

South Australia

Legislation Revision and Publication Act 2002

An Act to provide for the revision and publication of South Australian legislation; and for other purposes.

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Legislative history

The Parliament of South Australia enacts as follows:

1—Short title

This Act may be cited as the *Legislation Revision and Publication Act 2002*.

3—Interpretation

In this Act—

Commissioner means the person holding or acting in the office of the Commissioner for Legislation Revision and Publication;

consolidate means incorporate into legislation amendments or variations made by subsequent instrument;

legislation means—

- (a) an Act; or
- (b) a regulation made under an Act; or
- (c) a legislative instrument of a kind prescribed by regulation;

minor error means—

- (a) a typographical or clerical error;
- (b) a grammatical error, spelling error or error of punctuation;
- (c) an error in numbering or designation, cross-referencing or alphabetical ordering;

publish includes republish;

revise includes consolidate.

4—Commissioner for Legislation Revision and Publication

- (1) The Governor may appoint the Parliamentary Counsel or a legal practitioner employed in the Office of Parliamentary Counsel as Commissioner for Legislation Revision and Publication.
- (2) The Attorney-General may appoint a legal practitioner employed in the Office of Parliamentary Counsel to act as Commissioner for Legislation Revision and Publication if there is no Commissioner or if the Commissioner is for any reason unable to act.

4A—Effect of publication under this Act

A provision of an Act or law that authorises or requires—

- (a) the publishing of legislation in the Gazette; or
 - (b) the making of legislation by the publishing of the legislation in the Gazette,
- will be taken to have been complied with if the legislation is published under this Act instead of, or in addition to, being published in the Gazette.

5—Program for revision and publication of legislation

- (1) There is to be an ongoing program for the revision and publication of legislation.
- (2) The principal object of the program is to consolidate public general legislation and make up-to-date copies of the public general legislation available to members of the public in printed or electronic form.
- (3) The following legislation may be excluded from the program:
 - (a) private Acts;
 - (b) legislation that, owing to its restricted or local application or nature, is not, in the opinion of the Commissioner, of sufficient importance to justify inclusion in the program;
 - (c) legislation the operation of which has expired or which has been or the operation of which has been superseded;
 - (d) legislation that, except for provisions relating to short titles or citations or other preliminary, formal or transitional matter, consists of repeals or amendments of legislation;
 - (e) legislation of a class prescribed by the regulations.

6—Supervision by Commissioner

Legislation may only be revised or published under this Act under the supervision of the Commissioner.

7—Alterations that may be made in revising legislation

- (1) In revising legislation under this Act—
 - (a) the following may be omitted:
 - (i) provisions setting out the arrangement of the legislation or its provisions;
 - (ii) provisions (that have commenced) consisting of repeals or amendments of legislation;
 - (iii) saving, transitional or validation provisions that apply only to a time or event that has passed;
 - (iv) other provisions that are spent or have expired or otherwise ceased to have effect; and
 - (b) the long title to an Act and any relevant headings may be altered so as to take account of the omission of provisions under this Act; and
 - (c) obsolete headings may be omitted; and
 - (d) if the legislation contains a minor error or would contain a minor error if consolidated in a particular way, the legislation may be expressed in a different way so as to correct or avoid the error; and
 - (e) a reference to legislation or a legislative provision for which some other legislation or provision has been substituted may be altered to a reference to the substituted legislation or provision; and
 - (f) a reference to a name, title or citation of any place, person, authority or legislation that has been changed by or under an Act or law may be altered to the name, title or citation as so changed; and
 - (g) figures that indicate a year of the 20th century may be replaced with figures that indicate a year of the 21st century if the figures relate to an act to be performed in future; and
 - (h) to achieve consistency with current practice or uniformity in style—
 - (i) the enacting words in an Act may be altered and, where the enacting words are included in a preamble, they may be separated from the preamble; and
 - (ii) a heading may be inserted above a preamble to indicate that it is a preamble; and
 - (iii) the style of references to legislation or to non-legislative works may be altered; and
 - (iv) spelling may be altered; and
 - (v) numbering may be altered, deleted or added; and

- (vi) expressions of a number, year, date or time or of a quantity or measurement may be expressed differently; and
 - (vii) an amount of money that is not expressed as an amount in decimal currency may be expressed as an amount in decimal currency if, according to the provisions of the *Decimal Currency Act 1965*, it is to be read as such; and
 - (viii) a penalty at the foot of a provision may be stated to be a maximum penalty if it is so by virtue of the *Legislation Interpretation Act 2021*; and
 - (ix) formatting or any other matter related to presentation may be altered (including, for example, the setting out of provisions, the type, the use of symbols in place of words having the same meaning, the placement of conjunctives and disjunctives and the use of capital letters, punctuation, hyphens, italics, bolding and quotation marks); and
 - (i) alterations of a kind prescribed by regulation may be made.
- (2) Subsection (1) does not permit alterations to legislation that would change the effect of the legislation.
- (3) Material that, immediately before the commencement of section 19 of the *Legislation Interpretation Act 2021*, appeared in legislation, or in a Bill before the Parliament, but did not form part of the legislation or Bill may be omitted or varied when the legislation is revised after the commencement of that section (but may not be so omitted or varied more than once).
- (4) If legislation is revised under this Act, legislative history notes must be made publicly available recording—
- (a) the instruments by which the legislation has been amended or varied; and
 - (b) how the provisions of the legislation have been affected by those instruments; and
 - (c) relevant assent and commencement dates for those instruments; and
 - (d) the omission of provisions under this section.

8—Publication of legislation

- (1) Subject to subsection (2), legislation may be published under this Act by—
- (a) publishing a printed copy of the legislation; or
 - (b) publishing an electronic copy of the legislation, from a website or otherwise, in accordance with the regulations.
- (2) If legislation cannot, for technical or other reasons, be published in a manner contemplated by subsection (1), it may instead be published by—
- (a) publishing it, and the date of publication, in another way determined by the Commissioner; and
 - (b) publishing it in a manner contemplated by subsection (1) as soon as practicable.

- (3) If legislation is published in accordance with the regulations by making it accessible from a website and conditions prescribed by regulation are satisfied, then an electronic copy of the legislation downloaded from the website or a print of that electronic copy will, for the purposes of this and any other Act, be taken to be published under this Act.
- (4) Where the Commissioner considers it appropriate, legislation that has been revised may be republished in parts so that only those parts affected are substituted, and, in that event, the republication will be taken to comprise the substituted parts together with the most recent republication of each other part of the legislation.
- (5) Legislation revised and republished under this Act has effect as if alterations made in the course of the revision to material that forms part of the legislation for interpretation purposes had been made by legislation that came into operation immediately before the date of republication.
- (6) Legislation must be published under this Act without reference to the Latin regnal year.

8A—Special provisions relating to publication of legislation from website

- (1) If any legislation is published under this Act only in the form of an electronic copy published from a website, the Commissioner must ensure that the legislation—
 - (a) continues to be made available from that website; or
 - (b) is otherwise published under this Act and available to members of the public, while the legislation remains in force.
- (2) A failure by the Commissioner to comply with subsection (1) in relation to any legislation does not affect the validity or operation of the legislation.

9—Evidence

- (1) In any legal proceedings, legislation revised and published under this Act or any former Act or provision of an Act that provided for the revision and publication of legislation is, in the absence of proof to the contrary, to be taken to set out correctly the contents of the legislation as in force at the date, or for the period, specified in the document.
- (2) In any legal proceedings, legislation published under this Act that has not been amended or varied or altered in material that forms part of the legislation for interpretation purposes is, in the absence of proof to the contrary, to be taken to set out correctly the contents of the legislation.
- (3) If a website prescribed by the regulations specifies a day as the day on which legislation was published under this Act, in any legal proceedings the day so specified is, in the absence of proof to the contrary, to be taken to be the day on which the legislation was so published.

10—Regulations

The Governor may make such regulations as are contemplated by, or necessary or expedient for the purposes of, this Act.

Schedule—Transitional provisions

4—Transitional provision

A person holding the office of the Commissioner of Statute Revision immediately before the commencement of this clause continues as the Commissioner for Legislation Revision and Publication under this Act without further appointment.

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.

Legislation repealed by principal Act

The *Legislation Revision and Publication Act 2002* repealed the following:

Acts Republication Act 1967

Legislation amended by principal Act

The *Legislation Revision and Publication Act 2002* amended the following:

Evidence Act 1929

Subordinate Legislation Act 1978

Principal Act and amendments

New entries appear in bold.

Year	No	Title	Assent	Commencement
2002	32	<i>Legislation Revision and Publication Act 2002</i>	28.11.2002	1.1.2003 (<i>Gazette 19.12.2002 p4735</i>)
2016	62	<i>Statutes Amendment (Courts and Justice Measures) Act 2016</i>	8.12.2016	Pt 7 (ss 12 & 13)—8.12.2016: s 2(1)
2021	36	<i>Legislation Interpretation Act 2021</i>	30.9.2021	Sch 1 (cll 8 to 14)—1.1.2022 (<i>Gazette 23.12.2021 p4619</i>)

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 under <i>Legislation Revision and Publication Act 2002</i>	
<i>s 2</i>	<i>omitted under Legislation Revision and Publication Act 2002</i>	
<i>s 3</i>		
legislation	amended by 36/2021 Sch 1 cl 8	1.1.2022

s 4A	inserted by 36/2021 Sch 1 cl 9	1.1.2022
s 5		
s 5(2)	amended by 62/2016 s 12	8.12.2016
s 5(3)	amended by 36/2021 Sch 1 cl 10(1), (2)	1.1.2022
s 7		
s 7(1)	amended by 36/2021 Sch 1 cl 11(1), (2)	1.1.2022
s 7(3)	substituted by 36/2021 Sch 1 cl 11(3)	1.1.2022
s 8		
s 8(1)	substituted by 62/2016 s 13	8.12.2016
	amended by 36/2021 Sch 1 cl 12(1)	1.1.2022
s 8(2)	deleted by 62/2016 s 13	8.12.2016
	inserted by 36/2021 Sch 1 cl 12(2)	1.1.2022
s 8A	inserted by 36/2021 Sch 1 cl 13	1.1.2022
s 9		
s 9(3)	inserted by 36/2021 Sch 1 cl 14	1.1.2022
Sch		
<i>cll 1—3</i>	<i>omitted under Legislation Revision and Publication Act 2002</i>	

Historical versions

8.12.2016