation in the Gazette, the provision does not operate to the disadvantage of a person by—
 - (a) decreasing the person's rights; or
 - (b) imposing liabilities on the person.

Legislative history

Notes

- Please note—References in the legislation to other legislation or instruments or to titles of bodies or offices are not automatically updated as part of the program for the revision and publication of legislation and therefore may be obsolete.
- Earlier versions of this Act (historical versions) are listed at the end of the legislative history.
- For further information relating to the Act and subordinate legislation made under the Act see the Index of South Australian Statutes or www.legislation.sa.gov.au.

Formerly

Australian Formula One Grand Prix Act 1984

Principal Act and amendments

New entries appear in bold.

Year	No	Title	Assent	Commencement
1984	97	<i>Australian Formula One Grand Prix Act 1984</i>	20.12.1984	20.12.1984 (<i>Gazette 20.12.1984 p1885</i>)
1985	83	<i>Australian Formula One Grand Prix Act Amendment Act 1985</i>	5.9.1985	5.9.1985
1986	20	<i>Australian Formula One Grand Prix Act Amendment Act 1986</i>	20.3.1986	20.3.1986 (<i>Gazette 20.3.1986 p590</i>)
1988	105	<i>Australian Formula One Grand Prix Act Amendment Act 1988</i>	15.12.1988	12.1.1989 (<i>Gazette 12.1.1989 p52</i>)
1996	34	<i>Statutes Amendment and Repeal (Common Expiation Scheme) Act 1996</i>	2.5.1996	Sch (cl 5)—3.2.1997 (<i>Gazette 19.12.1996 p1923</i>)
1998	70	<i>Australian Formula One Grand Prix (South Australian Motor Sport) Amendment Act 1998</i>	3.12.1998	17.12.1998 (<i>Gazette 17.12.1998 p1920</i>)
1999	33	<i>Financial Sector Reform (South Australia) Act 1999</i>	17.6.1999	Sch (item 51)—1.7.1999 being the date specified under s 3(16) of the <i>Financial Sector Reform (Amendments and Transitional Provisions) Act (No. 1) 1999</i> of the Commonwealth as the transfer date for the purposes of that Act: s 2(2)
2000	37	<i>South Australian Motor Sport (Miscellaneous) Amendment Act 2000</i>	13.7.2000	13.7.2000
2001	18	<i>Statutes Amendment (Gambling Regulation) Act 2001</i>	31.5.2001	Pt 10 (s 50)—1.10.2001 (<i>Gazette 13.9.2001 p4116</i>)
2005	69	<i>Adelaide Park Lands Act 2005</i>	8.12.2005	Sch 1 (cll 22—25)—14.12.2006 (<i>Gazette 7.12.2006 p4269</i>)

South Australian Motor Sport Act 1984—18.11.2019

Legislative history

2006	41	<i>Statutes Amendment (Public Sector Employment) Act 2006</i>	14.12.2006	Pt 21 (ss 97 & 98)—1.4.2007 (<i>Gazette</i> 29.3.2007 p930)
2009	84	<i>Statutes Amendment (Public Sector Consequential Amendments) Act 2009</i>	10.12.2009	Pt 140 (ss 319—322)—1.2.2010 (<i>Gazette</i> 28.1.2010 p320)
2010	18	<i>Statutes Amendment (Driving Offences) Act 2010</i>	14.10.2010	Pt 4 (s 11)—21.8.2011 (<i>Gazette</i> 18.8.2011 p3490)
2015	8	<i>Statutes Amendment (Boards and Committees—Abolition and Reform) Act 2015</i>	18.6.2015	Pt 34 (ss 201—227)—1.7.2015 (<i>Gazette</i> 25.6.2015 p3076)
2017	49	<i>Liquor Licensing (Liquor Review) Amendment Act 2017</i>	28.11.2017	Sch 1 (cll 7 & 8)—18.11.2019 (<i>Gazette</i> 7.11.2019 p3759)

Provisions amended

New entries appear in bold.

Entries that relate to provisions that have been deleted appear in italics.

Provision	How varied	Commencement
Long title	amended by 70/1998 s 3	17.12.1998
	amended by 8/2015 s 201	1.7.2015
Pt 1		
s 1	substituted by 70/1998 s 4	17.12.1998
s 2	<i>deleted by 70/1998 s 27 (Sch)</i>	17.12.1998
s 3		
s 3(1)		
<i>Australian Formula One Grand Prix</i>	<i>deleted by 20/1986 s 3(a)</i>	20.3.1986
<i>the Board</i>	<i>deleted by 70/1998 s 5(a)</i>	17.12.1998
<i>Board</i>	<i>inserted by 70/1998 s 5(a)</i>	17.12.1998
	<i>deleted by 8/2015 s 202(1)</i>	1.7.2015
<i>the Chairman</i>	<i>deleted by 70/1998 s 27 (Sch)</i>	17.12.1998
Commission	inserted by 8/2015 s 202(1)	1.7.2015
council	amended by 37/2000 s 9 (Sch)	13.7.2000
declared area	substituted by 70/1998 s 5(b)	17.12.1998
declared period	substituted by 70/1998 s 5(b)	17.12.1998
<i>Deputy Chairman</i>	<i>deleted by 70/1998 s 27 (Sch)</i>	17.12.1998
<i>employing authority</i>	<i>inserted by 41/2006 s 97(1)</i>	1.4.2007
	<i>deleted by 8/2015 s 202(2)</i>	1.7.2015
<i>grand prix insignia</i>	<i>inserted by 20/1986 s 3(b)</i>	20.3.1986
	<i>substituted by 105/1988 s 3(a)</i>	12.1.1989
	<i>deleted by 70/1998 s 5(c)</i>	17.12.1998
the graphic standards manual	inserted by 83/1985 s 2(a)	5.9.1985

	amended by 8/2015 s 202(3)	1.7.2015
<i>the logo</i>	<i>inserted by 20/1986 s 3(c)</i>	20.3.1986
	<i>deleted by 70/1998 s 5(d)</i>	17.12.1998
logo	inserted by 70/1998 s 5(d)	17.12.1998
<i>member</i>	<i>deleted by 8/2015 s 202(4)</i>	1.7.2015
<i>official grand prix insignia</i>	<i>inserted by 83/1985 s 2(b)</i>	5.9.1985
	<i>substituted by 20/1986 s 3(d)</i>	20.3.1986
	<i>deleted by 70/1998 s 5(e)</i>	17.12.1998
official insignia	inserted by 70/1998 s 5(e)	17.12.1998
<i>an official symbol</i>	<i>inserted by 20/1986 s 3(d)</i>	20.3.1986
	<i>deleted by 70/1998 s 5(e)</i>	17.12.1998
official symbol	inserted by 70/1998 s 5(e)	17.12.1998
official title	inserted by 20/1986 s 3(d)	20.3.1986
	substituted by 70/1998 s 5(e)	17.12.1998
<i>parkland</i>	<i>deleted by 69/2005 Sch 1 cl 22</i>	14.12.2006
promote	inserted by 105/1988 s 3(b)	12.1.1989
relevant council	amended by 70/1998 s 5(f)	17.12.1998
s 3(2)	inserted by 83/1985 s 2(c)	5.9.1985
	amended by 70/1998 ss 5(g), 27 (Sch)	17.12.1998
s 3(3)	inserted by 20/1986 s 3(e)	20.3.1986
	amended by 105/1988 s 3(c)	12.1.1989
	substituted by 70/1998 s 5(h)	17.12.1998
	amended by 37/2000 s 2	13.7.2000
s 3(4)	<i>inserted by 20/1986 s 3(e)</i>	20.3.1986
	<i>deleted by 70/1998 s 5(h)</i>	17.12.1998
	<i>inserted by 41/2006 s 97(2)</i>	1.4.2007
	<i>deleted by 8/2015 s 202(5)</i>	1.7.2015
s 3(5)	<i>inserted by 20/1986 s 3(e)</i>	20.3.1986
	<i>deleted by 70/1998 s 5(h)</i>	17.12.1998
s 3A	<i>inserted by 83/1985 s 3</i>	5.9.1985
	<i>deleted by 70/1998 s 27 (Sch)</i>	17.12.1998
Pt 2		
heading	substituted by 8/2015 s 203	1.7.2015
<i>Pt 2 Div 1 before deletion by 8/2015</i>		
s 4		
s 4(1)	<i>substituted by 70/1998 s 6</i>	17.12.1998
s 4(2)	<i>amended by 70/1998 s 27 (Sch)</i>	17.12.1998
s 4(3)	<i>substituted by 70/1998 s 27 (Sch)</i>	17.12.1998
s 5		
s 5(1)	<i>amended by 70/1998 s 27 (Sch)</i>	17.12.1998
s 5(1a)	<i>inserted by 70/1998 s 7</i>	17.12.1998

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<i>s 5(2)</i>	<i>substituted by 70/1998 s 27 (Sch)</i>	<i>17.12.1998</i>
<i>s 5(3) and (4)</i>	<i>amended by 70/1998 s 27 (Sch)</i>	<i>17.12.1998</i>
<i>s 6</i>		
<i>s 6(1)—(5)</i>	<i>amended by 70/1998 s 27 (Sch)</i>	<i>17.12.1998</i>
<i>s 7 before deletion by 84/2009</i>		
<i>s 7(1)—(3)</i>	<i>amended by 70/1998 s 27 (Sch)</i>	<i>17.12.1998</i>
<i>s 7</i>	<i>deleted by 84/2009 s 319</i>	<i>1.2.2010</i>
<i>s 8</i>		
<i>s 8(1) and (2)</i>	<i>amended by 70/1998 s 27 (Sch)</i>	<i>17.12.1998</i>
<i>s 8(2a)</i>	<i>inserted by 105/1988 s 4</i>	<i>12.1.1989</i>
<i>s 8(3)</i>	<i>substituted by 70/1998 s 27 (Sch)</i>	<i>17.12.1998</i>
<i>s 8(4) and (5)</i>	<i>amended by 70/1998 s 27 (Sch)</i>	<i>17.12.1998</i>
<i>s 8(6)</i>	<i>substituted by 70/1998 s 27 (Sch)</i>	<i>17.12.1998</i>
<i>s 9</i>		
<i>s 9(1)</i>	<i>amended by 70/1998 s 27 (Sch)</i>	<i>17.12.1998</i>
<i>s 9(2)</i>	<i>substituted by 70/1998 s 27 (Sch)</i> <i>deleted by 84/2009 s 320</i>	<i>17.12.1998</i> <i>1.2.2010</i>
<i>s 9(3)</i>	<i>amended by 70/1998 s 27 (Sch)</i> <i>deleted by 84/2009 s 320</i>	<i>17.12.1998</i> <i>1.2.2010</i>
<i>Pt 2 Div 1</i>	<i>deleted by 8/2015 s 204</i>	<i>1.7.2015</i>
<i>Pt 2 Div 2</i>		
<i>heading</i>	<i>deleted by 8/2015 s 205</i>	<i>1.7.2015</i>
<i>s 10</i>		
<i>s 10(1)</i>	<i>amended by 20/1986 s 4(a), (b)</i> <i>substituted by 105/1988 s 5(a)</i> <i>amended by 70/1998 s 8(a)—(d)</i> <i>amended by 37/2000 s 3(a), (b)</i> <i>amended by 8/2015 s 206(1)</i>	<i>20.3.1986</i> <i>12.1.1989</i> <i>17.12.1998</i> <i>13.7.2000</i> <i>1.7.2015</i>
<i>s 10(2)</i>	<i>amended by 20/1986 s 4(c), (d)</i> <i>amended by 105/1988 s 5(b), (c)</i> <i>(q) deleted by 105/1988 s 5(c)</i> <i>amended by 70/1998 ss 8(e)—(j), 27 (Sch)</i> <i>amended by 37/2000 s 3(c)—(f)</i> <i>amended by 8/2015 s 206(1), (3)</i> <i>(p) deleted by 8/2015 s 206(2)</i>	<i>20.3.1986</i> <i>12.1.1989</i> <i>12.1.1989</i> <i>17.12.1998</i> <i>13.7.2000</i> <i>1.7.2015</i> <i>1.7.2015</i>
<i>s 10(3)</i>	<i>amended by 8/2015 s 206(1)</i>	<i>1.7.2015</i>
<i>s 10(4)</i>	<i>deleted by 8/2015 s 206(4)</i>	<i>1.7.2015</i>
<i>s 10AA</i>	<i>inserted by 70/1998 s 9</i> <i>amended by 8/2015 s 207</i>	<i>17.12.1998</i> <i>1.7.2015</i>
<i>s 10A before deletion by 8/2015</i>	<i>inserted by 105/1988 s 6</i>	<i>12.1.1989</i>
<i>s 10A(1) and (2)</i>	<i>amended by 70/1998 s 27 (Sch)</i>	<i>17.12.1998</i>

<i>s 10A</i>	<i>deleted by 8/2015 s 208</i>	<i>1.7.2015</i>
<i>s 11</i>		
<i>s 11(1)</i>	<i>substituted by 70/1998 s 10</i>	<i>17.12.1998</i>
	<i>amended by 8/2015 s 209</i>	<i>1.7.2015</i>
<i>s 11(2)</i>	<i>amended by 8/2015 s 209</i>	<i>1.7.2015</i>
<i>s 11(3)</i>	<i>amended by 70/1998 s 27 (Sch)</i>	<i>17.12.1998</i>
	<i>amended by 8/2015 s 209</i>	<i>1.7.2015</i>
<i>s 12 before deletion by 8/2015</i>	<i>amended by 70/1998 s 27 (Sch)</i>	<i>17.12.1998</i>
<i>s 12</i>	<i>deleted by 8/2015 s 210</i>	<i>1.7.2015</i>
<i>Pt 2 Div 3 before substitution by 41/2006</i>		
<i>s 13</i>		
<i>s 13(1) and (2)</i>	<i>amended by 70/1998 s 27 (Sch)</i>	<i>17.12.1998</i>
<i>s 13(3)—(8)</i>	<i>substituted by 70/1998 s 27 (Sch)</i>	<i>17.12.1998</i>
<i>s 14</i>	<i>substituted by 70/1998 s 27 (Sch)</i>	<i>17.12.1998</i>
<i>Pt 2 Div 3 before deletion by 8/2015</i>	<i>substituted by 41/2006 s 98</i>	<i>1.4.2007</i>
<i>s 13</i>		
<i>s 13(2)</i>	<i>substituted by 84/2009 s 321</i>	<i>1.2.2010</i>
<i>s 13(3)</i>	<i>deleted by 84/2009 s 321</i>	<i>1.2.2010</i>
<i>s 14</i>		
<i>s 14(3)</i>	<i>amended by 84/2009 s 322(1)</i>	<i>1.2.2010</i>
<i>s 14(4)</i>	<i>deleted by 84/2009 s 322(2)</i>	<i>1.2.2010</i>
<i>s 14(14)</i>		
<i>public sector agency</i>	<i>amended by 84/2009 s 322(3)</i>	<i>1.2.2010</i>
<i>Pt 2 Div 3</i>	<i>deleted by 8/2015 s 211</i>	<i>1.7.2015</i>
<i>Pt 2 Div 4 before deletion by 8/2015</i>		
<i>s 15</i>		
<i>s 15(1)</i>	<i>amended by 70/1998 s 27 (Sch)</i>	<i>17.12.1998</i>
	<i>amended by 33/1999 Sch (item 51(a))</i>	<i>1.7.1999</i>
<i>s 15(2)</i>	<i>amended by 70/1998 s 27 (Sch)</i>	<i>17.12.1998</i>
	<i>amended by 33/1999 Sch (item 51(b))</i>	<i>1.7.1999</i>
<i>s 15(3) and (4)</i>	<i>amended by 70/1998 s 27 (Sch)</i>	<i>17.12.1998</i>
<i>s 16</i>	<i>deleted by 105/1988 s 7</i>	<i>12.1.1989</i>
<i>s 17</i>		
<i>s 17(1) and (3)</i>	<i>amended by 70/1998 s 27 (Sch)</i>	<i>17.12.1998</i>
<i>s 18</i>	<i>substituted by 70/1998 s 27 (Sch)</i>	<i>17.12.1998</i>
<i>s 19</i>		
<i>s 19(1)</i>	<i>substituted by 20/1986 s 5</i>	<i>20.3.1986</i>
	<i>amended by 105/1988 s 8</i>	<i>12.1.1989</i>
	<i>amended by 70/1998 s 11</i>	<i>17.12.1998</i>

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s 19(3)	<i>substituted by 70/1998 s 27 (Sch)</i>	17.12.1998
Pt 2 Div 4	<i>deleted by 8/2015 s 211</i>	1.7.2015
Pt 3	heading amended by 70/1998 s 12	17.12.1998
s 20		
s 20(1)	substituted by 70/1998 s 13(a)	17.12.1998
	amended by 37/2000 s 4(a)	13.7.2000
	amended by 69/2005 Sch 1 cl 23(1)	14.12.2006
	amended by 8/2015 s 212	1.7.2015
s 20(2)	amended by 70/1998 s 27 (Sch)	17.12.1998
	amended by 37/2000 s 4(b)	13.7.2000
	amended by 8/2015 s 212	1.7.2015
s 20(3)	inserted by 70/1998 s 13(b)	17.12.1998
	amended by 37/2000 s 4(c)	13.7.2000
s 20(4)	inserted by 69/2005 Sch 1 cl 23(2)	14.12.2006
s 21		
s 21(1)	amended by 70/1998 ss 14(a), 27 (Sch)	17.12.1998
	amended by 8/2015 s 213	1.7.2015
s 21(2)	amended by 70/1998 ss 14(b), 27 (Sch)	17.12.1998
s 21(2a)	inserted by 20/1986 s 6	20.3.1986
	amended by 70/1998 ss 14(c), 27 (Sch)	17.12.1998
	amended by 8/2015 s 213	1.7.2015
s 21(3)	amended by 70/1998 s 27 (Sch)	17.12.1998
s 22		
s 22(1)	amended by 70/1998 ss 15, 27 (Sch)	17.12.1998
	amended by 69/2005 Sch 1 cl 24(1)	14.12.2006
	amended by 8/2015 s 214	1.7.2015
s 22(1a)	inserted by 69/2005 Sch 1 cl 24(2)	14.12.2006
	amended by 8/2015 s 214	1.7.2015
s 22(2)	amended by 70/1998 s 27 (Sch)	17.12.1998
	amended by 69/2005 Sch 1 cl 24(3)	14.12.2006
	amended by 8/2015 s 214	1.7.2015
s 22(2a)	inserted by 69/2005 Sch 1 cl 24(4)	14.12.2006
	amended by 8/2015 s 214	1.7.2015
s 22(3)	amended by 70/1998 s 27 (Sch)	17.12.1998
	amended by 69/2005 Sch 1 cl 24(5)—(7)	14.12.2006
	amended by 8/2015 s 214	1.7.2015
s 22(4)	inserted by 69/2005 Sch 1 cl 24(8)	14.12.2006
	amended by 8/2015 s 214	1.7.2015
s 22(5)	inserted by 69/2005 Sch 1 cl 24(8)	14.12.2006
s 22(6)	inserted by 69/2005 Sch 1 cl 24(8)	14.12.2006
	amended by 8/2015 s 214	1.7.2015
s 23		
s 23(1)	amended by 70/1998 ss 16, 27 (Sch)	17.12.1998

	amended by 8/2015 s 215	1.7.2015
s 23(2)	amended by 70/1998 s 27 (Sch)	17.12.1998
	amended by 8/2015 s 215	1.7.2015
s 24		
s 24(1)	amended by 70/1998 s 17(a), (b)	17.12.1998
	amended by 8/2015 s 216	1.7.2015
s 24(2)	amended by 70/1998 ss 17(c), 27 (Sch)	17.12.1998
	amended by 8/2015 s 216	1.7.2015
s 24(3)	amended by 70/1998 ss 17(d), 27 (Sch)	17.12.1998
	amended by 8/2015 s 216	1.7.2015
s 24(4)	inserted by 69/2005 Sch 25	14.12.2006
	amended by 8/2015 s 216	1.7.2015
s 25		
s 25(1)	amended by 20/1986 s 7(a)	20.3.1986
	amended by 70/1998 ss 18(a), 27 (Sch)	17.12.1998
	amended by 37/2000 s 9 (Sch)	13.7.2000
s 25(1a)	inserted by 20/1986 s 7(b)	20.3.1986
	substituted by 18/2010 s 11	21.8.2011
s 25(2)	amended by 70/1998 ss 18(b), 27 (Sch)	17.12.1998
	amended by 8/2015 s 217	1.7.2015
s 25(3)	amended by 70/1998 ss 18(c), 27 (Sch)	17.12.1998
	amended by 8/2015 s 217	1.7.2015
s 26	amended by 70/1998 s 27 (Sch)	17.12.1998
	amended by 8/2015 s 218	1.7.2015
s 27		
s 27(1)	amended by 70/1998 ss 19, 27 (Sch)	17.12.1998
	amended by 8/2015 s 219(1), (2)	1.7.2015
s 27(2)	amended by 70/1998 s 27 (Sch)	17.12.1998
Pt 3A	inserted by 20/1986 s 8	20.3.1986
s 27A	amended by 70/1998 s 27 (Sch)	17.12.1998
<i>commissioned officer</i>	<i>deleted by 37/2000 s 5(a)</i>	<i>13.7.2000</i>
<i>senior police officer</i>	inserted by 37/2000 s 5(b)	13.7.2000
s 27AB	inserted by 37/2000 s 6	13.7.2000
s 27AB(3)	amended by 18/2001 s 50	1.10.2001
	amended by 8/2015 s 220	1.7.2015
s 27B		
s 27B(1)	amended by 70/1998 s 27 (Sch)	17.12.1998
	amended by 37/2000 s 7	13.7.2000
	amended by 49/2017 Sch 1 cl 7(1)	18.11.2019
	(b) deleted by 49/2017 Sch 1 cl 7(2)	18.11.2019
s 27B(2)	substituted by 70/1998 s 27 (Sch)	17.12.1998

s 27C		
s 27C(1)	amended by 70/1998 s 27 (Sch)	17.12.1998
	amended by 37/2000 s 8	13.7.2000
	amended by 49/2017 Sch 1 cl 8	18.11.2019
s 27C(2) and (3)	amended by 70/1998 s 27 (Sch)	17.12.1998
Pt 4		
<i>s 28 before deletion by 8/2015</i>	<i>substituted by 70/1998 s 20</i>	<i>17.12.1998</i>
s 28	<i>deleted by 8/2015 s 221</i>	<i>1.7.2015</i>
s 28AA	inserted by 70/1998 s 20	17.12.1998
s 28AA (1) and (2)	amended by 8/2015 s 222	1.7.2015
s 28A	inserted by 83/1985 s 4	5.9.1985
s 28A(1)	substituted by 70/1998 s 21(a)	17.12.1998
	amended by 8/2015 s 223(1), (2)	1.7.2015
s 28A(2)	amended by 70/1998 ss 21(b)—(d), 27 (Sch)	17.12.1998
	amended by 8/2015 s 223(1)	1.7.2015
s 28A(3)	amended by 70/1998 ss 21(e), 27 (Sch)	17.12.1998
	amended by 8/2015 s 223(1)	1.7.2015
s 28A(4)—(7)	amended by 8/2015 s 223(1)	1.7.2015
s 28B	inserted by 83/1985 s 4	5.9.1985
s 28B(1)	amended by 70/1998 ss 22, 27 (Sch)	17.12.1998
	amended by 8/2015 s 224(1), (2)	1.7.2015
s 28B(2)	amended by 70/1998 s 27 (Sch)	17.12.1998
s 28B(3)	amended by 8/2015 s 224(1)	1.7.2015
s 28B(5)	amended by 70/1998 s 27 (Sch)	17.12.1998
<i>s 29 before deletion by 8/2015</i>	<i>deleted by 105/1988 s 9</i>	<i>12.1.1989</i>
	<i>inserted by 70/1998 s 23</i>	<i>17.12.1998</i>
s 29	<i>deleted by 8/2015 s 225</i>	<i>1.7.2015</i>
s 30		
s 30(1)	amended by 34/1996 s 4 (Sch cl 5)	3.2.1997
s 30(2)	amended by 70/1998 ss 24, 27 (Sch)	17.12.1998
	(a) deleted by 8/2015 s 226(1)	1.7.2015
	amended by 8/2015 s 226(2), (3)	1.7.2015
s 30(3)	amended by 70/1998 s 27 (Sch)	17.12.1998
s 30(4)	<i>deleted by 34/1996 s 4 (Sch cl 5)</i>	<i>3.2.1997</i>
Sch	<i>inserted by 83/1985 s 5</i>	<i>5.9.1985</i>
	<i>deleted by 70/1998 s 25</i>	<i>17.12.1998</i>
Sch 1	inserted by 8/2015 s 227	1.7.2015

Transitional etc provisions associated with Act or amendments

Statutes Amendment and Repeal (Common Expiation Scheme) Act 1996

5—Transitional provision

An Act repealed or amended by this Act will continue to apply (as in force immediately prior to the repeal or amendment coming into operation) to an expiation notice issued under the repealed or amended Act.

Australian Formula One Grand Prix (South Australian Motor Sport) Amendment Act 1998

26—Transitional provision

The South Australian Motor Sport Board will have an 18 month financial year commencing on 1 January 1998 and ending on 30 June 1999 (and thereafter will have 12 month financial years commencing on 1 July in each year).

Statutes Amendment (Public Sector Employment) Act 2006, Sch 1—Transitional provisions

Note—

Also see *Statutes Amendment (Public Sector Employment) (Transitional Provisions) Regulations 2007*.

1—Interpretation

In this Part, unless the contrary intention appears—

Commonwealth Act means the *Workplace Relations Act 1996* of the Commonwealth;

employing authority means—

- (a) subject to paragraph (b)—the person who is the employing authority under a relevant Act;
- (b) in a case that relates to employment under the *Fire and Emergency Services Act 2005*—the Chief Executive of the South Australian Fire and Emergency Services Commission, or the Chief Officer of an emergency services organisation under that Act, as the case requires;

Industrial Commission means the Industrial Relations Commission of South Australia;

prescribed body means—

- (a) the Aboriginal Lands Trust;
- (b) the Adelaide Cemeteries Authority;
- (c) the Adelaide Festival Centre Trust;
- (d) the Adelaide Festival Corporation;
- (e) SA Ambulance Service Inc;
- (f) the Minister to whom the administration of the *Children's Services Act 1985* is committed;

- (g) the Minister to whom the administration of the *Education Act 1972* is committed;
- (h) the Electricity Supply Industry Planning Council;
- (i) a body constituted under the *Fire and Emergency Services Act 2005*;
- (j) the History Trust of South Australia;
- (k) the Institute of Medical and Veterinary Science;
- (l) a regional NRM board constituted under the *Natural Resources Management Act 2004*;
- (m) the Senior Secondary Assessment Board of South Australia;
- (n) the South Australian Country Arts Trust;
- (o) the South Australian Film Corporation;
- (p) the South Australian Health Commission;
- (q) an incorporated hospital under the *South Australian Health Commission Act 1976*;
- (r) an incorporated health centre under the *South Australian Health Commission Act 1976*;
- (s) the South Australian Motor Sport Board;
- (t) the South Australian Tourism Commission;
- (u) The State Opera of South Australia;
- (v) the State Theatre Company of South Australia;
- (w) the Minister to whom the administration of the *Technical and Further Education Act 1975* is committed;

relevant Act means—

- (a) in a case that relates to employment with a prescribed body established under an Act being amended by this Act—that Act;
- (b) in a case that relates to employment with a prescribed body who is a Minister to whom the administration of an Act being amended by this Act is committed—that Act;
- (c) in a case that relates to employment with a body constituted under the *Fire and Emergency Services Act 2005*—that Act.

2—Transfer of employment

- (1) Subject to this clause, a person who, immediately before the commencement of this clause, was employed by a prescribed body under a relevant Act will, on that commencement, be taken to be employed by the employing authority under that Act (as amended by this Act).

-
- (2) The following persons will, on the commencement of this clause, be taken to be employed as follows:
- (a) a person who, immediately before the commencement of this clause, was employed under section 6L(1) of the *Electricity Act 1996* will, on that commencement, be taken to be employed by the employing authority under that Act (as amended by this Act);
 - (b) a person who, immediately before the commencement of this clause, was employed by the South Australian Fire and Emergency Services Commission will, on that commencement, be taken to be employed by the Chief Executive of that body;
 - (c) a person who, immediately before the commencement of this clause, was employed by an emergency services organisation under the *Fire and Emergency Services Act 2005* will, on that commencement, be taken to be employed by the Chief Officer of that body;
 - (d) a person who, immediately before the commencement of this clause, was employed by an incorporated hospital or an incorporated health centre under the *South Australian Health Commission Act 1976* will, on that commencement, be taken to be employed by an employing authority under that Act (as amended by this Act) designated by the Governor by proclamation made for the purposes of this paragraph.
- (3) Subject to this clause, the Governor may, by proclamation, provide that a person employed by a subsidiary of a public corporation under the *Public Corporations Act 1993* will be taken to be employed by a person or body designated by the Governor (and the arrangement so envisaged by the proclamation will then have effect in accordance with its terms).
- (4) Subject to subclause (5), an employment arrangement effected by subclause (1), (2) or (3)—
- (a) will be taken to provide for continuity of employment without termination of the relevant employee's service; and
 - (b) will not affect—
 - (i) existing conditions of employment or existing or accrued rights to leave; or
 - (ii) a process commenced for variation of those conditions or rights.
- (5) If, immediately before the commencement of this clause, a person's employment within the ambit of subclause (1), (2) or (3) was subject to the operation of an award or certified agreement (but not an Australian Workplace Agreement) under the Commonwealth Act, then, on that commencement, an award or enterprise agreement (as the case requires) will be taken to be created under the *Fair Work Act 1994*—
- (a) with the same terms and provisions as the relevant industrial instrument under the Commonwealth Act; and

- (b) with any terms or provisions that existed under an award or enterprise agreement under the *Fair Work Act 1994*, that applied in relation to employment of the kind engaged in by the person, immediately before 27 March 2006, and that ceased to apply by virtue of the operation of provisions of the Commonwealth Act that came into force on that day, subject to any modification or exclusion prescribed by regulations made for the purposes of this subclause and subject to the operation of subclause (6).
- (6) Where an award or enterprise agreement is created by virtue of the operation of subclause (5)—
- (a) the award or enterprise agreement will be taken to be made or approved (as the case requires) under the *Fair Work Act 1994* on the day on which this clause commences; and
 - (b) the *Fair Work Act 1994* will apply in relation to the award or enterprise agreement subject to such modifications or exclusions as may be prescribed by regulations made for the purposes of this subclause; and
 - (c) the Industrial Commission may, on application by the Minister to whom the administration of the *Fair Work Act 1994* is committed, or an application by a person or body recognised by regulations made for the purposes of this subclause, vary or revoke any term or provision of the award or enterprise agreement if the Industrial Commission is satisfied that it is fair and reasonable to do so in the circumstances.

3—Superannuation

- (1) If a prescribed body under a relevant Act is, immediately before the commencement of this clause, a party to an arrangement relating to the superannuation of one or more persons employed by the prescribed body, then the relevant employing authority under that Act will, on that commencement, become a party to that arrangement in substitution for the prescribed body.
- (2) Nothing that takes effect under subclause (1)—
- (a) constitutes a breach of, or default under, an Act or other law, or constitutes a breach of, or default under, a contract, agreement, understanding or undertaking; or
 - (b) terminates an agreement or obligation or fulfils any condition that allows a person to terminate an agreement or obligation, or gives rise to any other right or remedy,
- and subclause (1) may have effect despite any other Act or law.
- (3) An amendment effected to another Act by this Act does not affect a person's status as a contributor under the *Superannuation Act 1988* (as it may exist immediately before the commencement of this Act).

4—Interpretative provision

- (1) The Governor may, by proclamation, direct that a reference in any instrument (including a statutory instrument) or a contract, agreement or other document to a prescribed body, or other specified agency, instrumentality or body, will have effect as if it were a reference to an employing authority under a relevant Act, the Minister to whom the administration of a relevant Act is committed, or some other person or body designated by the Governor.
- (2) A proclamation under subclause (1) may effect a transfer of functions or powers.

5—Related matters

- (1) A notice in force under section 51 of the *Children's Services Act 1985* immediately before the commencement of this clause will continue to have effect for the purposes of that section, as amended by this Act.
- (2) A notice in force under section 28 of the *Institute of Medical and Veterinary Science Act 1982* immediately before the commencement of this clause will continue to have effect for the purposes of that section, as amended by this Act.
- (3) A notice in force under section 61 of the *South Australian Health Commission Act 1976* immediately before the commencement of this clause will continue to have effect for the purposes of that section, as amended by this Act.
- (4) A notice in force under section 13(6) of the *South Australian Motor Sport Act 1984* immediately before the commencement of this clause will continue to have effect after that commencement but may, pursuant to this subclause, be varied from time to time, or revoked, by the Minister to whom the administration of that Act is committed.
- (5) The fact that a person becomes an employer in his or her capacity as an employing authority under an Act amended by this Act does not affect the status of any body or person as an employer of public employees for the purposes of the *Fair Work Act 1994* (unless or until relevant regulations are made under the provisions of that Act).

6—Other provisions

- (1) The Governor may, by regulation, make additional provisions of a saving or transitional nature consequent on the enactment of this Act.
- (2) A provision of a regulation made under subclause (1) may, if the regulation so provides, take effect from the commencement of this Act or from a later day.
- (3) To the extent to which a provision takes effect under subclause (2) from a day earlier than the day of the regulation's publication in the Gazette, the provision does not operate to the disadvantage of a person by—
 - (a) decreasing the person's rights; or
 - (b) imposing liabilities on the person.
- (4) The *Acts Interpretation Act 1915* will, except to the extent of any inconsistency with the provisions of this Schedule (or regulations made under this Schedule), apply to any amendment or repeal effected by this Act.

Historical versions

Reprint No 1—1.7.1991

Reprint No 2—3.2.1997

Reprint No 3—17.12.1998

Reprint No 4—1.7.1999

Reprint No 5—13.7.2000

Reprint No 6—1.10.2001

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