

SOUTH AUSTRALIA

**COMMISSIONER FOR THE AGEING ACT, 1984**

## **COMMISSIONER FOR THE AGEING ACT, 1984**

being

Commissioner for the Ageing Act, 1984, No. 66 of 1984  
[Assented to 27 September 1984]<sup>1</sup>

<sup>1</sup> Came into operation 28 February 1985: *Gaz.* 14 February 1985, p. 367.

2.

**An Act to provide for the appointment of a Commissioner for the Ageing; to prescribe his objectives and functions; and for other purposes.**

BE IT ENACTED by the Governor of the State of South Australia, with the advice and consent of the Parliament thereof, as follows:

PART I

PRELIMINARY

**Short title**

1. This Act may be cited as the *Commissioner for the Ageing Act, 1984*.

**Commencement**

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

**Interpretation**

3. In this Act—

"the Commissioner" means the person for the time being holding or acting in the office of Commissioner for the Ageing under this Act.

PART II

THE COMMISSIONER FOR THE AGEING

DIVISION I—THE OFFICE OF COMMISSIONER

**The Commissioner**

4. (1) There shall be a Commissioner for the Ageing.

(2) The Commissioner shall be appointed—

(a) for a term of office, not exceeding five years, specified in the instrument of his appointment;

and

(b) upon conditions fixed by the Governor on the recommendation of the Public Service Board.

(3) A person appointed as the Commissioner is, upon the expiration of his term of office, eligible for reappointment.

(4) Subject to subsection (5), the *Public Service Act, 1967*, shall not apply to the office of the Commissioner.

(5) If a person appointed as the Commissioner was, immediately before that appointment, an officer of the Public Service of the State, his existing and accruing rights to recreation leave, long service leave and leave on account of illness or other pressing necessity shall be determined under that Act as if he had continued as such an officer, and his service as Commissioner shall, for the purpose of determining those rights, be regarded as service under that Act.

**Immunity from liability**

5. (1) No personal liability shall attach to the Commissioner for an act or omission on his part in good faith and in the performance, or purported performance, of his functions under this Act.

(2) A liability that would, but for subsection (1), lie against the Commissioner shall lie against the Crown.

DIVISION II—OBJECTIVES AND FUNCTIONS OF THE COMMISSIONER

**Objectives of the Commissioner**

6. The objectives of the Commissioner are—

(a) to achieve proper integration of the ageing within the total community thus ensuring that the skills and experience of the ageing are not lost to the community through social alienation;

(b) to create social structures in which the ageing are able to realize their full potential as individuals and as members of the community;

4.

- (c) to create a social ethos in which the ageing are accorded the dignity, appreciation and respect that properly belong to them;
- (d) to ensure that the multicultural nature of the community is reflected in the planning and implementation of programmes and services for the ageing or affecting the ageing;
- (e) to achieve a proper understanding within the community of the problems of the ageing and to ameliorate those problems so far as it is practicable to do so by modification of social structures and attitudes.

### **Functions of the Commissioner**

7. (1) The functions of the Commissioner are—

- (a) to advise upon the development and implementation of programmes and services for the ageing and to actively foster and seek the involvement of the ageing, wherever practicable, in the development and implementation of programmes or services that are intended for their benefit or that will have a special effect upon them;
- (b) to monitor the effect upon the ageing of—
  - (i) practices of the Governments of the State and Commonwealth and local government;and
  - (ii) Commonwealth and State law (including local government by-laws),and to make appropriate representations in the interests of the ageing;
- (c) to ensure as far as practicable that the interests of the ageing are considered when programmes or services that may affect them are being developed or implemented;
- (d) to undertake or commission research into matters affecting the ageing;
- (e) to compile data relating to the ageing;
- (f) to disseminate information for the assistance of the ageing;
- (g) to ensure as far as practicable that financial and investment advice is available to the ageing;
- (h) to keep social attitudes towards the ageing under review and to promote a better understanding of the ageing within the community;
- (i) to assess the incidence of discrimination against the ageing in employment and to promote action to overcome such discrimination;
- (j) to keep under review the special needs of individual groups of the ageing (including those who suffer from physical or mental disabilities and those who are economically disadvantaged), and to promote various methods by which those needs may be satisfied;

5.

- (k) to consult and co-operate with other bodies and persons that assist the ageing;
- (l) to assist in the co-ordination of programmes and services that may assist the ageing;
- (m) to consult with the ageing in relation to the means of promoting their interests and, as the Commissioner considers appropriate, to represent the views of the ageing to the Minister;
- (n) to report to the Minister on any matter relating to the ageing referred to the Commissioner by the Minister.

(2) The Commissioner may establish Committees to advise him on any matter related to the performance of his functions under this Act.

#### **Authority subject to general control of Minister**

8. The Commissioner shall, in the performance of his functions, be subject to the general control and direction of the Minister.

#### **Staff, etc.**

9. (1) The Governor may, subject to and in accordance with the *Public Service Act, 1967*, appoint such officers as he considers necessary or expedient to assist the Commissioner in the performance of his functions under this Act, and an officer so appointed shall hold office subject to and in accordance with that Act.

(2) The Commissioner may, with the approval of the Minister administering a department of the Public Service of the State, upon terms mutually arranged, make use of the services of an officer or use any facilities of the department.

#### **Delegation**

10. (1) The Commissioner may, with the approval of the Minister, delegate any of his functions.

(2) A delegation under this section—

(a) may be absolute, or subject to conditions, as the Commissioner thinks fit;

and

(b) is revocable at will and does not derogate from the power of the Commissioner to act in any matter himself.

#### **Annual report by Commissioner**

11. (1) The Commissioner shall, not later than the thirtieth day of September in each year, report to the Minister on his work and achievements during the previous financial year.

(2) The Minister shall cause a copy of a report of the Commissioner made in accordance with subsection (1) to be laid before each House of Parliament within fourteen sitting days of his receipt of the report if Parliament is then in session or if Parliament is not then in session within fourteen days of the commencement of the next session of Parliament.