

South Australia



ANNO QUADRAGESIMO NONO  
ELIZABETHAE II REGINAE  
A.D. 2000

**SOUTH AUSTRALIAN HEALTH COMMISSION (ADMINISTRATIVE  
ARRANGEMENTS) AMENDMENT ACT 2000**

No. 34 of 2000

[Assented to 6 July 2000]

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An Act to amend the South Australian Health Commission Act 1976 and to make related amendments to the Ambulance Services Act 1992, the Blood Contaminants Act 1985, the Children's Services Act 1985, the Controlled Substances Act 1984, the Cremation Act 1891, the Drugs Act 1908, the Food Act 1985, the Guardianship and Administration Act 1993, the Housing Improvement Act 1940, the Institute of Medical and Veterinary Science Act 1982, the Medical Practitioners Act 1983, the Mental Health Act 1993, the Public and Environmental Health Act 1987, the Radiation Protection and Control Act 1982, the Reproductive Technology Act 1988, the Sexual Reassignment Act 1988, the Supported Residential Facilities Act 1992, the Tobacco Products Regulation Act 1997 and the Transplantation and Anatomy Act 1983.

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**SCHEDULE 1**

*Amendments of other Acts*

**SCHEDULE 2**

*Saving and transitional provisions*

The Parliament of South Australia enacts as follows:

**Short title**

1. (1) This Act may be cited as the *South Australian Health Commission (Administrative Arrangements) Amendment Act 2000*.

(2) The *South Australian Health Commission Act 1976* 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.

**Amendment of s. 3—Objects of this Act**

3. Section 3 of the principal Act is amended by striking out from paragraph (d) "responsibilities and functions of the Commission" and substituting "various responsibilities and functions".

**Amendment of s. 6—Interpretation**

4. Section 6 of the principal Act is amended—

(a) by striking out "as defined in the *Local Government Act 1934*" from the definition of "council" and substituting "under the *Local Government Act 1999*";

(b) by inserting after the definition of "council" the following definition:

"Department" means the department of the Minister to whom the administration of this Act is committed;

**Substitution of heading**

5. The heading to Part 2 of the principal Act is repealed and the following heading is substituted:

**PART 2  
ADMINISTRATION**

**Substituting of heading**

6. The heading to Division 1 of Part 2 of the principal Act is repealed and the following heading is substituted:

**DIVISION 1—ESTABLISHMENT OF THE SOUTH AUSTRALIAN HEALTH  
COMMISSION**

**Amendment of s. 8—Constitution of Commission**

7. Section 8 of the principal Act is amended by striking out subsections (3), (4) and (5) and substituting the following subsection:

(3) A member of the Commission is appointed on conditions determined by the Governor and for a term, not exceeding five years, specified in the instrument of appointment.

**Substitution of s. 10**

8. Section 10 of the principal Act is repealed and the following section is substituted:

**Remuneration**

10. A member of the Commission is entitled to remuneration, allowances and expenses determined by the Governor.

**Amendment of s. 11—Removal from, and vacation of, office**

9. Section 11 of the principal Act is amended by striking out from subsection (3)(c) "Commission" and substituting "Minister".

**Substitution of heading**

10. The heading to Division 2 of Part 2 of the principal Act is repealed and the following heading is substituted:

**DIVISION 2—POWERS AND FUNCTIONS OF THE MINISTER AND COMMISSION****Substitution of s. 15**

11. Section 15 of the principal Act is repealed and the following section is substituted:

**Powers and functions of Minister under Act**

15. (1) The Minister should, in connection with the operation of this Act, promote the health and well-being of the people of the State and may, in so doing, adopt the following functions:

- (a) to institute, promote or assist in research in the field of health and health services; and
- (b) to collect, or assist in the collection of, data and statistics in relation to health and health services; and
- (c) to ascertain the requirements of the public, or any section of the public, in the field of health and health services and to determine how those requirements should be met to the best advantage of the public or the section of the public concerned; and
- (d) to plan and implement the provision of a system of health services that is comprehensive, co-ordinated and readily accessible to the public; and
- (e) to establish, maintain and operate such health services as the Minister thinks desirable; and
- (f) to assist bodies or persons in the establishment, maintenance or operation of health services (to such extent as the Minister thinks desirable); and
- (g) to act to ensure that hospitals, health centres and health services incorporated under this Act or established, maintained or operated by or with the assistance of the Government of the State are operated in an efficient and economical manner; and

- (h) to ensure the proper allocation of resources between hospitals, health centres or health services incorporated under this Act or established, maintained or operated by or with the assistance of the Government of the State; and
- (i) to provide, or assist in the provision of, education, instruction or training in such professional or other fields of knowledge or expertise related to the provision of health services as the Minister thinks desirable; and
- (j) to promote and encourage voluntary participation in the provision of health services; and
- (k) to disseminate knowledge in the field of public health to the advancement of the public interest; and
- (l) to keep the policies and standards of health and health services developed by the Department under constant evaluation and review; and
- (m) to ensure as far as possible that the people of this State live and work in a healthy environment; and
- (n) to carry out other functions as may be necessary, expedient or incidental to the foregoing.

(2) The Minister has the powers necessary or expedient for, or incidental to, the performance of the Minister's functions under this Act.

(3) The Minister must in the performance of the Minister's functions under this Act, as appropriate, seek to encourage and facilitate the involvement of voluntary organisations, local governing bodies and regional authorities in the promotion or provision of health care and health services.

(4) The Minister must in the performance of the Minister's functions under this Act establish, wherever practicable, appropriate regional or local authorities for the provision of health services in the various regions and local government areas of the State.

#### **Substitution of s. 16**

12. Section 16 of the principal Act is repealed and the following section is substituted:

#### **Functions of Commission**

16. (1) The Commission has the following functions:

- (a) to the extent determined by the Minister, to provide advice to the Minister on the performance of functions conferred on the Minister under this Act or any other Act;
- (b) at the request of the Minister, to provide information to the Minister on the requirements of the public, or any section of the public, in the field of health or health services, or to assist in the planning of health services;
- (c) to develop, foster or promote proper standards of public and environmental health in the State;

- (d) to the extent determined by the Minister, to plan, initiate, carry out, support or promote programs or activities designed to improve or promote public and environmental health;
- (e) to increase public awareness of such matters relating to health as appear to be appropriate to the Commission or as are designated by the Minister;
- (f) to assist the Minister in the dissemination of knowledge in the field of public health to the advancement of the public interest;
- (g) at the request of the Minister, to investigate and report on any matter relevant to public or environmental health or to health services within the State;
- (h) at the request of the Minister, to conduct inquiries into any aspect of public or environmental health, the provision of health services or the care of the public (or of any section of the public);
- (i) to provide advice to the Minister on action to be taken to prevent or avert the spread of diseases that are a danger to the public or on other matters relevant to the protection or promotion of public health;
- (j) at the request of the Minister, to provide advice to the Minister on the administration of any provision of this Act, or of any designated Act, or on the exercise or performance of powers under this Act or any designated Act;
- (k) at the request of the Minister, to provide advice on any other matter in relation to which the Minister considers that the advice of the Commission should be available;
- (l) to carry out other functions assigned to the Commission by or under this or any other Act, or by the Minister;
- (m) to carry out other functions as may be necessary, expedient or incidental to the foregoing.

(2) The Commission has the powers necessary or expedient for, or incidental to, the performance of its functions.

(3) In the exercise of its functions, the Commission is subject to the control and direction of the Minister.

(4) The Commission must, in the exercise of its functions, seek to co-ordinate its activities with the Department.

(5) In this section—

**"designated Act"** means an Act designated by the Minister for the purposes of the performance of a particular function by the Commission.

**Substitution of s. 17**

13. Section 17 of the principal Act is repealed and the following section is substituted:

**Delegations**

17. (1) The Minister may delegate a power or function vested in or conferred on the Minister by or under this Act—

- (a) to the Commission; or
- (b) to another body, or to a particular person; or
- (c) to the person for the time being holding or acting in a particular office or position.

(2) The Commission may delegate a power or function vested in or conferred on the Commission by or under this or any other Act—

- (a) to a committee established by the Commission; or
- (b) to another body, or to a particular person; or
- (c) to the person for the time being holding or acting in a particular office or position.

(3) A power or function delegated under this section may, if the instrument of delegation so provides, be further delegated.

(4) A delegation—

- (a) may be absolute or conditional; and
- (b) does not derogate from the power of the delegator to act in a matter; and
- (c) is revocable at will by the delegator.

**Amendment of s. 18—Appointment of advisory committee**

14. Section 18 of the principal Act is amended by striking out subsection (1) and substituting the following subsection:

(1) The Minister may appoint advisory committees to advise the Minister or the Commission in relation to matters in respect of which the Minister considers that advice should be available to the Minister or the Commission.



**Substitution of Division**

15. Division 4 of Part 2 of the principal Act is repealed and the following Division is substituted:

**DIVISION 4—STAFF AND FACILITIES****Staff and facilities**

19. (1) The Commission may, in the performance of the Commission's functions, be assisted by persons assigned to the staff of the Commission by the Minister.

(2) Those staff will, unless the Governor otherwise determines, be appointed and hold office subject to, and in accordance with, the *Public Sector Management Act 1995*.

(3) The Commission may, with the approval of the Minister administering an administrative unit of the Public Service, on terms and conditions mutually arranged, make use of the services of any officer, or use any facilities or equipment, of that unit.

**Amendment of s. 22—Property**

16. Section 22 of the principal Act is amended—

- (a) by inserting in subsection (1) ", for any purpose connected with the operation of this Act" after "by instrument in writing";
- (b) by striking out from subsection (1)(a) "the Commission" and substituting "the Minister";
- (c) by striking out from subsection (1)(b) "the Commission" and substituting "the Minister";
- (d) by striking out from subsection (1)(c) "the Commission" and substituting "the Minister";
- (e) by striking out from subsection (2) "the Commission" and substituting "the Minister";
- (f) by striking out from subsection (3) "the Commission" and substituting "this Act".

**Repeal of ss. 23 and 24**

17. Sections 23 and 24 of the principal Act are repealed.

**Amendment of s. 26—Annual report**

18. Section 26 of the principal Act is amended by striking out subsection (1) and substituting the following subsection:

(1) The Commission must, on or before 30 September in every year, forward to the Minister a report on the work of the Commission for the financial year ending on the preceding 30 June.

**Amendment of s. 27—Incorporation**

19. Section 27 of the principal Act is amended—

- (a) by striking out from subsection (3a) "(apart from the Commission)";
- (b) by striking out from subsection (3a)(a) "the Commission" and substituting "the Minister";

(c) by striking out from subsection (3a)(b)(ii) "the Commission" and substituting "the Minister";

(d) by striking out from subsection (5) "the Commission" and substituting "the Minister".

**Amendment of s. 30—Officers and employees**

20. Section 30 of the principal Act is amended by striking out "the Commission" wherever it occurs and substituting, in each case, "the Chief Executive of the Department".

**Amendment of s. 35—Annual report**

21. Section 35 of the principal Act is amended—

(a) by striking out from subsection (1) "the Commission" twice occurring and substituting, in each case, "the Minister";

(b) by striking out subsection (2).

**Amendment of s. 36—Budget and staffing plans**

22. Section 36 of the principal Act is amended—

(a) by striking out from subsection (1) "the Commission" twice occurring and substituting, in each case, "the Minister";

(b) by striking out subsection (2) and substituting the following subsection:

(2) The Minister may, at any time, by notice in writing, require the board of an incorporated hospital to furnish to the Minister information relating to the administration, or future administration, of the hospital.

**Amendment of s. 38—By-laws**

23. Section 38 of the principal Act is amended by striking out from subsection (2) "the Commission" and substituting "the Minister".

**Amendment of s. 39—Fixing of fees**

24. Section 39 of the principal Act is amended by striking out from subsection (1) "upon the recommendation of the Commission" and substituting "on the recommendation of the Minister".

**Amendment of s. 40—Power of Minister to require contribution**

25. Section 40 of the principal Act is amended—

(a) by striking out from subsection (1) "opinion of the Commission" and substituting "opinion of the Minister";

(b) by striking out from subsection (1) "the Commission may, with the consent of the Minister" and substituting "the Minister may".

**Amendment of s. 41—Duty of council to contribute**

26. Section 41 of the principal Act is amended by striking out "the Commission" twice occurring and substituting, in each case, "the Minister".

**Substitution of s. 42**

27. Section 42 of the principal act is repealed and the following section is substituted:

**Recovery of contributions**

42. A contribution payable under this Division may be recovered by the Minister by action in a court of competent jurisdiction as a debt due to the Minister.

**Amendment of s. 43—Application of contributions**

28. Section 43 of the principal Act is amended by striking out "The Commission must apply all contributions received or recovered by it" and substituting "The Minister must apply all contributions received or recovered by the Minister".

**Amendment of s. 45—Report of accidents to which this Division applies**

29. Section 45 of the principal Act is amended by striking out "the Commission" twice occurring and substituting, in each case, "the Minister".

**Amendment of s. 48—Incorporation**

30. Section 48 of the principal Act is amended by striking out "the Commission" wherever it occurs and substituting, in each case, "the Minister".

**Amendment of s. 51—Officers and employees**

31. Section 51 of the principal Act is amended by striking out "the Commission" wherever it occurs and substituting, in each case, "the Chief Executive of the Department".

**Amendment of s. 56—Annual report**

32. Section 56 of the principal Act is amended—

- (a) by striking out from subsection (1) "the Commission" twice occurring and substituting, in each case, "the Minister";
- (b) by striking out subsection (2).

**Amendment of s. 57—Budget and staffing plans**

33. Section 57 of the principal Act is amended—

- (a) by striking out from subsection (1) "the Commission" twice occurring and substituting, in each case, "the Minister";
- (b) by striking out subsection (2) and substituting the following subsection:

(2) The Minister may, at any time, by notice in writing, require the board of an incorporated health centre to furnish to the Minister information relating to the administration, or future administration, of the health centre.

**Amendment of s. 57AA—By-laws**

34. Section 57AA of the principal Act is amended by striking out from subsection (2) "the Commission" and substituting "the Minister".

**Amendment of s. 57A—Fixing of fees**

35. Section 57A of the principal Act is amended by striking out from subsection (1) "upon the recommendation of the Commission" and substituting "on the recommendation of the Minister".

**Amendment of s. 57C—Application for licence**

36. Section 57C of the principal Act is amended by striking out from subsection (1) "the Commission" and substituting "the Minister".

**Amendment of s. 57D—Grant of licences**

37. Section 57D of the principal Act is amended by striking out "Commission" wherever it occurs and substituting, in each case, "Minister".

**Amendment of s. 57E—Conditions of licence**

38. Section 57E of the principal Act is amended by striking out "Commission" wherever it occurs and substituting, in each case, "Minister".

**Amendment of s. 57G—Duration of licences**

39. Section 57G of the principal Act is amended by striking out "the Commission" wherever it occurs and substituting, in each case, "the Minister".

**Amendment of s. 57H—Transfer of licence**

40. Section 57H of the principal Act is amended by striking out "the Commission" wherever it occurs and substituting, in each case, "the Minister".

**Amendment of s. 57I—Surrender, suspension and cancellation of licences**

41. Section 57I of the principal Act is amended—

- (a) by striking out from subsection (2) "The Commission" and substituting "The Minister";
- (b) by striking out from subsection (2) "if it" and substituting "if the Minister";
- (c) by striking out from subsection (3) "Commission suspends a licence under subsection (2), it" and substituting "Minister suspends a licence, the Minister";
- (d) by striking out from subsection (4) "Commission cancels a licence under subsection (2), it" and substituting "Minister cancels a licence, the Minister".

**Amendment of s. 57J—Appeal against decision or order of Minister**

42. Section 57J of the principal Act is amended—

- (a) by striking out from subsection (1) "the Commission" and substituting "the Minister";
- (b) by striking out from subsection (3)(b) "the Commission" and substituting "the Minister";
- (c) by striking out subsection (4) and substituting the following subsection:
  - (4) The Minister must, if so required by a person affected by a decision or order made by the Minister under this Part, state in writing the reasons for the decision or order.;
- (d) by striking out from subsection (5) "of the Commission" and substituting "of the Minister";
- (e) by striking out from subsection (5) "Commission to state its" and substituting "Minister to state the Minister's";

- (f) by striking out from subsections (6) and (7) "the Commission" wherever it occurs and substituting, in each case, "the Minister".

**Amendment of s. 57K—Inspectors**

43. Section 57K of the principal Act is amended by striking out from subsection (1) "The Commission" and substituting "The Minister".

**Amendment of s. 58—Provision where incorporated hospital or health centre fails in a particular instance properly to discharge its functions**

44. Section 58 of the principal Act is amended—

- (a) by striking out from subsection (1) "the Commission" twice occurring and substituting, in each case, "the Minister";
- (b) by striking out from subsection (2) "the Commission's" and substituting "the Minister's";
- (c) by striking out from subsection (3) "The Commission" and substituting "The Minister".

**Amendment of s. 60—Industrial proceedings**

45. Section 60 of the principal Act is amended—

- (a) by striking out from subsection (1)(a) "of the Commission or";
- (b) by striking out from subsection (2) "the Commission" and substituting "the Department";
- (c) by striking out from subsection (3) "the Commission" twice occurring and substituting, in each case, "the Department";
- (d) by striking out from subsection (4) "the *South Australian Health Commission*" and substituting "the Chief Executive of the Department".

**Amendment of s. 61—Recognised organisations**

46. Section 61 of the principal Act is amended—

- (a) by striking out from subsection (2) "Where the Commission" and substituting "Where the Minister";
- (b) by striking out from subsection (2) "the Commission,";
- (c) by striking out from subsection (2) "it must" and substituting "the Minister must";
- (d) by striking out from subsection (3) "the Commission" and substituting "the Minister".

**Amendment of s. 62—Duty of Registrar-General**

47. Section 62 of the principal Act is amended by striking out "the Commission" wherever it occurs and substituting, in each case, "the Minister".

**Amendment of s. 62A—Notification of dissolution of incorporated body**

48. Section 62A of the principal Act is amended by striking out "the Commission" and substituting "the Minister".

**Amendment of s. 63—Constitutions to be available for public inspection**

**49.** Section 63 of the principal Act is amended by striking out subsection (1) and substituting the following subsection:

(1) The Minister must ensure that copies of the approved constitution of each incorporated hospital and incorporated health centre, and the amendments (if any), are kept at a public office of the Department.

**Amendment of s. 63A—Conflict of interest**

**50.** Section 63A of the principal Act is amended by striking out from the definition of "health employee" in subsection (3) "the Commission,".

**Amendment of s. 64—Duty to maintain confidentiality**

**51.** Section 64 of the principal Act is amended by striking out from subsection (1) "the Commission" and substituting "the Department".

**Amendment of S. 66—Regulations**

**52.** Section 66 of the principal Act is amended—

- (a) by striking out from subsection (2)(a) "by the Commission or instrumentalities of the Commission" and substituting "under this Act";
- (b) by inserting in subsection (2)(b) "the Minister or" after "furnish";
- (c) by inserting in subsection (2)(c) "the Minister or" after "furnish";
- (d) by striking out from subsection (2)(d) "the Commission" and substituting "the Minister";
- (e) by inserting in subsection (2)(e) "the Minister or" after "knowledge by";
- (f) by inserting in subsection (2)(ea) "the Minister or" after "disabilities to";
- (g) by striking out from subsection (2)(f) "the Commission" and substituting "the Minister";
- (h) by inserting in subsection (2)(g) "the Minister," after "observed by";
- (i) by striking out from subsection (2)(gd) "the Commission" and substituting "the Minister".

**SCHEDULE 1**  
*Amendments of other Acts*

**Amendment of Ambulance Services Act 1992**

1. The *Ambulance Services Act 1992* is amended by striking out subsection (1) of section 9 and substituting the following subsections:

(1) The Minister may delegate any of his or her powers under this Part, other than the power to revoke a licence—

- (a) to particular person or body; or
- (b) to the person for the time being holding or acting in particular office or position.

(1a) A power delegated under this section may, if the instrument of delegation so provides, be further delegated.

**Amendment of Blood Contaminants Act 1985**

2. The *Blood Contaminants Act 1985* is amended—

- (a) by striking out from the definition of "approved blood test" in section 3(1) "the Commission" and substituting "the Minister";
- (b) by striking out from the definition of "approved supplier" in section 3(1) "the Commission" and substituting "the Minister";
- (c) by striking out from section 3(1) the definition of "the Commission";
- (d) by striking out from paragraph (b) of the definition of "prescribed contaminant" in section 3(1) "the Commission" and substituting "the Minister";
- (e) by striking out from section 4 "the Commission" wherever it occurs and substituting, in each case, "the Minister";
- (f) by inserting after section 5 the following section:

**Delegation**

6. (1) The Minister may delegate a power or function vested in or conferred on the Minister by or under this Act—

- (a) to a particular person or body; or
- (b) to the person for the time being holding or acting in a particular office or position.

(2) A power or function delegated under this section may, if the instrument of delegation so provides, be further delegated.

(3) A delegation—

- (a) may be absolute or conditional; and
- (b) does not derogate from the power of the delegator to act in a matter; and
- (c) is revocable at will by the delegator.

**Amendment of Children's Services Act 1985**

3. The *Children's Services Act 1985* is amended by striking out subsection (6) of section 12.

**Amendment of Controlled Substances Act 1984****4. The *Controlled Substances Act 1984* is amended—**

- (a) by inserting after the definition of "dentist" in section 4(1) the following definition:
- "the Department"** means the department of the Minister to whom the administration of this Act has been committed;;
- (b) by striking out from section 6(2)(a) "an employee of the Health Commission" and substituting "an officer or employee of the Department";
- (c) by striking out from section 13(1)(b) "the Health Commission" and substituting "the Minister";
- (d) by striking out from section 14(1)(b) "the Health Commission" and substituting "the Minister";
- (e) by striking out from section 15(1)(b) "the Health Commission" and substituting "the Minister";
- (f) by striking out from section 18(1)(e) "the Health Commission" and substituting "the Minister";
- (g) by striking out from section 18(3)(d) "the Health Commission" and substituting "the Minister";
- (h) by striking out from section 22(1) "the Health Commission" and substituting "the Minister";
- (i) by striking out from section 31(3)(d) "the Health Commission" and substituting "the Minister";
- (j) by striking out from section 32(2)(c) "the Health commission" and substituting "the Minister";
- (k) by striking out from section 33(1) "the Health Commission" and substituting "the Minister";
- (l) by striking out from section 33(1a) "the Health Commission" and substituting "the Minister";
- (m) by striking out from section 33(3) "the Health Commission" and substituting "the Minister";
- (n) by striking out from section 33(4) "The Health Commission" and substituting "The Minister";
- (o) by striking out from section 33(5)(c) "the Health Commission" and substituting "the Minister";
- (p) by striking out from section 33(5)(d) "the Health Commission authorised generally or specifically by the Health Commission" and substituting "the Department authorised generally or specifically by the Minister";
- (q) by striking out from section 34(4) "the Health Commission" and substituting "the Minister";
- (r) by striking out from section 53(4)(b) "the Health Commission" and substituting "the Department";
- (s) by striking out from section 55(1) "The Health Commission may, in its" and substituting "The Minister may, in the Minister's";
- (t) by striking out from section 55(2) "The Health Commission may grant a licence, authority or permit subject to such conditions as it" and substituting "The Minister may grant a licence, authority or permit subject to such conditions as the Minister";
- (u) by striking out from section 55(3) "the Health Commission" and substituting "the Minister";
- (v) by striking out from section 55(4) "The Health Commission" and substituting "The Minister";
- (w) by striking out from section 55(4)(c) "the Commission" and substituting "the Minister";



- (x) by striking out from section 56(1) "The Health Commission" and substituting "The Minister";
- (y) by striking out from section 57(1) "the Health Commission" wherever it occurs and substituting, in each case, "the Minister";
- (z) by striking out from section 57(2) "The Health Commission" and substituting "The Minister";
- (za) by striking out from section 57(3) "The Health Commission" and substituting "The Minister";
- (zb) by striking out from section 57(6) "the Health Commission" and substituting "the Minister";
- (zc) by striking out from section 58(1) "the Health Commission" and substituting "the Minister";
- (zd) by striking out from section 58(1) "it may" and substituting "the Minister may";
- (ze) by striking out from section 60 "the Health Commission" wherever it occurs and substituting, in each case, "the Minister";
- (zf) by striking out from section 60(2) "it may" and substituting "the Minister may";
- (zg) by striking out from section 61(1) "the Health Commission" and substituting "the Department";
- (zh) by inserting after section 62 the following section:

**Delegation**

62A. (1) The Minister may delegate a power or function vested in or conferred on the Minister by or under this Act—

- (a) to a particular person or body; or
- (b) to the person for the time being holding or acting in a particular office or position.

(2) A power or function delegated under this section may, if the instrument of delegation so provides, be further delegated.

(3) A delegation—

- (a) may be absolute or conditional; and
- (b) does not derogate from the power of the delegator to act in a matter; and
- (c) is revocable at will by the delegator.

**Amendment of Cremation Act 1891**

5. The *Cremation Act 1891* is amended—

- (a) by striking out from section 2(a) "the *South Australian Health Commission*" and substituting "the Minister to whom the administration of the *South Australian Health Commission Act 1976* is committed";
- (b) by striking out from section 10(4) "the Chairman of the *South Australian Health Commission*" and substituting "the Minister";

**Amendment of Drugs Act 1908****6. The *Drugs Act 1908* is amended—**

- (a) by striking out section 6 and substituting the following section:

**Delegation**

6. (1) The Minister may delegate a power or function vested in or conferred on the Minister by or under this Act—

- (a) to a particular person or body; or  
(b) to the person for the time being holding or acting in a particular office or position.

(2) A power or function delegated under this section may, if the instrument of delegation so provides, be further delegated.

(3) A delegation—

- (a) may be absolute or conditional; and  
(b) does not derogate from the power of the delegator to act in a matter; and  
(c) is revocable at will by the delegator.;

- (b) by striking out from section 7(1) "the Health Commission" and substituting "the Minister";  
(c) by striking out from section 7(1) ", who shall act under the Health Commission";  
(d) by striking out from section 9 "the Health Commission" twice occurring and substituting, in each case, "the Minister";  
(e) by striking out from the definition of "loathsome disease" in section 30A(4) "on the advice of the Health Commission";  
(f) by striking out from section 46 "the Health Commission" and substituting "the Minister";  
(g) by striking out from section 53 "the Health Commission" and substituting "the Minister";  
(h) by striking out from section 61A(2) "the Health Commission" and substituting "the Minister".

**Amendment of Food Act 1985****7. The *Food Act 1985* is amended—**

- (a) by striking out from the definition of "analyst" in section 3 "the Commission" and substituting, in each case, "the Minister";  
(b) by inserting after the definition of "council" in section 3 the following definition:  

**"the Department"** means the department of the Minister to whom the administration of this Act has been committed;;

  
(c) by striking out section 6;

- (d) by striking out section 7 and substituting the following section:

**Delegation**

7. (1) The Minister may delegate a power or function vested in or conferred on the Minister by or under this Act—

- (a) to a particular person or body; or
- (b) to the person for the time being holding or acting in a particular office or position.

(2) A power or function delegated under this section may, if the instrument of delegation so provides, be further delegated.

(3) A delegation—

- (a) may be absolute or conditional; and
- (b) does not derogate from the power of the delegator to act in a matter; and
- (c) is revocable at will by the delegator.

(4) No delegation may be made to a council under this section except with the concurrence of the council.;

- (e) by striking out from section 8(1) "The Commission may appoint such number of persons to be authorized officers as it" and substituting "The Minister may appoint such number of persons to be authorized officers as the Minister";
- (f) by striking out from section 8(3)(a)(i) "the Commission" and substituting "the Minister";
- (g) by striking out from section 8(3)(b) "the Commission" and substituting "the Department";
- (h) by striking out from section 8(4) "The Commission" and substituting "The Minister";
- (i) by striking out from section 10(1) "The Commission" and substituting "The Department";
- (j) by striking out from section 11(2)(a) "the Commission" and substituting "the Department";
- (k) by striking out from section 16 "the Commission" wherever it occurs and substituting, in each case, "the Minister";
- (l) by striking out from section 17(c) "the Commission" and substituting "the Minister";
- (m) by striking out from section 28(2) "the Commission" and substituting "the Minister";
- (n) by striking out from section 28(3) "its duty under subsection (2)(a), the Commission shall" and substituting "the duty under subsection (2)(a), the Minister must";
- (o) by striking out from section 28(5) "its duty" and substituting "a duty";
- (p) by striking out from section 28(5) "the Commission" and substituting "the Minister";
- (q) by striking out from section 28(8) "the Commission" and substituting "the Minister";
- (r) by striking out from section 28(9) "the Commission" and substituting "the Minister".

**Amendment of Guardianship and Administration Act 1993**

8. The *Guardianship and Administration Act 1993* is amended—

- (a) by striking out from section 3(1) the definition of "the Health Commission";
- (b) by striking out from section 17(2) "or a Health Commission employee";
- (c) by striking out from section 23(1) "or Health Commission employee";
- (d) by striking out from section 73(3) "the Health Commission" and substituting "the Minister".

**Amendment of Housing Improvement Act 1940**

9. The *Housing Improvement Act 1940* is amended by striking out from section 61(1)(h) "the South Australian Health Commission" and substituting ", the Minister".

**Amendment of Institute of Medical and Veterinary Science Act 1982**

10. The *Institute of Medical and Veterinary Science Act 1982* is amended—

- (a) by inserting after the definition of "the council" in section 3 the following definition:

"the Department" means the department of the Minister to whom the administration of this Act is committed;;
- (b) by striking out from section 7(2)(a)(i) "the Health Commission" and substituting "the Department";
- (c) by striking out from section 14(1)(a) "the Health Commission" and substituting "the Minister";
- (d) by striking out from section 14(1)(c) "the Health Commission" and substituting "the Minister";
- (e) by striking out from section 14(2)(b)(i) "or the Health Commission";
- (f) by striking out subsections (2) and (3) of section 15 and substituting the following subsection:

(2) The Institute must make available to the Minister such information as the Minister may reasonably require for the purposes of exercising powers under this Act.;
- (g) by striking out from section 16(2) "by the Health Commission and approved by the Public Service Board" and substituting "by the Minister and approved by the Commissioner for Public Employment";
- (h) by striking out from section 16(4) "given after consultation with the Health Commission";
- (i) by striking out from section 17(1) "by the Health Commission and approved by the Public Service Board" and substituting "by the Chief Executive of the Department and approved by the Commissioner for Public Employment";
- (j) by striking out from section 17(2) "the Health Commission" and substituting "the Chief Executive of the Department";
- (k) by striking out from section 22 "the Health Commission" twice occurring and substituting, in each case, "the Minister";
- (l) by striking out from section 25(1)(g) "the Health Commission, ";
- (m) by striking out from section 25(2) "the Health Commission" and substituting "the Minister";

- (n) by striking out from section 25(3) "the Health Commission" and substituting "the Minister";
- (o) by striking out from section 26(2) "the Health Commission" and substituting "the Minister";
- (p) by striking out from section 26(3) "the Health Commission" and substituting "the Minister";
- (q) by striking out from section 27(2) "the Health Commission" and substituting "the Department";
- (r) by striking out from section 27(3) "the Health Commission" twice occurring and substituting, in each case, "the Department";
- (s) by striking out from section 27(4) "the Health Commission" and substituting "the Chief Executive of the Department";
- (t) by striking out from section 28(2) "the Health Commission" and substituting "the Minister";
- (u) by striking out from section 28(2) "it shall" and substituting "the Minister must";
- (v) by striking out from section 28(3) "the Health Commission" and substituting "the Minister";
- (w) by striking out section 32 and substituting the following section:

**Delegation**

32. (1) The Minister may delegate a power or function vested in or conferred on the Minister by or under this Act—

- (a) to a particular person or body; or
- (b) to the person for the time being holding or acting in a particular office or position.

(2) A power or function delegated under this section may, if the instrument of delegation so provides, be further delegated.

(3) A delegation—

- (a) may be absolute or conditional; and
- (b) does not derogate from the power of the delegator to act in a matter; and
- (c) is revocable at will by the delegator.

**Amendment of Medical Practitioners Act 1983**

11. The *Medical Practitioners Act 1983* is amended by striking out from section 7(2)(a) "the South Australian Health Commission" and substituting "the department of the Minister to whom the administration of this Act is committed".

**Amendment of Mental Health Act 1993**

12. The *Mental Health Act 1993* is amended—

- (a) by striking out section 4 and substituting the following section:

**Delegation**

4. (1) The Minister may delegate a power or function vested in or conferred on the Minister by or under this Act—

- (a) to a particular person or body; or

- (b) to the person for the time being holding or acting in a particular office or position.
- (2) A power or function delegated under this section may, if the instrument of delegation so provides, be further delegated.
- (3) A delegation—
- (a) may be absolute or conditional; and
- (b) does not derogate from the power of the delegator to act in a matter; and
- (c) is revocable at will by the delegator.;
- (b) by striking out from section 5(1) ", the Health Commission";
- (c) by striking out from section 5(2) "and the Health Commission";
- (d) by striking out from section 7(a) "and the Health Commission";
- (e) by striking out from section 8(1) ", upon the recommendation of the Health Commission,";
- (f) by striking out from section 10(1) "the Chief Executive Officer of the Health Commission" and substituting "the Minister";
- (g) by striking out from section 27(3) "the Health Commission" and substituting "the Minister".

#### Amendment of Public and Environmental Health Act 1987

13. The *Public and Environmental Health Act 1987* is amended—

- (a) by striking out from the definition of "the authority" in section 3(1) "the Commission" wherever it occurs and substituting, in each case, "the Minister";
- (b) by striking out from paragraph (b) of the definition of "authorised officer" in section 3(1) "the Commission" and substituting "the Minister";
- (c) by inserting in section 3(1) after the definition of "the Council" the following definition:
- "the Department"** means the department of the Minister to whom the administration of this Act is committed;;
- (d) by striking out section 5;
- (e) by inserting in section 6 before subsection (1) the following subsection:
- (a1) The Minister may, by instrument in writing, delegate any of the Minister's powers or functions under this Act.;
- (f) by striking out from section 6(2)(b) "the Commission or the local council itself" and substituting "the delegator to act in a matter";
- (g) by inserting in section 6(4) "Minister or the" before "Commission";
- (h) by striking out from section 7 "Commission" wherever it occurs and substituting, in each case, "Minister";
- (i) by striking out from section 8(2)(a) "the Commission" and substituting "the Department";

- (j) by striking out from section 8(2)(c) "the Commission" and substituting "the Minister";
- (k) by striking out subsection (2) of section 9;
- (l) by striking out from section 12A(1) "the Commission" and substituting "the Minister";
- (m) by striking out from section 12A(5) "the Commission" and substituting "the Minister";
- (n) by striking out from section 12A(8) "The Commission" and substituting "The Minister";
- (o) by striking out from section 12A(10) "The Commission" and substituting "The Minister";
- (p) by striking out from section 12A(12) "the Commission" twice occurring and substituting, in each case, "the Minister";
- (q) by striking out from section 26(1)(a) "the Commission" and substituting "the Department";
- (r) by striking out from section 26(1)(c) "the Commission" and substituting "the Minister";
- (s) by striking out from section 30 "the Commission" wherever it occurs and substituting, in each case, "the Department";
- (t) by striking out from section 33(2)(b) "staff of the Commission" and substituting "staff of the Department";
- (u) by striking out from section 35 "The Commission" and substituting "The Department";
- (v) by striking out paragraph (b) of section 40(1) and substituting the following paragraph:  
(b) a member of the staff of the Department or any other person authorised by the Minister or the Commission to act under this Act,;
- (w) by striking out subsection (1) of section 41 and substituting the following subsection:  
(1) The Minister, the Commission or a local council may require a person to furnish such information relating to public or environmental health as may be reasonably required for the purposes of this Act.;
- (x) by striking out from section 44(2) "the Commission" and substituting "the Minister";
- (y) by striking out from section 44(3) "The Commission" and substituting "The Department";
- (z) by striking out from section 44(3) "the work of the Commission under" and substituting "the operation of";
- (za) by striking out from section 44(3) "and be accompanied by a copy of the Council's report";
- (zb) by striking out from section 45(2)(b) "the Commission" and substituting "the Department";
- (zc) by inserting in section 47(2)(i) "the Minister," after "information to";
- (zd) by striking out from section 47(2)(kb) "the Commission" and substituting "the Minister";
- (ze) by inserting in section 47(7)(d) "the Minister," after "the discretion of".

## Amendment of Radiation Protection and Control Act 1982

14. The *Radiation Protection and Control Act 1982* is amended—

- (a) by inserting after the definition of "conversion" in section 5 the following definition:

"the Department" means the department of the Minister to whom the administration of this Act is committed;;

- (b) by striking out section 7;

- (c) by striking out section 8 and substituting the following section:

**Delegation**

8. (1) The Minister may delegate a power or function vested in or conferred on the Minister by or under this Act—

- (a) to a particular person or body; or

- (b) to the person for the time being holding or acting in a particular office or position.

(2) A power or function delegated under this section may, if the instrument of delegation so provides, be further delegated.

- (3) A delegation—

- (a) may be absolute or conditional; and

- (b) does not derogate from the power of the delegator to act in a matter; and

- (c) is revocable at will by the delegator.;

- (d) by striking out from section (9)(2)(a) "a member, or officer or employee, of the Commission" and substituting "a member of the Commission or an officer or employee of the Department";

- (e) by striking out from section 12(c) "the Commission" and substituting "the Minister";

- (f) by striking out from section 13(1) "The Commission may appoint an officer or employee of the Commission or "and substituting "The Minister may appoint";

- (g) by striking out from section 13(2) "The Commission" and substituting "The Department";

- (h) by striking out from section 14(1)(a)(iii) "the Commission with the approval of";

- (i) by striking out from section 14(1)(b)(iii) "the Commission with the approval of";

- (j) by striking out from section 14(1)(c)(iii) "the Commission with the approval of";

- (k) by striking out from section 14(1)(d)(iii) "the Commission with the approval of";

- (l) by striking out subsection (2) of section 14 and substituting the following subsection:

(2) The Minister may establish one or more other sub-committees of the Committee to report to the Committee on matters specified by the Minister.;

- (m) by striking out from section 14(3)(b) "the Commission with the approval of";

- (n) by striking out from section 15 "the Commission," twice occurring;



- (o) by striking out subsection (1) of section 16 and substituting the following subsection:
- (1) The Minister may appoint an officer of the public service of the State to be an authorized officer for the purposes of this Act.;
- (p) by striking out from section 16(3) "The Commission" and substituting "The Minister";
- (q) by striking out from section 21(1) "the Commission,";
- (r) by striking out from section 23(1) ", the Commission";
- (s) by striking out from section 24(3) "the Commission may" and substituting "the Minister may";
- (t) by striking out from section 24(4) "The Commission" and substituting "The Minister";
- (u) by striking out from section 24(4c) "the Commission" and substituting "the Minister";
- (v) by striking out from section 28(3) "The Commission may" and substituting "The Minister may";
- (w) by striking out from section 28(4) "Commission" twice occurring and substituting, in each case, "Minister";
- (x) by striking out from section 28(5) "Commission" twice occurring and substituting, in each case, "Minister";
- (y) by striking out from section 29(4) "The Commission may" and substituting "The Minister may";
- (z) by striking out from section 29(5) "Commission" twice occurring and substituting, in each case, "Minister";
- (za) by striking out from section 30(4) "The Commission may" and substituting "The Minister may";
- (zb) by striking out from section 30(5) "Commission" twice occurring and substituting, in each case, "Minister";
- (zc) by striking out from section 30(6) "the Commission" wherever it occurs and substituting, in each case, "the Minister";
- (zd) by striking out from section 31(3) "The Commission may" and substituting "The Minister may";
- (ze) by striking out from section 31(4) "Commission" twice occurring and substituting, in each case, "Minister";
- (zf) by striking out from section 31(5) "Commission" twice occurring and substituting, in each case, "Minister";
- (zg) by striking out from section 32(4) "The Commission may" and substituting "The Minister may";
- (zh) by striking out from section 32(5) "Commission" twice occurring and substituting, in each case, "Minister";
- (zi) by striking out from section 32(6) "the Commission" wherever it occurs and substituting, in each case, "the Minister";
- (zj) by striking out from section 34 "Commission" twice occurring and substituting, in each case, "Minister";

- (zk) by striking out from section 35 "The Commission" and substituting "The Minister";
- (zl) by inserting after "the Committee" in section 35, twice occurring, "and the Commission";
- (zm) by striking out from sections 36, 37 and 38 "Commission" wherever it occurs and substituting, in each case, "Minister";
- (zn) by striking out from section 40(2) "The Commission may suspend or cancel a licence or registration if it" and substituting "The Minister may suspend or cancel a licence or registration if the Minister";
- (zo) by striking out from section 40(2)(d) "the Commission" and substituting "the Minister";
- (zp) by striking out from section 40(2a) "The Commission" and substituting "The Minister";
- (zq) by striking out from section 40(2b) "The Commission" and substituting "The Minister";
- (zr) by striking out from section 40(4a) "the Commission" twice occurring and substituting, in each case, "the Minister";
- (zs) by striking out from section 40(4b) "the Commission" and substituting "the Minister";
- (zt) by striking out from section 40(4b) "as it" twice occurring and substituting, in each case, "as the Minister";
- (zu) by striking out from section 40(4c) "the Commission" twice occurring and substituting, in each case, "the Minister";
- (zv) by striking out from section 40(4d) "the Commission" and substituting "the Minister";
- (zw) by striking out from section 40(5) "the Commission" twice occurring and substituting, in each case, "the Minister";
- (zx) by striking out from section 41 "the Commission" and substituting "the Minister";
- (zy) by striking out from section 42(1) "the Commission" and substituting "the Minister";
- (zz) by striking out from section 42(2) "the Commission or, with the prior approval of the Commission" and substituting "the Minister or, with the prior approval of the Minister";
- (zza) by striking out from section 42(2) "the Commission with the approval of";
- (zzb) by striking out from section 42(3) "the Commission" and substituting "the Minister";
- (zzc) by striking out from section 42(6) "the Commission" twice occurring and substituting, in each case, "the Minister";
- (zzd) by striking out from section 44(1) "the Commission" and substituting "the Minister";
- (zze) by striking out from section 44(2) "the Commission" and substituting "the Minister";
- (zzf) by striking out from section 44(3) "The Commission" and substituting "The Minister";
- (zzg) by striking out from section 44(3) "it is" and substituting "the Minister is";
- (zzh) by striking out from section 44(4) "The Commission" and substituting "The Minister";

- (zzi) by striking out from section 44(5) "The Commission" and substituting "The Minister";
- (zzj) by striking out from section 49(2) ", the Commission";
- (zzk) by striking out clause 11 of the schedule.

**Amendment of Reproductive Technology Act 1988****15. The *Reproductive Technology Act 1988* is amended—**

- (a) by striking out from the definition of "authorised person" in section 3 "the Commission" and substituting "the Minister";
- (b) by striking out from section 3 the definition of "the Commission";
- (c) by striking out from section 10(1)(b)(i) "the Commission" and substituting "the Minister";
- (d) by striking out subsection (3) of section 11 and substituting the following subsection:
 

(3) The Council may, with the approval of the Minister administering an administrative unit of the Public Service, on terms and conditions mutually arranged, make use of the services of any officer, or use any facilities or equipment, of that unit.;
- (e) by striking out from section 13(1) "the Commission" and substituting "the Minister";
- (f) by striking out from section 13(2) "The Commission must not grant a licence unless it is" and substituting "The Minister must not grant a licence unless";
- (g) by striking out from section 13(3)(e) "the Commission" and substituting "the Minister";
- (h) by striking out from section 13(7) "the Commission" twice occurring and substituting, in each case, "the Minister";
- (i) by striking out from section 13(8) "the Commission" and substituting "the Minister";
- (j) by striking out from section 13(8) "it may" and substituting "the Minister may";
- (k) by striking out section 15 and substituting the following section:

**Suspension or cancellation of licence**

15. (1) The Council or the Minister may, if satisfied that contravention of, or non-compliance with, a condition of a licence granted by the Council or the Minister has occurred, suspend or cancel the licence.

(2) A licensee must be given a reasonable opportunity to make submissions in relation to the matter before action is taken under subsection (1).;

- (l) by striking out from section 16 "the Commission" wherever it occurs and substituting, in each case, "the Minister";
- (m) by striking out section 19 and substituting the following section:

**Delegation**

19. (1) The Minister may delegate a power or function vested in or conferred on the Minister by or under this Act—

- (a) to a particular person or body; or

(b) to the person for the time being holding or acting in a particular office or position.

(2) A power or function delegated under this section may, if the instrument of delegation so provides, be further delegated.

(3) A delegation—

(a) may be absolute or conditional; and

(b) does not derogate from the power of the delegator to act in a matter; and

(c) is revocable at will by the delegator.;

(n) by striking out subclause (2) of the schedule and substituting the following subclause:

(2) The Minister may impose conditions in relation to a licence granted under subclause (1).

#### Amendment of the Sexual Reassignment Act 1988

16. The *Sexual Reassignment Act 1988* is amended—

(a) by striking out from section 3 the definition of "the Commission";

(b) by striking out from section 6(1) "the Commission" twice occurring and substituting, in each case, "the Minister";

(c) by striking out from section 6(2) "The Commission" and substituting "The Minister";

(d) by striking out from section 6(3)(d) "the Commission" and substituting "the Minister";

(e) by striking out from section 6(4) "The Commission" and substituting "The Minister";

(f) by striking out from section 6(5) "the Commission" twice occurring and substituting, in each case, "the Minister";

(g) by striking out from section 6(7) "The Commission" and substituting "The Minister";

(h) by striking out from section 6(8) "the Commission" twice occurring and substituting, in each case, "the Minister";

(i) by striking out from section 6(8) "to it" and substituting "to the Minister";

(j) by striking out from section 11 "the Commission" wherever it occurs and substituting, in each case, "the Minister";

(k) by inserting after section 11 the following section:

#### Delegation

11A. (1) The Minister may delegate a power or function vested in or conferred on the Minister by or under this Act—

(a) to a particular person or body; or

(b) to the person for the time being holding or acting in a particular office or position.

(2) A power or function delegated under this section may, if the instrument of delegation so provides, be further delegated.

## (3) A delegation—

- (a) may be absolute or conditional; and
- (b) does not derogate from the power of the delegator to act in a matter; and
- (c) is revocable at will by the delegator.

**Amendment of the Supported Residential Facilities Act 1992****17. The *Supported Residential Facilities Act 1992* is amended—**

- (a) by striking out from section 11(2)(a) "two will be persons nominated by the Minister," and substituting "three will be persons nominated by the Minister, two";
- (b) by striking out paragraph (f) of section 11(2).

**Amendment of the Tobacco Products Regulation Act 1997**

**18. The *Tobacco Products Regulation Act 1997* is amended by striking out from section 34(2) "the South Australian Health Commission" and substituting "the Minister".**

**Amendment of Transplantation and Anatomy Act 1983****19. The *Transplantation and Anatomy Act 1983* is amended—**

- (a) by striking out from section 5(1) the definition of "Commission";
- (b) by striking out from section 6 ", upon the recommendation of the South Australian Health Commission or its delegate,";
- (c) by striking out from the definition of "authorized person" in section 24(4) "the South Australian Health Commission or its delegate" and substituting "the Minister".

**SCHEDULE 2***Saving and transitional provisions***Appointment of officers**

1. The appointment of the persons who, immediately before the commencement of this clause, are holding the offices of Chief Executive Officer of the South Australian Health Commission and Deputy Chief Executive Officer of the South Australian Health Commission will be taken to be valid (and to have always been valid) despite any inconsistency with subsection (2) of section 19A of the principal Act (as in existence immediately before the repeal of that section by this Act).

**Transfer of officers and employees**

2. (1) The Governor may, by proclamation, transfer a person who was an officer or employee of the South Australian Health Commission immediately before the commencement of this clause to—

- (a) the Department of Human Services; or
- (b) another administrative unit in the Public Service of the State; or
- (c) an incorporated hospital or an incorporated health centre; or
- (d) another agency or instrumentality of the Crown.

(2) The transfer of a person under subclause (1)—

- (a) does not constitute a termination of a pre-existing employment agreement; and
- (b) does not affect—
  - (i) existing conditions of employment or existing or accruing rights to leave; or
  - (ii) a process commenced for variation of those conditions or rights.

(3) The Governor may, by proclamation, make any transitional or ancillary provision that may be necessary or expedient in view of a transfer of a person under subclause (1).

**Transfer of property**

3. (1) The Governor may, by proclamation, vest an asset, right or liability of the South Australian Health Commission in—

- (a) the Crown; or
- (b) a Minister; or
- (c) another agency or instrumentality of the Crown; or
- (d) another authority or person.

(2) The Governor may, by proclamation, make any transitional or ancillary provision that may be necessary or expedient in view of a vesting under subclause (1).

(3) The vesting of an asset, right or liability under this clause operates by force of this clause and despite the provisions of any other law or instrument.

(4) The Registrar-General or another authority required or authorised under a law of the State to register or record transactions affecting assets, rights or liabilities, or documents relating to such transactions, must, on application under this clause, register or record in an appropriate manner the vesting of an asset, right or liability by instrument under this clause.

(5) Nothing done under this clause—

- (a) constitutes a breach of, or default under, an Act or other law; or
- (b) constitutes a breach of, or default under, a contract, agreement, understanding or undertaking; or
- (c) constitutes a breach of a duty of confidence (whether arising by contract, in equity or by custom or in any other way); or
- (d) constitutes a civil or criminal wrong; or
- (e) terminates an agreement or obligation or fulfils any condition that allows a person to terminate an agreement or obligation, or gives rise to any other right or remedy; or
- (f) releases a surety or other obligee wholly or in part from an obligation.

**Interpretative provision**

4. (1) The Governor may, by proclamation, direct that a reference in an Act, a statutory instrument, any other kind of instrument or contract, agreement or other document to the South Australian Health Commission will have effect as if it were a reference to a Minister or an administrative unit named in the proclamation.

(2) A proclamation under subsection (1) may effect a transfer of functions or powers.

(3) A proclamation under subsection (1) has effect despite any Act or law to the contrary.

**Regulations**

5. The regulations may contain other provisions of a saving or transitional nature consequent on the enactment of this Act.