

South Australia

Public Sector (Honesty and Accountability) Regulations 2025

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

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Schedule 1—Repeal of *Public Sector (Honesty and Accountability) Regulations 2010*

Legislative history

1—Short title

These regulations may be cited as the *Public Sector (Honesty and Accountability) Regulations 2025*.

2—Commencement

These regulations come into operation on the day on which they are made.

3—Interpretation

In these regulations—

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

4—Disclosure of pecuniary interests (section 17 of Act)

(1) The table below specifies—

- (a) the pecuniary interests to be disclosed by a senior official for the purposes of section 17 of the Act; and
- (b) the information that must be disclosed by the senior official in respect of any such pecuniary interest.

	Pecuniary interest	Information required
1	A contract of service, office, trade, vocation, business or profession in respect of which the person receives or is entitled to receive any remuneration, fee or other pecuniary sum (not being payable under the Act).	A description of the contract, office, trade, vocation, business or profession and the amount and source of the remuneration, fee or other pecuniary sum.

	Pecuniary interest	Information required
2	An office held by the person (whether as a director or otherwise) in a company or other body (whether or not incorporated) in respect of which the person received or is entitled to receive any remuneration, fee or other pecuniary sum.	The name and address of the company or other body and the amount of the remuneration, fee or other pecuniary sum.
3	A company, partnership, association or other body in which the person is an investor.	The name and address or description of the company, partnership, association or other body.
4	Land in which the person has a beneficial interest (other than by way of security for a debt).	The address or description of the land.
5	A trust (other than a testamentary trust) of which the person is a beneficiary or trustee.	A description of the trust and the name and address of each trustee.
6	Any other pecuniary interest of the person of a kind determined by the Minister.	The information required by the Minister to be disclosed in respect of that pecuniary interest.

(2) For the purposes of this regulation—

- (a) a reference to a beneficial interest in land includes a reference to a right to reacquire land; and
- (b) a person who is an object of a discretionary trust is to be taken to be a beneficiary of that trust; and
- (c) a person is an investor in a body if—
 - (i) the person has deposited money with, or lent money to, the body that has not been repaid and the amount not repaid equals or exceeds \$10 000; or
 - (ii) the person holds, or has a beneficial interest in, shares in, or debentures of, the body or a policy of life insurance issued by the body.

5—Exemptions (section 32 of Act)

- (1) If a member of a corporate agency or advisory body was appointed as a member wholly or partly on the basis that they are or have been engaged in or associated with a particular industry, activity or sector, the member will not be taken to have a direct or indirect interest in a matter for the purposes of the Act by reason only of the fact that the member has an interest in a matter shared in common with those engaged in, or associated with, the industry, activity or sector generally, or a substantial section of those engaged in or associated with the industry, activity or sector.
- (2) If a member of a non-statutory advisory body—
 - (a) advises the relevant Minister, by notice in writing, of any direct or indirect personal or pecuniary interest that conflicts, or may conflict, with the member's functions; and
 - (b) complies with any directions given by the Minister regarding the resolution of the conflict, or potential conflict,

the member is exempt from the application of section 12 of the Act in relation to that interest.

- (3) In this regulation—

relevant Minister means—

- (a) in the case where advice is, or is to be, provided by the advisory body to a public sector agency consisting of a Minister—that Minister; or
- (b) in any other case—the Minister responsible for the public sector agency to which advice is, or is to be, provided by the advisory body.

6—Specific exemption—Return to Work Advisory Committee (section 32 of Act)

- (1) If a member of the Advisory Committee—

- (a) advises the relevant Minister, by notice in writing, of any direct or indirect personal or pecuniary interest that conflicts, or may conflict, with the member's functions; and
- (b) complies with any directions given by the relevant Minister regarding the resolution of the conflict, or potential conflict,

the member is exempt from the application of section 12 of the Act in relation to that interest.

- (2) Subregulation (1) does not include a case where a member is seeking to act as a member of a selection committee under section 118 of the *Return to Work Act 2014*.
- (3) In this regulation—

Advisory Committee means the *Minister's Advisory Committee* under the *Return to Work Act 2014*;

relevant Minister means the Minister who is responsible for the administration of the *Return to Work Act 2014*.

Schedule 1—Repeal of *Public Sector (Honesty and Accountability) Regulations 2010*

The *Public Sector (Honesty and Accountability) Regulations 2010* are repealed.

Legislative history

Notes

- 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.

Principal regulations

Year	No	Reference	Commencement
2025	87	<i>Gazette 14.8.2025 p3220</i>	14.8.2025: r 2