

Legislative Council—No 24A

As reported with amendments, report adopted, Standing Orders suspended and passed remaining stages, 4 June 2015

South Australia

Statutes Amendment (Boards and Committees—Abolition and Reform) Bill 2015

A BILL FOR

An Act to provide for the abolition or reform of various boards, committees and other bodies; to streamline processes relating to various boards, committees and other bodies; and for other purposes.

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272	Transitional provision

The Parliament of South Australia enacts as follows:

Part 1—Preliminary

1—Short title

5 This Act may be cited as the *Statutes Amendment (Boards and Committees—Abolition and Reform) Act 2015*.

2—Commencement

- (1) Subject to subsection (2), this Act will come into operation on a day to be fixed by proclamation.
- 10 (2) Section 79(1) to (3) (inclusive) will come into operation on the day on which this Act is assented to by the Governor.
- (3) Section 7(5) of the *Acts Interpretation Act 1915* does not apply to this Act or a provision of this Act.

3—Amendment provisions

15 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 *Adelaide Dolphin Sanctuary Act 2005*

4—Amendment of section 3—Interpretation

- (1) Section 3(1), definition of *ADS Advisory Board*—delete the definition
- (2) Section 3(1)—after the definition of *implementation program* insert:

20 *Parks and Wilderness Council* means the Parks and Wilderness Council established under the *National Parks and Wildlife Act 1972*;

5—Amendment of section 9—Administration of Act to achieve objects and objectives

25 Section 9—delete "the ADS Advisory Board" and substitute:
 the Parks and Wilderness Council

6—Amendment of section 11—ADS Management Plan

- (1) Section 11(5)(b)—delete "the ADS Advisory Board" and substitute:
 the Parks and Wilderness Council

- (2) Section 11(7)(a)—delete "the ADS Advisory Board" and substitute:
the Parks and Wilderness Council

7—Substitution of heading to Part 3 Division 3

Heading to Part 3 Division 3—delete the heading and substitute:

5 **Division 3—Functions of Parks and Wilderness Council
under this Act**

8—Repeal of sections 12 to 16

Sections 12 to 16 (inclusive)—delete the sections

10 **9—Amendment of section 17—Functions of Parks and Wilderness Council
under this Act**

Section 17—delete "Board" wherever occurring and substitute in each case:
Parks and Wilderness Council

10—Repeal of sections 18 to 21

Sections 18 to 21 (inclusive)—delete the sections

15 **11—Amendment of section 22—ADS Fund**

Section 22(5)—delete "ADS Advisory Board" and substitute:
Parks and Wilderness Council

12—Amendment of section 55—Regulations

Section 55—after subsection (2) insert:

- 20 (3) The Governor may, by regulation, make additional provisions of a
saving or transitional nature consequent on the enactment of the
*Statutes Amendment (Boards and Committees—Abolition and
Reform) Act 2015*.
- 25 (4) A provision of a regulation made under subsection (3) may, if the
regulation so provides, take effect from the commencement of this
subsection or from a later day.
- 30 (5) To the extent to which a provision takes effect under subsection (4)
from a day earlier than the day of the regulation's publication in the
Gazette, the provision does not operate to the disadvantage of a
person by—
- (a) decreasing the person's rights; or
 - (b) imposing liabilities on the person.

13—Transitional provision

35 A member of the Adelaide Dolphin Sanctuary Advisory Board ceases to hold office
on the commencement of this section.

Part 3—Amendment of *Animal Welfare Act 1985*

14—Amendment of section 3—Interpretation

Section 3—after the definition of *animal* insert:

animal ethics committee means—

- 5
- (a) an animal ethics committee established under section 23; or
 - (b) a body approved by the Minister as an animal ethics committee under section 23A;

14A—Amendment of section 6—Establishment of Animal Welfare Advisory Committee

- 10 (1) Section 6(2)—delete "Governor" and substitute:

Minister

- (2) Section 6(2)(b)—delete "the South Australian Farmers Federation Incorporated" and substitute:

Primary Producers SA Incorporated

- 15 (3) Section 6(2)(f)—delete "*Institute of Medical and Veterinary Science Act 1982*" and substitute:

Health Care Act 2008

- (4) Section 6(3)(a)—delete "the South Australian Farmers Federation Incorporated" and substitute:

20 Primary Producers SA Incorporated

- (5) Section 6(4)—delete "Governor" and substitute:

Minister

- (6) Section 6(5)—delete "Governor" and substitute:

Minister

25 14B—Amendment of section 7—Term of office of members

Section 7—delete "Governor" wherever occurring and substitute in each case:

Minister

14C—Amendment of section 8—Allowances and expenses

Section 8—delete "Governor" and substitute:

30 Minister

14D—Amendment of section 11—Secretary

Section 11(2)—delete "*Public Sector Management Act 1995*" and substitute:

Public Sector Act 2009

15—Amendment of section 23—Establishment of animal ethics committees by licensee

- (1) Section 23(1)—delete subsection (1)
- 5 (2) Section 23(3), (4) and (5)—delete "Minister" wherever occurring and substitute in each case:
licensee
- (3) Section 23(6)—delete subsections (6) and (7) and substitute:
(6) A member of an animal ethics committee is appointed on such terms and conditions as may be determined by the licensee.

10 **15A—Insertion of section 23A**

After section 23 insert:

23A—Approval of animal ethics committee by Minister

- (1) The Minister may approve a body as an animal ethics committee for the purposes of this Act.
- 15 (2) The Minister may only approve a body under subsection (1) if satisfied that—
- (a) the body is constituted in accordance with the membership requirements for an animal ethics committee (within the meaning of the Code) as laid down in the Code; and
- 20 (b) the body has appropriate procedures and standards in place to enable the body to comply with the Code in performing functions for the purposes of this Act; and
- (c) the body is otherwise suitable to act as an animal ethics committee for the purposes of this Act.
- 25 (3) An approval under subsection (1) may be conditional or unconditional.
- (4) The Minister may vary or revoke an approval under subsection (1).

16—Amendment of section 24—Procedure

Section 24(1)—delete subsection (1) and substitute:

- 30 (1) The quorum of an animal ethics committee established under this Act consists of 5 members of whom—
- (a) 1 must be a member appointed under section 23(3)(a); and
- (b) 1 must be a member appointed under section 23(3)(b); and
- (c) 1 must be a member appointed under section 23(3)(c); and
- 35 (d) 1 must be a member appointed under section 23(3)(d); and
- (e) 1 must be a member appointed under section 23(3)(e).

- (1a) The quorum for a body approved as an animal ethics committee under section 23A is to be determined in accordance with the Code unless the Minister specifies otherwise.

17—Amendment of section 25—Functions of animal ethics committees

5 Section 25(1)(e)—delete "the Minister with"

18—Amendment of section 44—Regulations

Section 44—after subsection (5) insert:

- 10 (6) The Governor may, by regulation, make additional provisions of a saving or transitional nature consequent on the enactment of the *Statutes Amendment (Boards and Committees—Abolition and Reform) Act 2015*.
- (7) A provision of a regulation made under subsection (6) may, if the regulation so provides, take effect from the commencement of this subsection or from a later day.
- 15 (8) To the extent to which a provision takes effect under subsection (7) from a day earlier than the day of the regulation's publication in the Gazette, the provision does not operate to the disadvantage of a person by—
- 20 (a) decreasing the person's rights; or
(b) imposing liabilities on the person.

19—Transitional provisions

- (1) In this section—

principal Act means the *Animal Welfare Act 1985*;

relevant date means the day on which section 15(1) of this Act comes into operation.

- 25 (2) Despite section 15(1) of this Act, an animal ethics committee established by the Minister under section 23 of the principal Act and in existence immediately before the relevant date continues as an animal ethics committee for the purposes of the principal Act until a date determined by the Minister (and the provisions of Part 4 Division 2 of the principal Act as in force immediately before the relevant date will continue to
30 apply in relation to the committee).

Part 4—Amendment of *ANZAC Day Commemoration Act 2005*

20—Amendment of section 6—Membership of Council

- (1) Section 6(1)—delete "Governor on the nomination of the Premier made" and substitute:

35 Minister

- (2) Section 6(2)—delete "Premier must, as far as practicable, nominate equal numbers of men and women for appointment" and substitute:

Minister must, as far as practicable, appoint equal numbers of men and women

21—Amendment of section 7—Terms and conditions of membership

(1) Section 7(1)—delete "Governor" and substitute:

Minister

(2) Section 7(2)—delete "Governor" and substitute:

Minister

(3) Section 7(3)—delete "Governor" and substitute:

Minister

(4) Section 7(4)(c)—delete "Premier" and substitute:

Minister

(5) Section 7(5)—delete "Governor" and substitute:

Minister

22—Amendment of section 8—Presiding member

Section 8—delete "Premier" and substitute:

Minister

23—Amendment of section 10—Remuneration

Section 10—delete "Governor" and substitute:

Minister

24—Amendment of section 11—Functions of Council

Section 11(b)—delete "Premier" and substitute:

Minister

25—Amendment of section 13—Staff

Section 13(1)—delete "Premier" and substitute:

Minister

26—Amendment of section 14—Annual report

(1) Section 14(1)—delete "Premier" and substitute:

Minister

(2) Section 14(3)—delete "Premier" and substitute:

Minister

**27—Amendment of section 18—Restriction on public sports and entertainment
before 12 noon on ANZAC Day**

(1) Section 18(1)—delete "Premier" and substitute:

Minister

(2) Section 18(3)—delete "Premier" and substitute:

Minister

(3) Section 18(4)—delete "Premier" wherever occurring and substitute in each case:

Minister

(4) Section 18(5)(a)—delete "Premier" wherever occurring and substitute in each case:

Minister

5 (5) Section 18(6)—delete "Premier" and substitute:

Minister

Part 5—Amendment of *Aquaculture Act 2001*

28—Amendment of section 3—Interpretation

Section 3, definition of *AAC*—delete the definition

29—Amendment of section 12—Procedure for making policies

(1) Section 12(2)—delete subsection (2)

(2) Section 12(6) and (7)—delete subsections (6) and (7) and substitute:

(6) After considering all matters raised as a result of consultation under subsections (4) and (5), the Minister may—

(a) by notice in the *Gazette*, approve the draft policy; or

(b) alter the draft policy as the Minister thinks fit and, by notice in the *Gazette*, approve the draft policy as altered; or

(c) decline to approve the draft policy.

30—Repeal of Part 10 Division 2

Part 10 Division 2—delete Division 2

31—Transitional provision

A member of the Aquaculture Advisory Committee ceases to hold office on the commencement of this section.

Part 6—Amendment of *Botanic Gardens and State Herbarium Act 1978*

32—Amendment of section 7—Constitution of Board

Section 7—delete "Governor" and substitute:

Minister

33—Amendment of section 8—Terms and conditions of office

Section 8—delete "Governor" wherever occurring and substitute in each case:

Minister

Part 7—Amendment of *Classification of Theatrical Performances Act 1978*

34—Amendment of section 4—Interpretation

(1) Section 4, definition of *the Board*—delete the definition

(2) Section 4—after the definition of *child* insert:

Council means the South Australian Classification Council established under the *Classification (Publications, Films and Computer Games) Act 1995*;

(3) Section 4, definition of *restricted theatrical performance*—delete the definition and substitute:

Registrar means the Registrar of the Council;

restricted theatrical performance—see section 12(2);

35—Repeal of Part 2

Part 2—delete Part 2

36—Amendment of section 10—Application for classification

(1) Section 10(1)—delete "Board" and substitute:

Council

(2) Section 10(2)—delete "Board" and substitute:

Council

37—Amendment of section 11—Criteria to be applied by Council

(1) Section 11(1)—delete "Board" and substitute:

Council

(2) Section 11(2)—delete "Board" and substitute:

Council

38—Amendment of section 12—Classification of theatrical performances

(1) Section 12(1)—delete "Board" and substitute:

Council

(2) Section 12(2)—delete "Board" and substitute:

Council

(3) Section 12(3)—delete "Board" and substitute:

Council

39—Amendment of section 13—Conditions in respect of theatrical performances

(1) Section 13(1)—delete "Board" wherever occurring and substitute in each case:

Council

5 (2) Section 13(2)—delete "Board" and substitute:

Council

40—Amendment of section 14—Powers of Council

(1) Section 14(1)—delete "Board" wherever occurring and substitute in each case:

Council

10 (2) Section 14(2)—delete "Board" wherever occurring and substitute in each case:

Council

(3) Section 14(3)—delete "Board" and substitute:

Council

41—Amendment of section 15—Notice

15 Section 15(1)—delete "Board" and substitute:

Council

42—Amendment of section 16—Penalty for breach of condition

Section 16—delete "Board" and substitute:

Council

20 **43—Amendment of section 17—Places where restricted theatrical performances may take place**

Section 17(1)—delete "Board" and substitute:

Council

44—Amendment of section 19—Certain actions not to constitute offences

25 Section 19(1)—delete "Board" wherever occurring and substitute in each case:

Council

45—Amendment of section 20—Evidentiary provision

Section 20—delete "Board" wherever occurring and substitute in each case:

Council

30 **46—Amendment of section 21—Power to enter and view performance**

Section 21(2)—delete "Board" wherever occurring and substitute in each case:

Council

47—Transitional provisions

- (1) In this section—

Board has the same meaning as in the principal Act as in force immediately before the relevant day;

principal Act means *Classification of Theatrical Performances Act 1978*;

relevant day means the day on which section 35 of this Act comes into operation.

- (2) A request for classification in relation to a theatrical performance made by a person under section 10 of the principal Act but not yet determined by the Board immediately before the relevant day will, on the relevant day, be taken to be a request for classification by the Council under that section.

- (3) A classification by the Board in relation to a theatrical performance under section 12 of the principal Act and in force immediately before the relevant day will, on the relevant day, be taken to be a classification by the Council under that section in relation to that performance.

- (4) A decision by the Board to refrain from assigning a classification to a theatrical performance made under section 12 of the principal Act and in force immediately before the relevant day will, on the relevant day, be taken to be a decision by the Council under that section in relation to that performance.

- (5) A condition imposed by the Board under section 13 of the principal Act in respect of a theatrical performance and in force immediately before the relevant day will, on the relevant day, be taken to be a condition imposed by the Council under that section in respect of that performance.

- (6) An approval by the Board of a theatre under section 17(1) of the principal Act and in force immediately before the relevant day will, on the relevant day, be taken to be an approval by the Council of the theatre under that section.

- (7) A member of the Board ceases to hold office on the commencement of this subsection.

Part 8—Amendment of *Coast Protection Act 1972*

48—Amendment of section 4—Interpretation

- (1) Section 4, definition of *appointed member*—delete "by the Governor"

- (2) Section 4, definition of *consultative committee*—delete the definition

49—Amendment of section 8—Membership of Board

Section 8—delete "Governor" wherever occurring and substitute in each case:

Minister

50—Amendment of section 11—Allowances and expenses

Section 11—delete "Governor" and substitute:

Minister

51—Repeal of sections 15 to 17

Sections 15 to 17 (inclusive)—delete the sections

52—Amendment of section 18—Advisory committees

Section 18—after subsection (2) insert:

- 5 (3) The Board must, in acting under this section, comply with any guidelines issued by the Minister for the purposes of this section (which may include a requirement for the approval of the Minister before a Committee, or Committee of a specified class, may be established under subsection (1)).

53—Amendment of section 37—Regulations

Section 37(2)(a)—delete "and consultative committees"

10 **Part 9—Amendment of *Correctional Services Act 1982***

54—Amendment of section 4—Interpretation

Section 4(1), definition of *the Advisory Council*—delete the definition

55—Repeal of Part 2 Division 2

Part 2 Division 2—delete Division 2

15 **56—Transitional provision**

A member of the Correctional Services Advisory Council ceases to hold office on the commencement of this section.

Part 10—Amendment of *Dog and Cat Management Act 1995*

57—Amendment of section 12—Composition of Board

20 Section 12(1) and (3)—delete "Governor" wherever occurring and substitute in each case:

Minister

58—Amendment of section 13—Deputies of members

Section 13(1)—delete "Governor" and substitute:

25 Minister

59—Amendment of section 14—Conditions of membership

- (1) Section 14(1)(a)—delete "Governor" and substitute:

Minister

- (2) Section 14(2)—delete subsection (2) and substitute:

- 30 (2) The Minister may at any time remove a member of the Board from office after consultation with the LGA.

60—Amendment of section 16—Remuneration

Section 16—delete "Governor" and substitute:

Minister

Part 11—Amendment of *Dog Fence Act 1946*

61—Amendment of section 6—Members of board

(1) Section 6(1)—after "members" insert:

appointed by the Minister

(2) Section 6(1)—delete "appointed by the Governor on the nomination of" wherever occurring and substitute in each case:

nominated by

(3) Section 6(1)(b)—delete "South Australian Farmers Federation Inc" and substitute:

Livestock SA Incorporated

(4) Section 6(1)(c)—delete "NRM Council" and substitute:

Minister responsible for the administration of the *Natural Resources Management Act 2004*

(5) Section 6(3)—delete subsection (3)

62—Amendment of section 11—Casual vacancies

Section 11(2)—delete "Governor" wherever occurring and substitute in each case:

Minister

63—Amendment of section 12—Dismissal of member

Section 12—delete "Governor" wherever occurring and substitute in each case:

Minister

Part 12—Amendment of *Emergency Management Act 2004*

64—Amendment of section 3—Interpretation

Section 3, definition of *appointed member*—delete the definition

65—Amendment of section 6—Establishment of State Emergency Management Committee

Section 6(2) to (6)—delete subsections (2) to (6) (inclusive) and substitute:

(2) The Minister must prepare guidelines (the *SEMC membership guidelines*) setting out—

(a) the members of SEMC (other than the members referred to in subsection (4)(a)(i) and (ii)) who will hold office *ex officio*; and

(b) in the case of members appointed to SEMC by the presiding officer (*appointed members*)—

(i) the qualifications and expertise of those members; and

- (ii) procedural matters governing the appointment of those members; and
- (c) the terms and conditions under which members will hold office, including—
- 5 (i) the term of office of appointed members and their eligibility for reappointment; and
- (ii) conditions of membership of appointed members; and
- (iii) allowances and expenses of members; and
- 10 (iv) removal of appointed members; and
- (v) circumstances under which the office of an appointed member becomes vacant; and
- (d) any other prescribed matters.
- (3) The SEMC membership guidelines must be published in a manner and form determined by the Minister.
- 15 (4) SEMC consists of—
- (a) the following persons, who will hold office *ex officio*:
- (i) the presiding member, being the person for the time being holding or acting in the position of chief executive of the administrative unit that has, subject to the Minister, responsibility for administering this Act; and
- 20 (ii) the State Co-ordinator; and
- (iii) such other persons specified in the SEMC membership guidelines as in force from time to time as members who will hold office *ex officio*; and
- 25 (b) at least 2, but not more than 4, persons appointed by the presiding member in accordance with the SEMC membership guidelines as in force from time to time.
- 30 (5) A member of SEMC may appoint a suitable person to be the member's deputy and that person may, in the absence of that member, act as a member of SEMC.
- 35 (6) Members of SEMC will hold office on terms and conditions set out in the SEMC membership guidelines as in force from time to time.

66—Substitution of section 7

Section 7—delete the section and substitute:

7—Application of Public Sector (Honesty and Accountability) Act

5 The *Public Sector (Honesty and Accountability) Act 1995* applies to the members of SEMC as if the committee were an advisory body and the Minister responsible for the administration of this Act were the relevant Minister.

67—Amendment of section 38—Regulations

10 Section 38—after subsection (2) insert:

- (3) The Governor may, by regulation, make additional provisions of a saving or transitional nature consequent on the enactment of the *Statutes Amendment (Boards and Committees—Abolition and Reform) Act 2015*.
- 15 (4) A provision of a regulation made under subsection (3) may, if the regulation so provides, take effect from the commencement of this subsection or from a later day.
- (5) To the extent to which a provision takes effect under subsection (4) from a day earlier than the day of the regulation's publication in the Gazette, the provision does not operate to the disadvantage of a person by—
- 20 (a) decreasing the person's rights; or
- (b) imposing liabilities on the person.

Part 13—Amendment of *Fire and Emergency Services Act 2005*

25 **68—Amendment of section 71—State Bushfire Coordination Committee**

(1) Section 71(2)(b)—after subparagraph (ix) insert:

 (ixa) 1 officer of the administrative unit of the Public Service primarily responsible for assisting the relevant Minister in the administration of the *Natural Resources Management Act 2004*, nominated by the

30 Chief Executive of that administrative unit;

(2) Section 71(2)(b)(xvi)—delete subparagraph (xvi)

(3) Section 71(2)(b)(xvii)—delete "South Australian Farmers Federation Incorporated" and substitute:

 Primary Producers SA Incorporated

35 **69—Amendment of section 73—State Bushfire Management Plan**

(1) Section 73(7)(b)(v)—delete subparagraph (v) and substitute:

 (v) the Minister responsible for the administration of the *Natural Resources Management Act 2004*; and

- (2) Section 73(7)(b)(vi)—delete "South Australian Farmers Federation Incorporated" and substitute:

Primary Producers SA Incorporated

Part 14—Amendment of *Fisheries Management Act 2007*

5 70—Amendment of section 3—Interpretation

Section 3(1), definition of *Fisheries Council* or *Council*—delete the definition

71—Amendment of section 7—Objects of Act

Section 7(4)—delete ", the Council"

72—Amendment of section 10—Delegation

10 Section 10(1)—delete subsection (1) and substitute:

- (1) The Minister may delegate a function or power of the Minister under this Act (other than this power of delegation) to the Director or any other person or body (including a person for the time being holding or acting in a specified office or position).

15 73—Repeal of Part 3 Division 2

Part 3 Division 2—delete Division 2

74—Amendment of section 20—Establishment of committees

- (1) Section 20(1) to (3)—delete subsections (1) to (3) (inclusive) and substitute:

- 20 (1) The Minister may establish committees to provide advice to the Minister on any matter related to the administration of this Act.
- (2) The members of a committee established under this section will be appointed by the Minister and hold office for a term and on conditions determined by the Minister.

- (2) Section 20(6)—delete subsection (6)

25 75—Amendment of section 42—Preparation of management plans

Section 42—delete "The Council must, if required by the Minister," and substitute:

The Minister may

76—Amendment of section 43—General nature and content of management plans

- 30 (1) Section 43(1)(f)(i)—delete subparagraph (i) and substitute:

- (i) the advice of any committee established by the Minister for that purpose; and

- (2) Section 43(3)—delete "at the time the Minister requested the Council to prepare the plan" and substitute:

35 at the time the Minister decided to prepare the plan

77—Amendment of section 44—Procedure for preparing management plans

- (1) Section 44(1), (2) and (3)—delete "The Council" wherever occurring and substitute in each case:

The Minister

- 5 (2) Section 44(3)(a)(i)—delete subparagraph (i)
(3) Section 44(3)(a)(iv)—delete "Council" and substitute:

Minister

- (4) Section 44(3)(b)(iv)—delete "Council" and substitute:

Minister

- 10 (5) Section 44(4) and (5)—delete subsections (4) and (5) and substitute:

(4) However, the Minister may, in relation to a particular draft management plan, dispense with the requirement for the holding of a public hearing if satisfied that it is not warranted in the circumstances.

15 (5) If written submissions are made in response to an advertisement published under subsection (3)(b), a copy of those submissions must be made available for inspection by interested persons during ordinary business hours at an office specified by the Minister from the end of the period specified for the making of submissions until a
20 date determined by the Minister.

- (6) Section 44(6)—delete "Council" and substitute:

Minister

- (7) Section 44(7) and (8)—delete subsections (7) and (8) and substitute:

25 (7) After consulting with and considering the advice of the persons and bodies referred to in subsection (3)(a) on—

- (a) the provisions of the draft management plan; and
(b) all matters raised as a result of public consultation under this section; and
(c) any alterations that the Minister proposes should be made to
30 the draft management plan,

the Minister may—

- (d) adopt the draft management plan; or
(e) alter the draft management plan and adopt the draft management plan as altered; or
35 (f) decline to adopt the draft management plan.

- (8) Section 44(12)—delete "the Council or"

78—Amendment of section 49—Review of management plans

- (1) Section 49(1) and (2)—delete "The Council" wherever occurring and substitute in each case:

The Minister

- (2) Section 49(3) and (4)—delete subsections (3) and (4) and substitute:

(3) The Minister must prepare a report on the outcome of a review under this section within 12 months after the commencement of the review.

(4) The Minister must, within 12 sitting days after completing the report, cause copies of the report to be laid before both Houses of Parliament.

79—Transitional provisions

- (1) In this section—

Minister means the Minister responsible for the administration of the *Fisheries Management Act 2007*.

- (2) The Fisheries Council of South Australia must, before a day fixed by the Minister for the purposes of this subsection (if any), prepare and submit to the Minister a report on the operations of the Council during a period determined by the Minister.

- (3) The Minister must, within 12 sitting days after receiving a report under this section, cause a copy of the report to be laid before both Houses of Parliament.

- (4) A member of the Fisheries Council of South Australia ceases to hold office on the commencement of this subsection.

Part 15—Amendment of *Gaming Machines Act 1992*

80—Amendment of section 73B—Charitable and Social Welfare Fund

- (1) Section 73B(3)—delete "a board that must be established by the Minister responsible for the administration of the *Family and Community Services Act 1972* for the purpose" and substitute:

the Minister responsible for the administration of the *Family and Community Services Act 1972*

- (2) Section 73B(4) and (5)—delete subsections (4) and (5)

81—Transitional provisions

A member of the board established under section 73B(3) of the *Gaming Machines Act 1992* as in force immediately before the commencement of section 80 of this Act ceases to hold office on the commencement of this section.

Part 16—Amendment of *Gas Act 1997*

82—Amendment of section 16—Technical advisory committee

Section 16—after its present contents (now to be designated as subsection (1)) insert:

- 5 (2) The technical advisory committee is the same committee as the committee of that name established under Part 2 Division 4 of the *Electricity Act 1996* and has the functions referred to in subsection (1) in addition to its functions under that Division.

Part 17—Amendment of *Genetically Modified Crops Management Act 2004*

83—Amendment of section 9—Membership of Advisory Committee

10 Section 9(1)—delete subsection (1) and substitute:

- (1) The Advisory Committee consists of between 9 and 11 members appointed by the Minister of whom—
- 15 (b) at least 1 must have appropriate knowledge of, and experience in dealing with, issues surrounding the provision of seeds and propagating material within the primary production sector; and
- (c) at least 1 must have appropriate knowledge of, and experience in, the production of crops generally; and
- 20 (d) at least 1 must have a particular interest in the production of crops that are GM-free; and
- (e) at least 1 must have appropriate knowledge of, and experience in, the handling, transportation, storage and delivery of crops and associated products; and
- 25 (f) at least 1 must have appropriate knowledge of, and experience in, the marketing of crops and associated products; and
- (g) 1 must be a person who is engaged in the administration of this Act; and
- 30 (h) 1 must be a person who is directly involved in exporting, wholesaling or retailing food or food products.

- (1a) The Minister will appoint a member of the Advisory Committee to be the presiding member of the committee.

84—Amendment of section 10—Terms and conditions of membership

35 Section 10(1), (2) and (3)—delete "Governor" wherever occurring and substitute in each case:

Minister

Part 18—Amendment of *Health and Community Services Complaints Act 2004*

85—Amendment of section 4—Interpretation

Section 4(1), definition of *Council*—delete the definition

86—Repeal of Part 8

Part 8—delete Part 8

87—Amendment of section 75—Preservation of confidentiality

Section 75(2)(e)—delete paragraph (e)

88—Transitional provision

10 A member of the Health and Community Services Advisory Council ceases to hold office on the commencement of this section.

Part 19—Amendment of *Health Services Charitable Gifts Act 2011*

89—Amendment of section 24—Advisory committees

15 Section 24(2) and (3)—delete subsections (2) and (3)

90—Transitional provision

A member of the advisory committee established under section 24(2) of the *Health Services Charitable Gifts Act 2011* as in force immediately before the commencement of section 89 of this Act ceases to hold office on the commencement of this section.

Part 20—Amendment of *Heritage Places Act 1993*

91—Amendment of section 5—Composition of Council

Section 5(1), (4) and (6)—delete "Governor" wherever occurring and substitute in each case:

Minister

92—Amendment of section 6—Conditions of membership

25 Section 6(2) and (3)—delete "Governor" wherever occurring and substitute in each case:

Minister

93—Amendment of section 7—Proceedings of Council

30 Section 7(1)—delete "Governor" and substitute:

Minister

94—Amendment of section 7A—Committees

Section 7A—after subsection (3) insert:

- 5 (4) The Council must, in acting under this section, comply with any guidelines issued by the Minister for the purposes of this section (which may include a requirement for the approval of the Minister before a Committee, or Committee of a specified class, may be established under subsection (1)).

95—Amendment of section 9—Remuneration

Section 9—delete "Governor" and substitute:

10 Minister

Part 21—Amendment of *Local Government Act 1999*

96—Amendment of section 4—Interpretation

Section 4(1), definition of *Panel*—delete the definition

97—Amendment of section 11—General provisions relating to proclamations

15 Section 11(1)(b)—delete paragraph (b)

98—Amendment of section 12—Composition and wards

Section 12—delete "Panel" wherever occurring and substitute in each case:

Minister

99—Substitution of heading to Chapter 3 Part 2

20 Heading to Chapter 3 Part 2—delete the heading and substitute:

Part 2—Reform proposals

100—Repeal of Chapter 3 Part 2 Divisions 1 and 2

Chapter 3 Part 2 Divisions 1 and 2—delete Divisions 1 and 2

101—Amendment of section 26—Principles

25 Section 26—delete "Panel" wherever occurring and substitute in each case:

Minister

102—Amendment of section 27—Council initiated proposals

- (1) Section 27—delete "Panel" wherever occurring and substitute in each case:

Minister

- 30 (2) Section 27(9)—delete subsection (9) and substitute:

- (9) The Minister must then prepare and publish a report on the proposal.

103—Amendment of section 28—Public initiated submissions

- (1) Section 28—delete "Panel" wherever occurring and substitute in each case:

Minister

- (2) Section 28(10)—delete "its" and substitute:

his or her

- (3) Section 28(10)—delete "itself" and substitute:

himself or herself

- (4) Section 28(11)(b)—delete paragraph (b)

- (5) Section 28(17)—delete "its" and substitute:

his or her

- (6) Section 28(25)—delete subsection (25) and substitute

(25) The Minister must, after complying with the above requirements, prepare and publish a report on the matter.

104—Substitution of Chapter 3 Part 2 Division 6

Chapter 3 Part 2 Division 6—delete Division 6 and substitute:

Division 6—Submissions of proposals to Governor

29—Submissions of proposals to Governor

- (1) The Minister may, after publishing a report under Division 4 or 5—

(a) on the basis of the report (but subject to the result of a binding poll under Division 5), forward to the Governor a proposal recommended by the Minister for the making of a proclamation under this Chapter; or

(b) if—

(i) the Minister has undertaken consultation with various councils under subsection (2); and

(ii) on the basis of that consultation, and after taking into account any other matter that the Minister thinks fit, the Minister decides that it is appropriate to make a recommendation to the Governor in the circumstances of the particular case; and

(iii) all councils affected by the proposal agree with the Minister's recommendation,

forward to the Governor a proposal recommended by the Minister for the making of a proclamation under this Chapter; or

(c) determine that a particular proposal should not further proceed under this Chapter.

(2) For the purposes of subsection (1)(b), if a report relates to a proposal under Division 4 and the report does not recommend that the proposal proceed, the Minister may, at the request of 1 or more councils, consult with the relevant councils about the matter.

5 (3) If a proclamation providing for the constitution, amalgamation or abolition of a council or councils, or providing for the alteration of the boundaries of a council area or areas, is made under subsection (1)(b), the Governor may, by subsequent proclamation made on the recommendation of the Minister, make provision for
10 any related matter that may be the subject of a separate proclamation under this Chapter.

(4) A proclamation under subsection (1)(b) or (3) may be based on a proposal or recommendation that has not been submitted, formulated or considered under Division 4 or 5.

15 **105—Amendment of section 30—Report if proposal rejected**

Section 30—delete "Panel" wherever occurring and substitute in each case:

Minister

106—Amendment of section 31—Report if proposal submitted to poll

(1) Section 31—delete "and after receiving advice from the Panel"

20 (2) Section 31(b)—delete "Panel" and substitute:

Minister

107—Amendment of section 32—Provision of reports to councils

(1) Section 32(1)—delete "Panel" first occurring and substitute:

Minister

25 (2) Section 32(1)—delete "that the Panel provides a report to the Minister" and substitute:
of publishing a report

(3) Section 32(2)—delete subsection (2)

108—Amendment of section 34—Error or deficiency in address, recommendation, notice or proclamation

30 Section 34(1)—delete ", in a recommendation of the Minister, or in a report of the Panel" and substitute:

or in a recommendation or report of the Minister

109—Amendment of section 303—Regulations

Section 303—after subsection (8) insert:

35 (8a) The Governor may, by regulation, make additional provisions of a saving or transitional nature consequent on the enactment of the *Statutes Amendment (Boards and Committees—Abolition and Reform) Act 2015*.

(8b) A provision of a regulation made under subsection (8a) may, if the regulations so provide, take effect from the commencement of this subsection or from a later day.

(8c) To the extent to which a provision takes effect under subsection (8b) from a day earlier than the day of the publication of the regulation in the Gazette, the provision does not operate to the disadvantage of a person by—

- (a) decreasing the person's rights; or
- (b) imposing liabilities on the person.

110—Amendment of Schedule 1A—Implementation of Stormwater Management Agreement

(1) Schedule 1A, clause 6(1)—delete "Governor" first occurring and substitute:

Minister

(2) Schedule 1A, clause 7(1) and (2)—delete "Governor" wherever occurring and substitute in each case:

Minister

(3) Schedule 1A, clause 13(2)(c)—delete "Natural Resources Management Council established under the *Natural Resources Management Act 2004*" and substitute:

Minister responsible for the administration of the *Natural Resources Management Act 2004*

111—Amendment of Schedule 5—Documents to be made available by councils

(1) Schedule 5, item commencing **Reviews of council constitution, wards and boundaries**, second dot point—delete "to the Minister" and substitute:

of the Minister

(2) Schedule 5, item commencing **Reviews of council constitution, wards and boundaries**, second dot point—delete "Boundary Adjustment Facilitation Panel" and substitute:

Minister

112—Transitional provisions

(1) In this section—

Minister means the Minister responsible for the administration of the principal Act;

Panel means the Boundary Adjustment Facilitation Panel established under the principal Act (as in existence immediately before the commencement of section 100 of this Act);

principal Act means the *Local Government Act 1999*.

(2) A member of the Panel ceases to hold office on the commencement of this subsection.

(3) An exemption granted by the Panel under the principal Act and in force immediately before the commencement of this section will, after that commencement, be taken to be an exemption granted by the Minister.

- (4) Any process or proceeding commenced by the Panel under the principal Act before the commencement of this section may be continued and completed by the Minister after that commencement.
- (5) The Minister may, in connection with the operation of subsection (4)—
- 5 (a) adopt any findings, determinations, report or recommendations of the Panel that may be relevant to the continuation or completion of any process or proceeding by the Minister under the principal Act; and
- (b) take other steps to promote the smoothest possible transition to the Minister acting under the principal Act rather than the Panel.

10 **Part 22—Amendment of *Marine Parks Act 2007***

113—Amendment of section 3—Interpretation

Section 3(1), definition of *Council*—delete the definition and substitute:

Council means the Parks and Wilderness Council established under the *National Parks and Wildlife Act 1972*;

15 **114—Amendment of heading to Part 4 Division 2**

Heading to Part 4 Division 2—delete "Marine Parks Council of South Australia" and substitute:

Functions of Parks and Wilderness Council under this Act

115—Repeal of sections 24 to 28

20 Sections 24 to 28 (inclusive)—delete the sections

116—Repeal of section 30

Section 30—delete the section

117—Amendment of section 63—Regulations

Section 63—after subsection (3) insert:

- 25 (4) The Governor may, by regulation, make additional provisions of a saving or transitional nature consequent on the enactment of the *Statutes Amendment (Boards and Committees—Abolition and Reform) Act 2015*.
- 30 (5) A provision of a regulation made under subsection (4) may, if the regulation so provides, take effect from the commencement of this subsection or from a later day.
- 35 (6) To the extent to which a provision takes effect under subsection (5) from a day earlier than the day of the regulation's publication in the *Gazette*, the provision does not operate to the disadvantage of a person by—
- (a) decreasing the person's rights; or
- (b) imposing liabilities on the person.

118—Transitional provision

A member of the Marine Parks Council of South Australia ceases to hold office on the commencement of this section.

Part 23—Amendment of *Motor Vehicles Act 1959*

119—Amendment of section 5—Interpretation

Section 5(1), definition of *review committee*—delete the definition

120—Repeal of section 98Y

Section 98Y—delete the section

121—Substitution of section 98Z

Section 98Z—delete the section and substitute:

98Z—Review by Registrar

- (1) A person who is aggrieved by a decision of the Registrar under Part 2, 3, 3A, 3C or 3D may, within 1 month of the making of the decision, apply to the Registrar for a review of the decision.
- (2) An application for a review must be made in accordance with the regulations.
- (3) If an application is made under subsection (1), the Registrar must review the decision to which the application relates.
- (4) The applicant must, if so required by the Registrar—
 - (a) appear personally before the Registrar in support of the application; and
 - (b) provide any information sought by the Registrar; and
 - (c) verify information provided to the Registrar by statutory declaration.
- (5) The applicant may be assisted before the Registrar by an agent or representative (not being a legal practitioner).
- (6) On a review under this section, the Registrar may confirm or vary the decision under review or set aside the decision and substitute a new decision.

122—Amendment of section 98ZA—Appeal to District Court

- (1) Section 98ZA(1)—delete "or the review committee"
- (2) Section 98ZA(2)—delete "or review committee"
- (3) Section 98ZA(2)—delete "or committee"

123—Transitional provisions

- (1) In this section—

principal Act means the *Motor Vehicles Act 1959*.

- (2) Despite any other provision of this Part, the review committee established under Part 3E of the principal Act continues in existence after the commencement of this Part for the purpose of determining any applications for review referred to the committee before that commencement (and for that purpose the review committee must determine those applications in accordance with the provisions of Part 3E of the principal Act as in force immediately before the commencement of this Part).

Part 24—Amendment of *National Parks and Wildlife Act 1972*

124—Amendment of section 5—Interpretation

Section 5, definition of *the Council*—delete the definition and substitute:

Council means the Parks and Wilderness Council established under section 15;

125—Amendment of section 11—Wildlife Conservation Fund

Section 11(3)(a)—delete "the South Australian National Parks and Wildlife Council" and substitute:

the Parks and Wilderness Council

126—Amendment of section 12—Delegation

- (1) Section 12(1), (2) and (3)—delete ", an advisory committee" wherever occurring

- (2) Section 12(5)—delete subsection (5) and substitute:

(5) A delegation—

- (a) must be by instrument in writing; and
(b) may be absolute or conditional; and
(c) does not derogate from the power of the delegator to act in a matter; and
(d) is revocable at will.

127—Substitution of Part 2 Division 2, 2A and 2B

Part 2 Divisions 2, 2A and 2B—delete Divisions 2, 2A and 2B and substitute:

Division 2—The Parks and Wilderness Council

15—Establishment and membership of the Council

- (1) The *Parks and Wilderness Council* is established.

- (2) The Council consists of the Director and 8 other members appointed by the Minister being persons who collectively have, in the opinion of the Minister, the knowledge, skills and experience in the following areas necessary to enable the Council to carry out its functions effectively:

- (a) the establishment and management of reserves, wilderness protection areas and wilderness protection zones;
(b) the conservation of animals, plants and ecosystems;

- (c) the conservation of the marine environment;
- (d) a scientific field relevant to the conservation of ecosystems and the relationship of wildlife with its environment;
- (e) Aboriginal culture and traditional associations with land;
- (f) community engagement and community partnerships;
- (g) tourism and recreational use of reserves.

(3) At least 2 of the members of the Council must be men and 2 must be women.

(4) 1 of the members of the Council appointed by the Minister will be appointed as the presiding member of the Council.

16—Terms and conditions of membership

(1) A member appointed by the Minister will be appointed on conditions determined by the Minister and for a term, not exceeding 3 years, specified in the instrument of appointment and will, at the expiration of a term of appointment, be eligible for reappointment.

(2) The Minister may remove an appointed member from office—

- (a) for breach of, or non-compliance with, a condition of appointment;
- (b) for misconduct; or
- (c) for failure or incapacity to carry out the duties of his or her office satisfactorily.

(3) The office of an appointed member becomes vacant if the member—

- (a) dies; or
- (b) completes a term of office and is not reappointed; or
- (c) resigns by written notice to the Minister; or
- (d) is removed from office under subsection (2).

(4) If the office of an appointed member of the Council becomes vacant a person must be appointed by the Minister in accordance with section 15 to the vacant office.

17—Remuneration

A member of the Council is entitled to remuneration, allowances and expenses determined by the Minister.

18—Vacancies or defects in appointment of members

An act of the Council is not invalid by reason only of a vacancy in its membership or a defect in the appointment of a member.

19—Direction and control of the Minister

The Council is subject to the direction and control of the Minister.

19A—Proceedings of the Council

- 5
- (1) 5 of the members of the Council constitute a quorum of the Council and no business may be conducted by the Council unless a quorum is present.
- (2) The Director may nominate a person to attend and vote at a meeting of the Council on his or her behalf.
- (3) The presiding member will preside at each meeting of the Council at which he or she is present.
- 10
- (4) If the presiding member is absent, a member chosen by the members present will preside at the meeting.
- (5) A decision carried by a majority of the votes cast by members at a meeting is a decision of the Council.
- 15
- (6) Each member present at a meeting of the Council has 1 vote on any question arising for decision and, if the votes are equal, the member presiding at the meeting may exercise a casting vote.
- (7) A conference by telephone or other electronic means between members will, for the purposes of this section, be taken to be a meeting of the Council at which the participating members are present if—
- 20
- (a) notice of the conference is given to all members in the manner determined by the Council for that purpose; and
- (b) each participating member is capable of communicating with every other participating member during the conference.
- 25
- (8) A proposed resolution of the Council becomes a valid decision of the Council despite the fact that it is not voted on at a meeting of the Council if—
- 30
- (a) notice of the proposed resolution is given to all members in accordance with procedures determined by the Council; and
- (b) a majority of the members express their concurrence in the proposed resolution by letter, email, telex, facsimile transmission or other written communication setting out the terms of the resolution.
- 35
- (9) The Council must cause accurate minutes to be kept of its proceedings.
- (10) Subject to this Act, the Council may determine its own procedures.

19B—Conflict of interest under Public Sector (Honesty and Accountability) Act

A member of the Council will not be taken to have a direct or indirect interest in a matter for the purposes of the *Public Sector (Honesty and Accountability) Act 1995* by reason only of the fact that the member has an interest in a matter that is shared in common with those engaged in or associated with ecologically-based tourism generally, or a substantial section of those engaged in or associated with ecologically-based tourism.

19C—Functions of the Council

- (1) The functions of the Council are—
 - (a) to provide advice to the Minister at the Minister's request on any matter relating to the administration of—
 - (i) this Act; and
 - (ii) the *Adelaide Dolphin Sanctuary Act 2005*; and
 - (iii) the *Marine Parks Act 2007*; and
 - (iv) the *Wilderness Protection Act 1992*; and
 - (b) such functions as may be conferred under this Act or any other Act.
- (2) Without limiting subsection (1)(a)(i), the Council may advise the Minister on the following matters relating to the administration of this Act:
 - (a) planning in relation to the management of reserves;
 - (b) the conservation of wildlife;
 - (c) funding (including matters relating to sponsorship) and the development and marketing of commercial activities;
 - (d) community participation in the management of reserves and the conservation of wildlife;
 - (e) the development of policy;
 - (f) existing or proposed national or international agreements relating to the conservation of animals, plants and ecosystems;
 - (g) the promotion (including public education) of the conservation of wildlife and other natural resources;
 - (h) the Council's assessment of the performance of the Department in administering the Acts referred to in subsection (1)(a);
 - (i) any other matter referred to the Council by the Minister or on which the Council believes it should advise the Minister.

19D—Annual report

- (1) The Council must, on or before 30 September in each year, prepare and deliver to the Minister a report on its operations during the preceding financial year.
- (2) The Minister must, within 12 sitting days after receiving a report, cause copies of the report to be laid before both Houses of Parliament.

128—Amendment of section 38—Management plans

Section 38(7)—delete "the South Australian National Parks and Wildlife Council" and substitute:

the Parks and Wilderness Council

129—Amendment of section 45A—Interpretation and application

Section 45A(1), definition of *General Reserves Trust*—delete the definition

130—Amendment of section 45B—Development Trusts

- (1) Section 45B(1)—after "reserve" insert:
or reserves
- (2) Section 45B(2)(a)—delete "(except in the case of the General Reserves Trust) "
- (3) Section 45B(2)(a)—after "reserve" insert:
, or reserves,

131—Repeal of section 45BA

Section 45BA—delete the section

132—Amendment of section 45F—Functions of Trust

- (1) Section 45F(1)—delete subsection (1) and substitute:
 - (1) A Trust has the functions assigned to it by the Minister relating to the reserve or reserves for which it is established, including the development of the reserve or reserves and the conservation of animals, native plants or ecosystems of the reserve or reserves.
- (2) Section 45F(1b)—delete subsection (1b)
- (3) Section 45F(2b)—delete subsection (2b) and substitute:
 - (2b) The Minister may direct that money payable under a lease, licence or agreement granted or entered into in relation to a reserve for which a Trust is responsible be paid to the Trust.
- (4) Section 45F(2c)—delete "(not being the General Reserves Trust)"
- (5) Section 45F(2c)(a)—before "(2b)" insert:
(2a) or

133—Amendment of heading to Part 3A Division 2

Heading to Part 3A Division 2—delete "Trust"

134—Amendment of section 45M—Establishment of Fund

(1) Section 45M(1)—delete subsection (1) and substitute:

(1) The General Reserves Trust Fund continues in existence as the
General Reserves Fund.

(2) Section 45M(2)—delete "General Reserves Trust" and substitute:

Minister

(3) Section 45M(3)(b)—delete "in relation to which the General Reserves Trust has been
established (the Trust's reserves)" and substitute:

other than reserves in relation to which a specific Trust has been established
and determined that it is to retain such fees

(4) Section 45M(3)(c)—delete paragraph (c) and substitute:

(c) money that—

(i) is payable pursuant to a lease, licence or other agreement
entered into by the Minister or Director under section 35 in
relation to a reserve other than a reserve in relation to which
a specific Trust has been established; and

(ii) the Minister or Director has directed be paid into the fund;
and

(5) Section 45M(3)(d)—delete "the Trust's reserves" wherever occurring and substitute in
each case:

a reserve other than a reserve in relation to which a specific Trust has been
established

(6) Section 45M(3)(e)—delete "Trust" and substitute:

Minister

(7) Section 45M(4)—delete "Trust" wherever occurring and substitute in each case:

Minister

(8) Section 45M(4)(a)—delete "of its reserves" and substitute:

reserves

135—Amendment of section 45N—Investment of the fund

Section 45N—delete "Trust" and substitute:

Minister

136—Amendment of section 45O—Accounts and auditing

Section 45O—delete "Trust" wherever occurring and substitute in each case:

Minister

**136A—Amendment of section 53A—Review of decision of Minister under
section 53**

Section 53A(1)—delete "South Australian National Parks and Wildlife"

137—Insertion of Schedules 12 and 13

After Schedule 11 insert:

Schedule 12—Dissolution of General Reserves Trust

1—Interpretation

In this Schedule—

asset includes—

- (a) a present, contingent or future legal or equitable estate or interest in real or personal property; or
- (b) a present, contingent or future right, power, privilege or immunity,

(and includes a present or future cause of action in favour of the General Reserves Trust);

General Reserves Fund means the General Reserves Fund continued in existence under section 45M of this Act after the commencement of this Part;

General Reserves Trust means the General Reserves Trust established by proclamation under section 45B of the Act on 30 November 1978 (see *Gazette 30.11.1978 p2096 and 2097*);

liability includes a present, contingent or future liability or obligation (including a non-pecuniary obligation and a present or future cause of action against the General Reserves Trust).

2—Dissolution of General Reserves Trust

The General Reserves Trust is dissolved and all members of the Trust holding office immediately before the commencement of this clause cease to hold office.

3—Vesting of property etc in Minister

- (1) All assets, rights and liabilities of the General Reserves Trust are transferred to the Minister.
- (2) The vesting of assets or liabilities under this clause operates by force of this clause and despite the provisions of any other law or instrument.
- (3) The Registrar-General or another authority required or authorised under a law of the State to register or record transactions affecting assets or liabilities, or documents relating to such transactions, must, on application under this clause, register or record in an appropriate manner a vesting under this clause.
- (4) No fee is payable in respect of an application under subclause (3).
- (5) Subject to subclause (6), a reference in any instrument or contract, agreement or other document to the General Reserves Trust will have effect as if it were a reference to the Minister.

- 5
- (6) Subclause (5) does not apply to any reference excluded by the Governor by proclamation.
- (7) Subclause (5) has effect despite the provisions of any other law or instrument.
- (8) Nothing done under this clause—
- (a) constitutes a breach of, or default under, an Act or other law; or
- (b) constitutes a breach of, or default under, a contract, agreement, understanding or undertaking; or
- 10 (c) constitutes a breach of a duty of confidence (whether arising by contract, in equity or by custom or in any other way); or
- (d) constitutes a civil or criminal wrong; or
- (e) terminates an agreement or obligation or fulfils any condition that allows a person to terminate an agreement or obligation, or gives rise to any other right or remedy; or
- 15 (f) releases a surety or other obligee wholly or in part from an obligation.

20 **Schedule 13—Transitional provision relating to**
Statutes Amendment (Boards and
Committees—Abolition and Reform) Act 2015

25 **1—Transitional regulations**

- (1) The Governor may, by regulation, make additional provisions of a saving or transitional nature consequent on the enactment of the *Statutes Amendment (Boards and Committees—Abolition and Reform) Act 2015*.
- 25 (2) A provision of a regulation made under subclause (1) may, if the regulation so provides, take effect from the commencement of this subsection or from a later day.
- (3) To the extent to which a provision takes effect under subclause (2) from a day earlier than the day of the regulation's publication in the Gazette, the provision does not operate to the disadvantage of a person by—
- 30 (a) decreasing the person's rights; or
- (b) imposing liabilities on the person.

35 **138—Transitional provision**

A member of the South Australian National Parks and Wildlife Council ceases to hold office on the commencement of this section.

Part 25—Amendment of *Native Vegetation Act 1991*

139—Amendment of section 8—Membership of Council

- (1) Section 8(1), (2) and (6)—delete "Governor" wherever occurring and substitute in each case:

5 Minister

- (2) Section 8(1)(d)—delete "from a panel of 3 persons nominated by the NRM Council established under that Act"

140—Amendment of section 9—Conditions of office

10 Section 9(1), (2) and (3)—delete "Governor" wherever occurring and substitute in each case:

Minister

141—Amendment of section 10—Allowances and expenses

Section 10—delete "Governor" and substitute:

Minister

142—Amendment of section 16—Staff

Section 16(1)—delete "Governor" and substitute:

Minister

143—Amendment of Schedule 2—Transitional provisions

Schedule 2—after clause 3 insert:

- 20 4 (1) The Governor may, by regulation, make provisions of a saving or transitional nature consequent on the enactment of the *Statutes Amendment (Boards and Committees—Abolition and Reform) Act 2015*.
- 25 (2) A provision of a regulation made under subclause (1) may, if the regulation so provides, take effect from the commencement of this subclause or from a later day.
- 30 (3) To the extent to which a provision takes effect under subclause (2) from a day earlier than the day of the regulation's publication in the Gazette, the provision does not operate to the disadvantage of a person by—
- (a) decreasing the person's rights; or
 - (b) imposing liabilities on the person.

Part 26—Amendment of *Natural Resources Management Act 2004*

144—Amendment of section 3—Interpretation

- 5 (1) Section 3(1), definition of *Mining Act*, (a)—delete "*Petroleum Act 2000*" and substitute:

Petroleum and Geothermal Energy Act 2000

- (2) Section 3(1), definition of *NRM Council*—delete the definition
(3) Section 3(1), definition of *peak body*, (b)—delete paragraph (b) and substitute:

(b) Primary Producers SA Incorporated;

- 10 (4) Section 3(1), definition of *State NRM Plan*—delete "by the NRM Council"

145—Amendment of section 10—Functions of Minister

- (1) Section 10(1)—after paragraph (a) insert:

(ab) to prepare and maintain the State NRM Plan, and to keep under review the extent to which regional NRM plans and policies and practices adopted or applied by NRM authorities are consistent with the State NRM Plan; and

- (2) Section 10(1)—after paragraph (e) insert:

(ea) to convene forums on a State-wide basis to discuss natural resources management issues, and to promote public awareness of sound natural resources management practices; and

146—Repeal of Chapter 3 Part 2

Chapter 3 Part 2—delete Part 2

147—Amendment of section 22—Establishment of regions

Section 22(5)—delete subsection (5) and substitute:

- 25 (5) The Minister must, before a proclamation is made under subsection (3), give each peak body notice of the proposed proclamation under that subsection and give consideration to any submission made by any peak body within a period (being at least 21 days) specified in the notice.

148—Amendment of section 23—Establishment of boards

Section 23(5)—delete subsection (5) and substitute:

- 30 (5) The Minister must, before publishing a notice under subsection (3), give each peak body notice of the Minister's intention to publish a notice under that subsection and give consideration to any submission made by any peak body within a period (being at least 35 21 days) specified in the notice.

149—Amendment of section 25—Composition of boards

(1) Section 25(1)—delete subsection (1) and substitute:

(1) A regional NRM board consists of up to 9 members appointed by the Minister being persons who collectively have, in the opinion of the Minister, knowledge, skills and experience necessary to enable the board to carry out its functions effectively.

(2) Section 25(2)—delete "nominating" and substitute:

appointing

(3) Section 25(2)(a)—delete ", and then take into account any recommendation of the NRM Council after the NRM Council has been given an opportunity to consider any expressions of interest received within the relevant time"

(4) Section 25(4)(a)—delete "nominating" and substitute:

appointing

(5) Section 25(4)(b)—delete "nominate" and substitute:

appoint

(6) Section 25(5)—delete "finalising his or her nominations for the purposes of this section," and substitute:

appointing a person or persons under subsection (1),

(7) Section 25(8) and (9)—delete "Governor" wherever occurring and substitute in each case:

Minister

150—Amendment of section 26—Conditions of membership

(1) Section 26(1) and (2)—delete "Governor" wherever occurring and substitute in each case:

Minister

(2) Section 26(2)(e)—delete ", after consultation with the NRM Council,"

(3) Section 26(3)(f)—delete "Governor" and substitute:

Minister

151—Amendment of section 27—Allowances and expenses

Section 27—delete "Governor" and substitute:

Minister

152—Amendment of section 29—Functions of boards

Section 29(1)(f)—delete "or the NRM Council"

153—Amendment of section 30—General powers

Section 30(2)(d)—delete "or such" and substitute:

on such

154—Amendment of section 35—Committees

Section 35(4)—after "purposes of this section" insert:

(which may include a requirement for the approval of the Minister before a
Committee, or Committee of a specified class, may be established under
subsection (1)(a))

5

155—Amendment of section 39—Specific reports

(1) Section 39(1)—delete "or the NRM Council" wherever occurring

(2) Section 39(1)—delete "(as the case may be)"

156—Repeal of section 40

Section 40—delete the section

10

157—Amendment of section 45—Establishment of areas

Section 45(5)—delete "the South Australian Farmers Federation Incorporated" and
substitute:

Primary Producers SA Incorporated

15

158—Amendment of section 48—Composition of NRM groups

Section 48(2)(b)(ii)—delete "the South Australian Farmers Federation Incorporated"
and substitute:

Primary Producers SA Incorporated

159—Amendment of section 74—State NRM Plan

(1) Section 74—delete "NRM Council" wherever occurring and substitute in each case:

Minister

(2) Section 74(3)(e)—delete "or specified by the Minister"

(3) Section 74(5)—delete subsection (5)

(4) Section 74(7)—delete subsection (7) and substitute:

(7) Subject to subsection (8), the Minister may amend the State NRM
Plan at any time.

(5) Section 74(9)—delete "at the direction, or with the concurrence, of the Minister"

(6) Section 74(10)—delete "at the direction, or with the concurrence, of the Minister" and
substitute:

under subsection (9)

(7) Section 74(14)(c)—delete paragraph (c) and substitute:

(c) Primary Producers SA Incorporated

160—Amendment of section 75—Regional NRM plans

Section 75(7)—delete "or the NRM Council"

161—Amendment of section 79—Preparation of plans and consultation

- (1) Section 79(6)(a)(iv)—delete subparagraph (iv)
- (2) Section 79(12) and (13)—delete "(10)(a)" wherever occurring and substitute in each case:

5 (10)

162—Amendment of section 80—Submission of plan to Minister

- (1) Section 80(1)—delete subsection (1)
- (2) Section 80(2)—delete "also"
- (3) Section 80(3)—delete "the requirements of subsections (1) and (2)" and substitute:

10 subsection (2)

163—Amendment of section 81—Review and amendment of plans

- (1) Section 81(5)—delete subsection (5)
- (2) Section 81(8)(b)—delete "are within the ambit of subsection (2), or that otherwise"

164—Amendment of section 95—Imposition of levy by councils

15 Section 95(3)(a)—delete "section 154(1), (2) and (3)" and substitute:
section 154(1) and (2)

165—Amendment of section 122—Special provisions relating to land

Section 122(4)(e)—delete "*Country Fires Act 1989*" and substitute:
Fire and Emergency Services Act 2005

20 **166—Amendment of section 129—Activities not requiring a permit**

Section 129(1)(i)—delete "or Part 3 Division 5 of the *Upper South East Dryland Salinity and Flood Management Act 2002*"

167—Repeal of section 228

Section 228—delete the section

25 **168—Amendment of Schedule 1—Provisions relating to regional NRM boards and NRM groups**

Schedule 1, clause 1, definition of *prescribed body*, (a)—delete paragraph (a)

169—Amendment of Schedule 4—Repeals and transitional provisions

30 (1) Schedule 4, Part 18, clause 56(1)—delete "on the enactment of a relevant Act" and substitute:

on the amendment of this Act by another Act

- (2) Schedule 4, Part 18, clause 56(5)—delete subclause (5)

170—Transitional provision

A member of the Natural Resources Management Council ceases to hold office on the commencement of this section.

Part 27—Amendment of *Office for the Ageing Act 1995*

171—Amendment of long title

Long title—delete "and the Advisory Board on Ageing"

172—Repeal of Part 3

Part 3—delete Part 3

173—Transitional provision

A member of the Advisory Board on Ageing ceases to hold office on the commencement of this section.

Part 27A—Amendment of *Pastoral Land Management and Conservation Act 1989*

173A—Amendment of section 12—Establishment of Pastoral Board

(1) Section 12(2)—delete "Governor" and substitute:

Minister

(2) Section 12(2)(a)—delete ", will be appointed on the nomination of the Minister"

(3) Section 12(2)(d)—delete "the South Australian Farmers Federation" and substitute:

Livestock SA Incorporated

(4) Sections 12(4) and (5)—delete "Governor" wherever occurring and substitute in each case:

Minister

173B—Amendment of section 13—Conditions of office

Sections 13(2) and (3)—delete "Governor" wherever occurring and substitute in each case:

Minister

173C—Amendment of section 14—Allowances and expenses

Section 14—delete "Governor" and substitute:

Minister

173D—Amendment of section 25A—Establishment of pool of persons for the purposes of section 25B

Section 25A(2)—delete "the South Australian Farmers Federation" and substitute:

Livestock SA Incorporated

Part 28—Amendment of *Phylloxera and Grape Industry Act 1995*

174—Amendment of section 3—Interpretation

Section 3, definition of *Selection Committee*—delete the definition

175—Amendment of section 5—Constitution of Board

(1) Section 5(1)(b)(ii)—delete subparagraph (ii) and substitute:

(ii) up to 7 will be persons nominated by 1 or more organisations or bodies that, in the opinion of the Minister, have significant involvement in grape growing or winemaking.

(2) Section 5(2)—delete "the Selection Committee" and substitute:

each nominating organisation or body referred to in subsection (1)(b)(ii)

(3) Section 5(2)(a) and (b)—delete paragraphs (a) and (b) and substitute:

(a) written reasons are provided to the Minister in support of each nomination; and

(4) Section 5(3)—delete subsection (3) and substitute:

(3) The Minister must ensure that—

(a) no more than 1 member from each prescribed region is appointed to the Board; and

(b) all members of the Board have proven experience, knowledge and commitment to the improvement of the State's grape growing and wine industries, and their protection from disease.

176—Repeal of Part 2 Division 2

Part 2 Division 2—delete Division 2

177—Amendment of section 26—Report

Section 26(4)(b)—delete paragraph (b) and substitute:

(b) the Wine Grape Council of South Australia; and

(c) the South Australian Wine Industry Association Incorporated; and

(d) any other organisation or body prescribed by regulation.

178—Insertion of section 28

After section 27—insert:

28—Power of delegation

(1) The Minister may delegate to a body or person (including a person for the time being holding or acting in a specified office or position) a function or power of the Minister under this Act.

- (2) A delegation under this section—
- (a) must be by instrument in writing; and
 - (b) may be absolute or conditional; and
 - (c) does not derogate from the power of the Minister to act in any matter; and
 - (d) is revocable at will.
- (3) A function or power delegated under this section may, if the instrument of delegation so provides, be further delegated.

179—Amendment of section 30—Regulations

Section 30—after subsection (2) insert:

- (3) The Governor may, by regulation, make additional provisions of a saving or transitional nature consequent on the enactment of the *Statutes Amendment (Boards and Committees—Abolition and Reform) Act 2015*.
- (4) A provision of a regulation made under subsection (3) may, if the regulation so provides, take effect from the commencement of this subsection or from a later day.
- (5) To the extent to which a provision takes effect under subsection (4) from a day earlier than the day of the regulation's publication in the Gazette, the provision does not operate to the disadvantage of a person by—
 - (a) decreasing the person's rights; or
 - (b) imposing liabilities on the person.

180—Transitional provision

A member of the Selection Committee within the meaning of the *Phylloxera and Grape Industry Act 1995* as in force immediately before the commencement of section 176 of this Act ceases to hold office on the commencement of this section.

Part 29—Amendment of *Public Employees Housing Act 1987*

181—Repeal of section 5

Section 5—delete the section

182—Transitional provision

A member of the Public Employees Housing Advisory Committee ceases to hold office on the commencement of this section.

Part 30—Amendment of *SACE Board of South Australia Act 1983*

183—Amendment of Schedule 1—Designated entities

- 5 (1) Schedule 1, clause 1(j)—delete "Non-Government Schools Registration Board" and substitute:

Education and Early Childhood Services Registration and Standards Board of South Australia

- (2) Schedule 1, clause 1(v)—delete paragraph (v)

Part 31—Amendment of *South Australian Forestry Corporation Act 2000*

184—Amendment of section 4—Interpretation

Section 4, definition of *director*—delete the definition and substitute:

director means a member of the board under Part 3 and includes a person appointed as an acting director under that Part.

185—Amendment of section 9—Common seal and execution of documents

Section 9(1)—delete "two directors" and substitute:

1 or more directors

186—Substitution of section 10

Section 10—delete the section and substitute:

10—Establishment of board

- 20 (1) A board of directors is established as the governing body of the Corporation.
- (2) The board consists of up to 5 members appointed by the Governor.
- 25 (3) A person is eligible for appointment as a member of the board if, in the Minister's opinion, the person has appropriate qualifications, experience or expertise to effectively perform the functions of a director of the Corporation.
- (4) The Governor may appoint a director to chair meetings of the board.
- 30 (5) The Governor may appoint an acting director to act in the office of a director and a person so appointed has, while so acting, all the functions and powers of the director.
- (6) An acting director may act in the office of a director—
- (a) while—
- 35 (i) the director is unable to perform the functions of a director under this Act; or

- (ii) the office of the director is vacant,
but not on a continuous basis for more than 6 months; or
- (b) if the director is disqualified from acting in relation to a particular matter—in relation to that matter.

- 5
- (7) The terms and conditions of appointment as an acting director will be as determined by the Governor.
 - (8) On the office of a director becoming vacant, a person may be appointed under this section to the vacant office.

187—Amendment of section 11—Conditions of membership

10 Section 11(1)—after "A director" insert:
(other than an acting director)

188—Amendment of section 14—Board proceedings

Section 14(1) to (3)—delete subsections (1) to (3) (inclusive) and substitute:

- 15
- (1) A quorum of the board consists of a majority of the directors in office for the time being.
 - (2) If a director has been appointed to chair meetings of the board, that director will preside at each meeting of the board at which he or she is present.
 - (3) A director chosen by the directors present at a meeting of the board will preside at the meeting if—
20
 - (a) the director appointed to chair meetings of the board is absent from the meeting; or
 - (b) no director has been appointed to chair meetings of the board.

Part 32—Amendment of *South Australian Housing Trust Act 1995*

189—Amendment of section 18—Committees

- 30
- (1) Section 18(1)(a)—delete paragraph (a)
 - (2) Section 18(1)(b)—delete "other"
 - (3) Section 18(1a)—delete subsection (1a)
 - (4) Section 18(3)—delete "(and to the operation of subsection (1a))"

190—Transitional provision

A member of the *South Australian Affordable Housing Trust Board of Management* (or "SAAHT") ceases to hold office on the commencement of this section.

Part 33—Amendment of *South Australian Motor Sport Act 1984*

191—Amendment of Long title

Long title—delete "make provision in relation to a corporation to be known as the South Australian Motor Sport Board; to define its powers and functions" and substitute:

facilitate the promotion of motor sport events in the State

192—Amendment of section 3—Interpretation

- (1) Section 3(1), definition of *Board*—delete the definition and substitute:

Commission means the South Australian Tourism Commission established under the *South Australian Tourism Commission Act 1993*;

- (2) Section 3(1), definition of *employing authority*—delete the definition
(3) Section 3(1), definition of *the graphic standards manual*—delete "Board" and substitute:

Commission

- (4) Section 3(1), definition of *member*—delete the definition
(5) Section 3(4)—delete subsection (4)

193—Substitution of heading to Part 2

Heading to Part 2—delete the heading and substitute:

Part 2—Functions and powers of Commission relating to motor sport events

194—Repeal of Part 2 Division 1

Part 2, Division 1—delete Division 1

195—Repeal of heading to Part 2 Division 2

Heading to Part 2 Division 2—delete the heading to Division 2

196—Amendment of section 10—Functions and powers of Commission

- (1) Section 10—delete "Board" wherever occurring and substitute in each case:

Commission

- (2) Section 10(2)(p)—delete paragraph (p)
(3) Section 10(2)(s)—after "functions" insert:
under this Act
(4) Section 10(4)—delete subsection (4)

197—Amendment of section 10AA—Non-application of *Government Business Enterprises (Competition) Act 1996*

Section 10AA—delete "Board or to any activity of the Board" and substitute:

Commission, or to any activity of the Commission, in relation to a function of
the Commission under this Act

198—Repeal of section 10A

Section 10A—delete the section

199—Amendment of section 11—Commission may control and charge fee for filming etc from outside circuit

Section 11—delete "Board" wherever occurring and substitute in each case:

Commission

200—Repeal of section 12

Section 12—delete the section

201—Repeal of Part 2 Divisions 3 and 4

Part 2 Divisions 3 and 4—delete Divisions 3 and 4

202—Amendment of section 20—Minister may make certain declarations

Section 20—delete "Board" wherever occurring and substitute in each case:

Commission

203—Amendment of section 21—Commission to have care, control etc of declared area for relevant declared period

Section 21—delete "Board" wherever occurring and substitute in each case:

Commission

204—Amendment of section 22—Commission to have power to enter and carry out works etc on declared area

Section 22—delete "Board" wherever occurring and substitute in each case:

Commission

205—Amendment of section 23—Commission to consult and take into account representations of persons affected by operations

Section 23—delete "Board" wherever occurring and substitute in each case:

Commission

206—Amendment of section 24—Certain land taken to be lawfully occupied by Commission

Section 24—delete "Board" wherever occurring and substitute in each case:

Commission

207—Amendment of section 25—Non-application of certain laws

Section 25—delete "Board" wherever occurring and substitute in each case:

Commission

208—Amendment of section 26—Plans of proposed works to be available for public inspection

Section 26—delete "Board" wherever occurring and substitute in each case:

Commission

209—Amendment of section 27—Power to remove vehicles left unattended within declared area

(1) Section 27(1)—delete "member of the police force" and substitute:

police officer

(2) Section 27(1)—delete "Board" and substitute:

Commission

210—Amendment of section 27AB—Application of sections 27B and 27C

Section 27AB(3)(a)—delete "Board" and substitute:

Commission

211—Repeal of section 28

Section 28—delete the section

212—Amendment of section 28AA—Declaration of official titles

Section 28AA—delete "Board" wherever occurring and substitute in each case:

Commission

213—Amendment of section 28A—Special proprietary interests

(1) Section 28A—delete "Board" wherever occurring and substitute in each case:

Commission

(2) Section 28A(1)(b)—delete paragraph (b) and substitute:

(b) any other name adopted by the Commission pursuant to a determination under section 25 of the *South Australian Tourism Commission Act 1993*; and

214—Amendment of section 28B—Seizure and forfeiture of goods

(1) Section 28B—delete "Board" wherever occurring and substitute in each case:

Commission

(2) Section 28B(1)(b)—delete "member of the police force" and substitute:

police officer

215—Repeal of section 29

Section 29—delete the section

216—Amendment of section 30—Regulations

- (1) Section 30(2)(a)—delete paragraph (a)
- 5 (2) Section 30(2)(d)—delete "Board" and substitute:
Commission
- (3) Section 30(2)(h)—delete "\$1 250" and substitute:
\$2 500

217—Insertion of Schedule 1

10 After section 30 insert:

Schedule 1—Transitional provisions

1—Interpretation

In this Schedule—

asset includes—

- 15 (a) a present, contingent or future legal or equitable estate or
interest in real or personal property; or
- (b) a present, contingent or future right, power, privilege or
immunity,

(and includes a present or future cause of action in favour of the
20 Board);

Board means the South Australian Motor Sport Board (as in
existence immediately before the relevant day);

25 *liability* includes a present, contingent or future liability or obligation
(including a non-pecuniary obligation and a present or future cause
of action against the Board);

Minister means the Minister responsible for the administration of the
South Australian Tourism Commission Act 1993;

relevant day means the day on which this Schedule comes into
operation.

2—Dissolution of Board

30 On the relevant day, the South Australian Motor Sport Board is
dissolved and all members of the Board holding office immediately
before the relevant day cease to hold office.

3—Staff

- 5
- (1) The Minister may, by notice in the Gazette, transfer the employment of a person who was, immediately before the relevant day, an officer or employee of the Board (including the Chief Executive) to the employing authority under the *South Australian Tourism Commission Act 1993*.
- (2) The transfer of a person under subclause (1) does not affect—
- 10
- (a) the person's continuity of employment or existing conditions of employment or existing or accruing rights to leave; or
- (b) a process commenced for variation of those conditions or rights.

4—Vesting of property etc in Commission

- 15
- (1) Subject to subclause (2), all assets and liabilities of the Board are vested in the Commission.
- (2) Subclause (1) does not apply to any asset or liability vested by the Governor, by proclamation, in—
- (a) the Minister; or
- (b) another agency or instrumentality of the Crown.
- 20
- (3) The vesting of assets or liabilities under this clause operates by force of this clause and despite the provisions of any other law or instrument.
- (4) The Registrar-General or another authority required or authorised under a law of the State to register or record transactions affecting assets or liabilities, or documents relating to such transactions, must, on application under this clause, register or record in an appropriate manner a vesting under this clause.
- 25
- (5) No fee is payable in respect of an application under subclause (4).
- (6) Subject to subclause (7), a reference in any instrument or contract, agreement or other document to the Board will have effect as if it were a reference to the Commission.
- 30
- (7) Subclause (6) does not apply to any reference excluded by the Governor by proclamation.
- (8) Subclause (6) has effect despite the provisions of any other law or instrument.
- 35
- (9) Nothing done under this clause—
- (a) constitutes a breach of, or default under, an Act or other law; or
- (b) constitutes a breach of, or default under, a contract, agreement, understanding or undertaking; or
- 40
- (c) constitutes a breach of a duty of confidence (whether arising by contract, in equity or by custom or in any other way); or

- (d) constitutes a civil or criminal wrong; or
- (e) terminates an agreement or obligation or fulfils any condition that allows a person to terminate an agreement or obligation, or gives rise to any other right or remedy; or
- (f) releases a surety or other obligee wholly or in part from an obligation.

5—Regulations

- (1) The Governor may, by regulation, make additional provisions of a saving or transitional nature consequent on the enactment of the *Statutes Amendment (Boards and Committees—Abolition and Reform) Act 2015*.
- (2) A provision of a regulation made under subclause (1) may, if the regulations so provide, take effect from the commencement of this subclause.
- (3) To the extent to which a provision takes effect under subclause (2) from a day earlier than the day of the publication of the regulation in the Gazette, the provision does not operate to the disadvantage of a person by—
 - (a) decreasing the person's rights; or
 - (b) imposing liabilities on the person.

Part 34—Amendment of *South Australian Multicultural and Ethnic Affairs Commission Act 1980*

218—Amendment of section 6—Constitution of Commission

- (1) Section 6(1)—delete "Governor on the nomination of the"
- (2) Section 6(3)—delete "In selecting nominees for appointment to the Commission the Minister should" and substitute:

The Minister should, in making appointments under this section,

- (3) Section 6(3)—delete "those who come under consideration" and substitute:

persons appointed to the Commission

- (4) Section 6(7)—delete "Governor" and substitute:

Minister

219—Amendment of section 7—Remuneration of members

Section 7—delete "Governor" and substitute:

Minister

220—Amendment of section 8—Removal from and vacancies of office

Section 8(1) and (3)—delete "Governor" wherever occurring and substitute in each case:

Minister

5 **Part 35—Amendment of *South Australian Tourism Commission Act 1993***

221—Amendment of section 3—Object

Section 3(a)—after "destination" insert:

, including to undertake, on behalf of the State, the promotion of events,
festivals or other activities

222—Amendment of section 4—Interpretation

Section 4(1)—after the definition of *employing authority* insert:

promote, in relation to an event, festival or other activity, includes support,
organise or conduct.

15 **223—Amendment of section 5—Establishment of Commission**

(1) Section 5(2)—after paragraph (c) insert:

(ca) has all the powers of a natural person that are capable of being
exercised by a body corporate; and

(2) Section 5(2)(d)—after "this Act" insert:

or any other Act

(3) Section 5—after subsection (3) insert:

(4) If a document appears to bear the common seal of the Commission, it
will be presumed, in the absence of proof to the contrary, that the
common seal of the Commission was duly affixed to the document.

25 **224—Amendment of section 19—Functions of Commission**

(1) Section 19(1)(b)—before "regional tourism" insert:

events and festivals,

(2) Section 19(1)—after paragraph (b) insert:

(ba) to promote such events, festivals or other activities in the State as are
consistent with the object of this Act;

(3) Section 19(1)(k)—delete "that are consistent with the objects" and substitute:

, or conferred on the Commission under another Act, that are consistent with
the object

225—Amendment of section 25—Protection of names

Section 25(3), penalty provision—delete the penalty provision and substitute:

Maximum penalty: \$10 000.

226—Amendment of section 26—Regulations

Section 26(2)—delete "a division 7 fine" and substitute:

\$2 500,

Part 36—Amendment of *South Eastern Water Conservation and Drainage Act 1992*

227—Repeal of section 29

Section 29—delete the section

228—Amendment of section 31—Advisory committees

Section 31—delete "other"

229—Amendment of section 32—Terms and conditions of office

Section 32(1)—delete "by or"

230—Transitional provision

A member of the Eight Mile Creek Water Conservation and Drainage Advisory Committee ceases to hold office on the commencement of this section.

Part 37—Amendment of *State Lotteries Act 1966*

231—Amendment of section 3—Interpretation

(1) Section 3(1)—after the definition of *Authority* insert:

Commissioner means the Commissioner appointed to the Commission under section 4 and includes an Acting Commissioner appointed under section 9;

(2) Section 3(1), definition of *member*—delete the definition

(3) Section 3(1), definition of *presiding member*—delete the definition

232—Amendment of section 4—Constitution of Commission

(1) Section 4(5)—delete subsection (5) and substitute:

(5) The Commission will be constituted of a Commissioner appointed by the Governor.

(2) Section 4(8)—delete "member of the Commission" and substitute:

the Commissioner

233—Amendment of section 5—Term of office of Commissioner

(1) Section 5(1)—delete "A member" and substitute:

The Commissioner

(2) Section 5(2)—delete "a member" and substitute:

the Commissioner

(3) Section 5—after subsection (2) insert:

(3) The Commissioner is a senior official for the purposes of the *Public Sector (Honesty and Accountability) Act 1995*.

234—Substitution of sections 6 and 7

5 Sections 6 and 7—delete the sections and substitute:

6—Removal from office

(1) The Governor may remove the Commissioner from office on the recommendation of the Minister.

10 (2) The Minister may recommend the removal of the Commissioner on any ground that the Minister considers sufficient.

235—Amendment of section 8—Vacancy in office of Commissioner

(1) Section 8(1)—delete "The office of a member shall become" and substitute:

The office of the Commissioner becomes

15 (2) Section 8(1)—delete "the member" wherever occurring and substitute in each case:
the Commissioner

(3) Section 8(1)—delete "the member's" wherever occurring and substitute in each case:
the Commissioner's

(4) Section 8(1)(c)—delete "section 7" and substitute:
section 6

20 (5) Section 8(1)(d)—delete paragraph (d)

(6) Section 8(2)—delete "a member" wherever occurring and substitute in each case:
the Commissioner

(7) Section 8(2)—delete "the member" and substitute:
the Commissioner

25 (8) Section 8(2)—after "his" insert:
or her

236—Substitution of section 9

Section 9—delete the section and substitute:

9—Acting Commissioner

30 (1) If the Commissioner is temporarily absent or unable to perform official functions, the Minister may appoint an Acting Commissioner to act in the office of the Commissioner and a person so appointed has, while so acting, all the functions and powers of the Commissioner.

35 (2) The terms and conditions of appointment of an Acting Commissioner will be as determined by the Minister.

- (3) The Acting Commissioner is a senior official for the purposes of the *Public Sector (Honesty and Accountability) Act 1995*.

237—Amendment of section 11—Validity of acts of Commission

Section 11—delete "any member" wherever occurring and substitute in each case:
5 the Commissioner

238—Repeal of section 12

Section 12—delete the section

239—Insertion of section 18C

After section 18B insert:

18C—Tax and other liabilities of Commission

- 10
- (1) Except as otherwise determined by the Treasurer, the Commission is
15 liable to all such rates (other than rates that would be payable to a
council), duties, taxes and imposts and has all such other liabilities
and duties as would apply under the law of the State if the
Commission were not an instrumentality of the Crown.
- (2) Except as otherwise determined by the Treasurer, the Commission is
20 liable to pay to the Treasurer, for the credit of the Consolidated
Account, such amounts as the Treasurer from time to time
determines to be equivalent to—
- (a) income tax and any other taxes or imposts that the
25 Commission does not pay to the Commonwealth but would
be liable to pay under the law of the Commonwealth if it
were constituted and organised in such manner as the
Treasurer determines to be appropriate for the purposes of
this subsection as a public company or group of public
companies carrying on the business carried on by the
Commission; and
- (b) rates that the Commission would be liable to pay to a
30 council if the Commission were not an instrumentality of the
Crown.
- (3) Amounts determined by the Treasurer to be payable under
subsection (2) must be paid by the Commission at the times and in
the manner determined by the Treasurer.
- (4) This section does not affect any liability that the Commission would
35 have apart from this section to pay rates to a council.
- (5) In this section—
council means a council within the meaning of the *Local
Government Act 1999*;
liability includes contingent liability.

240—Amendment of section 19—Offences

Section 19(9) and (9b)—delete "Chief Executive" wherever occurring and substitute in each case:

Commissioner

5 **241—Amendment of section 20—Regulations**

Section 20—after subsection (3) insert:

- 10 (4) The Governor may, by regulation, make additional provisions of a saving or transitional nature consequent on the enactment of the *Statutes Amendment (Boards and Committees—Abolition and Reform) Act 2015*.
- (5) A provision of a regulation made under subsection (4) may, if the regulation so provides, take effect from the commencement of this subsection or from a later day.
- 15 (6) To the extent to which a provision takes effect under subsection (5) from a day earlier than the day of the publication of the regulation in the Gazette, the provision does not operate to the disadvantage of a person by—
- (a) decreasing the person's rights; or
 - (b) imposing liabilities on the person.

20 **242—Transitional provision**

A member of the Lotteries Commission of South Australia ceases to hold office on the commencement of this section.

Part 38—Amendment of *Supported Residential Facilities Act 1992*

25 **243—Amendment of section 3—Interpretation**

Section 3, definition of *the Advisory Committee*—delete the definition

244—Repeal of Part 3 Division 2

Part 3 Division 2—delete Division 2

245—Repeal of section 19

30 Section 19—delete the section

246—Amendment of section 25—Matters to be considered in granting a licence

Section 25(1)(e)—delete paragraph (e)

247—Amendment of section 29—Licence conditions

Section 29(4)—delete subsection (4)

35 **248—Amendment of section 57—Regulations**

Section 57(4)—delete subsection (4)

249—Transitional provisions

- (1) In this section—
principal Act means the *Supported Residential Facilities Act 1992*.
- (2) A member of the Supported Residential Facilities Advisory Committee ceases to hold office on the commencement of this subsection.
- (3) A member of the panel established under section 19 of the principal Act as in force immediately before the commencement of section 245 of this Act ceases to hold office on the commencement of this subsection.

Part 39—Amendment of *Training and Skills Development Act 2008*

250—Amendment of section 4—Interpretation

Section 4(1), definition of *reference group*—delete the definition

251—Amendment of section 10—Functions of Commission

Section 10(3)(b)(i)—delete ", reference group"

252—Repeal of Part 2 Division 3

Part 2 Division 3—delete Division 3

253—Repeal of section 68

Section 68—delete the section

254—Amendment of section 79—Regulations

Section 79—after subsection (2) insert:

- (3) The Governor may, by regulation, make additional provisions of a saving or transitional nature consequent on the enactment of the *Statutes Amendment (Boards and Committees—Abolition and Reform) Act 2015*.
- (4) A provision of a regulation made under subsection (3) may, if the regulation so provides, take effect from the commencement of this subsection or from a later day.
- (5) To the extent to which a provision takes effect under subsection (4) from a day earlier than the day of the regulation's publication in the Gazette, the provision does not operate to the disadvantage of a person by—
- (a) decreasing the person's rights; or
 - (b) imposing liabilities on the person.

255—Repeal of Schedule 1

Schedule 1—delete Schedule 1

256—Transitional provisions

- 5
- (1) A member of a reference group established under Part 2 Division 3 of the *Training and Skills Development Act 2008* as in force immediately before the commencement of section 252 of this Act ceases to hold office on the commencement of this subsection.
 - (2) A member of a panel established under Schedule 1 of the *Training and Skills Development Act 2008* as in force immediately before the commencement of section 255 of this Act ceases to hold office on the commencement of this subsection.

Part 40—Amendment of *Urban Renewal Act 1995*

257—Amendment of section 7—Committees and subcommittees

- 10
- (1) Section 7(1)—delete subsection (1)
 - (2) Section 7(2)—delete "other committees and subcommittees" and substitute:
committees and subcommittees for the purposes of this Act

258—Transitional provision

15 A member of an advisory committee established under section 7(1) of the *Urban Renewal Act 1995* as in force immediately before the commencement of section 257 of this Act ceases to hold office on the commencement of this section.

Part 41—Amendment of *Wilderness Protection Act 1992*

259—Amendment of section 3—Interpretation

- 20
- (1) Section 3(1)—after the definition of *owner* insert:
Parks and Wilderness Council means the Parks and Wilderness Council established under the National Parks Act;
 - (2) Section 3(1), definition of *the Wilderness Advisory Committee*—delete the definition
 - (3) Section 3(1), definition of *the wilderness code of management*—delete "adopted by
25 the Minister"

260—Amendment of heading to Part 2 Division 2

Heading to Part 2 Division 2—delete "The Wilderness Advisory Committee" and substitute:

Functions of Parks and Wilderness Council under this Act

261—Repeal of sections 8 to 10

Sections 8 to 10 (inclusive)—delete the sections

262—Amendment of section 11—Functions of Parks and Wilderness Council under this Act

- 35
- (1) Section 11(1)—delete "Committee" wherever occurring and substitute in each case:
Parks and Wilderness Council

(2) Section 11(2)—delete subsection (2)

263—Amendment of section 12—Wilderness code of management

(1) Section 12(1)—delete subsection (1) and substitute:

(1) The code of management of wilderness protection areas and wilderness protection zones in force immediately before the commencement this subsection continues.

(1a) The code of management may be varied or substituted at any time by the Minister in accordance with the requirements and procedures set out in this section.

(2) Section 12(3)—delete subsection (3) and substitute:

(3) The Parks and Wilderness Council must, at the request of the Minister and in consultation with the Director, prepare a draft variation or substitution of the code of management (a *draft code*) for submission to the Minister.

(3a) The Minister must, on receipt of a draft code, give public notice specifying—

(a) an address at which copies of the draft code may be inspected or purchased; and

(b) an address to which submissions in connection with the draft code may be forwarded.

(3) Section 12(4)—delete "draft code of management" and substitute:

draft code

(4) Section 12(6)—delete "code to the Wilderness Advisory Committee" and substitute:

draft code to the Parks and Wilderness Council

(5) Section 12(7)—delete "Committee" and substitute:

Parks and Wilderness Council

(6) Section 12(8)—delete "of management" wherever occurring

(7) Section 12(8)—delete "Wilderness Advisory Committee" wherever occurring and substitute in each case:

Parks and Wilderness Council

(8) Section 12(9)—before "code of management" insert:

revised or substituted

(9) Section 12(10)—delete "adopted under this section" and substitute:

as in force at that time

(10) Section 12(11)—delete subsection (11)

264—Amendment to section 13—Appointment of wardens

Section 13(7)—delete "*Petroleum Act 2000*" and substitute:

Petroleum and Geothermal Energy Act 2000

265—Amendment of section 22—Constitution of wilderness protection areas and wilderness protection zones

- (1) Section 22(6)(b)—delete "Wilderness Advisory Committee" and substitute:
Parks and Wilderness Council
- 5 (2) Section 22(6)(b)—delete "Committee" second occurring and substitute:
Council
- (3) Section 22(6)(c)(ii)—delete "Committee's" and substitute:
Parks and Wilderness Council's
- (4) Section 22(6)(d)—delete ", the South Australian National Parks and Wildlife Council"
- 10 (5) Section 22(6)(f)—delete "Wilderness Advisory Committee" and substitute:
Parks and Wilderness Council
- (6) Section 22(6)(f)—delete "Committee" second occurring and substitute:
Council

266—Amendment of section 28—Control and administration of wilderness protection areas and zones

15 Section 28(9)—after "National Parks Act" insert:
or to the Minister

267—Repeal of section 30

Section 30—delete the section

268—Amendment of section 31—Plans of management

- 20 (1) Section 31(11)—delete "Wilderness Advisory Committee" and substitute:
Parks and Wilderness Council
- (2) Section 31(12)—delete "Committee" and substitute:
Parks and Wilderness Council
- 25 (3) Section 31(13)—delete "Wilderness Advisory Committee" wherever occurring and substitute in each case:
Parks and Wilderness Council

269—Amendment of section 33A—Co-management of wilderness protection areas or zones

- 30 (1) Section 33A(6)(b)(i)—delete "Wilderness Advisory Committee" and substitute:
Parks and Wilderness Council
- (2) Section 33A(6)(b)(i)—delete "Committee" second occurring and substitute:
Council

- (3) Section 33A(6)(b)(ii) and (iii)—delete "Committee's" wherever occurring and substitute in each case:

Parks and Wilderness Council's

- (4) Section 33A(6)(b)(iv)—delete "Wilderness Advisory Committee" and substitute:

Parks and Wilderness Council

- (5) Section 33A(6)(b)(iv)—delete "Committee" second occurring and substitute:

Council

270—Amendment of section 38A—Entrance fees etc for wilderness protection areas or zones

Section 38A(3)—delete subsection (3) and substitute:

- (3) A fee payable under subsection (1) must be paid to—
- (a) the Trust established for the area or zone under the *National Parks and Wildlife Act 1972*; or
 - (b) if no Trust has been established under that Act for the area or zone—the Minister (who must pay the amount into the General Reserves Fund continued in existence under the National Parks Act).

271—Amendment of section 41—Regulations

Section 41—after subsection (3) insert:

- (4) The Governor may, by regulation, make additional provisions of a saving or transitional nature consequent on the enactment of the *Statutes Amendment (Boards and Committees—Abolition and Reform) Act 2015*.
- (5) A provision of a regulation made under subsection (4) may, if the regulation so provides, take effect from the commencement of this subsection or from a later day.
- (6) To the extent to which a provision takes effect under subsection (5) from a day earlier than the day of the regulation's publication in the Gazette, the provision does not operate to the disadvantage of a person by—
- (a) decreasing the person's rights; or
 - (b) imposing liabilities on the person.

272—Transitional provision

A member of the Wilderness Advisory Committee ceases to hold office on the commencement of this section.