



HERITAGE (DELEGATION BY MINISTER) AMENDMENT ACT 1999

No. 81 of 1999

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ELIZABETHAE II REGINAE

A.D. 1999

No. 81 of 1999

An Act to amend the Heritage Act 1993.

[Assented to 2 December 1999]

The Parliament of South Australia enacts as follows:

Short title

1. (1) This Act may be cited as the *Heritage (Delegation by Minister) Amendment Act 1999*.
- (2) The *Heritage Act 1993* 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. 41A

3. The principal Act is amended by inserting the following section after section 41:

Delegation by Minister

41A. (1) The Minister may delegate to any body or person (including a person for the time being holding or acting in a specified office or position)—

- (a) any of his or her duties, functions or powers (except this power of delegation) under this Act; or
- (b) any duties, functions or powers that are, under any other Act or statutory instrument, assigned to the Minister for the time being administering this Act.

(2) A delegation under this section—

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

(3) A duty or function performed, or power exercised, by a delegate pursuant to an instrument of delegation under this section is taken to have been performed or exercised by the Minister.

(4) If a delegate under this section—

- (a) is not an employee within the meaning of the *Public Sector Management Act 1995*; and
- (b) has a direct or indirect personal or pecuniary interest in any matter in relation to which it is proposed that he or she perform a duty or function, or exercise a power,

the delegate must disclose the nature of the interest in writing to the Minister and not perform the duty or function, or exercise the power, until the Minister responds to the disclosure.

(5) The Minister must cause a register to be kept, at a place determined by the Minister, of—

- (a) all delegations made under this section; and
- (b) all disclosures of interest made under this section and copies of any responses to those disclosures by the Minister.

(6) The register must be made available for inspection (without charge) during normal office hours by members of the public and copies of any item in the register may be taken.

Amendment of s. 44—Evidence

4. Section 44 of the principal Act is amended by inserting the following subsection after subsection (2):

(2a) In any legal proceedings, an instrument of delegation apparently signed by the Minister will be accepted, in the absence of proof to the contrary, as proof of the delegation.

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

E. J. NEAL Governor