

South Australia

Regulations Variation (Public Sector Consequential Variations) Regulations 2010

under the *Children's Services Act 1985*, the *Dental Practice Act 2001*, the *Development Act 1993*, the *Education Act 1972*, the *Emergency Services Funding Act 1998*, the *Freedom of Information Act 1991*, the *Local Government Act 1999*, the *Motor Vehicles Act 1959*, the *National Parks and Wildlife Act 1972*, the *Opal Mining Act 1995*, the *Passenger Transport Act 1994*, the *Police Act 1998*, the *Protection of Marine Waters (Prevention of Pollution from Ships) Act 1987*, the *Public Corporations Act 1993*, the *Stamp Duties Act 1923*, the *Superannuation Act 1988*, the *Technical and Further Education Act 1975* and the *Wilderness Protection Act 1992*

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Part 1—Preliminary

1—Short title

These regulations may be cited as the *Regulations Variation (Public Sector Consequential Variations) Regulations 2010*.

2—Commencement

These regulations will come into operation on the day on which the *Public Sector Act 2009* comes into operation.

3—Variation provisions

In these regulations, a provision under a heading referring to the variation of specified regulations varies the regulations so specified.

Part 2—Variation of *Children's Services (Membership of Committees) Regulations 2001*

4—Variation of regulation 15—Election of service providers to regional advisory committee

Regulation 15(1)(e)—delete paragraph (e) and substitute:

- (e) public sector employees involved in the provision of family day care;
and

Part 3—Variation of *Dental Practice (General) Regulations 2007*

5—Variation of regulation 3—Interpretation

Regulation 3, definition of *public sector*—delete "*Public Sector Management Act 1995*" and substitute:

Public Sector Act 2009

Part 4—Variation of *Development Regulations 2008*

6—Variation of regulation 110—Delegations

- (1) Regulation 110(a)(iii)—delete "not employed under the *Public Sector Management Act 1995*" and substitute:

who is not a Public Service employee

- (2) Regulation 110(b)(iii)—delete "not employed under the *Public Sector Management Act 1995*" and substitute:

who is not a Public Service employee

Part 5—Variation of *Education Regulations 1997*

7—Variation of regulation 29—Travelling expenses

Regulation 29—delete "an officer governed by the *Public Sector Management Act 1995*" and substitute:

a Public Service employee

Part 6—Variation of *Emergency Services Funding (Remissions—Land) Regulations 2000*

8—Variation of regulation 13—Classes of persons entitled

Regulation 13(1)(j)—delete "the part of the Department of Human Services known as Family and Youth Services" and substitute:

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

Part 7—Variation of *Freedom of Information (Fees and Charges) Regulations 2003*

9—Variation of regulation 3—Interpretation

Regulation 3, definition of *concession cardholder*, (a)(ii)—delete "the part of the Department of Human Services known as Family and Youth Services" and substitute:

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

Part 8—Variation of *Local Government (General) Regulations 1999*

10—Variation of regulation 17—Public consultation—section 223

Regulation 17 (2)—delete subregulation (2) and substitute:

- (2) Pursuant to section 223(2) of the Act, the following administrative units of the Public Service must be notified of a proposal to grant an authorisation within the ambit of subregulation (1)(a) other than in relation to a road that has been formed and surfaced:
 - (a) the administrative unit that is, under a Minister, responsible for the administration of the *Development Act 1993*;
 - (b) the administrative unit that is, under a Minister, responsible for the administration of the *Recreational Greenways Act 2000*.

Part 9—Variation of *Motor Vehicles Regulations 1996*

11—Insertion of regulation 38B

After regulation 38A insert:

38B—Concession card holders

For the purposes of section 38A(1)(a)(i) and 38AB(1)(a)(i) of the Act, a State Concession Card issued by the administrative unit of the Public Service that is, under a Minister, responsible for the administration of the *Family and Community Services Act 1972* is a State concession card of a prescribed class.

Part 10—Variation of *National Parks and Wildlife (Hunting) Regulations 1996*

12—Variation of Schedule—Fees

Schedule, clause 1, definition of *concession cardholder*, (a)—delete "the State Department of Family and Community Services" and substitute:

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

Part 11—Variation of *Opal Mining Regulations 1997*

13—Substitution of regulation 28

Regulation 28—delete the regulation and substitute:

28—Offices of Mining Registrar

For the purposes of the Act, the Adelaide head office of the administrative unit that is, under the Minister, responsible for the administration of the Act and each of the offices of that unit at Andamooka, Coober Pedy and Marla are offices of the Mining Registrar.

Part 12—Variation of *Passenger Transport Regulations 2009*

14—Variation of regulation 7—Sections 27, 28 and 29 of Act not to apply in certain cases

Regulation 7(1)(a)(i)—delete "Department for Education and Children's Services" and substitute:

administrative unit that is, under a Minister responsible for the administration of the *Children's Services Act 1985* or the *Education Act 1972*

Part 13—Variation of *Police Regulations 1999*

15—Variation of regulation 3—Interpretation

Regulation 3, definition of *employee in the department*, (c)—delete "*Public Sector Management Act 1995*" and substitute:

Public Sector Act 2009

Part 14—Variation of *Protection of Marine Waters (Prevention of Pollution from Ships) Regulations 2001*

16—Variation of regulation 4—Interpretation

- (1) Regulation 4, definition of *Department*—delete "Department of Transport, Urban Planning and the Arts" and substitute:

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

- (2) Regulation 4, definition of *manager*—delete "Marine Environment and Safety Operations Manager of Transport SA" and substitute:

Public Service employee holding or acting in the office of Director, Transport Safety Regulation

Part 15—Variation of *Public Corporations (Playford Centre) Regulations 1996*

17—Variation of regulation 7—Composition of board

Regulation 7(1)—delete "person appointed to the Public Service under the *Public Sector Management Act 1995*" and substitute:

Public Service employee

Part 16—Variation of *Stamp Duties Regulations 2002*

18—Insertion of Part 7A

After Part 7 insert:

Part 7A—Stamp duties and exemptions

30—Concession card holders

For the purposes of subparagraph (i) of paragraph (b) of exemption 8 of clause 2(4) of Schedule 2 of the Act, a State concession card issued by the administrative unit of the Public Service that is, under a Minister, responsible for the administration of the *Family and Community Services Act 1972* is a State concession card of a prescribed class.

Part 17—Variation of *Superannuation (Julia Farr Services Employees) Regulations 2003*

19—Variation of regulation 7—Contributor taken to remain in employment

Regulation 7(3)—delete "*Public Sector Management Act 1995*" and substitute:
Public Sector Act 2009

Part 18—Variation of *Superannuation Regulations 2001*

20—Variation of regulation 29A—Special provision relating to certain TEC contracts without tenure

- (1) Regulation 29A(3), definition of *TEC contract with tenure*, (a)—delete "*Public Sector Management Act 1995*" and substitute:
Public Sector Act 2009
- (2) Regulation 29A(3), definition of *TEC contract with tenure*, (b)—delete paragraph (b) and substitute:
 - (b) that is a contract of a kind referred to in Schedule 3 clause 3(3)(c) of the *Public Sector Act 2009*;

Part 19—Variation of *Technical and Further Education Regulations 1999*

21—Variation of regulation 13—Recreation leave loading allowance

Regulation 13(3)—delete "prescribed by the Public Service (Recreation Leave Loading) Award of the Industrial Relations Commission of South Australia (as amended or substituted from time to time) for employees appointed under the *Public Sector Management Act 1995*" and substitute:

that would be payable if the officer were a Public Service employee entitled to recreation leave loading

22—Variation of regulation 21—Certain officers subject to Public Service conditions

Regulation 21—delete "under the *Public Sector Management Act 1995*"

23—Variation of regulation 29—Travelling expenses

Regulation 29(2)—delete "under the *Public Sector Management Act 1995*"

24—Substitution of regulation 57

Regulation 57—delete the regulation and substitute:

57—Application of Public Sector (Honesty and Accountability) Act to committee members

The *Public Sector (Honesty and Accountability) Act 1995* applies to the members of a committee formed by a college council as if the committee were an advisory body and the Minister responsible for the administration of the Act were the relevant Minister.

Part 20—Variation of *Wilderness Protection Regulations 2006*

25—Variation of Schedule 1—Fees

Schedule 1, clause 1, definition of *concession cardholder*, (a)—delete "State Department of Family and Community Services" and substitute:

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

Note—

As required by section 10AA(2) of the *Subordinate Legislation Act 1978*, the Minister has certified that, in the Minister's opinion, it is necessary or appropriate that these regulations come into operation as set out in these regulations.

Made by the Governor's Deputy

with the advice and consent of the Executive Council
on 28 January 2010

No 11 of 2010

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