

South Australia

# Public Sector (Honesty and Accountability) Regulations 2010

under the *Public Sector (Honesty and Accountability) Act 1995*

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## Legislative history

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### 1—Short title

These regulations may be cited as the *Public Sector (Honesty and Accountability) Regulations 2010*.

### 3—Interpretation

In these regulations—

*Act* means the *Public Sector (Honesty and Accountability) Act 1995*.

### 4—Disclosure of pecuniary interests (section 17 of Act)

(1) The table below specifies—

- (a) the pecuniary interests to be disclosed by a senior official for the purposes of section 17 of the Act; and
- (b) the information that must be disclosed by the senior official in respect of any such pecuniary interest.

	<b>Pecuniary interest</b>	<b>Information required</b>
1	A contract of service, office, trade, vocation, business or profession in respect of which the person receives or is entitled to receive any remuneration, fee or other pecuniary sum (not being payable under the Act).	A description of the contract, office, trade, vocation, business or profession and the amount and source of the remuneration, fee or other pecuniary sum.
2	An office held by the person (whether as a director or otherwise) in a company or other body (whether or not incorporated) in respect of which the person received or is entitled to receive any remuneration, fee or other pecuniary sum.	The name and address of the company or other body and the amount of the remuneration, fee or other pecuniary sum.

	<b>Pecuniary interest</b>	<b>Information required</b>
3	A company, partnership, association or other body in which the person is an investor.	The name and address or description of the company, partnership, association or other body.
4	Land in which the person has a beneficial interest (other than by way of security for a debt).	The address or description of the land.
5	A trust (other than a testamentary trust) of which the person is a beneficiary or trustee.	A description of the trust and the name and address of each trustee.
6	Any other pecuniary interest of the person of a kind determined by the Minister.	The information required by the Minister to be disclosed in respect of that pecuniary interest.

(2) For the purposes of this regulation—

- (a) a reference to a beneficial interest in land includes a reference to a right to reacquire land; and
- (b) a person who is an object of a discretionary trust is to be taken to be a beneficiary of that trust; and
- (c) a person is an investor in a body if—
  - (i) the person has deposited money with, or lent money to, the body that has not been repaid and the amount not repaid equals or exceeds \$10 000; or
  - (ii) the person holds, or has a beneficial interest in, shares in, or debentures of, the body or a policy of life insurance issued by the body.

## 5—Exemptions (section 32 of Act)

- (1) A member of a corporate agency or advisory body specified in the table below will not be taken to have a direct or indirect interest in a matter for the purposes of the Act by reason only of the fact that the member has an interest of a kind specified in relation to that agency or body.

<b>Corporate agency or advisory body</b>	<b>Interest</b>
<i>Art Gallery Act 1939</i> —The Art Gallery Board	An interest in a matter that is shared in common with those engaged in or associated with the arts industry generally, or a substantial section of those engaged in or associated with the arts industry.
<i>Boxing and Martial Arts Act 2000</i> —advisory committee established under section 4	An interest in a matter that is shared in common with those engaged in or associated with the boxing industry generally or the martial arts industry generally, or a substantial section of those engaged in or associated with the boxing industry or the martial arts industry.
<i>Education Regulations 1997</i> —Standing Committee on Religious Education in Government Schools	An interest in a matter that is shared in common with members or adherents of Churches or religions generally, or a substantial section of members or adherents of Churches or religions.

<b>Corporate agency or advisory body</b>	<b>Interest</b>
<i>Fisheries Management Act 2007</i> —Fisheries Council of South Australia and any advisory committee established by the Minister under section 20	An interest in a matter that is shared in common with those engaged in or associated with the seafood industry, commercial fishing sector or recreational fishing sector generally, or a substantial section of those engaged in or associated with the seafood industry, commercial fishing sector or recreational fishing sector.
<i>Harbors and Navigation Regulations 2009</i> —Boating Facility Advisory Committee	An interest in a matter that is shared in common with those engaged in or associated with the boating industry generally, commercial vessel operations generally, recreational boating generally, recreational fishing generally or the fishing industry generally, or a substantial section of those engaged in or associated with the boating industry, commercial vessel operations, recreational boating, recreational fishing or the fishing industry.
<i>Primary Produce (Food Safety Schemes) (Citrus Industry Advisory Committee) Regulations 2005</i> —Citrus Industry Advisory Committee	An interest in a matter that is shared in common with those engaged in or associated with the citrus industry generally, or a substantial section of those engaged in or associated with the citrus industry.
<i>Primary Produce (Food Safety Schemes) (Dairy Industry) Regulations 2005</i> —Dairy Authority of South Australia	An interest in a matter that is shared in common with those engaged in or associated with the dairy industry generally, or a substantial section of those engaged in or associated with the dairy industry.
<i>Primary Produce (Food Safety Schemes) (Meat Food Safety Advisory Committee) Regulations 2005</i> —Meat Food Safety Advisory Committee	An interest in the matter that is shared in common with those engaged in or associated with the meat industry or a substantial section of those engaged in or associated with the meat industry.
<i>Motor Vehicles (Accident Towing Roster Scheme) Regulations 2000</i> —Accident Towing Roster Review Committee	An interest in a matter that is shared in common with those engaged in or associated with the motor vehicle towing industry generally, or a substantial section of those engaged in or associated with the motor vehicle towing industry.
<i>Sewerage Act 1929</i> —Plumbing Advisory Board	An interest in a matter that is shared in common with plumbers generally, or a substantial section of plumbers.
<i>Trade Standards Act 1979</i> —Trade Standards Advisory Council	An interest in a matter that is shared in common with employers generally, suppliers of goods generally or consumers generally, or a substantial section of employers, suppliers of goods or consumers.

- (2) If a member of a non-statutory advisory body—
- (a) advises the relevant Minister, by notice in writing, of any direct or indirect personal or pecuniary interest that conflicts, or may conflict, with the member's functions; and

- (b) complies with any directions given by the Minister regarding the resolution of the conflict, or potential conflict,

the member is exempt from the application of section 12 of the Act in relation to that interest.

- (3) In this regulation—

*relevant Minister* means—

- (a) in the case where advice is, or is to be, provided by the advisory body to a public sector agency consisting of a Minister—that Minister; or
- (b) in any other case—the Minister responsible for the public sector agency to which advice is, or is to be, provided by the advisory body.

## **6—Specific exemption—Return to Work Advisory Committee (section 32 of Act)**

- (1) If a member of the Advisory Committee—

- (a) advises the relevant Minister, by notice in writing, of any direct or indirect personal or pecuniary interest that conflicts, or may conflict, with the member's functions; and
- (b) complies with any directions given by the relevant Minister regarding the resolution of the conflict, or potential conflict,

the member is exempt from the application of section 12 of the Act in relation to that interest.

- (2) Subregulation (1) does not include a case where a member is seeking to act as a member of a selection committee under section 118 of the *Return to Work Act 2014*.

- (3) In this regulation—

*Advisory Committee* means the *Minister's Advisory Committee* under the *Return to Work Act 2014*;

*relevant Minister* means the Minister who is responsible for the administration of the *Return to Work Act 2014*.

## 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 these regulations (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](http://www.legislation.sa.gov.au).

### Principal regulations and variations

New entries appear in bold.

Year	No	Reference	Commencement
2010	10	<i>Gazette 28.1.2010 p352</i>	1.2.2010: r 2
2015	9	<i>Gazette 22.1.2015 p359</i>	22.1.2015: r 2
<b>2015</b>	<b>214</b>	<b><i>Gazette 8.10.2015 p4571</i></b>	<b>8.10.2015: r 2</b>

### Provisions varied

New entries appear in bold.

Entries that relate to provisions that have been deleted appear in italics.

Provision	How varied	Commencement
<i>r 2</i>	<i>omitted under Legislation Revision and Publication Act 2002</i>	<i>22.1.2015</i>
r 5		
<b>r 5(1)</b>	<b>varied by 214/2015 r 4</b>	<b>8.10.2015</b>
r 6	inserted by 9/2015 r 4	22.1.2015

### Historical versions

22.1.2015