

South Australia



**PUBLIC SECTOR MANAGEMENT (INCOMPATIBLE PUBLIC
OFFICES) AMENDMENT ACT 1998**

No. 17 of 1998

SUMMARY OF PROVISIONS

1. Short title
2. Commencement
3. Insertion of s. 70A



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ELIZABETHAE II REGINAE

A.D. 1998

No. 17 of 1998

An Act to amend the Public Sector Management Act 1995.

[Assented to 2 April 1998]

The Parliament of South Australia enacts as follows:

Short title

1. (1) This Act may be cited as the *Public Sector Management (Incompatible Public Offices) Amendment Act 1998*.

(2) The *Public Sector Management Act 1995* is referred to in this Act as "the principal Act".

Commencement

2. This Act will come into operation on a day to be fixed by proclamation.

Insertion of s. 70A

3. The following section is inserted after section 70 of the principal Act:

Incompatible public offices

70A. (1) If a person holding an office is or has been appointed to a further office, he or she is not to be taken to have vacated the firstmentioned office or to have been invalidly appointed to the further office because—

- (a) the potential exists or has existed for the duties of the offices to be in conflict; or
- (b) the duties of either one or more of the offices require, by implication, the person's full time attention.

(2) The Governor may give directions in relation to an actual or potential conflict of duty and duty between offices held concurrently, or in relation to some other incompatibility between offices held concurrently, and, if the office holder concerned complies with those directions, he or she is excused from any breach that would otherwise have occurred.

(3) In this section—

"office" means—

- (a) a public office; or
- (b) any position or employment in the public sector.

In the name and on behalf of Her Majesty, I hereby assent to this Bill.

E. J. NEAL Governor