

Attorney-General's Department

Office of Parliamentary Counsel

About

www.legislation.sa.gov.au

16 September 2016



**Government
of South Australia**

Attorney-General's
Department

Contents

1— Introduction	3
2— Authorised Electronic Versions	3
3— The types of legislation available on the website	4
4— A-Z consolidations databases	5
4.1 Acts.....	5
4.1.1 A-Z list	6
4.1.2 Current and historical versions	7
4.1.3 Legislative index information for Acts	7
(a) General information	7
(b) Subordinate legislation links	7
(c) Past and future operation	8
(d) Disclaimer.....	8
4.2 Regulations and Rules	9
4.2.1 A-Z list	9
4.2.2 Current and historical versions	10
4.2.3 Legislative index information for regulations and rules.....	10
(a) General information	10
(b) Past and future operation	12
(c) Disclaimer.....	12
4.3 Aquaculture and Environment Protection Policies.....	12
4.4 Proclamations and notices	13
5— As enacted or as made legislation databases	14
6— Bills databases	14
7— Status of legislation accessed at the website	15
8— Other information available at the website	12
8.1 Information box.....	15
8.2 Menu.....	17
8.3 Help	17
8.4 Viewing recommendations	18

Disclaimer

Considerable time and effort has been devoted to compiling the information on the website as accurately as possible. Given the amount of detailed information involved it is not possible to guarantee complete accuracy and no liability is accepted for any inaccuracy. If you find an error, it would be appreciated if you would advise the Commissioner for Legislation Revision and Publication by email: salegweb@agd.sa.gov.au.

1—Introduction

This website has been established to provide improved access to South Australian legislation and information about South Australian legislation, including information about the making, commencement, operation, variation or cessation of legislation and the making, commencement, operation, variation or cessation of other instruments made under legislation.

Every endeavour is made to maintain the currency of the legislation databases on a daily basis on working days, including the consolidation of amendments to Acts and subordinate legislation that have come into operation.

This website provides access to electronic data produced through the legislation revision and publication program and to the information available in the Annual Index of South Australian Statutes and fortnightly update. It fulfills the object set out in the *Legislation Revision and Publication Act 2002* of making up-to-date copies of public general legislation available to members of the public in electronic form.

2—Authorised Electronic Versions

An authorised electronic version of legislation is an electronic version that is published under the Legislation Revision and Publication Act 2002. Legislation published under that Act is to be taken in any legal proceedings, in the absence of proof to the contrary, to set out correctly the contents of the legislation. An electronic copy of legislation downloaded from this website or a print of an electronic copy will be taken to be published under the Act if electronic publication of the legislation has been authorised by the Commissioner for Legislation Revision and Publication and there is a statement at the foot of each page that the version is published under the Act.

An authorized electronic version-

- is identified by a blue logo, featuring a tick/checkmark design in the middle and the letters 'PDF'; and
- has the following statement appearing at the foot of each page of the version:
 - Published under the *Legislation Revision and Publication Act 2002*.

Authorised electronic versions are not permitted to be edited. They are read-only files from which a hard copy may be printed.

Before any reliance is placed on an authorized version of legislation on this website, you should check the date or dates for which that version was authorised.

3—The types of legislation available on the website

The legislation databases contain:

- Acts of the Parliament of South Australia
- subordinate legislation under Acts:
 - regulations and rules made by the Governor of South Australia
 - policies under the *Aquaculture Act 2001 (SA)* and policies under the *Environment Protection Act 1993 (SA)*
 - proclamations and notices made by the Governor of South Australia.

There are 2 databases for each category of legislation: the A-Z consolidations database and the as enacted or as made database.

Bills are also available on the website.

Legislation and Bills can be searched using various filters. Legislation and Bills can be found by browsing or navigating through various pathways.

4—A-Z consolidations databases

4.1 Acts

4.1.1 A-Z list

Browse the A-Z list of Acts to find information about Acts of the Parliament of South Australia.

The A-Z Acts database contains—

- the text of all principal Acts in force at 1 January 2003 or subsequently enacted (whether still in force or repealed or expired), other than Acts classified in the 2003 Annual Index of South Australian Statutes as Acts of limited application

Acts are regarded as principal Acts if they contain substantive provisions other than amending or repealing provisions.

Acts are added to the database on assent, whether or not they have commenced operation.

The text of an Act in the database will, if the Act has been amended, be the consolidated version of the Act, ie, the text incorporating any amendments that have come into operation.

- information about—
 - Acts of limited application that were in force at 1 January 1976 (whether still in force or since repealed or expired)
 - Statutes Amendment Acts, Statute Law Revision Acts, and Repeal Acts, enacted after 1 January 1976
 - Acts that ceased to operate after 1 January 1976 and before 1 January 2003 (If the text of these Acts is available to the Office of Parliamentary Counsel, the Office intends to make it available in PDF format as resources allow.)

The majority of the Acts classified as Acts of limited application are either of local or restricted application or are private Acts. Some public Acts of general application are not of general interest and have been treated as Acts of limited application. Examples are the *Housing Agreement Acts* of 1978 and 1981. Acts that are not currently in operation but that have not been repealed such as the *Income Tax Acts* have also been regarded as being of limited interest. These Acts of limited application have not been included in print consolidation programs.

Amending Acts, Appropriation Acts and Supply Acts are not included in the A-Z list.

The A-Z list distinguishes between Acts in operation and Acts that have ceased to operate.

For information about Acts that ceased operation before 1 January 1976 consult the tables and indexes in Volume 9 South Australian Statutes 1837-1936 and the 1975 Volume of South Australian Statutes.

The A-Z list also displays changes to the short titles of Acts that have occurred after 1 January 1976.

The A-Z list is designed to match the Acts listed in the Annual Index of South Australian Statutes.

4.1.2 Current and historical versions

The A-Z Acts database contains current and historical versions of Acts.

A current version of an Act is the version currently in force or, if the Act has not yet come into operation, the version currently forming part of the State's Statute Book.

A historical version of an Act is a version of the Act as previously on the State's Statute Book, whether then uncommenced or in force. The dates in the version table indicate the period for which the historical version was on the State's Statute Book. The period includes both the beginning date and the end date.

Certain historical versions of Acts from 1991 onwards are available on the website.

Since 1 January 2004 a strict policy of publishing separate versions for separate commencement and cessation dates has been adopted to provide point in time access to the law.

Prior to 1 January 2004 there may be gaps in the dates in the version table.

There will be a gap between the beginning date of a version derived from a reprint that included several amendments commencing on different dates and the end date of the preceding version. The beginning date for such a version is the latest date on which an amendment incorporated into the reprint commenced.

If historical versions are affected by retrospective amendments, they have not been made available because they are not an accurate representation of the law.

Past practices have resulted in some data being unavailable.

The version of any Act repealed since 1 January 2003 as in force immediately before its repeal is available.

Historical data that pre-dates 1 January 2004 will generally not include graphics, such as maps, pictures and forms, and will only be available in PDF format.

4.1.3 Legislative index information for Acts

(a) General information

For an Act the text of which is included in the A-Z database, the home page for the Act—

- displays the status of the Act if it has ceased operation
- displays the Minister to whom the Act has been committed under the *Administrative Arrangements Act 1994*
- may display a warning about legislative events not yet reflected in the legislation on the website
- displays a table of available current and historical versions
- includes links to subordinate legislation made under the Act
- may display links to other websites where an instrument made under the Act or a law of the Commonwealth or another State or a Territory applied by the Act as a law of this State may be accessed.

For an Act the text of which is not included in the A-Z database, the home page for the Act displays information about the Act from the Annual Index of South Australian Statutes.

(b) Subordinate legislation links

Subordinate legislation is listed in connection with an Act on the home page for the Act as follows:

- there are links to all current regulations and rules made by the Governor under the Act
- there are links to or information about regulations and rules made by the Governor under the Act since 1976 but which have since ceased operation (although the information is limited due to a past practice of deleting the information once the revoking regulations had themselves ceased operation)
- information is provided about other regulations made under the Act by bodies other than the Governor since 1 January 1976 (if any), and court rules made under the Act since 1 January 1976 (if any), of a kind that appears in the Annual Index of South Australian Statutes

Information is not provided about other rules that may be made under the Act such as those for lotteries under the *Lottery and Gaming Act* or about local council, hospital or university by-laws.

Links (at www.governmentgazette.sa.gov.au) to the Gazette in which the regulation or rule was published are provided for 1999 and subsequent years.

Links may be provided to other websites where the text of the regulations or rules may be accessed.

- in the case of the *Aquaculture Act 2000* and the *Environment Protection Act 1993*, there are links to and information about the policies made under the Act
- there is a link to proclamations (other than commencement proclamations) and notices made by the Governor under the Act in 2003 or a subsequent year that takes the user to the relevant place in the A-Z listing of proclamations and notices as made
- information is provided about certain proclamations and notices made under the Act and published in the Gazette of 1976 and subsequent years

References are not included to proclamations and notices considered to be of minor importance or available from some other source. An effort has been made to record the section number under which the proclamation or notice is made but this may not always be accurate because some proclamations and notices are made without express reference to the section. If 2 or more proclamations or notices under the same provision of an Act appear on the same page of the Gazette, only 1 entry will appear. For proclamations and notices made before 1976, see the index for the 1989 annual volume of South Australian Statutes.

The text of proclamations and notices made in 1999 and subsequent years can be accessed at www.governmentgazette.sa.gov.au

(c) Past and future operation

At the back of each PDF and RTF version of an Act there is a legislative history that sets out the following information:

- status notes—including whether there are any uncommenced amendments affecting the legislation
- if the legislation has been renamed, former names of the legislation
- a list of legislation repealed or amended by the legislation—this is included if, in revising the legislation under the *Legislation Revision and Publication Act 2002*, the repealing or amending provisions have been omitted from the legislation
- cessation information—details about the repeal or expiry of the legislation or the forthcoming repeal or expiry of the legislation
- details of the principal legislation and all amending legislation, including commencement details (New entries are highlighted in bold.)
- details of how and when provisions of the legislation have been amended—the details provided about the amendment of provisions of Acts cover amendments made since 3 February 1976. For details prior to that date see the 1975 consolidation of the Act. (New entries are

highlighted in bold and entries relating to provisions that have ceased operation are displayed in italics.)

- details of how provisions of the legislation will be amended when uncommenced amendments commence (The Office of Parliamentary Counsel adds these details to new versions if time and resources allow. Consequently, there are some cases where this information is not included.)
- transitional and other provisions associated with the legislation or amendments of the legislation
- a list of historical versions of the legislation that have been published in printed or electronic form.

Legislative history information is presented in a different format and has a slightly different content in older historical versions (where only a PDF document is available).

(d) Disclaimer

Considerable time and effort has been devoted to compiling this legislative index information as accurately as possible. The information is kept as up to date as possible within resource limitations. Given the amount of detailed information involved it is not possible to guarantee complete accuracy. If you find an error, it would be appreciated if you would advise the Commissioner for Legislation Revision and Publication by email: salegweb@agd.sa.gov.au.

4.2 Regulations and Rules

4.2.1 A-Z list

Browse the A-Z list of Regulations and Rules to find information about South Australian regulations and rules made by the Governor.

The A-Z Regulations and Rules database contains—

- the text of all principal regulations and rules made by the Governor in force at 1 January 2003 or subsequently made (whether still in force or revoked or expired)

Regulations and rules are regarded as principal regulations and rules if they contain substantive provisions other than variation or revocation provisions, provisions amending an Act or provisions dissolving a public corporation under the *Public Corporations Act 1993* (considered to be effectively a revocation).

The text of regulations or rules in the database will, if the regulations or rules have been varied, be the consolidated version of the regulations or rules, ie, the text incorporating any variations that have come into operation.

- information about—

- regulations and rules that ceased to operate after 1 January 1976 and before 1 January 2003 (However, the information is limited due to a past practice of deleting the information once the revoking regulations had themselves ceased operation.)

If the text of these regulations or rules is available to the Office of Parliamentary Counsel, the Office intends to make it available in PDF format as resources allow.

- Statutes Variation Regulations and Revocation Regulations
- regulations that amend an Act.

Variation regulations and rules are not listed in this database.

The A-Z list distinguishes between regulations and rules in operation and regulations and rules that have ceased to operate. It should be noted that regulations are impliedly revoked when the section of the Act under which they were made is repealed and not replaced with a similar provision. This does not happen very often and may not necessarily have been recorded in the database.

For information about regulations and rules that ceased operation before 1 January 1976, see the index for the 1989 annual volume of South Australian Statutes.

The A-Z list also displays changes to the short titles of regulations and rules.

The A-Z list is designed to match the listings found under each Act of regulations and rules made by the Governor in the Annual Index of South Australian Statutes.

Information is provided on each Act home page about any other regulations and rules made under the Act.

4.2.2 Current and historical versions

The A-Z Regulations and Rules database contains current and historical versions of regulations and rules made by the Governor.

A current version of regulations or rules is the version currently in force or, if the regulations or rules have not yet come into operation, the version currently forming part of the State's Statute Book.

A historical version of regulations or rules is a version of the regulations or rules as previously on the State's Statute Book, whether then uncommenced or in force. The dates in the version table indicate the period for which the historical version was on the State's Statute Book. The period includes both the beginning date and the end date.

Since 1 January 2004 a strict policy of publishing separate versions for separate commencement and cessation dates has been adopted to provide point in time access to the law.

There are certain earlier historical versions of regulations and rules available on the website, including the version of any regulations or rules revoked since 1 January 2003 as in force immediately before their revocation.

The Office of Parliamentary Counsel holds certain data for historical versions from 1991 onwards and intends, subject to limitations resulting from past practices and to resources, to make the data available on the website.

Historical data that pre-dates 1 January 2004 will generally not include graphics, such as maps, pictures and forms, and will only be available in PDF format.

4.2.3 Legislative index information for regulations and rules

(a) General information

For regulations and rules made by the Governor the text of which is included in the A-Z database, the home page—

- includes a link to the Act under which the regulations or rules are made
Statutes Amendment type regulations may appear on the screen as if made under the principal Act that has resulted in the need for the regulations (for example, the *Regulations Variation (Common Expiation Scheme) Regulations 1996* appear as if made under the *Expiation of Offences Act 1996*). The PDF and RTF copies of the regulations lists all the Acts under which the regulations are made.
- displays the status of the regulations or rules if they have ceased operation
- may display a warning about legislative events not yet reflected in the legislation on the website
- displays information about the expiry of regulations under the *Subordinate Legislation Act 1978*

Under Part 3A of that Act certain regulations expire on 1 September of the year following the year in which the 10th anniversary of the day on which the regulation was made falls. The Act allows the expiry to be postponed for a period or periods not exceeding 2 years at a time and not exceeding 4 years in aggregate.

- displays a table of available current and historical versions
- includes links to certain notices made under the regulations or rules (as recorded in the Annual Index of South Australian Statutes)
- may display links to other websites where a law of the Commonwealth or another State or a Territory applied by the regulations or rules as a law of this State may be accessed.

For regulations and rules made by the Governor the text of which is not included in the A-Z database, the home page displays information about the regulations and rules from the Annual Index of South Australian Statutes.

(b) Past and future operation

At the back of each PDF and RTF version of regulations and rules there is a legislative history that sets out the following information:

- status notes—including whether there are any uncommenced amendments affecting the legislation
- if the legislation has been renamed, former names of the legislation
- a list of legislation revoked or varied by the legislation—this is included if, in revising the legislation under the *Legislation Revision and Publication Act 2002*, the revocation or variation provisions have been omitted from the legislation
- cessation information—details about the revocation or expiry of the legislation or the forthcoming revocation or expiry of the legislation
- details of the principal legislation and all amending legislation, including commencement details (New entries are highlighted in bold.)
- details of how and when provisions of the legislation have been varied (New entries are highlighted in bold and entries relating to provisions that have ceased operation are displayed in italics.)
- details of how provisions of the legislation will be varied when uncommenced variations commence (The Office of Parliamentary Counsel adds these details to new versions if time and resources allow. Consequently, there are some cases where this information is not included.)
- transitional and other provisions associated with the legislation or variations of the legislation
- a list of historical versions of the legislation that have been published in printed or electronic form.

Legislative history information is presented in a different format and has a slightly different content in older historical versions (where only a PDF document is available).

(c) Disclaimer

Considerable time and effort has been devoted to compiling this information as accurately as possible. The information is kept as up to date as possible within resource limitations. Given the amount of detailed information involved it is not possible to guarantee complete accuracy. If you find an error, it would be appreciated if you would advise the Commissioner for Legislation Revision and Publication by email: salegweb@agd.sa.gov.au.

4.3 Aquaculture and Environment Protection Policies

Browse the A-Z list of Policies to find information about policies made under the *Aquaculture Act 2001* and the *Environment Protection Act 1993*.

The A-Z Policies database contains—

- the text of principal Aquaculture Policies made since 1 November 2005 in consolidated form
- information about principal Aquaculture Policies made before 1 November 2005
- the text of principal Environment Protection Policies in consolidated form, other than national environment protection measures that automatically became environment protection policies under section 28 of the *Environment Protection Act 1993* before that section was repealed.

Earlier Aquaculture Policies were not prepared by the Office of Parliamentary Counsel and are not subject to the legislation revision and publication program.

The A-Z list distinguishes between policies in operation and policies that have ceased to operate.

Legislative history information and current and historical versions are provided for consolidated policies in a similar manner and on the same basis as for Acts and regulations and rules.

4.4 Proclamations and notices

The A-Z list of proclamations and notices made by the Governor does not include proclamations or notices made before 2003. There are very few consolidated proclamations and notices in the database.

A great number of proclamations and notices are never amended and stand alone. Proclamations and notices made in 2003 and subsequent years can be found in the as made database.

The text of proclamations and notices published in the Gazette in 1999 and subsequent years and not captured in the database is available at www.governmentgazette.sa.gov.au

Legislative history information and current and historical versions are provided for consolidated proclamations and notices in a similar manner and on the same basis as for Acts and regulations and rules.

5—As enacted or as made legislation databases

For each type of South Australian legislation the site contains an "annual volume" for each year from 2003. Each volume contains legislation of the relevant type enacted or made during the year.

Acts are as originally passed by Parliament and assented to by the Governor. Regulations and Rules made by the Governor, Aquaculture and Environment Protection Policies, and Proclamations and Notices made by the Governor, are as originally published in the Gazette. Amendments are not incorporated.

However, if the legislation is principal legislation (as compared to amending, repealing or revoking legislation) and the legislation is published in a consolidations database, a link is provided to the legislation home page so that the user can view all available current and historical versions of the legislation. If the legislation has been amended, the as enacted or as made version is the first historical version.

The volume can be viewed in chronological order or in alphabetical order of short title. The as made versions of a particular legislation type can also be viewed together in an alphabetical listing. The as enacted or as made databases for Acts and Regulations and Rules made by the Governor should be used to access copies of amending legislation since these are not included in the A-Z listing. These databases enable a user to view amendments that are not yet in operation (and, consequently, are not yet reflected in the principal legislation in the A-Z databases).

As most proclamations and notices are stand alone legislation items that are rarely amended, the as made copies provide a useful source for principal proclamations and notices.

Commencement proclamations appear as if made under the principal Act to which they relate. This is to enable a link to be created from the principal Act to the relevant location in the A-Z list of as made proclamations. A commencement proclamation is actually made under both the principal or amending Act that is being commenced and the *Acts Interpretation Act 1915*.

Occasionally, proclamations are made under an amending Act (for example, for the purposes of transitional provisions). Again, these will appear on the screen as if made under the principal Act but the PDF and RTF copies will show the amendment Act under which the proclamation is actually made.

6—Bills databases

The Bills database is divided into 2 categories: Bills introduced or revived during the current session of Parliament and archived Bills.

The database does not indicate the status of Bills, ie whether they have been enacted, withdrawn or defeated or have lapsed at the end of a session.

Bills are only archived for sessions of Parliament starting with the 4th session of the 50th Parliament (2005).

Each Bill is presented in the form in which it was introduced into the first House of Parliament, the form in which it passed the first House, the form in which it was received by the second House of Parliament, the form in which it passed the second House, plus the form in which it was sent to the Governor for assent.

Second reading speeches and other parliamentary debate relating to a Bill can be accessed at www.parliament.sa.gov.au

7—Status of legislation accessed at the website

Legislation on this website is authorised, and therefore has evidentiary value, only if it:

- is identified by a blue logo, featuring a tick/checkmark design in the middle and the letters 'PDF'; and
- has the following statement appearing at the foot of each page of the version:
 - Published under the Legislation Revision and Publication Act 2002.

Before any reliance is placed on an authorised version of legislation on this website, you should check the date or dates for which that version was authorised

Printed versions of South Australian legislation with evidentiary value are available for purchase individually and by annual subscription.

For information contact—

Service SA: <https://www.sa.gov.au/topics/about-sa/directories/customer-service-centres>

phone: 13 23 24

email: glo@sa.gov.au

8—Other information available at the website

8.1 Information box

The information box on the left of the screen provides access to the following:

- Linking to this website—How to create a link from another website or document to particular legislation on this website
- Understanding legislation—An introduction to the different types of legislation and to the basic features of legislation
- Annual Index & Update—Links to the latest Annual Index of South Australian Legislation and cumulative fortnightly update
- Current titles—A list of current South Australian legislation
- Letters Patent—An instrument relating to the office of the Governor of South Australia
- Divisional penalties and fees—A table setting out the values of divisional penalties and fees under the *Acts Interpretation Act 1915*
- Regulations expiry program—A list of regulations due to next expire under the *Subordinate Legislation Act 1978*

- Acts committed to Ministers—A list specifying the Minister responsible for the administration of an Act under the *Administrative Arrangements Act 1994*

- Ministers incorporated—A list of Ministers who have been made incorporated bodies

- Administrative units—A list of the administrative units of the Public Service of South Australia

- Local council names—A list of the proper names of the local councils in South Australia

8.2 Menu

The menu bar at the top of the screen provides access to the following information:

- What's new—Information about legislative activity in recent fortnights

This document is produced on a fortnightly basis. It sets out activity recorded in the Gazette over a specified fortnight. This equates to the underlined material in the fortnightly update of the Annual Index of South Australian Statutes.

It also sets out legislation items added to, deleted from or substituted in the legislative database over the specified fortnight. This equates to the print subscription service. Only those legislation items where the text of the item has altered are recorded.

Please note that the legislation website databases are updated on a daily basis on working days and so the website will reflect legislative activity that has occurred since the closing date of the latest fortnightly summary.

- Other websites—Links to Australian, New Zealand and Norfolk Island legislation websites and related South Australian government websites
- Contact us—Contact details for inquiries and comments
- Disclaimer—Details of the disclaimer that applies to the website

8.3 Help

Search tips are available from a link in the Standard Search box.

Help is also provided from the Advanced Search screen to explain the effect of the various filters that may be applied and to highlight the limitations that apply to a search of legislation.

Consolidated legislation index pages include help links for information about—

- the program of consolidation of legislation
- the current and historical versions of legislation that may be available on the website
- the legislative index information available on the website
- the meaning of ceased legislation
- the meaning of Acts of limited application
- the circumstances in which policies may be amended by notice in the Gazette.

Legislation home pages include help links for information about—

- the formats in which the legislation is available

- how to print part of the legislation
- the term Responsible Minister
- the current and historical versions of the legislation that may be available on the website
- how to find out about the past and future operation of the legislation
- the subordinate legislation links provided on the website
- the expiry program information
- the other websites that may be listed at the bottom of the page.

8.4 Viewing recommendations

The site is best viewed with a resolution that is at least 1024x768 pixels.

If the site is viewed at a lesser resolution (eg 800x600) it will be necessary to close the help box on a legislation home page to access PDF and RTF versions from the top line of the versions table.