



STATUTES AMENDMENT (ABOLITION OF COMPULSORY RETIREMENT) ACT 1993

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ANNO TRICESIMO SECUNDO

ELIZABETHAE II REGINAE

A.D. 1993

No. 75 of 1993

An Act to amend the Adelaide Festival Centre Trust Act 1971, the Construction Industry Long Service Leave Act 1987, the Co-operatives Act 1983, the Correctional Services Act 1982, the Dentists Act 1984, the Education Act 1972, the Equal Opportunity Act 1984, the Government Management and Employment Act 1985, the Institute of Medical and Veterinary Science Act 1982, the Medical Practitioners Act 1983, the Nurses Act 1984, the Optometrists Act 1920, the Parliament (Joint Services) Act 1985, the Police Act 1952, the Police (Complaints and Disciplinary Proceedings) Act 1985, the South Australian Health Commission Act 1976, the Starr-Bowkett Societies Act 1975, the Supreme Court Act 1935, the Technical and Further Education Act 1975 and the Veterinary Surgeons Act 1985.

[Assented to 21 October 1993]

The Parliament of South Australia enacts as follows:

**PART 1
PRELIMINARY**

Short title

1. This Act may be cited as the *Statutes Amendment (Abolition of Compulsory Retirement) Act 1993*.

Commencement

2. This Act will come into operation on 1 January 1994.

Interpretation

3. A reference in this Act to the principal Act is a reference to the Act referred to in the heading to the Part in which the reference occurs.

PART 2**AMENDMENT OF ADELAIDE FESTIVAL CENTRE TRUST ACT 1971****Amendment of s. 6—Composition of the Trust**

4. Section 6 of the principal Act is amended by striking out from subsection (4) “and no instrument of appointment shall provide for a term of appointment of a trustee that will continue after he has attained his seventieth birthday”.

PART 3**AMENDMENT OF CONSTRUCTION INDUSTRY LONG SERVICE LEAVE ACT 1987****Amendment of s. 17—Cessation of employment**

5. Section 17 of the principal Act is amended—

(a) by striking out subparagraph (ii) of subsection (1)(b);

(b) by striking out from subsection (1) “—in relation to an application under paragraph (b)(ii)—the day on which the person ceased to be a construction worker or attained the prescribed retiring age, whichever last occurred”.

PART 4**AMENDMENT OF CO-OPERATIVES ACT 1983****Amendment of s. 29—Certain persons not to manage co-operatives**

6. Section 29 of the principal Act is amended by striking out subsection (2).

PART 5**AMENDMENT OF CORRECTIONAL SERVICES ACT 1982****Amendment of s. 55—Continuation of the Parole Board**

7. Section 55 of the principal Act is amended by striking out from subsection (2)(a)(iii) “but who has not attained the age of 70 years”.

PART 6**AMENDMENT OF DENTISTS ACT 1984****Amendment of s. 6—Membership of the Board**

8. Section 6 of the principal Act is amended—

(a) by striking out paragraph (c) of subsection (8);

(b) by striking out from subsection (11) “or who attains the age of sixty-five years”.

Amendment of s. 23—Membership of the Tribunal

9. Section 23 of the principal Act is amended—

- (a) by striking out paragraph (c) of subsection (8);
- (b) by striking out from subsection (10) “or who attains the age of sixty-five years”

Amendment of s. 29—The Clinical Dental Technicians Registration Committee

10. Section 29 of the principal Act is amended by striking out paragraph (d) of subsection (6).

**PART 7
AMENDMENT OF EDUCATION ACT 1972**

Amendment of s. 25—Retiring age

11. Section 25 of the principal Act is amended—

- (a) by striking out from subsection (1) “, but must retire upon reaching the age of sixty-five years if he has not retired beforehand”;
- (b) by striking out subsection (3).

**PART 8
AMENDMENT OF EQUAL OPPORTUNITY ACT 1984**

Amendment of s. 85f—Exemptions

12. Section 85f of the principal Act is amended by inserting after subsection (4) the following subsection:

(4a) Notwithstanding any Act or law to the contrary, a provision in an award or industrial agreement made or approved under the *Industrial Relations Act (S.A.) 1972* that—

- (a) imposes, or requires or authorises an employer to impose, a compulsory retiring age in respect of employment of any kind;

or

- (b) requires or authorises an employer to terminate the employment of any person on the basis of the person's age,

is void and of no effect.

**PART 9
AMENDMENT OF GOVERNMENT MANAGEMENT AND EMPLOYMENT ACT 1985**

Amendment of s. 63—Retirement from the Public Service

13. Section 63 of the principal Act is amended by striking out subsections (2) and (3).

PART 10
**AMENDMENT OF INSTITUTE OF MEDICAL AND VETERINARY
SCIENCE ACT 1982**

Amendment of s. 7—The council

14. Section 7 of the principal Act is amended by striking out subsection (4).

Amendment of s. 10—Removal from and vacancies of office

15. Section 10 of the principal Act is amended by striking out paragraph (c) of subsection (2).

PART 11
AMENDMENT OF MEDICAL PRACTITIONERS ACT 1983

Amendment of s. 7—Membership of the Board

16. Section 7 of the principal Act is amended by striking out subsection (5a).

Amendment of s. 24a—Removal of appointed member from office, vacancies, etc.

17. Section 24a of the principal Act is amended—

(a) by striking out paragraph (c) of subsection (2);

(b) by striking out from subsection (4) “or who attains the age of 65”.

PART 12
AMENDMENT OF NURSES ACT 1984

Amendment of s. 6—Membership of the Board

18. Section 6 of the principal Act is amended—

(a) by striking out paragraph (c) of subsection (7);

(b) by striking out from subsection (9) “or who attains the age of sixty-five years”.

PART 13
AMENDMENT OF OPTOMETRISTS ACT 1920

Amendment of s. 5—Members of the board

19. Section 5 of the principal Act is amended—

(a) by striking out paragraph (c) of subsection (5);

(b) by striking out from subsection (6) “or who attains the age of 65”.

Amendment of s. 10—The Optical Dispensers Registration Committee

20. Section 10 of the principal Act is amended by striking out paragraph (c) of subsection (5).

PART 14
AMENDMENT OF PARLIAMENT (JOINT SERVICES) ACT 1985

Amendment of s. 14—Retirement

21. Section 14 of the principal Act is amended by striking out from subsection (1) “but may, subject to this Act, continue in the joint parliamentary service until the age of 65 years”.

PART 15
AMENDMENT OF POLICE ACT 1952

Repeal of s. 11aa

22. Section 11aa of the principal Act is repealed.

Amendment of s. 19—Resigning without leave

23. Section 19 of the principal Act is amended by striking out from subsection (1)(c) “has reached the retiring age prescribed by law or”.

PART 16
**AMENDMENT OF POLICE (COMPLAINTS AND DISCIPLINARY PROCEEDINGS)
ACT 1985**

Substitution of s. 7

24. Section 7 of the principal Act is repealed and the following section is substituted:

Term of office

7. (1) The Authority will be appointed for a term of office of seven years.

(2) Subject to this Act, a person appointed to be the Authority is, on the expiration of his or her term of office, eligible for reappointment for a term of not less than three years and not more than seven years.

PART 17
AMENDMENT OF SOUTH AUSTRALIAN HEALTH COMMISSION ACT 1976

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

25. Section 11 of the principal Act is amended—

(a) by inserting “or” between paragraphs (c) and (d) of subsection (3);

(b) by striking out paragraph (e) of subsection (3) and the word “or” immediately preceding that paragraph.

PART 18
AMENDMENT OF STARR-BOWKETT SOCIETIES ACT 1975

Repeal of s. 52

26. Section 52 of the principal Act is repealed.

PART 19
AMENDMENT OF SUPREME COURT ACT 1935

Repeal of s. 13b

27. Section 13b of the principal Act is repealed.

PART 20
AMENDMENT OF TECHNICAL AND FURTHER EDUCATION ACT 1975

Amendment of s. 25—Retiring age

28. Section 25 of the principal Act is amended by striking out “, but must retire upon reaching the age of 65 years if he or she has not retired beforehand”.

PART 21
AMENDMENT OF VETERINARY SURGEONS ACT 1985

Amendment of s. 6—Members of the Board

29. Section 6 of the principal Act is amended—

- (a) by striking out paragraph (c) of subsection (8);
- (b) by striking out from subsection (10) “or who attains the age of 65 years”.

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

ROMA MITCHELL Governor