

South Australia

Senior Secondary Assessment Board of South Australia Act 1983

An Act to establish an authority to be known as the *Senior Secondary Assessment Board of South Australia*; to prescribe its functions and powers; and for other purposes.

Contents

Part 1—Preliminary

- 1 Short title
- 4 Interpretation

Part 2—The Senior Secondary Assessment Board of South Australia

Division 1—Constitution of the Board

- 7 The Board
- 8 Membership of Board
- 9 Appointment of Chairman and Deputy Chairman
- 9A Chief Executive Officer
- 10 Procedures etc of Board
- 11 Validity of acts of Board and immunity of members
- 12 Delegation
- 13 Disclosure of interest
- 14 Allowances and expenses of members

Division 2—Functions and powers of the Board

- 15 Functions of Board
- 16 Powers of Board
- 17 Committees and sub-committees
- 18 Staffing arrangements

Part 3—Miscellaneous

- 19 Accounts and audit
- 20 Report
- 21 Summary offences
- 22 Money required for this Act
- 23 Regulations

Legislative history

Appendix—Divisional penalties and expiation fees

The Parliament of South Australia enacts as follows:

Part 1—Preliminary

1—Short title

This Act may be cited as the *Senior Secondary Assessment Board of South Australia Act 1983*.

4—Interpretation

- (1) In this Act, unless the contrary intention appears—

the Board means the Senior Secondary Assessment Board of South Australia established under this Act;

Chief Executive Officer means the person for the time being holding the office of Chief Executive Officer of the Board or, where a person is acting in that office, means the person so acting;

employing authority means the person designated by proclamation as being the employing authority for the purposes of this definition;

institution includes an institution the principal function of which is the education of students at the tertiary level;

senior secondary education means year 11 level and year 12 level of secondary education;

student means a secondary school student, and includes any other person undertaking a course at the secondary level of education.

- (2) A proclamation made for the purposes of the definition of *employing authority*—
- (a) may apply by reference to a specified person, or by reference to the person for the time being holding or acting in a specified office or position; and
 - (b) may, from time to time as the Governor thinks fit, be varied or substituted by a new proclamation.

Note—

For definition of divisional penalties (and divisional expiation fees) see Appendix.

Part 2—The Senior Secondary Assessment Board of South Australia

Division 1—Constitution of the Board

7—The Board

- (1) The *Senior Secondary Assessment Board of South Australia* is established.
- (2) The Board—
 - (a) is a body corporate with perpetual succession and a common seal;
 - (b) is capable of suing and being sued.

- (3) Where an apparently genuine document purports to bear the common seal of the Board, it will be presumed in all legal proceedings, in the absence of proof to the contrary, that the document has been duly executed by the Board.

8—Membership of Board

- (1) The Board is to consist of—
- (a) the Chief Executive Officer; and
 - (b) twenty-six other members appointed by the Governor of whom—
 - (i) four must be persons nominated by the Director-General of Education and at least one of those four a practising teacher;
 - (ii) one must be a person nominated by the Director-General of Technical and Further Education;
 - (iii) two must be persons nominated by the Council of The University of Adelaide;
 - (iv) two must be persons nominated by the Council of The Flinders University of South Australia;
 - (v) two must be persons nominated by the Council of the University of South Australia;
 - (vi) one must be a person nominated by the South Australian Independent Schools Board Incorporated;
 - (vii) one must be a person nominated by the South Australian Commission for Catholic Schools;
 - (viii) one must be a person nominated by the South Australian Association of State School Organisations Incorporated;
 - (ix) two must be persons nominated by the South Australian Institute of Teachers and at least one of those two a practising teacher;
 - (x) one must be a person nominated by the Association of Non-Government Education Employees;
 - (xi) one must be a person nominated by the South Australian Association of School Parents Clubs Incorporated;
 - (xii) one must be a person nominated by The Federation of Parents and Friends Associations of Independent Schools of S.A.;
 - (xiii) one must be a person nominated by The Federation of Parents and Friends Associations of South Australian Catholic Schools;
 - (xiv) one must be a person nominated by the Industrial and Commercial Training Commission;
 - (xv) two must be persons nominated by the United Trades and Labor Council;
 - (xvi) two must be persons nominated by the Chamber of Commerce and Industry, South Australia, Incorporated;

- (xvii) one must be a person nominated by the Commissioner of Equal Opportunity.
- (2) A member of the Board appointed by the Governor will be appointed for such term of office, not exceeding three years, and upon such conditions, as the Governor determines and is, on the expiration of a term of office, eligible for reappointment.
- (3) The Governor may appoint a person to be the deputy of an appointed member of the Board and that person may, in the absence of that member, act as a member of the Board.
- (4) The Governor may remove from office an appointed member of the Board for—
- (a) a breach of, or non-compliance with, the conditions of appointment; or
 - (b) mental or physical incapacity to carry out official duties satisfactorily; or
 - (c) neglect of duty; or
 - (d) dishonourable conduct.
- (5) The office of an appointed member of the Board becomes vacant if the member—
- (a) dies; or
 - (b) completes a term of office and is not reappointed; or
 - (c) resigns by written notice to the Minister; or
 - (d) is removed from office by the Governor pursuant to subsection (4).
- (6) Upon the office of a member of the Board becoming vacant, a person must be appointed in accordance with this Act to the vacant office.

9—Appointment of Chairman and Deputy Chairman

- (1) The Board must appoint one of its members to be the presiding member of the Board and another of its members to be the deputy presiding member of the Board.
- (2) The presiding member and the deputy presiding member will hold office for one year and, upon the expiration of their terms of office, are eligible for reappointment.

9A—Chief Executive Officer

- (1) There will be a Chief Executive Officer of the Board who will be responsible to the Board for the conduct of the business of the Board.
- (3) The Chief Executive Officer is to be appointed by the employing authority on terms and conditions determined by the employing authority.
- (4) However, a person may not be employed as Chief Executive Officer, and may not be removed from that office, unless or until the employing authority—
- (a) has consulted with the Board; and
 - (b) has obtained the approval of the Minister.
- (5) The Board may appoint a suitable person to act in the office of Chief Executive Officer during any period for which the Chief Executive Officer is absent or unavailable to carry out official duties, or for which there is a temporary vacancy in the office.

10—Procedures etc of Board

- (1) Sixteen members of the Board constitute a quorum at a meeting of the Board.
- (2) The presiding member, or in his or her absence, the deputy presiding member, must preside at a meeting of the Board and in the absence of both the presiding member and the deputy presiding member the members present at the meeting must decide who is to preside.
- (3) A decision carried by a majority of the votes cast by members of the Board present at a meeting is a decision of the Board.
- (4) Each member of the Board is entitled to one vote on a matter arising for determination by the Board and the person presiding at a meeting of the Board has, in the event of an equality of votes, a second or casting vote.
- (5) The Board must cause accurate minutes to be kept of the business conducted at meetings of the Board.
- (6) Subject to this Act, the procedure for the calling of meetings of the Board, and the conduct of business at meetings of the Board, must be determined by the Board.

11—Validity of acts of Board and immunity of members

- (1) No act or proceeding of the Board is invalid by reason only of a vacancy in the office of a member, or a defect in the appointment of a member.
- (2) No liability attaches to a member of the Board for any act or omission by the member, or by the Board, in good faith and in the exercise or purported exercise of powers or functions or in the discharge or purported discharge of duties under this Act.
- (3) Any liability that would, but for subsection (2), attach to a member of the Board attaches to the Crown.

12—Delegation

- (1) The Board may delegate any of its functions or powers—
 - (a) to a member of the Board, a person employed under this Act, or a person appointed by the Board to assess students; or
 - (b) to a committee established by the Board under this Act.
- (2) A delegation under this section—
 - (a) may be made subject to such conditions as the Board thinks fit; and
 - (b) is revocable at will and does not derogate from the power of the Board to act in any matter itself.

13—Disclosure of interest

- (1) A member of the Board who is directly or indirectly interested in a contract, or proposed contract, made by, or in the contemplation of, the Board—
 - (a) must, as soon as the member becomes aware of the contract or proposed contract, disclose the nature of the interest to the Board; and
 - (b) must not take part in any deliberations or decision of the Board with respect to that contract.

Penalty: Division 9 fine.

- (2) A disclosure made under this section must be recorded in the minutes of the Board.
- (3) Where a member makes a disclosure of interest in respect of a contract or proposed contract in accordance with this section—
 - (a) the contract is not liable to be avoided by the Board on any ground arising from the fiduciary relationship between the member and Board; and
 - (b) the member is not liable to account to the Board for profits derived from the contract.

14—Allowances and expenses of members

A member of the Board is, if the Governor thinks fit, entitled to such allowances and expenses as may be determined by the Governor.

Division 2—Functions and powers of the Board

15—Functions of Board

- (1) The Board has the following functions:
 - (a) to approve syllabuses (which may consist of a detailed structure or a more general outline) for subjects comprised in the prescribed certification requirements of senior secondary education that have been prepared at the direction of the Board or submitted to it by a school, institution or other authority;
 - (b) to direct the preparation of syllabuses for its consideration under paragraph (a);
 - (c) to assess, by such means as the Board thinks fit, achievements in or satisfactory completion of subjects or other requirements comprised in the prescribed certification requirements by students at senior secondary education levels;
 - (d) to recognise, if it thinks fit and to such extent as it thinks fit, assessments of students at senior secondary education levels made by schools, institutions or other authorities;
 - (e) to recognise, if it thinks fit and to such extent as it thinks fit, the qualifications or experience of a student in or towards completion of the prescribed certification requirements of senior secondary education;
 - (f) to prepare and maintain records of assessments made or recognised by the Board and to provide, on request, a copy or extract of those records to a student or former student or to such other person as the student or former student directs;
 - (g) to certify satisfactory completion of the prescribed certification requirements of senior secondary education by students;
 - (h) to provide to schools, institutions and other authorities, on request, such information as they may reasonably request in relation to the Board's policies and processes, including information as to the criteria that will be applied by the Board in granting approvals and recognitions;

- (i) to publicise the prescribed certification requirements of senior secondary education and the assessment, recognition and certification processes as it thinks fit and to make syllabuses prepared or approved by the Board available to members of the public;
 - (j) to undertake or commission research related to any matter for which it is responsible and to publish the results or such research as it thinks fit;
 - (k) to keep under review the operation of this Act and the policies and processes of the Board.
- (2) The Board may adopt and apply such transitional arrangements with respect to syllabuses, assessment or other processes of the Board as it considers appropriate in view of any legislative change or any change in its policies or processes.

16—Powers of Board

For the purpose of carrying out its functions the Board may—

- (a) acquire, hold, deal with and dispose of real and personal property;
- (b) enter into any kind of contract or arrangement;
- (c) acquire or incur any other rights or liabilities;
- (d) exercise any other powers that are necessary for, or incidental to, the efficient discharge of its functions.

17—Committees and sub-committees

- (1) The Board may establish committees to advise the Board on any matter related to the administration of this Act or to carry out functions on behalf of the Board.
- (2) A committee established under subsection (1) may delegate any of its functions or powers to a sub-committee established by it for that purpose.
- (3) A delegation under subsection (2)—
 - (a) may be made subject to such conditions as the committee thinks fit; and
 - (b) is revocable at will and does not derogate from the power of the committee to act in any matter itself.
- (4) A person who is not a member of the Board may be appointed to be a member of a committee or a sub-committee.

18—Staffing arrangements

- (1) The employing authority may employ staff to perform activities in connection with the operations or activities of the Board.
- (2) The terms and conditions of employment of a person under subsection (1) will be determined by the employing authority.
- (3) A person employed under this section will be taken to be employed by or on behalf of the Crown (but will not be employed in the Public Service of the State unless brought into an administrative unit under the *Public Sector Management Act 1995*).
- (4) The employing authority may direct a person employed under this section to perform functions in connection with the operations or activities of a public sector agency specified by the employing authority (and the person must comply with that direction).

- (5) The employing authority is, in acting under this section, subject to direction by the Minister.
- (6) However, no Ministerial direction may be given by the Minister relating to the appointment, transfer, remuneration, discipline or termination of a particular person.
- (7) The employing authority may delegate a power or function under this section.
- (8) A delegation under subsection (7)—
 - (a) must be by instrument in writing; and
 - (b) may be made to a body or person (including a person for the time being holding or acting in a specified office or position); and
 - (c) may be unconditional or subject to conditions; and
 - (d) may, if the instrument of delegation so provides, allow for the further delegation of a power or function that has been delegated; and
 - (e) does not derogate from the power of the employing authority to act personally in any matter; and
 - (f) may be revoked at any time by the employing authority.
- (9) A change in the person who constitutes the employing authority under this Act will not affect the continuity of employment of a person under this section.
- (10) The Board must, at the direction of the Minister, the Treasurer or the employing authority, make payments with respect to any matter arising in connection with the employment of a person under this Act (including, but not limited to, payments with respect to salary or other aspects of remuneration, leave entitlements, superannuation contributions, taxation liabilities, workers compensation payments, termination payments, public liability insurance and vicarious liabilities).
- (11) The Board does not have the power to employ any person.
- (12) The Board may, under an arrangement established by the Minister administering an administrative unit, make use of the services or staff of that administrative unit.
- (13) In this section—

public sector agency has the same meaning as in the *Public Sector Management Act 1995*.

Part 3—Miscellaneous

19—Accounts and audit

- (1) The Board must cause proper accounts to be kept of its financial affairs.
- (2) The Auditor-General may at any time, and must at least once in every year, audit the accounts of the Board.

20—Report

- (1) The Board must, on or before 31 March in each year, deliver to the Minister a report of its operations during the period of 12 months that ended on the preceding 31 December.

- (2) The Minister must cause a copy of the report to be laid before each House of Parliament.

21—Summary offences

Offences against this Act are summary offences.

22—Money required for this Act

The money required for the purposes of this Act must be paid out of money provided by Parliament for those purposes.

23—Regulations

- (1) The Governor may, on the recommendation of the Board, make such regulations as are contemplated by this Act or as are necessary or expedient for the purposes of this Act.
- (2) Without limiting the generality of subsection (1), the regulations may—
- (a) prescribe specified subjects, patterns of study and other requirements as certification requirements of senior secondary education; and
 - (b) provide for and regulate fees to be charged for goods or services provided by the Board and provide for the waiving or reduction of such fees.
- (3) The regulations may confer discretionary powers on the Board.

Legislative history

Notes

- Amendments of this version that are uncommenced are not incorporated into the text.
- Please note—References in the legislation to other legislation or instruments or to titles of bodies or offices are not automatically updated as part of the program for the revision and publication of legislation and therefore may be obsolete.
- Earlier versions of this Act (historical versions) are listed at the end of the legislative history.
- For further information relating to the Act and subordinate legislation made under the Act see the Index of South Australian Statutes or www.legislation.sa.gov.au.

Legislation repealed by principal Act

The *Senior Secondary Assessment Board of South Australia Act 1983* repealed the following:

Public Examinations Board Act 1968

Principal Act and amendments

New entries appear in bold.

Year	No	Title	Assent	Commencement
1983	21	<i>Senior Secondary Assessment Board of South Australia Act 1983</i>	26.5.1983	1.2.1984 (<i>Gazette 19.1.1984 p88</i>)
1983	60	<i>Senior Secondary Assessment Board of South Australia Act Amendment Act 1983</i>	8.9.1983	1.2.1984 (<i>Gazette 19.1.1984 p89</i>)
1990	81	<i>Senior Secondary Assessment Board of South Australia Act Amendment Act 1990</i>	20.12.1990	1.5.1991 (<i>Gazette 24.4.1991 p1376</i>) except ss 3, 6 & 7—27.6.1991 (<i>Gazette 27.6.1991 p2059</i>)
2006	41	<i>Statutes Amendment (Public Sector Employment) Act 2006</i>	14.12.2006	Pt 17 (ss 74—77)—1.4.2007 (<i>Gazette 29.3.2007 p930</i>)
2008	6	<i>Senior Secondary Assessment Board of South Australia (Review) Amendment Act 2008</i>	13.3.2008	1.7.2008 (<i>Gazette 22.5.2008 p1718</i>)
2008	(163)	<i>Senior Secondary Assessment Board of South Australia Variation Regulations 2008 (<i>Gazette 19.6.2008 p2382</i>)</i>	—	1.7.2008: r 2

Provisions amended

New entries appear in bold.

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

Provision	How varied	Commencement
Long title	amended by 81/1990 Sch	1.5.1991

Pt 1		
ss 2 and 3	<i>deleted by 81/1990 Sch</i>	1.5.1991
s 4		
s 4(1)	s 4 redesignated as s 4(1) by 41/2006 s 74(2)	1.4.2007
Chief Executive Officer	inserted by 60/1983 s 3	1.2.1984
employing authority	inserted by 41/2006 s 74(1)	1.4.2007
senior secondary education	inserted by 81/1990 s 3	27.6.1991
<i>the former board</i>	<i>deleted by 81/1990 Sch</i>	1.5.1991
s 4(2)	inserted by 41/2006 s 74(2)	1.4.2007
ss 5 and 6	<i>deleted by 81/1990 Sch</i>	1.5.1991
Pt 2		
s 7		
s 7(1)	substituted by 81/1990 Sch	1.5.1991
s 7(2) and (3)	amended by 81/1990 Sch	1.5.1991
s 8		
s 8(1)	amended by 60/1983 s 4(a) substituted by 81/1990 s 4	1.2.1984 1.5.1991
s 8(2)	amended by 60/1983 s 4(b) amended by 81/1990 Sch	1.2.1984 1.5.1991
s 8(3)	amended by 60/1983 s 4(c) substituted by 81/1990 Sch	1.2.1984 1.5.1991
s 8(4)	amended by 60/1983 s 4(d) amended by 81/1990 Sch	1.2.1984 1.5.1991
s 8(5)	amended by 60/1983 s 4(e) amended by 81/1990 Sch	1.2.1984 1.5.1991
s 8(6)	amended by 81/1990 Sch	1.5.1991
s 9	amended by 81/1990 Sch	1.5.1991
s 9A	inserted by 60/1983 s 5	1.2.1984
s 9A(1)	amended by 81/1990 Sch	1.5.1991
s 9A(2)	<i>deleted by 81/1990 Sch</i>	1.5.1991
s 9A(3) and (4)	amended by 81/1990 Sch	1.5.1991
s 9A(5)	substituted by 41/2006 s 75 amended by 81/1990 Sch	1.4.2007 1.5.1991
s 10		
s 10(1)	amended by 81/1990 s 5, Sch	1.5.1991
s 10(2)	substituted by 81/1990 Sch	1.5.1991
s 10(3)—(6)	amended by 81/1990 Sch	1.5.1991
s 11	amended by 81/1990 Sch	1.5.1991
s 12		
s 12(1)	amended by 41/2006 s 76	1.4.2007
s 13		

s 13(1) and (2)	amended by 81/1990 Sch	1.5.1991
s 14	amended by 81/1990 Sch	1.5.1991
s 15	substituted by 81/1990 s 6	27.6.1991
<i>s 18 before substitution by 41/2006</i>		
s 18(2)	deleted by 81/1990 Sch	1.5.1991
s 18	substituted by 41/2006 s 77	1.4.2007
Pt 3		
s 19		
s 19(1) and (2)	amended by 81/1990 Sch	1.5.1991
s 19(3)	deleted by 81/1990 Sch	1.5.1991
s 20	amended by 81/1990 Sch	1.5.1991
s 21	substituted by 81/1990 Sch	1.5.1991
s 22	amended by 81/1990 Sch	1.5.1991
s 23		
s 23(1)	s 23 amended and redesignated as s 23(1) by 81/1990 s 7	27.6.1991
s 23(2) and (3)	inserted by 81/1990 s 7(b)	27.6.1991

Transitional etc provisions associated with Act or amendments

Statutes Amendment (Public Sector Employment) Act 2006, Sch 1—Transitional provisions

Note—

Also see *Statutes Amendment (Public Sector Employment) (Transitional Provisions) Regulations 2007*.

1—Interpretation

In this Part, unless the contrary intention appears—

Commonwealth Act means the *Workplace Relations Act 1996* of the Commonwealth;

employing authority means—

- (a) subject to paragraph (b)—the person who is the employing authority under a relevant Act;
- (b) in a case that relates to employment under the *Fire and Emergency Services Act 2005*—the Chief Executive of the South Australian Fire and Emergency Services Commission, or the Chief Officer of an emergency services organisation under that Act, as the case requires;

Industrial Commission means the Industrial Relations Commission of South Australia;

prescribed body means—

- (a) the Aboriginal Lands Trust;
- (b) the Adelaide Cemeteries Authority;

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- (c) the Adelaide Festival Centre Trust;
 - (d) the Adelaide Festival Corporation;
 - (e) SA Ambulance Service Inc;
 - (f) the Minister to whom the administration of the *Children's Services Act 1985* is committed;
 - (g) the Minister to whom the administration of the *Education Act 1972* is committed;
 - (h) the Electricity Supply Industry Planning Council;
 - (i) a body constituted under the *Fire and Emergency Services Act 2005*;
 - (j) the History Trust of South Australia;
 - (k) the Institute of Medical and Veterinary Science;
 - (l) a regional NRM board constituted under the *Natural Resources Management Act 2004*;
 - (m) the Senior Secondary Assessment Board of South Australia;
 - (n) the South Australian Country Arts Trust;
 - (o) the South Australian Film Corporation;
 - (p) the South Australian Health Commission;
 - (q) an incorporated hospital under the *South Australian Health Commission Act 1976*;
 - (r) an incorporated health centre under the *South Australian Health Commission Act 1976*;
 - (s) the South Australian Motor Sport Board;
 - (t) the South Australian Tourism Commission;
 - (u) The State Opera of South Australia;
 - (v) the State Theatre Company of South Australia;
 - (w) the Minister to whom the administration of the *Technical and Further Education Act 1975* is committed;

relevant Act means—

- (a) in a case that relates to employment with a prescribed body established under an Act being amended by this Act—that Act;
- (b) in a case that relates to employment with a prescribed body who is a Minister to whom the administration of an Act being amended by this Act is committed—that Act;
- (c) in a case that relates to employment with a body constituted under the *Fire and Emergency Services Act 2005*—that Act.

2—Transfer of employment

- (1) Subject to this clause, a person who, immediately before the commencement of this clause, was employed by a prescribed body under a relevant Act will, on that commencement, be taken to be employed by the employing authority under that Act (as amended by this Act).
- (2) The following persons will, on the commencement of this clause, be taken to be employed as follows:
 - (a) a person who, immediately before the commencement of this clause, was employed under section 6L(1) of the *Electricity Act 1996* will, on that commencement, be taken to be employed by the employing authority under that Act (as amended by this Act);
 - (b) a person who, immediately before the commencement of this clause, was employed by the South Australian Fire and Emergency Services Commission will, on that commencement, be taken to be employed by the Chief Executive of that body;
 - (c) a person who, immediately before the commencement of this clause, was employed by an emergency services organisation under the *Fire and Emergency Services Act 2005* will, on that commencement, be taken to be employed by the Chief Officer of that body;
 - (d) a person who, immediately before the commencement of this clause, was employed by an incorporated hospital or an incorporated health centre under the *South Australian Health Commission Act 1976* will, on that commencement, be taken to be employed by an employing authority under that Act (as amended by this Act) designated by the Governor by proclamation made for the purposes of this paragraph.
- (3) Subject to this clause, the Governor may, by proclamation, provide that a person employed by a subsidiary of a public corporation under the *Public Corporations Act 1993* will be taken to be employed by a person or body designated by the Governor (and the arrangement so envisaged by the proclamation will then have effect in accordance with its terms).
- (4) Subject to subclause (5), an employment arrangement effected by subclause (1), (2) or (3)—
 - (a) will be taken to provide for continuity of employment without termination of the relevant employee's service; and
 - (b) will not affect—
 - (i) existing conditions of employment or existing or accrued rights to leave; or
 - (ii) a process commenced for variation of those conditions or rights.

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- (5) If, immediately before the commencement of this clause, a person's employment within the ambit of subclause (1), (2) or (3) was subject to the operation of an award or certified agreement (but not an Australian Workplace Agreement) under the Commonwealth Act, then, on that commencement, an award or enterprise agreement (as the case requires) will be taken to be created under the *Fair Work Act 1994*—
- (a) with the same terms and provisions as the relevant industrial instrument under the Commonwealth Act; and
 - (b) with any terms or provisions that existed under an award or enterprise agreement under the *Fair Work Act 1994*, that applied in relation to employment of the kind engaged in by the person, immediately before 27 March 2006, and that ceased to apply by virtue of the operation of provisions of the Commonwealth Act that came into force on that day,
- subject to any modification or exclusion prescribed by regulations made for the purposes of this subclause and subject to the operation of subclause (6).
- (6) Where an award or enterprise agreement is created by virtue of the operation of subclause (5)—
- (a) the award or enterprise agreement will be taken to be made or approved (as the case requires) under the *Fair Work Act 1994* on the day on which this clause commences; and
 - (b) the *Fair Work Act 1994* will apply in relation to the award or enterprise agreement subject to such modifications or exclusions as may be prescribed by regulations made for the purposes of this subclause; and
 - (c) the Industrial Commission may, on application by the Minister to whom the administration of the *Fair Work Act 1994* is committed, or an application by a person or body recognised by regulations made for the purposes of this subclause, vary or revoke any term or provision of the award or enterprise agreement if the Industrial Commission is satisfied that it is fair and reasonable to do so in the circumstances.

3—Superannuation

- (1) If a prescribed body under a relevant Act is, immediately before the commencement of this clause, a party to an arrangement relating to the superannuation of one or more persons employed by the prescribed body, then the relevant employing authority under that Act will, on that commencement, become a party to that arrangement in substitution for the prescribed body.
- (2) Nothing that takes effect under subclause (1)—
- (a) constitutes a breach of, or default under, an Act or other law, or constitutes a breach of, or default under, a contract, agreement, understanding or undertaking; or
 - (b) terminates an agreement or obligation or fulfils any condition that allows a person to terminate an agreement or obligation, or gives rise to any other right or remedy,

and subclause (1) may have effect despite any other Act or law.

- (3) An amendment effected to another Act by this Act does not affect a person's status as a contributor under the *Superannuation Act 1988* (as it may exist immediately before the commencement of this Act).

4—Interpretative provision

- (1) The Governor may, by proclamation, direct that a reference in any instrument (including a statutory instrument) or a contract, agreement or other document to a prescribed body, or other specified agency, instrumentality or body, will have effect as if it were a reference to an employing authority under a relevant Act, the Minister to whom the administration of a relevant Act is committed, or some other person or body designated by the Governor.
- (2) A proclamation under subclause (1) may effect a transfer of functions or powers.

5—Related matters

- (1) A notice in force under section 51 of the *Children's Services Act 1985* immediately before the commencement of this clause will continue to have effect for the purposes of that section, as amended by this Act.
- (2) A notice in force under section 28 of the *Institute of Medical and Veterinary Science Act 1982* immediately before the commencement of this clause will continue to have effect for the purposes of that section, as amended by this Act.
- (3) A notice in force under section 61 of the *South Australian Health Commission Act 1976* immediately before the commencement of this clause will continue to have effect for the purposes of that section, as amended by this Act.
- (4) A notice in force under section 13(6) of the *South Australian Motor Sport Act 1984* immediately before the commencement of this clause will continue to have effect after that commencement but may, pursuant to this subclause, be varied from time to time, or revoked, by the Minister to whom the administration of that Act is committed.
- (5) The fact that a person becomes an employer in his or her capacity as an employing authority under an Act amended by this Act does not affect the status of any body or person as an employer of public employees for the purposes of the *Fair Work Act 1994* (unless or until relevant regulations are made under the provisions of that Act).

6—Other provisions

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

- (4) The *Acts Interpretation Act 1915* will, except to the extent of any inconsistency with the provisions of this Schedule (or regulations made under this Schedule), apply to any amendment or repeal effected by this Act.

Historical versions

22.7.1991

Appendix—Divisional penalties and expiation fees

At the date of publication of this version divisional penalties and expiation fees are, as provided by section 28A of the *Acts Interpretation Act 1915*, as follows:

Division	Maximum imprisonment	Maximum fine	Expiation fee
1	15 years	\$60 000	—
2	10 years	\$40 000	—
3	7 years	\$30 000	—
4	4 years	\$15 000	—
5	2 years	\$8 000	—
6	1 year	\$4 000	\$300
7	6 months	\$2 000	\$200
8	3 months	\$1 000	\$150
9	—	\$500	\$100
10	—	\$200	\$75
11	—	\$100	\$50
12	—	\$50	\$25

Note: This appendix is provided for convenience of reference only.