

South Australia

Statutes Amendment (Health and Wellbeing) Act 2025

An Act to amend the *Advance Care Directives Act 2013*, the *Assisted Reproductive Treatment Act 1988*, the *Automated External Defibrillators (Public Access) Act 2022*, the *Blood Contaminants Act 1985*, the *Controlled Substances Act 1984*, the *Food Act 2001*, the *Guardianship and Administration Act 1993*, the *Health and Community Services Complaints Act 2004*, the *Health Care Act 2008*, the *Mental Health Act 2009*, the *Research Involving Human Embryos Act 2003*, the *Suicide Prevention Act 2021* and the *Termination of Pregnancy Act 2021*.

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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 *Statutes Amendment (Health and Wellbeing) Act 2025*.

2—Commencement

- (1) Subject to this section, this Act comes into operation on the day on which it is assented to by, or on behalf of, the Crown.
- (2) Part 5 comes into operation 1 month after the day on which this Act is assented to by, or on behalf of, the Crown.
- (3) The following Parts come into operation on a day to be fixed by proclamation:
 - (a) Part 2;
 - (b) Part 8.

Part 2—Amendment of *Advance Care Directives Act 2013*

3—Amendment of section 3—Interpretation

- (1) Section 3(1)—after the definition of *impaired decision-making capacity* insert:
incorporated hospital has the same meaning as in the *Health Care Act 2008*;
- (2) Section 3(1)—after the definition of *Public Advocate* insert:
residential aged care facility means—
 - (a) a facility at which residential care is provided by an approved provider under the *Aged Care Act 1997* of the Commonwealth; or
 - (b) an approved residential care home under the *Aged Care Act 2024* of the Commonwealth;

4—Insertion of Part 5A

After Part 5 insert:

Part 5A—Powers of substitute decision-makers to place certain persons in residential aged care facility

39A—Persons to whom this Part applies

This Part applies in relation to a person who—

- (a) has given an advance care directive; and
- (b) has impaired decision-making capacity; and
- (c) is admitted as an inpatient of an incorporated hospital.

39B—Powers of substitute decision-makers to place certain persons in residential aged care facility

- (1) Subject to this Part, a substitute decision-maker for a person to whom this Part applies may, by instrument in writing made before the person is discharged from the incorporated hospital at which they are admitted—
 - (a) determine that the person, on being discharged from the hospital, is to reside in a residential aged care facility determined by the substitute decision-maker; and
 - (b) authorise the detention of the person for the purposes of transporting the person between the hospital and the residential aged care facility; and
 - (c) authorise the detention of the person in the residential aged care facility.
- (2) A substitute decision-maker may only authorise the detention of a person under subsection (1) if—
 - (a) a guardian, being a guardian who has power to detain, or to authorise the detention of, the person in a residential aged care facility under section 31 of the *Guardianship and Administration Act 1993*, has not been appointed for the person under that Act; and
 - (b) the action is reasonably necessary to prevent or reduce a significant risk of serious harm that the person presents to themselves or to others; and
 - (c) the advance care directive given by the person does not expressly exclude the operation of this section in relation to the person.
- (3) A substitute decision-maker who authorises the detention of a person by written instrument under subsection (1) must, before the person is discharged from the incorporated hospital, give a copy of the written instrument to the incorporated hospital.

- (4) A person may be detained at a residential aged care facility pursuant to the authorisation of a substitute decision-maker under this section in accordance with the terms of that authorisation which, without limitation, may include such conditions or exceptions as the substitute decision-maker considers appropriate in the circumstances.
- (5) An advance care directive given by a person may expressly exclude the operation of this section in relation to the person.
- (6) For the purposes of this section, a reference to residing in a residential aged care facility includes a reference to residing in the facility on a temporary basis.
- (7) This section is in addition to, and does not derogate from the *Guardianship and Administration Act 1993* or any other Act or law that may authorise the detention of a person at a residential aged care facility.

39C—Review by Tribunal

- (1) If an incorporated hospital receives a copy of a written instrument authorising the detention of a person to whom this Part applies under section 39B, the incorporated hospital must, as soon as reasonably practicable after the person is discharged from the hospital, refer the matter to the Tribunal.
- (2) A referral under subsection (1) must include—
 - (a) a copy of the written instrument authorising the detention of the person; and
 - (b) details about the arrangements that will be in place at the residential aged care facility to give effect to the authorisation.
- (3) On receipt of a referral under this section in relation to a person, the Tribunal must review the circumstances of the person within 6 months of the referral, and thereafter at intervals of not more than 1 year, for the purpose of ascertaining whether the authorisation of the substitute decision-maker is appropriate.
- (4) The Tribunal may conduct a review in such manner as it thinks fit.
- (5) The Tribunal must, on completion of a review, revoke the authorisation unless the Tribunal is satisfied that there are proper grounds for the authorisation remaining in force.
- (6) If the Tribunal is satisfied that there are proper grounds for the authorisation remaining in force, the Tribunal may, by order, vary the terms of the authorisation.
- (7) For the purposes of the *South Australian Civil and Administrative Tribunal Act 2013*, a review under this section will be taken to come within the Tribunal's original jurisdiction.

5—Amendment of section 44—Application of Part

Section 44—after paragraph (c) insert:

- (ca) the detention, or proposed detention, of a person who has given an advance care directive at a residential aged care facility under section 39B;

Part 3—Amendment of *Assisted Reproductive Treatment Act 1988*

6—Amendment of section 5—Authorisation and registration required to provide assisted reproductive treatment

- (1) Section 5, heading—delete "Authorisation and registration" and substitute:
Registration
- (2) Section 5(1)—delete "authorised to do so in accordance with the regulations and"

7—Amendment of section 8—Registration

Section 8(1)—delete "authorised to provide assisted reproductive treatment under this Act" and substitute:

determined by the Minister to be eligible for registration under this Part

Part 4—Amendment of *Automated External Defibrillators (Public Access) Act 2022*

8—Amendment of section 9—Maintenance and testing

Section 9, heading—delete "and testing"

Part 5—Amendment of *Blood Contaminants Act 1985*

9—Amendment of section 3—Interpretation

Section 3(1), definition of *prescribed contaminant*—delete the definition and substitute:

prescribed contaminant means an organism or substance declared by the Minister by notice in the Gazette to be a prescribed contaminant for the purposes of this Act;

Part 6—Amendment of *Controlled Substances Act 1984*

10—Amendment of section 55—Licences, authorities and permits

- (1) Section 55(4)—delete "personally or by post" and substitute:
in accordance with subsection (4a)
- (2) Section 55(4)—after paragraph (c) insert:
or

- (d) the holder consents to the suspension or revocation (as the case requires); or
- (e) the holder has ceased to carry on the activity in respect of which the licence, authority or permit was granted, or the licence, authority or permit is otherwise not required; or
- (f) the Minister is satisfied, in such manner as the Minister may determine, that the holder is not a fit and proper person to be the holder of a licence, authority or permit (as the case requires).

Note—

Nothing in subsection (4) limits the application of section 40 of the *Legislation Interpretation Act 2021* in relation to a licence, authority or permit.

(3) Section 55—after subsection (4) insert:

- (4a) A notice to be given to a person under subsection (4) may be—
 - (a) given to the person personally; or
 - (b) posted in an envelope addressed to the person's last known place of residence or business; or
 - (c) transmitted by email to the person's email address (in which case the notice will be taken to have been given at the time of transmission); or
 - (d) transmitted by fax to the person's fax number (in which case the notice will be taken to have been served at the time of transmission); or
 - (e) left for the person at the person's place of residence or business with someone apparently over the age of 16 years.

11—Amendment of section 57—Power of Minister to prohibit certain activities

Section 57(3)—delete "personally or by post on the person to whom it applies" and substitute:

on the person to whom it applies—

- (a) personally; or
- (b) by post to the person's last known place of residence or business; or
- (c) by email transmitted to the person's email address (in which case the notice will be taken to have been served at the time of transmission); or
- (d) by fax transmitted to the person's fax number (in which case the notice will be taken to have been served at the time of transmission); or
- (e) by being left for the person at the person's place of residence or business with someone apparently over the age of 16 years.

Part 7—Amendment of *Food Act 2001*

12—Amendment of section 4—Definitions

- (1) Section 4(1), definition of *approved analyst*—delete the definition
- (2) Section 4(1), definition of *Australia New Zealand Food Authority*—delete the definition
- (3) Section 4(1)—after the definition of *Food Safety Standards* insert:

Food Standards Australia New Zealand means Food Standards Australia New Zealand under the *Food Standards Australia New Zealand Act 1991* of the Commonwealth;
- (4) Section 4(1), definition of *Food Standards Code*—delete "*Australia New Zealand Food Authority Act 1991*" and substitute:

Food Standards Australia New Zealand Act 1991

13—Amendment of section 5—Meaning of food

Section 5(1)(e)—delete "section 3B of the *Australia New Zealand Food Authority Act 1991*" and substitute:

section 6 of the *Food Standards Australia New Zealand Act 1991*

14—Amendment of section 60—Certificate of analysis

- (1) Section 60(1)—delete subsection (1) and substitute:
 - (1) This section applies to an analysis that is carried out for the purposes of this Act by an approved laboratory.
- (2) Section 60(2)—delete subsection (2) and substitute:
 - (2) On completion of an analysis to which this section applies, the person for the time being in charge of the laboratory at which the analysis was carried out is to give the person who requested the analysis, or an agent of the person, a certificate of analysis, in the approved form, that complies with the requirements of subsection (3).
- (3) Section 60(3)(a)—delete "in charge of the laboratory at which the analysis was carried out or by the approved analyst who carried out the analysis or who supervised the carrying out of the analysis" and substitute:

for the time being in charge of the laboratory at which the analysis was carried out

15—Repeal of Part 6 Division 4

Part 6 Division 4—delete Division 4

16—Amendment of section 92—Exercise of functions by enforcement agencies

Section 92(2)—delete "the Australia New Zealand Food Authority" and substitute:

Food Standards Australia New Zealand

17—Amendment of section 102—Presumptions

Section 102(h)—delete ", the person in charge of an approved laboratory or an approved analyst" and substitute:

or the person in charge of an approved laboratory

18—Amendment of section 103—Certificate evidence and evidence of analysts

Section 103(3)—delete subsection (3) and substitute:

- (3) In any proceedings for an offence under this Act or the regulations, the prosecution cannot rely on an analysis as evidence for the purposes of those proceedings unless the person who carried out the analysis was, at the time of the analysis, employed or engaged by an approved laboratory.

19—Amendment of section 111—Disclosure of certain confidential information

Section 111(1)(f)—delete "the Australia New Zealand Food Authority" and substitute:

Food Standards Australia New Zealand

Part 8—Amendment of *Guardianship and Administration Act 1993*

20—Amendment of section 3—Interpretation

- (1) Section 3(1)—after the definition of *health professional* insert:

incorporated hospital has the same meaning as in the *Health Care Act 2008*;

- (2) Section 3(1)—after the definition of *recognised advocate* insert:

residential aged care facility means—

- (a) a facility at which residential care is provided by an approved provider under the *Aged Care Act 1997* of the Commonwealth; or
- (b) an approved residential care home under the *Aged Care Act 2024* of the Commonwealth;

21—Amendment of section 31—Powers of guardian

Section 31—after its present contents (now to be designated as subsection (1)) insert:

- (2) Without limiting the powers of a guardian under subsection (1), if a protected person is admitted as an inpatient at an incorporated hospital, the guardian for the protected person may, subject to the terms of the guardianship order—
 - (a) determine that the protected person is, on being discharged from the incorporated hospital, to reside at a specified residential aged care facility; and
 - (b) authorise the detention of the protected person for the purposes of transporting the protected person between the incorporated hospital and that residential aged care facility; and

- (c) authorise the detention of the protected person at that residential aged care facility.

22—Amendment of section 32—Special powers to place and detain etc protected persons

- (1) Section 32, heading—delete "Special powers" and substitute:
Power of Tribunal
- (2) Section 32—after subsection (2) insert:
 - (2a) This section is in addition to, and does not limit or derogate from—
 - (a) section 31(2); or
 - (b) Part 5A of the *Advance Care Directives Act 2013*.

Part 9—Amendment of *Health and Community Services Complaints Act 2004*

23—Amendment of section 9—Functions

- (1) Section 9(2)—delete "special needs groups" and substitute:
priority consumer groups
- (2) Section 9(3)—delete "*special needs groups*" and substitute:
priority consumer groups

24—Amendment of section 35—Function of conciliator

Section 35—after subsection (2) insert:

- (3) For the purposes of undertaking a conciliation, a conciliator may request the parties to provide specified information or information of a specified kind that may be relevant for the settlement of the complaint to the conciliator.
- (4) A party to a conciliation may provide information in response to a request under subsection (3) but is under no obligation to do so.

25—Amendment of section 40—Privilege and confidentiality

Section 40(1)—after "under this Part," insert:

or information provided for the purposes of conciliation under this Part,

Part 10—Amendment of *Health Care Act 2008*

26—Amendment of section 3—Interpretation

- (1) Section 3(1)—after the definition of *hospital bed* insert:
incorporated health service means a health service incorporated under Part 5AA;

- (2) Section 3(1), definition of *private day procedure centre*—after "in respect of which a" insert:

private

- (3) Section 3(1)—after the definition of *private hospital* insert:

public sector agency has the same meaning as in the *Public Sector Act 2009*;

27—Amendment of section 4—Objects of Act

Section 4(d)—after "incorporated hospitals" insert:

and incorporated health services

28—Amendment of section 7—Chief Executive

- (1) Section 7(1)—after "incorporated hospitals" wherever occurring insert in each case:

, incorporated health services

- (2) Section 7(1a)—after "incorporated hospitals" insert:

, incorporated health services

29—Amendment of section 11—Functions of HPC

- (1) Section 11(2)—after paragraph (ab) insert:

(ac) governing boards of incorporated health services; and

- (2) Section 11(6)—after "incorporated hospital" insert:

or an incorporated health service

30—Amendment of section 15—Establishment of Councils

Section 15(1)—after paragraph (c) insert:

(ca) an incorporated health service;

31—Amendment of section 18—Functions

Section 18(1)—after paragraph (ha) insert:

(hb) to provide advice to the governing board for an incorporated health service about any matter referred to it by the board;

32—Amendment of section 20—Specific provisions in relation to property

Section 20(1)(a)—after subparagraph (iii) insert:

(iiia) to an incorporated health service; or

33—Amendment of section 28B—Service agreement with Chief Executive

- (1) Section 28B(1)—after paragraph (a) insert:

(ab) each incorporated health service;

- (2) Section 28B(5)—after "incorporated hospital" insert:

, incorporated health service

34—Amendment of section 28C—General provisions about service agreements

Section 28C—after subsection (2) insert:

- (2a) A service agreement is entered into by an incorporated health service by the chief executive officer of the incorporated health service signing the service agreement with the approval of the governing board for the incorporated health service.

35—Amendment of section 31—General powers of incorporated hospital

Section 31(1a)(f)(i)—delete "within the meaning of the *Public Sector Act 2009*"

36—Amendment of heading to Part 5 Division 1A

Heading to Part 5 Division 1A—delete "between incorporated hospitals"

37—Amendment of section 32A—Transfer of functions etc between incorporated hospitals

- (1) Section 32A, heading—delete "between incorporated hospitals"
- (2) Section 32A—after "to another incorporated hospital" wherever occurring insert in each case:
or to an incorporated health service

38—Amendment of section 34—Employed staff

- (1) Section 34(2)—delete "Commissioner for Public Employment" and substitute:
Commissioner for Public Sector Employment
- (2) Section 34(4)—delete "or any other public sector agency," and substitute:
an incorporated health service or any other public sector agency
- (3) Section 34(14)—delete subsection (14)

39—Amendment of section 45—Interpretation

Section 45, definition of *designated entity*—after paragraph (a) insert:

- (ab) an incorporated health service; or

40—Insertion of Part 5AA

After Part 5 insert:

Part 5AA—Incorporated Health Services

Division 1—Incorporation

48AB—Incorporation

- (1) The Governor may, by proclamation, establish an incorporated health service to provide 1 or more health services under this Act (other than health services that are provided to persons on a live-in basis) and assign a name to the incorporated health service.

- (2) The Governor may, by proclamation—
 - (a) alter the name of an incorporated health service;
 - (b) dissolve an incorporated health service.
- (3) The Governor may, by a proclamation under subsection (2)(b) or by a separate proclamation—
 - (a) transfer the assets, rights and liabilities of an incorporated health service dissolved under this section (either as a whole or in separate parcels specified by proclamation)—
 - (i) to a Minister; or
 - (ii) to another incorporated health service; or
 - (iii) to an incorporated hospital; or
 - (iv) to the Crown, or to another agent or instrumentality of the Crown; or
 - (v) with the agreement of the person or body—to a person or body that is not an agent or instrumentality of the Crown; and
 - (b) make other provisions that in the opinion of the Governor are necessary or expedient in connection with the dissolution of an incorporated health service under this section.

48AC—General powers of incorporated health service

- (1) An incorporated health service is a body corporate with perpetual succession and a common seal and, subject to any determination of the Minister—
 - (a) is capable of holding, acquiring, dealing with, and disposing of, real and personal property (including the power to enter into a lease); and
 - (b) is capable of acquiring or incurring other assets, rights or liabilities; and
 - (c) is capable of entering into contracts; and
 - (d) is capable of suing and being sued; and
 - (e) is able to promote the formation of a company under the *Corporations Act 2001* of the Commonwealth and to hold shares or other interests in any body corporate; and
 - (f) is capable of administering any property on trust or accepting gifts (and, if any gift is affected by a trust, is empowered to carry out the terms of the trust); and
 - (g) has the functions, rights, powers, authorities, duties and obligations conferred, imposed or prescribed under this or any other Act (and including such powers necessary or expedient for, or incidental to, the performance of any function).

- (2) Without limiting subsection (1), an incorporated health service may undertake the following functions:
- (a) to undertake or facilitate—
 - (i) the commercial exploitation of knowledge arising from its activities; or
 - (ii) the commercial development of its services, functions or expertise;
 - (b) to produce and sell instruments or other equipment for use in—
 - (i) the provision of medical services, including medical diagnostic services; or
 - (ii) the teaching of medical science; or
 - (iii) scientific research;
 - (c) to provide consultancy services;
 - (d) to provide and maintain a drug and alcohol testing service for such persons as the health service thinks fit;
 - (e) to conduct a testing service for the purpose of determining parentage or other human genetic relationships;
 - (f) to provide and maintain such services or facilities as a Minister may require in relation to—
 - (i) veterinary laboratory services, or services to veterinary surgeons in private practice, or other veterinary services provided by a public sector agency within the meaning of the *Public Sector Act 2009*; or
 - (ii) research in the field of veterinary science;
 - (g) to conduct such other activities considered appropriate by the Minister that can be efficiently or effectively managed through the use of the incorporated health service's facilities and resources.
- (3) An incorporated health service may hold a licence or any other form of authority or accreditation (including a licence, authority or accreditation issued under a law of the Commonwealth or of another State or a Territory).
- (4) An incorporated health service is an instrumentality of the Crown.
- (5) Subject to subsection (6), an incorporated health service holds its property on behalf of the Crown.
- (6) Subsection (5) does not apply to the extent that an incorporated health service holds any property on trust.

- (7) Without limiting subsection (6), in the event of an inconsistency between the operation or effect of a provision under this Part and the duties or responsibilities of an incorporated health service as a trustee, the provisions of this Part will not apply in a particular case to the extent of the inconsistency.
- (8) Without limiting any other provision, an incorporated health service may establish any fund (including a *gift fund*) or account.
- (9) An incorporated health service may exercise its powers within or outside the State.
- (10) An incorporated health service may not exercise its power under subsection (1)(e) without the approval of the Governor.

48AD—Common seal

Where an apparently genuine document purports to bear the common seal of an incorporated health service, it will be presumed, in the absence of proof to the contrary, that the common seal of that incorporated health service was duly affixed to that document.

Division 2—Functions of incorporated health service

48AE—Functions

- (1) An incorporated health service's main function is to provide—
 - (a) health services stated in the service agreements for the incorporated health service; and
 - (b) teaching, training and research that supports the provision of health services as agreed with the Chief Executive; and
 - (c) any other services agreed with the Chief Executive.
- (2) An incorporated health service also has the following functions—
 - (a) to ensure the operations of the incorporated health service are carried out efficiently, effectively and economically;
 - (b) to enter into, and comply with, service agreements with the Chief Executive;
 - (c) to comply with the policy frameworks and directions of the Chief Executive that apply or relate to the incorporated health service;
 - (d) to prepare and keep under review strategies—
 - (i) for the provision of health services by the incorporated health service; and
 - (ii) to promote consultation with health professionals working in the incorporated health service; and
 - (iii) to promote consultation with health consumers and community members about the provision of health services by the incorporated health service;

- (e) to establish an efficient and effective procedure for dealing with complaints about the provision of health services by the incorporated health service;
 - (f) to report to the Chief Executive on the provision of health services by the incorporated health service;
 - (g) to monitor and improve the quality of health services provided by the incorporated health service;
 - (h) to develop and implement corporate and clinical governance arrangements for the incorporated health service;
 - (i) to maintain land, buildings and other assets controlled and managed by the incorporated health service;
 - (j) to cooperate with other providers of health services, including providers of primary health care, in planning for, and providing, health services;
 - (k) to manage the performance of the incorporated health service against the performance measures and operational targets stated in the service agreements;
 - (l) to provide performance data, other data and any other information the Chief Executive may require to the Chief Executive;
 - (m) other functions imposed under this Act or any other Act;
 - (n) other functions necessary or incidental to the functions mentioned in a preceding paragraph.
- (3) In this section—

clinical governance arrangements means policies, processes and systems for maintaining and improving—

- (a) patient safety, quality and care; and
- (b) the effectiveness and dependability of services provided by an incorporated health service.

48AF—Transfer of functions etc

The Governor may, by proclamation—

- (a) transfer all or some of the functions of an incorporated health service to another incorporated health service or to an incorporated hospital;
- (b) transfer the assets, rights and liabilities of an incorporated health service to another incorporated health service or to an incorporated hospital;
- (c) make other provisions that in the opinion of the Governor are necessary or expedient in connection with a transfer under this section.

Division 3—Management arrangements

48AG—Governance and management arrangements

- (1) Each incorporated health service is to be governed by a board (a *governing board*).
- (2) The functions of a governing board for an incorporated health service include the following:
 - (a) to ensure effective clinical and corporate governance frameworks are established to support the maintenance and improvement of standards of patient care and services by the incorporated health service and to approve those frameworks;
 - (b) to ensure—
 - (i) the operations of the incorporated health service are carried out efficiently, effectively and economically; and
 - (ii) the incorporated health service manages its budget so that performance targets are met; and
 - (iii) that resources are applied equitably to meet the needs of the community served by the incorporated health service;
 - (c) to ensure strategic plans to guide the delivery of services are developed for the incorporated health service and to approve those plans;
 - (d) to ensure that the incorporated health service—
 - (i) promotes a healthy workforce culture for and among staff employed to work within the incorporated health service; and
 - (ii) implements measures to provide for and promote the health, safety and wellbeing of those staff within the workplace (including the psychosocial health, safety and wellbeing of staff); and
 - (iii) implements policies issued by the Chief Executive on workforce health, safety and welfare (including policies on workforce harassment and bullying), so far as those policies apply to the incorporated health service;
 - (e) to provide strategic oversight of and monitor the incorporated health service's financial and operational performance;
 - (f) to prepare and keep under review strategies—
 - (i) for the provision of health services by the incorporated health service; and

- (ii) to promote consultation with health professionals working in the incorporated health service; and
 - (iii) to promote consultation with health consumers and community members about the provision of health services by the incorporated health service;
 - (g) to advise providers and consumers of health services, and other members of the community served by the incorporated health service, as to the health service's policies, plans and initiatives for the provision of health services;
 - (h) to manage performance against the performance measures in the service agreement between the incorporated health service and the Chief Executive;
 - (i) to cooperate with other providers of health services, including providers of primary health care, in planning for, and providing, health services;
 - (j) to endorse the incorporated health service's annual report;
 - (k) to liaise with the boards of other incorporated health services and incorporated hospitals and the Chief Executive in relation to both local and statewide initiatives for the provision of health services.
- (3) A governing board is also to carry out other functions assigned to the board by or under this or any other Act, or by the Minister.
- (4) The governing board for an incorporated health service—
- (a) must comply with any directions of the Minister and any directions of the Chief Executive; and
 - (b) must comply with any policies of the Department specified by the Minister or the Chief Executive to apply to a governing board in the performance of its functions; and
 - (c) must not exercise a function in a way that is inconsistent with the exercise of a function by the Chief Executive (including a function that has been delegated to the Chief Executive).
- (5) An act done or decision made by the governing board for an incorporated health service in the course of official functions and duties is an act or decision of the incorporated health service.

48AH—Composition of governing boards for incorporated health services

- (1) A governing board for an incorporated health service consists of 6 or more members (but not more than 8) appointed by the Minister, being persons who collectively have, in the opinion of the Minister, knowledge, skills and experience necessary to enable the board to carry out its functions effectively.

- (2) As far as is practicable, the membership of a governing board for an incorporated health service must comprise persons who between them have knowledge of, and experience and expertise in, the following fields:
- (a) health management;
 - (b) clinical governance;
 - (c) commercial management;
 - (d) financial management;
 - (e) the practice of the law;
 - (f) the provision of health services;
 - (g) other knowledge, experience and expertise that, in the opinion of the Minister, will enable the effective performance of the board's functions.
- (3) At least 2 members of a governing board must be health professionals.
- (4) At least 1 member of a governing board must be a person who has expertise, knowledge or experience in relation to Aboriginal health.
- (5) A person is not eligible for appointment to the governing board for an incorporated health service if—
- (a) the person is employed or engaged to work at the incorporated health service; or
 - (b) the person is an employee of the Department.
- (6) A governing board must, as far as practicable, be comprised of equal numbers of women and men.
- (7) On the office of a member of a governing board becoming vacant, a person may be appointed in accordance with this Act to the vacant office.
- (8) The Minister may appoint a suitable person to be the deputy of a member of a governing board during any period of absence of the member (and any reference to a member in this Act will be taken to include, unless the contrary intention appears, a reference to a deputy while acting as a member of the board).
- (9) In this section—
- health professional*** means—
- (a) an individual who holds, or has previously held, general registration in a health profession under the *Health Practitioner Regulation National Law (South Australia)*; or
 - (b) an individual who practises, or has previously practised, a profession providing health services involving the provision of care or treatment to other persons (directly or indirectly).

48AI—Members of governing boards for incorporated health services to act in public interest

A member of a governing board for an incorporated health service is to act impartially and in the public interest in performing the member's duties.

48AJ—Disclosure of pecuniary or personal interest

- (1) A member of a governing board who has a pecuniary or personal interest in a matter being considered or about to be considered by the board must, as soon as possible after the relevant facts have come to the member's knowledge, disclose the nature of the interest at a meeting of the board.

Maximum penalty: \$25 000.

- (2) A member of a committee who has a pecuniary or personal interest in a matter being considered or about to be considered by the committee must, as soon as possible after the relevant facts have come to the member's knowledge, disclose the nature of the interest at a committee meeting.

Maximum penalty: \$25 000.

- (3) A member of a governing board or a committee who has a pecuniary or personal interest in a matter being considered or about to be considered by the board or the committee—

- (a) must not vote, whether at a meeting or otherwise, on the matter; and
- (b) must not be present while the matter is being considered at the meeting.

- (4) Subsection (3) does not apply if—

- (a) a member of a governing board or committee has disclosed an interest in a matter under subsection (1) or (2); and
- (b) the board or committee (as the case requires) has at any time passed a resolution that—

- (i) specifies the member, the interest and the matter; and
- (ii) states that the members voting for the resolution are satisfied that the interest is so trivial or insignificant as to be unlikely to influence the disclosing member's conduct and should not disqualify the member from considering or voting on the matter.

- (5) Despite a provision of Schedule 3, if a member of a governing board is disqualified under subsection (3) in relation to a matter, a quorum is present during the consideration of the matter if at least half the number of members who are entitled to vote on any motion that may be moved at the meeting in relation to the matter are present.

- (6) The Minister may by instrument in writing declare that subsection (3) or subsection (5), or both, do not apply in relation to a specified matter either generally or in voting on particular resolutions.
- (7) The Minister must cause a copy of a declaration under subsection (6) to be laid before both Houses of Parliament within 14 sitting days after the declaration is made.
- (8) Particulars of a disclosure made under subsection (1) or (2) at a meeting of a governing board or committee of a governing board must be recorded—
 - (a) in the minutes of the meeting; and
 - (b) in a register kept by the board which must be reasonably available for inspection by any person.
- (9) A reference in subsection (3) to a matter includes a reference to a proposed resolution under subsection (4) in respect of the matter, whether relating to that member or a different member.
- (10) Subsection (2) applies to a person who is a member of a committee and also a member of a governing board even though the person has already disclosed the nature of the interest at a board meeting.
- (11) A contravention of this section does not invalidate any decision of the board.
- (12) Section 8 of the *Public Sector (Honesty and Accountability) Act 1995* does not apply to a member of a governing board.
- (13) In this section—

committee means a committee or subcommittee established by a governing board under Schedule 3 clause 9.

48AK—Chief executive officer for incorporated health service

- (1) The governing board for an incorporated health service may, after consultation with the Chief Executive, appoint—
 - (a) a specified person; or
 - (b) a person occupying a specified office or position,as the chief executive officer of the incorporated health service.
- (2) An appointment under subsection (1)—
 - (a) takes effect following confirmation of the appointment by the Chief Executive; and
 - (b) is revocable by the governing board at any time, subject to the confirmation of the Chief Executive.

- (3) The chief executive officer of an incorporated health service is responsible for managing the operations and affairs of the health service and is accountable to, and subject to the direction of, the governing board for the health service in undertaking that function (although the governing board cannot give a direction concerning the clinical treatment of a particular person).
- (4) An act done or decision made by the chief executive officer of an incorporated health service in the course of official functions and duties is an act or decision of the incorporated health service.

48AL—Provisions relating to members, procedures, committees and subcommittees etc

Schedule 3 applies in respect of governing boards for incorporated health services.

Division 4—Employed staff

48AM—Employed staff

- (1) An employing authority may employ persons to perform functions in connection with the operations or activities of an incorporated health service.
- (2) The terms and conditions of employment of a person under subsection (1) will be fixed by the Chief Executive and approved by the Commissioner for Public Sector Employment.
- (3) For the purposes of subsection (2), the Chief Executive must issue policies and directives relating to terms and conditions of employment of persons appointed under subsection (1).
- (4) 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*).
- (5) An employing authority may direct a person employed under this section to perform functions in connection with the operations or activities of another incorporated health service, an incorporated hospital, or any other public sector agency, specified by the employing authority (and the person must comply with that direction).
- (6) An employing authority is, in acting under this section, subject to direction by the Minister.
- (7) However, no Ministerial direction may be given by the Minister relating to the appointment, transfer, remuneration, discipline or termination of a particular person.
- (8) An employing authority may delegate a power or function under this section.

- (9) A delegation under subsection (8)—
- (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.
- (10) If—
- (a) the chief executive officer of an incorporated health service is designated as an employing authority; or
 - (b) a power or function of an employing authority under this section is delegated to the chief executive officer of an incorporated health service,
- no direction may be given by the governing board of the incorporated health service to the chief executive officer relating to the appointment, transfer, remuneration, discipline or termination of a particular person.
- (11) A change in the person who constitutes an employing authority under this Act will not affect the continuity of employment of a person under this section.
- (12) An incorporated health service must, at the direction of the Minister, the Treasurer or an employing authority, make payments with respect to any matter arising in connection with the employment of a person under this section (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).
- (13) An incorporated health service does not have the power to employ any person unless specifically authorised by the Minister.
- (14) An incorporated health service may, under an arrangement established by the responsible Minister or, if relevant, approved by a responsible public sector entity, make use of the staff, services or facilities of an administrative unit or another public sector agency.

- (15) On the incorporation of a health service under this Part, any Public Service employees who had, before the date of incorporation, been assigned by the Chief Executive to work in the health service and have been designated by the Chief Executive as employees to whom this subsection applies will become persons employed by the employing authority under this section on terms and conditions fixed by the Chief Executive (without reduction of salary or status).

48AN—Superannuation and accrued rights etc

- (1) An employing authority may enter into arrangements contemplated by section 5 of the *Superannuation Act 1988* with respect to a person employed at an incorporated health service.
- (2) If a person commences employment by an employing authority at an incorporated health service after ceasing to be employed—
- (a) in the Public Service of the State; or
 - (b) by the employing authority or another employing authority at any incorporated hospital or incorporated health service; or
 - (c) as a member of the staff of SAAS,

and that employment at the incorporated health service follows immediately on the cessation of that previous employment, then—

- (d) the person's existing and accruing rights immediately before the cessation of that previous employment in respect of recreation leave, sick leave and long service leave continue in full force and effect as if that previous employment had been employment by the employing authority at the incorporated health service; and
 - (e) the person is not entitled to payment in lieu of those rights.
- (3) Except where subsection (2) applies, if a person commences employment by an employing authority at an incorporated health service within 3 months after ceasing to be employed—
- (a) in the Public Service of the State; or
 - (b) by the employing authority or another employing authority at an incorporated hospital or incorporated health service; or
 - (c) as a member of the staff of SAAS; or
 - (d) in prescribed employment,

the person's existing and accruing rights immediately before the cessation of that employment in respect of recreation leave, sick leave and long service leave continue, to the extent directed by the employing authority and subject to such conditions as may be determined by the employing authority, as if that previous employment had been employment by the employing authority at the health service.

Division 5—Accounts, audits and reports

48AO—Accounts and audit

- (1) An incorporated health service must cause proper accounts to be kept of its financial affairs and financial statements to be prepared in respect of each financial year.
- (2) The Auditor-General may at any time, and must in respect of each financial year, audit the accounts and financial statements of an incorporated health service.

48AP—Annual report

- (1) An incorporated health service must, within 3 months after the end of each financial year, deliver to the Minister a report on the operations of the incorporated health service during that financial year.
- (2) The report must incorporate the audited accounts and financial statements of the incorporated health service for the financial year.
- (3) The Minister must, within 12 sitting days after the receipt of a report under this section, cause a copy of the report to be laid before both Houses of Parliament.

Division 6—Sites, facilities and property

48AQ—Ability to operate at various sites

An incorporated health service may be established or undertake its activities—

- (a) in relation to specified health services or a specified class, or classes, of health services;
- (b) in relation to 1 or more sites or the State generally.

48AR—Ability to provide a range of services and facilities

- (1) An incorporated health service may establish, maintain and operate—
 - (a) sites that provide a variety of health services;
 - (b) health and community care services for all or specific sections of the community, including services for the aged and other vulnerable groups, or for persons who must interact with the public health system;
 - (c) other forms of service or facilities (including services and facilities that benefit (directly or indirectly) staff, patients or visitors, and services and facilities for the aged).
- (2) The Minister may establish guidelines about the services or facilities that may be provided under subsection (1)(c) (and may, in so doing, provide that the Minister's approval is required before a service or facility of a specified kind is established at a health service).

Division 7—Delegations

48AS—Delegations

- (1) An incorporated health service may delegate a function or power conferred on the incorporated health service—
 - (a) to a specified person or body; or
 - (b) to a person occupying or acting in a specified office or position.
- (2) A delegation—
 - (a) may be made subject to conditions or limitations specified in the instrument of delegation; and
 - (b) if the instrument of delegation so provides, may be further delegated by the delegate; and
 - (c) is revocable at will and does not prevent the delegator from acting in a matter.

Division 8—Fees

48AT—Fees

- (1) The Minister may, by notice in the Gazette, set fees (including differential fees) to be charged by any incorporated health service in respect of any service provided by it.
- (2) Without limiting the effect of subsection (1), the Minister may provide that no fee is payable in respect of a service of a specified class or a service provided to a person of a specified class.
- (3) Fees payable to a health service (whether regulated under this section or not) for a service provided by it may be recovered from—
 - (a) the person to whom the service was provided; or
 - (b) the spouse or domestic partner of that person; or
 - (c) if the service was provided to a person under the age of 18 years, the parent or parents of that person.
- (4) If fees are recovered from a person under this section, the person may recover as a debt from any other person who is jointly liable for the payment of the fees a contribution fixed by the court in which proceedings for recovery of the contribution are taken.

Division 9—Inspectors

48AU—Inspectors

- (1) The Minister may, by instrument in writing, appoint suitable persons to be inspectors for the purposes of inspecting, investigating and assessing the administration, operations and governance of incorporated health services.

- (2) An inspector holds office on the conditions stated in the instrument of appointment.
- (3) An inspector appointed under section 48A will be taken to be an inspector appointed under subsection (1).
- (4) An inspector may, at any reasonable time, enter the premises of an incorporated health service (including the premises of the governing board for an incorporated health service) and, while on the premises, may—
 - (a) inspect the premises or any equipment or other thing on the premises; and
 - (b) require any person to answer any questions, orally or in writing; and
 - (c) require any person to produce any documents or records; and
 - (d) examine any documents or records and take extracts from, or make copies of, any of them; and
 - (e) seize any documents or records that, in the opinion of the inspector, constitute evidence of a breach of a provision of this Act.
- (5) An inspector must, at the request of a person in relation to whom the inspector intends to exercise powers under this section, produce for the inspection of the person the inspector's instrument of appointment, or a copy of the instrument.
- (6) An inspector may, in exercising powers under this section, be assisted by such other persons as are reasonably necessary for the purpose.
- (7) A person must not refuse or fail to comply with a requirement made pursuant to this section.
Maximum penalty: \$10 000.
- (8) A person must not hinder or obstruct an inspector, or a person assisting an inspector, in the exercise of the powers conferred by this section.
Maximum penalty: \$10 000.

41—Amendment of section 52—Employed staff

- (1) Section 52(2)—delete "Commissioner for Public Employment" and substitute:
Commissioner for Public Sector Employment
- (2) Section 52(4)—after "an incorporated hospital," insert:
an incorporated health service,
- (3) Section 52(13)—delete subsection (13)

42—Amendment of section 58—Licence to provide non-emergency ambulance services

Section 58(10)—delete subsection (10) and substitute:

- (10) The Minister may, on application and payment of the fee fixed by the Minister, transfer a restricted ambulance service licence to a proposed transferee if the Minister is satisfied (in such manner as the Minister may determine) as to the suitability of the person to hold the licence.

43—Amendment of section 60—Holding out etc

Section 60—after subsection (2) insert:

- (3) A person must not falsely hold themselves out to be a member of the staff of SAAS.

Maximum penalty: \$10 000.

- (4) A person must not, without lawful excuse, be in possession of—

- (a) property of SAAS; or
- (b) an item that is, or is part of, an official uniform reserved for members of the staff of SAAS.

Maximum penalty: \$10 000.

44—Amendment of section 68—Preliminary

Section 68(1), definition of *designated authority*, (a) and (b)—delete "service" wherever occurring and substitute in each case:

services

45—Amendment of section 78—Testamentary gifts and trusts

- (1) Section 78(1)(c)—after "incorporated hospital" wherever occurring insert in each case:

or an incorporated health service

- (2) Section 78(1)(d)(i)—after "incorporated hospital" insert:

or incorporated health service (as the case requires)

- (3) Section 78(1)(e)—after "incorporated hospital" insert:

, an incorporated health service

- (4) Section 78(3)(c)(i) and (ii)—after "incorporated hospital" wherever occurring insert in each case:

or an incorporated health service

- (5) Section 78(3)(c)—after "patients or residents of the incorporated hospital" insert:

or the incorporated health service (as the case requires)

46—Amendment of section 79—Prohibition of operating private hospitals unless licensed

Section 79(3)—after paragraph (b) insert:

or

- (c) health services provided under an exemption granted by the Minister under this Part.

47—Insertion of section 88A

After section 88 insert:

88A—Exemptions

- (1) The Minister may, by notice in the Gazette, confer exemptions from this Part or specified provisions of this Part—
 - (a) on specified persons or persons of a specified class; or
 - (b) in relation to specified services or services of a specified class.
- (2) An exemption under subsection (1) may be granted by the Minister on such conditions as the Minister thinks fit.
- (3) A person who contravenes or fails to comply with a condition imposed under this section is guilty of an offence.

Maximum penalty: \$20 000.

48—Amendment of section 89—Preliminary

Section 89(1), definition of *declared day hospital*—after paragraph (b) insert:

or

- (c) an incorporated health service;

49—Amendment of section 89B—Prohibition on providing prescribed health services unless licensed

Section 89B(2)—after paragraph (b) insert:

or

- (c) an incorporated health service.

50—Amendment of section 89C—Private day procedure centre licence

Section 89C(4)—delete "day procedure licence" and substitute:

private day procedure centre licence

51—Amendment of section 89D—Conditions of licence

Section 89D(3)—after "procedure" insert:

centre

52—Amendment of section 89L—Other staffing arrangements

Section 89L(2)—delete "Commissioner for Public Employment" and substitute:
Commissioner for Public Sector Employment

53—Amendment of section 90—Recognised organisations

Section 90(3)—delete "and incorporated hospitals" and substitute:
, incorporated hospitals and incorporated health services

54—Amendment of section 90A—Acquisition of property

Section 90A(2)—after "incorporated hospital" insert:
, an incorporated health service

55—Amendment of section 91—Duty of Registrar-General

Section 91(1)—after "incorporated hospital" wherever occurring insert in each case:
, an incorporated health service

56—Amendment of section 92—Conflict of interest

Section 92(3), definition of *health employee*, (a)—after "incorporated hospital" insert:
or an incorporated health service

57—Amendment of section 93—Confidentiality

- (1) Section 93(1)—after paragraph (ab) insert:
 - (ac) a member of the governing board for an incorporated health service;
or
- (2) Section 93(1)(d)—after "incorporated hospital" insert:
or an incorporated health service
- (3) Section 93(2)(b)—after "incorporated hospital" insert:
, an incorporated health service
- (4) Section 93(2)(b)—after "the hospital" insert:
, the health service
- (5) Section 93(3)(d)(iii)—after "a hospital" insert:
, an incorporated health service
- (6) Section 93(3)—after paragraph (f) insert:
 - (fa) disclosing information to South Australia Police if there are reasonable grounds to suspect that an offence has been, or may be, committed and the disclosure is reasonably required for the purpose of reporting the matter to South Australia Police; or
 - (fb) disclosing information to the State Coroner, or to a person who is an investigator under the *Coroners Act 2003* investigating a death on behalf of the State Coroner; or

- (fc) disclosing information to a legal practitioner engaged by or on behalf of the Minister, the Department, an attached office to the Department, an incorporated hospital, an incorporated health service, SAAS or the South Australian Government Financing Authority (acting in its function as insurer to an entity referred to in this paragraph) to provide legal representation or legal advice; or
 - (fd) disclosing information to the Minister or persons employed or engaged to work for the Minister for the purposes of the Minister handling a complaint made by the person to whom the information relates (or by their personal representative) about health services the person has received; or
- (7) Section 93(6)—before the definition of *personal information* insert:
legal practitioner has the same meaning as in the *Legal Practitioners Act 1981*;
- (8) Section 93(6)—after the definition of *personal information* insert:
personal representative, of a person, means—
- (a) a guardian of the person; or
 - (b) a medical agent of the person; or
 - (c) a substitute decision-maker for the person (within the meaning of the *Advance Care Directives Act 2013*);

South Australia Police has the same meaning as in the *Police Act 1998*.

58—Amendment of section 100—Regulations

- (1) Section 100(2)(b)—after "any hospital" insert:
, incorporated health service
- (2) Section 100(2)(c)—after "any hospital" insert:
, incorporated health service
- (3) Section 100(2)(h)—delete "or any hospital" and substitute:
, any hospital or any incorporated health service
- (4) Section 100(2)(i)—delete "and hospitals" and substitute:
, hospitals and incorporated health services
- (5) Section 100(2)—after paragraph (m) insert:
(ma) prescribe standards to be observed by the holder of a restricted ambulance service licence in the provision of health services; and

59—Amendment of Schedule 3—Governing boards for incorporated hospitals

- (1) Schedule 3, heading—after "incorporated hospitals" insert:
and incorporated health services
- (2) Schedule 3, clause 7(1)(a)—after "incorporated hospital" insert:
or the incorporated health service (as the case requires)

- (3) Schedule 3, clause 7(2)—delete "incorporated public hospital" and substitute:
incorporated hospital or the incorporated health service (as the case requires)
- (4) Schedule 3, clause 10(1)(b)—after "incorporated hospital" insert:
or the incorporated health service (as the case requires)
- (5) Schedule 3, clause 10(3)—after "incorporated hospital" wherever occurring insert in each case:
or the incorporated health service (as the case requires)
- (6) Schedule 3, clause 11(2)—delete "incorporated hospital" and substitute:
or the incorporated health service (as the case requires)

Part 11—Amendment of *Mental Health Act 2009*

60—Amendment of section 3—Interpretation

Section 3(1)—after the definition of *guardian* insert:

incorporated health service has the same meaning as in the *Health Care Act 2008*;

incorporated hospital has the same meaning as in the *Health Care Act 2008*;

61—Amendment of section 51—Community visitors' functions and powers

- (1) Section 51(3)(a)—delete "hospital that is an incorporated hospital under the *Health Care Act 2008*" and substitute:
incorporated hospital
- (2) Section 51(3)—after paragraph (a) insert:
 - (ab) have the authority to conduct inspections of the premises and operations of any incorporated health service; and

62—Amendment of section 90—Chief Psychiatrist's functions

- (1) Section 90(3)(a)—delete "hospital that is an incorporated hospital under the *Health Care Act 2008*" and substitute:
incorporated hospital
- (2) Section 90(3)—after paragraph (a) insert:
 - (ab) binding on any incorporated health service; and
- (3) Section 90(4)(a)—delete "hospital that is an incorporated hospital under the *Health Care Act 2008*" and substitute:
incorporated hospital
- (4) Section 90(4)—after paragraph (a) insert:
 - (ab) have the authority to conduct inspections of the premises and operations of any incorporated health service; and
- (5) Section 90(5)—after "subsection (4)(a)" insert:
and (ab)

- (6) Section 90(5)—after "incorporated hospital" insert:
or an incorporated health service

63—Amendment of section 106—Confidentiality and disclosure of information

- (1) Section 106(1)(b)—after "incorporated hospital" insert:
or incorporated health service
- (2) Section 106(1)(b)—after "the hospital" insert:
, the health service
- (3) Section 106(2)(a)—after "as required" insert:
or authorised
- (4) Section 106(2)(d)(iii)—after "a hospital" insert:
, an incorporated health service
- (5) Section 106(2)—after paragraph (f) insert:
- (fa) disclosing information to South Australia Police if there are reasonable grounds to suspect that an offence has been, or may be, committed and the disclosure is reasonably required for the purpose of reporting the matter to South Australia Police; or
 - (fb) disclosing information to the State Coroner, or to a person who is an investigator under the *Coroners Act 2003* investigating a death on behalf of the State Coroner; or
 - (fc) disclosing information to a legal practitioner engaged by or on behalf of the Minister, the Department, an attached office to the Department, an incorporated hospital, an incorporated health service, SAAS or the South Australian Government Financing Authority (acting in its function as insurer to an entity referred to in this paragraph) to provide legal representation or legal advice; or
 - (fd) disclosing information to the Minister or persons employed or engaged to work for the Minister for the purposes of the Minister handling a complaint made by the person to whom the information relates (or by their personal representative) about mental health services the person has received; or
- (6) Section 106(5)—before the definition of ***personal information*** insert:
legal practitioner has the same meaning as in the *Legal Practitioners Act 1981*;
- (7) Section 106(5)—after the definition of ***personal information*** insert:
personal representative, of a person, means—
- (a) a guardian of the person; or
 - (b) a medical agent of the person; or
 - (c) a substitute decision-maker for the person (within the meaning of the *Advance Care Directives Act 2013*);
- South Australia Police*** has the same meaning as in the *Police Act 1998*.

Part 12—Amendment of *Research Involving Human Embryos Act 2003*

64—Amendment of section 3—Interpretation

Section 3(1), definition of *accredited ART centre*, (a)—delete "the Fertility Society of Australia" and substitute:

The Fertility Society of Australia and New Zealand

65—Amendment of section 30—NHMRC guidelines

Section 30(3)—delete subsection (3)

Part 13—Amendment of *Suicide Prevention Act 2021*

66—Amendment of section 3—Interpretation

- (1) Section 3(1), definition of *Commissioner for Aboriginal Engagement*—delete the definition
- (2) Section 3(1)—after the definition of *postvention* insert:

Preventive Health SA means—

- (a) the attached office (within the meaning of the *Public Sector Act 2009*) of that name attached to the Department for Health and Wellbeing; or
 - (b) if the attached office of that name is abolished—the administrative unit of the Public Service declared by the Minister by notice in the Gazette to be the replacement for that attached office;
- (3) Section 3(1), definition of *Wellbeing SA*—delete the definition

67—Amendment of section 9—Establishment of Suicide Prevention Council

- (1) Section 9(2)(d)—delete "Wellbeing SA" and substitute:

Preventive Health SA

- (2) Section 9(2)(e)—delete paragraph (e)
- (3) Section 9(2)(i)—delete "13" and substitute:
14
- (4) Section 9(2)(i)(ii)—delete "1" and substitute:
2

Part 14—Amendment of *Termination of Pregnancy Act 2021*

68—Amendment of section 3—Interpretation

Section 3—after the definition of *hospital* insert:

incorporated health service has the same meaning as in the *Health Care Act 2008*;

69—Amendment of section 19—Confidentiality

- (1) Section 19(1)(b)—after "incorporated hospital" insert:
 , incorporated health service
- (2) Section 19(1)(b)—after "the hospital" insert:
 , the health service
- (3) Section 19(2)(c)(iii)—after "a hospital" insert:
 , an incorporated health service

70—Amendment of section 21—Regulations

- Section 21(2)(a)—after "hospital" insert:
 , incorporated health service