

South Australia

Acts Interpretation (Miscellaneous) Amendment Act 2005

An Act to amend the *Acts Interpretation Act 1915* and to make a related amendment to the *Subordinate Legislation Act 1978*.

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The Parliament of South Australia enacts as follows:

Part 1—Preliminary

1—Short title

This Act may be cited as the *Acts Interpretation (Miscellaneous) Amendment Act 2005*.

2—Commencement

This Act will come into operation on a day to be fixed by proclamation.

3—Amendment provisions

In this Act, a provision under a heading referring to the amendment of a specified Act amends the Act so specified.

Part 2—Amendment of *Acts Interpretation Act 1915*

4—Amendment of section 4—Interpretation

- (1) Section 4(1)—after definition of *ADI* insert:

AS or *Australian Standard* or *AS/NZS* or *Australian/New Zealand Standard* means a standard published by or under the authority of Standards Australia (alone or jointly with others);

- (2) Section 4(1)—after definition of *credit union* insert:

data storage device means any article or material (for example, a disk) from which information is capable of being reproduced, with or without the aid of any other article or device;

document includes—

- (a) any paper or other material on which there is writing; and
- (b) any map, plan, drawing, graph or photograph; and
- (c) any paper or other material on which there are marks, figures, symbols or perforations having a meaning for persons qualified to interpret them; and
- (d) any article or material from which sounds, images or writings are capable of being reproduced with or without the aid of any other article or device;

- (3) Section 4(1)—after the definition of *public holiday* insert:

record includes information stored or recorded by computer or other process;

- (4) Section 4(1)—after definition of *sitting days* insert:

Standards Association of Australia includes—

- (a) Standards Australia International Limited; and
- (b) Standards Australia Limited (ACN 087 326 690);

Standards Australia means—

- (a) Standards Association of Australia; or
 - (b) Standards Australia International Limited; or
 - (c) Standards Australia Limited (ACN 087 326 690);
- (5) Section 4(1), definition of *statutory instrument*—after paragraph (a) insert:
- (ab) a proclamation, notice, order or other instrument made by the Governor or a Minister under an Act and published in the Gazette; or
- (6) Section 4(1), definition of *writing*—after "words" insert:
- , figures, drawings or symbols
- (7) Section 4—after subsection (1) insert:
- (2) A reference in an Act or statutory instrument to—
 - (a) *audiotape, photograph, videotape* or other word in the form of a verb describing the capture or recording of images or sounds by an audiorecording, cinematographic, photographic or videorecording device includes, unless the contrary intention appears, a reference to the capture or recording of images or sounds by a digital device;
 - (b) an *audiotape, photograph, videotape* or other word in the form of a noun describing the item on which images or sounds captured or recorded by an audiorecording, cinematographic, photographic or videorecording device are stored or reproduced includes, unless the contrary intention appears, a reference to a digital data storage device;
 - (c) a *book, paper, plan* or other word in the form of a noun describing an item on which there is writing includes, unless the contrary intention appears, a reference to a digital data storage device.

5—Insertion of section 4AA

After section 4 insert:

4AA—Parts of speech and grammatical forms

If an Act defines a word or phrase, other parts of speech and grammatical forms of the word or phrase have, unless the contrary intention appears, corresponding meanings.

6—Substitution of section 6

Section 6—delete the section and substitute:

6—No requirement for separate enacting words

There is no requirement for a section or other portion of an Act to have separate enacting words in order to have effect as a substantive enactment.

7—Amendment of section 7—Commencement of Acts

- (1) Section 7(3)(a)—after "day" insert:
or time
- (2) Section 7(3)(b)—after "days" insert:
or times
- (3) Section 7(3)(c)—delete "a day or days" and substitute:
a day or time or days or times
- (4) Section 7—after subsection (4) insert:
 - (4a) The Governor may, by subsequent proclamation made before the date fixed by proclamation under subsection (3) for an Act or provision to come into operation, vary the proclamation so as to delay commencement of the Act or provision.

8—Insertion of section 10A

Before section 11 insert:

10A—Commencement of certain statutory instruments

- (1) A statutory instrument (other than a regulation, rule or by-law made under an Act)—
 - (a) may come into operation at a date or time specified in the instrument; but
 - (b) may not come into operation earlier than the date on which it is made, approved or adopted unless that earlier operation is authorised by the Act under which the instrument is made, approved or adopted.
- (2) A statutory instrument (other than a regulation, rule or by-law made under an Act) that contains no provision fixing the date or time of its commencement comes into operation on the day on which it is made, approved or adopted.

9—Amendment of section 14A—Application and interpretation

Section 14A—after subsection (2) insert:

- (3) In this Part, a reference to a section extends to a clause of an Act and a regulation, rule and by-law and a clause of a statutory instrument.

10—Amendment of section 14B—Citation

Section 14B(3)—after "or a Part or provision of some other Act," insert:

(whether an Act of this State or of the Commonwealth or a place outside this State)

11—Substitution of section 19

Section 19—delete the section and substitute:

19—Material that forms or does not form part of Act

- (1) The following form part of an Act, subject to any express provision to the contrary:
 - (a) preambles, schedules, dictionaries and appendices (including their headings);
 - (b) chapter headings, part headings, division headings and subdivision headings;
 - (c) examples, qualifications, exceptions, tables, diagrams, maps and other illustrations (including their headings), except where they form part of a note that does not form part of the Act;
 - (d) punctuation.
- (2) The following do not form part of an Act, subject to any express provision to the contrary:
 - (a) section headings;
 - (b) notes (including their headings);
 - (c) lists of contents.
- (3) In this section—

appendix does not include an appendix containing legislative history notes;

note means—

- (a) a marginal note; or
- (b) a footnote (whether at the foot of a page or a section or a heading); or
- (c) any text designated as a note;

section has the meaning assigned by section 14A and includes a portion of a section.

19A—Examples

If an example forms part of an Act, the example—

- (a) is not exhaustive; and
- (b) may extend, but does not limit, the meaning of the Act or the provision to which it relates.

12—Amendment of section 25—Variation of forms

- (1) Section 25—delete "prescribed by" and substitute:
prescribed or approved under

- (2) Section 25—delete "prescribed forms" and substitute:
prescribed or approved

13—Insertion of section 27A

After section 27 insert:

27A—Sitting days

A reference in an Act to a number of sitting days of a House of Parliament is, unless the contrary intention appears, a reference to the number of those days regardless of whether the days or some of the days occur in different sessions of Parliament or in different Parliaments.

14—Amendment of section 33—Service by post

- (1) Section 33(2)—delete "registered post" and substitute:
certified mail
- (2) Section 33(2)—delete "effected by certified mail" and substitute:
effected by registered post

15—Substitution of section 39

Section 39—delete the section and substitute:

39—Variation, revocation and expiration of regulations, rules or by-laws

- (1) A power in an Act to make regulations, rules or by-laws includes power to vary or revoke the regulations, rules or by-laws.
- (2) The power to vary or revoke is exercisable in the same way, and subject to the same conditions, as the power to make the regulations, rules or by-laws.
- (3) Regulations, rules and by-laws may include a provision specifying a day on which the regulations, rules or by-laws expire.

16—Amendment of section 44—Interpretation of references to summary proceedings

- (1) Section 44(1)—delete "or statutory instrument"
- (2) Section 44(2)—delete "or statutory instrument"

17—Insertion of sections 51 and 52

After section 50 insert:

51—Production of records kept by computer or other process

If a person who keeps information by computer or other process is required under an Act—

- (a) to produce the information or a document containing the information to a body or person; or

- (b) to make the information or a document containing the information available for inspection by a body or person, then, unless the body or person otherwise directs—
- (c) the requirement obliges the person to produce or make available for inspection, as the case may be, a document that reproduces the information in a form capable of being understood by the body or person; and
- (d) the production to the body or person of the document in that form complies with the requirement.

52—Bodies corporate and signing or execution of documents

If an Act requires or authorises a document to be signed or executed by a person and the person is a body corporate, the Act will be taken to require or authorise the affixing of the common seal of the body to the document, or the signing of the document on behalf of the body, in accordance with the Act (whether or not of this State) under which the body is incorporated.

Schedule 1—Related amendment to *Subordinate Legislation Act 1978*

1—Amendment of section 10AA—Commencement of regulations

- (1) Section 10AA(1)—after "date" insert:
or time
- (2) Section 10AA(2)(a)—after "date" first occurring insert:
, or at an earlier time,
- (3) Section 10AA(2)(a)—after "date" second occurring insert:
or at an earlier time
- (4) Section 10AA(3)—after "date" insert:
or time