

House of Assembly—No 151

As laid on the table and read a first time, 14 October 2009

South Australia

Statutes Amendment (Public Sector Consequential Amendments) Bill 2009

A BILL FOR

An Act to amend various Acts consequent on the enactment of the *Public Sector Act 2009* and the *Public Sector Management (Consequential) Amendment Act 2009*.

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377 Amendment of section 64—Compensation Fund

378 Amendment of section 81A—Conditions of appointment

379 Amendment of section 99I—Staff

380 Repeal of section 99N

Part 168—Amendment of *Young Offenders Act 1993*

- 381 Amendment of section 4—Interpretation
382 Amendment of section 38—Training Centre Review Board

Part 169—Amendment of *Youth Court Act 1993*

- 383 Amendment of section 3—Interpretation
384 Amendment of section 24—Persons who may be present in Court

Part 170—Amendment of *Zero Waste SA Act 2004*

- 385 Amendment of section 7—Powers of Zero Waste SA
386 Substitution of section 13
13 Application of Public Sector (Honesty and Accountability) Act 1995
387 Repeal of section 20
-

The Parliament of South Australia enacts as follows:

Part 1—Preliminary

1—Short title

This Act may be cited as the *Statutes Amendment (Public Sector Consequential Amendments) Act 2009*.

5 **2—Commencement**

- (1) This Act will come into operation on a day to be fixed by proclamation.
(2) Section 7(5) of the *Acts Interpretation Act 1915* does not apply to this Act.

3—Amendment provisions

- 10 (1) In this Act, a provision under a heading referring to the amendment of a specified Act amends the Act so specified.
(2) If an Act sought to be amended by a provision of this Act is, before the commencement of the provision, amended in a manner that renders the amendment ineffective, that amendment will be taken to have been struck out of this Act.

Part 2—Amendment of *Aboriginal Heritage Act 1988*

15 **4—Amendment of section 7—Aboriginal Heritage Committee**

Section 7—after subsection (5) insert:

- 20 (6) A member of the Committee 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 Aboriginal persons generally, or a substantial section of Aboriginal persons.

5—Repeal of section 40

Section 40—delete the section

Part 3—Amendment of *Aboriginal Lands Trust Act 1966*

6—Amendment of section 12—Trust not to represent Crown

5 Section 12—delete "shall not be a department of the Government of the State" and substitute:

is not to be an administrative unit of the Public Service

7—Amendment of section 15—Staff of Trust

10 Section 15—delete "*Public Sector Management Act 1995*" wherever occurring and substitute in each case:

Public Sector Act 2009

8—Amendment of section 20A—Business Advisory Panel

Section 20A(3)(c)—delete paragraph (c) and substitute:

15 (c) 1 must be the chief executive, or the nominee of the chief executive, of the administrative unit of the Public Service that is, under a Minister, responsible for the administration of the *Technical and Further Education Act 1975*.

Part 4—Amendment of *Acts Interpretation Act 1915*

9—Amendment of section 4—Interpretation

20 (1) Section 4(1)—after the definition of *ADI* insert:

administrative unit means an administrative unit of the Public Service;

(2) Section 4(1)—after the definition of *data storage device* insert:

25 *Department* or *department* of a Minister or of the Public Service, *government department* or *public department* means an administrative unit of the Public Service;

(3) Section 4(1)—after the definition of *public holiday* insert:

Public Service or *public service* means the Public Service under the *Public Sector Act 2009*;

Part 5—Amendment of *Adelaide Cemeteries Authority Act 2001*

30 10—Amendment of section 18—Staffing arrangements

Section 18—delete "*Public Sector Management Act 1995*" wherever occurring and substitute in each case:

Public Sector Act 2009

Part 6—Amendment of *Adelaide Dolphin Sanctuary Act 2005*

11—Amendment of section 18—Committees

Section 18(6)—delete "*Public Sector Management Act 1995*" and substitute:

Public Sector (Honesty and Accountability) Act 1995

5 12—Amendment of section 19—Board's procedures

Section 19(9)—delete "*Public Sector Management Act 1995*" and substitute:

Public Sector (Honesty and Accountability) Act 1995

Part 7—Amendment of *Adelaide Festival Centre Trust Act 1971*

13—Amendment of section 6—Composition of Trust

10 Section 6—after subsection (4) insert:

(4a) A trustee may, but need not, be a Public Service employee.

14—Repeal of section 16

Section 16—delete the section

15 15—Substitution of section 17

15 Section 17—delete the section and substitute:

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

20 A trustee 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 trustee has an interest in a matter that is shared in common with those engaged in or associated with the arts industry generally, or a substantial section of those engaged in or associated with the arts industry.

25 16—Amendment of section 21—Staffing arrangements

Section 21—delete "*Public Sector Management Act 1995*" wherever occurring and substitute in each case:

Public Sector Act 2009

Part 8—Amendment of *Adelaide Festival Corporation Act 1998*

17—Substitution of sections 13, 14 and 15

Sections 13, 14 and 15—delete the sections and substitute:

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

A member of the board 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 the arts industry generally, or a substantial section of those engaged in or associated with the arts industry.

18—Amendment of section 20A—Staffing arrangements

Section 20A—delete "*Public Sector Management Act 1995*" wherever occurring and substitute in each case:

Public Sector Act 2009

Part 9—Amendment of *Administrative Arrangements Act 1994*

19—Amendment of section 3—Interpretation

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

administrative unit means an administrative unit of the Public Service, and includes a former department or administrative unit under the *Public Sector Act 2009* or a repealed Act;

(2) Section 3, definition of *the Public Service*—delete the definition and substitute:

public sector employee has the same meaning as in the *Public Sector Act 2009*;

20—Amendment of section 8—Interpretative provision

(1) Section 8(1)—delete subsection (1) and substitute:

(1) The Governor may, by proclamation, direct that a reference in an Act, a statutory instrument (including a proclamation under this Act), any other kind of instrument or a contract, agreement or other document to a Minister, an administrative unit or an officer or employee of the Public Service (whether under the *Public Sector Act 2009* or a repealed Act) or of the Crown will have effect as if it were a reference to a Minister, an administrative unit or a public sector employee (respectively) specified in the proclamation.

(2) Section 8(4)—delete subsection (4)

Part 10—Amendment of *Adoption Act 1988*

21—Amendment of section 4—Interpretation

Section 4(1), definition of *Chief Executive*—delete the definition and substitute:

5 *Chief Executive* means the chief executive of the administrative unit of the
Public Service that is, under the Minister, responsible for the administration
of this Act;

Part 11—Amendment of *Aged and Infirm Persons' Property Act 1940*

22—Amendment of section 9A—Report on person's affairs

10 (1) Section 9A(1)—delete "the Director-General of Community Welfare" and substitute:
a prescribed officer

(2) Section 9A(1)—delete "Director-General thereon" and substitute:
officer

(3) Section 9A(2)—delete "Director-General" and substitute:
15 officer

(4) Section 9A(2)—delete "Minister of Community Welfare" and substitute:
Minister

(5) Section 9A(4)—delete "Director-General of Community Welfare or any officer of the
Department of Community Welfare" and substitute:

20 officer or a Public Service employee assisting the officer

(6) Section 9A(5)—delete "Director-General or an officer of the Department of
Community Welfare, give to the Director-General or officer" and substitute:

officer or a Public Service employee assisting the officer, give the officer or
employee

25 (7) Section 9A—after subsection (6) insert:

(7) In this section—

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

30 *prescribed officer* means the chief executive, or the nominee of the
chief executive, of the administrative unit of the Public Service that
is, under the Minister, responsible for the administration of the
Family and Community Services Act 1972.

Part 12—Amendment of *Agricultural and Veterinary Products (Control of Use) Act 2002*

23—Repeal of section 39

Section 39—delete the section

5 **Part 13—Amendment of *Air Transport (Route Licensing—Passenger Services) Act 2002***

24—Repeal of section 20

Section 20—delete the section

10 **Part 14—Amendment of *Anangu Pitjantjatjara Yankunytjatjara Land Rights Act 1981***

25—Amendment of section 13N—Minister may direct Executive Board

Section 13N(3)—delete "a member of the Minister's department" and substitute:

an employee of the administrative unit of the Public Service that is, under the Minister, responsible for the administration of this Act

15 **26—Amendment of section 13O—Minister may suspend Executive Board**

Section 13O(2)(h)—delete "Part 2 Division 5 of the *Public Sector Management Act 1995* " and substitute:

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

27—Amendment of section 19—Unauthorised entry on lands

20 Section 19(8)(ca)—delete "a member of the Minister's department" and substitute:

an employee of the administrative unit of the Public Service that is, under the Minister, responsible for the administration of this Act

28—Amendment of section 26—Mintabie Consultative Committee

Section 26—after subsection (8) insert:

25 (8a) A member of the Committee 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
30 Anangu generally or Mintabie residents generally, or a substantial section of Anangu or Mintabie residents.

Part 15—Amendment of *Animal Welfare Act 1985*

29—Insertion of section 9A

After section 9 insert:

9A—Conflict of interest under Public Sector (Honesty and Accountability) Act

A member of the Committee 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 primary production generally, animal welfare organisations generally, veterinary practice generally or medical or biological research generally, or a substantial section of those engaged in or associated with any of those fields.

30—Repeal of section 32

Section 32—delete the section

Part 16—Amendment of *Aquaculture Act 2001*

31—Substitution of section 68

Section 68—delete the section and substitute:

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

A member of the AAC 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 the aquaculture industry generally, or a substantial section of those engaged in or associated with the aquaculture industry.

32—Substitution of section 76

Section 76—delete the section and substitute:

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

A member of the ATAB 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 the aquaculture industry generally, or a substantial section of those engaged in or associated with the aquaculture industry.

33—Repeal of section 84

Section 84—delete the section

Part 17—Amendment of *Architectural Practice Act 2009*

34—Amendment of section 17—Conflict of interest etc under Public Sector Act

5 Section 17—delete "*Public Sector Management Act 1995*" and substitute:
Public Sector (Honesty and Accountability) Act 1995

35—Repeal of section 68

Section 68—delete the section

Part 18—Amendment of *Associations Incorporation Act 1985*

10 **36—Repeal of section 49B**

Section 49B—delete the section

Part 19—Amendment of *Australian Energy Market Commission Establishment Act 2004*

37—Amendment of section 48—Certain Acts not to apply

15 Section 48(1)—delete "*Public Sector Management Act 1995* does" and substitute:
Public Sector Act 2009 and the *Public Sector (Honesty And Accountability) Act 1995* do

Part 20—Amendment of *Biological Control Act 1986*

38—Amendment of section 9—Delegation

20 Section 9(1)—delete "a person holding a position in the Department of Primary Industries" and substitute:
an employee of the administrative unit of the Public Service that is, under the Minister, responsible for the administration of this Act

39—Amendment of section 53—Service of documents on Authority

25 Section 53—delete "Department of Primary Industries" and substitute:
administrative unit of the Public Service that is, under the Minister, responsible for the administration of this Act

Part 21—Amendment of *Births, Deaths and Marriages Registration Act 1996*

40—Amendment of section 5—Registrar

Section 5—after its present contents (now to be designated as subsection (1)) insert:

(2) The Registrar is to be a Public Service employee.

Note—

The note to section 5 will be removed editorially.

41—Amendment of section 7—Registrar's staff

Section 7—after subsection (2) insert:

(3) The staff are to be Public Service employees.

Note—

The notes to section 7 will be removed editorially.

42—Repeal of section 54

Section 54—delete the section

Part 22—Amendment of *Botanic Gardens and State Herbarium Act 1978*

43—Amendment of section 9—Validity of acts of Board

Section 9(2)—delete subsection (2)

44—Repeal of section 21

Section 21—delete the section

Part 23—Amendment of *Business Names Act 1996*

45—Repeal of section 29

Section 29—delete the section

Part 24—Amendment of *Carers Recognition Act 2005*

46—Amendment of section 4—Interpretation

(1) Section 4, definition of *public sector agency*—delete "*Public Sector Management Act 1995*" and substitute:

Public Sector Act 2009

(2) Section 4, definition of *reporting organisation*—delete "a public service administrative unit within the meaning of the *Public Sector Management Act 1995*" and substitute:

an administrative unit of the Public Service

Part 25—Amendment of *Carrick Hill Trust Act 1985*

47—Repeal of section 10

Section 10—delete the section

48—Amendment of section 12—Validity of acts of Trust

5 Section 12(2) and (3)—delete subsections (2) and (3)

49—Substitution of section 15

Section 15—delete the section and substitute:

15—Staff

The Trust's staff consists of—

- 10
- (a) Public Service employees assigned to assist the Trust; and
 - (b) persons employed by the Minister, on terms and conditions determined by the Minister, to assist the Trust.

Part 26—Amendment of *Children's Protection Act 1993*

50—Repeal of section 52M

15 Section 52M—delete the section

51—Repeal of section 52R

Section 52R—delete the section

52—Repeal of section 62

Section 62—delete the section

Part 27—Amendment of *Children's Services Act 1985*

53—Amendment of section 11—Director of Children's Services

Section 11(4)—delete subsection (4)

54—Amendment of section 12—Staff

25 (1) Section 12(3)—delete ", subject to subsection (4), the *Public Sector Management Act 1995* will not apply to the person" and substitute:

not as a Public Service employee

(2) Section 12(4) and (13)—delete "*Public Sector Management Act 1995*" wherever occurring and substitute in each case:

Public Sector Act 2009

Part 28—Amendment of *Child Sex Offenders Registration Act 2006*

55—Repeal of section 70

Section 70—delete the section

5 **Part 29—Amendment of *Chiropractic and Osteopathy Practice Act 2005***

56—Amendment of section 18—Conflict of interest under Public Sector (Honesty and Accountability) Act

Section 18—delete "*Public Sector Management Act 1995*" and substitute:

10 *Public Sector (Honesty and Accountability) Act 1995*

Part 30—Amendment of *Citrus Industry Act 2005*

57—Amendment of section 10—Conflict of interest under Public Sector (Honesty and Accountability) Act

Section 10—delete "*Public Sector Management Act 1995*" and substitute:

15 *Public Sector (Honesty and Accountability) Act 1995*

Part 31—Amendment of *Classification of Theatrical Performances Act 1978*

58—Repeal of section 7

Section 7—delete the section

20 **Part 32—Amendment of *Classification (Publications, Films and Computer Games) Act 1995***

59—Repeal of section 11

Section 11—delete the section

Part 33—Amendment of *Coast Protection Act 1972*

25 **60—Amendment of section 8—Membership of Board**

Section 8(1)(a), (b) and (c)—delete paragraphs (a), (b) and (c) and substitute:

- (a) I will be the chief executive, or the nominee of the chief executive, of the administrative unit of the Public Service that is, under the Minister, responsible for the administration of this Act; and

(b) 1 will be the chief executive, or the nominee of the chief executive, of the administrative unit of the Public Service that is, under a Minister, responsible for the administration of the *Harbors and Navigation Act 1993*; and

(c) 1 will be the Chief Executive Officer, or the nominee of the Chief Executive Officer, of the South Australian Tourism Commission; and

61—Amendment of section 10—Validation of acts of Board

Section 10(2)—delete subsection (2)

62—Substitution of sections 12 and 13

Sections 12 and 13—delete the sections and substitute:

12—Secretary

(1) There is to be a Secretary to the Board.

(2) The Secretary is to be a Public Service employee.

13—Board may use services or staff of administrative unit

The Board may, under an arrangement established by the Minister administering an administrative unit of the Public Service, make use of the services or staff of that administrative unit.

Part 34—Amendment of *Collections for Charitable Purposes Act 1939*

63—Repeal of section 18A

Section 18A—delete the section

Part 35—Amendment of *Construction Industry Long Service Leave Act 1987*

64—Substitution of section 11

Section 11—delete the section and substitute:

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

A member of the Board 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 the construction industry generally, or a substantial section of those engaged in or associated with the construction industry.

Part 36—Amendment of *Construction Industry Training Fund Act 1993*

65—Amendment of section 8—Disclosure of interest

Section 8—after subsection (1) insert:

- 5 (1a) A member of the Board will not be taken to have a direct or indirect
interest in a matter for the purposes of this section 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 the construction
10 industry generally, or a substantial section of those engaged in or
associated with the construction industry.

66—Amendment of section 10—Allowances and expenses

Section 10—delete "Commissioner for Public Employment" and substitute:

Commissioner for Public Sector Employment

67—Amendment of Schedule 4—Public accountability of Board

15 Schedule 4, clause 3(3)—delete subclause (3) and substitute:

- (3) An administrator of the Board may, but need not, be a Public Service
employee.

Part 37—Amendment of *Controlled Substances Act 1984*

68—Insertion of section 10A

20 After section 10 insert:

10A—Conflict of interest under Public Sector (Honesty and Accountability) Act

25 A member of the Advisory 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 the manufacture or sale of
substances or devices to which the *Controlled Substances Act 1984*
30 applies generally, or a substantial section of those engaged in or
associated with the manufacture or sale of such substances or
devices.

69—Repeal of section 54

Section 54—delete the section

Part 38—Amendment of *Coroners Act 2003*

70—Amendment of section 33—Immunities

35 Section 33(2) and (3)—delete subsections (2) and (3)

Part 39—Amendment of *Correctional Services Act 1982*

71—Amendment of section 4—Interpretation

Section 4(1), definition of *the Department*—delete the definition and substitute:

Department means the administrative unit of the Public Service that is, under the Minister, responsible for the administration of this Act;

72—Amendment of section 33—Prisoners' mail

(1) Section 33(14), definition of *authorised officer*—before "employee" insert:

officer or

(2) Section 33(14), definition of *authorised officer*—delete "employed" and substitute:

engaged

73—Amendment of section 60A—Validity of acts of Board

Section 60A(2) and (3)—delete subsections (2) and (3)

Part 40—Amendment of *Courts Administration Act 1993*

74—Amendment of section 16—State Courts Administrator

Section 16(6)—delete subsection (6)

75—Amendment of section 17—Functions and powers of Administrator

Section 17(3)—delete subsection (3)

76—Insertion of section 17A

After section 17 insert:

17A—Delegation

(1) The Administrator may, by instrument in writing, delegate a power or function under this Act—

(a) to a particular person or committee; or

(b) to the person for the time being performing particular duties or holding or acting in a particular position.

(2) A power or function delegated under this section may, if the instrument of delegation so provides, be further delegated.

(3) A delegation—

(a) may be absolute or conditional; and

(b) does not derogate from the power of the delegator to act personally in a matter; and

(c) is revocable at will.

77—Amendment of section 21B—Application of Public Sector Act and Superannuation Act

Section 21B(1) to (4)—delete subsections (1) to (4) and substitute:

- (1) The Administrator and the staff of the Council are not Public Service employees.
- (2) Employment of a person as a member of the staff of the Council is declared to be employment to which Part 7 of the *Public Sector Act 2009* applies and a person so employed is to be treated as a public sector employee, employed by the Administrator, for the purposes of that Act and the *Public Sector (Honesty and Accountability) Act 1995*.
- (3) The regulations may exclude or modify the application of a provision of Part 7 of the *Public Sector Act 2009* to employment of the staff of the Council.
- (4) Section 9(1) of the *Public Sector Act 2009* does not apply to employees holding prescribed positions or the senior staff of the Council.
- (4a) Directions may not be given under section 10 of the *Public Sector Act 2009* to the Council or the Administrator.
- (4b) The Commissioner for Public Sector Employment may not exercise functions under section 14(1)(c) or (f) of the *Public Sector Act 2009* in relation to the staff of the Council.

78—Amendment of section 23—Commissioner to consult with Council

Section 23—delete "Commissioner for Public Employment" wherever occurring and substitute in each case:

Commissioner for Public Sector Employment

79—Repeal of section 28

Section 28—delete the section

Part 41—Amendment of *Criminal Assets Confiscation Act 2005*

80—Repeal of section 215

Section 215—delete the section

Part 42—Amendment of *Criminal Law (Sentencing) Act 1988*

81—Amendment of section 3—Interpretation

Section 3(1), definitions of *the CEO* and *community corrections officer*—delete the definitions and substitute:

CEO means the chief executive of the administrative unit of the Public Service that is, under a Minister, responsible for the administration of the *Correctional Services Act 1982*;

community corrections officer means an officer or employee of the administrative unit of the Public Service that is, under a Minister, responsible for the administration of the *Correctional Services Act 1982* whose duties include the supervision of offenders in the community;

5 **82—Amendment of section 3A—Application of Act to youths**

Section 3A(3)(d)—delete "Chief Executive of the Department for Family and Community Services" and substitute:

10 chief executive of the administrative unit of the Public Service that is, under a Minister, responsible for the administration of the *Family and Community Services Act 1972*

83—Repeal of section 72B

Section 72B—delete the section

Part 43—Amendment of *Crown Land Management Act 2009*

84—Amendment of section 16—Delegation of Ministerial powers

15 Section 16(1)—delete "holding or acting in a specified office or position" and substitute:

performing particular duties or holding or acting in a particular position

85—Amendment of section 25—Disposal by transfer or grant of fee simple

20 Section 25(3)—delete "Part 2 Division 2 of the *Public Sector Management Act 1995*" and substitute:

the *Public Sector Act 2009*

86—Repeal of section 77

Section 77—delete the section

Part 44—Amendment of *Dangerous Substances Act 1979*

25 **87—Repeal of section 47**

Section 47—delete the section

Part 45—Amendment of *Dental Practice Act 2001*

88—Amendment of section 17—Conflict of interest under Public Sector (Honesty and Accountability) Act

30 Section 17—delete "*Public Sector Management Act 1995*" and substitute:

Public Sector (Honesty and Accountability) Act 1995

89—Repeal of section 29B

Section 29B—delete the section

Part 46—Amendment of *Development Act 1993*

90—Amendment of section 10—Development Assessment Commission

Section 10(8)—delete subsection (8) and substitute:

- 5 (8) The remuneration, allowances and conditions of appointment of a member of the Development Assessment Commission will be as determined by the Governor.

91—Amendment of section 10A—Special provision relating to constitution of Development Assessment Commission

Section 10A(7)—delete "the Minister's Department" and substitute:

10 the administrative unit of the Public Service that is, under the Minister, responsible for the administration of this Act

92—Repeal of section 15

Section 15—delete the section

93—Amendment of section 17—Staff

15 Section 17(3)—delete subsection (3) and substitute:

- (3) A statutory body may, under an arrangement established by the Minister administering an administrative unit of the Public Service, make use of the services or staff of that administrative unit.

94—Amendment of section 18—Appointment of authorised officers

20 Section 18(6)—delete subsection (6)

Part 47—Amendment of *Director of Public Prosecutions Act 1991*

95—Amendment of section 6—Office of Director

Section 6(2)(b)—delete paragraph (b) and substitute:

- 25 (b) Public Service employees assigned to work in the Office.

Part 48—Amendment of *Dog and Cat Management Act 1995*

96—Substitution of section 18

Section 18—delete the section and substitute:

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

A member of the Board 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 the other Board members, or persons engaged in or associated with dog or cat management generally, or a substantial section of those engaged in or associated with dog or cat management.

97—Repeal of section 20

Section 20—delete the section

98—Repeal of section 84

Section 84—delete the section

Part 49—Amendment of *Dog Fence Act 1946*

99—Insertion of section 15A

After section 15 insert:

15A—Conflict of interest under Public Sector (Honesty and Accountability) Act

A member of the Board 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 shared in common with those engaged in or associated with animal or plant control generally or primary industry generally, or a substantial section of those engaged in or associated with animal or plant control or primary industry.

100—Repeal of section 38

Section 38—delete the section

Part 50—Amendment of *Economic Development Act 1993*

101—Repeal of sections 12, 13 and 14

Sections 12, 13 and 14—delete the sections

Part 51—Amendment of *Education Act 1972*

102—Amendment of section 5—Interpretation

Section 5(1), definitions of *the Department* and *the Director-General*—delete the definitions and substitute:

5 *Department* means the administrative unit of the Public Service that is, under the Minister, responsible for the administration of this Act;

Director-General means the chief executive of the Department;

103—Repeal of section 11

Section 11—delete the section

10 104—Amendment of section 13—Delegation

Section 13(1)—delete "holding or acting in a specified office or position" and substitute:

 performing particular duties or holding or acting in a particular office or position

15 105—Amendment of section 72C—Validity of acts of Board

Section 72C(2) and (3)—delete subsections (2) and (3)

Part 52—Amendment of *Electoral Act 1985*

106—Amendment of section 4—Interpretation

Section 4(1), definition of *officer*—delete the definition and substitute:

20 *officer* means a person appointed to an office under this Act or assisting the Electoral Commissioner in the administration of this Act or engaged by the Electoral Commissioner under this Act;

107—Amendment of section 6—Acting appointments

(1) Section 6(1)—delete "an officer of the Public Service of the State" and substitute:

25 a Public Service employee

(2) Section 6(2)—delete "an officer of the Public Service of the State" and substitute:

 a Public Service employee

108—Substitution of section 12

Section 12—delete the section and substitute:

30 12—Staff

(1) The Electoral Commissioner's staff consists of—

(a) Public Service employees assigned to assist the Commissioner; and

(b) persons employed by the Commissioner, on terms and conditions determined by the Commissioner, for the purposes of an election or otherwise on a temporary basis as required for the administration of this Act.

5 (2) A person employed under subsection (1)(b) is to be remunerated in accordance with a scale of fees and allowances fixed by the Minister.

Part 53—Amendment of *Electrical Products Act 2000*

109—Repeal of section 24

Section 24—delete the section

10 Part 54—Amendment of *Electricity Act 1996*

110—Amendment of section 7—Technical Regulator

Section 7(2)—after "Minister" insert:

and is an agency of the Crown

111—Repeal of section 95

15 Section 95—delete the section

Part 55—Amendment of *Emergency Services Funding Act 1998*

112—Amendment of section 20—Sale of land for non-payment of levy

Section 20(13)—delete "Department of Justice" and substitute:

20 administrative unit of the Public Service that is, under the Minister, responsible for the administration of this Act

113—Amendment of section 23—Liability for levy

Section 23(2)—delete "department or administrative unit for the time being administering that Act" and substitute:

25 administrative unit of the Public Service that is, under a Minister, responsible for the administration of that Act

114—Amendment of section 27—Payment of levy into Fund

Section 27—delete "the department or administrative unit for the time being administering" and substitute:

30 administrative unit of the Public Service that is, under a Minister, responsible for the administration of

Part 56—Amendment of *Environment Protection Act 1993*

115—Amendment of section 17—Board may establish committees and subcommittees

Section 17—after subsection (3) insert:

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

116—Repeal of section 18

10 Section 18—delete the section

117—Repeal of section 122

Section 122—delete the section

Part 57—Amendment of *Environment, Resources and Development Court Act 1993*

118—Amendment of Schedule—Commissioners

Schedule, clause 1(3)(a)—delete paragraph (a) and substitute:

- 20 (a) the commissioner is not a Public Service employee, but will have rights to long service leave, recreation leave, sick leave and other forms of leave as if the commissioner were a Public Service employee; and

Part 58—Amendment of *Equal Opportunity Act 1984*

119—Amendment of section 15—Power of Commissioner to delegate

Section 15(1)—delete "a person from time to time holding or acting in a particular Public Service position" and substitute:

25 a Public Service employee

120—Repeal of section 16

Section 16—delete the section

121—Amendment of section 29—Criteria for discrimination on ground of sex, chosen gender or sexuality

30 Section 29(3)(b)—delete "person"

Part 59—Amendment of *Essential Services Commission Act 2002*

122—Amendment of section 19—Conflict of interest

Section 19—after subsection (4) insert:

- 5 (5) Section 8 of the *Public Sector (Honesty and Accountability) Act 1995* does not apply to the Chairperson, an Acting Chairperson or any Commissioner.

123—Repeal of section 49

Section 49—delete the section

Part 60—Amendment of *Fair Trading Act 1987*

124—Amendment of section 91B—Immunity from liability

10 Section 91B(1) and (2)—delete subsections (1) and (2)

Part 61—Amendment of *Fair Work Act 1994*

125—Amendment of section 4—Interpretation

15 Section 4(1), definition of *public employee*, (a)—delete "*Public Sector Management Act 1995*" and substitute:

Public Sector Act 2009

126—Amendment of section 29—President

Section 29(2)(e)—delete paragraph (e) and substitute:

- (e) the Commissioner for Public Sector Employment,

127—Amendment of section 30—Deputy Presidents

20 Section 30(2)(e)—delete paragraph (e) and substitute:

- (e) the Commissioner for Public Sector Employment,

128—Amendment of section 34—Commissioners

Section 34(2)(e)—delete paragraph (e) and substitute:

- 25 (e) the Commissioner for Public Sector Employment,

129—Amendment of section 36—Remuneration and conditions of office

Section 36(1)(b)—delete "*Public Sector Management Act 1995*" and substitute:

Public Sector Act 2009

130—Amendment of section 51—Membership of Committee

30 Section 51(1)(b)—delete "department" and substitute:

administrative unit of the Public Service

131—Amendment of section 52—Terms of office

Section 52(5)—delete "department" and substitute:

administrative unit of the Public Service that is, under the Minister,
responsible for administering this Part

5 **132—Amendment of section 53—Remuneration and expenses**

Section 53—delete "department" and substitute:

administrative unit of the Public Service that is, under the Minister,
responsible for administering this Part

133—Amendment of section 55—Proceedings

10 Section 55(3)—delete "department" and substitute:

administrative unit of the Public Service that is, under the Minister,
responsible for administering this Part

134—Insertion of section 55A

After section 55 insert:

15 **55A—Conflict of interest under Public Sector (Honesty and
Accountability) Act**

20 A member of the Committee 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
employers generally or employees generally, or a substantial section
of employers or employees.

**135—Amendment of section 58—Appointment and conditions of office of
Employee Ombudsman**

25 Section 58(2)(e)—delete paragraph (e) and substitute:

(e) the Commissioner for Public Sector Employment,

**136—Amendment of section 101—State industrial authorities to apply
principles**

30 Section 101(3), definition of *State industrial authority*, (c)—delete paragraph (c) and
substitute:

(c) the Commissioner for Public Sector Employment; or

137—Repeal of section 218

Section 218—delete the section

Part 62—Amendment of *Family and Community Services Act 1972*

138—Amendment of section 6—Interpretation

Section 6(1), definition of *Department*—delete the definition and substitute:

5 *Department* means the administrative unit of the Public Service that is, under
the Minister, responsible for the administration of this Act;

139—Amendment of section 8—Delegation

Section 8(4)—delete subsection (4)

140—Repeal of section 235A

10 Section 235A—delete the section

Part 63—Amendment of *Fire and Emergency Services Act 2005*

141—Amendment of section 3—Interpretation

(1) Section 3(1), definition of *department*—after "administrative unit" insert:
of the Public Service

15 (2) Section 3(1), definition of *department*—delete "being the relevant department" and
substitute:
the department

(3) Section 3(1), definition of *public sector agency*—delete "*Public Sector Management
Act 1995*" and substitute
20 *Public Sector Act 2009*

142—Insertion of section 15

After section 14 insert:

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

25 A member of the Board 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 by virtue of being a member of an
emergency services organisation.

143—Amendment of section 17—Staff

30 Section 17(1)(a)—delete "Commissioner for Public Employment" and substitute:
Commissioner for Public Sector Employment

144—Amendment of section 22—Annual reports

- (1) Section 22(1)—delete "section 6A of the *Public Sector Management Act 1995*" and substitute:

the *Public Sector Act 2009*

- (2) Section 22(2)(c)—delete "*Public Sector Management Act 1995*" and substitute:

Public Sector Act 2009

145—Amendment of section 27—Chief Officer

Section 27(3)—delete "Commissioner for Public Employment" and substitute:

Commissioner for Public Sector Employment

146—Amendment of section 28—Deputy Chief Officer and Assistant Chief Officers

Section 28(2)—delete "Commissioner for Public Employment" and substitute:

Commissioner for Public Sector Employment

147—Amendment of section 53—Annual reports

- (1) Section 53(1)—delete "section 6A of the *Public Sector Management Act 1995*" and substitute:

the *Public Sector Act 2009*

- (2) Section 53(2)(b)—delete "*Public Sector Management Act 1995*" and substitute:

Public Sector Act 2009

148—Amendment of section 60—Chief Officer

Section 60(3)—delete "Commissioner for Public Employment" and substitute:

Commissioner for Public Sector Employment

149—Amendment of section 61—Deputy Chief Officer and Assistant Chief Officers

Section 61(2)—delete "Commissioner for Public Employment" and substitute:

Commissioner for Public Sector Employment

150—Amendment of section 71B—Power of delegation

Section 71B(1)(a)—delete "holding or acting in a particular office or position" and substitute:

performing particular duties or holding or acting in a particular office or position

151—Amendment of section 71E—Annual reports

Section 71E—delete "section 6A of the *Public Sector Management Act 1995*" and substitute:

Public Sector Act 2009

152—Amendment of section 72C—Power of delegation

Section 72C—delete "holding or acting in a particular office or position" and substitute:

5 performing particular duties or holding or acting in a particular office or position

153—Amendment of section 73—State Bushfire Management Plan

Section 73(7)(b)(iii)—delete "any Government Department or agency" and substitute:
a public sector agency (within the meaning of the *Public Sector Act 2009*)

154—Amendment of section 73A—Bushfire Management Area Plans

10 Section 73A(7)(b)(iii)—delete "any Government Department or agency" and substitute:

a public sector agency (within the meaning of the *Public Sector Act 2009*)

155—Amendment of section 101—Annual reports

15 (1) Section 101(1)—delete "section 6A of the *Public Sector Management Act 1995*" and substitute:

the *Public Sector Act 2009*

(2) Section 101(2)(b)—delete "*Public Sector Management Act 1995*" and substitute:

Public Sector Act 2009

156—Amendment of section 109—Chief Officer

20 Section 109(3)—delete "Commissioner for Public Employment" and substitute:

Commissioner for Public Sector Employment

157—Amendment of section 110—Deputy Chief Officer and Assistant Chief Officers

Section 110(2)—delete "Commissioner for Public Employment" and substitute:

25 Commissioner for Public Sector Employment

158—Section 121—Annual reports

(1) Section 121(1)—delete "section 6A of the *Public Sector Management Act 1995*" and substitute:

the *Public Sector Act 2009*

30 (2) Section 121(2)(b)—delete "*Public Sector Management Act 1995*" and substitute:

Public Sector Act 2009

Part 64—Amendment of *Forestry Act 1950*

159—Repeal of section 8F

Section 8F—delete the section

Part 65—Amendment of *Freedom of Information Act 1991*

160—Amendment of section 4—Interpretation

- (1) Section 4(1), definition of *accredited FOI officer*, (b)(iii)(A)—delete
subsubparagraph (A) and substitute:

5 (A) in relation to an administrative unit of the Public Service—is an
executive employee or an employee who usually reports to an
executive employee; or

- (2) Section 4(1), definition of *agency*, (c)—delete "under the *Public Sector Management
Act 1995*" and substitute:

10 of the Public Service

Part 66—Amendment of *Gaming Machines Act 1992*

161—Repeal of section 83

Section 83—delete the section

Part 67—Amendment of *Gas Act 1997*

15 **162—Repeal of section 92**

Section 92—delete the section

Part 68—Amendment of *Gene Technology Act 2001*

163—Amendment of section 10—Definitions

20 Section 10(1), definition of *State agency*, (c)—delete "within the meaning of the
Public Sector Management Act 1995" and substitute:

of the Public Service

164—Amendment of section 29—Delegation

Section 29(1)(a)—delete paragraph (a) and substitute:

- (a) a Public Service employee;

Part 69—Amendment of *Genetically Modified Crops Management Act 2004*

165—Substitution of section 12

Section 12—delete the section and substitute:

5 **12—Conflict of interest under Public Sector (Honesty and Accountability) Act**

10 A member of the Advisory Committee 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 the public or persons engaged in or associated with the industry in which the member works generally, or a substantial section of the public or such persons.

166—Amendment of section 26—Immunity from liability

- 15 (1) Section 26(1) and (2)—delete subsections (1) and (2)
 (2) Section 26(3)—delete "In addition, no" and substitute:
 No

Part 70—Amendment of *Geographical Names Act 1991*

167—Amendment of section 3—Interpretation

20 Section 3, definition of *recorded name*—delete "the Department of Lands" and substitute:
 an administrative unit of the Public Service

Part 71—Amendment of *Government Business Enterprises (Competition) Act 1996*

25 **168—Amendment of section 3—Interpretation**

 Section 3, definition of *government agency*, (b)—delete "a department or"

169—Substitution of section 21

 Section 21—delete the section and substitute:

30 **21—Annual report**

 The annual report of the administrative unit of the Public Service that is responsible, under the Minister, for the administration of this Act must include a report on the investigations carried out under this Act for the relevant financial year.

Part 72—Amendment of *Government Financing Authority Act 1982*

170—Repeal of section 7

Section 7—delete the section

5 171—Repeal of sections 18E and 18F

Sections 18E and 18F—delete the sections

172—Substitution of section 20

Section 20—delete the section and substitute:

20—Staff

- 10 (1) The Authority's staff consists of—
- (a) Public Service employees assigned to assist the Authority;
and
 - (b) persons employed by the Authority, with the consent of the
15 Treasurer and on terms and conditions determined by the
Treasurer, to assist the Authority.
- (2) The Treasurer may, by notice in the Gazette—
- (a) exclude Public Service employees who are members of the
Authority's staff from specified provisions of the *Public*
20 *Sector Act 2009*; and
 - (b) if the Treasurer thinks that certain provisions should apply
to such employees instead of those excluded under
paragraph (a)—determine that those provisions will apply,
and such a notice will have effect according to its terms.
- 25 (3) The Authority may, under an arrangement established by the
Minister administering an administrative unit of the Public Service,
make use of the services or staff of that administrative unit.

Part 73—Amendment of *Guardianship and Administration Act 1993*

173—Repeal of section 83

30 Section 83—delete the section

Part 74—Amendment of *Health and Community Services Complaints Act 2004*

174—Amendment of section 14—Staff

Section 14(2)(a)—delete "*Public Sector Management Act 1995*" and substitute:

5 *Public Sector Act 2009*

175—Substitution of section 71

Section 71—delete the section and substitute:

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

10 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
health and community service providers generally, or a substantial
15 section of health and community service providers.

Part 75—Amendment of *Health Care Act 2008*

176—Amendment of section 31—General powers of incorporated hospital

Section 31(1a)(f)(i)—delete "*Public Sector Management Act 1995*" and substitute:

Public Sector Act 2009

177—Amendment of section 34—Employed staff

20 Section 34—delete "*Public Sector Management Act 1995*" wherever occurring and
substitute in each case:

Public Sector Act 2009

178—Amendment of section 52—Employed staff

25 Section 52—delete "*Public Sector Management Act 1995*" wherever occurring and
substitute in each case:

Public Sector Act 2009

179—Repeal of section 89

Section 89—delete the section

180—Amendment of Schedule 2—Health Advisory Councils

Schedule 2, clause 3—delete the clause and substitute:

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

5 The *Public Sector (Honesty and Accountability) Act 1995* applies to a member of a HAC that has not been incorporated under this Act as if the HAC were an advisory body and the Minister responsible for the administration of this Act were the relevant Minister.

Part 76—Amendment of *Heritage Places Act 1993*

10 181—Amendment of section 41A

Section 41A(4) and (5)—delete subsections (4) and (5) and substitute:

- (4) The Minister must cause a register to be kept, at a place determined by the Minister, of all delegations made under this section.

182—Repeal of section 41B

15 Section 41B—delete the section

Part 77—Amendment of *Highways Act 1926*

183—Amendment of section 28—Annual report

Section 28(3)—delete "and the report is laid before each House of Parliament in accordance with the *Public Sector Management Act 1995*"

20 184—Repeal of section 29

Section 29—delete the section

185—Amendment of section 32—Application of Highways Fund

Section 32—delete "the Police Department" wherever occurring and substitute in each case:

25 South Australia Police

Part 78—Amendment of *History Trust of South Australia Act 1981*

186—Repeal of section 10

Section 10—delete the section

30 187—Amendment of section 13—Validity of acts of Trust

Section 13(2)—delete subsection (2)

188—Amendment of section 16—Staffing arrangements

Section 16—delete "*Public Sector Management Act 1995*" wherever occurring and substitute in each case:

Public Sector Act 2009

5 **Part 79—Amendment of *Housing and Urban Development (Administrative Arrangements) Act 1995***

189—Amendment of section 17—Staff

Section 17(1)—delete "persons who are appointed and hold office under the *Public Sector Management Act 1995*" and substitute:

10 Public Service employees

Part 80—Amendment of *Independent Gambling Authority Act 1995*

190—Amendment of section 8—Validity of acts of Authority

Section 8(2) and (3)—delete subsections (2) and (3)

15 **191—Repeal of section 9**

Section 9—delete the section

192—Amendment of section 10—Secretary

Section 10(2)—delete subsection (2) and substitute:

(2) The Secretary will be a Public Service employee.

20 **Part 81—Amendment of *Legal Practitioners Act 1981***

193—Amendment of section 90—Lay observers

Section 90(2)—delete ", subject to the *Public Sector Management Act 1995*" and substitute:

a Public Service employee

25 **Part 82—Amendment of *Legal Services Commission Act 1977***

194—Amendment of section 15—Employment of legal practitioners and other persons by Commission

Section 15(3)—delete "Commissioner for Public Employment" and substitute:

Commissioner for Public Sector Employment

Part 83—Amendment of *Libraries Act 1982*

195—Insertion of section 11A

After section 11 insert:

11A—Conflict of interest under Public Sector (Honesty and Accountability) Act

A member of the Board 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 public librarians generally, or a substantial section of public librarians.

196—Amendment of section 12—Validity of acts of Board

Section 12(2) and (3)—delete subsections (2) and (3)

197—Repeal of Part 2 Division 6

Part 2 Division 6—delete the Division

198—Amendment of section 38—Training of librarians

- (1) Section 38—delete ", subject to the provisions of the *Public Service Act 1967*,"
- (2) Section 38—delete ", whether those persons are employed under this Act or not"

Part 84—Amendment of *Liquor Licensing Act 1997*

199—Amendment of section 8—Liquor and Gambling Commissioner

Section 8(3)—delete subsection (3) and substitute:

- (3) The Commissioner is to be a Public Service employee.

200—Repeal of section 137

Section 137—delete the section

Part 85—Amendment of *Listening and Surveillance Devices Act 1972*

201—Amendment of section 8—Possession etc of declared listening device

Section 8(6)—delete "(within the meaning of the *Public Sector Management Act 1995*)" and substitute:

of an administrative unit of the Public Service

Part 86—Amendment of *Livestock Act 1997*

202—Insertion of section 10A

After section 10 insert:

10A—Conflict of interest under Public Sector (Honesty and Accountability) Act

A member of a livestock advisory group 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 the relevant sector of the livestock industry generally, or a substantial section of those engaged in or associated with the relevant sector of the livestock industry.

203—Repeal of section 67

Section 67—delete the section

Part 87—Amendment of *Local Government Act 1999*

204—Amendment of section 19—Validity of acts

Section 19(2) and (3)—delete subsections (2) and (3)

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

Schedule 1A, clause 24(1), (2) and (3)—delete subclauses (1), (2) and (3)

Part 88—Amendment of *Maralinga Tjarutja Land Rights Act 1984*

206—Amendment of section 33—Tribal assessor

Section 33(3)—delete "after considering the advice of the Public Service Board" after consultation with the Commissioner for Public Sector Employment

Part 89—Amendment of *Marine Parks Act 2007*

207—Repeal of section 31

Section 31—delete the section

208—Repeal of section 53

Section 53—delete the section

Part 90—Amendment of *Medical Practice Act 2004*

209—Amendment of section 17—Conflict of interest etc under Public Sector (Honesty and Accountability) Act

Section 17—delete "*Public Sector Management Act 1995*" and substitute:

5 *Public Sector (Honesty and Accountability) Act 1995*

210—Repeal of section 30

Section 30—delete the section

Part 91—Amendment of *Mines and Works Inspection Act 1920*

211—Amendment of section 7—Inspection for official purposes

10 Section 7(1)—delete "officer" wherever occurring and substitute in each case:

Public Service employee

212—Amendment of section 10B—Establishment of appeal board

(1) Section 10B(4)—delete subsection (4) and substitute:

15 (4) A person who is an employee of an administrative unit of the Public Service that is, under the Minister, responsible for the administration of this Act or who has a direct or indirect financial interest in the conduct of mining operations in this State may not be a member of the appeal board.

(2) Section 10B(7) and (8)—delete subsections (7) and (8) and substitute:

20 (7) Subject to subsection (4), a member of the appeal board may, but need not, be a Public Service employee.

Part 92—Amendment of *Mining Act 1971*

213—Substitution of section 13

Section 13—delete the section and substitute:

25 **13—Mining registrars and other staff**

- 30 (1) There is to be a Mining Registrar and other mining registrars.
- (2) The Mining Registrar and the mining registrars are to be Public Service employees.
- (3) The Mining Registrar may delegate a power or function of the Mining Registrar to another mining registrar.
- (4) A delegation—
- (a) may be made subject to conditions or limitations; and
- (b) is revocable at will; and

(c) does not prevent the Mining Registrar from acting personally in a matter.

(5) A mining registrar may be assigned to act as the Mining Registrar—

(a) during a vacancy in the office of Mining Registrar; or

(b) when the Mining Registrar is absent from, or unable to discharge, official duties.

214—Repeal of section 89A

Section 89A—delete the section

Part 93—Amendment of *Motor Accident Commission Act 1992*

215—Repeal of section 9

Section 9—delete the section

216—Repeal of sections 11 and 12

Sections 11 and 12—delete the sections

Part 94—Amendment of *Motor Vehicles Act 1959*

217—Amendment of section 38A—Reduced fees for certain concession card holders

Section 38A(1)(a)(i)—delete subparagraph (i) and substitute:

(i) a State concession card of a prescribed class; or

218—Amendment of section 38AB—Registration fees for trailers owned by certain concession card holders

Section 38AB(1)(a)(i)—delete subparagraph (i) and substitute:

(i) a State concession card of a prescribed class; or

219—Amendment of section 139E—Protection from liability

Section 139E(1) and (2)—delete subsections (1) and (2)

Part 95—Amendment of *National Parks and Wildlife Act 1972*

220—Amendment of section 12—Delegation

Section 12(4)—delete "to the person from time to time holding, or performing the duties of, a specified position in the Public Service of the State" and substitute:

to a Public Service employee for the time being performing particular duties or holding or acting in a particular position

221—Amendment of section 13—Information to be included in annual report

Section 13(1)—delete "Each annual report presented by the Department to the Minister under section 66 of the *Public Sector Management Act 1995*" and substitute:

The annual report of the Department

5 **222—Substitution of section 19A**

Section 19A—delete the section and substitute:

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

10 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.

15 **223—Repeal of section 19J**

Section 19J—delete the section

224—Repeal of section 19P

Section 19P—delete the section

20 **225—Repeal of section 26A**

Section 26A—delete the section

Part 96—Amendment of *Native Vegetation Act 1991*

226—Amendment of section 12—Validity of acts of Council

Section 12(2) and (3)—delete subsections (2) and (3)

25 **227—Substitution of section 13**

Section 13—delete the section and substitute:

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

- 30 (1) The *Public Sector (Honesty and Accountability) Act 1995* applies to a member of the Council as an advisory body member (whether the Council is providing advice to the Minister or performing some other function).
- 35 (2) 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 primary producers generally, or a substantial section of primary producers.

228—Amendment of section 16—Staff

Section 16(2) and (3)—delete subsections (2) and (3) and substitute:

- (2) The secretary and other members of staff are to be Public Service employees.
- (3) The Council may, under an arrangement established by the Minister administering an administrative unit of the Public Service, make use of the services or staff of that administrative unit.

229—Amendment of section 33A—Appointment of authorised officers

Section 33A(7) and (8)—delete subsections (7) and (8)

Part 97—Amendment of *Natural Resources Management Act 2004*

230—Amendment of section 20—Annual report

Section 20(1)—delete "section 6A of the *Public Sector Management Act 1995*" and substitute:

the *Public Sector Act 2009*

231—Insertion of section 28A

After section 28 insert:

28A—Conflict of interest under Public Sector (Honesty and Accountability) Act

A member of a regional NRM board 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—

- (a) the member has an interest in a matter that is shared in common with persons in the region for which the board is established generally or primary producers in the region generally, or a substantial section of those persons or primary producers; or
- (b) the member has an interest in a matter as a member or officer of a constituent council or council subsidiary that has an interest in the matter.

232—Amendment of section 34—Staff

- (1) Section 34(4)—delete "Commissioner for Public Employment" and substitute:

Commissioner for Public Sector Employment

- (2) Section 34—delete "*Public Sector Management Act 1995*" wherever occurring and substitute in each case:

Public Sector Act 2009

233—Amendment of section 38—Annual reports

Section 38(1)—delete "section 6A of the *Public Sector Management Act 1995*" and substitute:

the *Public Sector Act 2009*

5 **234—Amendment of section 50—Allowances and expenses**

Section 50—delete "Commissioner for Public Employment" and substitute:

Commissioner for Public Sector Employment

235—Insertion of section 51A

After section 51 insert:

10 **51A—Conflict of interest under Public Sector (Honesty and Accountability) Act**

15 A member of an NRM group 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—

- 20
- (a) the member has an interest in a matter that is shared in common with persons in the area for which the board is established generally or primary producers in the area generally, or a substantial section of those persons or primary producers; or
 - (b) the member has an interest in a matter as a member or officer of a constituent council or council subsidiary that has an interest in the matter.

236—Amendment of section 57—Annual reports

25 Section 57(1)—delete "section 6A of the *Public Sector Management Act 1995*" and substitute:

the *Public Sector Act 2009*

237—Amendment of section 212—Immunity from liability

Section 212(3) and (4)—delete subsections (3) and (4)

30 **238—Repeal of Schedule 1 clause 5**

Schedule 1, clause 5—delete the clause

Part 98—Amendment of *Nursing and Midwifery Practice Act 2008*

35 **239—Amendment of section 18—Conflict of interest under Public Sector (Honesty and Accountability) Act**

Section 18—delete "*Public Sector Management Act 1995*" and substitute:

Public Sector (Honesty and Accountability) Act 1995

Part 99—Amendment of *Occupational Health, Safety and Welfare Act 1986*

240—Amendment of section 4—Interpretation

- (1) Section 4(1), definition of *Department*—delete the definition and substitute:

5 *Department* means the administrative unit of the Public Service that is, under the Minister, responsible for the administration of this Act;

- (2) Section 4(1), definition of *the designated person*, (b)—delete "Director-General of Mines and Energy" and substitute:

10 chief executive of the administrative unit of the Public Service that is, under a Minister, responsible for the administration of those Acts;

241—Amendment of section 9—Terms and conditions of office

- (1) Section 9(3)(e)—delete paragraph (e)
(2) Section 9(6) to (8) (inclusive)—delete subsections (6) to (8)

242—Amendment of section 11—Validity of acts

15 Section 11(2) and (3)—delete subsections (2) and (3)

243—Insertion of section 12A

After section 12 insert:

12A—Conflict of interest under Public Sector (Honesty and Accountability) Act

- 20 (1) A member of the Advisory Committee 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 employers or employees generally, or a substantial section of employers or employees.
- 25 (2) Despite the *Public Sector (Honesty and Accountability) Act 1995*, a member of the Advisory Committee who has made a disclosure of an interest in a matter decided or under consideration by the Advisory Committee may, with the permission of a majority of the members of the Advisory Committee who may vote on the matter, attend or remain at a meeting when the matter is under consideration in order to ask or answer questions, or to provide any other information or material that may be relevant to the deliberations of the Advisory Committee, provided that the member then withdraws from the room and does not in any other way take part in any deliberations or vote on the matter.
- 30
- 35

244—Repeal of section 51

Section 51—delete the section

Part 100—Amendment of *Occupational Therapy Practice Act 2005*

245—Amendment of section 18—Conflict of interest etc under Public Sector (Honesty and Accountability) Act

5 Section 18—delete "*Public Sector Management Act 1995*" and substitute:
Public Sector (Honesty and Accountability) Act 1995

Part 101—Amendment of *Offshore Minerals Act 2000*

246—Amendment of section 31—State officer acting under delegation

10 Section 31—delete "*Public Sector Management Act 1995*" and substitute:
Public Sector Act 2009

247—Amendment of section 421—Appointment of inspectors

 Section 421(1)—delete "*Public Sector Management Act 1995*" and substitute:
Public Sector Act 2009

Part 102—Amendment of *Ombudsman Act 1972*

248—Amendment of section 3—Interpretation

15 Section 3(1), definition of *administrative unit*—delete "under the *Public Sector Management Act 1995*" and substitute:
 of the Public Service

249—Amendment of section 12—Officers of Ombudsman

20 Section 12(2)(a)—delete "*Public Sector Management Act 1995*" and substitute:
Public Sector Act 2009

Part 103—Amendment of *Opal Mining Act 1995*

250—Repeal of section 97

 Section 97—delete the section

25 Part 104—Amendment of *Optometry Practice Act 2007*

251—Amendment of section 18—Conflict of interest under Public Sector (Honesty and Accountability) Act

 Section 18—delete "*Public Sector Management Act 1995*" and substitute:
Public Sector (Honesty and Accountability) Act 1995

Part 105—Amendment of *Outback Areas Community Development Trust Act 1978*

252—Amendment of section 10—Validity of acts of the Trust

Section 10(2)—delete subsection (2)

5 253—Repeal of section 11

Section 11—delete the section

Part 106—Amendment of *Parliament (Joint Services) Act 1985*

254—Amendment of section 11—Classification of offices

Section 11(3)—delete subsection (3) and substitute:

- 10 (3) For the purposes of this section—
- (a) a system of classification that corresponds to one applying to Public Service employees should be adopted (as far as may be appropriate to the various offices of the joint parliamentary service); and
 - 15 (b) if the salary or limits of salary that attach to a particular classification applying to Public Service employees are altered, that alteration operates in relation to the corresponding classification under this Act.

255—Amendment of section 30—Allowances and deductions

20 Section 30(2)—delete subsection (2) and substitute:

- (2) For the purposes of this section—
- (a) the allowances and deductions fixed by the Committee must correspond to ones applying to Public Service employees; and
 - 25 (b) if there is any alteration to the allowances or deductions applying to Public Service employees, that alteration must be adopted by the Committee for the purposes of this Act.

Part 107—Amendment of *Parole Orders (Transfer) Act 1983*

256—Amendment of section 3—Interpretation

30 Section 3, definition of *the Department*—delete the definition

257—Amendment of section 4—Appointment of Registrar

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

- (2) The Registrar is to be a Public Service employee.

258—Amendment of section 5—Power of Minister to delegate

Section 5(1)—delete "any officer of the Department" and substitute:
a Public Service employee

Part 108—Amendment of *Partnership Act 1891*

5 **259—Repeal of section 82**

Section 82—delete the section

Part 109—Amendment of *Pastoral Land Management and Conservation Act 1989*

10 **260—Substitution of section 16**

Section 16—delete the section and substitute:

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

15 A member of the Board 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 pastoralists generally, or a substantial section of pastoralists.

261—Repeal of section 64

Section 64—delete the section

20 **Part 110—Amendment of *Petroleum and Geothermal Energy Act 2000***

262—Repeal of section 132

Section 132—delete the section

25 **Part 111—Amendment of *Petroleum Products Regulation Act 1995***

263—Repeal of section 58

Section 58—delete the section

Part 112—Amendment of *Pharmacy Practice Act 2007*

30 **264—Amendment of section 17—Conflict of interest under Public Sector (Honesty and Accountability) Act**

Section 17—delete "*Public Sector Management Act 1995*" and substitute:
Public Sector (Honesty and Accountability) Act 1995

Part 113—Amendment of *Phylloxera and Grape Industry Act 1995*

265—Substitution of section 9

Section 9—delete the section and substitute:

5 **9—Conflict of interest under Public Sector (Honesty and Accountability) Act**

10 A member of the Board 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 the grape growing industry generally or the wine industry generally, or a substantial section of those engaged in or associated with the grape growing industry or the wine industry.

15 **266—Repeal of section 28**

Section 28—delete the section

Part 114—Amendment of *Physiotherapy Practice Act 2005*

267—Amendment of section 18—Conflict of interest under Public Sector (Honesty and Accountability) Act

20 Section 18—delete "*Public Sector Management Act 1995*" and substitute:
Public Sector (Honesty and Accountability) Act 1995

Part 115—Amendment of *Plant Health Act 2009*

268—Repeal of section 46

Section 46—delete the section

25 **269—Amendment of section 49—Delegation**

Section 49(1)—delete "holding or acting in a specified office or position" and substitute:
performing particular duties or holding or acting in a particular position

Part 116—Amendment of *Podiatry Practice Act 2005*

30 **270—Amendment of section 18—Conflict of interest under Public Sector (Honesty and Accountability) Act**

Section 18—delete "*Public Sector Management Act 1995*" and substitute:
Public Sector (Honesty and Accountability) Act 1995

Part 117—Amendment of *Police (Complaints and Disciplinary Proceedings) Act 1985*

271—Amendment of section 9—Staff of Authority

Section 9(2)(a)—delete "*Public Sector Management Act 1995*" and substitute:

Public Sector Act 2009

272—Amendment of section 21A—Determination by Authority to resolve complaint informally

Section 21A(2)(b)—delete "member of the police force" and substitute:

designated officer

Part 118—Amendment of *Primary Produce (Food Safety Schemes) Act 2004*

273—Repeal of section 37

Section 37—delete the section

Part 119—Amendment of *Prisoners (Interstate Transfer) Act 1982*

274—Repeal of section 4

Section 4—delete the section

275—Amendment of section 5—Interpretation

Section 5(1), definition of *prison officer*—delete the definition and substitute:

prison officer means an officer or employee of the administrative unit that is, under a Minister, responsible for the administration of the *Correctional Services Act 1982* employed in a prison;

Part 120—Amendment of *Private Parking Areas Act 1986*

276—Repeal of section 13

Section 13—delete the section

Part 121—Amendment of *Professional Standards Act 2004*

277—Repeal of Schedule 2 clause 7

Schedule 2, clause 7—delete the clause

Part 122—Amendment of *Protective Security Act 2007*

278—Repeal of section 31

Section 31—delete the section

Part 123—Amendment of *Psychological Practices Act 1973*

279—Amendment of section 8—Composition of Board

Section 8(3) and (4)—delete subsections (3) and (4)

280—Insertion of section 10A

After section 10 insert:

10A—Conflict of interest under Public Sector (Honesty and Accountability) Act

A member of the Board 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 psychologists generally or psychiatrists generally or a substantial section of psychologists or psychiatrists.

281—Amendment of section 11—Validity of acts of Board

Section 11(2)—delete subsection (2)

282—Amendment of section 13—Registrar, officers and servants

Section 13(2)—delete subsection (2) and substitute:

- (2) The Board may, with the approval of the Minister and under an arrangement established by the Minister administering an administrative unit of the Public Service, make use of the services or staff of that administrative unit.

Part 124—Amendment of *Public and Environmental Health Act 1987*

283—Amendment of section 11—Validity of acts of Council

Section 11(2) and (3)—delete subsections (2) and (3)

284—Repeal of section 40

Section 40—delete the section

Part 125—Amendment of *Public Corporations Act 1993*

285—Substitution of section 22

Section 22—delete the section and substitute:

22—Immunity for directors

- 5 (1) Subject to this Act, no civil liability attaches to a director of a public corporation for an act or omission in the performance or discharge, or purported performance or discharge, of the director's functions or duties.
- 10 (2) An action that would, but for subsection (1), lie against the director lies instead against the corporation.
- (3) This section does not prejudice rights of action of the Crown or the corporation in respect of an act or omission not in good faith.

286—Amendment of Schedule—Provisions applicable to subsidiaries

Schedule, clause 11—delete clause 11 and substitute:

11—Immunity for directors of subsidiaries

- 15 (1) Subject to this Act, no civil liability attaches to a director of a subsidiary of a public corporation for an act or omission in the performance or discharge, or purported performance or discharge, of the director's functions or duties.
- 20 (2) An action that would, but for subclause (1), lie against the director lies instead against the subsidiary.
- (3) This clause does not prejudice rights of action of the Crown, the parent corporation or the subsidiary in respect of an act or omission not in good faith.

Part 126—Amendment of *Public Finance and Audit Act 1987*

287—Amendment of section 4—Interpretation

Section 4(1), definition of *government department*—delete "established under, or continued in existence by, the *Government Management and Employment Act 1985*" and substitute:

30 of the Public Service

288—Amendment of section 25—Assistance in carrying out Auditor-General's function

- (1) Section 25(1)—delete "pursuant to the *Government Management and Employment Act 1985*" and substitute:

35 of the Public Service

(2) Section 25(2)—delete subsection (2) and substitute:

- (2) The Auditor-General will have the powers and functions of a chief executive in relation to the administrative unit established under subsection (1).

5 **Part 127—Amendment of *Public Intoxication Act 1984***

289—Repeal of section 13

Section 13—delete the section

Part 128—Amendment of *Radiation Protection and Control Act 1982*

10 **290—Substitution of section 15**

Section 15—delete the section and substitute:

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

15 The *Public Sector (Honesty and Accountability) Act 1995* applies to a member of a sub-committee of the Committee as if the sub-committee were an advisory body and the Minister responsible for the administration of this Act were the relevant Minister.

291—Repeal of section 21

Section 21—delete the section

20 **Part 129—Amendment of *Real Property Act 1886***

292—Amendment of section 13—Officers for administration of this Act

Section 13(5)—delete subsection (5) and substitute:

- (5) The Registrar-General, the deputies of the Registrar-General and the other officers are to be Public Service employees.

25 **293—Amendment of section 14—Acting Registrar-General**

Section 14(1)—delete "any person who is an officer within the meaning of the *Public Service Act 1967* " and substitute:

a Public Service employee

294—Amendment of section 15—Acting Deputy Registrar-General

30 Section 15(1)—delete "any person who is an officer within the meaning of the *Public Service Act 1967*" and substitute:

a Public Service employee

295—Amendment of section 31—Application, how to be dealt with

Section 31—delete "upon by the solicitor of the department" and substitute:
on by a legal practitioner

296—Amendment of section 80C—Application how dealt with

5 Section 80C(1)—delete "the solicitor to his department" and substitute:
a legal practitioner

297—Amendment of section 148A—Entry in Register Book where rights of mortgagee barred by Statute

10 Section 148A(1)—delete "the Solicitor of his Department" and substitute:
a legal practitioner

Part 130—Amendment of *Residential Parks Act 2007*

298—Repeal of section 135

Section 135—delete the section

Part 131—Amendment of *Residential Tenancies Act 1995*

15 **299—Repeal of section 9**

Section 9—delete the section

Part 132—Amendment of *Retail and Commercial Leases Act 1995*

300—Repeal of section 10

20 Section 10—delete the section

301—Amendment of section 73—Advisory Committee

Section 73—after subsection (3) insert:

- 25 (4) A member of the Committee 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 lessors generally or lessees generally, or a substantial section of lessors or lessees.

30 **Part 133—Amendment of *SACE Board of South Australia Act 1983***

302—Amendment of section 11—Validity of acts of Board

Section 11(2) and (3)—delete subsections (2) and (3)

303—Repeal of section 13

Section 13—delete the section

304—Amendment of section 18—Staffing arrangements

Section 18—delete "*Public Sector Management Act 1995*" wherever occurring and substitute in each case:

Public Sector Act 2009

Part 134—Amendment of *Solicitor-General Act 1972*

305—Amendment of section 4—Appointment of Solicitor-General

Section 4(2) and (3)—delete subsections (2) and (3)

306—Amendment of section 5—Terms and appointment of Solicitor-General

Section 5(4)—delete subsection (4)

Part 135—Amendment of *South Australian Country Arts Trust Act 1992*

307—Insertion of section 8

After section 7 insert:

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

A trustee 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 trustee has an interest in a matter that is shared in common with those engaged in or associated with the arts industry generally, or a substantial section of those engaged in or associated with the arts industry.

308—Amendment of section 13—Staffing arrangements

Section 13—delete "*Public Sector Management Act 1995*" wherever occurring and substitute in each case:

Public Sector Act 2009

309—Repeal of section 29

Section 29—delete the section

Part 136—Amendment of *South Australian Film Corporation Act 1972*

310—Amendment of section 5—Establishment of Corporation

Section 5(11)—delete subsection (11)

311—Substitution of sections 6A and 6B

Sections 6A and 6B—delete the sections and substitute:

6A—Conflict of interest under Public Sector (Honesty and Accountability) Act

5 A member of the Corporation 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
10 the member has an interest in a matter that is shared in common with
those engaged in or associated with the film industry generally, or a
substantial section of those engaged in or associated with the film
industry.

312—Amendment of section 9A—Staffing arrangements

Section 9A—delete "*Public Sector Management Act 1995*" wherever occurring and
substitute in each case:

15 *Public Sector Act 2009*

Part 137—Amendment of *South Australian Forestry Corporation Act 2000*

313—Amendment of section 15—Staff of Corporation

Section 15(3)—delete "Commissioner for Public Employment" and substitute:

20 Commissioner for Public Sector Employment

Part 138—Amendment of *South Australian Housing Trust Act 1995*

314—Amendment of section 3—Interpretation

- 25 (1) Section 3(1), definition of *domestic partner*—delete the definition
- (2) Section 3(1), definitions of *relative* and *relevant interest*—delete the definitions
- (3) Section 3(1), definition of *spouse*—delete the definition
- (4) Section 3(2)—delete subsection (2)

315—Substitution of sections 12 and 13

Sections 12 and 13—delete the sections and substitute:

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

- 5 (1) A member of the board 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—
- 10 (a) arising because the member has shares in a public company
that is interested in a contract with SAHT, provided that the
person's interest does not amount to a substantial
shareholding in the company; or
- 15 (b) arising because the member is a tenant of SAHT, or a party
to a contract for the purchase of a house from SAHT,
provided that the matter under consideration is of general
application to all persons in that situation, or to a substantial
number of them; or
- 20 (c) that has been under consideration by the board on a previous
occasion or occasions and the board has resolved that there
is no real or substantial reason why the member should not
be present in the circumstances of the particular case.
- 25 (2) For the purposes of this section, a person has a substantial
shareholding in a public company if the person has a substantial
shareholding in the company for the purposes of Chapter 6 of the
Corporations Act 2001 of the Commonwealth.
- (3) In this section—
public company means a public company as defined in section 9 of
the *Corporations Act 2001* of the Commonwealth.

316—Amendment of section 14—Validity of acts

30 Section 14(2), (3) and (4)—delete subsections (2), (3) and (4)

317—Amendment of section 32B—Housing Appeals Panel

- (1) Section 32B(8)—delete "Commissioner for Public Employment" and substitute:
Commissioner for Public Sector Employment
- (2) Section 32B(9) and (10)—delete subsections (9) and (10)

35 Part 139—Amendment of *South Australian Local Government Grants Commission Act 1992*

318—Amendment of section 12—Validity of acts of Commission

Section 12(2) and (3)—delete subsections (2) and (3)

Part 140—Amendment of *South Australian Motor Sport Act 1984*

319—Repeal of section 7

Section 7—delete the section

320—Amendment of section 9—Validity of acts of Board

Section 9(2) and (3)—delete subsections (2) and (3)

321—Amendment of section 13—Chief Executive

Section 13(2) and (3)—delete subsections (2) and (3) and substitute:

- (2) The Governor may designate a Public Service employee as the Chief Executive or, as the Governor thinks fit, appoint a person who is not a Public Service employee to be the Chief Executive on terms and conditions determined by the Governor.

322—Amendment of section 14—Staffing arrangements

- (1) Section 14(3)—delete ", subject to subsection (4), the *Public Sector Management Act 1995* will not apply to such a person" and substitute:

not as a Public Service employee

- (2) Section 14(4)—delete subsection (4)

- (3) Section 14(14)—delete "*Public Sector Management Act 1995*" and substitute:

Public Sector Act 2009

Part 141—Amendment of *South Australian Multicultural and Ethnic Affairs Commission Act 1980*

323—Amendment of section 10—Validity of acts of Commission

Section 10(2) and (3)—delete subsections (2) and (3)

324—Amendment of section 16—Staff to assist Commission

Section 16(1)(b)—delete "Commissioner for Public Employment" and substitute:

Commissioner for Public Sector Employment

Part 142—Amendment of *South Australian Museum Act 1976*

325—Amendment of section 9—Validity of acts of Board

Section 9(2)—delete subsection (2)

326—Substitution of section 14

Section 14—delete the section and substitute:

14—Director and other staff

- 5
- (1) There is to be a Director of the Museum.
 - (2) The Director is to be a Public Service employee.
 - (3) Other Public Service employees may be assigned to perform duties as staff of the Museum.

Part 143—Amendment of *South Australian Tourism Commission Act 1993*

10 **327—Substitution of sections 14 and 15**

Sections 14 and 15—delete the sections and substitute:

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

15 A director 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 director has an interest in a matter that is shared in common with those engaged in or associated with the tourism industry generally, or a substantial section of those engaged in or associated with the tourism industry.

20

328—Repeal of section 18

Section 18—delete the section

329—Amendment of section 18A—Staffing arrangements

25 Section 18A—delete "*Public Sector Management Act 1995*" wherever occurring and substitute in each case:

Public Sector Act 2009

Part 144—Amendment of *South Eastern Water Conservation and Drainage Act 1992*

330—Substitution of section 16

Section 16—delete the section and substitute:

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

A member of the Board 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 who are landholders in a particular electoral zone, or a substantial section of those who are landholders in a particular electoral zone.

331—Amendment of section 29—Eight Mile Creek Water Conservation and Drainage Advisory Committee

Section 29—after subsection (6) insert:

- (7) A member of the Committee 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 who are landholders within the Eight Mile Creek area generally, or a substantial section of those who are landholders within the Eight Mile Creek area.

332—Repeal of section 58

Section 58—delete the section

Part 145—Amendment of *Stamp Duties Act 1923*

333—Amendment of Schedule 2—Stamp duties and exemptions

Schedule 2, clause 2(4), exemption 8, (b)(i)—delete subparagraph (i) and substitute:

- (i) a State concession card of a prescribed class; or

Part 146—Amendment of *State Lotteries Act 1966*

334—Repeal of section 10

Section 10—delete the section

335—Amendment of section 13—Powers and functions of Commission

Section 13(3)—delete subsection (3) and substitute:

- 5 (3) The Commission may, with the approval of the Minister, under an arrangement established by the Minister administering an administrative unit of the Public Service, make use of the services or staff of that administrative unit.

Part 147—Amendment of *State Opera of South Australia Act 1976*

336—Substitution of section 16

10 Section 16—delete the section and substitute:

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

15 A Member 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 as a subscriber or an interest in a matter that is shared in common with those engaged in or associated with the arts industry generally, or a substantial section of those engaged in or associated with the arts industry.

20 **337—Amendment of section 21—Staffing arrangements**

Section 21—delete "*Public Sector Management Act 1995*" wherever occurring and substitute in each case:

Public Sector Act 2009

338—Repeal of section 27

25 Section 27—delete the section

Part 148—Amendment of *State Procurement Act 2004*

339—Amendment of section 4—Interpretation

- (1) Section 4, definition of *administrative unit*—delete "under the *Public Sector Management Act 1995*" and substitute:

30 of the Public Service

- (2) Section 4, definition of *responsible Minister*, (c)—delete "*Public Sector Management Act 1995*," and substitute:

Public Sector Act 2009

340—Repeal of section 16

35 Section 16—delete the section

341—Repeal of section 24

Section 24—delete the section

Part 149—Amendment of *State Records Act 1997*

342—Amendment of section 9—Establishment of Council

- 5 (1) Section 9(2)(d)—delete "Commissioner for Public Employment" and substitute:
Commissioner for Public Sector Employment
- (2) Section 9(2)(h)—delete "Department of State Aboriginal Affairs" and substitute:
administrative unit of the Public Service that is, under a Minister, responsible
for the administration of the *Aboriginal Heritage Act 1988*

10 **Part 150—Amendment of *State Theatre Company of South
Australia Act 1972***

343—Substitution of sections 15 and 16

Sections 15 and 16—delete the sections and substitute:

15—Governors may be Public Service employees

15 A governor may, but need not, be a Public Service employee.

**16—Conflict of interest under Public Sector (Honesty and
Accountability) Act**

20 A governor 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 governor
has an interest as a subscriber or an interest in a matter that is shared
in common with those engaged in or associated with the arts industry
generally, or a substantial section of those engaged in or associated
with the arts industry.

25 **344—Amendment of section 20—Staffing arrangements**

Section 20—delete "*Public Sector Management Act 1995*" wherever occurring and
substitute in each case:

Public Sector Act 2009

345—Repeal of section 30

30 Section 30—delete the section

Part 151—Amendment of *Summary Procedure Act 1921*

346—Amendment of section 184—Application may be made to Court for transfer to training centre

5 Section 184(1)(c)—delete "Chief Executive of the Department of Human Services" and substitute:

chief executive of the administrative unit of the Public Service that is, under a Minister, responsible for the administration of the *Family and Community Services Act 1972*

Part 152—Amendment of *Superannuation Act 1988*

347—Amendment of section 4—Interpretation

10 Section 4(1), definition of *employee*, paragraph (b)(i)—delete subparagraph (i) and substitute:

(i) employed in an administrative unit of the Public Service; or

Part 153—Amendment of *Superannuation Funds Management Corporation of South Australia Act 1995*

348—Repeal of sections 14 to 18

Sections 14 to 18 (inclusive)—delete the sections

349—Repeal of section 32

Section 32—delete the section

350—Repeal of section 34

Section 34—delete the section

Part 154—Amendment of *Supported Residential Facilities Act 1992*

351—Substitution of section 16

25 Section 16—delete the section and substitute:

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

30 A member of the Advisory Committee 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 operators of supported residential facilities generally or employees in supported residential facilities generally, or a substantial section of such operators or employees.

Part 155—Amendment of *Survey Act 1992*

352—Insertion of section 9A

After section 9 insert:

9A—Conflict of interest under Public Sector (Honesty and Accountability) Act

A member of the Survey Advisory Committee 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 surveying generally, or a substantial section of those engaged in or associated with surveying.

353—Amendment of section 44—Investigations by Surveyor-General

Section 44(1)(a)—delete "any other section of the Department of Lands" and substitute:

other public registry or office

Part 156—Amendment of *Teachers Registration and Standards Act 2004*

354—Amendment of section 12—Conflict of interest under Public Sector (Honesty and Accountability) Act

Section 12—delete "*Public Sector Management Act 1995*" and substitute:

Public Sector (Honesty and Accountability) Act 1995

Part 157—Amendment of *Technical and Further Education Act 1975*

355—Amendment of section 4—Interpretation

Section 4(1), definition of *the Department*—delete the definition and substitute:

Department means the administrative unit of the Public Service that is, under the Minister, responsible for the administration of this Act;

356—Amendment of section 13—Delegation by Chief Executive Officer

Section 13(1)(a)—delete "holding or acting in a position or office" and substitute:

performing particular duties in the Department or holding or acting in a position or office

Part 158—Amendment of *Tobacco Products Regulation Act 1997*

357—Repeal of section 80

Section 80—delete the section

Part 159—Amendment of *Training and Skills Development Act 2008*

358—Insertion of section 13A

After section 13 insert:

13A—Conflict of interest under Public Sector (Honesty and Accountability) Act

A member of the Commission 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 employers generally or employees generally, or a substantial section of employers or employees.

359—Amendment of section 15—Staff

Section 15(2)(a)(i)—delete "*Public Sector Management Act 1995*" and substitute:
Public Sector Act 2009

360—Amendment of section 24—Staff

Section 24(2)(a)(i)—delete "*Public Sector Management Act 1995*" and substitute:
Public Sector Act 2009

361—Repeal of section 74

Section 74—delete the section

Part 160—Amendment of *Veterinary Practice Act 2003*

362—Substitution of section 18

Section 18—delete the section and substitute:

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

- (1) The *Public Sector (Honesty and Accountability) Act 1995* applies to a member of a committee of the Board as if the committee were an advisory body and the Minister responsible for the administration of this Act were the relevant Minister.

- 5 (2) A member of the Board or a committee of the Board 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 veterinary surgeons generally, or a substantial section of veterinary surgeons.

363—Repeal of section 75

Section 75—delete the section

10 **Part 161—Amendment of *Water Efficiency Labelling and Standards Act 2006***

364—Amendment of section 7—Definitions

Section 7, definition of *agency*, (b)(i)—delete "within the meaning of the *Public Sector Management Act 1995*" and substitute:

of the Public Service

15 **365—Amendment of section 22—Functions of Regulator**

Section 22(g)(ii)—delete "within the meaning of the *Public Sector Management Act 1995* that deals with the matters to which this Act relates" and substitute:

of the Public Service that is, under the Minister, responsible for the administration of this Act

20 **Part 162—Amendment of *West Beach Recreation Reserve Act 1987***

366—Repeal of section 10

Section 10—delete the section

367—Amendment of section 12—Validity of acts of Trust

25 Section 12(2) and (3)—delete subsections (2) and (3)

Part 163—Amendment of *Whistleblowers Protection Act 1993*

368—Amendment of section 5—Immunity for appropriate disclosures of public interest information

30 Section 5(4)(d)—delete "public employee—to the Commissioner for Public Employment" and substitute:

public sector employee—to the Commissioner for Public Sector Employment

Part 164—Amendment of *Wilderness Protection Act 1992*

369—Repeal of section 21

Section 21—delete the section

Part 165—Amendment of *Witness Protection Act 1996*

370—Repeal of section 26

Section 26—delete the section

Part 166—Amendment of *WorkCover Corporation Act 1994*

371—Amendment of section 6—Conditions of membership

Section 6(3)(e)—delete paragraph (e)

372—Repeal of sections 8 and 9

Sections 8 and 9—delete the sections

373—Amendment of section 10—Validity of acts

Section 10(2), (3) and (4)—delete subsections (2), (3) and (4)

374—Amendment of section 22—Other staff of Corporation

Section 22(3) to (6)—delete subsections (3) to (6) (inclusive) and substitute:

- (3) The Corporation may, under an arrangement established by the Minister administering an administrative unit of the Public Service, make use of the staff of that administrative unit.

Part 167—Amendment of *Workers Rehabilitation and Compensation Act 1986*

375—Amendment of section 9—Terms and conditions of office

(1) Section 9(3)(d)—delete paragraph (d)

(2) Section 9(5)—delete subsection (5)

376—Substitution of section 13

Section 13—delete the section and substitute:

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

A member of the Advisory Committee 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 employers generally or employees generally, or a substantial section of employers or employees.

377—Amendment of section 64—Compensation Fund

Section 64(3a)—delete "Chief Executive Officer of the department of the Minister to whom the administration of this Act is committed" and substitute:

5 chief executive of the administrative unit that is, under the Minister,
responsible for the administration of this Act

378—Amendment of section 81A—Conditions of appointment

Section 81A(3)(b)—delete "*Public Sector Management Act 1995*" and substitute:

Public Sector Act 2009

379—Amendment of section 99I—Staff

10 Section 99I(2)(a)—delete "*Public Sector Management Act 1995*" and substitute:

Public Sector Act 2009

380—Repeal of section 99N

Section 99N—delete the section

Part 168—Amendment of *Young Offenders Act 1993*

15 **381—Amendment of section 4—Interpretation**

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

Department means the administrative unit of the Public Service that is, under a Minister, responsible for the administration of the *Family and Community Services Act 1972*;

20 **382—Amendment of section 38—Training Centre Review Board**

Section 38(6a) and (6b)—delete subsections (6a) and (6b)

Part 169—Amendment of *Youth Court Act 1993*

383—Amendment of section 3—Interpretation

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

25 **384—Amendment of section 24—Persons who may be present in Court**

Section 24(1)(b)—delete "of the Department of Family and Community Services" and substitute:

30 or employees of the administrative unit of the Public Service that is, under a Minister, responsible for the administration of the *Family and Community Services Act 1972*

Part 170—Amendment of *Zero Waste SA Act 2004*

385—Amendment of section 7—Powers of Zero Waste SA

Section 7(b)—delete the paragraph and substitute:

- 5 (b) may, under an arrangement established by the Minister administering
 an administrative unit of the Public Service, make use of the services
 or staff of that administrative unit.

386—Substitution of section 13

Section 13—delete the section and substitute:

10 **13—Application of Public Sector (Honesty and Accountability)
 Act 1995**

15 The *Public Sector (Honesty and Accountability) Act 1995* applies to
 a member of a committee or subcommittee of the Board as if the
 committee or subcommittee were an advisory body and the Minister
 responsible for the administration of this Act were the relevant
 Minister.

387—Repeal of section 20

Section 20—delete the section