



ANNO QUADRAGESIMO PRIMO

ELIZABETHAE II REGINAE

A.D. 1992

No. 8 of 1992

An Act to amend the Acts Interpretation Act 1915.

[Assented to 16 April 1992]

The Parliament of South Australia enacts as follows:

Short title

1. (1) This Act may be cited as the *Acts Interpretation (Crown Prerogative) Amendment Act 1992*.

(2) The *Acts Interpretation Act 1915* is referred to in this Act as “the principal Act”.

Crown liability

2. The following section is inserted after section 19 of the principal Act:

Rules of construction to be applied in determining whether an Act binds the Crown

20. (1) Subject to subsection (2), an Act passed after 20 June 1990 will, unless the contrary intention appears (either expressly or by implication), be taken to bind the Crown, but not so as to impose any criminal liability on the Crown.

(2) Where an Act passed after 20 June 1990 amends an Act passed before that date, the question whether the amendment binds the Crown will be determined in accordance with principles applicable to the interpretation of Acts passed before 20 June 1990.

(3) Where an Act or a provision of an Act (whether passed before or after 20 June 1990) binds the Crown but not so as to impose any criminal liability on the Crown, the Crown’s immunity from criminal liability extends (unless the contrary intention is expressed) to an agent of the Crown in respect of an act within the scope of the agent’s obligations.

(4) Where an Act or a provision of an Act (whether passed before or after 20 June 1990) does not bind the Crown, the Crown’s immunity extends (unless the contrary intention is expressed) to an agent of the Crown in respect of an act within the scope of the agent’s obligations.

(5) For the purposes of this section—

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- (a) a reference to the Crown extends not only to the Crown in right of this State but also (so far as the legislative power of the State permits) to the Crown in any other capacity;
- (b) a reference to an agent of the Crown extends to an instrumentality, officer or employee of the Crown or a contractor or other person who carries out functions on behalf of the Crown;
- (c) an agent acts within the scope of the agent's obligations if the act is reasonably required for carrying out of obligations or functions imposed on, or assigned to, the agent.

In the name and on behalf of Her Majesty, I hereby assent to this Bill.

ROMA MITCHELL Governor