

South Australia

# South Australian Film Corporation Act 1972

An Act to make provision for the establishment of a corporation to be known as the South Australian Film Corporation, to define its powers and functions; and for other purposes.

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## Legislative history

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### **The Parliament of South Australia enacts as follows:**

## **Part 1—Preliminary**

### **1—Short title**

This Act may be cited as the *South Australian Film Corporation Act 1972*.

### **4—Interpretation**

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

***authorised officer***—see Part 3;

***Chief Executive Officer*** means the person for the time being holding or acting in the office of Chief Executive Officer under this Act;

***Corporation*** means the South Australian Film Corporation established under this Act;

***council*** has the same meaning as in the *Local Government Act 1999*;

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

*film* means a photographic film or a recording on magnetic tape or on any other material or device from which a series of images (with or without associated sounds) may be produced and includes such a photographic film or recording for use in a television program;

*member* means member of the Corporation;

*occupy*, in relation to premises, means have, or be entitled to, possession or control of the premises;

*official insignia*—see Part 4;

*premises of the Corporation* means premises owned or occupied by the Corporation;

*producer*, in relation to a film, means the person by whom the arrangements necessary for the making of the film are made;

*promote*, in relation to a film, event or activity, includes organise, commission, fund, support, market, advertise or act as project manager.

- (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.

## **Part 2—South Australian Film Corporation**

### **Division 1—Establishment of Corporation**

#### **5—Establishment of Corporation**

- (1) The *South Australian Film Corporation* is established.
- (2) The Corporation—
  - (a) is a body corporate; and
  - (b) has perpetual succession and a common seal; and
  - (c) can sue and be sued in its corporate name; and
  - (d) is an instrumentality of the Crown and holds property on behalf of the Crown; and
  - (e) has the functions and powers assigned or conferred under this or any other Act.

### **Division 2—Membership, proceedings etc**

#### **6—Composition of Corporation**

- (1) The Corporation will consist of not more than 8 members appointed by the Governor.
- (2) At least 2 members must be women and at least 2 must be men.
- (3) The Governor will appoint 1 of the members to be the presiding member.

- (4) The Governor may appoint a suitable person to be a deputy of a member and the deputy may perform or exercise the functions and powers of the member in the member's absence.
- (5) The Chief Executive Officer is eligible for appointment to the Corporation.

## **7—Conditions of membership**

- (1) A member will be appointed for a term not exceeding 3 years and on conditions determined by the Governor and specified in the instrument of appointment.
- (2) A member will, at the expiration of a term of appointment, be eligible for reappointment (subject to the qualification that a person other than the Chief Executive Officer cannot serve as a member for more than 9 consecutive years).
- (3) The Governor may remove a member from office—
  - (a) for misconduct; or
  - (b) for failure or incapacity to carry out the duties of his or her office satisfactorily; or
  - (c) for contravention of a condition of his or her appointment; or
  - (d) if serious irregularities have occurred in the conduct of the Corporation's affairs or the Corporation has failed to carry out its functions satisfactorily and its membership should, in the opinion of the Governor, be reconstituted for that reason.
- (4) The office of a member becomes vacant if the member—
  - (a) dies; or
  - (b) completes a term of office and is not reappointed; or
  - (c) resigns by written notice to the Minister; or
  - (d) is convicted of an indictable offence or sentenced to imprisonment for an offence; or
  - (e) ceases to satisfy the qualification by virtue of which the member was eligible for appointment to the Corporation; or
  - (f) is absent without leave of the presiding member of the Corporation from 3 consecutive meetings of the Corporation; or
  - (g) is removed from office under subsection (3).
- (5) On the office of a member becoming vacant, a person may be appointed in accordance with this Division to the vacant office.
- (6) A member is entitled to fees, allowances and expenses determined by the Governor.

## **8—Proceedings**

- (1) A quorum of the Corporation consists of half of the total number of its members (ignoring any fraction resulting from the division) plus 1.
- (2) In the absence of the presiding member at a meeting of the Corporation, a member chosen by the members present at the meeting will preside.

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- (3) A decision carried by a majority of the votes cast by members at a meeting is a decision of the Corporation.
  - (4) Each member present at a meeting of the Corporation has 1 vote on any question arising for decision and, if the votes are equal, the member presiding at the meeting may exercise a casting vote.
  - (5) A conference by telephone or other electronic means between members will, for the purposes of this section, be taken to be a meeting of the Corporation at which the participating members are present if—
    - (a) notice of the conference is given to all members in the manner determined by the Corporation for the purpose; and
    - (b) each participating member is capable of communicating with every other participating member during the conference.
  - (6) A proposed resolution of the Corporation becomes a valid decision of the Corporation despite the fact that it is not voted on at a meeting of the Corporation if—
    - (a) notice of the proposed resolution is given to all members in accordance with procedures determined by the Corporation; and
    - (b) a majority of the members expresses concurrence in the proposed resolution by letter, fax or other written communication setting out the terms of the resolution.
  - (7) The Corporation must meet at least 6 times in each year.
  - (8) The Corporation must have accurate minutes kept of its proceedings.
  - (9) Subject to this Act, the Corporation may determine its own procedures.
  - (10) Subject to the directions of the Corporation and section 8C, this section applies to a committee of the Corporation in the same way as to the Corporation.

### **8A—Validity of acts**

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

### **8B—Ministerial control**

- (1) Subject to subsection (2), the Corporation is subject to the general control and direction of the Minister.
- (2) No Ministerial direction can be given—
  - (a) as to the artistic nature or content of—
    - (i) films produced or promoted by the Corporation; or
    - (ii) events or activities conducted or promoted by the Corporation; or
  - (b) as to the manner in which the Corporation is to deal with a testamentary or other gift; or
  - (c) as to any advice or recommendation that the Corporation makes or is required to make to the Minister.

## Division 3—Committees and delegation

### 8C—Committees

- (1) The Corporation may establish such committees (including advisory committees or subcommittees) as the Corporation thinks fit.
- (2) The membership and conditions of membership of a committee will be determined by the Corporation and may, but need not, consist of, or include, members of the Corporation.
- (3) The procedures to be observed in relation to the conduct of the business of a committee will be—
  - (a) as determined by the Corporation; and
  - (b) insofar as a procedure is not determined under paragraph (a)—as determined by the committee.

### 8D—Delegation

- (1) The Corporation may delegate a function or power of the Corporation under this Act (other than this power of delegation) to any person or committee or other body (including a person for the time being performing particular duties or holding or acting in a specified position).
- (2) A delegation under this section—
  - (a) must be by instrument in writing; and
  - (b) may be absolute or conditional; and
  - (c) does not derogate from the power of the delegator to act in a matter; and
  - (d) is revocable at will.
- (3) A function or power delegated under this section may, if the instrument of delegation so provides, be further delegated.
- (4) A delegate must not act pursuant to the delegation in any matter in which the delegate has a direct or indirect pecuniary or personal interest.  
Maximum penalty: \$10 000 or imprisonment for 2 years.
- (5) It is a defence to a charge of an offence against subsection (4) to prove that the defendant was, at the time of the alleged offence, unaware of his or her interest in the matter.
- (6) In legal proceedings, an apparently genuine certificate, purportedly signed by the Corporation containing particulars of a delegation under this section, will, in the absence of proof to the contrary, be accepted as proof that the delegation was made in accordance with the particulars.

## **Division 4—Conflict of interest under Public Sector (Honesty and Accountability) Act**

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

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 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.

## **Division 5—Common seal and execution of documents**

### **8F—Common seal and execution of documents**

- (1) The common seal of the Corporation must not be affixed to a document except in pursuance of a decision of the Corporation and the fixing of the seal must be attested by the signatures of 2 members of the Corporation.
- (2) The Corporation may, by instrument under the common seal of the Corporation, authorise a person or persons (whether nominated by name or by office or title) to execute documents on behalf of the Corporation subject to conditions and limitations (if any) specified in the instrument of authority.
- (3) Without limiting subsection (2), the Corporation may authorise 2 or more persons to execute documents jointly on behalf of the Corporation.
- (4) A document is duly executed by the Corporation if—
  - (a) the common seal of the Corporation is affixed to the document in accordance with this section; or
  - (b) the document is signed on behalf of the Corporation by a person or persons in accordance with authority conferred under this section.
- (5) If an apparently genuine document purports to bear the common seal of the Corporation, it will be presumed, in the absence of proof to the contrary, that the common seal of the Corporation was duly affixed to the document.

## **Division 6—Staffing arrangements**

### **9—Appointment of Chief Executive Officer**

- (1) The Chief Executive Officer of the Corporation is to be appointed by the employing authority on terms and conditions determined by the employing authority.
- (2) However, the employing authority must consult with the Corporation before appointing a person as Chief Executive Officer or removing a person from office as Chief Executive Officer.
- (3) The Chief Executive Officer is, subject to the control of the Corporation, responsible for the management of the operations of the Corporation.

## 9A—Staffing arrangements

- (1) The employing authority may employ other staff to perform functions in connection with the operations or activities of the Corporation.
- (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 Act 2009*).
- (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 Corporation 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 Corporation does not have the power to employ any person.
- (12) The Corporation 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 Act 2009*.



## Division 7—Functions and powers of Corporation

### 10—Functions

The functions of the Corporation are—

- (a) to undertake the production of films; and
- (ab) to promote and participate in any scheme for the financing of film production; and
- (b) to provide library and other services and facilities relating to films and their screening; and
- (c) to provide information services about films and their availability; and
- (d) to offer and arrange courses of instruction for persons who are interested in film projection; and
- (e) to store, distribute, sell and exhibit or otherwise deal with films; and
- (ee) to do all things necessary to promote public interest in film as a medium of communication and as an art form; and
- (f) to carry out research into the distribution of films and the effectiveness of films to meet the purposes for which they are made with a view to improving such distribution and effectiveness; and
- (g) to advise the Minister on matters relating to the development and promotion of the South Australian film industry; and
- (h) to carry out any other functions assigned to the Corporation under this or any other Act or by the Minister.

### 11—Powers

- (1) The Corporation has, in addition to any other powers conferred on it under this or any other Act, all the powers of a natural person.
- (2) The Corporation may, for example, do any 1 or more of the following (subject to this Act):
  - (a) engage agents, consultants or other contractors;
  - (b) enter into contracts or agreements with actors, writers, artists, performers, entertainers and other persons for the making, distribution and exhibition of films, or employ such persons;
  - (c) enter into other contracts, agreements or arrangements;
  - (d) carry on film production on its own behalf or for another person or organisation;
  - (e) for the purpose of participating in a scheme for the financing of film production—advance money to a person or persons on such security and conditions as the Corporation thinks fit;
  - (f) establish regional film libraries throughout the State;

- (g) acquire, hold, take on hire, lend, exchange or dispose of objects or materials for use in connection with film making, producing, projecting and screening;
- (h) acquire, hold, deal with or dispose of—
  - (i) licences; or
  - (ii) intellectual property (including patents and copyright); or
  - (iii) any other property (whether real or personal); or
  - (iv) any interest in such property;
- (i) accept grants or obtain financial sponsorship from any person or body;
- (j) carry on advertising and promotional activities;
- (k) conduct events and establish, operate, manage or make available venues and other facilities (including facilities for food and liquor) on premises of the Corporation;
- (l) regulate and control admission to any venue for any events or activities conducted or promoted by the Corporation, and charge and collect fees for admission to any such venue;
- (m) grant for fee or other consideration advertising or sponsorship rights or other rights, licences or concessions in connection with events or activities conducted or promoted by the Corporation;
- (n) publish or produce books, programs, brochures, films, souvenirs and other information or things relating to events or activities conducted or promoted by the Corporation;
- (o) sell or supply food and drink (including liquor), books, programs, brochures, films, souvenirs and other things in connection with events or activities conducted or promoted by the Corporation;
- (p) grant or dispose of rights to televise, broadcast or record any events or activities conducted or promoted by the Corporation;
- (q) restrict, control and make charges for the use of official insignia;
- (r) take out policies of insurance in its own right or on behalf of the State;
- (s) participate (whether as a member or otherwise) in, or otherwise be involved in the activities of, national or international organisations or associations involved in film, or the promotion of film;
- (t) give or contribute towards prizes in competitions designed to encourage artistic or cultural arts activity within the State or make grants and give other assistance for such purposes;
- (u) enter into any partnership or joint venture arrangement;
- (v) form, or acquire, hold, deal with and dispose of shares or other interests in, or securities issued by, bodies corporate, whether within or outside of the State;
- (w) borrow money and obtain other forms of financial accommodation;
- (x) act as trustee on behalf of another person in connection with the performance of its functions under this Act.

- (3) However, the Corporation must not, without the approval of the Treasurer, exercise a power referred to in subsection (2)(v) or (w).
- (4) The Corporation is not obliged to accept or keep material that is not, in its opinion, of sufficient artistic, historical, cultural or other interest to justify its collection or preservation under this Act.
- (5) The Corporation may exercise its powers within or outside of the State.

## **Division 8—Financial matters and annual reports**

### **12—Annual budget**

- (1) The Corporation must, from time to time, prepare and submit to the Minister a budget for the next financial year or for some other period determined by the Minister.
- (2) The budget must set out estimates of the Corporation's receipts and expenditures for the period to which the budget relates.
- (3) The budget must conform with any requirements of the Minister as to its form and the matters to be addressed by the budget.
- (4) The Minister may approve a budget submitted under this section with or without modification.
- (5) Subject to subsection (6), the Corporation must not, without the consent of the Minister, make an expenditure that is not provided for by a budget that has been approved by the Minister under this section.
- (6) The Corporation is not required to have the approval of the Minister with respect to the expenditure of money received by the Corporation by way of a testamentary or other gift.

### **13—Accounts and audit**

- (1) The Corporation must cause proper accounting records to be kept in relation to the financial affairs of the Corporation, and must have annual statements of account prepared in respect of each financial year.
- (2) The accounting records and the statements of account must comply with—
  - (a) any instructions of the Treasurer under section 41 of the *Public Finance and Audit Act 1987*; and
  - (b) any further requirements imposed by the Auditor-General.
- (3) The Auditor-General may at any time audit the accounts of the Corporation and must audit the annual statements of account.

### **14—Annual report**

- (1) The Corporation must, on or before 30 September in every year, forward to the Minister a report on the work and operations of the Corporation for the preceding financial year.
- (2) The report must contain the audited statements of account of the Corporation for the preceding financial year.
- (3) The Minister must, within 12 sitting days after receiving a report under this section, have copies of the report laid before both Houses of Parliament.

## Part 3—Authorised officers

### 15—Appointment of authorised officers

- (1) The Minister may appoint persons to be authorised officers for the purposes of this Act.
- (2) Each police officer is an authorised officer for the purposes of this Act.
- (3) An appointment under subsection (1) may be made subject to conditions or limitations specified in the instrument of appointment (and the exercise by an authorised officer of powers conferred under this Act is subject to the conditions and limitations (if any) specified in his or her instrument of appointment).
- (4) An authorised officer other than a police officer must be issued with an identity card—
  - (a) containing the person's name and a photograph of the person; and
  - (b) stating that the person is an authorised officer for the purposes of this Act; and
  - (c) stating any conditions or limitations on the authorised officer's authority.
- (5) An authorised officer must, at the request of a person in relation to whom the authorised officer intends to exercise any powers under this Act, produce for inspection by the person—
  - (a) in the case of an authorised officer appointed under subsection (1)—his or her identity card; and
  - (b) in the case of an authorised officer who is a police officer and is not in uniform—his or her certificate of authority.
- (6) If a person in possession of an identity card issued to the person under this section ceases to be an authorised officer, the person must immediately return the identity card to the Minister.

Maximum penalty: \$250.

### 16—Powers of authorised officers

- (1) If an authorised officer reasonably suspects that a person, while on premises of the Corporation, has committed, is committing or is about to commit an offence against this or any other Act, the authorised officer may do any 1 or more of the following:
  - (a) require the person to state his or her full name and usual place of residence;
  - (b) if the authorised officer suspects on reasonable grounds that the name or place of residence stated is false—require the person to produce evidence of his or her full name or usual place of residence;
  - (c) require the person to leave those premises immediately and not to return for a stated period (not exceeding 24 hours) or not to enter those premises;
  - (d) if the person refuses or fails to comply with a requirement under paragraph (c)—use such force as is reasonably necessary for the purpose of removing or excluding the person from those premises;

- (e) cause the person to be detained and handed over into the custody of a police officer as soon as reasonably practicable.
- (2) An authorised officer may also—
  - (a) require a person to surrender any object, substance or thing that the authorised officer reasonably suspects has been, is being, or is about to be, used on premises of the Corporation in contravention of this Act; and
  - (b) give such directions to persons on premises of the Corporation that the authorised officer considers necessary for—
    - (i) the maintenance of good order, the prevention of interference with events or other activities, or the safe and efficient regulation of vehicular or pedestrian traffic, on those premises; or
    - (ii) the protection of property under the care or control of the Corporation; and
  - (c) use such force as may reasonably be required—
    - (i) for the purpose of removing or excluding from premises of the Corporation a person who refuses or fails to comply with a requirement or direction under this section; or
    - (ii) for the purposes of seizing goods under section 21; and
  - (d) exercise any other prescribed power.
- (3) An authorised officer may, in exercising powers under this Act, be accompanied by such assistants as are reasonably required in the circumstances.
- (4) For the purposes of this section, a reference to *premises of the Corporation* includes a reference to a part of those premises.

### 17—Hindering etc authorised officers

- (1) A person who—
  - (a) without reasonable excuse hinders or obstructs an authorised officer; or
  - (b) fails to answer a question put by an authorised officer to the best of his or her knowledge, information or belief; or
  - (c) produces a document that he or she knows, or ought to know, is false or misleading in a material particular; or
  - (d) fails without reasonable excuse to comply with a requirement or direction of an authorised officer under this Act; or
  - (e) uses abusive, threatening or insulting language to an authorised officer or a person assisting an authorised officer; or
  - (f) falsely represents, by words or conduct, that he or she is an authorised officer,is guilty of an offence.  
Maximum penalty: \$2 500.
- (2) A person is not obliged to answer a question or to produce a document as required under this Act if to do so might tend to incriminate the person or make the person liable to a penalty.

## Part 4—Official insignia

### 18—Interpretation

- (1) In this Part—  
*official insignia* means—
  - (a) an official title (declared under section 19); or
  - (b) a logo (declared under section 19); or
  - (c) a combination of the above.
- (2) For the purposes of this Part, goods will be taken to be marked with official insignia if the insignia is affixed or annexed to, marked on, or incorporated in or with—
  - (a) the goods; or
  - (b) any covering or container in which the goods are wholly or partly enclosed;  
or
  - (c) anything placed in or attached to any such covering or container; or
  - (d) anything that is attached to the goods or around which the goods are wrapped or wound.

### 19—Official titles and logos

- (1) *South Australian Film Corporation* is declared to be an official title.
- (2) The Minister may, by notice in the Gazette—
  - (a) declare some other name under which the Corporation may conduct its operations or part of its operations to be an official title; or
  - (b) declare a name or a title of an event or activity conducted or promoted by the Corporation to be an official title; or
  - (c) declare a logo (being a design, the copyright of which is vested in the Crown in right of the State) to be a logo in respect of the Corporation or a particular event or activity conducted or promoted by the Corporation.
- (3) However, the Minister must not make a declaration under subsection (2) in relation to a name or title that is registered or otherwise protected under another Act unless the Minister is acting with the consent or agreement of the person who has the benefit of the registration or protection.
- (4) An official title declared under this section is not required to be registered or otherwise protected under any other Act.
- (5) The Minister may, by notice in the Gazette, vary or revoke a notice under this section.

### 20—Unlawful use of official insignia

- (1) The Corporation has a proprietary interest in all official insignia.

- (2) A person must not, without the consent of the Corporation, in the course of a trade or business—
- (a) use a name in which the Corporation has a proprietary interest under this section for the purpose of promoting the sale of services or the provision of any benefits; or
  - (b) sell goods marked with official insignia; or
  - (c) use official insignia for the purpose of promoting the sale of goods or services.

Maximum penalty: \$20 000.

- (3) A person must not, without the consent of the Corporation, assume a name or description that consists of, or includes, official insignia.

Maximum penalty: \$20 000.

- (4) A consent under this section—

- (a) may be given with or without conditions (including conditions requiring payment to the Corporation); and
- (b) may be given generally by notice in the Gazette or by notice in writing addressed to an applicant for the consent; and
- (c) may be revoked by the Corporation for breach of a condition by notice in writing given personally or by post to a person who has the benefit of the consent.

- (5) The Supreme Court may, on the application of the Corporation, grant an injunction to restrain a breach of this section.

- (6) The court by which a person is convicted of an offence against this section may, on the application of the Corporation, order the convicted person to pay compensation of an amount fixed by the court to the Corporation.

- (7) Subsections (5) and (6) do not derogate from any civil remedy that may be available to the Corporation apart from those subsections.

## **21—Seizure etc of goods marked with official insignia**

- (1) If—

- (a) goods apparently intended for a commercial purpose are marked with official insignia; and
- (b) an authorised officer suspects on reasonable grounds that the use of the insignia has not been authorised by the Corporation,

the authorised officer may seize those goods.

- (2) If goods have been seized under this section and—

- (a) proceedings are not instituted for an offence against section 20(2) in relation to the goods within 3 months of their seizure; or
- (b) after proceedings have been instituted and completed, the defendant is not convicted,

the person from whom they were seized is entitled to recover—

- (c) the goods or, if they have been destroyed, compensation equal to the market value of the goods at the time of their seizure; and
  - (d) compensation for any loss suffered by reason of the seizure of the goods.
- (3) An action for the payment of compensation under subsection (2) may be brought against the Corporation in any court of competent jurisdiction.
- (4) The court by which a person is convicted of an offence against this Act may order that goods to which the offence relates be forfeited to the Crown.
- (5) Any goods forfeited to the Crown must be disposed of in such manner as the Minister may direct and, if sold, the proceeds of the sale paid into the Consolidated Account.

## Part 5—Miscellaneous

### 22—Gifts etc

- (1) The Corporation may accept—
  - (a) grants, conveyances, transfers and leases of land from the Crown, an instrumentality of the Crown or any other person or body; and
  - (b) rights to the use, control, management or occupation of any land; and
  - (c) gifts of personal property of any kind to be used or applied by it for the purposes of this Act.
- (2) Despite the *Stamp Duties Act 1923*, no stamp duty is payable on any instrument by which land or any interest in or right over land is granted or assured to or vested in the Corporation or on any contract or instrument executed by the Corporation for the purpose of disposing of any property.

### 23—Ministerial delegation

- (1) The Minister may delegate a function or power of the Minister under this Act (other than this power of delegation) to any person (including a person for the time being performing particular duties or holding or acting in a specified position).
- (2) A delegation under this section—
  - (a) must be by instrument in writing; and
  - (b) may be absolute or conditional; and
  - (c) does not derogate from the power of the delegator to act in a matter; and
  - (d) is revocable at will.
- (3) A function or power delegated under this section may, if the instrument of delegation so provides, be further delegated.
- (4) In legal proceedings, an apparently genuine certificate, purportedly signed by the Minister containing particulars of a delegation under this section, will, in the absence of proof to the contrary, be accepted as proof that the delegation was made in accordance with the particulars.



## **24—Approvals by Treasurer**

- (1) An approval given by the Treasurer under this Act may be—
  - (a) specific or general; and
  - (b) conditional or unconditional.
- (2) An approval given by the Treasurer may be varied or revoked by the Treasurer at any time.

## **25—Service with the State or Commonwealth Government or approved employer to count as service with the Corporation, if continuous**

If the service of a person in the employment of the Corporation is continuous with his or her service in the employment of the Government of the Commonwealth or of this State or any other State of the Commonwealth or in the employment of any other employer approved by the Minister, the Corporation must, when calculating the recreation leave, sick leave and long service leave to be granted to that person in respect of his or her service in the employment of the Corporation—

- (a) grant in addition to that leave any accrued leave to which that person is entitled in respect of his or her service in that previous employment; or
- (b) if that person has no such entitlement to any accrued leave, take into account his or her period of service in that previous employment as if it were service in the employment of the Corporation.

## **26—Superannuation**

The employing authority may enter into arrangements contemplated by section 5 of the *Superannuation Act 1988*.

## **27—Films and equipment of Government departments may be vested in Corporation**

- (1) The Governor may, by proclamation, subject to such terms and conditions, if any, as the Governor thinks fit, vest in the Corporation the ownership or custody of any films and any periodicals, books and equipment for use in connection with film making, producing, projecting and screening which are owned by or vested in the Government or any instrumentality or agency of the Government.
- (2) Subject to this Act and to the terms and conditions of the vesting, the Corporation may utilise for the purposes of this Act the films, periodicals, books and equipment so vested in it.
- (3) On application to the Corporation by or on behalf of an administrative unit of the Public Service or any other public sector agency (within the meaning of the *Public Sector Act 2009*) to borrow any film, periodical, book or equipment of which the applicant has been divested pursuant to this section, the Corporation must, so far as is practicable and unless otherwise directed by the Minister, give the applicant immediate access to the required film, periodical, book or equipment and permit the applicant to borrow it for the period of time for which it is required.

## 28—Preferences in the lending of films etc

Unless otherwise directed by the Minister, the Corporation must, when determining conflicting applications to borrow any film, periodical, book or equipment of or in the custody of the Corporation—

- (a) give priority to any applicant that is an administrative unit of the Public Service or other public sector agency (within the meaning of the *Public Sector Act 2009*) which has been divested of the film, periodical, book or equipment pursuant to this Act; and
- (b) have regard to the purposes for which the applicants require the film, periodical, book or equipment.

## 29—Temporary road closures etc

The Commissioner of Police—

- (a) may, on application by the Corporation and with the approval of the relevant council; or
- (b) must, on the direction of the Minister (on application to the Minister by the Corporation or any other person and after consultation with the relevant council),

temporarily close a road or part of a road, or cause such directions to be given as are necessary to control the movement of pedestrians and vehicular traffic on a road or part of a road, during the making of a film being produced by or on behalf of the Corporation or the other person (as the case may be).

## 30—Regulations

- (1) The Governor may make such regulations as are contemplated by, or necessary or expedient for the purposes of, this Act.
- (2) Without limiting the generality of subsection (1), the regulations may—
  - (a) provide for the use, care and protection of films, materials, equipment, objects, works, collections or any other property under the care or control of the Corporation; and
  - (b) provide for the admission, exclusion or expulsion of members of the public to or from premises of the Corporation or a part of those premises; and
  - (c) prohibit disorderly or offensive behaviour on premises of the Corporation; and
  - (d) prohibit or regulate eating, drinking (including liquor), smoking or the consumption of unlawful substances on premises of the Corporation or a part of those premises; and
  - (e) prohibit or regulate any other conduct or activities for the purposes of—
    - (i) maintaining good order, and preventing interference with events or activities conducted, on premises of the Corporation; and
    - (ii) protecting property under the care or control of the Corporation; and
  - (f) prohibit or regulate the driving, parking or standing of vehicles on premises of the Corporation; and

- (g) prescribe fees for the parking of vehicles on premises of the Corporation and provide for their payment and recovery; and
  - (h) provide that the owner and driver of a vehicle driven, parked or left standing in contravention of the regulations are each guilty of an offence and provide or exclude defences in relation to any such offence; and
  - (i) provide for the management (including disposal) by, and vesting in, the Corporation of unclaimed property; and
  - (j) provide for the approval by the Corporation or an authorised officer of any act or activity that would otherwise be prohibited under the regulations; and
  - (k) prescribe penalties not exceeding \$1 250 for breach of any regulation.
- (3) The regulations may—
- (a) be of general or limited application; and
  - (b) make different provision according to the persons, things or circumstances to which they are expressed to apply; and
  - (c) provide that any matter or thing is to be determined, dispensed with, regulated or prohibited according to the discretion of the Minister, the Corporation or another prescribed person or authority.
- (4) In proceedings for an offence against a regulation dealing with the driving, parking or standing of vehicles—
- (a) an allegation in a complaint that a person named in the complaint was the owner of a specified vehicle on a specified day will be taken to be proved in the absence of proof to the contrary; and
  - (b) if it is proved that a vehicle was parked in contravention of a regulation, it will be presumed, in the absence of proof to the contrary, that the vehicle was so parked by the owner of the vehicle.

## Legislative history

### Notes

- Please note—References in the legislation to other legislation or instruments or to titles of bodies or offices are not automatically updated as part of the program for the revision and publication of legislation and therefore may be obsolete.
- Earlier versions of 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](http://www.legislation.sa.gov.au).

### Principal Act and amendments

New entries appear in bold.

Year	No	Title	Assent	Commencement
1972	48	<i>South Australian Film Corporation Act 1972</i>	20.4.1972	26.10.1972 ( <i>Gazette 26.10.1972 p2021</i> )
1975	92	<i>South Australian Film Corporation Act Amendment Act 1975</i>	20.11.1975	15.4.1976 ( <i>Gazette 15.4.1976 p1979</i> )
1978	77	<i>South Australian Film Corporation Act Amendment Act 1978</i>	16.11.1978	18.2.1982 ( <i>Gazette 18.2.1982 p417</i> )
1979	11	<i>South Australian Film Corporation Act Amendment Act 1979</i>	8.3.1979	8.3.1979
1981	106	<i>South Australian Film Corporation Act Amendment Act 1981</i>	23.12.1981	23.12.1981
1993	79	<i>South Australian Film Corporation (Administration) Amendment Act 1993</i>	27.10.1993	27.10.1993 ( <i>Gazette 27.10.1993 p1888</i> )
2006	41	<i>Statutes Amendment (Public Sector Employment) Act 2006</i>	14.12.2006	Pt 19 (ss 80—84)—1.4.2007 ( <i>Gazette 29.3.2007 p930</i> )
2009	84	<i>Statutes Amendment (Public Sector Consequential Amendments) Act 2009</i>	10.12.2009	Pt 136 (ss 310—312)—1.2.2010 ( <i>Gazette 28.1.2010 p320</i> )
<b>2010</b>	<b>19</b>	<b><i>Statutes Amendment (Arts Agencies Governance and Other Matters) Act 2010</i></b>	<b>28.10.2010</b>	<b>Pt 9 (ss 72—82) &amp; Sch 1 (Pt 6 &amp; Pt 9 cl 9)—12.5.2011 (<i>Gazette 12.5.2011 p1460</i>)</b>

### Provisions amended since 3 February 1976

New entries appear in bold.

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

Provision	How varied	Commencement
Pt 1		
s 2	<i>omitted under Legislation Revision and Publication Act 2002</i>	
s 3	<i>amended by 77/1978 s 3</i>	18.2.1982
	<i>amended by 106/1981 s 2</i>	23.12.1981

	<i>omitted under Legislation Revision and Publication Act 2002</i>	
s 4		
<i>s 4(1) before substitution by 19/2010</i>	<i>s 4 redesignated as s 4(1) by 41/2006 s 80(2)</i>	1.4.2007
employing authority	inserted by 41/2006 s 80(1)	1.4.2007
film	substituted by 92/1975 s 3(a)	15.4.1976
<i>the advisory board</i>	<i>deleted by 77/1978 s 4</i>	18.2.1982
<i>the Chairman</i>	<i>inserted by 92/1975 s 3(b)</i>	15.4.1976
	<i>deleted by 79/1993 s 3(a)</i>	27.10.1993
the Chief Executive Officer	inserted by 79/1993 s 3(a)	27.10.1993
<i>the Director</i>	<i>deleted by 106/1981 s 3</i>	23.12.1981
<i>the Managing Director</i>	<i>inserted by 106/1981 s 3</i>	23.12.1981
	<i>deleted by 79/1993 s 3(b)</i>	27.10.1993
<b>s 4(1)</b>	<b>substituted by 19/2010 s 72(1)</b>	<b>12.5.2011</b>
s 4(2)	inserted by 41/2006 s 80(2)	1.4.2007
Pt 2		
<b>heading</b>	<b>substituted by 19/2010 s 73</b>	<b>12.5.2011</b>
<i>s 5 before deletion by 19/2010</i>		
<i>s 5(4)</i>	<i>substituted by 92/1975 s 4(a)</i>	15.4.1976
	<i>substituted by 79/1993 s 4</i>	27.10.1993
<i>s 5(5)</i>	<i>deleted by 92/1975 s 4(a)</i>	15.4.1976
	<i>inserted by 79/1993 s 4</i>	27.10.1993
<i>s 5(5a)</i>	<i>inserted by 79/1993 s 4</i>	27.10.1993
<i>s 5(6)</i>	<i>amended by 92/1975 s 4(b)</i>	15.4.1976
<i>s 5(7)</i>	<i>amended by 92/1975 s 4(c)</i>	15.4.1976
<i>s 5(11)</i>	<i>deleted by 84/2009 s 310</i>	1.2.2010
<i>s 5(12)</i>	<i>amended by 92/1975 s 4(d)</i>	15.4.1976
<b>s 5</b>	<b>deleted by 19/2010 s 74</b>	<b>12.5.2011</b>
<i>s 6 before deletion by 19/2010</i>	<i>amended by 92/1975 s 5</i>	15.4.1976
	<i>substituted by 79/1993 s 5</i>	27.10.1993
<b>s 6</b>	<b>deleted by 19/2010 s 74</b>	<b>12.5.2011</b>
s 6A	inserted by 79/1993 s 5	27.10.1993
	substituted by 84/2009 s 311	1.2.2010
	<b>deleted by 19/2010 s 74</b>	<b>12.5.2011</b>
s 6B	inserted by 79/1993 s 5	27.10.1993
	deleted by 84/2009 s 311	1.2.2010
<b>ss 7 and 8</b>	<b>deleted by 19/2010 s 74</b>	<b>12.5.2011</b>
<b>Pt 2 Div 1</b>	<b>inserted by 19/2010 s 74</b>	<b>12.5.2011</b>
<b>Pt 2 Div 2</b>	<b>inserted by 19/2010 s 74</b>	<b>12.5.2011</b>

<b>Pt 2 Div 3</b>	<b>inserted by 19/2010 s 74</b>	<b>12.5.2011</b>
<b>Pt 2 Div 4</b>	<b>inserted by 19/2010 s 74</b>	<b>12.5.2011</b>
<b>Pt 2 Div 5</b>	<b>inserted by 19/2010 s 74</b>	<b>12.5.2011</b>
Pt 2 Div 6		
<b>heading</b>	<b>inserted by 19/2010 s 74</b>	<b>12.5.2011</b>
<i>s 9 before substitution by 41/2006</i>		
<i>s 9(1)</i>	<i>substituted by 79/1993 s 6(a)</i>	<i>27.10.1993</i>
<i>s 9(1a)</i>	<i>inserted by 79/1993 s 6(a)</i>	<i>27.10.1993</i>
<i>s 9(2)</i>	<i>amended by 79/1993 s 6(b)</i>	<i>27.10.1993</i>
<i>s 9(3)</i>	<i>amended by 79/1993 s 6(c)</i>	<i>27.10.1993</i>
<i>s 9</i>	<i>substituted by 41/2006 s 81</i>	<i>1.4.2007</i>
<b>s 9(2)</b>	<b>substituted by 19/2010 s 75</b>	<b>12.5.2011</b>
<i>s 9A</i>	<i>inserted by 41/2006 s 81</i>	<i>1.4.2007</i>
<i>s 9A(3)</i>	<i>amended by 84/2009 s 312</i>	<i>1.2.2010</i>
<i>s 9A(13)</i>		
<i>public sector agency</i>	<i>amended by 84/2009 s 312</i>	<i>1.2.2010</i>
Pt 2 Div 7		
<b>heading</b>	<b>inserted by 19/2010 s 76</b>	<b>12.5.2011</b>
<i>s 10</i>	<i>amended by 92/1975 s 6</i>	<i>15.4.1976</i>
	<i>amended by 11/1979 s 2</i>	<i>8.3.1979</i>
	<b>amended by 19/2010 s 77(1), (2)</b>	<b>12.5.2011</b>
<i>s 11 before substitution by 19/2010</i>	<i>amended by 92/1975 s 7</i>	<i>15.4.1976</i>
	<i>amended by 11/1979 s 3</i>	<i>8.3.1979</i>
<b>s 11</b>	<b>substituted by 19/2010 s 78</b>	<b>12.5.2011</b>
<i>s 12 before deletion by 19/2010</i>		
<i>s 12(1)</i>	<i>amended by 79/1993 s 7(a)</i>	<i>27.10.1993</i>
	<i>amended by 41/2006 s 82</i>	<i>1.4.2007</i>
<i>s 12(4)</i>	<i>inserted by 79/1993 s 7(b)</i>	<i>27.10.1993</i>
<i>s 12</i>	<b>deleted by 19/2010 s 79</b>	<b>12.5.2011</b>
<i>s 13</i>	<b>deleted by 19/2010 s 79</b>	<b>12.5.2011</b>
<b>Pt 5 heading</b>	<b>omitted under Legislation Revision and Publication Act 2002</b>	<b>12.5.2011</b>
<i>s 22</i>	<b>deleted by 19/2010 s 79</b>	<b>12.5.2011</b>
<i>s 23 before deletion by 19/2010</i>		
<i>s 23(4)</i>	<i>inserted by 11/1979 s 4</i>	<i>8.3.1979</i>
<i>s 23</i>	<b>deleted by 19/2010 s 79</b>	<b>12.5.2011</b>
<i>s 24</i>	<b>deleted by 19/2010 s 79</b>	<b>12.5.2011</b>
<b>Pt 2 Div 8</b>	<b>inserted by 19/2010 s 79</b>	<b>12.5.2011</b>
<i>Pt 3</i>	<i>amended by 106/1981 ss 4—8</i>	<i>23.12.1981</i>

	<i>deleted by 79/1993 s 8</i>	27.10.1993
<b>Pt 3</b>	<b>inserted by 19/2010 s 79</b>	<b>12.5.2011</b>
<i>Pt 4</i>	<i>amended by 92/1975 ss 8, 9</i>	15.4.1976
	<i>deleted by 77/1978 s 5</i>	18.2.1982
<b>Pt 4</b>	<b>inserted by 19/2010 s 79</b>	<b>12.5.2011</b>
<i>Pt 5</i>		
<b>heading</b>	<b>Pt 6 heading redesignated as Pt 5 heading by 19/2010 s 80</b>	<b>12.5.2011</b>
<b>ss 22—24</b>	<b>inserted by 19/2010 s 81</b>	<b>12.5.2011</b>
<b>s 25</b>	<b>amended by 19/2010 Sch 1 Pt 6</b>	<b>12.5.2011</b>
<i>s 26 before substitution by 41/2006</i>	<i>amended by 106/1981 s 9</i>	23.12.1981
	<i>amended by 79/1993 s 9</i>	27.10.1993
<i>s 26</i>	<i>substituted by 41/2006 s 83</i>	1.4.2007
<b>s 27</b>		
<b>s 27(1) and (3)</b>	<b>amended by 19/2010 Sch 1 Pt 6</b>	<b>12.5.2011</b>
<b>s 28</b>	<b>amended by 19/2010 Sch 1 Pt 6</b>	<b>12.5.2011</b>
<b>s 29</b>	<b>substituted by 19/2010 Sch 1 Pt 6</b>	<b>12.5.2011</b>
<i>s 30 before substitution by 19/2010</i>		
<i>s 30(1)</i>	<i>amended by 79/1993 s 10</i>	27.10.1993
<b>s 30</b>	<b>substituted by 19/2010 s 82</b>	<b>12.5.2011</b>
<b>ss 31 and 32</b>	<b>deleted by 19/2010 s 82</b>	<b>12.5.2011</b>
<i>s 33 before deletion by 19/2010</i>		
<i>s 33(2)</i>	<i>amended by 77/1978 s 6</i>	18.2.1982
	<i>amended by 106/1981 s 10</i>	23.12.1981
	<i>amended by 79/1993 s 11</i>	27.10.1993
	<i>amended by 41/2006 s 84</i>	1.4.2007
<i>s 33</i>	<b>deleted by 19/2010 s 82</b>	<b>12.5.2011</b>

## Transitional etc provisions associated with Act or amendments

### *South Australian Film Corporation (Administration) Amendment Act 1993*

#### 12—Transitional provision

The members of the Corporation in office immediately before the commencement of this Act continue in office under the principal Act as amended by this Act.

### *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;
- (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.
- (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.

***Statutes Amendment (Arts Agencies Governance and Other Matters) Act 2010,  
Sch 1 Pt 9—Transitional provisions***

**9—Membership of South Australian Film Corporation**

- (1) In this clause—

*principal Act* means the *South Australian Film Corporation Act 1972*.
- (2) A member of the South Australian Film Corporation (within the meaning of the principal Act) holding office immediately before the commencement of this clause, will, on that commencement, continue in office—
  - (a) for the balance of that term of office; and
  - (b) on such other conditions as if the principal Act as amended by Part 9 of this Act had been in force when he or she was appointed or last re-appointed a member of the Corporation and that appointment had been made under the principal Act as so amended.
- (3) A member continues in office by virtue of subclause (2) despite the fact that, for some or all of the duration of the balance of that term of office—
  - (a) 1 or more provisions of section 6 of the principal Act as amended by Part 9 of this Act (relating to the composition of the Corporation) may not be complied with; and
  - (b) section 7(1) of the principal Act as amended by Part 9 of this Act (prohibiting a person from being appointed for a term exceeding 3 years) may not be complied with; and
  - (c) section 7(2) of the principal Act as amended by Part 9 of this Act (prohibiting a person from serving as a member for more than 9 consecutive years) may not be complied with,

and, in that case, those provisions will not apply for that duration.

**Historical versions**

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1.4.2007

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