

South Australia

# Public Sector (Ministerial Travel Reports) Amendment Act 2023

An Act to amend the *Public Sector Act 2009*.

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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 *Public Sector (Ministerial Travel Reports) Amendment Act 2023*.

### 2—Commencement

This Act comes into operation 12 months after the day on which it is assented to by the Governor.

## Part 2—Amendment of *Public Sector Act 2009*

### 3—Insertion of Part 3A

After section 12 insert:

#### **Part 3A—Reporting on certain official travel**

##### **12A—Application of Part**

- (1) This Part applies to travel undertaken by a prescribed person in their official capacity after the commencement of this section that consists of, or includes, travel outside of South Australia.
- (2) However, this Part does not apply in relation to travel funded by the prescribed person personally (including where the travel costs fall within the common allowance paid to the prescribed person under the *Parliamentary Remuneration Act 1990* or where the prescribed person's costs are reimbursed by the Parliament).
- (3) This Part is in addition to, and does not derogate from, any other reporting requirements a prescribed person or any other person has under this or any other Act or law.
- (4) In this section—

*prescribed person* means—

- (a) each Minister of the Crown; and
- (b) the Leader of the Opposition in the House of Assembly; and
- (c) the Leader of the Opposition in the Legislative Council; and
- (d) the Deputy Leader of the Opposition in the House of Assembly; and
- (e) the Deputy Leader of the Opposition in the Legislative Council.

##### **12B—Prescribed persons to report on certain official travel**

- (1) Subject to this section, each prescribed person who undertakes travel to which this Part applies must prepare a report setting out—
  - (a) the following information in relation to the travel:
    - (i) the name and portfolio of the prescribed person;
    - (ii) the period during which the travel was undertaken;
    - (iii) the reason for the travel;
    - (iv) the total cost of the travel funded, or to be funded, by money provided by the State, broken down into—
      - (A) the cost of airfares and other transport costs; and

- (B) the cost of accommodation; and
    - (C) the cost of food and beverages; and
    - (D) the total of any other costs of the travel;
  - (v) a summary of the activities undertaken in the course of the travel; and
- (b) in the case where a public sector employee travels with a prescribed person who is a Minister as part of the Minister's official travelling party—the following information in relation to each such public sector employee's travel:
  - (i) the public sector agency in which the public sector employee is employed;
  - (ii) the name and official capacity of the public sector employee;
  - (iii) the period during which the public sector employee accompanied the Minister in an official capacity (if different to the information required under paragraph (a));
  - (iv) the total cost of the public sector employee's travel funded, or to be funded, by money provided by the State, broken down into—
    - (A) the cost of airfares and other transport costs; and
    - (B) the cost of accommodation; and
    - (C) the cost of food and beverages; and
    - (D) the total of any other costs of the travel;
  - (v) a summary of the activities of the public sector employee in their official capacity undertaken in the course of the travel; and
- (c) in the case where a prescribed staff member travels with a prescribed person who is a Minister as part of the Minister's official travelling party—
  - (i) the name and official capacity of the prescribed staff member;
  - (ii) the period during which the prescribed staff member accompanied the Minister in an official capacity (if different to the information required under paragraph (a));
  - (iii) the total cost of the travel of the prescribed staff member funded, or to be funded, by money provided by the State, broken down into—
    - (A) the cost of airfares and other transport costs; and

- (B) the cost of accommodation; and
      - (C) the cost of food and beverages; and
      - (D) the total of any other costs of the travel;
    - (iv) a summary of the activities of the prescribed staff member in their official capacity undertaken in the course of the travel; and
  - (d) any other information required by the regulations.
- (2) Subject to subsection (3), a report must be prepared under this section within 45 days after the conclusion of the relevant travel.
- (3) If, in relation to a report of particular travel, a prescribed person does not have the information or documents necessary to provide all of the information required under subsection (1)(a)(iv), (1)(b)(iv) or (1)(c)(iii), the prescribed person must—
- (a) nevertheless prepare a report under this section setting out such of the information required under subsection (1) as may be known to the prescribed person; and
  - (b) set out in the report an explanation of why the report is incomplete and a description of the outstanding information; and
  - (c) as soon as is reasonably practicable after the prescribed person receives the outstanding information or documents, prepare a supplementary report containing that information.
- (4) If, in relation to a report of particular travel, it is not reasonably practicable for a prescribed person to provide a breakdown of the costs in accordance with subsection (1)(a)(iv), (1)(b)(iv) or (1)(c)(iii), the prescribed person will be taken to have complied with those requirements if the prescribed person sets out in the report—
- (a) the total cost of the travel; and
  - (b) a description of the costs incurred in the travel; and
  - (c) an explanation of why the costs could not reasonably be broken down in accordance with those requirements.
- (5) A prescribed person preparing a report under this section must cause copies of receipts or invoices for all costs relating to travel to which this Part applies to accompany the report.
- (6) However, a prescribed person need not comply with subsection (5) in relation to a particular receipt or invoice, or particular class of receipts or invoices—
- (a) if the receipt or invoice relates to a matter to be addressed in a supplementary report prepared under subsection (3), in which case the prescribed person must instead cause a copy of the receipt or invoice to accompany the supplementary report; or

- (b) if a receipt or invoice in respect of a particular cost is not able to be obtained by the prescribed person, or has been lost or destroyed, in which case the prescribed person must instead complete a declaration containing any information required by the regulations in relation to the cost and cause a copy of the declaration to accompany the report or supplementary report under this section (as the case requires).
- (7) If a prescribed person is of the opinion that to comply with subsection (5) or (6) in relation to a particular receipt or invoice would create a risk to the health or safety of the prescribed person or any other person, or would amount to a security risk to the interests of the State (however described), the prescribed person may cause a redacted copy of the receipt or invoice to accompany the report or supplementary report (and in such a case the prescribed person will, to avoid doubt, be taken to have complied with the relevant subsection in respect of the receipt or invoice).
- (8) A report prepared under this section must be in the prescribed manner and form.
- (9) In the case where a public sector employee travels with a prescribed person who is a Minister undertaking travel to which this Part applies as part of the Minister's official travelling party—
  - (a) the Minister must provide a copy of the report and accompanying documents to the Chief Executive of the relevant public sector agency; and
  - (b) the Chief Executive of the public sector agency must ensure that the report is accurate and comprehensive to the extent that it relates to the public sector agency.
- (10) A prescribed person must, within 6 sitting days after preparing a report under this section, cause copies of the report or supplementary report and accompanying documents to be laid before each House of Parliament.
- (11) In this section—

***prescribed staff member***, in relation to a prescribed person who is a Minister, means—

  - (a) a person engaged by the Premier as a member of the Minister's personal staff under section 71; or
  - (b) a person engaged by the Minister under section 72.