



ANNO QUADRAGESIMO

**ELIZABETHAE II REGINAE**

**A.D. 1991**

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**No. 21 of 1991**

**An Act to amend the Parks Community Centre Act 1981.**

*[Assented to 18 April 1991]*

The Parliament of South Australia enacts as follows:

**Short title**

1. (1) This Act may be cited as the *Parks Community Centre (Miscellaneous) Amendment Act 1991*.

(2) The *Parks Community Centre Act 1981* 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.

**Interpretation**

3. Section 3 of the principal Act is amended by striking out the definition of “member of staff” and substituting the following definition:

“member of staff” in relation to the Centre means—

(a) an employee of the Centre;

(b) a Public Service employee assigned to assist the Centre;

or

(c) a person—

(i) who is an employee of any person, body or authority that provides facilities, amenities or services at the Centre;

and

(ii) who works at the Centre,

but does not include a person whose work is unremunerated:.

**Substitution of s. 5**

4. Section 5 of the principal Act is repealed and the following section is substituted:

**The Board**

5. (1) The Centre will be administered by a board of management.
- (2) The board consists of 11 members as follows:
- (a) six persons (three being women and three being men) appointed by the Governor on the nomination of the Minister;
  - (b) one person appointed by the Governor on the nomination of the Enfield Council;
  - (c) three persons elected by the registered users of the Centre in accordance with this Act;
- and
- (d) one person elected by the staff of the Centre in the prescribed manner.
- (3) A person is not eligible for election under subsection (2) (c) unless he or she is a registered user of the Centre.
- (4) A person is not eligible for election under subsection (2) (d) unless he or she is a member of the staff of the Centre.
- (5) The chief executive officer of the Centre is not eligible for election under subsection (2) (d).
- (6) The Governor will from time to time as required appoint one of the members appointed pursuant to subsection (2) (a) to be the presiding member of the board and, after consultation by the Minister with the board, one other member to be the deputy presiding member of the board.

**Terms of office of board members**

5. Section 7 of the principal Act is amended by striking out subsection (1) and substituting the following subsection:

- (1) An appointed member of the board will be appointed for a term of office, not exceeding three years, specified by the Governor in the instrument of appointment.

**Removal from and vacancies of office**

6. Section 10 of the principal Act is amended by striking out from subsection (4) "three" and substituting "12".

**Meetings of the board**

7. Section 12 of the principal Act is amended by striking out from subsection (3) "Seven" and substituting "Six".

**Board may delegate**

8. Section 13 of the principal Act is amended—

- (a) by striking out from subsection (1) "or member" and substituting ", the chief executive officer or any other member";

and

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

(2) A delegation under this section—

- (a) must be in writing;

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

### Functions

9. Section 15 of the principal Act is amended by striking out from subsection (3) “, with the approval of the Minister,”.

### Substitution of s. 17

10. Section 17 of the principal Act is repealed and the following sections are substituted:

#### Chief executive officer and other staff of the Centre

17. (1) There will be a chief executive officer of the Centre appointed by the Centre on terms and conditions approved by the Minister.

(2) The Centre may, for the purpose of carrying out its functions—

(a) employ such number of persons as it thinks fit on terms and conditions approved by the Minister;

and

(b) make use of the services of Public Service employees assigned to assist the Centre.

(3) An approval may be given by the Minister under subsection (1) or (2) (a) either generally or in relation to a particular employee or class of employee.

(4) The chief executive officer and the other persons employed by the Centre are not Public Service employees.

(5) The Minister may, by notice in the *Gazette*—

(a) exclude Public Service employees who have been assigned to assist the Centre from specified provisions of the *Government Management and Employment Act 1985*;

and

(b) if the Minister thinks that certain provisions should apply to such employees instead of those from which they are excluded under paragraph (a), determine that those provisions will apply,

and such a notice has effect in accordance with its terms.

#### Functions of chief executive officer

17a. (1) The chief executive officer is responsible to the board for the effective and efficient management of the Centre.

(2) The functions of the chief executive officer include the following:

(a) the proper organization of the administration of the Centre;

(b) the implementation of management plans and budgets determined by the board, and the development and implementation of other management and financial plans and controls;

(c) the appropriate division of responsibilities between, the assignment of duties to, the employees of the Centre;

- (d) the establishment of effective procedures to ensure that the use of resources of the Centre is properly controlled and audited;
  - (e) the implementation of any equal employment opportunity programme approved by the board for the Centre and the devising and implementation of other initiatives to ensure that employees have equal opportunities in relation to their employment;
  - (f) the development and implementation of necessary management training and staff development programmes;
  - (g) the development and implementation of health and safety programmes for the employees of the Centre.
- (3) In carrying out the functions or exercising the powers of a chief executive officer, the chief executive officer must—
- (a) endeavour to attain the performance objectives set by the board;
  - (b) give effect to the principles of public management and of personnel management that apply within the public sector;
  - (c) observe the directions given by the board;
- and
- (d) observe any binding industrial award, determination or agreement.

#### **Chief executive officer may delegate**

17b. (1) The chief executive officer may delegate to any member of the staff of the Centre any power, function or duty of his or her office.

(2) The power of delegation conferred by subsection (1) extends to the delegation of any power, function or duty delegated to the chief executive officer by the board provided that the instrument of delegation does not prohibit subdelegation.

- (3) A delegation by the chief executive officer—
- (a) must be in writing;
  - (b) may be absolute or conditional;
  - (c) does not derogate from the power of the chief executive officer to act in any matter;
- and
- (d) is revocable at will by the chief executive officer.

#### **Insertion of schedule**

**11.** The following schedule is inserted after section 26 of the principal Act:

##### SCHEDULE

##### *Transitional Provisions*

1. On the commencement of the *Parks Community Centre (Miscellaneous) Amendment Act 1991* the members of the board appointed to the board by the Governor pursuant to section 5 (2) (a) of the Act (as in force immediately before that commencement) vacate their offices to enable new appointments to be made.

## SCHEDULE

The principal Act is further amended as follows:

| Provision Amended          | How Amended   |
|----------------------------|---|
| Section 2                  | Strike out this section.  |
| Section 4 (1)              | Strike out this subsection and substitute:<br>(1) The <i>Parks Community Centre</i> is established.   |
| Section 4 (2)              | Strike out this subsection and substitute:<br>(2) The Centre—<br>(a) is a body corporate with full juristic capacity to exercise any powers that are by their nature capable of being exercised by a body corporate;<br>and<br>(b) holds its property on behalf of the Crown. |
| Section 4 (3)              | Strike out "shall" and substitute "will".   |
| Section 6 (1)              | Strike out "shall" and substitute "must".   |
| Section 6 (2)              | After "he" (wherever occurring) insert, in each case, "or she".   |
| Section 6 (2) (b)          | After "himself" insert "or herself".  |
| Section 6 (3)              | After "he" (wherever occurring) insert, in each case, "or she".   |
| Section 6 (3) (b)          | After "his" insert "or her".  |
| Section 6 (5)              | Strike out "shall" and substitute "must".   |
| Section 6 (5) (a)          | After "his" insert "or her".  |
| Section 6 (7)              | Strike out "shall" and substitute "will".   |
| Section 6 (8)              | Strike out "shall" and substitute "must".   |
| Section 6 (9)              | Strike out "shall" and substitute "will".   |
| Section 6 (10)             | Strike out "shall be deemed" and substitute "will be taken".  |
| Section 6 (11) and (12)    | Strike out "shall" (wherever occurring) and substitute, in each case, "will".   |
| Section 7 (2) and (3)      | Strike out "shall" (wherever occurring) and substitute, in each case, "will".   |
| Section 7 (4)              | Strike out "he shall" and substitute "he or she is";<br>Strike out "be".  |
| Section 8 (1)              | Strike out "chairman" and substitute "presiding member".  |
| Section 8 (3)              | Strike out this subsection and substitute:<br>(3) If a member of the board (other than the presiding member) is absent from official duties, his or her deputy may act as a member of the board during that absence.  |
| Section 10 (1) (a)         | After "his" insert "or her".  |
| Section 10 (1) (b)         | Strike out "the duties of his office" and substitute "official duties".   |
| Section 10 (2)             | After "vacant if" insert "the member".  |
| Section 10 (2) (a)         | Strike out "he".  |
| Section 10 (2) (b)         | Strike out this paragraph and substitute:<br>(b) completes a term of office and is not reappointed or re-elected.   |
| Section 10 (2) (c)         | Insert "ceases," before "in the case of";<br>Strike out "he ceases".  |
| Section 10 (2) (ca)        | Insert "has," before "in the case of";<br>Strike out "his nomination is" and substitute "his or her nomination".  |
| Section 10 (2) (d) and (e) | Strike out "he" (wherever occurring).   |
| Section 10 (3)             | Strike out "shall" and substitute "must".   |
| Section 10 (4)             | After "his" insert "or her";<br>Strike out "shall" (first occurring) and substitute "must";<br>Strike out "shall be deemed" and substitute "will be taken".   |

| Provision Amended             | How Amended   |
|-------------------------------|---|
| Section 10 (5)                | After "he" insert "or she";<br>After "his" insert "or her";<br>Strike out "shall" and substitute "will".  |
| Section 11 (1)                | Strike out "shall not be" and substitute "is not".  |
| Section 11 (2)                | Strike out "shall attach" and substitute "attaches";<br>Strike out "by him" and substitute "of the member";<br>Strike out "his or its" (twice occurring).   |
| Section 12 (1)                | Strike out "chairman" and substitute "presiding member";<br>Strike out "shall" and substitute "will";<br>After "he" insert "or she".  |
| Section 12 (2)                | Strike out "chairman" (twice occurring) and substitute, in each case, "presiding member";<br>Strike out "shall" (first occurring) and substitute "will";<br>After "his" insert "or her";<br>Strike out "shall" (second occurring) and substitute "must".  |
| Section 12 (3)                | Strike out "shall constitute" and substitute "constitutes";<br>Strike out "shall" (second occurring) and substitute "may".  |
| Section 12 (4)                | Strike out "shall be" and substitute "is".  |
| Section 12 (5)                | Strike out "shall" and substitute "has";<br>Strike out "have".  |
| Section 12 (6)                | Strike out "shall" and substitute "must".   |
| Section 14 (1) (a)            | Strike out "shall" and substitute "must";<br>After "he" insert "or she";<br>Strike out "his" (first occurring) and substitute "that";<br>Strike out "his" (second occurring) and substitute "the".  |
| Section 14 (1) (b)            | Strike out "shall" and substitute "must".   |
| Section 14 (1)                | Strike out "Five hundred dollars" and substitute "Division 9 fine".   |
| Section 14 (2)                | Strike out "shall" and substitute "must".   |
| Section 15 (2)                | Strike out "shall" and substitute "must".   |
| Section 15 (3)                | Strike out "Licensing Act, 1967-1980" and substitute " <i>Liquor Licensing Act 1985</i> ".  |
| Section 18 (1)                | Strike out this subsection and substitute:<br>(1) The Centre is, for the purposes of the <i>Superannuation Act 1988</i> , an authority with which the South Australian Superannuation Board may enter into arrangements, and—<br>(a) an employee of the Centre who was, immediately before becoming an employee of the Centre, a contributor under that Act will, subject to that Act, remain such a contributor;<br>and<br>(b) any other employee of the Centre may, subject to that Act, become a contributor under that Act. |
| Section 18 (2)                | Strike out "officer or";<br>After "his" insert "or her";<br>Strike out "shall" and substitute "will".   |
| Section 18 (3)                | Strike out "officer or";<br>After "his" insert "or her";<br>Strike out "shall".   |
| Section 18 (3) (a)            | After "his" (twice occurring) insert, in each case, "or her";<br>Strike out "shall".  |
| Section 18 (3) (b)            | Strike out "he shall not be" and substitute "he or she is not".   |
| Section 19 (1), (1a) and (1b) | Strike out these subsections.   |
| Section 20 (1)                | Strike out "shall" (twice occurring) and substitute, in each case, "must".  |

| Provision Amended      | How Amended  |
|------------------------|--|
| Section 20 (2)         | Strike out "to him".   |
| Section 20 (3)         | Strike out "shall" and substitute "must".  |
| Section 20 (6)         | Strike out "shall" and substitute "will";<br>Strike out "General Revenue of the State" and substitute "Consolidated Account".                                    |
| Section 20 (7)         | Strike out "moneys that are" and substitute "money that is".   |
| Section 21 (1)         | Strike out "shall" and substitute "must".  |
| Section 21 (2)         | Strike out "shall consist" and substitute "consists";<br>Strike out "moneys" (wherever occurring) and substitute, in each case, "money".                         |
| Section 21 (2) (b)     | Strike out "any" (first occurring).  |
| Section 21 (3)         | Strike out "shall" and substitute "must";<br>Strike out "moneys" (twice occurring) and substitute, in each case, "money".  |
| Section 22 (1) and (2) | Strike out "shall" (wherever occurring) and substitute, in each case, "must".  |
| Section 22 (3)         | Strike out this subsection.  |
| Section 23 (1)         | Strike out "shall" and substitute "must";<br>Strike out "the thirtieth day of September" and substitute "30 September".  |
| Section 23 (2)         | Strike out "shall" and substitute "must";<br>Strike out "his";<br>Strike out "to him".   |
| Section 24 (1) (m)     | Strike out "penalties" and substitute "fines";<br>Strike out "two hundred dollars" and substitute "a division 10 fine".  |
| Section 24 (2)         | Strike out "shall" and substitute "must";<br>Strike out "his".   |
| Section 24 (3)         | Strike out "Where the Minister has approved" and substitute "On approving";<br>Strike out "he shall" and substitute "the Minister must".                         |
| Section 24 (4)         | Strike out "shall" (wherever occurring) and substitute, in each case, "will";<br>Strike out "deemed" (wherever occurring) and substitute, in each case, "taken". |
| Section 24 (5)         | After "he" insert "or she";<br>Strike out "shall" and substitute "may".  |
| Section 25             | Strike out this section and substitute:<br><b>Summary offences</b><br>25. Offences against this Act are summary offences.  |

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

ROMA MITCHELL Governor